



CITY of NOVI CITY COUNCIL

**Agenda Item 1
December 22, 2014**

SUBJECT: Consideration of Zoning Ordinance Text Amendment 18.271 to update, amend and re-format Appendix A, "Zoning", of the City of Novi Code of Ordinances (the prior Ordinance No. 97-18, as amended) and related Zoning Map for purposes of incorporating Clearzoning formatting and clarifying certain provisions. **SECOND READING**

SUBMITTING DEPARTMENT: Community Development Department - Planning Division *Barb*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

Attached you will find the reformatted Zoning Ordinance developed by Clearzoning. As noted in their provided cover letter,

"Clearzoning has worked with the City to transform the existing code into a document that is more concise, user-friendly and highly illustrated. It is important to remember that while the look and format of the ordinance has changed dramatically, the standards and regulations generally have not. We have made a few minor amendments along the way based on input from City staff."

The cover letter from Clearzoning provides a detailed description of the minor amendments that have been incorporated into the reformatted ordinance. Also provided is a chart that details where sections from the current ordinance are now located in the Clearzoning format.

A three page summary of "How To Use This Ordinance" has been provided beginning on page 2 of this packet. It generally describes the new layout of standards for each district and provides keys to symbols and features throughout the reformatted ordinance. It has also been included in the general ordinance.

Planning Commission Action

The Planning Commission held a public hearing on this matter on October 22, 2014 and supported the recommended ordinance language and Clearzoning format. All relevant Planning Commission meeting minutes are attached.

City Council Action

The City Council approved the first reading on November 24, 2014 of the reformatted ordinance, with only minor corrections and revisions, along with an amendment to the RUD, Residential Unit Development density calculations provided as a part of the motion:

CM 14-11-184

Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Zoning Ordinance Text Amendment 18.271 to update, amend and re-format Appendix A, "Zoning", of the City of Novi Code of Ordinances (the prior Ordinance No. 97-18, as amended) and related Zoning Map for purposes of incorporating Clearzoning

formatting and clarifying certain provisions including the change from gross density to net density in the RUD provisions of the zoning ordinance. **FIRST READING**

Roll call vote on CM 14-11-184

Yeas: Staudt, Casey, Markham, Mutch, Poupard, Wrobel, Gatt

Nays: None

City Council is asked to consider approval of the Second Reading, which now includes the modifications identified for the RUD standards on page 3-126 of the attached ordinance, as were included as a part of the motion for the first reading.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.271 to update, amend and re-format Appendix A, "Zoning", of the City of Novi Code of Ordinances (the prior Ordinance No. 97-18, as amended) and related Zoning Map for purposes of incorporating Clearzoning formatting and clarifying certain provisions, and as modified at the First Reading.

SECOND READING

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Markham				

	1	2	Y	N
Council Member Mutch				
Council Member Poupard				
Council Member Wrobel				

DRAFT EXCERPT
NOVEMBER 24, 2014
CITY COUNCIL MINUTES

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, NOVEMBER 24, 2014 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Markham, Mutch, Poupard, Wrobel

ALSO PRESENT: Peter Auger, City Manager
Victor Cardenas, Assistant City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM 14-11-177 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda as presented.

Roll call vote on CM 14-11-177 **Yeas: Staudt, Casey, Markham, Mutch, Poupard, Wrobel, Gatt**
Nays: None

MATTERS FOR COUNCIL ACTION

1. Consideration of Zoning Ordinance Text Amendment 18.271 to update, amend and re-format Appendix A, "Zoning", of the City of Novi Code of Ordinances (the prior Ordinance No. 97-18, as amended) and related Zoning Map for purposes of incorporating Clearzoning formatting and clarifying certain provisions. **FIRST READING**

City Manager Auger explained staff has spent a lot of time working with Clearzoning, it will be a formatting change and makes it a lot easier for people when they come to do business with the City. They can find it online and search it. It will clean up a lot of issues for staff.

Member Mutch commented the changes that were in the new formatting will be a vast improvement over the current zoning ordinance. It will make it much easier. He would like to see one provision revised between First and Second Readings is Section 3.29.3(a). In the new format it deals with residential density within residential unit developments. It has come up during previous discussions of the RUD projects. The current ordinance standard uses net density calculation. Every section of our zoning ordinance net density is used except in the RUD. In the RUD we allow a property owner to utilize unbuildable land for the calculation of density. It creates unfair situation where two similar situated property owners could have different densities allowed. It is inconsistent with every other section of the ordinance. In approving the first reading, he would like it to be addressed and change the RUD provision to make it net density. Then it will be

uniform across our entire zoning ordinance and every piece of property will be treated equally.

CM 14-11-184 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY:

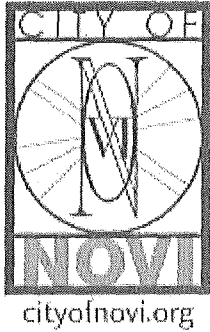
To approve the Zoning Ordinance Text Amendment 18.271 to update, amend and re-format Appendix A, "Zoning", of the City of Novi Code of Ordinances (the prior Ordinance No. 97-18, as amended) and related Zoning Map for purposes of incorporating Clearzoning formatting and clarifying certain provisions including the change from gross density to net density in the RUD provisions of the zoning ordinance. FIRST READING

Roll call vote on CM 14-11-184

**Yeas: Staudt, Casey, Markham, Mutch,
Poupard, Wrobel, Gatt
Nays: None**

DECEMBER 3, 2014
COMMUNITY DEVELOPMENT
DEPARTMENT MEMO

MEMORANDUM



TO: PETER AUGER, CITY MANAGER *PA*
THRU: BARBARA MCBETH, AICP, DEPUTY DIRECTOR COMMUNITY DEVELOPMENT *Barb*
FROM: KRISTEN KAPELANSKI, AICP, PLANNER *Kristen*
SUBJECT: POTENTIAL CHANGES TO DENSITY PROVISIONS IN RUDS
DATE: DECEMBER 3, 2014

As part of the City Council's recent review of the first reading for Text Amendment 18.271 to update and reformat the existing Zoning Ordinance to the Clearzoning format, a question was raised about amending the density provisions in the Residential Unit Development (RUD) option as relates to the calculation of permitted density. The existing ordinance language allows density in an RUD to be based upon:

*"...**gross site acreage**, excluding identified wetlands or watercourses which are regulated by Parts 301 and 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, or Chapter 12, Article V of the Novi Code of Ordinances, but not excluding quality wetlands less than two (2) acres regulated by such laws."*

The specific inquiry was whether the language of the ordinance should be amended to base the permitted density calculations under the RUD Option on **net site area**, consistent with other residential development standards in the Zoning Ordinance. Single-family developments under the standard provisions of the ordinance, as well as under both the Open Space Preservation Option and One-Family Cluster Option, are in fact generally based on the **net** site area of a parcel(s), which is defined as follows:

*"**Net site area**: Area of land excluding identified wetlands or watercourses which are regulated by parts 301 or 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, or chapter 12, article V, of the Novi Code of Ordinances, but not excluding quality wetland less than two (2) acres regulated by such laws, also exclusive of existing and statutorily authorized rights-of-way."*

The major difference between 'gross site acreage' and 'net site area' as used in the Zoning Ordinance is the exclusion of existing and statutorily authorized rights-of-way from the site area calculation, with the RUD Option permitting the inclusion of rights-of-ways in the density calculations, potentially allowing developments approved under the RUD Option more units than would be allowed under other forms of development.

One example is the recently approved Ballantyne RUD at the northwest corner of Eight Mile and Garfield Road. The current RUD density standards allowed the developer to include the statutory right of way in Garfield Road in the gross site area, an additional ~ 2.4 acres, resulting in two homes more than the maximum a conventional development

would allow (from 39 homes to 41 homes). A variety of lot sizes were proposed, allowing the developer to present a plan that preserved about one-third of the site as open space. The following is quoted from Staff's review letter of alternatives considered for Ballantyne:

Development Potential

From a density standpoint, development using the current RA zoning under the RUD ordinance (based on the gross site area of 50.85 acres) could result in the construction of as many as 41 single-family homes. A conventional subdivision on the property, based on the density regulations for the estimated net site area of 48.42 acres (50.85 acres less 2.44 acres included in the 43 foot future right-of-way along Garfield Road) would result in a maximum of 39 units in the RA district.

The intent of the RUD Option is to permit permanent preservation of valuable open land, fragile natural resources, and rural community character that would be lost under conventional development. Allowing the density calculations to be based on gross site acreage, as the RUD Option currently allows, may provide an incentive for developers to consider the RUD Option instead of conventional development. The effect of changing the ordinance and eliminating this incentive in some cases may be enough to discourage the use of the RUD Option. Although the Council could, at second reading of the proposed ordinance, direct a revision along the lines suggested at the last meeting, Council may want to ask for further review by staff and the Planning Commission before making the change between readings.

- C Victor Cardenas, Assistant City Manager
- Thomas R. Schultz, City Attorney
- Charles Boulard, Community Development Director

EXCERPT
OCTOBER 22, 2014
PLANNING COMMISSION MINUTES



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

OCTOBER 22, 2014 7:00 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 Anthony, Member Baratta, Member Lynch, Chair Pehrson

Absent: Member Giacometti (excused), Member Greco (excused), Member Zuchlewski (excused)

Also Present: Barbara McBeth, Community Development Deputy Director; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Jeremy Miller, Staff Engineer; Tom Schultz, City Attorney; Rod Arroyo, Traffic Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Baratta and seconded by Member Lynch:

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

Motion to approve the October 22, 2014 Planning Commission Agenda. Motion carried 4-0.

PUBLIC HEARINGS

1. ZONING ORDINANCE TEXT AMENDMENT 18.271

Public Hearing for Planning Commission's recommendation to City Council for an ordinance to update, amend, and reformat Appendix A, "Zoning", of the City of Novi Code of Ordinances (the prior Ordinance No. 98-18, as amended) and related zoning map for purposes of incorporating Clearzoning formatting and clarifying certain provisions.

Planner Kapelanski said this is the public hearing that was scheduled about a month or so ago. The proposal will reformat the ordinance and Rod Arroyo of Clearzoning is here to present the new format.

Roy Arroyo of Clearzoning said I thought I might just briefly go through some of my presentation for the benefit of the audience and those that might be watching in terms of what this is about. We're very excited about the fact that the City is considering going forward with this. I think the Clearzoning transformation of the zoning ordinance is consistent with a lot of things the City has done to try to make information more available to the public, development community, citizens, and property owners to try to make regulations easier to understand so that when you want to

go through the development process you have a smooth process and regulations that are easier to work with. So I'm just going to go through a few key items here. Some of the highlights of the new zoning format are: user friendly, more graphics to help illustrate some of the terms, digitally hyperlinked version which will be online to enable you to get to the information quickly, and the reorganization of the format that just makes a little more sense.

Some of the highlights are that all the definitions have been consolidated into one section. The site standards like parking, landscaping and lighting related to site development are all found in one section. Use standards, anything that relates to a land use and a standard that might be associated with that, are all in one section. We've addressed some issues related to the Religious Land Use and Institutionalized Persons Act where we now have places of worships, which is the newer term we're using now, permitted where other places of general public assembly are also permitted. We've found a number of cross references that needed to be updated and fixed. Inconsistencies between some parking and landscape requirements have been resolved to try to make sure we have all those requirements working hand-in-hand with one another. Up-to-date City department names and documents names have also been added. So with this format, words and phrases are searchable.

Mr. Arroyo continued noting there are some symbols within this code that are helpful to understand what they mean. For example, if you see a book symbol that means that is a defined term so you can go to the definitions section and actually see what the definition is. There are some user notes that I think are also important. If you see a little computer symbol at the bottom there, that's a digital user note that's helpful if you're using the digital version and then the eye symbol is a user note that is helpful to everyone. Blue text is also important to know. Anywhere you see blue text in the document means that that's a hyperlinked term or phrase and if you click on it in the digital version, it'll take you to what that section is intended to be.

This is the new table of contents. Seven basic articles just make a lot of sense. They are the purpose and introduction, definitions and zoning districts, use standards, site standards, development procedures, and administration appeals and enforcement. And then this is the basic "how do you use this ordinance" page. Right in the beginning of the document it will tell you what all the symbols mean. This is a typical two page spread of every zoning district that gives you the permitted uses on one side and the development regulations on the other side and helps to define what all these different symbols mean. You'll notice that there are seven tabs on the side of every page which corresponds with the seven articles and then there are three buttons at the bottom of every page. The little map symbol here takes you right to the zoning map, the house symbol is the home and takes you to the table of contents, and the eye button which is information takes you back to this section where it describes how to use this ordinance. So if you were confused or unsure about the symbol you could just click on that and go right back to that section.

Mr. Arroyo continued. So here we're looking at the left hand side of the residential acreage, one of the sample districts, and you can see the special land uses are all called out. You can see a lot of blue text with special land use. That means there are use standards. Right next to that it gives you the section numbers. So if you had the paper copy and not the digital copy, you would know that you needed to go, for example with places of worship, to section 4.10. If you had the digital version, you could just click on it and it would take you to that section. The right hand side of the page shows you the setbacks in a graphic form. It also has selected references to different ordinance provisions that may apply in that district, things like off-street parking, landscaping, signs, and exterior lighting. You can also get to some of the residential options such as the RUD option and the open space preservation option. Then there is a use

matrix which helps you to find where and which districts those uses are permitted. Those are all color coated at the top with you zoning map. You can click on those to get to those provisions as well. Also, for example, if you went to the zoning map and wanted to get some information on the RA district, if you click on that it actually pulls up the RA District standards.

Definitions are all listed out individually in the introduction to article two which is that definitions section and if you wanted to get a specific definition like building height, you would just click on it and it would take you right to the page where building height is defined and we also have graphics that go along with that as well. One of the other features of the individual sections of the ordinances because all roof types are not the same there's a little button here on each district page that says "How do I calculate height" and if you click on that it'll actually take you right back to the definition of building height showing you how to calculate building height depending upon the roof type that you have. These are some examples of how we've enhanced some of the graphics. The left hand side is that existing parking layout in the ordinance and the one on the right is the newer, up-to-date one with color and a little more enhancements and some more application of different ways that parking may be tweaked depending on the situation. So once again, it's a little more informative. As far as corner clearance, this is your existing corner clearance graphic which is one of those that have been made originally and then photocopied over and over and lost its clarity so that's all been redone and made in a digital, colored format and enhanced so that you can get a better understanding of those. So the next steps are, obviously you're having a public hearing this evening and making a recommendation to Council. Then it would be adoption by Council and appropriate noticing and then the final hyperlinking. We should have it ready to upload to the City's website days after adoption in time for its effective date. So I'm happy to try to answer any questions.

Member Baratta said it was an outstanding job. I've read it a couple times now and I think it's very well done. I didn't have any specific comments to improve it.

Moved by Member Baratta and seconded by Member Anthony:

ROLL CALL VOTE ON TEXT AMENDMENT 18.271 APPROVAL MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER ANTHONY:

Motion to recommend approval of Text Amendment 18.271 to update, amend and reformat Appendix A, "Zoning", of the City of Novi Code of Ordinances (the prior ordinance, No. 98-18, as amended) and related Zoning map for purposes of incorporating the Clearzoning formatting and clarifying certain provisions. *Motion carried 4-0.*

How to Use This Ordinance

1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

Article Tabs link to the first page of each Article. Red tab indicates the Article in which the current page is located.

User Notes provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

Sections and Subsections contain the Ordinance regulations in a hierarchical manner.

Blue bold font links to standards in other sections of the Ordinance.

Graphics, figures, and tables illustrate concepts or clarify regulations.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

3.1.2 R-1 One-Family Residential

A. INTENT

The R-1 One-Family Residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residential related facilities which serve the residents in the district.

B. PRINCIPAL PERMITTED USES

- One-family detached dwellings
- Farms and greenhouses § 4.4
- Publicly owned and operated parks, parkways and outdoor recreational facilities.
- Cemeteries § 4.2
- Home occupations § 4.4
- Accessory buildings and uses § 4.19 customarily incident to any of the above uses.
- Keeping of horses and ponies § 4.5
- Family Day Care Homes § 4.5

C. SPECIAL LAND USES

- Churches § 4.10
- Public, parochial and private elementary, intermediate or secondary schools § 4.12
- Utility and public service buildings and uses (without storage yards) § 4.11
- Group Day Care Homes, Day Care Centers, and Adult Day Care § 4.12.1
- Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs § 4.13
- Golf courses § 4.14
- Colleges, universities and other such institutions of higher learning § 4.15.1
- Private pools § 4.16
- Cemeteries § 4.17
- Railroad right-of-way but not including terminal freight facilities, transfer and storage tracks.
- Mortuary establishments § 4.17
- Bed and breakfasts § 4.18
- Accessory buildings and uses § 4.19 customarily incident to any of the above permitted uses.

D. DEVELOPMENT STANDARDS

Lot Size

- Minimum lot area⁽¹⁾: 21,780 sq ft
- Minimum lot width⁽¹⁾: 120 ft

Lot Coverage⁽²⁾

- Maximum lot coverage: 25%

Setbacks⁽³⁾

- Minimum front yard setback: 30 ft
- Minimum rear yard setback: 35 ft
- Minimum side yard setback: 15 ft one side, 40 ft total two sides

Building Height⁽⁴⁾

- Maximum building height: 35 ft or 2.5 stories, whichever is less

Floor Area⁽⁵⁾

- Minimum floor area per unit⁽⁵⁾: 1,000 sq ft

Dwelling Unit Density

- Maximum density DU's/Net Site Area: 1.68

NOTES

- For additions to the above requirements, refer to Section 3.6.2 Notes to District Standards, A, B, C, and M
- See Selected References below for applicability

SELECTED REFERENCES

- 3. Zoning Districts**
 - RA, R-1, R-2, R-3, and R-4 Required Conditions § 3.7
 - One-Family Clustering Option § 3.28
 - RUD Residential Unit Development § 3.29
 - Open Space Preservation Option § 3.30
- 4. Use Standards**
 - Keeping of Cats and Dogs § 4.84
 - Uses Not Otherwise Included § 4.87
 - Unlisted Use Determination § 4.88
- 5. Site Standards**
 - Commercial and Recreational Vehicle Parking § 5.2
 - Off-street Parking Requirements § 5.3
 - Off-street Loading and Unloading § 5.4
 - Landscaping Standards § 5.5
 - Signs § 5.6
 - Exterior Lighting § 5.7
 - Residential Entrways § 5.8
 - Additional Road Design § 5.10
 - Fences § 5.11
 - Frontage on a Public Street § 5.12
- 6. Development Procedures**
 - Performance Standards § 5.14
 - Exterior Building Wall Facade Materials § 5.15
- 7. Admin and Enforcement**
 - Site Plan Review § 7.1
 - Public Hearing § 7.2
 - Nonconformities § 7.3

How do I calculate height?

The above drawings are not to scale.

3-8 City of Novi Zoning Ordinance

3-9 City of Novi Zoning Ordinance

Link to How to Use This Ordinance.

Link to Zoning Map.

Notes provide relevant district information recommended for review.

Link to Table of Contents.

Selected References list other sections or Ordinances that may pertain to a development in the district.








Pages are numbered sequentially within each Article.



How to Use This Ordinance

2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

-  indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a  symbol. Consult Article 2, Definitions, for a list of all defined terms.)
-  indicates there is a graphic that illustrates the standard or requirement.
-  identifies a property line.
-  identifies the right-of-way centerline.
- R/W* identifies the right-of-way.
-  identifies a **User Note** that provides helpful information for all users.
-  identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.



How to Use This Ordinance

3. READING THE ORDINANCE

Rules have been established to assist with interpreting the Ordinance. Below are some rules to keep in mind when reading this document:


- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission, City Council or Zoning Board of Appeals.
- ☑ Article 2, Definitions, contains over 220 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
 - AND indicates that all connected items, conditions, provisions or events shall apply.
 - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
 - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 2.1 Construction of Language](#).

Digital User Note:

What is a link?


A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.


 If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

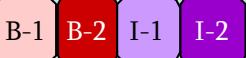
What information is linked?


All **blue text** is linked to either another page within the Zoning Ordinance, a separate City Ordinance or document, or an external website.


In addition, several other features of the document are linked to allow users to navigate through the Ordinance. Click on any of the following features to quickly locate another section:

 **Article tabs** located on the side of each page are linked to the Contents page of each Article.

 **Icons** located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map

 **Use Matrix district headings** are linked to the corresponding district regulations page in Article 3.

 **‘How do I calculate height’ button** located on each district regulations page is linked to the definition of building height in Article 2.

 **Zoning Map Legend headings** are linked to the corresponding district regulations page in Article 3.

	RM-2 Multiple-Family Residential
	MH Mobile Home Park
	B-1 Local Business
	B-2 General Business
	I-1 Light Industrial



STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 14- 18 – 271

AN ORDINANCE TO UPDATE, AMEND, AND RE-FORMAT APPENDIX A, "ZONING," OF THE CITY OF NOVI CODE OF ORDINANCES (THE PRIOR ORDINANCE NO. 97-18, AS AMENDED) AND RELATED ZONING MAP FOR PURPOSES OF INCORPORATING CLEARZONING FORMATTING AND CLARIFYING CERTAIN PROVISIONS

THE CITY OF NOVI ORDAINS:

Part I. That Appendix A, "Zoning," of the City of Novi Code of Ordinances (the prior Ordinance No. 97-18, as amended), including the map, is hereby amended in its entirety to read as revised and comprehensively reformatted in the City of Novi Zoning Ordinance and Map that are attached to, part of, and adopted by this Ordinance.

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 _____, 2014.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ___ day of _____, 2014.

Maryanne Cornelius, City Clerk

Ayes:
Nays:
Abstentions:
Absent:

MEMORANDUM



DATE: September 4, 2014
TO: Barb McBeth, AICP
FROM: Rod Arroyo, AICP and Sheila Starks
SUBJECT: Public Hearing Draft of *Clearzoning* Ordinance

We are pleased to present you with a revised draft of the City of Novi *Clearzoning* Ordinance. Comments provided by City staff and Tom Schultz have been incorporated into this draft.

Clearzoning has worked with the City to transform the existing code into a document that is more concise, user-friendly, and highly illustrated. It is important to remember that while the look and format of the ordinance has changed dramatically, the standards and regulations generally have not. We have made a few minor amendments along the way based on input from City staff and those are described below. Also, a chart has been included to help you clarify where sections from the original resolution are now located within the *Clearzoning* ordinance.

The following minor amendments that have been incorporated into the draft:

Section 2 – Definitions

One foot-candle was added as a definition. This definition was originally footnote (2, 3) of Article 25.

Manufacturing was added as a definition. The definition was originally the list of different types of manufacturing allowed in the Light Industrial district.

Home occupations in the original ordinance contained a set of requirements. These requirements have been moved to Section 4.4 in the *Clearzoning* Ordinance. The definition refers readers to this section.

Housing for the Elderly in the original ordinance contained subsection a through c. These subsections contained requirements for the different types of elderly housing. These subsections have been moved to Section 4.20. The definition in the *Clearzoning* Ordinance refers readers to this section.

Recreation Areas was added as a definition. This definition was originally located in Section 2403.4.B.(9).(a).

Onsite Support Retail Uses was added as a definition. The definition was obtained from Section 1002A.2.g

All definitions located in Section 2508.6 and Section 2508.8.b have been moved to the definition section.

Fueling Stations in the original ordinance contained a set of standards for the sale of alcoholic beverages. These standards have been moved to Section 4.92. The definition now directs users to this Section.

Professional Services was added as a definition per request on reviewed original draft.

All definitions in Section 2526.1 have been moved to the definitions section.

Section 3 – Zoning Districts

In all zoning districts, principal uses subject to special conditions have been renamed special land uses (consistent with the Michigan Zoning Enabling Act).

Section 3.1.1 - Residential Acreage District. Section 303.6 refers the readers to Section 2514 to obtain regulations for the screening of off-street parking for nonresidential uses. Section 2514 pertains to road design. We conducted research going back to our 1984 City of Novi Zoning Code to determine the proper target. This reference has been changed to Section 2509 Landscape Standards and is indicated in the Selected References section of the Clearzoning Ordinance. All sections referenced in Sections 303.4 through 303.6 have been moved to the Selected References section of the Residential Acreage district.

Section 3.1.11 - Community Business District. Place of worship has been added as a principal permitted use due to the fact that private clubs and lodge halls are a principal permitted use. Note: this is an update to reflect the Religious Land Use and Institutionalized Persons Act (RLUIPA). Section 2(b)(1) of RLUIPA contains a provision, known as the “equal terms provision.” It provides that “[n]o government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.” The legislative history points to the problem of houses of worship being excluded where theaters, meeting halls, private clubs, and other secular assembly places are permitted. www.justice.gov/crt/rluipa_q_a_9-22-10.pdf

Section 3.1.15 - Exposition Overlay District. Place of worship has been added as a special land use due to the fact that museums and theaters are listed as uses under this section.

Section 3.1.16 - Gateway East District. The Schedule of Regulations in the original ordinance references Section 902 for information on the setbacks and maximum lot coverage allowed in this district. Section 902 is the Principal Uses Permitted Subject to Special Condition in the NCC district. We have used Section 903A for the setback and maximum lot coverage allowed in the Gateway East District.

Section 3.1.20 – Non-Center Commercial District. Place of worship has been moved from a principal permitted use to a special land use due to the fact that private clubs, lodges and museums were listed a special land uses.

Section 3.1.21 - OS-1 Office Service District and Section 3.1.21 OSC Office Service Commercial. The uses of banks, credit unions... have been changed to financial institutions.

Section 3.1.25 and Section 3.1.26 - TC and TC-1 Districts. Use 1601.4 has been modified to read as municipal uses. Place of worship has been added as a principal permitted use due to the fact that private clubs and lodge halls are listed under this section.

Section 3.6.2 - Note to District Standards. The following notes have been removed:

- D and E – These notes have become part of the RM-1 and RM-2 Requirements and Regulations.
- F – This becomes part of the Development Standards for the impacted districts. The definition portion of the note has been moved to the definitions section.
- I – This note becomes part of the Selected Reference.
- J – This note becomes part of the Development Standards.
- S – This note was moved to the I-1 Regulations and Requirements.
- U – This note has been moved to the OST Regulations and Requirements section.

Section 3.6.2.E - Note to District Standards.

- This section was originally Note to Schedule of Regulation (h). The section references Section 2509.7(c). This reference is incorrect. The reference has been changed to Section 5.5.3 Landscape Requirements in the Clearzoning document.
- Section 3.6.2.E.iv was originally Note to Schedule of Regulation (h) (4). It references Sections 2514 and 2509-8. These references are incorrect. The reference has been changed to Section 5.5.3 Landscape Requirements in the Clearzoning document.

Section 3.6.2.P - Note to District Standards.

- This section was originally the * to minimum parking setbacks in the business districts. The sections referenced in this note are incorrect. We have modified the note so that Section 2509.7 now references Section 5.5.3 Landscape Requirements in the Clearzoning document.
- The reference to Section 2509.5 has been removed since it had no related text.
- The reference to Section 2509.6 now references Section 5.5.3.A Landscape Requirement, Residential Adjacent to Non-residential in the Clearzoning document.

Section 3.12 - Special Development Options for the Gateway East District.

- Table 3.12.5.E.vi, Residential Densities originated for the table in Section 904.F.5.f. This table contains references to notes 3 through 9. There are seven lines of text below the table but they do not have reference numbers associated with them. They have been numbered 1 through 7 and the corresponding reference numbers within the table have been changed to match.
- Section 904C of the original ordinance references Section 901A as the permitted uses under a special development option. Section 901A, Gateway East Boundaries describes the boundaries of the Gateway East district. The reference has been change to 902A (3.1.15.B in the Clearzoning document).
- Section 904.C.1.b.(1) references Section 900 as the section that indicates the intent of the GE district. This reference should be to Section 900A and has been changed in the Clearzoning document to reference said section (Section 3.1.15.A in the Clearzoning document).

Section 3.19 – OST District Required Conditions. Section 2302A.3.a makes a reference to the 2010 Master Plan. This reference has been change to Master Plan. The 2010 has been removed.

Section 3.21.2 - PSLR Requirements. Section 2305B has been incorporated into Section 3.21 and has been entitled Required PSLR Overlay Use Standards/Conditions for Special Land Uses.

Section 3.23 – Conference District Required Conditions. Section 3.23.3 references Chapter 38 of the Ordinance Code. This reference has been changed to Chapter 26.5, per the request on the first draft notes.

Section 3.25 - EXO Overlay District Required Conditions. Section 1003A.11 Covenants and Restrictions reads, "as part of the approval of the first site plan..." This text has been modified to read, "As part of the approval of any site plan." This change was requested on the notes to the original draft.

Section 3.27 - TC and TC-1 District Requirements.

- Section 1603.6 has been removed. This is covered under the Note to Schedule of Regulations D.
- Section 1603.14 (3.27.1.L in the Clearzoning Document) references the "Town Center Design and Development Study/Technical Reference". This has been changed, per original draft note, to "Town Center Area Study".
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Section 3.28 – One-family Clustering Option.

- In Section 3.28.1.A, “City of Novi Master Plan” has been changed to read “City of Novi Master Plan for Future Land Use”, per request in the notes on the original draft.
- Section 2401.2 of the original document references Section 2403.1.B(4). This section does not exist. The correct reference should be to Section 2401.1.B(4) and has been changed in the Clearzoning document (Section 3.28.1.B.iv).
- Section 2401.3 of the original document references Sections 2403, 1A and 1B. These sections do not exist. The correct references should be to Sections 2301, 1A and 1B and have been changed in the Clearzoning document (Sections 3.28.1A and 1B).
- Section 2401.7 of the original document references Sections 2403, 1A or 1B. These sections do not exist. The correct reference should be to Sections 2301, 1A or 1B and have been changed in the Clearzoning document (Sections 3.28.1A or 1B).
- In Section 3.28.8, “City’s Site Plan Review Procedures Manual” has been changed to read “ Site Plan and Development Manual”, per request in the notes of the original draft.

Section 3.29 - RUD Residential Unit Development.

- Section 2402.3.A of the original document references Section 2403 as a section referring to cluster housing densities. This reference is incorrect. The correct reference should be Section 2301 and has been changed in the Clearzoning document (Section 3.28).
- Section 2402.3.B(1)iii of the original document references Section 2400, footnote (v) as the section pertaining to wetland and watercourse setback areas. This reference is incorrect. The correct reference should be to Section 2400, footnote (t) and has been changed in the Clearzoning document (Section 3.6.2.M).
- Section 2402.3.B(3) of the original document references Section 2404.7 as the section to aid City Council in determining whether to grant additional credits in the RUD district. This reference is incorrect and references the PD-2 section. The correct reference should be to Section 2402.7 and has been changed in the Clearzoning document (Section 3.29.7).
- Section 2402.10.I of the original document references Section 2404.10 as the section that allows the City Council to impose conditions on RUD developments. This reference is incorrect. The reference should be to Section 2402.10 and has been corrected in the Clearzoning document (Section 3.29.10).

Section 3.31 - Planned Development Options.

- Section 2404.4.D.(2) (Section 3.31.4.d.ii in the Clearzoning document) references the “City Site Plan Procedures Manual”. This reference has been changed to read as the “City’s Site Plan and Development Manual”, per the request in the notes on the original draft.
- Section 2404.7.B(8).(c) (Section 3.31.7.B.viii.d of the Clearzoning document) references Section 2404.6.B.(8).(a) as the Section that indicates the uses permitted in mixed-use buildings with a residential component in the PD-2 districts. This reference does not exist. The section should reference Section 2404.7.(8).(a) and has been corrected in Clearzoning document (Section 3.31.7.B.viii.a).
- Section 2404.7.B.(8).(d).(vi) (Section 3.31.B.viii.d.(6) of the Clearzoning document) references Section 1602.7 and 1607.14 as the sections detailing provisions for streetscape amenities in the PD-2 district (see pg 3-146 of the Clearzoning document). These sections do not exist and the reference has been removed, per directions given in the notes on the original draft.

Section 3.32 – General Exceptions. Section 2910.1.B (Section 3.32.10.A.ii of the Clearzoning document) references the “Department of Building and Safety”. This reference has been changed to read as the “Community Building Department”, per the request in the comments on the original draft of the Clearzoning document.

Section 4 – Use Standards

Section 4.10 – Places of Worship. Section 402.1.f of the original ordinance references Section 2514 as the section that indicates the screening requirements for vehicular parking areas in the RA districts. This reference is incorrect. The correct reference should be to Section 2509.3, Landscape Requirements (Section 5.5.3 in the Clearzoning ordinance). This reference has been changed to indicate the correct section.

Section 4.12 – Group Day Care Homes, Day Care Centers, and Adult Day Care Centers. Section 1102.4.f of the original ordinance references Section 2509 and 2514 as the sections for screening and landscaping requirements for outdoor recreation areas, recreation area fences and parking lots. Section 2514 pertains to road design. The reference to Section 2514 has been dropped and only Section 2509, Landscape Standards (Section 5.5 of the Clearzoning ordinance) is referenced.

Section 4.19 – Accessory Uses. Section 4.19.2.C.ii.b of the Clearzoning document references the “planning department”. This reference has been change to read “Community Development Department”, per the request made in the comments on the original draft of the Clearzoning document.

Section 4.30 - Sale of Produce and Seasonal Plant Materials Outdoors. Section 1602.2.e of the original ordinance references Section 1602.8 as the section pertaining to open space requirements. This section does not exist. The document should reference Section 1603.8 (Section 3.27.1.F in the Clearzoning document). This error has been corrected in the Clearzoning document.

Section 4.37 – Business in the Character of a Drive-in or Open Front Store. Section 1502.3.d references Article 24, General Provisions as the section that details the requirements for a wall. Article 24 is the Schedule of Regulations. This reference should be to Article 25. In the Clearzoning document Article 25 has been moved to several different locations. The reference now directs uses to the Landscaping Standards in Section 5.5 of the Clearzoning document.

Section 4.38 – Public or Private Indoor and Private Outdoor Recreation Facilities. Section 1502.9.f references Article 24, General Provisions as the section that details the requirements for a wall. Article 24 is the Schedule of Regulations. This reference should be to Article 25. In the Clearzoning document Article 25 has been moved to several different locations. The reference should be specifically to the wall requirements in the Landscape Standards of Section 2509. The reference now directs uses to the Landscaping Standards in Section 5.5 of the Clearzoning document.

Section 4.55 – Outdoor Storage Yards. Section 2001.3 references Sections 2509 and 2514 as the sections related to screening of outdoor storage yards. This reference to Section 2514 is incorrect, as it pertains to road design. The reference to Section 2514 has been dropped and only Section 2509, Landscape Standards (Section 5.5 of the Clearzoning ordinance) is referenced.

Section 4.56 – Commercial Sale of New and Used Heavy Trucks and Off-road Construction Equipment. Section 2001.4 of the original ordinance makes a reference to “the outdoors storage requirement of the Section”. We believe that this is referencing the standards of the outdoor storage yards in Section 2001.3. This reference has been changed to specifically reference Section 2001.3 (Section 4.55 of the Clearzoning ordinance).

Section 4.65 – Inpatient Bed Facility Potion of General Hospitals. In subsections 5 and 8, the text “of the Zoning Ordinance” has been removed. This text is not needed.

Section 4.65 – Amusement and Entertainment Uses. In subsection 1, the text “of this ordinance” has been removed. The text is not needed.

Section 4.78 – Retail Uses, Service Uses and Restaurant Uses.

- Section 4.78.1.B.i makes reference to “Novi’s 2010 Master Plan for Land Use”. This reference has been changed to read “Novi’s Master Plan for Land Use” so that the section does not need to be updated as newer Master Plans are created.
- In Section 4.78.2.A, the text “of this ordinance” has been removed. The text is not needed.

Section 4.85 – Adult Bookstores, Adult Motion Picture Theaters, Adult Motels, Adult Personal Service Businesses and Cabarets.

- Section 2602.2.g references subsection 4.b of said section as setting forth the locational standards that the City Council may waive if certain standards are met. Subsection 4.b does not exist within Section 2602.2.g. This section should reference subsection 2.b, which sets standards for the distance that must be set between Permitted with Approval Uses. This correction has been made in the Clearzoning document as subsection 3.B.ii.
- Section 2604 of the original document references sub-parts C2, D5, and D6. These sections do not exist. We looked at the 1984 Zoning Ordinance, Section 2604 to help resolve this issue. It referenced Sections 2602.1(b), 2602(e) and 2602(f). These references match the text in Sections 2602.1.b (Section 4.86.3.A.ii in the Clearzoning Ordinance), 2602.2.e (Section 4.86.3.B.v in the Clearzoning Ordinance), and 2602.2.f (Section 4.86.3.B.vi in the Clearzoning Ordinance) in the version of your ordinance we obtained from Municode. All references have been modified to reflect the indicated sections in the Clearzoning Ordinance.
- The text “of this ordinance” has been removed from the last sentence of the introductory paragraph. The text is not needed.

Section 4.86 – Uses Not Otherwise Included within a Specific District. In Section 4.86.1.N, the reference to “City of Novi Building Department” has been change to “City of Novi Building Division”, per request within the notes of the original Clearzoning draft document.

Section 4.87 - Unlisted Use Determinations. All references to the “planning department” in the introductory paragraph have been changed to read “Planning Division”, per request in the notes on the original Clearzoning draft document.

Section 4.88 – Special Use Accommodations.

- In Section 4.88.4, there is a reference to the “City Planner”. This reference has been changed to read as “Director of Community Development”, per request within the notes on the original Clearzoning draft document.
- In Section 4.88.7.C, there is a reference to the “Planning Department”. This reference has been changed to read as the “Community Development Department”, per request within the notes on the original Clearzoning draft document.
- Section 4.88.9 on public hearing requirements has been modified to read, “See Section 6.2 for public hearing requirements.”

Section 5 – Site Standards

Section 5.2 Off-Street Parking Requirements.

- In Section 5.2.3, the last sentence of the fourth paragraph, the phrase “of this Ordinance” has been removed, per the request made within the notes on the original Clearzoning draft document. This phrase has also been removed from the last sentence of the second paragraph of Section 5.2.4.
- In Table 5.2.12.C Exposition facility, there were several references to the “Building Department”. These references have been changed to the “Building Division”, per request in the notes on the original draft of the Clearzoning Document.
- In Section 5.2.14.B, there was a reference to the “Building Department”. This reference has been changed to the “Building Division”, per request in the notes on the original draft of the Clearzoning Document.

Section 5.3 – Off-Street Stacking Space, Layout Standards, Construction and Maintenance.

- In Section 5.3.1, there is a reference to the “Building Inspector (Official)”. This has been changed to “Building Official”. There is also a reference to the “Building Department (Department of Building and Safety)”. This has been changed to “Building Division”. Both changes were made per a request on the notes to the original draft Clearzoning document.
- Table 5.3.2 - Off-Street Parking Minimum Requirements note was changed to read, “face of curb to face of curb” in place of, “plus curb and gutter (if curbed).”
- Table 5.3.2 - Off-Street Parking Minimum Requirements. A note was added indicating that all dimensions in the table are measured from face of curb to face of curb. This is a standard practice. The note was added to make the standard clear to all users of the ordinance.
- Section 5.3.12 end island requirements were changed from a minimum of 8 feet wide to 10 feet wide to be consistent with Section 5.5.3.C.ii.a.

Section 5.5 – Landscape Standards: Obscuring Earth Berms and Walls, Rights-of-Way Buffers, and Interior and Exterior Landscape Plantings.

- Section 2509.3.e.(3)(b)(iv) makes reference to Section 2302. Article 23 was deleted on Feb. 6, 2012, per ordinance 18.254. This reference has been removed.
- In Section 2509.3.c.(2)(c) (Section 5.5.3.C.ii.c in the Clearzoning Ordinance) we have added the following text: *Required 6" high curbs shall be reduced to 4" in height where the adjacent 90 degree parking stalls are proposed to be reduced from 19' to 17'*. This is consistent with other sections.
- In Section 2509.3.c.(2)(c) (Section 5.5.3.C.ii.c in the Clearzoning Ordinance) it indicated that wheel stops or curbs should be installed to prevent vehicles from encroaching more than **three** feet into parking landscape areas. We have changed this text indicating vehicles should not encroach more than **two** feet into parking landscape areas. This change was made to make the section more consistent with other sections of the ordinance.

Section 5.6 – Signs. “The following conditions shall apply to all signs erected or located in any use district;” has been removed and “Department of Building and Safety” has been changed to “Community Development Department”. These changes have been made per request in the notes to the original draft Clearzoning document.

Section 5.7 – Exterior Lighting.

- This text originated from Section 2511. Section 2511.2 references footnote 1. This footnote has been incorporated into the text of Section 5.7.2 in the Clearzoning Ordinance.
- Section 5.7.2 – Approved Lighting Plan. “These standards shall apply to modifications to existing lighting fixtures, whether or not site plan approval is required” has been changed to “These standards shall apply to site plan approval or modification of existing lighting.” This change was made per a request in the notes on the original draft of the Clearzoning document.
- Section 5.7.3 Required Conditions has been modified to “The following conditions shall apply to site plan approval or modifications of existing lighting.” This change was made per a request in the notes on the original draft of the Clearzoning document.

Section 5.9 - Corner Clearance. The phrase “Except as otherwise permitted in this Code of Ordinances” has been added to the beginning of the section. This change was made per a request in the notes on the original draft of the Clearzoning document.

Section 5.10 - Additional Road Design, Building Setback, and Parking Setback Requirements for One-Family Clustering Option, Two-Family Uses, Multiple-Family Uses, and Certain Non-Residential Uses and Developments. This text originated from Section 2514. Section 2514.1.B references footnote 5. This footnote has been incorporated into the text of Section 5.10.1.B in the Clearzoning Ordinance.

Section 5.11 – Fences (Residential and Nonresidential).

- Section 2515.1.f of the original ordinance references Sections 2509 and 2514. This reference has been changed to only reference Section 2509 (Section 5.5 in the Clearzoning ordinance), due to the fact that Sections 2509 and 2514 were combined in the past.
- Section 2515.2.d of the original ordinance references Sections 2509 and 2514. This reference has been changed to only reference Section 2509 (Section 5.5 in the Clearzoning ordinance), due to the fact that Sections 2509 and 2514 were combined in the past.

Section 5.15 – Exterior Building Wall Façade Materials.

- Section 2520.1 of the original ordinance references Section 1603, 4 as the sections giving additional façade requirements for the TC districts. There is no Section 1604. The reference has been changed to only indicate Section 1603 (Section 3.27 in the Clearzoning ordinance) as giving additional requirements for the district.
- Section 2520.9(a) of the original ordinance references Section 2516.c. as the section detailing the eligibility requirements for administrative review of site plans. The reference should be to Section 2516.1.(c). (Section 6.1.1.C in the Clearzoning ordinance) and has been corrected in the Clearzoning document.
- Section 2520.14 Note 7 to the Schedule Regulating Façade Materials references Section 1602.9 as the section giving additional façade requirements for the TC and TC-1 districts. This section does not exist. The reference should be to Section 1603.9 (Section 3.27.1.G in the Clearzoning document) and has been corrected in the Clearzoning document.
- Section 5.15.4. References to the “Department of Planning and Community Development” and the “Department of Community Development” have been change to “Community Development Department”. This change was made per a request in the notes on the original draft of the Clearzoning document.

Section 6 – Development Procedures

Section 6.1.1 – Site Plan Review – General.

- The reference to the “City’s Site Plan Review Procedures Manual” has been changed to “City’s Site Plan Development Manual.” This change was made per a request in the notes on the original draft of the Clearzoning document.
- All references to the “Planning Department” have been changed to the “Planning Division.” These changes were made per a request in the notes on the original draft of the Clearzoning document.
- All references to the “Engineering Department” have been changed to the “Engineering Division.” These changes were made per a request in the notes on the original draft of the Clearzoning document.
- Section 6.1.1.E the reference to the “City’s Site Plan Manual” has been changed to the “City’s Site Plan and Development Manual.” This change was made per a request in the notes on the original draft of the Clearzoning document.

Section 6.1.2 – Site Plan Review Procedures. The reference to the “Site Plan Manual” in subsection A has been changed to the “Site Plan and Development Manual.” This change was made per a request in the notes on the original draft of the Clearzoning document.

Section 6.1.5 Fees. The reference to the “Site Plan Review Procedures Manual” has been changed to the “Site Plan and Development Manual.” This change was made per a request in the notes on the original draft of the Clearzoning document.

Section 6.3.2.D. The reference to the “Building Department” has been changed to the “Building Division.” This change was made per a request in the notes on the original draft of the Clearzoning document.

Section 7 – Administration and Enforcement

All throughout Section 7, references to the “Building Inspector (Official)” have been changed to “Building Official.” These changes were made per a request in the notes on the original draft of the Clearzoning document. It indicates this change has been cleared by Tom Walsh.

Section 7.1 – Nonconformities. This section was originally entitled Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures and Nonconforming Uses of Structures and Land.

Section 7.4.2. The reference to the “Building Department” has been changed to “Building Division.” This change was made per a request in the notes on the original draft of the Clearzoning document.

Section 7.6 – Temporary Special Exception and Temporary Special Land Use Permits.

- Section 3004.1.c of the original document makes reference to Section 302 as detailing pre-manufactured building requirements in residential developments. This reference should be to Section 303 (Section 3.7 in the Clearzoning document) and has been corrected in the Clearzoning document.
- All references to the “Department of Community Development” have been changed to the “Community Development Department.” These changes were made per a request in the notes on the original draft of the Clearzoning document.
- Section 7.6.1.A.ii. The following text has been removed from this section: “...temporary special exception for seasonal sales of produce or of Christmas trees shall be permitted on parcels of there (3) acres or more in any residential district...” The text was removed per a request made in the notes on the original draft of the Clearzoning document.

Section 7.7.8.B. The reference to the "Building Department (Department of Building and safety)" had been changed to the "Building Division." This change was made per a request in the notes on the original draft of the Clearzoning document.

Section 7.10.3. The text "Such appeal shall be taken within such time as shall be prescribed by the board by general rule..." has been changed to read, "Such appeal shall be taken within 30 days..." This change has been made per a request made in the notes on the original draft of the Clearzoning document.

Additional Comments

- Any red text is text that we have changed from the original ordinance.
- There are several references in your ordinance to Section 2514 indicating it details landscaping requirements. In the 1984 version of your Zoning Ordinance, Section 2514 deals with walls and earth berms. Walls and earth berms are now part of Section 2509. All references to Section 2514 that are related to landscaping have now been removed and only Section 2509 is referenced.
- The original ordinance contains a note indicating that the section on OS-2 has been deleted. We have removed all remaining referenced to this section from the ordinance.
- The RUD Residential Unit Development Section indicates it is allowed in the RA through R-3 districts (pg 3-127 of Clearzoning document); however, increased densities and application requirements are listed for the R-4 district (see pg 3-131). Section 2402.4 Lot Area gives standards for lots in the R-4 district. Section 2402.7 indicates that RUD developments can be applied to the RA through R-4 district. We have changed the text in the first paragraph of 3.29 RUD Residential Unit Development to include the R-4 district.
- The RA, R-1, R-2, R-3, and R-4 districts allow for the use of cemeteries as both a permitted and special land use. The text from Section 301.4 of the original ordinance is not required, as the existing cemeteries would be "grandfathered" as legal non-conforming uses. We have removed cemeteries under permitted land uses and the text from Section 3.1.4 has been removed.
- We have changed the use of churches to places of worship in the RA, R-1, R-2, R-3, R-4, NCC, OS-1, OSC, RC, and PSLR district. The new heading for Section 4.10 has also been changed from Churches to Places of Worship.

We look forward to being available for further discussion and questions at the Planning Commission meeting.

City of Novi Clearzoning Ordinance

		Current Ordinance			ClearZoning Ordinance			
Existing Ordinance	Section	Title	Page	Article Tab	Section	Page	Comments	
Article 1		Short Title	4	—	—	—		
	100	Short Title	4	1	1.1	1-3		
Article 2		Construction of Language and Definitions, Zoning Districts and Map	5	—	—	—	Found in multiple Articles and Sections	
	200	Construction of Language	5	2	2.1	2-4		
	201	Definitions: A-Z	6	2	2.2	2-4		
		Fueling Stations	13	4	4.29.2	4-17		
		Home occupation standards	16	4	4.4	4-4		
		Housing for the Elderly	17	4	4.20	4-14		
	202	Districts Established	29	3	3.1	3-3		
	203	District Boundaries	30	3	3.2	3-63		
	204	District Boundaries Interpreted	30	3	3.3	3-63		
	205	Zoning of Annexed Areas	31	3	3.4	3-63		
	206	Zoning of Vacated Areas	31	3	3.5	3-63		
207	District Requirements	31	—	—	—	Text no longer required		
Article 3		RA Residential Acreage District	32	—	—	—	Found in multiple Articles and Sections	
	300	Intent	32	3	3.1.1.A	3-4		
	301	Principal Uses Permitted	32	3	3.1.1.B	3-4	Intro text no longer required	
		301.2 Farms and greenhouses conditions	32	4	4.1	4-4		
		301.4 Cemeteries conditions	32	4	4.2.1	4-4		
		301.5 School conditions	32	4	4.3.1	4-4		
		301.6 Home occupations conditions	32	4	4.4	4-4		
		301.8 Family day care home conditions	32	4	4.5	4-4		
	302	Principal Uses Permitted Subject to Special Conditions	32	3	3.1.1.C	3-4	Renamed Special Land Uses	
		Intro text	32	—	—	—	Text no longer required - covered under Selected References	
		302.1 Raising of nursery plant material conditions	32	4	4.6	4-4		
		302.2 Dairy conditions	33	4	4.7	4-5		
		302.3 Keeping of livestock	33	4	4.8	4-5	Renamed Keeping and Raising of Large Animals	
		302.5 Historic buildings in residential districts conditions	33	4	4.9	4-5		
		302.6 Bed and breakfast conditions	34	4	4.18	4-10		
	303	Required Conditions	34	—	—	—	Found in multiple Articles and Sections	
		303.1-3 Single-Family Detached...	34	3	3.7	369	Renamed RA, R-1, R-2, R-3, and R-4 Required Conditions	
		303.1.a gross-dissimilarity... and surrounding area...	35	2	2.2	2-4		
		303.1.d already constructed or constructed	35	2	2.2	2-4		
		303.4-5 Site plans as...	39	3	3.1.1	3-5	Text no longer required - covered under Selected References	
		303.6 See Section 2514...	39	3	3.1.1	3-5	Covered under Selected References	
	303.6 ...All off-street parking...	39	3	3.7.4	3-72			
	303.7 See Section 2400...	39	3	—	—	Text no longer required - covered under 3.1.1.D, Development Standards on pg 3-4		
Article 4		R-1 Through R-4 One-Family Residential District	40	—	—	—	Found in multiple Articles and Sections	
	400	Intent	40	3	3.1.2.A, 3.1.3.A, 3.1.4.A & 3.1.5.A	3-6, 8, 10, 12	3- 3- 3-	
		Principal Uses Permitted	40	3	3.1.2.B, 3.1.3.B, 3.1.4.B, 3.1.5.B	3-6, 8, 10, 12	3- 3- 3-	Intro text no longer required
	401	401.2 Farms and greenhouse conditions	40	4	4.1	4-4		
		401.4 Cemetery conditions	40	4	4.2	4-4		
		401.5 Home occupation conditions	40	4	4.5	4-4		

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		407.7.a-d Keeping of horses and pony conditions	40	4	4.8	4-5	Renamed Keeping and Raising of Large Animals
		407.8 Family day care home conditions	41	4	4.5	4-4	
	402	Principal Uses Permitted Subject to Special Conditions	41	3	3.1.2.C, 3.1.3.C, 3.1.4.C, 3.1.5.C	3-6, 8, 10, 12 3- 3- 3-	Renamed Special Land Uses
		Intro text	41	—	—	—	Text no longer required - covered under Selected References
		402.1 Church conditions	41	4	4.10	4-6	
		402.2 School conditions	41	4	4.3.2	4-4	
		402.3 Utility and public service building conditions	41	4	4.11	4-6	
		402.4 Group day care home... conditions	41	4	4.12.1	4-6	
		402.5 Private noncommercial recreation...conditions	43	4	4.13	4-9	
		402.6 Golf course... conditions	43	4	4.14	4-9	
		402.7 Colleges...conditions	44	4	4.15.1	4-9	
		402.8 Private pool conditions	44	4	4.16	4-10	
		402.9 Cemetery conditions	44	4	4.2.2	4-4	
		402.12 Mortuary conditions	44	4	4.17	4-10	
		402.13 Bed and breakfast	45	4	4.18	4-10	
	403	Required Conditions	45	3	3.1.2 through 3.1.5	3-7 through 13 3-	
		403(1) - (3)	45	—	—	—	Text no longer required - covered under Selected References
		403(4) See Section 2509...	45	3	3.1.2 through 3.1.5	3-6 through 12 3-	Covered under Selected References
		403(4) ... All off-street	45	3	3.7.4	3-72	
		403(5) See Article 25...	45	—	—	—	Text no longer required - covered under Selected References
		403(6) Except as otherwise regulated...	45	3	—	—	Text no longer required - covered under Sections 3.1.2.D - 3.1.5.D, Development Standards on pgs 3-7, 3-9, 3-11, and 3-13

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Article 5		RT Two-Family Residential District	46	—	—	—	Found in multiple Articles and Sections
	500	Intent	46	3	3.1.6.A	3-14	
	501	Principal Uses Permitted	46	3	3.1.6.B	3-14	Intro text no longer required
		501.1 ...The standards of the Schedule...	46	3	3.1.6.D	3-15	* at bottom of section
		501.3 Shared elderly housing	46	—	—	—	Found in multiple locations
		Definition	—	2	2.2	2-4	
		Conditions	—	4	4.20	4-14	
	502	Required Conditions	46	3	3.1.6	3-15	
		502.1 See Article 24...	46	—	—	—	Text no longer required - covered under 3.1.6.D Development Standards on pg 3-12
		502.2 See Article 25...	46	—	—	—	Text no longer required - covered under Selected References
Article 6		RM-1 Low Density, Low-Rise Multiple Family Residential Districts	47	—	—	—	Found in multiple Articles and Sections
	600	Intent	47	3	3.1.7.A	3-16	
	601	Principal Uses Permitted	47	3	3.1.7.B	3-16	Intro text no longer required
		601.3 Independent and congregate elderly	47	—	—	—	Found in multiple locations
		Definition	—	2	2.2	2-4	
		Conditions	—	4	4.20	4-14	
	602	Principal Uses Permitted Subject to Special Conditions	47	3	3.1.7.C	3-16	Renamed Special Land Uses
		Intro text	47	—	—	—	Text no longer required - covered under Selected References
		602.1 Convalescent home... conditions	47	4	4.21	4-15	
	603	Required Conditions	48	3	3.1.7	3-17	
	603.1-3, and 603.5	48	—	—	—	Text no longer required - covered under Selected References	
	603.4 Except as otherwise regulated...	48	—	—	—	Text no longer required - covered under Section 3.1.7.D, Development Standards	
Article 7		RM-2 High Density, Mid-Rise Multiple-Family Residential District	49	—	—	—	Found in multiple Articles and Sections
	700	Intent	49	3	3.1.8.A	3-18	
	701	Principal Uses Permitted	49	3	3.1.8.B	3-18	Intro text no longer required
	702	Principal Uses Permitted Subject to Special Conditions	49	3	3.1.8	3-18	Renamed Special Land Uses
		Intro text	49	—	—	—	Text no longer required - covered under Selected References
		702.1 Retail commercial services... conditions	49	4	4.22	4-15	
	703	Required Conditions	50	—	—	—	Found in multiple locations
		703.1-6 In making...	50	3	3.8.3	3-76	
		703.7 See Article 25...	50	—	—	—	Text no longer required - covered under Selected References
		703.8 Except as otherwise regulated...	50	—	—	—	Text no longer required - covered under Section 3.1.8.D, Development Standards pg 3-19
	703.9 See Section 2520...	50	—	—	—		
Article 8		MH Mobile Home District	51	—	—	—	Found in multiple Articles and Sections
	800	Intent	51	3	3.1.9.A	3-20	
	801	Principal Uses Permitted	51	3	3.1.9.B	3-20	
		801.8 Mobile home sale conditions	51	4	4.23	4-15	
	802	Required Conditions	52	3	3.9	3-76	
Article 9		NCC Non-Center Commercial District	54	—	—	—	Found in multiple Articles and Sections
	900	Intent	54	3	3.1.20.A	3-46	
	901	Principal Uses Permitted	54	3	3.1.20.B	3-46	Intro text no longer required
		901.1 Retail business uses...(all text following use)	54	2	2.2	2-4	
		901.2 Retail business Service uses... (all text following use)	54	2	2-2	2-4	
		901.3.a Office buildings for any...	55	3	3.1.20.B	3-46	Use renamed professional office
		901.4 Restaurant: sit-down conditions	55	4	4.41.2	4-21	

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		901.7 Instructional Center conditions	55	4	4.62	4-27	
	902	Principal Uses Permitted Subject to Special Conditions	55	3	3.1.20.C	3-46	Renamed Special Land Uses
		Intro text	55	—	—	—	Text no longer required - covered under Selected References
		902.1 All Principal Uses Permitted in RM-1 conditions	55	4	4.63	4-27	
		902.2 Day care centers and adult day care... conditions	56	4	4.12.3	4-8	
		902.3 Places of worship conditions	56	4	4.10	4-6	
		902.5 Public utility buildings... conditions	56	4	4.43	4-22	
		902.6 Veterinary hospitals or clinic... conditions	56	4	4.31	4-18	
	903	Required Conditions	56	—	—	—	Found in multiple locations
		903 intro, 903.1, 903.3, 903.8, 903.9, 903.10, and 903.11	56	3	3.16	3-98	
		903.2, 903.4, 903.5, and 903.6	56	—	—	—	Text no longer required - covered under Selected References
		903.7 See Article 24...	57	—	—	—	Text no longer required - covered under Section 3.1.20.D, Development Standards pg 3-47
Article 9A		GE Gateway East District	59	—	—	—	Found in multiple Articles and Sections
	900A	Intent	59	3	3.1.16.A	3-36	
	901A	Gateway East Boundaries	60	3	3.1.16.A	3-36	
	902A	Principal Permitted Uses	60	3	3.1.16.B	3-36	Intro text no longer required
		902A.1.a Office buildings for any	60	3	3.1.16.B	3-36	Use renamed professional office
		902A.2 Restaurants: sit-down	60	4	4.41.1	4-21	
		902A.4 Retail business uses ... (all text beyond use is now a definition)	60	2	2.2	2-4	
		902A.5 Retail business service uses.. (all text beyond use is now a definition)	61	2	2.2	2-4	
		902A.10 Uses with a drive-through	62	3	3.11.1	3-78	
	903A	Required Conditions	62	—	—	—	Found in multiple locations
		903A.1 - 903A.3, 903A.5 - 903A.14, and 903A.15	62	3	3.11	3-78	
		903A.4 and 903A.15	62	—	—	—	Text no longer required - covered under Section 3.1.16.D, Development Standards on pg 3-37
	904A	Special Development Option (SDO) for the GE District	66	3	3.12.1	3-82	
	904B	Definitions	66	2	2.2	2-4	
		...To qualify as a mixed use development...	67	4	4.25	4-15	
	904C	Uses Permitted Subject to Approval of a Special Development Option	67	3	3.12.2	3-82	
	904D	Eligibility Criteria	68	3	3.12.3	3-83	
	904E	Project Design Standards	69	3	3.12.4	3-83	
	904F	Required Conditions for Special Development Option Projects	71	3	3.12.5	3-85	
	904G	Review and Approval Process for Special Development Option Concept Plan	75	3	3.12.6	3-89	
	904H	Review and Approval of SDO Site Plan	77	3	3.12.7	3-91	
Article 10		EXPO Exposition District	83	—	—	—	Found in multiple Articles and Sections
	1000	Intent	83	3	3.1.14.A	3-30	
	1001	Principal Uses Permitted	83	3	3.1.14.B	3-30	Intro text no longer required
		1001.2.g Retail sale of products and services...conditions	84	4	4.76.1	4-30	
		1001.3 Uses permitted in the I-1 Light...conditions	84	4	4.77	4-30	
	1002	Required Conditions	84	—	—	—	Found in multiple locations
		1002.1, 1002.2, 1002.4 - 1002.7, 1002.9, and 1002.10	84	3	3.24.1	3-111	
		1002.3 Density ... FAR definition	84	2	2.2	2-4	FAR requirement provided in Section 3.1.14.D Development Standards on pg 3-31
		1002.8 and 1002.11	85	—	—	—	Text no longer required - covered under Selected References
	1003	Physical Design and Site Relationship	85	3	3.24.2	3-112	
Article 10A		Exo Exposition Overlay District	86	—	—	—	Found in multiple Articles and Sections
	1000A	Intent	86	3	3.1.15.A	3-32	
	1001A	Principal Uses Permitted	86	3	3.1.15.B	3-33	Intro text no longer required

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	1002A	Overlay Uses Permitted Subject to Required Conditions	87	3	3.1.15.C	3-33	Renamed Special Land Uses (EXO Overlay Uses)
		Intro text	87	—	—	—	Text no longer required - covered under Selected References
		1002A.1	87	3	3.25.1.A	3-112	
		1002A.2.f	87	4	4.76.2	4-30	
		1002A.2.g	87	3	3.25.2.J	3-115	
		1002A.3	87	3	3.25.1.B	3-112	
	1003A	Supplemental Required Conditions for Overlay Use	88	3	3.25.2	3-112	
		1003A.6 ...Off-street parking a vehicular...	89	—	—	—	Text no longer required - Covered under Section 3.1.15.D, Development Standards on pg 3-34 and Selected References
		1003A.7 Building Design	89	3	3.25.2.G	3-113	
Article 11		OS -1 Office Service District	92	—	—	—	Found in multiple Articles and Sections
	1100	Intent	92	3	3.1.21.A	3-48	
	1101	Principal Uses Permitted	92	3	3.1.21.B	3-48	Intro text no longer required
		1101.3 Facilities for human care... conditions	92	4	4.64	4-27	
		1101.11 Public or private health and fitness facilities	93	4	4.34	4-18	
	1102	Principal Uses Permitted Subject to Special Conditions	93	3	3.1.21.C	3-48	Renamed Special Land Uses
		Intro text	93	—	—	—	Text no longer required - covered under Selected References
		1002.4 Day care centers and Adult day care center... conditions	93	4	4.12.2	4-8	
		1002.5 Public or private indoor recreation facility ... conditions	93	4	4.38	4-20	
	1103	Required Conditions	94	—	—	—	Found in multiple locations
		1103.1-3 and 1103.6	94	3	3.17	3-99	
		1103.4, 1103.5, and 1103.7	94	—	—	—	Text no longer required - covered under Selected References
		1103.6 See Article 24...	94	—	—	—	Text no longer required - covered under Section 3.1.21.D, Development Standards on pg 3-49
Article 12		OSC Office Service Commercial District					
	1200	Intent	95	3	3.1.22.A	3-50	
	1201	Principal Uses Permitted	95	3	3.1.22.B	3-50	Intro text no longer required
		1201.7 Inpatient bed facility portion... conditions	95	4	4.65	4-27	
		1201.8 Public or private health and fitness facility... conditions	96	4	4.34	4-18	
	1202	Principal Uses Permitted Subject to Special Conditions	96	3	3.1.22.C	3-50	Renamed Special Land Uses
		Intro text	96	—	—	—	Text no longer required - covered under Selected References
		1202.1 and 1202.2 conditions	96	4	4.66	4-28	
		1202.3 Sit-down restaurants... conditions	97	4	4.41.3	4-22	
		1202.4 Amusement and entertainment uses...conditions	97	4	4.67	4-28	
		1202.5 Day care centers and Adult day care centers ... conditions	98	4	4.12.2	4-8	
		11202.6 Private or public indoor recreation facilities... conditions	98	4	4.38	4-20	
	1203	Required Conditions	98	—	—	—	Found in multiple locations
		Intro text, 1203.1, and 1203.2	98	3	3.18	3-100	
		1203.3, 1203.4, and 1203.6	98	—	—	—	Text no longer required - covered under Selected References
		1203.5 See Article 25	98	—	—	—	Text no longer required - covered under Section 3.1.22.D, Development Standards on pg 3-51
Article 13		B-1 Local Business Districts	99	—	—	—	Found in multiple Articles and Sections
	1300	Intent	99	3	3.1.10.A	3-22	
	1301	Principal Uses Permitted	99	3	3.1.10.B	3-22	Intro text no longer required
		1301.1 Generally recognized retail...	99	2	2.2	2-4	Listed as Retail Business Uses and defined in the definitions section

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		1301.2 Personal service establishments	99	2	2.2	2-4	Listed as Retail Business Service Uses and defined in the definitions section
	1302	Principal Uses Permitted Subject to Special Conditions	99	3	3.1.10.C	3-22	Renamed Special Land Uses
		Intro text	99	—	—	—	Text no longer required - covered under Selected References
		1302.1 Mortuary establishments... conditions	100	4	4.17	4-10	
		1302.2 Publicly owned buildings, public utility... conditions	100	4	4.26	4-16	
	1303	Required Conditions	100	—	—	—	Found in multiple locations
		1303.1 All business establishments... conditions	100	3	3.10	3-77	
		1303.2-4	100	—	—	—	Text no longer required - covered under Selected References
		1303.5 See Article 24...	100	—	—	—	Text no longer required - covered under Section 3.1.10.D, Development Standards on pg 3-23

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Article 14		B-2 Community Business District	101	—	—	—	Found in multiple Articles and Sections
	1400	Intent	101	3	3.1.11.A	3-24	
	1401	Principal Uses Permitted	101	3	3.1.11.B	3-24	
		1401.2 Retail business or service establishment... conditions	101	4	4.27	4-16	
		1401.3 Day centers and adult day care center... conditions	101	4	4.12.2	4-8	
		1401.5 Hotel and motel... conditions	101	4	4.28	4-16	
	1402	Principal Uses Permitted Subject to Special Conditions	102	3	3.1.11.C	3-26	Renamed Special Land Uses
		Intro text	102	—	—	—	Text no longer required - covered under Selected References
		1402.1 Fueling station... conditions	102	4	4.29	4-16	
		1402.2 Sale of produce and seasonal plant material... conditions	102	4	4.30	4-17	
		1402.3 Veterinary hospitals or clinics... conditions	103	4	4.31	4-18	
	1403	Required Conditions	103	—	—	—	Found in multiple locations
		1403.1, 1403.2, and 1403.7	103	3	3.10	3-77	
		1403.3, 1403.4, and 1404.6	103	—	—	—	Text no longer required - covered under Selected References
		1403.5 See Article 24...	103	—	—	—	Text no longer required - covered under Section 3.1.11.D, Development Standards on pg 3-25
	Article 15		B-3 General Business Districts	104	—	—	—
1500		Intent	104	3	3.1.12.A	3-26	
1501		Principal Uses Permitted	104	3	3.1.12.B	3-26	
		1501.2 Auto wash	104	4	4.32	4-18	
		1501.4 New and used...	104	4	4.33	4-18	
		1501.6 Tattoo parlors... definition	104	2	2.2	2-4	
		1501.9 Public or private health and fitness facility... conditions	104	4	4.34	4-18	
		1501.10 and 1501.11 Microbrewery and Brewpubs ... conditions	104 & 105	4	4.35	4-18	
1502		Principal Uses Permitted Subject to Special Conditions	106	3	3.1.12.C	3-26	Renamed Special Land Uses
		Intro text	106	—	—	—	Text no longer required - covered under Selected References
		1502.1 Outdoor space for exclusive sale of new or used... conditions	106	4	4.36	4-19	
		1502.2 Motel... conditions	106	4	4.28	4-16	
		1502.3 Business in the character of a drive-in or open... conditions	106	4	4.37	4-19	
		1502.4 Veterinary hospital or clinics... conditions	106	4	4.31	4-18	
		1502.5 Plant materials nursery for the retail sale of plant... conditions	106	4	4.6	4-4	
		1502.6 Public or private indoor recreation facility... conditions	107	4	4.38	4-20	
		1502.7 Mini-lube or oil change establishments... conditions	107	4	4.39	4-20	
		1502.8 Sale of produce and seasonal plant materials outdoor... conditions	107	4	4.30	4-17	
		1502.9 Restaurant in the character of a fast food carryout.. Conditions	108	4	4.40	4-20	
1503	Required Conditions	108	—	—	—	Found in multiple locations	
	1503.1, 1503.2, and 1503.3	108	—	—	—	Text no longer required - covered under Selected References	
	1503.4 See Article 24 Schedule of...	108	—	—	—	Text no longer required - covered under Section 3.1.12.D, Development Standards on pg 3-27	
	1503.5 No truck well, loading dock...	108	3	3.10.3.A	3-78		
Article 16		TC and TC-1 Town Center Districts	109	—	—	—	Found in multiple Articles and Sections
	1600	Intent	109	3	3.1.25.A and 3.1.26.A	3-56 and 3-58	
	1600A	Definitions	109	2	2.2	2-4	
		mixed use development... conditions	109	4	4.25	4-15	
	1601	Principal Uses Permitted	110	3	3.1.25.B and 3.1.26.B	3-56 and 3-58	Intro text no longer required
	1601.1.a Generally recognized... conditions	110	4	4.78.3	4-31	Renamed Retail Business Uses and defined in Section 2.2 Definitions on pg 2-4	

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		1601.1.b Personal service establishments...	110	2	2.2	2-4	Renamed Retail Business Service Uses and defined in Section 2.2, Definitions on pg 2-4
		1601.1.c Dry-cleaning establishments... conditions	110	4	4.24	4-15	
		1601.2.a All retail business... conditions	110	4	4.27	4-16	
		1601.9 Financial institutions... conditions	111	4	4.81	4-32	
		1601.10 Residential dwellings... conditions	111	4	4.82	4-32	
		1601.11 Day care centers and adult day care ... conditions	113	4	4.12.2	4-8	
	1602	Principal Uses Permitted Subject to Special Conditions	114	3	3.1.25.C and 3.1.65.C	3-56 and 58	Renamed Special Land Uses
		Intro text	114	—	—	—	Text no longer required - covered under Selected References
		1602.1 Open air business uses... conditions	114	4	4.80	4-31	
		1602.2 Outdoor sale of produce and seasonal... conditions	115	4	4.30	4-17	
		1602.3 Veterinary hospitals or clinics... conditions	115	4	4.31	4-18	
		1602.4 Fast food drive-through restaurants... conditions	115	4	4.40	4-20	
		1602.5 & 1602.6 Microbrewery and Brewpubs... conditions	amendment	4	4.35	4-18	
	1603	Schedule of Regulations/Required Conditions	116	3	3.27	116	
		1603.6 Percentage of Lot Coverage	120	3	3.6.2.D	3-65	
Article 17		RC Regional Center District	123	—	—	—	Found in multiple Articles and Sections
	1700	Intent	123	3	3.1.24.A	3-54	
	1701	Principal Uses Permitted	123	3	3.1.24.B	3-54	Intro text no longer required
		1701.1 Regional shopping centers	123	4	4.79	4-31	
		1701.2 Community shopping centers	123	4	4.79	4-31	
	1702	Principal Uses Permitted Subject to Special Conditions	123	3	3.1.24.C	3-54	Renamed Special Land Uses
		Intro text	123	3	3.26	3-116	Reference to public hearing is covered in the Selected References of Section 3.1.24
		1702.1 Any retail business or service... conditions	123	4	4.78	4-30	
		1702.2 Open air business uses	124	4	4.80	4-31	
		1702.3 Restaurants... conditions	124	4	4.78.2	4-31	
		1703.4 Sale of produce and seasonal plant material... conditions	124	4	4.30	4-17	
		1703.5 & 1703.6 Microbrewery and Brewpub... conditions	124 & 125	4	4.35	4-17	
	1703	Required Conditions	125	—	—	—	Found in multiple locations
		1703.1, 1703.3, and 1703.4	125	3	3.26	3-116	
		1703.2 and 1703.5	126	—	—	—	text no longer required - covered in Selected References
		1703.6 See Article 24...	126	—	—	—	Text no longer required - covered under Section 3.1.24.D, Development Standards on pg 3-55

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Article 18		FS Freeway Service Districts	127	—	—	—	Found in multiple Articles and Sections
	1800	Intent	127	3	3.1.17.A	3-38	
	1801	Principal Uses Permitted	127	3	3.1.17.B	3-38	Intro text no longer required
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		1801.2 Retail establishments	127	4	4.27	4-16	
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How to Use This Ordinance

1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

Article Tabs link to the first page of each Article. Red tab indicates the Article in which the current page is located.

User Notes provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

Sections and Subsections contain the Ordinance regulations in a hierarchical manner.

Blue bold font links to standards in other sections of the Ordinance.

Graphics, figures, and tables illustrate concepts or clarify regulations.

Link to *How to Use This Ordinance*.

Link to *Zoning Map*.

Notes provide relevant district information recommended for review.

Link to *Table of Contents*.

Selected References list other sections or Ordinances that may pertain to a development in the district.








Pages are numbered sequentially within each Article.



How to Use This Ordinance

2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

-  indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a  symbol. Consult Article 2, Definitions, for a list of all defined terms.)
-  indicates there is a graphic that illustrates the standard or requirement.
-  identifies a property line.
-  identifies the right-of-way centerline.
- R/W* identifies the right-of-way.
-  identifies a **User Note** that provides helpful information for all users.
-  identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.



How to Use This Ordinance

3. READING THE ORDINANCE

Rules have been established to assist with interpreting the Ordinance. Below are some rules to keep in mind when reading this document:


- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission, City Council or Zoning Board of Appeals.
- ☑ Article 2, Definitions, contains over 220 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
 - AND indicates that all connected items, conditions, provisions or events shall apply.
 - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
 - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 2.1 Construction of Language](#).

Digital User Note:

What is a link?


A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.


 If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

What information is linked?

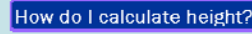
All **blue text** is linked to either another page within the Zoning Ordinance, a separate City Ordinance or document, or an external website.


In addition, several other features of the document are linked to allow users to navigate through the Ordinance. Click on any of the following features to quickly locate another section:

 **Article tabs** located on the side of each page are linked to the Contents page of each Article.

 **Icons** located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map

 **Use Matrix district headings** are linked to the corresponding district regulations page in Article 3.

 **‘How do I calculate height’ button** located on each district regulations page is linked to the definition of building height in Article 2.

 **Zoning Map Legend headings** are linked to the corresponding district regulations page in Article 3.




How to Use This Ordinance

4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in [Section 3.1](#), the latter will control.

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 **Digital User Note:**
Click on a district heading below to go directly to the corresponding district regulations.

	R-A	R-1	R-2	R-3	R-4	RT	RM-1	RM-2	MH	B-1	B-2	B-3	C	EXPO	EXO	GE	FS	I-1	I-2	NCC	OS-1	OSC	OST	RC	TC	TC-1	PSLR	P-1
Accessory buildings	P/S	P/S	P/S	P/S	P/S	P	P/S	P	P	P	P	P	P/S		P		P	P/S	P	P/S	P/S	P		P	P	P		
Accessory uses	P/S	P/S	P/S	P/S	P/S	P	P/S	P	P	P	P	P	P/S		P		P	P/S	P	P/S	P/S	P		P	P	P		
Adult day care	S	S	S	S	S						P	P		P							S	S	P		P	P	S	
Amusement and entertainment uses																						S						
Auto engine and body repair shops																			P									
Auto wash												P																
Automobile service establishment																		S	P									
Automobile service establishment, minor																	P											
Bed and breakfasts	S	S	S	S	S																							
Blast furnace, steel furnace, blooming or rolling mill																			P									
Brewpubs												P												S	S	S		
Bus passenger station												P					P							P				
Business establishments which perform services on the premises										P	P	P													P	P		
Business in the character of a drive-in or open front store												S																
Car salesroom, showroom, or office; new and used												P																
Cemeteries	S	P/S	P/S	P/S	P/S	P	P	P	P												S							
Child care centers							S																					
Colleges, universities and other such institutions of higher learning	S	S	S	S	S									P									P				S	
Concrete operations, ready-mix or transit mix													S	S					P									
Conference centers																												
Convalescent homes, assisted living facilities, and hospice care facilities							S																				S	
Cultural facilities and non-profit community buildings																											S	
Dairies	S																											
Data processing and computer centers															P			P	P				P					
Day care centers	S	S	S	S	S						P			P						S	S	S	P		P	P	S	
Design of pilot or experimental products														P	P			P	P				P					
Dry cleaning establishments, or pick-up stations, dealing directly with the consumer										P	P	P													P	P		
Dry cleaning plants or laundries, central																		S	P									
Dwellings, low-rise multiple family																											S	
Dwellings, multiple-family							P	P												S					P	P		
Dwellings, one-family	P																								P	P		

Continued on next page



How to Use This Ordinance

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Dwellings, two-family (site built)						P	P	P	P											S					P	P		
Dwellings, one-family detached		P	P	P	P	P	P	P	P											S					P	P		
Elderly housing, shared						P	P	P	P											S								
Elderly living facilities, independent and congregate							P	P												S							S	
Electric transformer stations and substations										S					P			P	P		S		P					
Exposition facilities															P							P	P	P	P			
Facilities for human care														P								P	P	P	P			
Family day care homes	P	P	P	P	P	P	P	P	P											S								
Farms	P	P	P	P	P	P	P		P											S								
Financial institutions														S				S	P	P					P	P		
Financial institutions, drive-in facilities as an accessory use only														P							P	P	P	P				
Fueling stations											S	P					P											
Funeral homes																P												
Gas regulator stations																							P					
Gas regulator stations with service yards, but without storage yards;										S											S							
Gas regulator stations without service yards or storage yards															P			P	P									
Golf Courses	S	S	S	S	S																							
Greenhouses	P	P	P	P	P	P	P		P									P	P	S								
Group day care homes, day care centers, and adult day care	S	S	S	S	S																							
Health and fitness clubs, public or private												P							P		P	P		P				
Home occupations	P	P	P	P	P	P	P	P	P											S								
Hotels											P		S	P	A		P							P		P	P	
Incineration of garbage or refuse																				P								
Industrial office sales, service and industrial office related uses															P			P	P									
Inpatient bed facility portion of general hospitals																						P		P				
Instructional centers										P															P	P		
Junkyards																				P								
Keeping and raising of livestock .	S																											
Keeping of horses and ponies		P	P	P	P	P	P	P	P											S								
Laboratories														P									P					
Laboratories; experimental, film or testing															P			P	P									
Limited nonresidential use of historic buildings	S																											
Live/work units																											S	

Continued on next page



How to Use This Ordinance

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Manufactured housing units									P																				
Manufacturing															P				P	P									
Metal plating, buffing, polishing and molded rubber products																		S	P										
Microbreweries												P												S	S	S			
Mills, lumber and planing																				P									
Mini-lubes/ oil changes												S																	
Mobile home condominium projects									P																				
Mobile home park facilities buildings, including office building, utility building, and community building									P																				
Mobile home sales									P																				
Mobile homes									P																				
Mortuary establishments	S	S	S	S	S					S												S							
Motels											P	S	S	P	A		P	S	P					P					
Motion picture, television, radio and photographic production facilities														P	P			P	P					P					
Motor freight terminals and trucking facilities																				P									
Municipal uses																			Ss	P						P	P		
Museums														S	A						S								
Nursery, plant material												S																	
Office							S						S			P									P	P			
Office, showroom, or workshop requiring a retail adjunct											P	P													P	P			
Offices, professional and medical											P	P										P	P		P				S
Offices; medical, including laboratories and clinics														P	P			P	P			P	P	P	P				S
Onsite support retail services														S															
Open air business																									S	S	S		
Outdoor sales of produce and seasonal plants												S	S	S										S	S	S			
Outdoor space for parking of licensed rental motor vehicles																			S										
Outdoor theaters, plazas, parks, public gathering places, and like public facilities																										P	P		
Outside exhibits, fairs, entertainment and festivals														S															
Parking for sale of new, unlicensed motor vehicles and licensed rental and loaner motor vehicles																													S
Parking garages																		P											
Parking lots, off-street										P				P									P	P	P	P	P	P	P

Continued on next page



How to Use This Ordinance



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Personal service establishments										P	P	P		S							P	P	S	P	P	P		
Pet boarding facilities																			P	P								
Places of worship	S	S	S	S	S															S	P	P		P				S
Plants, heating and electric power generating																				P								
Post office																P												
Post office and similar governmental office buildings, serving persons living in the adjacent residential area										P															P	P		
Private clubs, fraternal organizations and lodge halls											P									P					P	P		
Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs	S	S	S	S	S																							
Private pools	S	S	S	S	S																							
Production, refining or storage of Petroleum or other inflammable liquids,																				P								
Professional office buildings, offices and office sales and service activities														P	P				P	P			P	P	P			
Professional services										P	P	P												S	P	P		
Public utility buildings										S				P	P				P	P			P					
Publicly owned and operated parks, parkways and outdoor recreational facilities.	P	P	P	P	P	P	P	P	P			P		P	P	P			P	P	P/S	P	P	P	P			S
Publicly owned buildings										S				P								S		P				
Pumping stations, water and sewage										S																		
Railroad right-of-way, but not including terminal freight facilities, transfer and storage tracks.	S	S	S	S	S																							
Railroad transfer, classification and storage yards																				S	P							
Raising of nursery plant materials	S																											
Recreation facilities; indoor, commercial	P													S											P	P		
Recreation facilities; indoor, public or private												S		S	P				P	P		S	S	P				
Recreation facilities; outdoor, private												S		S	P				P	P		S	S	P				
Recreational facilities															A													
Research and development														P	P				P	P								
Restaurant drive-in, fast food drive-through												S		S									S	S			S	
Restaurant; fast food carryout or fast food sit-down										P	P	S							S	P			S	S	P	P		
Restaurants, sit-down													S	P/S	A	P			S	P	P		S	P/S	S			
Retail business 										P	P	P		S		P	P				P		S	S	P	P		
Retail business service uses 																P					P							

Continued on next page



How to Use This Ordinance

4. USE MATRIX

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Retail commercial services								S														S						
Retail sale of products or services														S	A				S	P								
Sale of new and used heavy trucks and heavy off-road construction equipment, commercial																				P								
Sale of new or used automobiles, campers, recreation vehicles, mobile homes, or rental of trailers or automobiles; outdoor space for exclusive of												S																
Sales, service, storage and distribution; industrial tool and equipment																		S	P									
Schools, business, private operated for profit,											P	P														P	P	
Schools; public, parochial and other private elementary	P																											
Schools; public, parochial and private elementary, intermediate or secondary	S	S	S	S	S																							S
Schools, trade or industrial															P			P/S	P									
Self-storage facilities																		S	P									
Shopping centers, community																												
Shopping centers, regional																								P				
Smelting of copper, iron or zinc ore																				P								
Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies																		S	P									
Storage yards, outdoor																				P								
Tattoo parlors												P																
Technical training														P	P			P	P									
Telephone exchange buildings										S				P	P			P	P		S	P	P					
Theaters											P	P		S	A										P	P		
Tool, die, gauge and machine shops																		S	P									
Transient residential uses																						P		P				
Union halls																		S	P									
Utility and public service buildings and uses (without storage yards)	S	S	S	S	S															S	S		P					
Veterinary hospitals or clinics											S	S			P			P	P	S						S	S	
Warehousing															P			P	P									
Wholesale establishment															P			P	P									



How to Use This Ordinance

(Intentionally Blank)



How to Use This Ordinance

5. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size (square feet or acres)	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
RA Residential Acreage	1 acre	150	45	20 one 50 two	50
R-1 One-Family Residential	21, 780 sq ft	120	30	15 one 40 two	35
R-2 One-Family Residential	18,000 sq ft	110	30	15 one 40 two	35
R-3 One-Family Residential	12,000 sq ft	90	30	10 one 30 two	35
R-4 One-Family Residential	10,000 sq ft	80	30	10 one 25 two	35
RT Two-Family Residential	7,500 sq ft	50	30	10 one 20 two	35
RM-1 Low Density, Low Rise Multiple Family	See Section 3.8.1	See Section 3.8.1	50	75	75
RM-2 High Density, Mid-Rise Multiple Family	See Section 3.8.1	See Section 3.8.1	75	75	75
MH Mobile Home Park	See Section 3.9				
B-1 Local Business	See Section 3.6.2.D	See Section 3.6.2.D	20	15	20
B-2 Community Business	2 acres	See Section 3.6.2.D	40	30	30
B-3 General Business	See Section 3.6.2.D	See Section 3.6.2.D	30	15	20
C Conference	30 acres	Not Specified	50*	50*	50*
EXPO Exposition	See Section 3.24	See Section 3.24	50**	50**	50**
EXO Exposition Overlay	See Section 3.25	Not Specified	Sec. 3.25		
GE Gateway East	2 acres	200	See Section 3.11		
FS Freeway Service	See Section 3.6.2.D	See Section 3.6.2.D	30	10	20

* See [Section 3.23](#) for further regulations.
 ** See [Section 3.24](#) for further regulations.



How to Use This Ordinance

5. DISTRICT SUMMARY TABLE

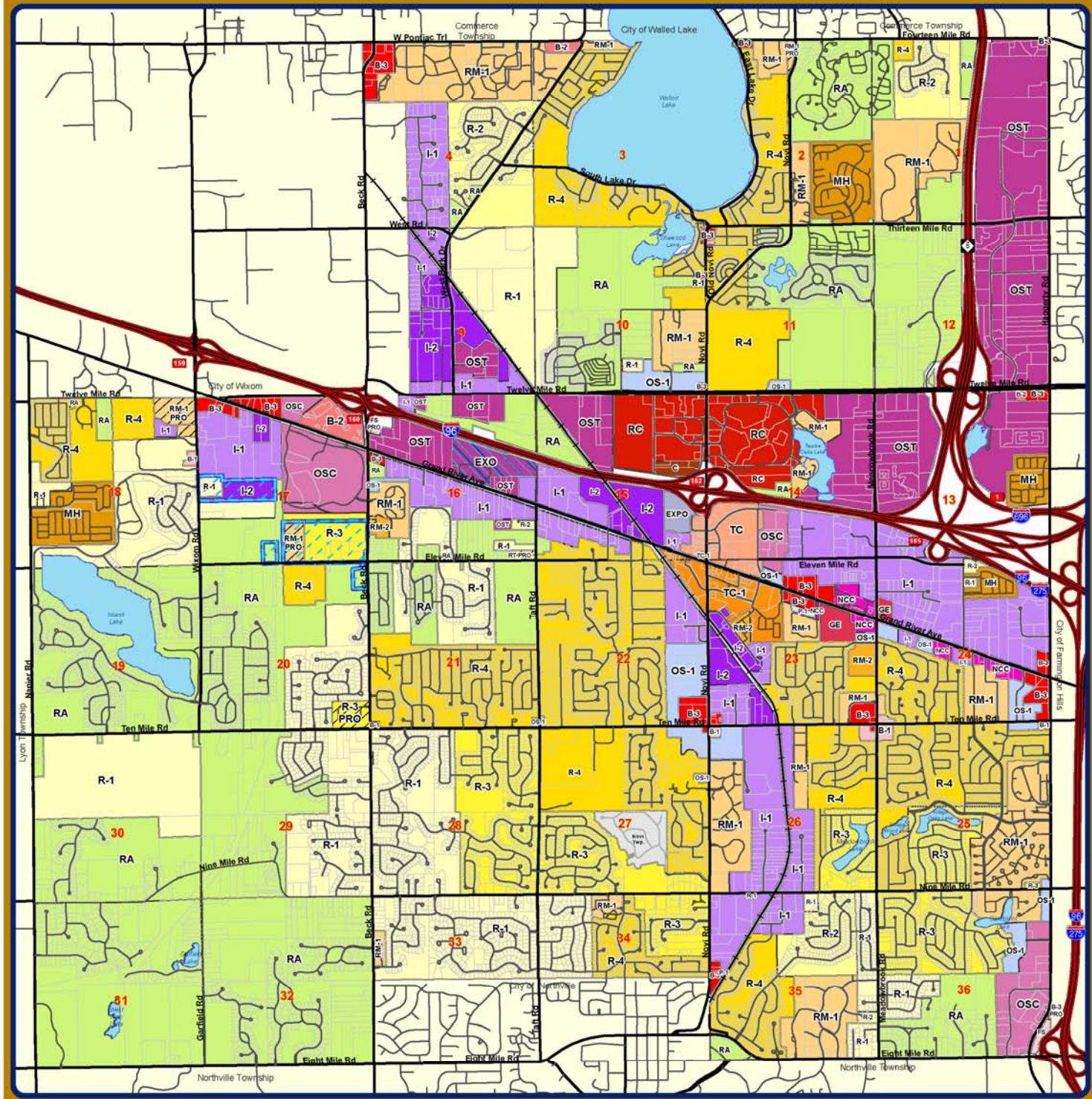
Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size (square feet or acres)	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
I-1 Light Industrial	See Section 3.6.2.D	See Section 3.6.2.D	40	20	20
I-2 General Industrial	See Section 3.6.2.D	See Section 3.6.2.D	100	50	50
NCC Non-Center Commercial	2 acres	200 ft	40	20	20
OS-1 Office Service	See Section 3.6.2.D	See Section 3.6.2.D	20	15	20
OSC Office Service Commercial	See Section 3.6.2.D	See Section 3.6.2.D	35	35	35
OST Office Service Technology	See Section 3.6.2.D	See Section 3.6.2.D	50	50	50
RC Regional Center	See Section 3.6.2.D	See Section 3.6.2.D	100	100	100
TC Town Center	See Section 3.6.2.D	See Section 3.6.2.D	See Section 3.27.1.C		
TC-1 Town Center -1	See Section 3.6.2.D	See Section 3.6.2.D	See Section 3.27.1.C		
PSLR Planned Suburban Low-Rise Overlay	See Section 3.6.2.D	See Section 3.6.2.D	30	30	30



Zoning District Map

City of Novi, Michigan



- ### Zoning Districts
- R-A: Residential Acreage
 - R-1: One-Family Residential
 - R-2: One-Family Residential
 - R-3: One-Family Residential
 - R-4: One-Family Residential
 - RT: Two-Family Residential
 - RM-1: Low-Density Multiple-Family
 - RM-2: High-Density Multiple-Family
 - MH: Mobile Home
 - B-1: Local Business
 - B-2: Community Business
 - B-3: General Business
 - C: Conference
 - EXPO: Expo
 - GE: Gateway East
 - FS: Freeway Service
 - I-1: Light Industrial
 - I-2: General Industrial
 - NCC: Non-Center Commercial
 - OS-1: Office Service
 - OSC: Office Service Commercial
 - OST: Office Service Technology
 - EXO: OST District with EXO Overlay
 - RC: Regional Center
 - P-1: Vehicular Parking
 - TC: Town Center
 - TC-1: Town Center-1
- ### Zoning Overlays
- Exposition (EXO)
 - Planned Suburban Low-Rise (PSLR)
 - Planned Rezoning (PRO)
 - 50-22-02-201-001 (RM-1 PRO)
 - 50-22-16-176-035 (FS PRO)
 - 50-22-16-451-076 (RT PRO)
 - 50-22-17-400-002 (RM-1 PRO)
 - 50-22-18-200-002 (RM-1 PRO)
 - 50-22-18-200-003 (RM-1 PRO)
 - 50-22-18-200-025 (RM-1 PRO)
 - 50-22-20-400-005 (R-3 PRO)
 - 50-22-36-476-006 (B-3 PRO)



Map Amendments

ORD NO. 18.542 June, 1996	ORD NO. 18.596 March, 1997
ORD NO. 18.551 June, 1996	ORD NO. 18.597 March, 1997
ORD NO. 18.552 December, 1997	ORD NO. 18.598 December, 1998
ORD NO. 18.559 December, 1997	ORD NO. 18.600 July, 2000
ORD NO. 18.561 November, 1996	ORD NO. 18.607 February, 2002
ORD NO. 18.562 February, 1997	ORD NO. 18.608 August, 2001
ORD NO. 18.563 January, 1997	ORD NO. 18.609 July, 2002
ORD NO. 18.566 June, 1997	ORD NO. 18.610 June, 2001
ORD NO. 18.567 July, 1997	ORD NO. 18.611 November, 2001
ORD NO. 18.568 December, 1997	ORD NO. 18.612 September, 2001
ORD NO. 18.571 December, 1997	ORD NO. 18.614 April, 2002
ORD NO. 18.572 May, 1998	ORD NO. 18.616 February, 2002
ORD NO. 18.573 May, 1998	ORD NO. 18.618 May, 2002
ORD NO. 18.575 June, 1999	ORD NO. 18.619 June, 2002
ORD NO. 18.577 September, 1998	ORD NO. 18.620 May, 2002
ORD NO. 18.579 June, 1999	ORD NO. 18.621 June, 2003
ORD NO. 18.580 January, 1999	ORD NO. 18.622 July, 2002
ORD NO. 18.581 January, 1999	ORD NO. 18.624 January, 2003
ORD NO. 18.582 February, 1999	ORD NO. 18.626 October, 2003
ORD NO. 18.584 June, 1999	ORD NO. 18.629 September, 2003
ORD NO. 18.585 September, 1999	ORD NO. 18.630 April, 2004
ORD NO. 18.588 May, 1998	ORD NO. 18.631 December, 2003
ORD NO. 18.589 May, 1998	ORD NO. 18.632 December, 2003
ORD NO. 18.589-B April, 2000	ORD NO. 18.634 February, 2004
ORD NO. 18.590 May, 1998	ORD NO. 18.635 January, 2004
ORD NO. 18.591 May, 1998	ORD NO. 18.636 February, 2004
ORD NO. 18.591-B December, 2000	ORD NO. 18.639 July, 2004
ORD NO. 18.592 May, 1998	ORD NO. 18.642 September, 2004
ORD NO. 18.592-B June, 2000	ORD NO. 18.643 October, 2004
ORD NO. 18.593 May, 1998	ORD NO. 18.644 April, 2005
ORD NO. 18.593-B June, 2000	ORD NO. 18.648 June, 2005
ORD NO. 18.594 May, 1998	ORD NO. 18.645 July 11, 2005
ORD NO. 18.594-B June, 2000	ORD NO. 18.651 July 25, 2005
ORD NO. 18.595 August, 1997	ORD NO. 18.669 May 1, 2007
ORD NO. 18.652 July 25, 2005	ORD NO. 18.674 August 13, 2007
ORD NO. 18.605 July 25, 2005	ORD NO. 18.675 August 13, 2007
ORD NO. 18.657 August 22, 2005	ORD NO. 18.678 November 13, 2007
ORD NO. 18.653 September 12, 2005	ORD NO. 18.670 December 17, 2007
ORD NO. 18.626 October 10, 2005	ORD NO. 18.673 May 12, 2008
ORD NO. 18.654 November 28, 2005	ORD NO. 18.682 September 28, 2009
ORD NO. 18.658 November 28, 2005	ORD NO. 18.692 February 8, 2010
ORD NO. 18.659 March 20, 2006	ORD NO. 18.693 February 22, 2010
ORD NO. 18.647 March 20, 2006	ORD NO. 18.694 April 5, 2010
ORD NO. 18.661 April 17, 2006	ORD NO. 18.697 May 9, 2011
ORD NO. 18.663 June 5, 2006	ORD NO. 18.698 July 13, 2011
ORD NO. 18.662 August 14, 2006	ORD NO. 18.695 July 18, 2011
ORD NO. 18.664 September 25, 2006	ORD NO. 18.699 July 18, 2011
ORD NO. 18.665 September 25, 2006	ORD NO. 18.700 October 24, 2011
ORD NO. 18.666 November 27, 2006	ORD NO. 18.701 August 13, 2012
ORD NO. 18.632 March 14, 2007 (Correction)	ORD NO. 18.703 December 3, 2012
	ORD NO. 18.704 October 28, 2013

Digital User
Note:
Click on a district heading in the map legend to go directly to the corresponding district regulations.

City of Novi

Community Development &
Information Technology Depts.
City Hall / Civic Center
45175 Ten Mile Rd
Novi, MI 48375
cityofnovi.org

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ADOPTED BY: NOVI CITY COUNCIL
ADOPTION DATE: OCTOBER 28, 2013
EFFECTIVE DATE: DECEMBER 25, 2013
MAYOR: BOB GATT
CITY MANAGER: CLAY PEARSON
CITY CLERK: MARYANNE CORNELIUS
MAP PRINTING DATE: FEBRUARY 14, 2014



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1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

Article 1.0

Purpose and Introduction



Article 1.0 Purpose and Introduction

- 1.1 [Short Title](#)
- 1.2 [Conflicting Regulations](#)
- 1.3 [Scope](#)
- 1.4 [Repeal of Prior Ordinance](#)
- 1.5 [Interpretation](#)
- 1.6 [Vested Right](#)
- 1.7 [Severance Clause](#)
- 1.8 [Effective Date](#)



1.0 Purpose and Introduction

1.1 SHORT TITLE

This Ordinance shall be known and may be cited as the City of Novi Zoning Ordinance.

1.2 CONFLICTING REGULATIONS

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

1.3 SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance. Any use that is not specifically permitted in a given district shall be a prohibited use within that district.

1.4 REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance, adopted by the City of Novi known as Ordinance No. 84-18 and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted. Planned Unit Developments previously approved under City of Novi Ordinance No. 84-18, may continue as though the substantive provisions within said ordinance permitting such developments have remained in effect.

1.5 INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than the above described

Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

1.6 VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

1.7 SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

1.8 EFFECTIVE DATE

This Ordinance is hereby necessary for the preservation of the public peace, health and safety, pursuant to the provisions of Public Act 110 of 2006, as amended, it shall become effective seven (7) days after publication of the notice of adoption. Notice of adoption shall be published in a newspaper of general circulation in the City within fifteen (15) days hereof, stating that a zoning ordinance regulating the development and use of land has been adopted by the City Council of the City of Novi, the effective date of the ordinance, and the place and time where a copy of the ordinance may be purchased or inspected.

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

1. Date of Public Hearing _____
2. Date of Adoption _____
3. Date of Publication of Notice of Adoption _____

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3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



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Article 2.0 Definitions



Article 2.0 Definitions

- 2.1 Construction of Language
- 2.2 Definitions

Accessory Use, or Accessory*	Court	Garage, Service
Adult Business Uses*	Covered Bicycle Parking Space	Gasoline Service Station
Adult Day Car Center	Day Care Center	Grade
Alley	Day Time Hours	Greenbelt
Already Constructed	dB(A)	Greenbelt, Obscuring
Alterations	Density	Gross-Dissimilarity or Grossly-Dissimilar
Anemometer	Department	Group Day Care Home
Apartments	Department Store	Hedge Row
Applicant	Decibel	Helipad
Assisted Living Facility	Development	Heliport
Automobile Repair	District	Helistop
Automobile Service	Drive-In	Home for the Aged
Establishment - Major	Driveway	Home Occupation
Automobile Service	Driveway Approach	Hospital, General
Establishment - Minor	Dwelling, Premanufactured	Hotel
Basement	Dwelling, Site Built	Housing for the Elderly (Senior Citizen Housing)
Bed and Breakfast	Dwelling, Multiple-Family	Inpatient Bed Facilities
Benefit, Recognizable and Substantial	Earth Berm, Obscuring	Junkyard
Berm	Easement	Kennel, Commercial
Bicycle Parking Facility	Efficiency Apartment	Landbanking of Parking
Bicycle Parking Space	Effective Date	Landscaping
Block	Entrance Ramp	Large Evergreen Tree
Bona Fide Plan	Erected	Large Shrub
Brewpub	Essential Services	Loading Space
Buffer Strip	Excavation	Local Street
Building	Exception	Lot
Building Envelope	Exit Ramp	Lot Area
Building Height	Family	Lot, Corner
Building Line	Family Day Care Home	Lot Coverage
Building Site	Farm	Lot Depth
Business Motel	Fence	Lot, Interior
Canopy Deciduous Tree	Floodplain	Lot Line*
Change, Major or Minor	Floodway	Lot, Through
Clinic	Floodway Fringe	Lot, Zoning
Club	Floor Area, Gross	Lot of Record
Commercial Trailer	Floor Area, Gross Leasable	Lot Width
Commercial Vehicle	Floor Area, Residential	Main Building
Community Impact Statement	Floor Area, Usable	Major Thoroughfare
Constructed	Foot-Candle, One	Maneuvering Lanes or Aisles*
Convalescent or Nursing Home	Freeway	
Corner Clearance	Fueling Station	
	Garage, Private	

* Indicates multiple definitions



Manufacture Housing Unit
 Manufacturing*
 Marginal Access Road
 Master Plan
 Mezzanine
 Microbrewery of Microbrew
 Mixed-Use Building
 Mixed Use Development
 Mobile Home
 Mobile Home Park
 Motel
 Motor Freight Terminal
 Municipality
 Municipal Civil Infraction
 Municipal Civil Infraction
 Determination
 Narrow Upright Tree
 Natural Feature
 Nacelle
 Net-Metering
 Night Time Hours
 Noise
 Net Site Area
 Nonconforming Building
 Nonconforming Use
 Nuisance Factors
 Nuisance Per Se
 Nursery, Plant Materials
 Off-Street Parking Lot
 Oil Change Establishment, Mini
 -Lube
 Onsite Support Retail Uses
 Open Front Store
 Open Space
 Open Storage, Motor Vehicle
 Open Storage, Nonresidential
 Outdoor Furnace
 Outlot
 Park
 Parking
 Parking Space
 Parking Structure
 Parkway
 Perennial/Grass
 Pet
 Pet Boarding Facility
 Planned Commercial Center
 Planned Development (PD)

Planned Rezoning Overlay
 Agreement
 Planned Rezoning Overlay
 Condition
 Planned Rezoning Overlay Plan
 Planned Suburban Low-Rise
 (PSLR) Overlay
 Planned Suburban Low-Rise
 (PSLR) Overlay District
 Development Agreement
 Plug-In Electric Vehicle (PEV)
 Plug-In Electric Vehicle (PEV)
 Charging Station*
 Plug-In Electric Vehicle (PEV)
 Charging Space
 Plug-In Electric Vehicle (PEV)
 Infrastructure
 Principal Use
 Professional Services
 Public Bicycle Route
 Public Utility
 Quality Wetlands
 Recreation Areas
 Recreational Equipment and
 Trailers
 Recreational Facility
 Refuse Bin (Dumpster, Trash
 Receptacle)
 Regional Center
 Repeat Offense
 Restaurant (Drive-In)
 Restaurant (Fast Food Carryout)
 Restaurant (Fast Food Drive-
 Though)
 Restaurant (Fast Food Sit-Down)
 Restaurant (Sit-Down)
 Retail Business Service Uses
 Retail Business Uses
 Room
 Scenic Drive
 Screen
 Setback
 Sign
 Sign, Accessory
 Sign, Non-Accessory
 Site Condominium
 Small Shrub
 Stormwater Detention Facility

Stormwater Retention Facility
 Story
 Story, Half
 Street
 Structure
 Sub-Canopy Deciduous Tree
 Surface or Parking Lot
 Surrounding Area
 Tattoo Parlor
 Temporary Use or Building
 Transient Residential Use
 Tree Lawn
 Usable Open Space
 Use
 Variance
 Veterinary Clinic
 Veterinary Hospital
 Violation
 Wall, Obscuring
 Wind Energy Turbine*
 Yards*

* Indicates multiple definitions

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2.0 Definitions

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2.1 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and, or, "either ... or," the conjunction shall be interpreted as follows:
 - A. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - B. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - C. "Either ... or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9. Except where the context of this Ordinance clearly indicates otherwise, limitations imposed upon development of a parcel because it is adjacent to or abutting another particular use district shall be interpreted as follows:
 - A. Neighboring uses, parcels of land and zoning districts shall be considered to be abutting or adjacent to one another irrespective of whether they are separated by a street or road;

- B. Neighboring uses, parcels of land and zoning districts shall not be considered to be abutting or adjacent to one another if they are separated by a highway, freeway or railroad right-of-way; and
 - C. Limitations may not be circumvented by separating the parcel from the adjacent or abutting use district by a parcel or strip of land which is undevelopable because of its size or inaccessibility.
10. Terms not herein defined shall have the meaning customarily assigned to them.

2.2 DEFINITIONS

Accessory Use, or Accessory: A use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related.

When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants and/or caretakers.
2. Swimming pools for the use of the occupants of a residence, or their guests.
3. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
4. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
5. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
6. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
7. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
8. Uses clearly incidental to a main use such as but not limited to offices of an industrial or commercial complex located on the site of the commercial or industrial complex.



9. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
10. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

Adult Business Uses: For the purpose of this Ordinance, the following definitions of specific Adult Business Uses shall have the meanings respectively ascribed to them in this text, except where the context clearly indicated a different meaning:

1. **Adult Bookstore:** An establishment having as a substantial or significant portion of its stock in trade for sale, barter, or rental, books, magazines, other periodicals, films, posters, video tapes, or other materials or means for the recording or reproduction of a visual display on a video screen or other display device which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below), or an establishment with a segment or section devoted to the sale or display of such material.
2. **Adult Mini Motion Picture Theater:** An enclosed building with a capacity for less than fifty (50) persons used for presenting for on-premises viewing, by use of motion picture devices or any coin-operated means, material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below), for observation by patrons therein.
3. **Adult Motion Picture Theater:** An enclosed building with a capacity of fifty (50) or more persons used for presenting for on-premises viewing, by use of motion picture devices or any coin-operated means, material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below), for observation by patrons therein.
4. **Adult Motel:** A motel which presents materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below), for the entertainment of its patrons.

5. **Adult Personal Service Business:** A business whose activities include a person, while nude or partially nude, providing personal services for another person on an individual basis in a closed room. It includes, but is not limited to, the following activities and services: modeling studios, photographic studios, wrestling studios, individual theatrical performances, body painting studios, and massage studios.
6. **Cabaret:** An establishment which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
7. **Partially Nude:** A person having any or all of the following body parts exposed: buttocks, genitals, pubic area or female breasts.
8. **Permitted With Approval Use:** Any or all of the following uses: adult bookstores, adult motion picture theaters, adult mini motion picture theaters, cabarets, and adult personal service businesses.
9. **Specified Anatomical Areas:**
 - A. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
 - B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
10. **Specified Sexual Activities:**
 - A. Human genitals in a state of sexual stimulation; and
 - B. Acts of human masturbation, sexual intercourse, or sodomy; and
 - C. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Adult Day Care Center: A facility, other than a private residence, where one (1) or more functionally impaired persons are received for care and supervision for the time period set forth in this ordinance. Overnight care shall not be provided. **Nursing Homes, Convalescent Homes, Homes for the Aged, or facilities defined under Housing for the Elderly,** are not included in this definition. However, such businesses may establish Adult Day Care Centers within their own facilities if such use is permitted within the district.

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Alley: Any dedicated public right-of-way or private easement affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Already Constructed: See constructed.

Alterations: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Anemometer: Temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipments, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Applicant: For a **Planned Rezoning Overlay** shall mean the property owner, or a person acting with the written and signed authorization of the property owner to make application.

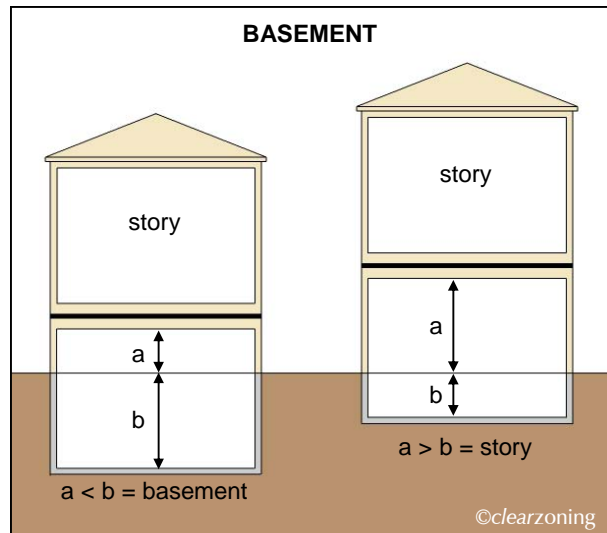
Assisted Living Facility: A residential care facility for the transitional residency of elderly people usually consisting of individual living unit combined with facilities for assistance with daily activities, nursing services and limited medical care.

Automobile Repair: The general major or minor 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.

Automobile Service Establishment—Major Services: 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.

Automobile Service Establishment—Minor Services: 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.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. ✍



Bed and Breakfast: A private residence that is an historic resource that offers sleeping accommodations to transient tenants for rent, which is on the same premises as the innkeeper's residence, and which serves breakfast at no extra cost to such tenants. Such use is distinguished from a boarding house, rooming house, hotel or motel. A residence shall be considered to be an historic resource if: (1) pursuant to Chapter 17, Article III of the Novi Code of Ordinances, it is within an historic district or has been designated an historic landmark; (2) it is designated as an historic landmark on a state or national historic register; or (3) the Planning Commission determines that the building is significant in the history, architecture, archaeology, engineering, or culture of the City of Novi, the State of Michigan or the United States.

Benefit, Recognizable and Substantial: In the **Gateway East district** is a clearly demonstrated benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and use (s); including, without limitation: long-term protection and/or preservation of natural resources and natural features and/or important historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; reducing to a significant extent the nonconformity of a nonconforming use or structure, i.e., modification of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated. The Applicant must demonstrate this benefit as part of their development proposal.

Berm: A smooth, undulating earthen mound, natural in contour, of defined height, location and appearance which is designed to serve as an attractive, obscuring device as described in this ordinance.

Bicycle Parking Facility: An area of bicycle parking spaces and related maneuvering lane(s).

Bicycle Parking Space: An area meeting the parking space depth and width requirements in subsection 6 immediately adjacent to a bicycle rack that allows for the parking and locking of a bicycle to the rack in a secure manner.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the Municipality.

Bona Fide Plan: A plan depicting development of the total gross site as a conventional plat or conventional site condominium, the substance of which could be approved if a full submittal was made, or which could be approved with minor changes, so that the bona fide plan provides the Planning Commission and City Council with a fair comparison for evaluating the differences between conventional development and development under an option.

Brewpub: An eating or drinking place which includes the brewing of beer as an accessory use for sale at the same premises of not more than two-thousand (2,000) barrels per year. (A barrel is equivalent to thirty-one (31) U.S. gallons.) Notwithstanding more restrictive provisions of this Ordinance, such accessory uses may occupy up to fifty (50) percent of the gross floor area of the brewpub. The sale of alcoholic liquor by a brewpub other than produced by the brewpub is permitted, provided the appropriate license is obtained pursuant to the Michigan Liquor Control Act, as amended, MCL 435.1, *et seq.*; MSA 18.971, *et seq.*

Buffer Strip: An area of land of definite width and location which is reserved for the planting of landscape materials, such as trees and shrubs, and for the placement of earth berms and/or walls which serve to create a visual screen.

Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building Envelope: For a site condominium shall mean the ground area occupied or to be occupied by the principal structure which is, or is intended to be, placed on a building site, together with any attached accessory structures; e.g., house and attached garage.

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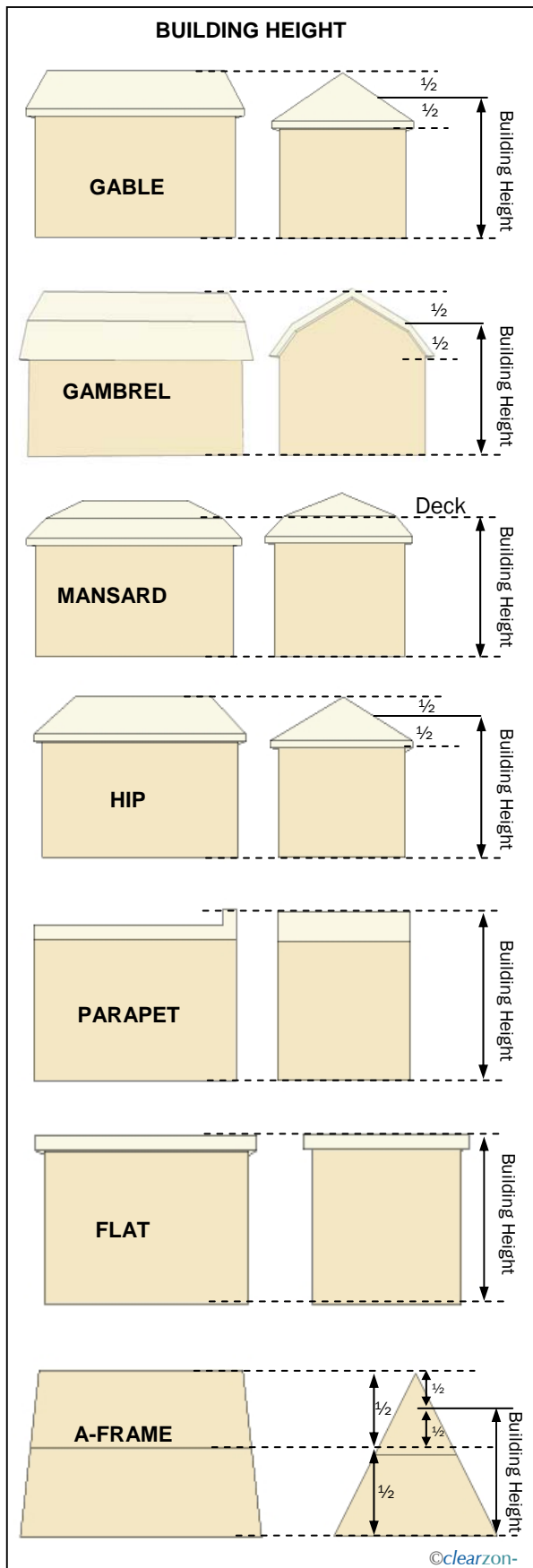
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Building Height: The vertical distance measured from the established grade to the highest point of the roof surface of a flat roof, to the deck of mansard roofs, and to the mean height level between the eaves and ridge of gable, hip, studio and gambrel roofs. For "A" frame structures the roof height is measured to a line one-quarter of overall height as measured down from top of ridge of roof.

Building Line: A line formed by the exterior surface of the building opposite the front lot line, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

Building Site: For a site condominium shall mean the condominium unit, including the building envelope and the contiguous limited common area or element under and surrounding the building envelope, and shall be the counter-part of "lot" as used in connection with a project developed under the Land Division Act 288 of the Public Acts of 1967, as amended.

Business Motel: A building or part of a building, as to which the primary form of access to at least seventy-five (75) percent of individual rooms is through a common entrance or entrances, and in which there is a series of attached, semi-detached or detached rental units containing a minimum of a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the business traveler.

Canopy Deciduous Tree: A woody plant with an erect perennial trunk which at maturity is over thirty (30) feet in height and a minimum width of twenty (20) feet and which has a definite crown of foliage that falls off the tree each winter. See Suggested Plant Materials List.



Change, Major or Minor: In the [Gateway East](#) district, a major change to an approved site plan would include any modification that would materially alter the project site to the extent that would significantly impact adjacent property, thoroughfares, or the City of Novi's Master Plan. Examples of major changes would include modifications that: increase residential density; increase commercial or office Gross Floor Area in excess of five (5) percent from the approved area; decrease open space; decrease required parking; require additional modification of driveways or access points that creates the need for a driveway spacing waiver or represents more than a modest shift from the approved plan; change approved facade plans, not including changes to color of materials; are similar in character or scope to those modifications listed above, as determined by the City. All other modifications in the district would be considered minor.

Clinic: Is a structure housing under one roof facilities for the medical or dental care, diagnosis, or treatment of sick, ailing, infirm and injured persons, and those who are in need of medical, dental or surgical attention, and who are not kept on the premises for more than forty-eight (48) hours.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

Commercial Trailer: A vehicle without motive power designed to be drawn by a motor vehicle, and constructed or used for transportation of goods, wares or merchandise.

Commercial Vehicle: Any motor vehicle which is used for the transportation of passengers for hire or which is constructed or used for the transportation of goods, wares or merchandise, or which is designed and used for drawing other vehicles.

Community Impact Statement: Is an assessment of the developmental, ecological, social, economic and physical impacts of the project on the natural environment and physical improvements on and surrounding the development site, including impact upon land within similar nearby districts. A projection of the cost of city services associated with the proposed development shall be provided compared with the real and personal property tax revenues to the City. Information required for compliance with other ordinances shall not be required to be duplicated in the Community Impact Statement. In the Gateway East district, the analysis shall specifically address impact on land within the TC and TC-1 districts.

Constructed: For purposes of single-family detached structures in the RA through R-4 districts shall mean any single-family detached dwelling for which a Temporary Certificate of Occupancy (TCO) or Certificate of Occupancy (CO) has been granted.

Convalescent or Nursing Home: A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

Corner Clearance: The triangular area created by the intersection of two roadways established by drawing a line of a specified distance from the intersection of the two roadway right-of-way lines in each direction along the right-of-way lines and then connecting the two end points to form the third side or hypotenuse of the triangle. The hypotenuse is then extended to intersect the curb on each roadway. See [Section 5.9](#) of the City of Novi Zoning Ordinance.

Court: An open, unoccupied space, other than a yard, and bounded on at least two (2) sides by a building. A court extending to a front yard or a front lot line, or to the rear lot or rear lot line, or to an exterior street side yard or exterior street side lot line is an outer court. Any other court is an inner court.

Covered Bicycle Parking Space: A bicycle parking space that is located under a roof, or an overhang or awning adjacent to a wall, or that is located entirely within a building.

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Day Care Center: A facility, other than a private residence, receiving one (1) or more minor children who are given care and supervision for the time period set forth in this ordinance, unattended by a parent or legal guardian. Overnight care shall not be provided. The facility is generally described as a day care center, child care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center. Day Care Center does not include any of the following:

1. A Sunday school, a vacation bible school or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.
2. A facility operated by a religious organization where children are cared for not more than three (3) hours while persons responsible for the children are attending religious services.

Day Time Hours: For the purpose of noise regulation, the hours between 7:00 a.m. and 10:00 p.m., local time.

dB(A): The sound pressure level in decibels measured on the "A" scale of a sound level meter having characteristics defined by the American National Standards Institute (ANSI), Publication ANSI s1.4-1971.

Density: For the purposes of this Ordinance, the term "density" shall mean the total number of dwelling units that may be placed on an acre of net site area.

Department: The City of Novi Planning Division or Community Development Department.

Department Store: A retail store which offers a wide variety of goods and services, which is organized into multiple subsidiary departments, including kitchenwares, housewares, linens and home furnishings, but which has as its primary sales focus the merchandising of clothing, shoes, and other related items.

Decibel: A unit of measurement used to express the magnitude of sound pressure or sound intensity. The sound pressure level measured is twenty (20) times the common logarithm of the reference pressure of twenty (20) micro-pascals per square meter.

Development: The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

District: A portion of the incorporated area of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-In: A business establishment, other than for the dispensing of food and beverages, so designed that its retail or service character is dependent on providing a driveway, standing space, or parking space for motor vehicles so as to serve patrons while in a motor vehicle.

Driveway: Any area or portion of a premises, lot, parcel or yard used or proposed to be used to provide a means of ingress, egress, access and circulation of vehicles and traffic to, from and between any public or private street or road, principal or accessory building use or structure, loading space, or parking lots or spaces.

Driveway Approach: That portion of a driveway located between the road right-of-way line and the travel portion of the roadway.

Dwelling, Premanufactured: A residential living unit which is substantially built, constructed, assembled and finished off the lot upon which it is intended to be located.

Dwelling, Site Built: A residential living unit or units which are substantially built, constructed, assembled and finished on the lot which is intended to serve as its final location. Dwelling or dwellings shall include residential living units constructed of precut materials, and panelized walls, roof and floor sections when such sections require substantial assembly and finishing on the lot which is intended to serve as its final location.



Dwelling, Multiple-Family: A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

Earth Berm, Obscuring: An earthen mound of definite height, location and appearance, designed to serve as an obscuring device in carrying out the requirements of this Ordinance.

Easement: A quantity of land set aside, over which a liberty, privilege or advantage is granted by the owner to the public, a corporation or a particular person or persons or part of the public for specific use and purpose. An easement may be designated as a public or a private easement depending on the nature of the user.

Efficiency Apartment: Is a dwelling unit consisting of not more than one (1) room in addition to kitchen and necessary sanitary facilities.

Effective Date: For a [Planned Rezoning Overlay](#) shall mean the date of recordation of an approved Planned Rezoning Overlay Agreement.

Entrance Ramp: A roadway connecting a feeder road with a limited access highway and used for access to such limited access highway.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage and the like, shall be considered a part of erection.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Excavation: Any breaking of ground, except common household gardening and ground care.

Exception: A use permitted only after review of an application by the Board of Appeals or City Council or a modification in the standards of this Ordinance specifically permitted after review by the Board of Appeals, Planning Commission or City Council; such review being necessary because the provisions of this Ordinance covering conditions precedent or subsequent are not precise enough to cover all applications without interpretation and such review and exception is provided for by this Ordinance. An exception is not a variance.

Exit Ramp: A roadway connecting a limited access highway with a feeder road and used for access to such feeder road.

Family: One (1) or two (2) persons or parents, with their direct lineal descendants and adopted or foster children (and including the domestic employees thereof) together with not more than three (3) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two (2) or less persons not so related living in such housekeeping unit shall be considered a separate family for purposes of this Ordinance.

Family Day Care Home: A private single family home in which one (1) to six (6) minor children are received for care and supervision for the time period set forth in this ordinance, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption, for more than four (4) weeks during a calendar year. Overnight care shall not be provided. See standards in [Section 4.12.1](#).

Farm: The parcel on which the carrying on of any agricultural activity or the raising of livestock or small animals as a source of income is conducted.

Fence: An enclosure or barrier, such as wooden posts, wire, iron, masonry, brick, stone, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural growth.

Floodplain: The areas of land which include both the floodway and the floodway fringe.

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Floodway: The area of water conveyance of the flowing portion of the water course during a one-hundred (100) year flood.

Floodway Fringe: The area of ponded water which provides no water carrying or flowing capability during a one-hundred (100) year flood.

Floor Area, Gross: The total horizontal area of all floors of a building, measured from the exterior faces of the exterior walls. For nonresidential buildings, the floor area shall include accessory buildings and all basement space used for activities related to the principal use.

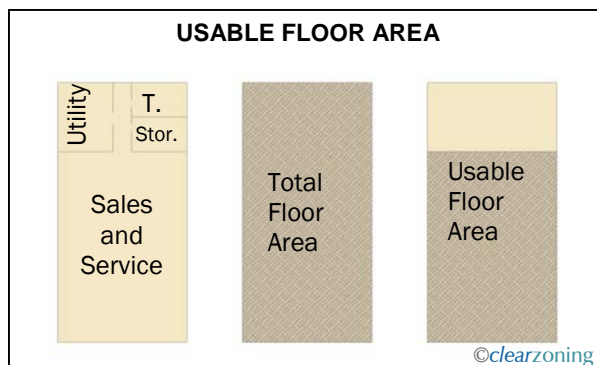
Floor Area, Gross Leasable: The whole floor area measured to the inside finished surface of the "dominant portion" of the permanent outer walls, excluding the following:

1. Office storage basements or mezzanines of not more than three-thousand (3,000) square feet when designed exclusively for storage or mechanical equipment as determined by the building official, when accessory to an office building, ancillary to a permitted office use and when the city is in receipt of an affidavit, in recordable form acceptable to the city attorney, that is signed by the owner of the building stating that the addition will be used only for storage or mechanical equipment, and
2. Major vertical penetrations of the floor (e.g. elevator shafts, stairwells, flues, stacks, pipe shafts, interior courtyards/atriums and vertical ducts with their enclosing walls). Structural columns and projections are included. The gross leasable floor area is fixed for the life of a building and is not affected by changes in corridors.

Floor Area Ratio (FAR): Total floor space of all building uses in gross square feet as a percent of the total lot area as measured in square feet. An 0.5 FAR means that a developer can build a structure having as much floor space in square feet as one half (1/2) of the area in square feet as the parcel on which the building is located. Where an addition is made to an existing structure the total resultant structure would be considered in computations. For example, an 0.5 FAR would permit a one (1) story building to cover up to fifty percent (50) of a parcel, a three (3) story building to cover one sixth (1/6) of a parcel, and a five (5) story building to cover up to ten percent (10) of a parcel.

Floor Area, Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Area, Usable: That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Floor space to be used for servicing vehicles in automobile service establishments and public garages shall be considered as usable floor space.



Foot-Candle, One: Light that is equal to the amount of light generated by one (1) candle shining on a square foot surface one foot away.

Freeway: A limited access highway with no at-grade crossings.



Fueling 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; auto washes; 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 sundries such as gum, candy, cigarettes, newspapers, magazines, and other individually packaged convenience items; basic convenience grocery items, such as milk and bread; pre-prepared food items that are not subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department; and non-alcoholic beverages. See [Section 4.29](#) for use requirements.

Garage, Private: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

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.

Gasoline Service Station: See Fueling Station

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Greenbelt: The landscaped area along a roadway on the subject property, not in the right-of-way.

Greenbelt, Obscuring: A landscaped area of definite width, height and location and containing plant materials of definite spacing designed and intended to serve as an obscuring device in carrying out the requirements of this Ordinance.

Gross-Dissimilarity or Grossly-Dissimilar: For the purpose of single-family detached structures in the RA through R-4 districts shall be interpreted to mean an immediately obvious difference. See [Section 3.7.1](#).

Group Day Care Home: A private single family home in which more than six (6) but not more than twelve (12) minor children are received for care and supervision for the time period set forth in this ordinance, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption, for more than four (4) weeks during a calendar year. Overnight care shall not be provided. See standards in [Section 4.12.1](#).

Hedge Row: A fence formed by a row of closely planted shrubs or bushes.

Helipad: An area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up and discharging of passengers or cargo. This facility is not open to use by any helicopter without permission having been obtained by the private owner and police department.

Heliport: An area used by helicopters or by other steep-gradient aircraft which area includes passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangars and other accessory buildings and open spaces.

Helistop: An area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up or discharging passengers or cargo; but not including fuel service, maintenance or overhaul.

Home for the Aged: An establishment operated for the purpose of providing domiciliary care for a group of persons who by reason of age are unable to provide such care for themselves and who are not in need of medical or nursing treatment except in the case of temporary illness.

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Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the inhabitant thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which meets the requirements of [Section 4.4](#).

Hospital, General: An installation providing health services primarily for inpatient medical or surgical care of the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are an integral part of the facilities.

Hotel: A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

Housing for the Elderly (Senior Citizen Housing): A planned housing development or facility for elderly residents, defined for purposes of this ordinance as individuals who have attained the age of fifty (50) years or couples of which either spouse has attained the age of fifty (50) years, except as may be otherwise provided for in any applicable state or federal laws or regulations. See [Section 4.20](#) for regulations .

1. **Shared Elderly Living:** Housing for the elderly that consists of a maximum of four (4) unrelated elderly individuals, with or without spouses who occupy a single dwelling.
2. **Independent Elderly Living Units:** Housing for the elderly that includes attached or detached cottage-type dwellings, townhouses, of apartments.
3. **Congregate Elderly Living Units:** Housing for the elderly that consist of dwelling units containing kitchen, sanitary, sleeping and living spaces in addition to common service areas, including, but not limited to, central dining room(s), recreational room(s) and central lounge. Shared senior citizen living does not include adult foster care homes.

Inpatient Bed Facilities: That portion of a general hospital that provides treatment as well as overnight care, for patients of the hospital.

Junkyard: An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junkyard" includes automobile wrecking yards and includes any open area of more than two-hundred (200) square feet for storage, keeping or abandonment of junk.

Kennel, Commercial: Any lot or premises on which three (3) or more dogs, cats or other household pets are either permanently or temporarily boarded for remuneration.

Landbanking of Parking: An area of land which is designated by a landowner as part of a site plan for parking spaces in order to meet the minimum requirements of the Zoning Ordinance, but which the City has permitted to be maintained, naturally or landscaped, as part of the owner's site plan. See [Section 5.2.14](#).

Landscaping: The treatment of the ground surface with live materials such as, but not limited to, turf grass, ground cover, vines, perennials, shrubs, trees and other growing horticultural material. In addition, the design may include other decorative surfacing such as natural colored hardwood mulch or stone not to exceed 5% of the total for any landscaped area. Structural features such as fountains, pools, garden artwork, garden walls less than three (3) feet in height and benches shall also be considered a part of the landscaping. These structural features alone, however, do not meet the requirements of the landscaping. Furthermore, artificial plant materials shall not be permitted in any landscape area.

Large Evergreen Tree: A woody plant with an erect perennial trunk which at maturity reaches a minimum height of thirty (30) feet and a minimum width of fifteen (15) feet and which maintains its living foliage throughout the year. See [Suggested Plant Materials List](#).

Large Shrub: A woody plant that at maturity is three (3) feet to fifteen (15) feet in height and has foliage that may be deciduous or evergreen. See [Suggested Plant Materials List](#).



Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Local Street: A street of limited continuity which is to be used to gain immediate access to abutting residential properties.

Lot: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings together with accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may not be specifically designated as such on public records.

Lot Area: The total horizontal area within the lot lines of the lot.

Lot, Corner: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one-hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one-hundred fifty (150) feet and the tangents to the curve or the straight street line extended, form an interior angle of less than one-hundred thirty-five (135) degrees. *✍*

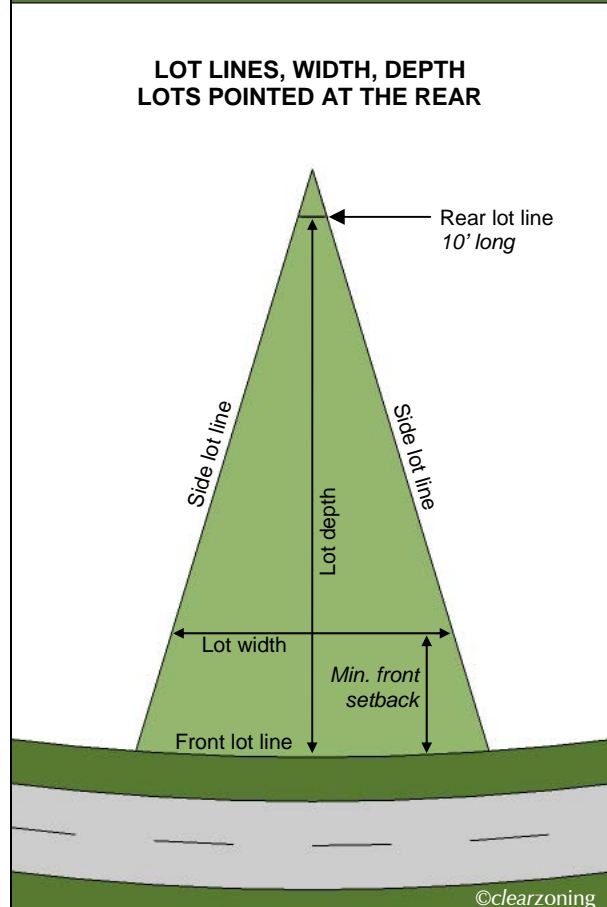
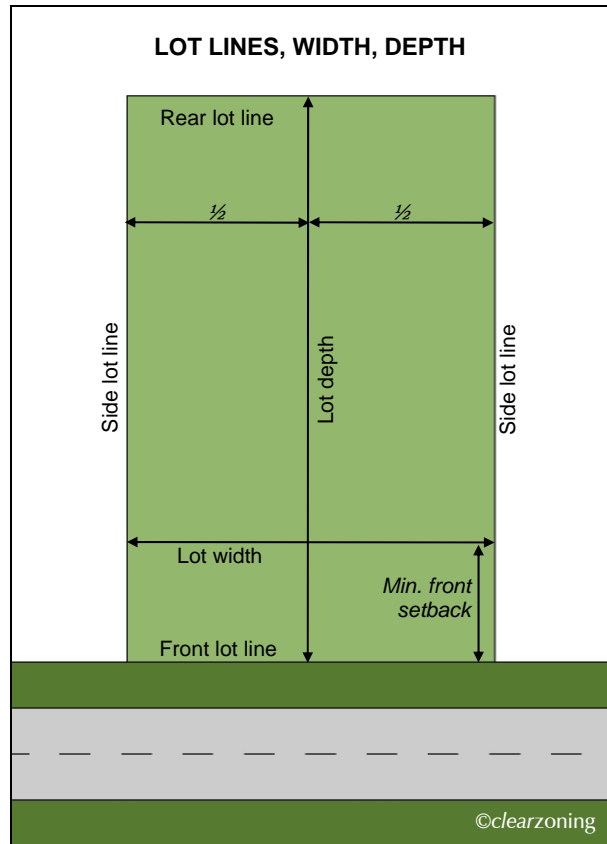
Lot Coverage: The part or percent of the lot occupied by buildings including accessory buildings.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. *✍*

Lot, Interior: Any lot other than a corner lot. *✍*

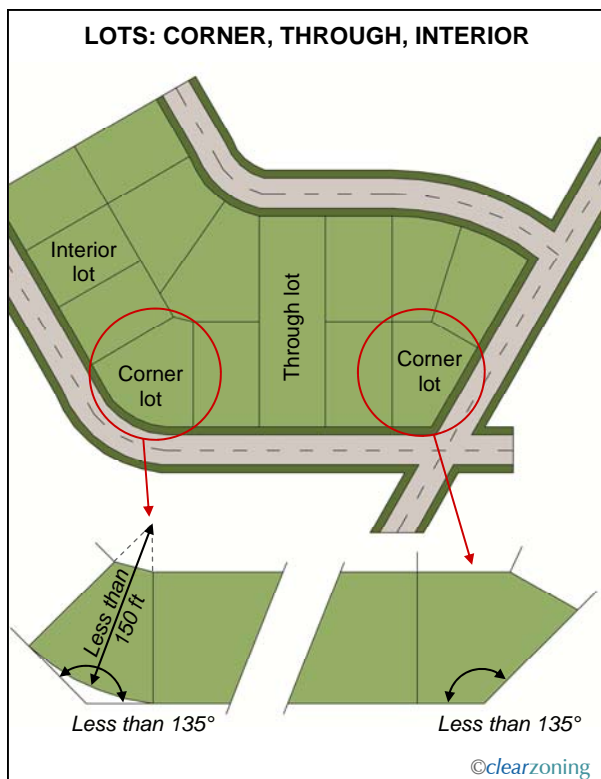
Lot Lines: The lines bounding a lot as defined herein:

1. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street. In the case of a through lot or a corner lot, is that line separating said lot from the street which is designated as the front street in the request for a zoning compliance permit. *✍*



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2. Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
3. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street shall be known as the exterior side street lot line. A side lot line separating a lot from another lot or lots shall be known as an interior side lot line.

Lot, Through: Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot.

Lot, Zoning: A single tract of land, located within a single block, which, at the time of filing for a building permit or for a site plan approval, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, setbacks and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the City Register of Deeds, but may include one or more lots of record.

A zoning lot line shall serve as a lot line for the purposes of establishing building setbacks within the respective zoning districts.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the City Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot Width: The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Major Thoroughfare: An arterial street which is designated in the City of Novi Master Plan Thoroughfare Plan as a major arterial, arterial or minor arterial.

Maneuvering Lanes or Aisles:

1. For the purpose of this Ordinance, a maneuvering lane or aisle shall mean an open unobstructed area located directly behind an off-street parking space or loading/unloading area and which is to be used to gain access to and exit from a parking space or loading/unloading area. A maneuvering lane or aisle may serve a single row of off-street parking spaces or may be used jointly when located between two opposing rows of parking spaces.
2. In [Section 5.16](#) (Bicycle Parking Facility Requirements), a maneuvering lane is a four (4) feet wide area adjacent to bicycle parking spaces for maneuvering bicycles into a bicycle parking space.

Manufactured Housing Unit: A home built in a controlled environment ("factory") after 1976 that meets the HUD building code (a single, national code).



Manufacturing: In the [Light Industrial district](#), manufacturing may include the following:

1. Manufacture, compounding, processing, packaging or treatment of products such as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, but not including tool, die, gauge and machine shops.
2. Manufacture, compounding, assembling or treatment of articles of merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
3. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only be electricity or gas.
4. Manufacture of musical instruments, toys, novelties and metal or rubber stamps.
5. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs
6. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

Marginal Access Road: A service roadway, also known as a frontage road, parallel to a feeder road or to a street; and which provides access to abutting properties and protection from through traffic.

Master Plan: The comprehensive community plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the City, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or the City Council.

Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story. [\(See Story\)](#)

Microbrewery or Microbrewer: A brewery/brewer that produces less than twenty-thousand (20,000) barrels of ale/beer per year, and less than ten-thousand (10,000) barrels of alcoholic liquors, other than ale/beer, per year, for on-site consumption and retail and wholesale distribution as allowed by state law. (A barrel is equivalent to thirty-one (31) U.S. gallons). The sale of alcoholic liquors by a microbrewery is restricted to those alcoholic liquors produced by the microbrewery. For purposes of this Zoning Ordinance a microbrewery or microbrewer is restricted to the above production limits, irrespective of less restrictive limits imposed by state law.

Mixed-Use Building: A mixed-use building is a single structure containing two (2) or more principal uses, e.g., retail and multi-family, retail and office and multi-family, etc., with uses physically attached either vertically or horizontally.

Mixed-Use Developments: A mixed-use development includes a development plan containing both residential and non-residential land uses on one or more parcels of land, submitted together on a single approved site plan, having coordinated design, access and circulation, landscape and streetscape amenities, pedestrian connections, and similar unifying features. See [Section 4.25](#) for standards.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Motel: A series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.



Motor Freight Terminal: A facility consisting of a terminal warehouse with truck wells, loading docks and offices, utilized as a shipping point or temporary storage point for the primary business of shipping goods or products for businesses and the general public, which requires the parking of semi-tractors and trailers for indefinite periods. A motor freight terminal may include ancillary facilities such as a repair garage, body shop and wash bays.

Municipality: The City of Novi, Michigan.

Municipal Civil Infraction: A violation of a provision of this Zoning Ordinance for which the remedy and/or penalty is prescribed to be a civil fine or other sanction other than a criminal penalty. A municipal civil infraction is not a lesser included offense of a criminal offense or of an ordinance violation that is not a civil infraction.

Municipal Civil Infraction Determination: A determination that a defendant is responsible for a municipal civil infraction by one (1) of the following:

1. An admission of responsibility for the municipal civil infraction.
2. An admission of responsibility for the municipal civil infraction, "with explanation."
3. A preponderance of the evidence at an informal hearing or formal hearing.
4. A default judgment for failing to appear at a scheduled appearance.

Narrow Upright Evergreen Tree: A woody plant with an erect perennial trunk which at maturity reaches a minimum height of ten (10) feet and a width of three (3) feet to less than fifteen (15) feet and which maintains its living foliage throughout the year. [See Suggested Plant Materials List.](#)

Natural Features: Natural features shall include soils, wetlands, floodplains, water bodies, topography, vegetative cover, and geologic formations.

Night Time Hours: For purposes of noise regulation, the hours between 10:00 p.m. and 7:00 a.m., local time.

Noise: Shall be synonymous with the term "sound," and shall refer to physical manifestation resulting from an oscillation of pressure in air.

Net Site Area: Area of land excluding identified wetlands or watercourses which are regulated by [parts 301 or 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, or chapter 12, article V, of the Novi Code of Ordinances](#), but not excluding quality wetland less than two (2) acres regulated by such laws, also exclusive of existing and statutorily authorized rights-of-way.

Nonconforming Building: A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.✍



Nonconforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.✍



Nuisance Factors: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise from congregation of people, particularly at night, passenger traffic, invasion of non-abutting street frontage by traffic.

Nuisance Per Se: Any violation of this Ordinance, including any uses of land, and dwellings, buildings, or structures, including tents, trailer coaches and mobile homes, used, erected, altered, raised, or converted in violation of this Ordinance, and shall also include violation of any regulatory measures or permit approvals (including conditions thereon) adopted or granted by any board or commission or the City Council.

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

Oil Change Establishment, Mini-Lube: 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 or service 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.

Onsite Support Retail Uses: Uses that are customarily developed to support exposition activities including, but not limited to, document reproduction facilities, financial institutions, and sign stores.

Open Front Store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile service or repair establishments, oil change or mini-lube facilities or fueling stations.

Open Space: An area of land that remains primarily undeveloped and in its natural state. For the purpose of this Ordinance, open space may include park lands and park facilities so long as they are provided as a part of an open space area.

Open Storage, Motor Vehicle: The outdoor standing or placement of motor vehicles including truck trailers for more than three (3) days, including new or used motor vehicles on display for lease or sale.

Open Storage, Nonresidential: The outdoor standing or placement of any material which is manmade, assembled, fabricated or treated in any manner and which is used directly in the fabrication of a product manufactured on the premises.

Outdoor Furnace: A boiler or furnace, fueled by wood, coal, corn or any other type of fuel, located outside the structure it is used to heat with the designated purpose of providing heat for water and/or air for a single-family residence, swimming pool and other structures accessory to a single-family residence.

Outlot: When included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

Park: A public area either in a natural state or planted with grass, trees and other landscaping, which may have within its confines monuments, structures or improvements, such as playfields, playgrounds, soccer fields, courts or swimming pools, and which is utilized for outdoor recreation.

Parking: The parking of a vehicle for short duration, and possessing the element of a vehicle in use, being temporarily parked until it is shortly to be again put into service. The terms temporarily or shortly, for the purpose of this definition, shall mean and be measured by hours or at most by a day or two (2).

Parking Space: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

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Parking Structure: A multi-level building (at, above or below grade), the use of which requires location on the ground or attachment to something having location on the ground, the primary purpose of which shall be the parking of vehicles for short duration, and possessing the element of a vehicle in use, being temporarily parked until it is shortly to be again put into service, which structure contains loading spaces, parking spaces, and maneuvering lanes.

Parkway: A divided or undivided thoroughfare with a dividing strip or side strips which are either maintained in a natural state or planted with grass, trees and other landscaping and utilized for outdoor recreation.

Perennial/Grass: An herbaceous plant that lives in the landscape more than three (3) years. See [Suggested Plant Materials List](#).

Pet: A domesticated animal kept, other than for commercial use, as a companion, for protection, show or play.

Pet Boarding Facility: A facility for the daily observation and care of dogs, cats, or other household pets, but not including farm animals or livestock, which may provide ancillary services such as grooming and training. The facility may be operated for profit and may offer overnight stays.

Planned Commercial Center: A business development consisting of two (2) or more retail commercial outlets characterized by a unified grouping of stores under common architecture, and served by a common circulation and parking system.

Planned Development (PD): A specific parcel of land or several contiguous parcels of land, under single ownership or option for ownership and control, for which a comprehensive physical plan has been developed establishing a functional use area or areas, density patterns where applicable, a fixed system of streets, marginal access drives where required, service drives, provisions for public utilities, drainage and other essential services all of which shall be subject to review and approval by the Planning Commission and the City Council and which has been, or will be, developed in full accordance with the approved plan.

Planned Rezoning Overlay (PRO) Agreement: A written agreement approved and executed by the City and property owner, incorporating a PRO Plan, and setting forth Planned Rezoning Overlay Conditions, conditions imposed pursuant to MCL 125.584c, and any other terms mutually agreed upon by the parties relative to land for which the City has approved a rezoning with Planned Rezoning Overlay. Mutually agreeable terms may include the following:

1. Agreement and acknowledgment that the rezoning with Planned Rezoning Overlay was proposed by the applicant to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the PRO Agreement; and, further agreement and acknowledgment that the conditions and PRO Agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the City.
2. Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the PRO Plan and PRO Agreement.
3. Agreement and understanding that the approval and PRO Agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.
4. Agreement and understanding that, if a rezoning with Planned Rezoning Overlay becomes void in the manner provided in this [Section 7.13.2](#), no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
5. Agreement and understanding that each of the requirements and conditions in the PRO Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with Planned Rezoning Overlay, taking into consideration the changed zoning district classification and the specific use authorization granted.



Planned Rezoning Overlay (PRO) Conditions: The conditions proposed by the applicant and approved by the City as part of an approval under Section 7.13, including review and recommendation by the Planning Commission, which shall constitute regulations for and in connection with the development and use of property approved with a PRO in conjunction with a zoning.

Planned Rezoning Overlay (PRO) Plan: A plan of the property which is the subject of a rezoning with Planned Rezoning Overlay, prepared by a licensed civil engineer or architect, that may show the location, size, height, design, architecture or other measure or feature for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property. The details to be offered for inclusion within the PRO Plan shall be determined by the applicant, subject to approval of the City Council after recommendation by the Planning Commission. Rezoning shall mean the amendment of this Ordinance to change the zoning map classification on property from its existing district to a new district classification.

Planned Suburban Low-Rise (PSLR) Overlay District Concept Plan: A plan prepared by a licensed professional, for development of the property that is described in the PSLR Overlay Development Agreement Application that shows the location of natural features, existing improvements and proposed infrastructure and may show the general location of buildings, structures, other improvements, phasing and ordinance deviations on, and in some cases adjacent to, the property in the Petition, to be used as the guiding or general plan for the development of the area described in the PSLR Overlay Development Agreement. The PSLR Concept Plan shall be made a part of the PSLR Overlay Development Agreement.

Planned Suburban Low-Rise (PSLR) Overlay District Development Agreement: An agreement between the City and the property owner(s) of the land depicted in the PSLR Overlay Development Agreement Application that incorporates the PSLR Overlay District Concept Plan and specifies the terms and provisions upon which City Council approval is based and the uses that will be contemplated.

Plug-In Electric Vehicle (PEV): Any vehicle licensed and registered for operation on public and private highways, roads, and streets, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. Includes an all-electric vehicle (EV) and a plug-in hybrid electric vehicle (PHEV).

Plug-In Electric Vehicle (PEV) Charging Station: A public or private electrical component assembly or group of assemblies designated specifically to charge batteries within electric plug-in electric vehicles. Also known as electric vehicle supply equipment (EVSE). PEV charging stations include Level 1, Level 2, and Level 3 charging, as follows:

1. PEV Charging Station Level 1: A PEV charging station that charges a PEV via a 120-volt AC outlet (a standard household electrical outlet).
2. PEV Charging Station Level 2: A PEV charging station that charges a PEV at a voltage between 208 and 240 volts on a dedicated circuit of 20 to 80 amps.
3. PEV Charging Station Level 3: A PEV charging station that charges a PEV at a voltage greater than 240 volts. Also known as DC fast charging and best suited to a public fueling station.

Plug-In Electric Vehicle (PEV) Charging Space: Any public or private designated parking space that is served by a PEV charging station and identifies the use to be dedicated exclusively for the active charging of a PEV.

Plug-In Electric Vehicle (PEV) Infrastructure: Conduit, wiring, structures, machinery, and/or equipment necessary and integral to support a plug-in electric vehicle, including PEV charging stations.

Principal Use: The main use to which the premises are devoted and the principal purpose for which the premises exist.

Professional Services: Businesses which serve as offices for professional, executive, administrative, and medical uses, including the offices of architects, accountants, insurance, doctors, dentists, government and financial institutions.

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Public Bicycle Route: A signed bicycle route, a bicycle lane on a public street, a pathway designed to accommodate bicycles, or in the absence of any of those, the closest public street adjacent to a use that may be lawfully used by a bicyclist travelling to or from that use.

Public Utility: A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or City regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Quality Wetlands: Wetlands essential to the preservation of the natural resources of the City of Novi, in accordance with Section 9 of Part 303 (Wetland Protection) of 1994 PA 451, as amended, and **Chapter 12, Article V of the Novi Code of Ordinances.**

Recreation Areas: An area established for recreation purposes that is landscaped and permanently protected to prohibit the development of buildings, driveways, parking spaces or roads. Sidewalks, trails, landscape features, recreation fields or courts and associated structures but not golf courses are permitted in the area. Each area permitted to qualify as Recreation Area must be at least one-half acre in area and the length of the Recreation Area can not exceed three times the width unless the area is a connecting greenway.

Recreational Equipment and Trailers: Any travel trailer, camp trailer, camper, folding tent trailer, utility trailer, boat, boat trailer, float and raft, including transportation equipment and off-road vehicles, manufactured motorized home and manufactured motor bus.

Recreational Facility: Land or structures utilized for athletic or sporting activities, pastimes, games or similar physical activities or diversions.

Refuse Bin (Dumpster, Trash Receptacle): A metal receptacle having an internal volume of one (1) cubic yard or greater, which temporarily receives and holds refuse for ultimate disposal either by unloading into the body or loading hopper of a refuse collection vehicle or by other means.

Regional Center: A commercial complex providing for general merchandise, apparel, furniture and home furnishings in depth and variety as well as a range of services and recreational facilities built around one or two full line department stores of not less than one-hundred thousand (100,000) square feet and containing not less than four-hundred thousand (400,000) square feet of gross leasable floor area overall.

Repeat Offense: A determination of responsibility for second or any subsequent Zoning Ordinance violation of the same Zoning Ordinance provision committed by the same person within any three (3) year period, unless some other period is specifically provided with regard to a specific Zoning Ordinance provision.

Responsible or Responsibility for a Violation: A determination entered by a court or magistrate that a person is in violation of a provision of this Zoning Ordinance prescribed to be a municipal civil infraction.

Restaurant (Drive-In): A business establishment designed to provide a motor vehicle driveway approach, standing space, or parking space where patrons receive food and beverages while in motor vehicles for consumption in motor vehicles while on the premises.

Restaurant (Fast Food Carryout): A business establishment wherein food is prepared or cooked on the premises to be sold in disposable containers or wrappers to patrons and which is not intended to be consumed on the premises or within a motor vehicle parked or standing on the premises.

Restaurant (Fast Food Drive-Through): A business establishment in which a patron purchases food or beverages, that (1) are served in disposable containers or wrappers, (2) may have been previously prepared, and (3) are principally ordered and received from a motor vehicle and consumed off premises.

Restaurant (Fast Food Sit-Down): A business establishment in which a patron purchases food or beverages, which may have been previously prepared, and which is served in disposable containers or wrappers and which the patron consumes while seated in the restaurant.



Restaurant (Sit-Down): A business establishment in which a patron purchases food or beverages, which is then prepared after the patrons order, on the premises and which is thereafter served to the patron and is consumed by the patron while seated in the restaurant.

Retail Business Service Uses: Personal service establishments which perform services on the premises, such as, but not limited to: barber shops, beauty shops, copy center, florist shops, locksmiths, home furnishings, photo finishing services, stationers, and shoe repair shops.

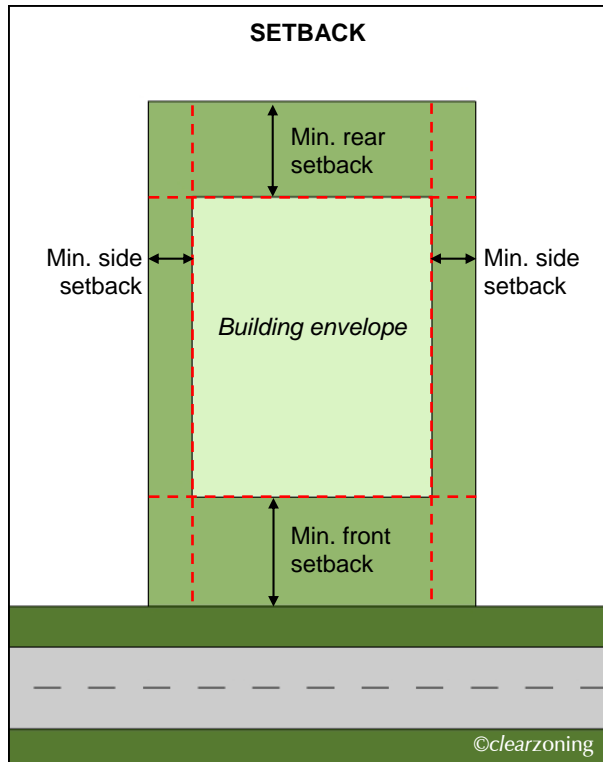
Retail Business Uses: Generally recognized retail business which supply commodities on the premises, such as, but not limited to: bakeries who's products are sold only at retail on premises, book stores, news stands, drug stores, dry cleaning/laundry outlets dealing directly with consumers, food stores, jewelry stores, studios: photography, art, music, dancing, and sporting goods stores.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Scenic Drive: A dedicated public street, designated on the Thoroughfare Plan as a Scenic Drive Road, which offers pedestrians and motorists enjoyment of adjacent environmental and natural features in a unique setting. The term Scenic Drive shall be synonymous with the Minor Arterial classification referenced in the this Ordinance if the road is paved.

Screen: For the purpose of this Ordinance, shall mean to conceal from view or to make difficult to see clearly.

Setback: The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.



Sign: A name, identification, description, display or illustration or other device which is affixed to, or painted, or otherwise represented directly or indirectly upon a building, structure or parcel of land, and which directs attention to an object, product, place, activity, person, institution, organization or business and which is visible from any public street, right-of-way, sidewalk, alley, park or other public property.

Sign, Accessory: A sign which is related to the principal use of the premises.

Sign, Non-Accessory: A sign which is not related to the principal use of the premises.

Site Condominium: A condominium project developed under the Condominium Act, of the Public Acts of 1978, as amended, which does not otherwise qualify as a detached cluster development under [Section 3.28](#) of this Ordinance, and which is not otherwise developed in a manner permissible under existing RM-1 or RM-2 zoning.

Small Shrub: A woody plant that at maturity is less than three (3) feet in height and has foliage that may be deciduous or evergreen. See [Suggested Plant Materials List](#).

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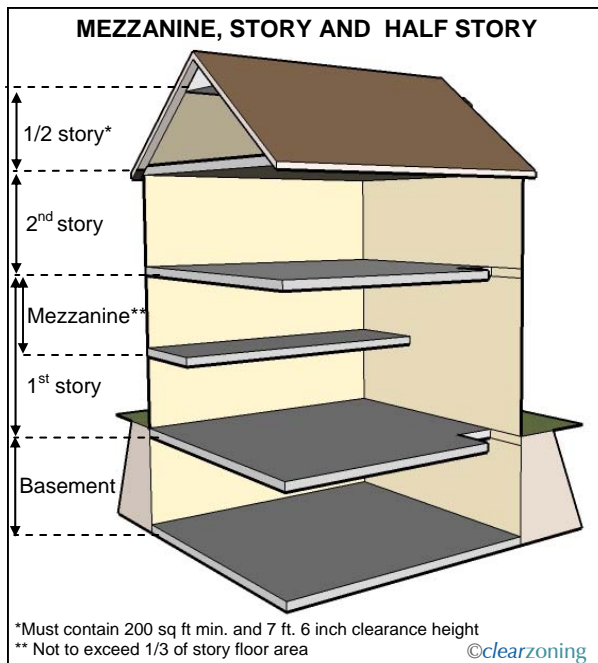


Stormwater Detention Facility: A facility designed for detaining stormwater runoff for a short period of time and releasing it at a controlled rate to the natural watercourse where it returns to the hydrologic cycle.

Stormwater Retention Facility: A facility which does not possess the ability of dewatering, whereby water is held for a considerable length of time for aesthetic agricultural consumptive holding of stormwater runoff or other uses. The water may never be discharged to a natural watercourse, but it may be dissipated by plants, evaporation or percolation into the ground.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

Story, Half: An uppermost story lying under a sloping roof having an area of at least two-hundred (200) square feet with a clear height of seven feet six inches (7' -6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.



Street: A dedicated public right-of-way, other than an alley which affords the principal means of access to abutting property.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Sub-Canopy Deciduous Tree: A woody plant with a perennial trunk which at maturity is fifteen (15) feet to twenty nine (29) feet in height and a minimum of eight (8) feet in width and which has a crown of foliage which falls off each winter. See [Suggested Plant Materials List](#).

Surface or Parking Lot: A designated area of property, whether paved or not, located on the ground, the primary purpose of which shall be the parking of motor vehicles for short duration, and possessing the element of a vehicle in use, being temporarily parked until it is shortly to be again put into service, which contains loading spaces, parking spaces, and maneuvering lanes.

Surrounding Area: For purpose of single-family detached structures in the RA through R-4 districts shall mean single-family detached dwellings within one-thousand (1,000) feet in all directions within an RA District and within three-hundred fifty (350) feet in all directions within the R-1 through R-4 Districts inclusive of the lot on which the proposed single-family detached dwelling is to be erected.

Tattoo Parlor: A business establishment where persons engage in any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other permanent substance resulting in coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.

Temporary Use or Building: A use or building permitted by the Board of Appeals to exist during a specified period of time.

Transient Residential Uses: Uses such as hotels, motels and facilities used primarily for transient occupancy.

Tree Lawn: Tree lawn is that landscape area between the back of the street curb and the sidewalk.

Usable Open Space:

1. Balconies with direct access to the dwelling unit.
2. Courts and yards at grade level which are devoted exclusively to recreational use, and which:
 - A. Are open and unobstructed from its lowest level to the sky; and
 - B. Are directly accessible by means of a common passageway to residents of all dwelling units within the buildings; and
 - C. Has no dimension less than fifty (50) feet; and
 - D. Are designed and intended for the private recreational use of residents of the building.
3. The roof of a building, or portion thereof which is developed exclusively for recreational use and which:
 - A. Is directly accessible by means of a common passageway to residents of all dwelling units within the building; or
 - B. Is directly accessible to residents of all dwelling units served by a ramp (with a grade of less than ten (10) percent) from a yard, or court; and
 - C. Has no dimension less than fifty (50) feet; and
 - D. Is designed and intended for private recreational use of residents of the building.

Use: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are: (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not justified unless all three elements are present in the case. A variance is not an exception.

Veterinary Clinic: Any establishment maintained and operated for the diagnosis and treatment of diseases and injuries of nonresident animals.

Veterinary Hospital: Any establishment maintained and operated for the diagnosis and treatment of diseases and injuries of animals, including resident animals.

Violation: Any act which is prohibited or made or declared to be unlawful or an offense under this Ordinance, including affirmative acts as well as omissions and/or failure to act where the act is required by this Ordinance, and further including the failure or refusal to abide by the terms or conditions of a specific approval of any board or commission or the City Council, including, but not limited to, permit or plan approvals (and conditions imposed thereon) granted under this Chapter.

Wall, Obscuring: A structure built of architectural masonry materials to a definite height and location for the purpose of serving as an obscuring device in carrying out the requirements of this Ordinance.

Wind Energy Turbine (WET): Any structure-mounted, small, medium or large wind energy conversion system that converts wind energy into electricity through the use of a Wind Generator and includes the nacelle, rotor, tower and pad transformer, if any.

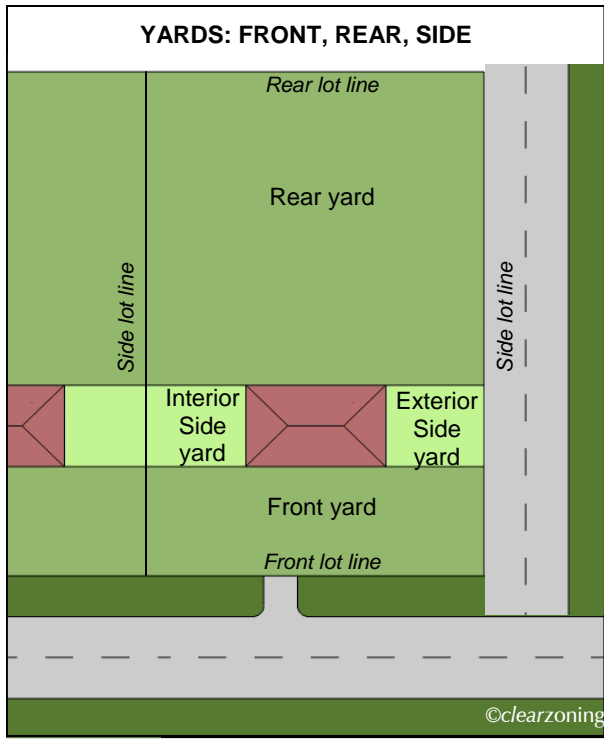
The following additional definitions are related to the regulation of wind energy turbines:

1. **Ambient Sound Level:** The amount of background noise at a given location prior to the installation of a WET(s) which may include, but is not limited to, traffic, machinery, lawnmowers, human activity and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.
2. **Decommissioning:** The process of terminating operation and completely removing a WET(s) and all related buildings, structures, foundations, access roads and equipment.



3. Medium Wind Energy Turbine (MWET): Tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in this system. The MWET has a nameplate capacity that does not exceed two-hundred fifty (250) kilowatts. The total height exceeds one-hundred (100) feet and the total capacity exceeds thirty (30) kilowatts. The total height does not exceed one-hundred fifty (150) feet.
 4. Nacelle: Refers to the encasement which houses all of the generating components, gear box, drive tram and other equipment.
 5. Net-Metering: Special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.
 6. Operator: Entity responsible for the day-to-day operation and maintenance of a WET.
 7. Rotor Diameter: Cross-sectional dimension of the circle swept by the rotating blades of a WET.
 8. Shadow Flicker: The moving shadow, created by the sun shining through the rotating blades of a WET. The amount of shadow flicker created by a WET is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity and sunlight.
 9. Small Structure-Mounted Wind Energy Turbine (SSMWET): Converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in this system. A SSMWET is attached to a structure's roof, walls or other elevated surface, including accessory structures such as but not limited to cellular phone towers. The SSMWET has a nameplate capacity that does not exceed ten (10) kilowatts. The total height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae and other similar protuberances.
 10. Small Tower-Mounted Wind Energy Turbine (STMWET): Tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in this system. The STMWET has a nameplate capacity that does not exceed thirty (30) kilowatts. The total height does not exceed one-hundred (100) feet.
 11. Sound Level: The "A" weighted sound pressure measured using a sound level meter, as specified by ANSI.
 12. Total Height: The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the WET.
 13. Tower: Freestanding monopole that supports a WET.
- Yards:** The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:
1. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.✍
 2. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a rear lot line lying along a water body, the rear lot line shall be that line recorded as the high waterline.✍
 3. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.✍





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Article 3.0 Zoning Districts



Article 3.0 Zoning Districts

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- 3.3 District Boundaries Interpreted
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- 3.9 MH District Required Conditions
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- 3.11 GE District Required Conditions
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- 3.15 I-2 District Required Conditions
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- 3.20 OST District Required Conditions
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- 3.22 P-1 District Required Conditions
- 3.23 Conference District Required Conditions
- 3.24 EXPO District Required Conditions
- 3.25 EXO Overlay District Required Conditions
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- 3.28 One-Family Clustering Option
- 3.29 RUD Residential Unit Development
- 3.30 Open Space Preservation Option
- 3.31 Planned Development Option
- 3.32 General Exceptions




3.0 Zoning Districts

3.1 DISTRICTS ESTABLISHED

For the purpose of this Ordinance, the City of Novi is hereby divided into the following districts:

1. RA Residential Acreage
2. R-1 One-Family Residential District
3. R-2 One-Family Residential District
4. R-3 One-Family Residential District
5. R-4 One-Family Residential District
6. RT Two-Family Residential District
7. RM-1 Low-Density, Low-Rise Multiple-Family District
8. RM-2 High-Density, Mid-Rise Multiple-Family District
9. MH Mobile Home District
10. B-1 Local Business District
11. B-2 Community Business District
12. B-3 General Business District
13. C Conference District
14. EXPO EXPO District
15. EXO Exposition Overlay District
16. GE Gateway East District
17. FS Freeway Service District
18. I-1 Light Industrial District
19. I-2 General Industrial District
20. NCC Non-Center Commercial District
21. OS-1 Office Service District
22. OSC Office Service Commercial District
23. OST Office Service Technology District
24. RC Regional Center District
25. TC Town Center District
26. TC-1 Town Center - 1 District
27. PSLR Planned Suburban Low-Rise Overlay District
28. P-1 Vehicular Parking District

 **Digital User Note:**
Click on a district heading to go directly to the corresponding district regulations.

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3.1.1

RA Residential Acreage

A. INTENT

The RA, Residential Acreage district is intended to provide areas within the community for a particular living environment characterized by large lot, low density, single-family dwellings.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. One-family dwellings
- ii. **Farms** and **greenhouses** § 4.1
- iii. Publicly owned and operated parks, parkways and outdoor recreational facilities
- iv. **Public, parochial and other private elementary schools** § 4.3
- v. **Home occupations**
- vi. **Family day care homes** § 4.5
- vii. **Accessory buildings and uses** § 4.19 customarily incidental to any of the above use

C. SPECIAL LAND USES

- i. **Raising of nursery plant materials** § 4.6
- ii. **Dairies** § 4.7
- iii. **Keeping and raising of livestock** § 4.8
- iv. **Places of worship** § 4.10
- v. **Public, parochial and private elementary, intermediate or secondary schools** § 4.3
- vi. **Utility and public service buildings and uses (without storage yards)** § 4.11
- vii. **Group day care homes, day care centers, and adult day care** § 4.12.1
- viii. **Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs** § 4.13
- ix. **Golf courses** § 4.14
- x. **Colleges, universities and other such institutions of higher learning** § 4.15.1
- xi. **Private pools** § 4.16
- xii. **Cemeteries** § 4.2
- xiii. Railroad right-of-way, but not including terminal freight facilities, transfer and storage tracks
- xiv. **Mortuary establishments** § 4.17
- xv. **Bed and breakfasts** § 4.18
- xvi. **Limited nonresidential use of historic buildings** § 4.9
- xvii. **Accessory buildings and uses** § 4.19 customarily incidental to any of the above permitted uses



RA Residential Acreage

3.1.1

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 1 acre
 Minimum lot width[☐]: 150 ft

Lot Coverage[☐]

Maximum lot coverage (by all buildings): 25%

Setbacks[☐]

Minimum front yard setback: 45 ft
 Minimum rear yard setback: 50 ft
 Minimum side yard setback: 20 ft one side
 50 ft total two sides

Building Height[☐]

Maximum building height: 35 ft or 2.5 stories, whichever is less

Floor Area[☐]

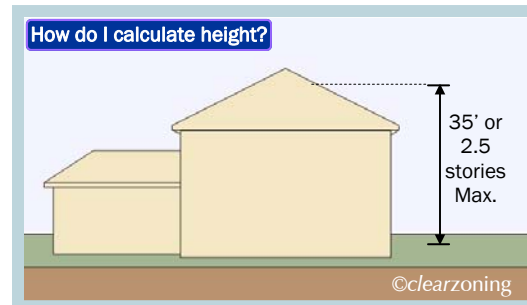
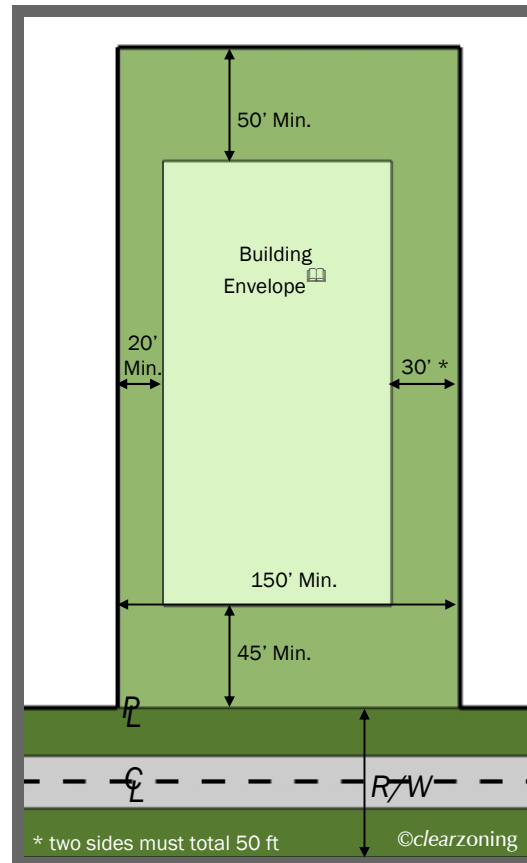
Minimum floor area per unit[☐]: 1,000 sq ft

Dwelling Unit Density

Maximum density
 DU's/Net Site Area: 0.8

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: A, B, C, and M](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [RA, R-1, R-2, R-3, and R-4 Required Conditions](#) §3.7
- [RUD Residential Unit Development](#) §3.29
- [Open Space Preservation Option](#) §3.30

4. Use Standards

- [Keeping of Cats and Dogs](#) § 4.83
- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Commercial and Recreational Vehicle Parking](#) § 5.1
- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Residential Entryways](#) § 5.8
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10

- [Fences](#) § 5.11
- [Frontage on a Public Street](#) § 5.12
- [Performance Standards](#) § 5.14
- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Public Hearing](#) § 6.2

7. Admin. and Enforcement

- [Nonconformities](#) § 7.1
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R-1 One-Family Residential

A. INTENT

The R-1, One-Family Residential district is designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. One-family detached dwellings
- ii. **Farms** and **greenhouses** § 4.1
- iii. Publicly owned and operated parks, parkways and outdoor recreational facilities
- iv. **Home occupations** § 4.4
- v. **Keeping of horses and ponies** § 4.8
- vi. **Family day care homes** § 4.5
- vii. **Accessory buildings and uses** § 4.19 customarily incident to any of the above uses

C. SPECIAL LAND USES

- i. **Places of worship** § 4.10
- ii. **Public, parochial and private elementary, intermediate or secondary schools** § 4.3.2
- iii. **Utility and public service buildings and uses (without storage yards)** § 4.11
- iv. **Group day care homes** , **day care centers** , and **adult day care** § 4.12.1
- v. **Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs** § 4.13
- vi. **Golf courses** § 4.14
- vii. **Colleges, universities and other such institutions of higher learning** § 4.15.1
- viii. **Private pools** § 4.16
- ix. **Cemeteries** § 4.2
- x. Railroad right-of-way, but not including terminal freight facilities, transfer and storage tracks
- xi. **Mortuary establishments** § 4.17
- xii. **Bed and breakfasts** § 4.18
- xiii. **Accessory buildings and uses** § 4.19 customarily incident to any of the above permitted uses



R-1 One-Family Residential

3.1.2

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 21,780 sq ft
 Minimum lot width[Ⓜ]: 120 ft

Lot Coverage[Ⓜ]

Maximum lot coverage: 25%

Setbacks[Ⓜ]

Minimum front yard setback: 30 ft
 Minimum rear yard setback: 35 ft
 Minimum side yard setback: 15 ft one side
 40 ft total two sides

Building Height[Ⓜ]

Maximum building height: 35 ft or 2.5 stories, whichever is less

Floor Area[Ⓜ]

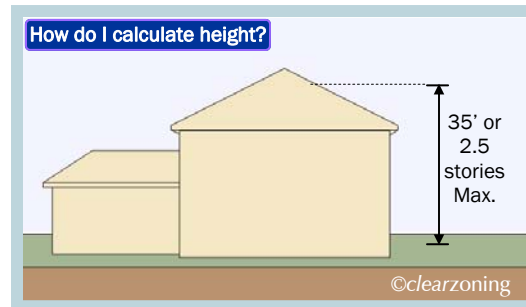
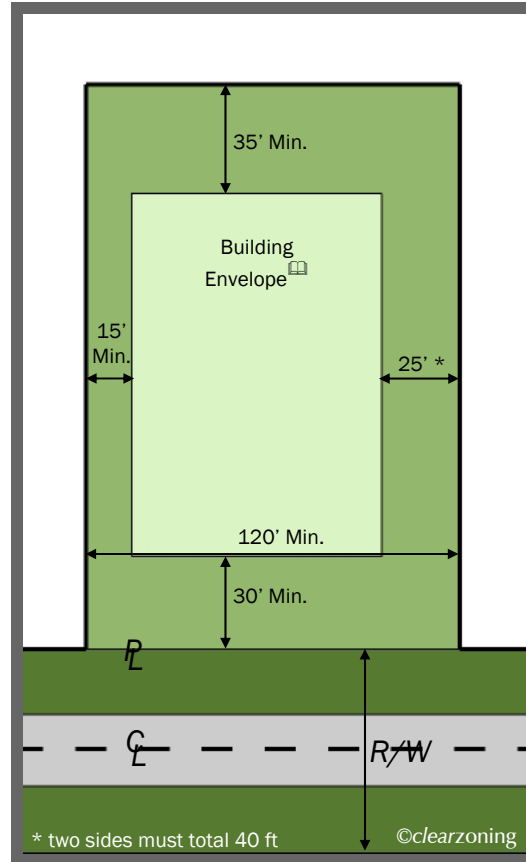
Minimum floor area per unit[Ⓜ]: 1,000 sq ft

Dwelling Unit Density

Maximum density
 DU's/Net Site Area: 1.65

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: A, B, C, and M](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- RA, R-1, R-2, R-3, and R-4 Required Conditions § 3.7
- One-Family Clustering Option §3.28
- RUD Residential Unit Development §3.29
- Open Space Preservation Option §3.30

4. Use Standards

- Keeping of Cats and Dogs § 4.83
- Uses Not Otherwise Included § 4.86
- Unlisted Use Determination § 4.87

5. Site Standards

- Commercial and Recreational Vehicle Parking § 5.1
- Off-street Parking Requirements § 5.2
- Off-street Parking Layout, Standards... § 5.3
- Off-street Loading and Unloading § 5.4
- Landscape Standards § 5.5
- Signs § 5.6
- Exterior Lighting § 5.7
- Residential Entryways § 5.8
- Corner Clearance § 5.9
- Additional Road Design § 5.10

- Fences § 5.11
- Frontage on a Public Street § 5.12
- Performance Standards § 5.14
- Exterior Building Wall Facade Materials § 5.15
- Bike Parking Facility Requirements § 5.16

6. Development Procedures

- Site Plan Review § 6.1
- Public Hearing § 6.2

7. Admin. and Enforcement

- Nonconformities § 7.1
- Planned Rezoning Overlay § 7.13.2

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R-2 One-Family Residential District

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A. INTENT

The R-2, One-Family Residential district is intended to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. One-family detached dwellings
- ii. **Farms** and **greenhouses** § 4.1
- iii. Publicly owned and operated parks, parkways and outdoor recreational facilities
- iv. **Home occupations** § 4.4
- v. **Keeping of horses and ponies** § 4.8
- vi. **Family day care homes** § 4.5
- vii. **Accessory buildings and uses** § 4.19 customarily incident to any of the above uses

C. SPECIAL LAND USES

- i. **Places of worship** § 4.10
- ii. **Public, parochial and private elementary, intermediate or secondary schools** § 4.3.2
- iii. **Utility and public service buildings and uses (without storage yards)** § 4.11
- iv. **Group day care homes** , **day care centers** , and **adult day care** § 4.12.1
- v. **Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs** § 4.13
- vi. **Golf Courses** § 4.14
- vii. **Colleges, universities and other such institutions of higher learning** § 4.15.1
- viii. **Private pools** § 4.16
- ix. **Cemeteries** § 4.2
- x. Railroad right-of-way, but not including terminal freight facilities, transfer and storage tracks
- xi. **Mortuary establishments** § 4.17
- xii. **Bed and breakfasts** § 4.18
- xiii. **Accessory buildings and uses** § 4.19 customarily incident to any of the above permitted uses



R-2 One-Family Residential District

3.1.3

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 18,000 sq ft
 Minimum lot width[Ⓜ]: 110 ft

Lot Coverage[Ⓜ]

Maximum lot coverage: 25%

Setbacks[Ⓜ]

Minimum front yard setback: 30 ft
 Minimum rear yard setback: 35 ft
 Minimum side yard setback: 15 ft one side
 40 ft total two sides

Building Height[Ⓜ]

Maximum building height: 35 ft or 2.5 stories, whichever is less

Floor Area[Ⓜ]

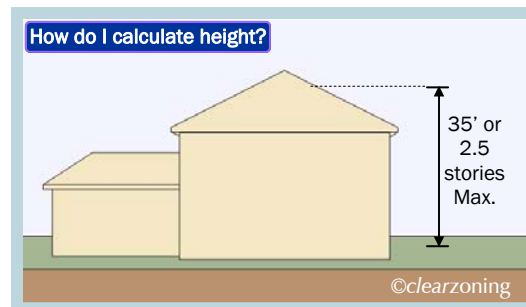
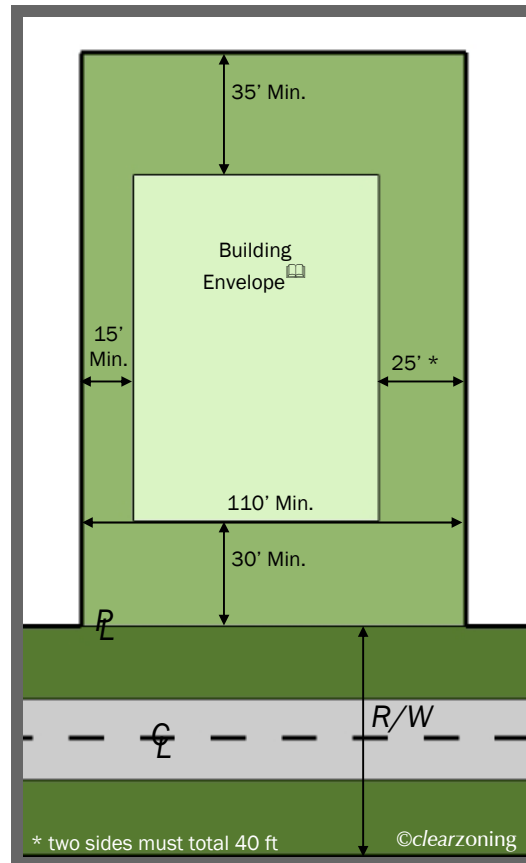
Minimum floor area per unit[Ⓜ]: 1,000 sq ft

Dwelling Unit Density

Maximum density
 DU's/Net Site Area: 2.0

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: A, B, C, and M](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [RA, R-1, R-2, R-3, and R-4 Required Conditions](#) § 3.7
- [One-Family Clustering Option](#) §3.28
- [RUD Residential Unit Development](#) §3.29
- [Open Space Preservation Option](#) §3.30

4. Use Standards

- [Keeping of Cats and Dogs](#) § 4.83
- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Commercial and Recreational Vehicle Parking](#) § 5.1
- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Residential Entryways](#) § 5.8
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10

- [Fences](#) § 5.11
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- [Performance Standards](#) § 5.14
- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
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7. Admin. and Enforcement

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R-3 One-Family Residential District

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A. INTENT

The R-3, One-Family Residential district is intended to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. One-family detached dwellings
- ii. **Farms** and **greenhouses** § 4.1
- iii. Publicly owned and operated parks, parkways and outdoor recreational facilities
- iv. **Home occupations** § 4.4
- v. **Keeping of horses and ponies** § 4.8
- vi. **Family day care homes** § 4.5
- vii. **Accessory buildings and uses** § 4.19 customarily incident to any of the above uses

C. SPECIAL LAND USES

- i. **Places of worship** § 4.10
- ii. **Public, parochial and private elementary, intermediate or secondary schools** § 4.3.2
- iii. **Utility and public service buildings and uses (without storage yards)** § 4.11
- iv. **Group day care homes** , **day care centers** , and **adult day care** § 4.12.1
- v. **Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs** § 4.13
- vi. **Golf courses** § 4.14
- vii. **Colleges, universities and other such institutions of higher learning** § 4.15.1
- viii. **Private pools** § 4.16
- ix. **Cemeteries** § 4.2
- x. Railroad right-of-way, but not including terminal freight facilities, transfer and storage tracks
- xi. **Mortuary establishments** § 4.17
- xii. **Bed and breakfasts** § 4.18
- xiii. **Accessory buildings and uses** § 4.19 customarily incident to any of the above permitted uses



R-3 One-Family Residential District

3.1.4

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 12,000 sq ft
 Minimum lot width[Ⓜ]: 90 ft

Lot Coverage[Ⓜ]

Maximum lot coverage: 25%

Setbacks[Ⓜ]

Minimum front yard setback: 30 ft
 Minimum rear yard setback: 35 ft
 Minimum side yard setback: 10 ft one side
 30 ft total two sides

Building Height[Ⓜ]

Maximum building height: 35 ft or 2.5 stories, whichever is less

Floor Area[Ⓜ]

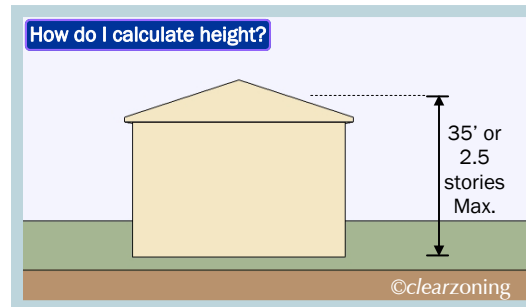
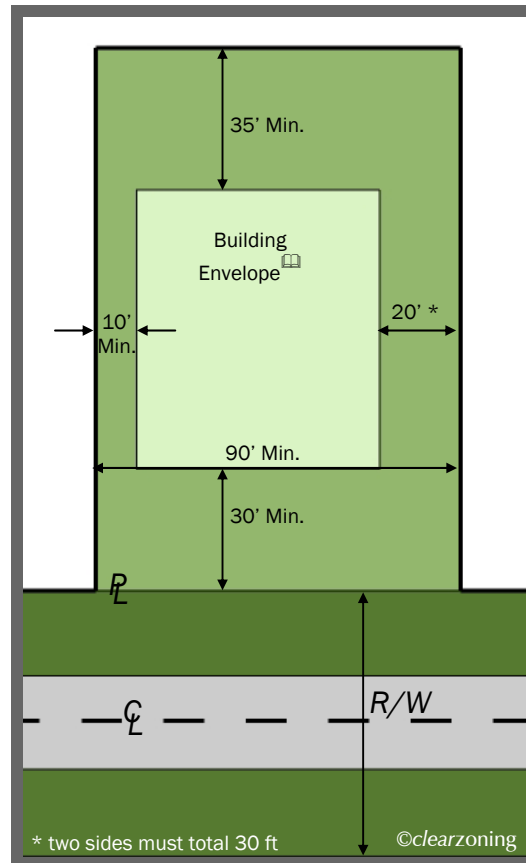
Minimum floor area per unit[Ⓜ]: 1,000 sq ft

Dwelling Unit Density

Maximum density
 DU's/Net Site Area: 2.7

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: A, B, C, and M](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [RA, R-1, R-2, R-3, and R-4 Required Conditions](#) § 3.7
- [One-Family Clustering Option](#) §3.28
- [RUD Residential Unit Development](#) §3.29
- [Open Space Preservation Option](#) §3.30

4. Use Standards

- [Keeping of Cats and Dogs](#) § 4.83
- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Commercial and Recreational Vehicle Parking](#) § 5.1
- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Residential Entryways](#) § 5.8
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10

- [Fences](#) § 5.11
- [Frontage on a Public Street](#) § 5.12
- [Performance Standards](#) § 5.14
- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Public Hearing](#) § 6.2

7. Admin. and Enforcement

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R-4 One-Family Residential District

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A. INTENT

The R-4, One-Family Residential district is intended to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. One-family detached dwellings
- ii. **Farms** and **greenhouses** § 4.1
- iii. Publicly owned and operated parks, parkways and outdoor recreational facilities
- iv. **Home occupations** § 4.4
- v. **Keeping of horses and ponies** § 4.8
- vi. **Family day care homes** § 4.5
- vii. **Accessory buildings and uses** § 4.19 customarily incident to any of the above uses

C. SPECIAL LAND USES

- i. **Places of worship** § 4.10
- ii. **Public, parochial and private elementary, intermediate or secondary schools** § 4.3.2
- iii. **Utility and public service buildings and uses (without storage yards)** § 4.11
- iv. **Group day care homes** , **day care centers** , and **adult day care** § 4.12.1
- v. **Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs** § 4.13
- vi. **Golf courses** § 4.14
- vii. **Colleges, universities and other such institutions of higher learning** § 4.15.1
- viii. **Private pools** § 4.16
- ix. **Cemeteries** § 4.2
- x. Railroad right-of-way, but not including terminal freight facilities, transfer and storage tracks
- xi. **Mortuary establishments** § 4.17
- xii. **Bed and breakfasts** § 4.18
- xiii. **Accessory buildings and uses** § 4.19 customarily incident to any of the above permitted uses



R-4 One-Family Residential District

3.1.5

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 10,000 sq ft
 Minimum lot width[Ⓜ]: 80 ft

Lot Coverage[Ⓜ]

Maximum lot coverage: 25%

Setbacks[Ⓜ]

Minimum front yard setback: 30 ft
 Minimum rear yard setback: 35 ft
 Minimum side yard setback: 10 ft one side
 25 ft total two sides

Building Height[Ⓜ]

Maximum building height: 35 ft or 2.5 stories, whichever is less

Floor Area[Ⓜ]

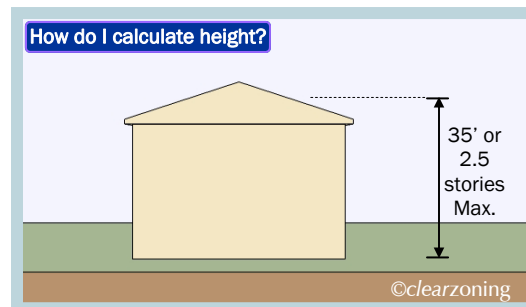
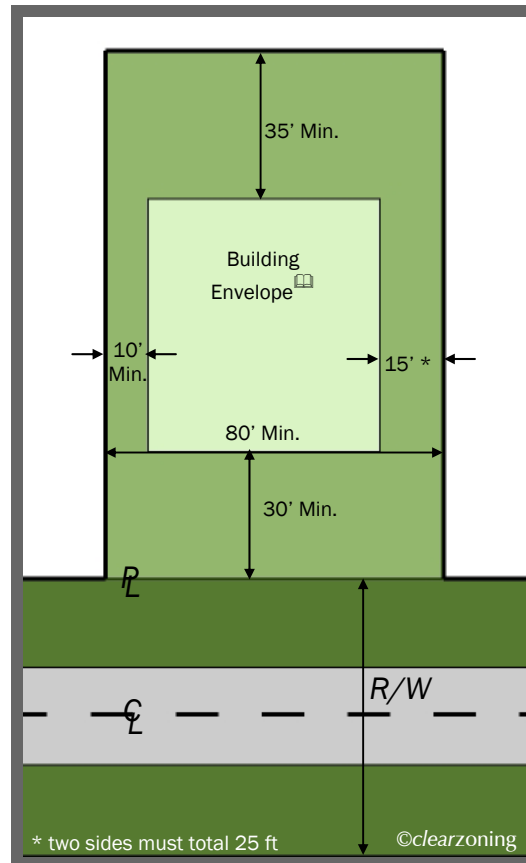
Minimum floor area per unit[Ⓜ]: 1,000 sq ft

Dwelling Unit Density

Maximum density
 DU's/Net Site Area: 3.3

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: A, B, C, and M](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [RA, R-1, R-2, R-3, and R-4 Required Conditions](#) § 3.7
- [One-Family Clustering Option](#) §3.28
- [Open Space Preservation Option](#) §3.30

4. Use Standards

- [Keeping of Cats and Dogs](#) § 4.83
- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Commercial and Recreational Vehicle Parking](#) § 5.1
- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Residential Entryways](#) § 5.8
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10

- [Fences](#) § 5.11
- [Frontage on a Public Street](#) § 5.12
- [Performance Standards](#) § 5.14
- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Public Hearing](#) § 6.2

7. Admin. and Enforcement

- [Nonconformities](#) § 7.1
- [Planned Rezoning Overlay](#) § 7.13.2

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3.1.6

RT Two-Family Residential District

1 Purpose and Introduction

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A. INTENT

The RT, Two-Family Residential District is intended to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential and commercial, office, thoroughfares or other uses which would affect residential character. This district also allows the construction of new two-family residences where slightly greater dwelling unit densities are permitted.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards





B. PRINCIPAL PERMITTED USES

- i. Two-family dwellings (site built).
- ii. **Shared elderly housing** § 4.20
- iii. **Accessory buildings and uses**  §4.19
customarily incident to any of the above uses

C. SPECIAL LAND USES

- i. Reserved

The following uses are regulated according to the standards and regulations in the **R-4 One Family Residential District (Section 3.1.5)**:

- iv. One-family detached dwellings
- v. **Farms**  **and greenhouses** § 4.1
- vi. Publicly owned and operated parks, parkways and outdoor recreational facilities
- vii. **Cemeteries** § 4.2
- viii. **Home occupations**  § 4.4
- ix. **Keeping of horses and ponies** § 4.8
- x. **Family day care homes**  § 4.5
- xi. **Accessory buildings and uses**  §4.19
customarily incident to any of the above uses



D. DEVELOPMENT STANDARDS*

Lot Size

Minimum lot area[Ⓜ]: 7,500 sq ft
 Minimum lot width[Ⓜ]: 50 ft

Lot Coverage[Ⓜ]

Maximum lot coverage: 25%

Setbacks[Ⓜ]

Minimum front yard setback: 30 ft
 Minimum rear yard setback: 35 ft
 Minimum side yard setback: 10 ft one side
 20 ft total two sides

Building Height[Ⓜ]

Maximum building height: 35 ft or 2.5 stories, whichever is less

Floor Area[Ⓜ]

Minimum floor area per unit[Ⓜ]: 750 sq ft

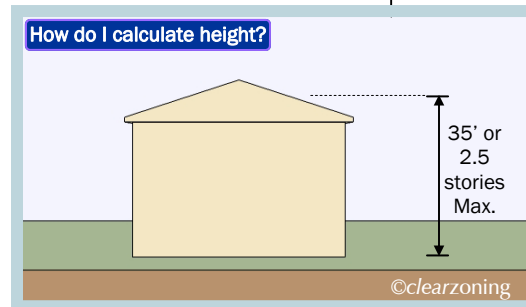
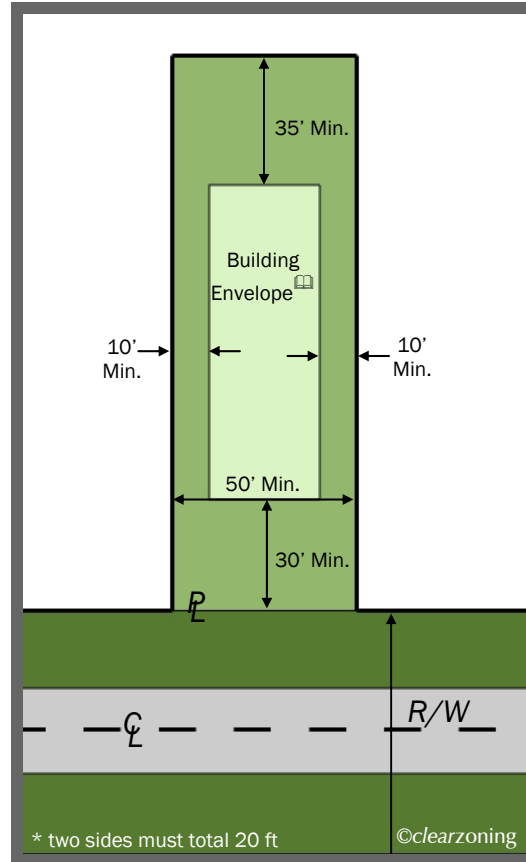
Dwelling Unit Density

Maximum density
 DU's/Net Site Area: 4.8

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: B, C, K, and M](#)
- See *Selected References* below for applicability

*The Development Standards of the R-4 One-Family Residential District, shall apply as minimum standards when one-family detached dwellings are erected.



The above drawings are not to scale.

SELECTED REFERENCES

4. Use Standards

- [Keeping of Cats and Dogs](#) § 4.83
- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Commercial and Recreational Vehicle Parking](#) § 5.1
- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Residential Entryways](#) § 5.8
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10

- [Fences](#) § 5.11
- [Frontage on a Public Street](#) § 5.12
- [Performance Standards](#) § 5.14
- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Public Hearing](#) § 6.2

7. Admin. and Enforcement

- [Nonconformities](#) § 7.1
- [Planned Rezoning Overlay](#) § 7.13.2

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3.1.7 RM-1 Low-Density, Low Rise Multiple-Family District

A. INTENT

The RM-1, Low-Density, Low-Rise Multiple-Family Residential District is designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and major thoroughfares and freeways and lower-density Single-Family districts. The Multiple-Family Residential District is further provided to serve the needs for the apartment type of unit in an otherwise low-density single-family community.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Multiple-family dwellings
- ii. **Independent and congregate elderly living facilities** § 4.20
- iii. **Accessory buildings and uses** §4.19 customarily incident to any of the above uses

C. SPECIAL LAND USES

- i. **Convalescent homes** , **assisted living facilities** , **hospice care facilities and child care centers** §4.21
- ii. **Accessory buildings and uses** §4.19 customarily incident to any of the above permitted uses

The following uses are regulated according to the standards and regulations in the **RT Two-Family Residential District (Section 3.1.6)**: Two-family dwellings (site built)

- i. **Shared elderly housing** § 4.20
- ii. **Accessory buildings and uses** §4.19 customarily incident to any of the above uses

The following uses are regulated according to the standards and regulations in the **R-4 One Family Residential District (Section 3.1.5)**:

- vii. One-family detached dwellings
- viii. **Farms** **and greenhouses** § 4.1
- ix. Publicly owned and operated parks, parkways and outdoor recreational facilities
- x. **Cemeteries** § 4.2
- xi. **Home occupations** § 4.4
- xii. **Keeping of horses and ponies** § 4.8
- iv. **Family day care homes** § 4.5
- v. **Accessory buildings and uses** §4.19 customarily incident to any of the above uses



RM-1 Low-Density, Low Rise Multiple-Family District ^{3.1.7}

D. DEVELOPMENT STANDARDS*

Lot Size

Minimum lot area[Ⓜ]: See [Section 3.8.1](#)
 Minimum lot width[Ⓜ]: See [Section 3.8.1](#)

Lot Coverage[Ⓜ]

Maximum lot coverage: 25%

Usable Open Space[Ⓜ]

Minimum usable open space per dwelling unit: 200 sq ft

Setbacks[Ⓜ]

Minimum front yard setback: 50 ft
 Minimum rear yard setback: 75 ft
 Minimum side yard setback: 75 ft

Building Height[Ⓜ]

Maximum building height: 35 ft or 2 stories, whichever is less

Floor Area[Ⓜ]

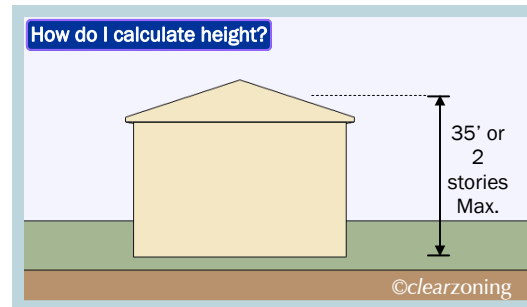
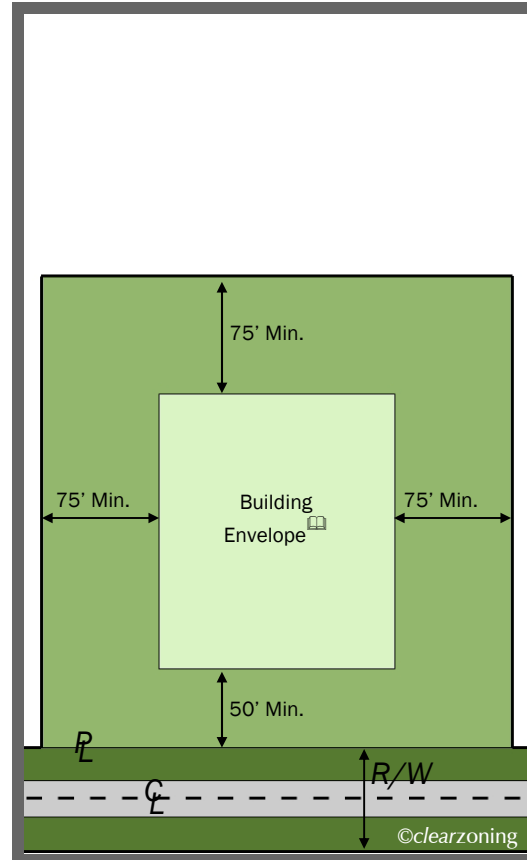
Minimum floor area per unit[Ⓜ]:
 One bedroom unit: 500 sq ft
 Two bedroom unit: 750 sq ft
 Three bedroom unit: 900 sq ft
 Four bedroom unit: 1,000 sq ft
 Efficiency unit: 400 sq ft

Dwelling Unit Density				
Permitted Stories	Dwelling Unit Size (Bedrooms)	Room Count	Maximum Density DU's/Net Site Area	Maximum % of Dwelling Units
1, 2	Efficiency	1	—	5%
(35' max)	1 BR	2	10.9	20%
	2 BR	3	7.3	—
	3+ BR	4	5.4	—

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: A, B, C, and M](#)
- See *Selected References* below for applicability

*The Development Standards of the R-4 One-Family Residential District, shall apply as minimum standards when one-family detached dwellings are erected.



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- RM-1 and RM-2 Regulations and Requirements §3.8
- Planned Development Options §3.31

4. Use Standards

- Keeping of Cats and Dogs § 4.83
- Uses Not Otherwise Included § 4.86
- Unlisted Use Determination § 4.87

5. Site Standards

- Commercial and Recreational Vehicle Parking § 5.1

Off-street Parking Requirements § 5.2

- Off-street Parking Layout, Standards... § 5.3
- Off-street Loading and Unloading § 5.4
- Landscape Standards § 5.5
- Signs § 5.6
- Exterior Lighting § 5.7
- Residential Entryways § 5.8
- Corner Clearance § 5.9
- Additional Road Design § 5.10
- Fences § 5.11
- Frontage on a Public Street § 5.12

Performance Standards § 5.14

- Exterior Building Wall Facade Materials § 5.15
- Bike Parking Facility Requirements § 5.16

6. Development Procedures

- Site Plan Review § 6.1
- Public Hearing § 6.2

7. Admin. and Enforcement

- Nonconformities § 7.1
- Planned Rezoning Overlay § 7.13.2

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3.1.8 RM-2 High Density, Mid-Rise Multiple-Family District

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3 Zoning Districts

4 Use Standards


5 Site Standards

6 Development Procedures



7 Admin and Enforcement

A. INTENT


The RM-2, High Density, Mid-Rise Multiple-Family Residential district is designed to provide for the residential needs of persons desiring the apartment type of accommodation with central services in a mid-rise configuration. It is the intent of the RM-2 districts to provide high density living facilities in areas, or adjacent to areas, of intense commercial or office development. RM-2 districts should be of sufficient size to accommodate necessary recreation, open space, off-street parking and other on-site amenities. The RM-2 district is not intended for isolated residential areas.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards


B. PRINCIPAL PERMITTED USES

- i. Multiple-family dwellings 
- ii. **Accessory buildings and uses**  §4.19
customarily incident to any of the above uses





The following uses are regulated according to the standards and regulations in the **RM-1 Low-Density, Low Rise Multiple-Family (Section 3.1.7):**

- iii. **Independent and congregate elderly living facilities** § 4.20
- iv. **Accessory buildings and uses**  §4.19
customarily incident to any of the above uses

The following uses are regulated according to the standards and regulations in the **RT Two-Family Residential District (Section 3.1.6):**

- v. Two-family dwellings (site built)
- vi. **Shared elderly housing** § 4.20
- vii. **Accessory buildings and uses**  §4.19
customarily incident to any of the above uses

The following uses are regulated according to the standards and regulations in the **R-4 One Family Residential District (Section 3.1.5):**

- viii. One-family detached dwellings
- ix. **Farms**  **and greenhouses** § 4.1
- x. Publicly owned and operated parks, parkways and outdoor recreational facilities
- xi. **Cemeteries** § 4.2
- xii. **Home occupations**  § 4.4
- xiii. **Keeping of horses and ponies** § 4.8
- iv. **Family day care homes**  § 4.5
- v. **Accessory buildings and uses**  §4.19
customarily incident to any of the above uses

C. SPECIAL LAND USES

- i. **Retail commercial services and office uses** §4.22



RM-2 High Density, Mid-Rise Multiple-Family District 3.1.8

D. DEVELOPMENT STANDARDS*

Lot Size

Minimum lot area[Ⓜ]: See [Section 3.8.1](#)
 Minimum lot width[Ⓜ]: See [Section 3.8.1](#)

Lot Coverage[Ⓜ]

Maximum lot coverage: 45%

Usable Open Space[Ⓜ]

Minimum usable open space per dwelling unit: 200 sq ft

Setbacks[Ⓜ]

Minimum front yard setback: 75 ft
 Minimum rear yard setback: 75 ft
 Minimum side yard setback: 75 ft

Building Height[Ⓜ]

Maximum building height: 65 ft or 5 stories, whichever is less

Floor Area[Ⓜ]

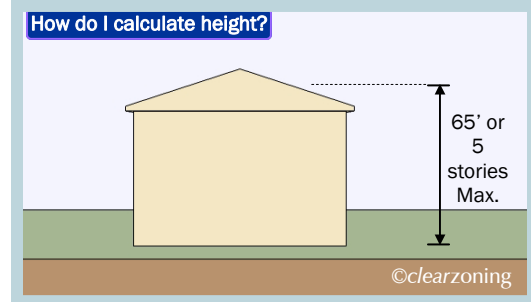
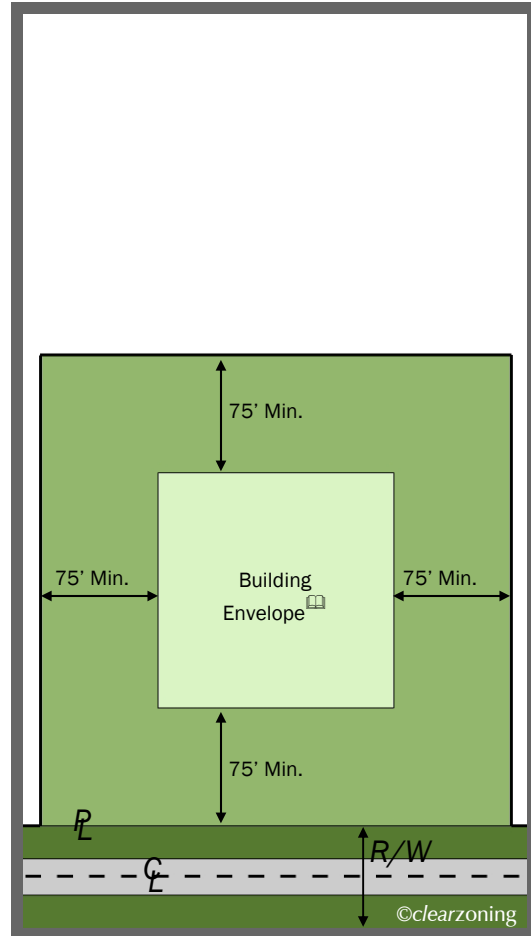
Minimum floor area per unit[Ⓜ]:
 One bedroom unit: 500 sq ft
 Two bedroom unit: 750 sq ft
 Three bedroom unit: 900 sq ft
 Four bedroom unit: 1,000 sq ft
 Efficiency unit: 400 sq ft

Dwelling Unit Density				
Permitted Stories	Dwelling Unit Size (Bedrooms)	Room Count	Maximum Density DU's/Net Site Area	Maximum % of Dwelling Units
1-5	Efficiency	1	—	10%
(65' max)	1 BR	2	31.1	33%
	2 BR	3	20.7	—
	3+ BR	4	15.6	—

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: A, B, C, and M](#)
- See *Selected References* below for applicability

*The Development Standards of the R-4 One-Family Residential District, shall apply as minimum standards when one-family detached dwellings are erected.



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- RM-1 and RM-2 Regulations and Requirements § 3.8

4. Use Standards

- Keeping of Cats and Dogs § 4.83
- Uses Not Otherwise Included § 4.86
- Unlisted Use Determination § 4.87

5. Site Standards

- Commercial and Recreational Vehicle Parking § 5.1

Off-street Parking Requirements

- § 5.2
- Off-street Parking Layout, Standards... § 5.3
- Off-street Loading and Unloading § 5.4
- Landscape Standards § 5.5
- Signs § 5.6
- Exterior Lighting § 5.7
- Residential Entryways § 5.8
- Corner Clearance § 5.9
- Additional Road Design § 5.10
- Fences § 5.11
- Frontage on a Public Street § 5.12

Performance Standards § 5.14

- Exterior Building Wall Facade Materials § 5.15
- Bike Parking Facility Requirements § 5.16

6. Development Procedures

- Site Plan Review § 6.1
- Public Hearing § 6.2

7. Admin. and Enforcement

- Nonconformities § 7.1
- Planned Rezoning Overlay § 7.13.2

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A. INTENT

The MH, Mobile Home district is intended to give recognition to the fact that mobile homes and manufactured housing units can provide satisfactory living conditions provided certain minimum standards are maintained. It is further the intent of the MH district to have direct access to a paved major thoroughfare. These regulations are also intended to protect the health and welfare of mobile home park residents by insuring that mobile home parks will be served adequately by essential public facilities such as access streets, water, waste water treatment, storm water drainage facilities, fire protection and other emergency services.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

The following uses are regulated according to the standards and regulations in the **RT Two-Family Residential District (Section 3.1.6)**:

- i. Two-family dwellings (site built).
- ii. **Shared elderly housing** § 4.20
- iii. **Accessory buildings and uses** §4.19 customarily incident to any of the above uses

The following uses are regulated according to the standards and regulations in the **R-4 One Family Residential District (Section 3.1.5)**:

- iv. One-family detached dwellings
- v. **Farms** **and greenhouses** § 4.1
- vi. Publicly owned and operated parks, parkways and outdoor recreational facilities
- vii. **Cemeteries** § 4.2
- viii. **Home occupations** § 4.4
- ix. **Keeping of horses and ponies** § 4.8
- x. **Family day care homes** § 4.5
- xi. **Accessory buildings and uses** §4.19 customarily incident to any of the above uses

Uses below are subject to the required conditions in **Section 3.9**:

- xii. Mobile homes, including those permitted under the American National Standards Institute (A.N.S.I.) Code
- xiii. Manufactured housing units including those permitted under the American National Standards Institute (A.N.S.I.) Code
- xiii. Mobile home condominium projects as regulated by the Condominium Act, Act 59, P.A. 1978, as amended

B. PRINCIPAL PERMITTED USES (continued)

- xiv. One (1) office building exclusively for conducting the business operations of the mobile home park
- xv. Utility buildings for laundry facilities and auxiliary storage space for mobile home residents
- xvi. Community buildings for use by the residents of the mobile home park as well as recreation areas and playgrounds
- xvii. **Mobile home** **sales** §4.23

C. SPECIAL LAND USES

- i. Reserved



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 5,500
 Minimum lot width[Ⓜ]: See [Section 3.9](#)

Lot Coverage[Ⓜ]

Maximum lot coverage: See [Section 3.9](#)

Setbacks[Ⓜ]

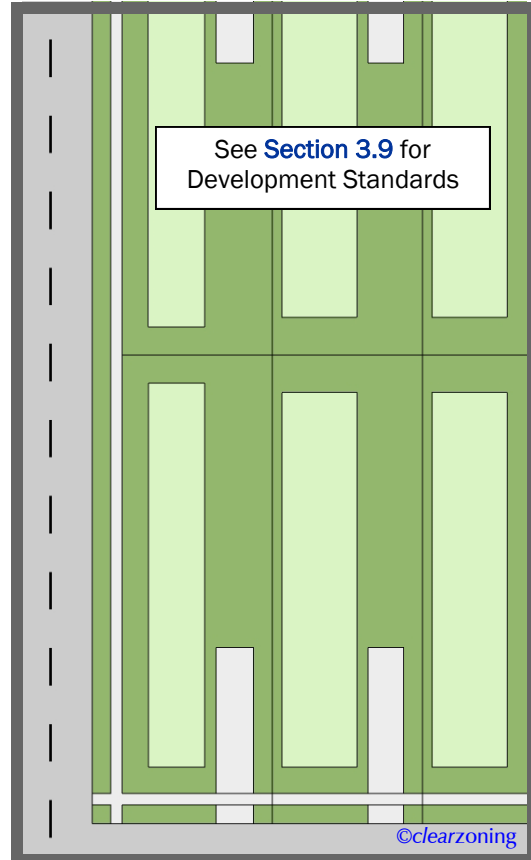
Minimum front yard setback: See [Section 3.9](#)
 Minimum rear yard setback: See [Section 3.9](#)
 Minimum side yard setback: See [Section 3.9](#)

Building Height[Ⓜ]

Maximum building height: 25 ft or 1.5 stories, whichever is less

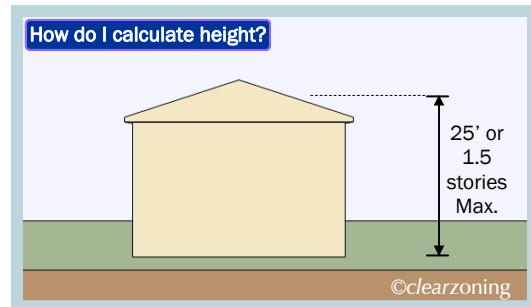
Floor Area[Ⓜ]

Minimum floor area per unit[Ⓜ]: 720 sq ft



NOTES

- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [MH Required Conditions](#) § 3.9

4. Use Standards

- [Keeping of Cats and Dogs](#) § 4.83
- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Commercial and Recreational Vehicle Parking](#) § 5.1
- [Off-street Parking Requirements](#) § 5.2

- [Off-street Parking Layout, Standards...](#) § 5.3

- [Off-street Loading and Unloading](#) § 5.4

- [Landscape Standards](#) § 5.5

- [Signs](#) § 5.6

- [Exterior Lighting](#) § 5.7

- [Residential Entryways](#) § 5.8

- [Corner Clearance](#) § 5.9

- [Additional Road Design](#) § 5.10

- [Fences](#) § 5.11

- [Frontage on a Public Street](#) § 5.12

- [Performance Standards](#) § 5.14

- [Exterior Building Wall Facade Materials](#) § 5.15

- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1

- [Public Hearing](#) § 6.2

7. Admin. and Enforcement

- [Nonconformities](#) § 7.1

- [Planned Rezoning Overlay](#) § 7.13.2

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3.1.10 B-1 Local Business District

A. INTENT

The B-1, Local Business district, as herein established, is designated to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Retail businesses use
- ii. Retail business service uses
- iii. **Dry cleaning establishments, or pick-up stations, dealing directly with the consumer** §4.24
- iv. Business establishments which perform services on the premises
- v. Professional services
- vi. Post office and similar governmental office buildings, serving persons living in the adjacent residential area
- vii. Off-street parking lots
- viii. Instructional centers
- ix. Other uses similar to the above uses
- x. **Accessory structures and uses** §4.19 customarily incident to the above permitted uses

C. SPECIAL LAND USES

- i. **Mortuary establishments** §4.17
- ii. **Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations** §4.26



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area^{sq} per unit: See [Section 3.6.2.D](#)
 Minimum lot width^{sq} per unit: See [Section 3.6.2.D](#)

Lot Coverage^{sq}

Maximum lot coverage: See [Section 3.6.2.D](#)

Setbacks^{sq}

Minimum front yard setback: 20 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 15 ft

Building Height^{sq}

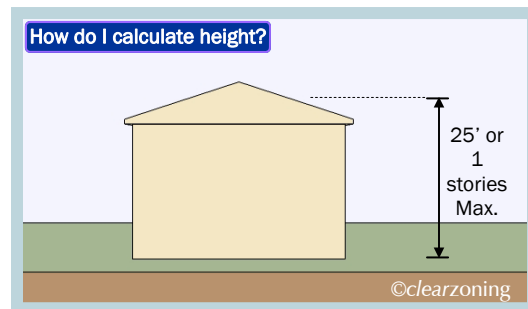
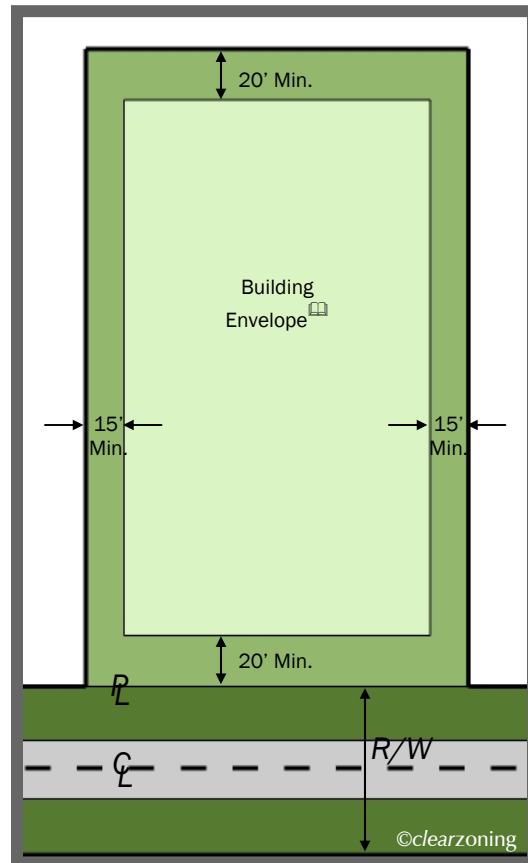
Maximum building height: 25 ft or 1 stories, whichever is less

Parking Setbacks

Minimum front yard setback: 20 ft
 Minimum rear yard setback: 10ft
 Minimum side yard setback: 10 ft

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: C, D, E, L, M, P, and Q](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- B-1, B-2, and B-3 Required Conditions §3.10

4. Use Standards

- Uses Not Otherwise Included § 4.86
- Unlisted Use Determination § 4.87

5. Site Standards

- Off-street Parking Requirements § 5.2
- Off-street Parking Layout, Standards... § 5.3
- Off-street Loading and Unloading § 5.4
- Landscape Standards § 5.5
- Signs § 5.6
- Exterior Lighting § 5.7
- Corner Clearance § 5.9
- Additional Road Design § 5.10
- Fences § 5.11
- Frontage on a Public Street § 5.12
- Access to Major Thoroughfares § 5.13

Performance Standards § 5.14

- Exterior Building Wall Facade Materials § 5.15
- Bike Parking Facility Requirements § 5.16

6. Development Procedures

- Site Plan Review § 6.1
- Public Hearing § 6.2

7. Admin. and Enforcement

- Nonconformities § 7.1
- Planned Rezoning Overlay § 7.13.2

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B-2 Community Business District

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

A. INTENT

The B-2, Community Business district is designed to cater to the needs of a larger consumer population than is served by the Local Business district, and is generally characterized by an integrated or planned cluster of establishments served by a common parking area, and generating greater volumes of vehicular and pedestrian traffic than generated by Local Business district uses, and located at the intersection of two major thoroughfares (major arterial, arterial or minor arterial). Although the B-2 districts permit certain more intensive commercial uses than B-1 districts, it is intended that automotive sales and service establishments, drive-through fast-food restaurants, open air retail uses, and similar uses not be established in the B-2 districts. This goal is established to maintain a more pedestrian-friendly environment and to foster a physical development pattern that is well-planned, supportive of moderately intense commercial uses, and aesthetically appealing from both abutting thoroughfares and from within the district.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Retail business use
- ii. Retail business service uses
- iii. Business establishments which perform services on the premises
- iv. **Dry cleaning establishments, or pick-up stations, dealing directly with the consumer** §4.24
- v. Professional services
- vi. **Retail business** §4.27
- vii. **Service establishments of and office showroom or workshop nature** §4.27
- viii. **Restaurants (sit-down), banquet facilities or other places serving food or beverage** §4.27
- ix. **Theaters, assembly halls, concert halls, museums or similar places of assembly** §4.27
- x. **Business schools and colleges or private schools operated for profit** §4.27
- xi. **Day care centers** and **adult day care centers** §4.12.2
- xii. Private clubs , fraternal organizations and lodge halls
- xiii. **Places of worship** §4.10
- xiv. **Hotels**, and **motels**, §4.28
- xv. Professional and medical offices, including laboratories
- xvi. Other uses similar to the above uses
- xvii. **Accessory structures and uses**, §4.19 customarily incident to the above permitted uses

C. SPECIAL LAND USES

- i. **Fueling station** §4.29
- ii. **Sale of produce and seasonal plant materials outdoors** §4.30
- iii. **Veterinary hospitals**, or **clinics** §4.31



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 2 acres
 Minimum lot width[☐]: See [Section 3.6.2.D](#)

Lot Coverage[☐]

Maximum lot coverage: See [Section 3.6.2.D](#)

Setbacks[☐]

Minimum front yard setback: 40 ft
 Minimum rear yard setback: 30 ft
 Minimum side yard setback: 30 ft

Building Height[☐]

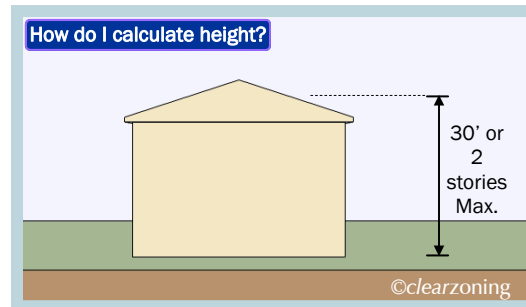
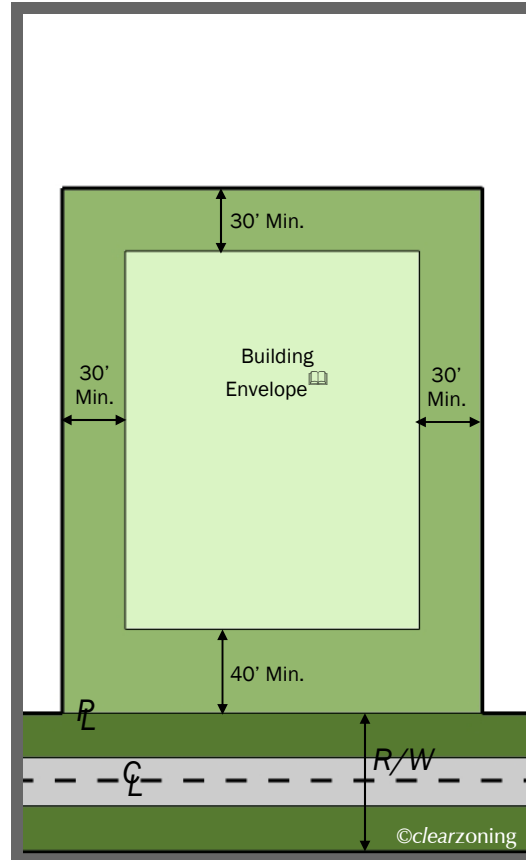
Maximum building height: 30 ft or 2 stories, whichever is less

Parking Setbacks

Minimum front yard setback: 20 ft
 Minimum rear yard setback: 10 ft
 Minimum side yard setback: 10 ft

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: C, D, E, L, M, P, and Q](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [B-1, B-2, and Required Conditions](#) § 3.10

4. Use Standards

- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4

■ Landscape Standards § 5.5

- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10
- [Fences](#) § 5.11
- [Frontage on a Public Street](#) § 5.12
- [Access to Major Thoroughfares](#) § 5.13
- [Performance Standards](#) § 5.14
- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Public Hearing](#) § 6.2

7. Admin. and Enforcement

- [Nonconformities](#) § 7.1
- [Planned Rezoning Overlay](#) § 7.13.2

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A. INTENT

The B-3, General Business district is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Local Business district or the Community Business district.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Retail businesses use
- ii. Retail business service uses
- iii. **Dry cleaning establishments, or pick-up stations, dealing directly with the consumer** §4.24
- iv. Business establishments which perform services on the premises
- v. Professional services
- vi. **Retail business** **or retail business service** **establishments** §4.27
- vii. Professional and medical offices, including laboratories
- viii. **Fueling station** §4.29
- ix. **Sale of produce and seasonal plant materials outdoors** §4.30
- x. **Auto wash** §4.32
- xi. Bus passenger stations
- xii. New and used car salesroom, showroom, or office
- xiii. Other uses similar to the above uses
- xiv. Tattoo parlors
- xv. Publicly owned and operated parks, parkways and outdoor recreational facilities
- xvi. **Accessory structures and uses** §4.19 customarily incident to the above permitted uses
- xvii. **Public or private health and fitness facilities and clubs** §4.34
- xviii. **Microbreweries** §4.35
- xix. **Brewpubs** §4.35

C. SPECIAL LAND USES

- i. **Outdoor space for exclusive sale of new or used automobiles, campers, recreation vehicles, mobile homes** , **or rental of trailers or automobiles** §4.36
- ii. **Motel** §4.28
- iii. **Business in the character of a drive-in or open front store** §4.37
- iv. **Veterinary hospitals** **or clinics** §4.31
- v. **Plant materials nursery** §4.6
- vi. **Public or private indoor and private outdoor recreational facilities** §4.38
- vii. **Mini-lube or oil change establishments** §4.39
- viii. **Sale of produce and seasonal plant materials outdoors** §4.30
- ix. **Restaurant in the character of a fast food carryout** , **drive-in** , **fast food drive-through** **or fast food sit-down** §4.40



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: See [Section 3.6.2.D](#)
 Minimum lot width[Ⓜ]: See [Section 3.6.2.D](#)

Lot Coverage[Ⓜ]

Maximum lot coverage: See [Section 3.6.2.D](#)

Setbacks[Ⓜ]

Minimum front yard setback: 30 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 15 ft

Building Height[Ⓜ]

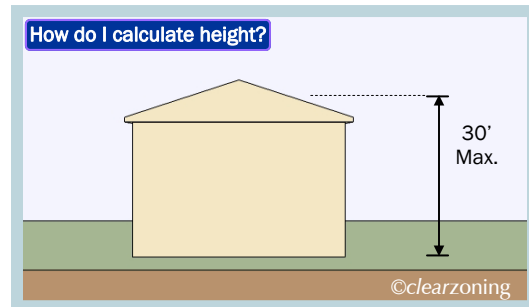
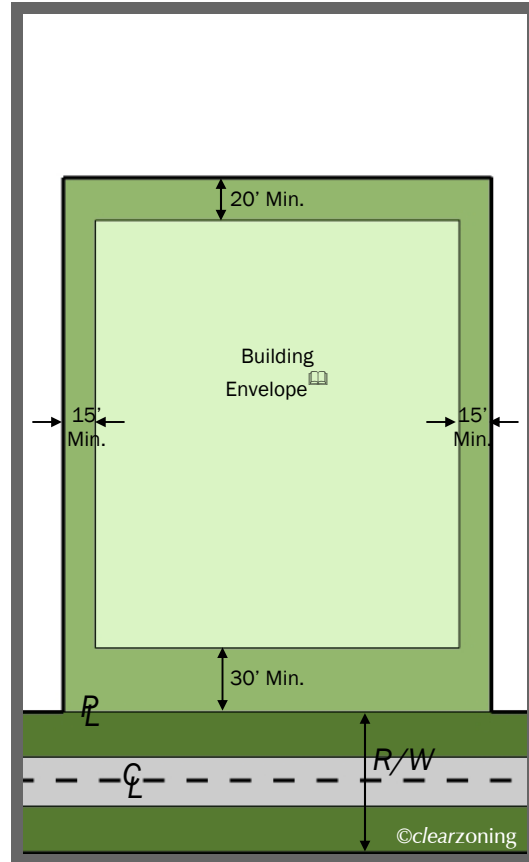
Maximum building height: 30 ft

Parking Setbacks

Minimum front yard setback: 20 ft
 Minimum rear yard setback: 10 ft
 Minimum side yard setback: 10 ft

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: C, D, E, L, M, P, and Q.](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [B-1, B-2, and Required Conditions](#) §3.10

4. Use Standards

- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10
- [Fences](#) § 5.11
- [Frontage on a Public Street](#) § 5.12
- [Access to Major Thoroughfares](#) § 5.13

- [Performance Standards](#) § 5.14
- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Public Hearing](#) § 6.2

7. Admin. and Enforcement

- [Nonconformities](#) § 7.1
- [Planned Rezoning Overlay](#) § 7.13.2

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C Conference District

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A. INTENT

The C, Conference district is designed to accommodate the development of a planned, multi-purpose conference center facility including meeting rooms, conference rooms, eating and lodging facilities, catering uses, and off-street parking and loading/unloading space.

The Conference district is intended to encourage a conference center which is easily accessible from thoroughfares and freeways and has adequate site area for all component parts. To permit quality design and sound economic value for the City, any conference center, including lodging accommodations should have unified architectural and functional design and provide an overall master plan of all phases for the complete development. Of importance to the City of Novi is its low profile character which the City wishes to preserve and protect for the welfare of its citizens, however, there may be a need in extreme situations to relax the height limitation of sixty-five feet (65') or five (5) stories, whichever is less, to secure desirable, productive land use development.





 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Reserved

C. SPECIAL LAND USES

The following uses may be permitted by the City Council after report and recommendation from the Planning Commission:

- i. **Conference centers** §4.75
- ii. Hotels  and motels 
- iii. Offices and office buildings
- iv. **Restaurants (sit-down)**  §4.41
- v. **Accessory structures and uses**  §4.19
customarily incident to the above uses



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 30 Acres
 Minimum lot width[☐]: Not Specified

Lot Coverage[☐]

Maximum FAR: 0.5 FAR[☐]

Setbacks[☐]

Minimum front yard setback: 50 ft or height of building*
 Minimum rear yard setback: 50 ft or height of building*
 Minimum side yard setback: 50 ft or height of building*

Building Height[☐]

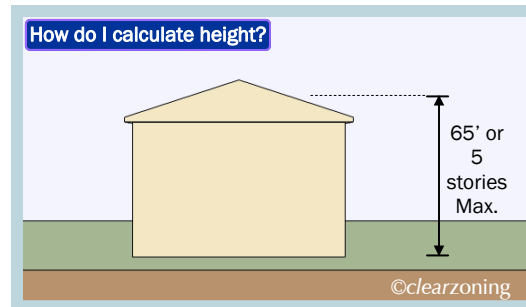
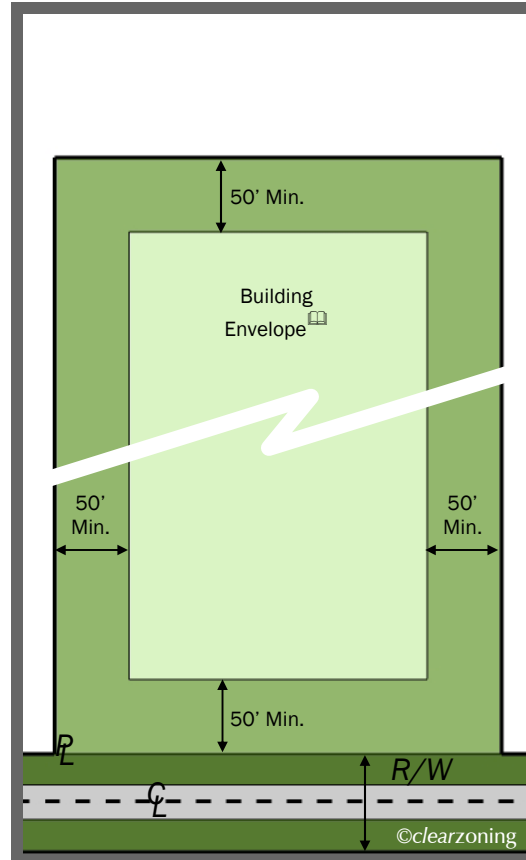
Maximum building height: 65 ft or 5 stories, whichever is less*

Floor Area[☐]

Minimum floor area[☐]: See [Section 3.23](#)

Parking Setbacks

Minimum rear yard setback: 20 ft
 Minimum side yard setback: 20 ft



The above drawings are not to scale.

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: M, P and Q](#)
- See *Selected References* below for applicability

*See [Section 3.23](#) for further regulations

SELECTED REFERENCES

3. Zoning Districts

- [Conference District Regulations](#) §3.23

4. Use Standards

- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10
- [Fences](#) § 5.11
- [Frontage on a Public Street](#) § 5.12
- [Access to Major Thoroughfares](#) § 5.13

- [Performance Standards](#) § 5.14
- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

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EXPO Exposition District

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A. INTENT

The EXPO, Exposition district is designed to accommodate the development of a planned exposition facility including exhibit halls, display floor area, meeting rooms, conference rooms, eating and lodging facilities, banquet, concession and catering uses, museums, theaters, recreational facilities, space for school and civic affairs, warehousing accessory to the preceding uses, and off-street parking and loading/unloading space.

The Exposition district is intended to encourage an exposition facility which is accessible from thoroughfares and freeways and has adequate site area. To permit quality design and sound economic value for the City, any exposition facility should have unified architectural and functional design and provide an overall master plan of all phases for the complete development.




The City also recognizes that in order to conserve the value of land and buildings in the district and adjacent districts, and to protect the City's tax revenue, a need to provide for alternative uses in the district may be warranted should the demand for an exposition facility in the district diminish due to changing conditions in the City. Therefore, the district is also designed to promote research, office and light industrial development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences and to help meet the needs of the City's expected future economy for all types of research, office, light industrial and related uses.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards


B. PRINCIPAL PERMITTED USES

- i. Exposition facilities including display floor space, exhibition halls, meeting rooms, conference rooms, banquet rooms, pre-function space, offices and catering uses

The following uses, when part of a development which includes an exposition facility:


- ii. Hotels  and motels 
- iii. Offices and office buildings
- iv. Museums
- v. Theaters
- vi. Restaurants (sit-down) , but not Fast food sit-down
- vii. Recreational facilities
- viii. **Retail sale of products or services occurring as part of a scheduled exposition function** §4.76

The following uses are permitted subject to **Section 4.77:**

- ix. Professional office buildings, offices and office sales and service activities
- x. **Accessory buildings, structures and uses**  §4.19 customarily incident to the above permitted uses
- xi. Publicly owned and operated parks, parkways and outdoor recreational facilities
- xii. **Public or private health and fitness facilities and clubs** §4.34
- xiii. Medical offices, including laboratories and clinics

B. PRINCIPAL PERMITTED USES (continued)

The following uses are permitted subject to **Section 4.45 and Section 4.77.**

- xiv. Research and development, technical training and design of pilot or experimental products
- xv. Data processing and computer centers
- xvi. **Warehousing and wholesale establishments** §4.43
- xvii. **Manufacturing**  §4.43
- xviii. **Industrial office sales, service and industrial office related uses** §4.44
- xix. Trade or industrial schools
- xx. **Laboratories; experimental, film or testing** §4.43
- xxi. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations, other than outside storage and service yards
- xxii. Public or private indoor recreation facilities
- xxiii. Private outdoor recreational facilities
- xxiv. **Veterinary hospitals**  **or clinics**  §4.31
- xxv. **Motion picture, television, radio and photographic production facilities** §4.47
- xxvi. Other uses of a similar and no more objectionable character to the above uses
- xxvii. **Accessory buildings, structures and uses**  §4.19 customarily incident to any of the above permitted uses

C. SPECIAL LAND USES

- i. Reserved



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: See [Section 3.24](#)
 Minimum lot width[☐]: See [Section 3.24](#)

Lot Coverage[☐]

Maximum FAR: 0.5 FAR[☐]

Setbacks[☐]

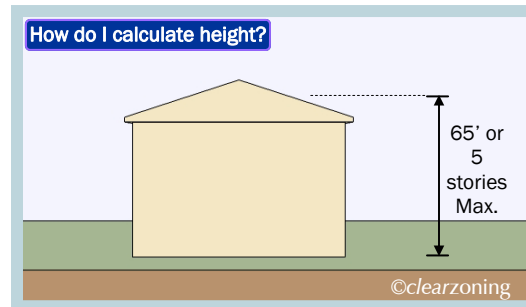
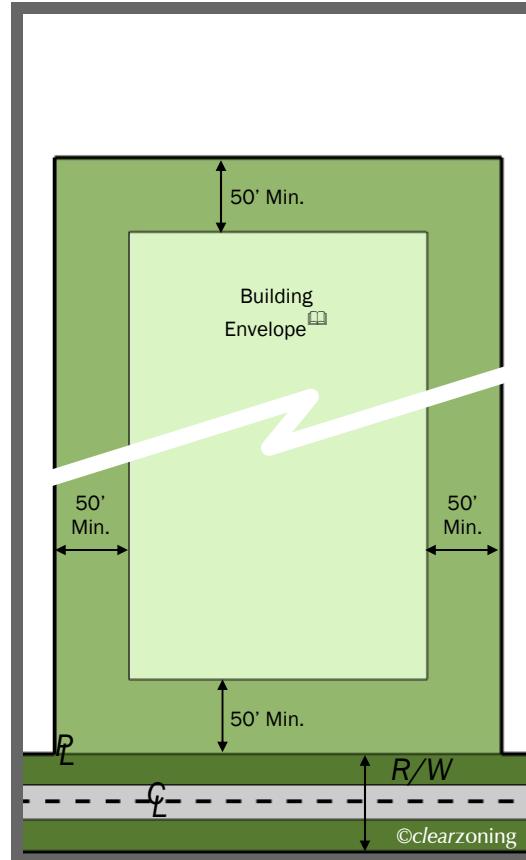
Minimum front yard setback: 50 ft or height of building*
 Minimum rear yard setback: 50 ft or height of building*
 Minimum side yard setback: 50 ft or height of building*

Building Height[☐]

Maximum building height: 65 ft or 5 stories, whichever is less*

Floor Area[☐]

Minimum floor area[☐]: See [Section 3.24](#)



The above drawings are not to scale.

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: E, M, P, and Q](#)
- See *Selected References* below for applicability

*See [Section 3.24](#) for further regulations

SELECTED REFERENCES

3. Zoning Districts

- [EXPO District Requirements](#) §3.24

4. Use Standards

- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10
- [Fences](#) § 5.11
- [Frontage on a Public Street](#) § 5.12
- [Access to Major Thoroughfares](#) § 5.13

- [Performance Standards](#) § 5.14
- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
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7. Admin. and Enforcement

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EXO Exposition Overlay District

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A. INTENT

The EXO, Exposition Overlay district is designed to accommodate the development of a planned exposition, convention, and conference facility, including exhibit halls; display floor area; meeting rooms; conference rooms; eating and lodging facilities; banquet, concession, and catering uses; museums; theaters; recreational facilities; space for school and civic affairs; warehousing accessory to principal uses; and off-street parking and loading/unloading space, all for the purpose of supporting the growing high-tech business base within the city and regional demand for an exposition facility.

The EXO Exposition Overlay district is intended to encourage the development of an exposition, conference, and convention facility that is located near the City's Town Center (TC) district as shown on the Master Plan for Land Use, has visual exposure to the I-96 freeway (whether directly or in combination with other property), is accessible from a major thoroughfare, and has adequate site area. Taking into consideration the need to limit the overall impact of the use, and the need to have sufficient population support for the use, in no event is it the intent to have the EXO Overlay District encompass more than 55 contiguous acres, or to have more than one EXO Overlay district until the population of the City exceeds 100,000. The EXO district is intended to be utilized exclusively in connection with the OST Planned Office Service Technology district as the underlying zoning district. The EXO district is not intended to be adjacent to residential districts. To permit quality design and sound economic value for the City, any exposition, conference, and convention facility should have unified architectural and functional design and provide an overall master plan for all phases for the complete development. The district contemplates the existence of a principal exposition, conference, or convention facility as part of the development before, or at least coincidental with, permitted "secondary" overlay uses. It is not the intent of this district to authorize the establishment of a new area within the City for an independent commercial center or district. Rather, it is the intent of this district to recognize the special need and character of a planned exposition, convention, and conference facility, and to make provision for this special need and character in an appropriate location.





User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

The following uses are regulated according to the standards, regulations, and required conditions in the **OST Planned Office Service Technology District (Section 3.1.23)**:

- i. Professional office buildings, offices and office sales and service activities
- ii. Data processing and computer centers
- iii. Laboratories
- iv. **Research, testing, design and development, technical training, and design of pilot or experimental products** §4.68
- v. **Hotels** and **business motels** §4.28.4
- vi. **Colleges, universities, and other such post-secondary institutions of higher learning, public or private, offering courses in general, technical, or religious education** §4.15.2
- vii. **Motion picture, television, radio and photographic production facilities** §4.47.1
- viii. Medical offices, including laboratories and clinics
- ix. **Facilities for human care** §4.64
- x. Off-street parking lots
- xi. Publicly owned and operated parks, parkways and outdoor recreational facilities
- xii. Publicly-owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations
- xiii. Financial institution uses with drive-in facilities as an accessory use only
- xiv. **Public or private indoor and private outdoor recreational facilities** §4.38
- xv. **Day care centers and adult day care centers** §4.12.2
- xvi. **Secondary uses** §4.69
- xvii. **Sit down restaurants** §4.41.4
- xviii. Other uses similar to the above uses and subject to the same conditions noted
- xix. **Accessory buildings and uses** §4.19 customarily incidental and integral to any of the above permitted uses

B. PRINCIPAL PERMITTED USES (continued)

The following uses are permitted as part of a OST district Retail Service Overlay subject to the standards, regulations, and required conditions in the **OST Planned Office Service Technology District (Section 3.1.23)**:

- xx. **Retail businesses which supply commodities on the premises** §4.78
- xxi. **Personal service establishments which perform services on the premises** §4.78
- xxii. **Restaurants, including sit down** §4.78
- xxiii. **Fast food drive-through restaurants** §4.78

C. SPECIAL LAND USES (EXO Overlay Uses)

The following uses are permitted as part of an EXO Overlay subject to **Section 3.19, Section 3.20, and Section 3.25**: The supplemental conditions of **Section 3.25** shall govern in the event of a conflict.

- i. **Exposition, conference, and convention facilities** §3.25

The following uses, when part of a development that includes a use described in subsection C. above:

- ii. **Hotels and motels**
- iii. Museums
- iv. Theaters
- v. **Places of worship** §4.10
- vi. Restaurants (sit-down) but not fast food sit-down. §3.25.2.J
- vii. Indoor and outdoor recreational facilities.
- viii. **Retail sale of products or services** §3.25.2.J
- ix. **Onsite support retail uses** §3.25.2.J
- x. Outside exhibits, fairs, entertainment and festivals

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D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area [☐]: See [Section 3.25](#)
 Minimum lot width [☐]: Not Specified

Lot Coverage [☐]

Maximum FAR: 0.5 FAR [☐]

Setbacks [☐]

Minimum front yard setback: 50 ft or height of building*
 Minimum rear yard setback: 50 ft or height of building*
 Minimum side yard setback: 50 ft or height of building*

Building Height [☐]

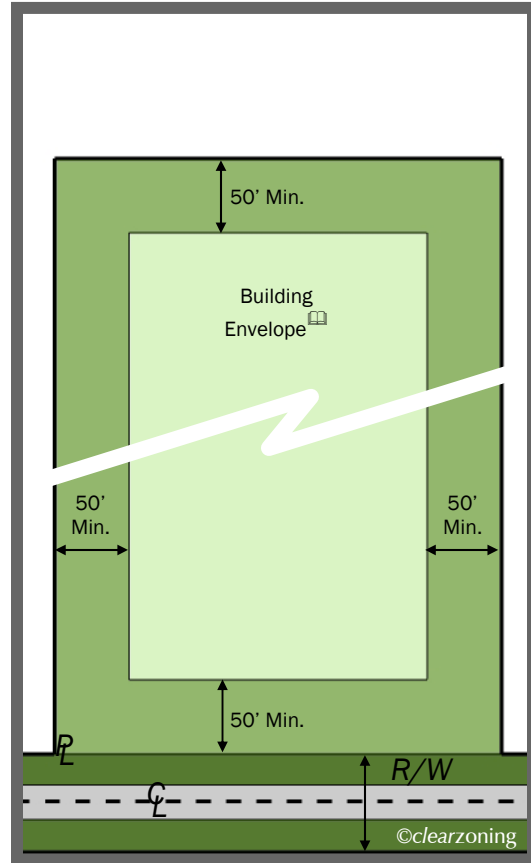
Maximum building height: 65 ft or 5 stories, whichever is less*

Floor Area [☐]

Minimum floor area [☐]: See [Section 3.25](#)

Parking Setbacks

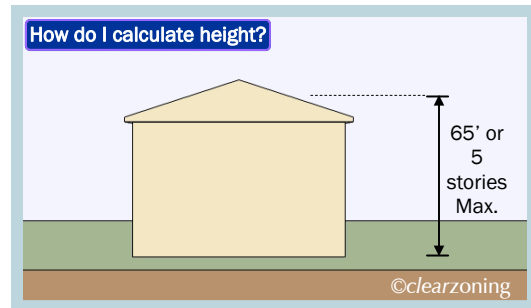
Minimum front yard setback: 20 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 20 ft



NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: E, M, P, and Q](#)
- See *Selected References* below for applicability

*See [Section 3.25.2.F](#) for further regulations



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- OST Retail Service Overlay §3.19
- OST District Regulations and Required Conditions §3.20
- EXO Overlay District Requirements §3.25

4. Use Standards

- Uses Not Otherwise Included § 4.86
- Unlisted Use Determination § 4.87

5. Site Standards

- Off-street Parking Requirements § 5.2
- Off-street Parking Layout, Standards... § 5.3
- Off-street Loading and Unloading § 5.4
- Landscape Standards § 5.5
- Signs § 5.6
- Exterior Lighting § 5.7
- Corner Clearance § 5.9
- Additional Road Design § 5.10
- Fences § 5.11
- Frontage on a Public Street § 5.12
- Access to Major Thoroughfares § 5.13

6. Performance Standards § 5.14

- Exterior Building Wall Facade Materials § 5.15
- Bike Parking Facility Requirements § 5.16

6. Development Procedures

- Site Plan Review § 6.1
- Public Hearing § 6.2

7. Admin. and Enforcement

- Nonconformities § 7.1
- Planned Rezoning Overlay § 7.13.2

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A. INTENT

The intent of the GE, Gateway East district is to encourage high-quality and distinctive development that will complement and support the City's Main Street/Town Center area. The GE district will reflect an inviting and vibrant identity for the easterly gateway to the City's Town Center area while requiring land use planning and development techniques that result in a pleasing, compatible, visual presence. Assembly of small lots and long, narrow lots into larger development parcels is anticipated and encouraged in order to prevent typical and poorly coordinated lot-by-lot development with multiple access points. Minimum lot and frontage thresholds are established to further this objective. Shared parking is strongly encouraged, and vehicular and pedestrian connections between sites may be required. For the Special Development Option, building heights are greater than most traditional commercial districts. Setbacks are reduced commensurate with traditional town development patterns. The GE district also has a significant pedestrian orientation providing sidewalks, lighting and amenities such as plazas, pocket parks and other features that are inviting to pedestrians. The intent of this district is to make provision for uses which have a community orientation, and are less intense than the regional uses permitted in the Main Street and Town Center areas, with the view of providing a mutually supportive transition to such Main Street and Town Center areas.




Quality of life issues inherent in the intent of this Ordinance shall be addressed and demonstrated in development proposals. Quality of life issues may include, but are not limited to, open space, sense of place considerations, land use adjacency, traffic flow and access management, building mass, building placement, siting and compatibility, architectural features, environmental resource protection and landscape design, lighting, and review findings by the Planning Commission and City Council that a development plan creates an environment that adequately considers those impacted by the development; i.e., residents, customers, tenants, landowners, etc., within a context to achieve the gateway transition to the City's Main Street and Town Center areas.

It is the further intent of this Article to create a Special Development Option to provide greater flexibility for the achievement of the objectives of the GE district by authorizing use of Special Development regulations with the view of: permitting quality residential development and facilitated mixed use developments including multiple family residential, office and limited commercial; encouraging the use of land in accordance with its character and adaptability; conserving natural resources and natural features; encouraging innovation in land use planning; providing enhanced housing, cultural, and recreational opportunities for the people of the City; and bringing about a greater compatibility of design and use between and among neighboring properties. Applicants using the Special Development Option shall adequately demonstrate the intent of this district, including the quality of life issues and special design features noted herein.

It is the intent of this Ordinance to include within the GE district properties as depicted and described as the Town Center Gateway area on the City of Novi Master Plan for Land Use, **as shown on the Town Center Gateway Area map which appears at the end of this Article**. It is also the intent of this Ordinance to include within the GE district properties located at the northeast and southeast corners of Meadowbrook Road and Grand River Avenue that have frontage on both streets.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Professional office
- ii. Medical office, including laboratories
- iii. Financial institutions, financial advisors, stock brokerage
- iv. Real estate establishments
- v. **Restaurants (sit down)**  § 4.41
- vi. Publicly owned and operated parks.
- vii. Retail business uses 
- viii. Retail business service uses 
- ix. Funeral homes

B. PRINCIPAL PERMITTED USES (continued)

- x. Post office, mailing center
- xi. Principal uses similar to those listed above as determined by the City Council
- xii. Uses customarily accessory to the above uses, as determined by the City Council

C. SPECIAL LAND USES

- i. Reserved



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 2 Acres
 Minimum lot width[Ⓜ]: 200 ft

Lot Coverage[Ⓜ]

Maximum lot coverage: See [Section 3.11](#)

Setbacks[Ⓜ]

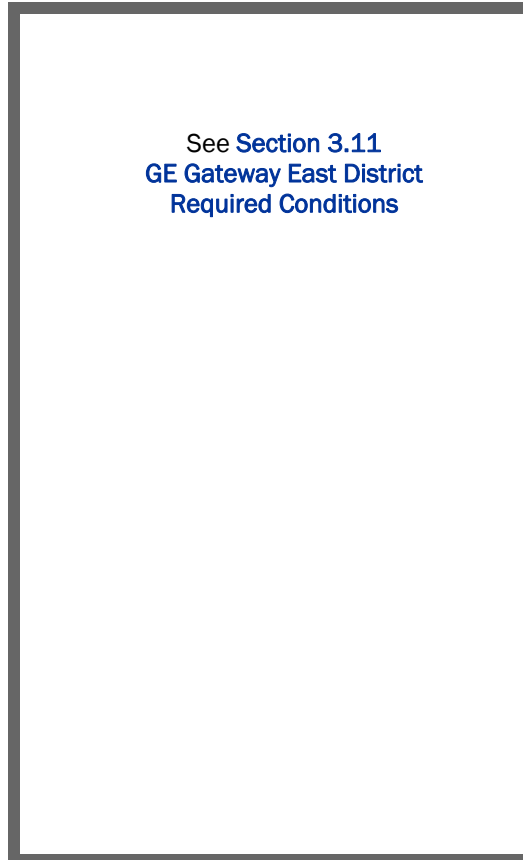
Minimum front yard setback: See [Section 3.11](#)
 Minimum rear yard setback: See [Section 3.11](#)
 Minimum side yard setback: See [Section 3.11](#)

Building Height[Ⓜ]

Maximum building height: 35 ft or 2 stories, whichever is less

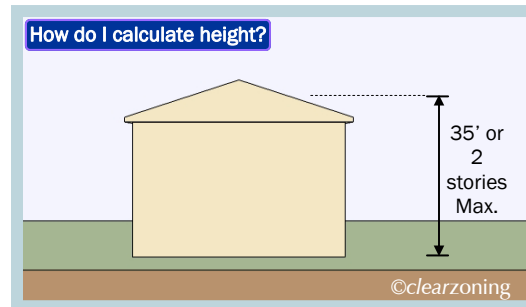
Parking Setbacks

Minimum front yard setback: See [Section 3.11](#)
 Minimum rear yard setback: See [Section 3.11](#)
 Minimum side yard setback: See [Section 3.11](#)



NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: G, I, J, P, and Q](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [GE Required Conditions](#) §3.11
- [Special Development Option \(SDO\) for the GE District](#) §3.12

4. Use Standards

- [Mixed-Use Developments](#) § 4.25
- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10
- [Fences](#) § 5.11
- [Frontage on a Public Street](#) § 5.12
- [Access to Major Thoroughfares](#) § 5.13

- [Performance Standards](#) § 5.14
- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Public Hearing](#) § 6.2

7. Admin. and Enforcement

- [Nonconformities](#) § 7.1
- [Planned Rezoning Overlay](#) § 7.13.2

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FS Freeway Service District

Purpose and Introduction

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A. INTENT

The FS, Freeway Service district is intended to serve the needs of automobile traffic at the interchange areas of feeder roads and freeway facilities, to avoid undue congestion on feeder roads, to promote safe traffic flow at an interchange area, and to protect adjacent properties in other zones from adverse influences of traffic.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

C. SPECIAL LAND USES

- i. **Fueling station** and **minor automobile service establishments** §4.29
- ii. Parking garages, and bus passenger stations
- iii. **Retail establishments** §4.27
- iv. **Motels**, **hotels** and **transient lodging facilities** §4.28
- v. **Other uses similar to the above uses** §4.42
- vi. **Accessory structures and uses** §4.19 customarily incident to the above permitted uses



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: See [Section 3.6.2.D](#)
 Minimum lot width[☐]: See [Section 3.6.2.D](#)

Lot Coverage[☐]

Maximum lot coverage: See [Section 3.6.2.D](#)

Setbacks[☐]

Minimum front yard setback: 30 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 10 ft

Building Height[☐]

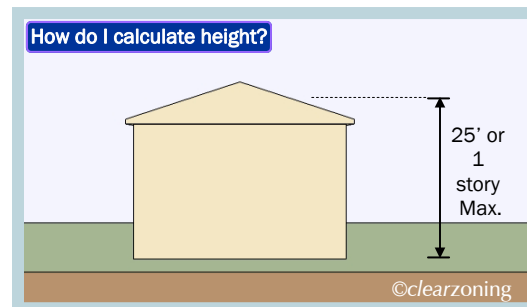
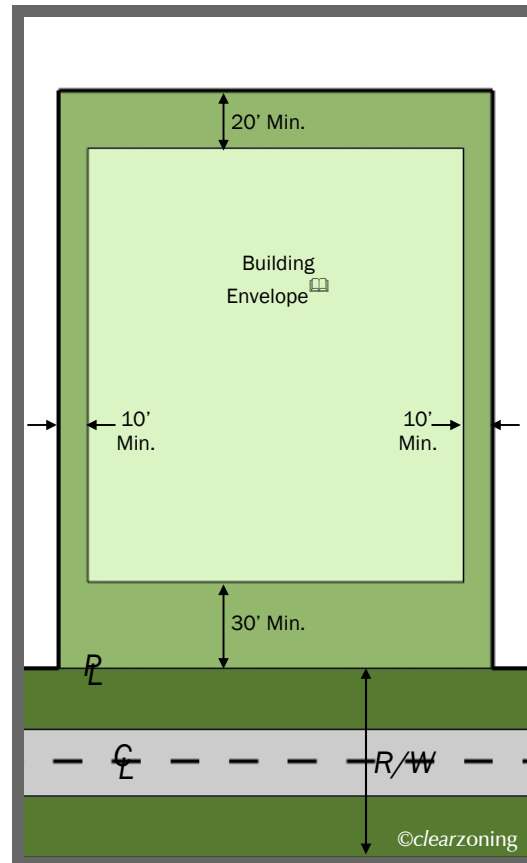
Maximum building height: 25 ft or 1 story, whichever is less

Parking Setbacks

Minimum front yard setback: 20 ft
 Minimum rear yard setback: 10 ft
 Minimum side yard setback: 10 ft

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: C, D, E, L, M, P, and Q](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [FS Required Conditions](#) § 3.13

4. Use Standards

- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10
- [Fences](#) § 5.11
- [Frontage on a Public Street](#) § 5.12
- [Access to Major Thoroughfares](#) § 5.13

- [Performance Standards](#) § 5.14

- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Public Hearing](#) § 6.2

7. Admin. and Enforcement

- [Nonconformities](#) § 7.1
- [Planned Rezoning Overlay](#) § 7.13.2



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I-1 Light Industrial District

1 Purpose and Introduction

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A. INTENT

The I-1, Light Industrial district is intended to encourage innovations and variety in type, design and arrangement of land uses, but at all times to protect neighboring residential districts from any adverse impacts. The I-1 district is designed so as to primarily accommodate research, office and light industrial uses, including wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The district is designed to encourage unified complexes of research, office and light industrial uses, with high tech and multi-use facilities characterized by office, light industrial and warehousing activities in a planned environment. The I-1 district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly or treatment of finished or semifinished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

The general goals of this use district include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for all types of research, office, light industrial and related uses.
2. To protect abutting residential districts by separating them from manufacturing and related activities by limiting uses which may locate adjacent to such residential districts, by setbacks for buildings and off-street parking, by limitation of location of off-street loading/unloading areas, and by landscape planning/berm/wall screens, and by prohibiting the use of such industrial areas for new residential development.
3. To promote research, office and light industrial development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
4. To protect the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the City's tax revenue.



I-1 Light Industrial District

3.1.18



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Professional office buildings, offices and office sales and service activities
- ii. **Accessory buildings, structures and uses** §4.19 customarily incident to the above permitted uses
- iii. Publicly owned and operated parks, parkways and outdoor recreational facilities
- iv. **Public or private health and fitness facilities and clubs** §4.34
- v. Medical offices, including laboratories and clinics

The following uses are subject to **Section 4.45:**

- vi. Research and development, technical training and design of pilot or experimental products
- vii. Data processing and computer centers
- viii. **Warehousing and wholesale establishments** §4.43
- ix. **Manufacturing** §4.43
- x. **Industrial office sales, service and industrial office related uses** §4.44
- xi. Trade or industrial schools
- xii. **Laboratories experimental, film or testing** §4.43
- xiii. Greenhouses
- xiv. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations, other than outside storage and service yards
- xv. Public or private indoor recreation facilities
- xvi. Private outdoor recreational facilities
- xvii. **Pet boarding facilities** §4.46
- xviii. **Veterinary hospitals** **or clinics** §4.31
- xix. **Motion picture, television, radio and photographic production facilities** §4.47
- xx. Other uses of a similar and no more objectionable character to the above uses
- xxi. **Accessory buildings, structures and uses** §4.19 customarily incident to any of the above permitted uses

C. SPECIAL LAND USES

The following uses shall be permitted where the proposed site does not abut a residentially zoned district:

- i. **Metal plating, buffing, polishing and molded rubber products** §4.48
- ii. **Uses which serve the limited needs of an industrial district (subject to Section 4.43),** as follows:
 - a. Financial institutions, unions, union halls, and industrial trade schools or industrial clinics
 - b. Industrial tool and equipment sales, service, storage and distribution
 - c. **Eating and drinking establishments and motels** §4.49
- iii. **Automobile service establishment** §4.50
- iv. **Self-storage facilities** §4.51
- v. **Retail sales activities** §4.52
- vi. **Central dry cleaning plants or laundries** §4.53
- vii. **Railroad transfer, classification and storage yards** §4.43
- viii. **Tool, die, gauge and machine shops** §4.43
- ix. **Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies** §4.54
- x. **Municipal uses** §4.43
- xi. **Motion picture, television, radio and photographic production facilities** §4.47
- xii. **Outdoor space for parking of licensed rental motor vehicles** §4.90
- xiii. **Accessory buildings, structures and uses** customarily incident to any of the above permitted uses

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D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: See [Section 3.6.2.D](#)
 Minimum lot width[☐]: See [Section 3.6.2.D](#)

Lot Coverage[☐]

Maximum lot coverage: See [Section 3.6.2.D](#)

Setbacks[☐]

Minimum front yard setback: 40 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 20 ft

Building Height[☐]

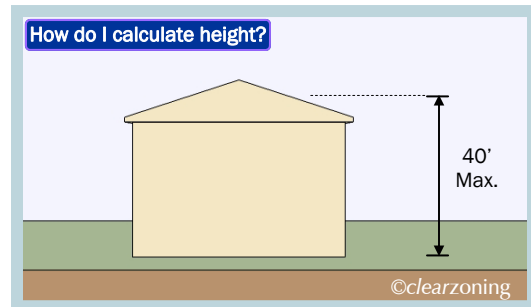
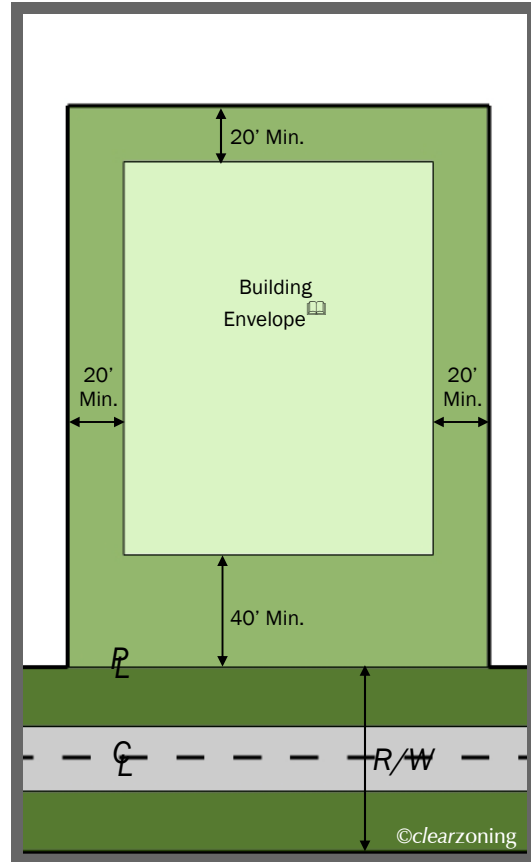
Maximum building height: 40 ft

Parking Setbacks

Minimum front yard setback: See [Section 3.6.2.E](#)
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 20 ft

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: C, D, E, F, H, M, O, P and Q](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [I-1 Required Conditions](#) §3.14

4. Use Standards

- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10
- [Fences](#) § 5.11
- [Frontage on a Public Street](#) § 5.12
- [Access to Major Thoroughfares](#) § 5.13

6. Performance Standards § 5.14

- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Public Hearing](#) § 6.2

7. Admin. and Enforcement

- [Nonconformities](#) § 7.1
- [Planned Rezoning Overlay](#) § 7.13.2

I-1 Light Industrial District

3.1.18

(Intentionally Blank)

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A. INTENT

The I-2, General Industrial district is designed primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The I-2 district is so structured as to permit the manufacturing, processing and compounding of semi-finished or finished products from raw materials.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards







B. PRINCIPAL PERMITTED USES

- i. Heating and electric power generating plants
- ii. **Outdoor storage yards** §4.55
- iii. **Commercial sale of new and used heavy trucks and heavy off-road construction equipment** §4.56
- iv. Any of the following **production or manufacturing uses subject to Section 4.57:**
 - a. **Junkyards** §4.58
 - b. **Incineration of garbage or refuse** §4.59
 - c. Blast furnace, steel furnace, blooming or rolling mill
 - d. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of paris
 - e. Petroleum or other inflammable liquids, production, refining or storage
 - f. Smelting of copper, iron or zinc ore
- v. **Indoor tennis courts, roller skating rinks, and ice-skating rinks** §4.60
- vi. Auto engine and body repair shops
- vii. **Lumber and planing mills** §4.61
- viii. Motor freight terminals and trucking facilities
- ix. Ready-mix or transit mix concrete operations
- x. **Other similar uses** §4.42
- xi. **Accessory buildings, structures and uses**  §4.19 customarily incident to any of the above permitted uses

The following uses are subject to the **I-1 Required Conditions (Section 3.14)** and **Development Standards (Section 3.1.18.D)**, provided there shall be no necessity for a public hearing and approval as a special land use:

- xii. Professional office buildings, offices and office sales and service activities
- xiii. Publicly owned and operated parks, parkways and outdoor recreational facilities
- xiv. **Public or private health and fitness facilities and clubs** §4.34
- xv. Medical offices, including laboratories and clinics
- xvi. Research and development, technical training and design of pilot or experimental products
- xvii. Data processing and computer centers
- xviii. **Warehousing and wholesale establishments** §4.43

B. PRINCIPAL PERMITTED USES (continued)

- xix. **Manufacturing**  §4.43
- xx. **Industrial office sales, service and industrial office related uses** §4.44
- xxi. **Laboratories experimental, film or testing** §4.43
- xxii. Greenhouses
- xxiii. Public utility  buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations, other than outside storage and service yards
- xxiv. Public or private indoor recreation facilities
- xxv. Private outdoor recreational facilities
- xxvi. **Pet boarding facilities** §4.46
- xxvii. **Veterinary hospitals**  **or clinics**  §4.31
- xxviii. **Motion picture, television, radio and photographic production facilities** §4.47
- xxix. Other uses of a similar and no more objectionable character to the above uses
- xxx. **Metal plating, buffing, polishing and molded rubber products** §4.48
- xxxi. **Uses which serve the limited needs of an industrial district (subject to Section 4.43)**, as follows:
 - a. Banks, savings and loan associations, credit unions, union halls, and industrial trade schools or industrial clinics
 - b. Industrial tool and equipment sales, service, storage and distribution
 - c. **Eating and drinking establishments and motels**  §4.49
- xxii. **Automobile service establishment**  §4.50
- xxiii. **Self-storage facilities** §4.51
- xxiv. **Retail sales activities** §4.52
- xxv. **Central dry cleaning plants or laundries** §4.53
- xxvi. **Railroad transfer, classification and storage yards** §4.43
- xxvii. **Tool, die, gauge and machine shops** §4.43
- xxviii. **Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies** §4.54
- xxix. **Municipal uses** §4.43

C. SPECIAL LAND USES

- i. Reserved



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: See [Section 3.6.2.D](#)
 Minimum lot width[☐]: See [Section 3.6.2.D](#)

Lot Coverage[☐]

Maximum lot coverage: See [Section 3.6.2.D](#)

Setbacks[☐]

Minimum front yard setback: 100 ft
 Minimum rear yard setback: 50 ft
 Minimum side yard setback: 50 ft

Building Height[☐]

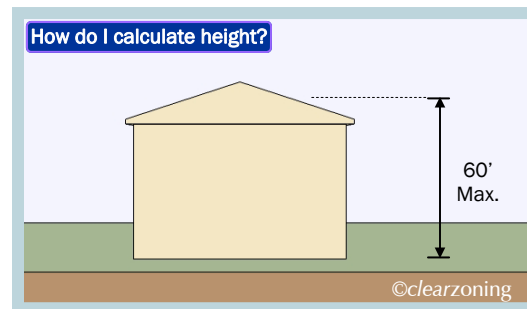
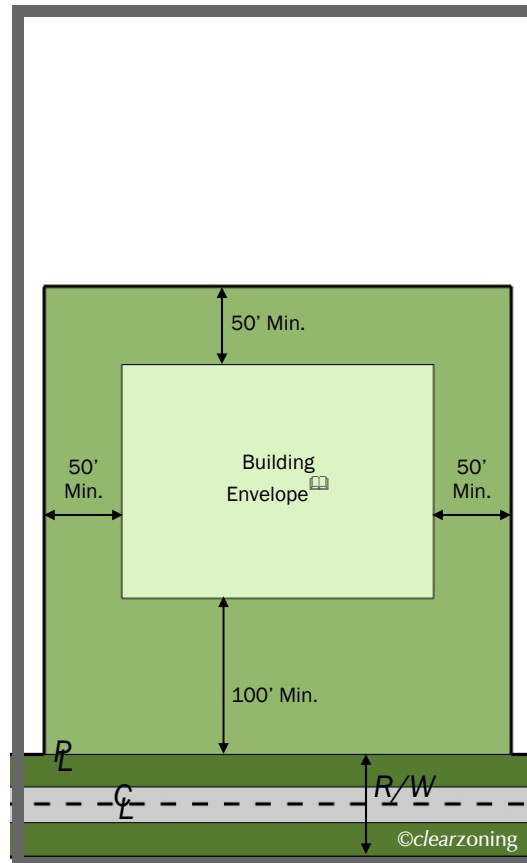
Maximum building height: 60 feet

Parking Setbacks

Minimum front yard setback: See [Section 3.6.2.E](#)
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 20 ft

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: C, D, E, F, H, M, O, P, and Q](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [I-2 General Regulations and Required Conditions](#) §3.15

4. Use Standards

- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10
- [Fences](#) § 5.11
- [Frontage on a Public Street](#) § 5.12
- [Access to Major Thoroughfares](#) § 5.13

■ Performance Standards § 5.14

- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Public Hearing](#) § 6.2

7. Admin. and Enforcement

- [Nonconformities](#) § 7.1
- [Planned Rezoning Overlay](#) § 7.13.2

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A. INTENT

The NCC, Non-Center Commercial district is intended for use along major thoroughfares apart from regional and community shopping centers and local business districts.

The intent of the NCC district is to offer sites for businesses, office services and multiple housing which have low impact on adjacent land uses and which do not involve automotive-type business establishments. Spacious sites are intended which do not require frequent curb cuts on major thoroughfares.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Retail businesses use
- ii. Retail business service uses
- iii. Professional office buildings
- iv. Medical offices, including laboratories and clinics
- v. Financial institutions, stock brokerages
- vi. **Sit-down restaurants** § 4.41
- vii. Publicly owned and operated parks, parkways and outside recreational facilities
- viii. **Instructional centers** § 4.62
- ix. Other uses similar to the above uses
- x. **Accessory structures and uses** § 4.19 customarily incident to the above permitted uses

C. SPECIAL LAND USES

- i. **Day care centers** and **adult day care centers** § 4.12.3
- ii. **Places of worship** § 4.10
- iii. Private clubs , fraternal organizations and lodge halls
- iv. Museums
- v. **Public utility** **buildings and uses without storage yards** § 4.43
- vi. **Veterinary hospitals** or **clinics** § 4.31

The following uses are regulated according to the standards and regulations in the **RM-1 Low-Density, Low Rise Multiple-Family (Section 3.1.7)**.

- vi. Multiple-family dwellings
- iii. **Independent and congregate elderly living facilities** § 4.20
- iv. **Accessory buildings and uses** § 4.19 customarily incident to any of the above uses

The following uses are regulated according to the standards and regulations in the **RT Two-Family Residential District (Section 3.1.6)**.

- ix. Two-family dwellings (site built)
- x. **Shared elderly housing** § 4.20
- xi. **Accessory buildings and uses** § 4.19 customarily incident to any of the above uses

The following uses are regulated according to the standards and regulations in the **R-4 One-Family Residential District (Section 3.1.5)**.

- xii. One-family detached dwellings
- xiii. **Farms** and **greenhouses** § 4.1
- xiv. Publicly owned and operated parks, parkways and outdoor recreational facilities
- xv. **Cemeteries** § 4.2
- xvi. **Home occupations** § 4.4
- xvii. **Keeping of horses and ponies** § 4.8
- xviii. **Family Day Care Homes** § 4.5
- xix. **Accessory buildings and uses** § 4.19 customarily incident to any of the above uses



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 2 acres
 Minimum lot width[☐]: 200 ft

Lot Coverage[☐]

Maximum lot coverage: See [Section 3.6.2.D](#)

Setbacks[☐]

Minimum front yard setback: 40 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 20 ft

Building Height[☐]

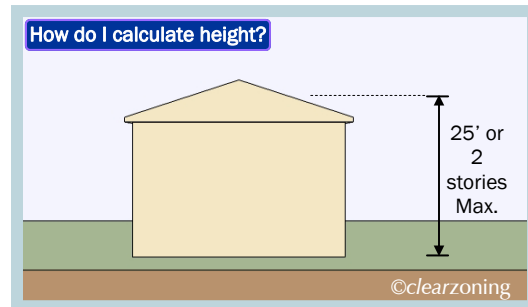
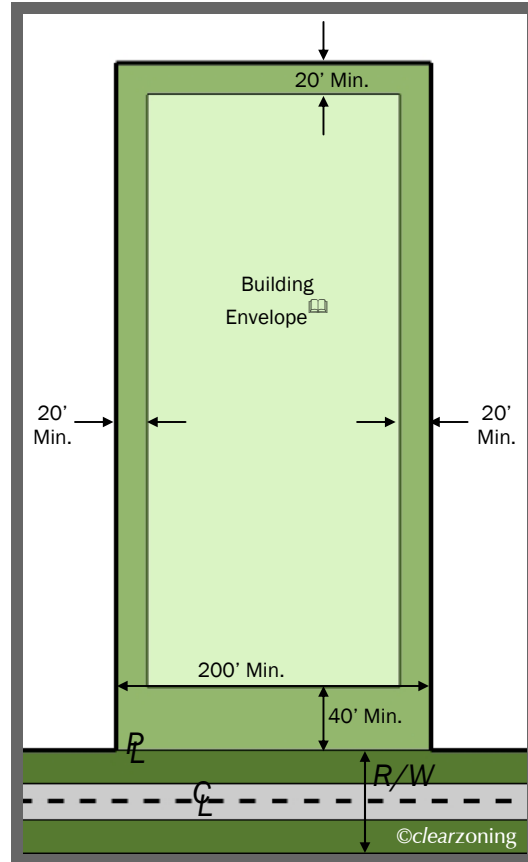
Maximum building height: 25 ft or 2 stories, whichever is less

Parking Setbacks

Minimum front yard setback: 20 ft
 Minimum rear yard setback: 10 ft
 Minimum side yard setback: 10 ft

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: C, D, E, L, M, P, and Q](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [NCC Required Conditions](#) §3.16

4. Use Standards

- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10
- [Fences](#) § 5.11
- [Frontage on a Public Street](#) § 5.12
- [Access to Major Thoroughfares](#) § 5.13

Performance Standards § 5.14

- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Public Hearing](#) § 6.2

7. Admin. and Enforcement

- [Nonconformities](#) § 7.1
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3.1.21


OS-1 Office Service District

A. INTENT





The OS-1, Office Service District is designed to accommodate uses such as offices, banks, facilities for human care and personal services which can serve as transitional areas between residential and commercial districts and to provide a transition between major thoroughfares and residential districts.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Professional office buildings
- ii. Medical office, including laboratories and clinics
- iii. **Facilities for human care** §4.64
- iv. Financial institution uses with drive-in facilities as an accessory use only
- v. Personal service establishments
- vi. Off-street parking lots
- vii. Places of worship
- viii. Other uses similar to the above uses
- ix. **Accessory structures and uses**  §4.19 customarily incident to the above permitted uses
- x. Publicly owned and operated parks, parkways and outdoor recreational facilities
- xi. **Public or private health and fitness facilities and clubs** §4.34

C. SPECIAL LAND USES

- i. **Mortuary establishments** §4.17
- ii. Publicly owned buildings, telephone exchange buildings, and public utility  offices, but not including storage yards, transformer stations, or gas regulator stations
- iii. **Day Care Centers**  and **Adult Day Care Centers**  §4.12.2
- iv. **Public or private indoor and private outdoor recreational facilities** §4.38
- v. An **accessory use**  §4.19 customarily related to a use authorized by this Section



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: See [Section 3.6.2.D](#)
 Minimum lot width[☐]: See [Section 3.6.2.D](#)

Lot Coverage[☐]

Maximum lot coverage: See [Section 3.6.2.D](#)

Setbacks[☐]

Minimum front yard setback: 20 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 15 ft

Building Height[☐]

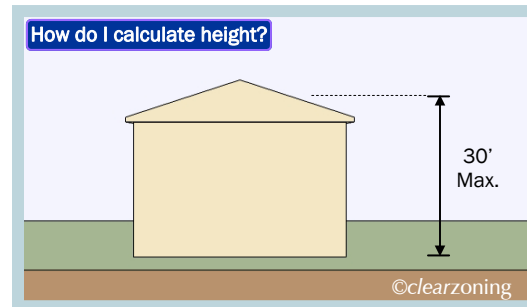
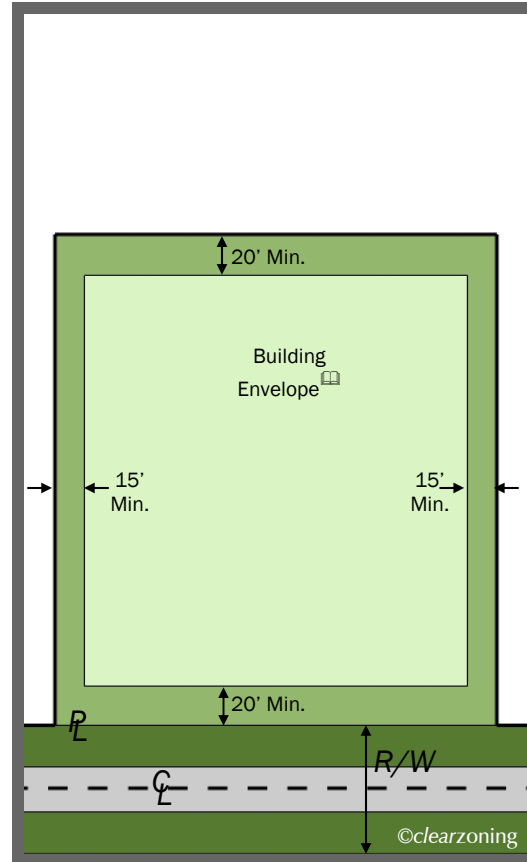
Maximum building height: 30 ft

Parking Setbacks

Minimum front yard setback: 20 ft
 Minimum rear yard setback: 10 ft
 Minimum side yard setback: 10 ft

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: C, D, E, L, M, P and Q](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [OS-1 Required Conditions](#) §3.17

4. Use Standards

- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10
- [Fences](#) § 5.11
- [Frontage on a Public Street](#) § 5.12
- [Access to Major Thoroughfares](#) § 5.13

Performance Standards § 5.14

- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Public Hearing](#) § 6.2

7. Admin. and Enforcement

- [Nonconformities](#) § 7.1
- [Planned Rezoning Overlay](#) § 7.13.2

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3.1.22 OSC Office Service Commercial District

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4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

A. INTENT

The OSC, Office Service Commercial district is designed and intended to accommodate a large office building or, more particularly, a planned complex of office buildings with related commercial retail and service establishments which may serve the area beyond the confines of the office complex itself.

The primary intent of this district is to provide limited areas for office buildings of greater height and more intense land use activity in an otherwise low-density community. Because of the greater building height, intensity of land use and associated higher volumes of vehicular and pedestrian traffic, it is further intended that this district be located only in proximity to areas of major commercial or civic development and have direct access to freeway or major thoroughfares.

The OSC district is designed to encourage the combining of mid-rise and low-rise office and office related uses in planned development and to encourage innovation and variety in type, design and arrangement of such uses.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Professional office buildings
- ii. Medical office, including laboratories and clinics
- iii. **Facilities for human care** §4.64
- iv. Financial institution uses with drive-in facilities as an accessory use only
- v. Personal service establishments
- vi. Off-street parking lots
- vii. Places of worship
- viii. Other uses similar to the above uses
- ix. Publicly owned and operated parks, parkways and outdoor recreational facilities
- x. Professional office buildings, offices and office sales and service
- xi. Transient residential uses
- xii. Public utility offices and telephone exchange buildings
- xiii. **Accessory buildings, structures and uses** §4.19 customarily incident to the above permitted uses
- xiv. **The inpatient bed facility portion of general hospitals** §4.65
- xv. **Public or private health and fitness facilities and clubs** §4.34

C. SPECIAL LAND USES

- i. **Retail commercial business uses** §4.66
- ii. **Sit-down restaurants** §4.41.3
- iii. **Amusement and entertainment uses** §4.67
- iv. **Day care centers, and adult day care centers** §4.12.2
- v. **Public or private indoor and private outdoor recreational facilities** §4.38



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: See [Section 3.6.2.D](#)
 Minimum lot width[☐]: See [Section 3.6.2.D](#)

Lot Coverage[☐]

Maximum lot coverage: See [Section 3.6.2.D](#)

Setbacks[☐]

Minimum front yard setback: 35 ft
 Minimum rear yard setback: 35 ft
 Minimum side yard setback: 35 ft

Building Height[☐]

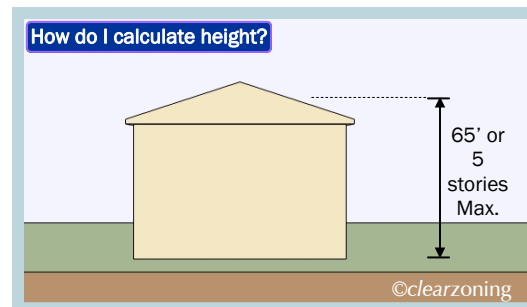
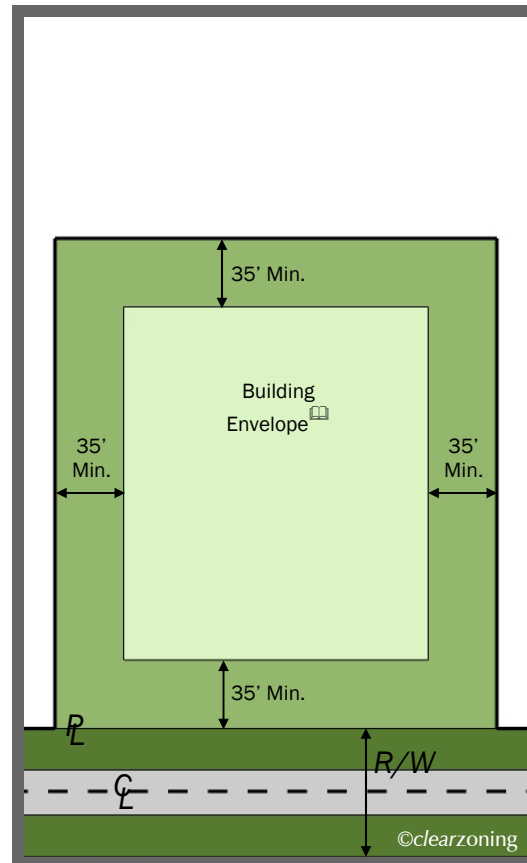
Maximum building height: 65 ft or 5 stories, whichever is less

Parking Setbacks

Minimum front yard setback: See [Section 3.6.2.E](#)
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 20 ft

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: C, D, E, F, H, M, P, and Q](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- OSC Required Conditions §3.18

4. Use Standards

- Uses Not Otherwise Included § 4.86
- Unlisted Use Determination § 4.87

5. Site Standards

- Off-street Parking Requirements § 5.2
- Off-street Parking Layout, Standards... § 5.3
- Off-street Loading and Unloading § 5.4
- Landscape Standards § 5.5
- Signs § 5.6
- Exterior Lighting § 5.7
- Corner Clearance § 5.9
- Additional Road Design § 5.10
- Fences § 5.11
- Frontage on a Public Street § 5.12
- Access to Major Thoroughfares § 5.13

Performance Standards § 5.14

- Exterior Building Wall Facade Materials § 5.15
- Bike Parking Facility Requirements § 5.16

6. Development Procedures

- Site Plan Review § 6.1
- Public Hearing § 6.2

7. Admin. and Enforcement

- Nonconformities § 7.1
- Planned Rezoning Overlay § 7.13.2

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A. INTENT

The OST, Planned Office Service Technology district is intended to encourage and allow development of high tech, multi-use office/laboratory/production uses. The district is designed to permit the application of high tech, multi-use activities having accessory, warehousing, assembly, production and manufacturing activities. The goals of the OST district include the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for all types of research, office, high tech and related uses, including, but not limited to, experimental, demonstration and display laboratories whereby users can produce, display, demonstrate, test, sell, repair and service the user's products.
2. To protect abutting residential districts by separating them from permitted OST uses by building height and location limitations by setbacks, and off-street parking, by limitation of location of off-street loading/unloading areas, and by landscape planting/berm/wall screening within the OST district.
3. To promote research, laboratory, office, high tech and related development which minimizes the danger of fires, explosions, toxic and noxious matter, radiation, offensive noise, vibration, smoke, odor and other objectionable influences or hazards.
4. To protect the most desirable use of land in accordance with a well considered plan, to protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the City's tax revenue.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Professional office buildings, offices and office sales and service activities
- ii. Data processing and computer centers
- iii. Laboratories
- iv. **Research, testing, design and development, technical training, and design of pilot or experimental products** §4.68
- v. **Hotels** and **business motels** §4.28.4
- vi. **Colleges, universities, and other such post-secondary institutions of higher learning, public or private, offering courses in general, technical, or religious education** §4.15.2
- vii. **Motion picture, television, radio and photographic production facilities** §4.47
- viii. Medical offices, including laboratories and clinics
- ix. **Facilities for human care** §4.64
- x. Off-street parking lots
- xi. Publicly owned and operated parks, parkways and outdoor recreational facilities
- xii. Publicly-owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations

B. PRINCIPAL PERMITTED USES (continued)

- xiii. Financial institution uses with drive-in facilities as an accessory use only
- xiv. **Public or private indoor and private outdoor recreational facilities** §4.38
- xv. **Day care centers** and **adult day care centers** §4.12.2
- xvi. **Secondary uses** §4.69
- xvii. **Sit down restaurants** §4.41.4
- xviii. Other uses similar to the above uses and subject to the same conditions noted
- xix. **Accessory buildings and uses** §4.19 customarily incidental and integral to any of the above permitted uses

C. SPECIAL LAND USES (Retail Service Overlay)

The following uses are permitted subject to **Section 3.19**

- i. **Retail businesses use** §4.78
- ii. **Retail business service uses** §4.78
- iii. **Restaurants, including sit down** §4.78
- iv. **Fast food drive-through restaurants** §4.78



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: See [Section 3.6.2.D](#)
 Minimum lot width[☐]: See [Section 3.6.2.D](#)

Lot Coverage[☐]

Maximum lot coverage: See [Section 3.6.2.D](#)

Setbacks[☐]

Minimum front yard setback: 50 ft
 Minimum rear yard setback: 50 ft
 Minimum side yard setback: 50 ft

Building Height[☐]

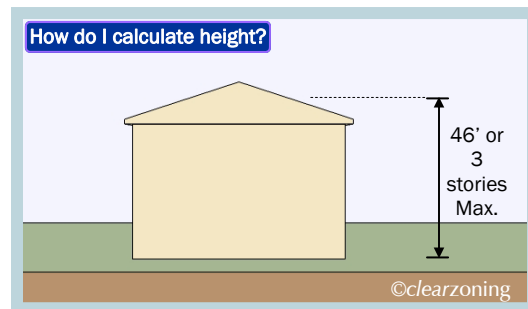
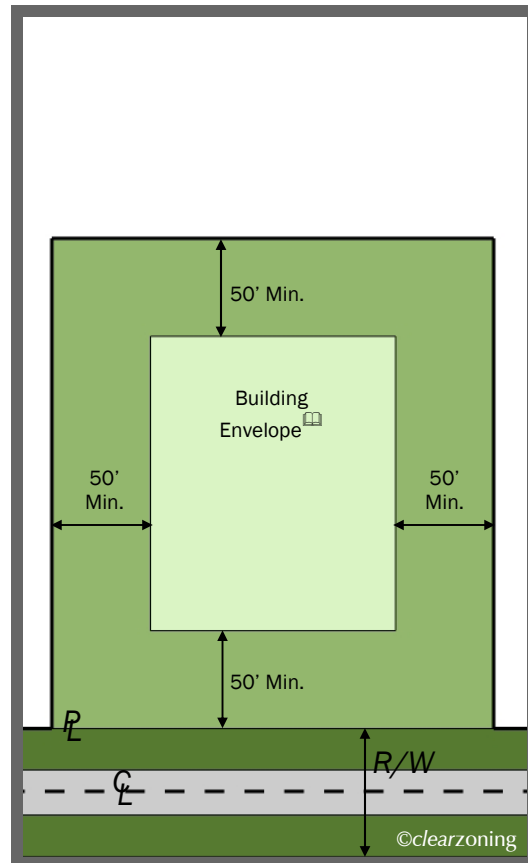
Maximum building height: 46 ft or 3 stories, whichever is less

Parking Setbacks

Minimum front yard setback: 20 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 20 ft

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: C, D, E, H, M, P, and Q](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [OST Retail Service Overlay](#) §3.19
- [OST Required Conditions](#) §3.20

4. Use Standards

- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10
- [Fences](#) § 5.11
- [Frontage on a Public Street](#) § 5.12
- [Access to Major Thoroughfares](#) § 5.13

Performance Standards § 5.14

- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Public Hearing](#) § 6.2

7. Admin. and Enforcement

- [Nonconformities](#) § 7.1
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A. INTENT

The RC ,Regional Center district is intended to permit major planned commercial centers that will, by virtue of their size, serve not only the local community, but the surrounding market area as well.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. **Regional shopping centers** §4.79
- ii. **Community shopping** §4.79
- iii. Professional office buildings
- iv. Medical office, including laboratories and clinics
- v. **Facilities for human care** §4.64
- vi. Financial institution uses with drive-in facilities as an accessory use only
- vii. Personal service establishments
- viii. Off-street parking lots
- ix. Places of worship
- x. Other uses similar to the above uses
- xi. Publicly owned and operated parks, parkways and outdoor recreational facilities
- xii. Professional office buildings, offices and office sales and service
- xiii. Transient residential uses
- xiv. **Public or private health and fitness facilities and clubs** §4.34
- xv. Public utility offices and telephone exchange buildings
- xvi. Publicly owned and operated parks, parkways and outdoor recreational facilities
- xvii. **The inpatient bed facility** **portion of general hospitals** §4.65
- xviii. Bus and other transit passenger stations
- xix. **Accessory structures and uses** §4.19 customarily incident to the above permitted uses

C. SPECIAL LAND USES

- i. **Open air business uses** §4.80
- ii. **Sale of produce and seasonal plant materials outdoors** §4.30
- iii. **Microbreweries** §4.35
- iv. **Brewpubs** §4.35

The following uses are permitted subject to **Section 3.10's B-2 Requirements.**

- i. **Retail businesses use** §4.78.2
- ii. **Retail business service uses** §4.78.2
- v. **Retail business or service establishments** §4.27
- vi. **Restaurants** §4.78.2



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: See [Section 3.6.2.D](#)
 Minimum lot width[☐]: See [Section 3.6.2.D](#)

Lot Coverage[☐]

Maximum lot coverage: See [Section 3.6.2.D](#)

Setbacks[☐]

Minimum front yard setback: 100 ft
 Minimum rear yard setback: 100 ft
 Minimum side yard setback: 100 ft

Building Height[☐]

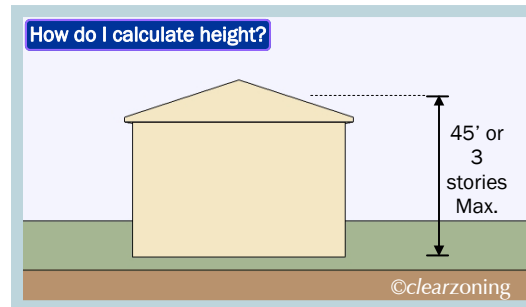
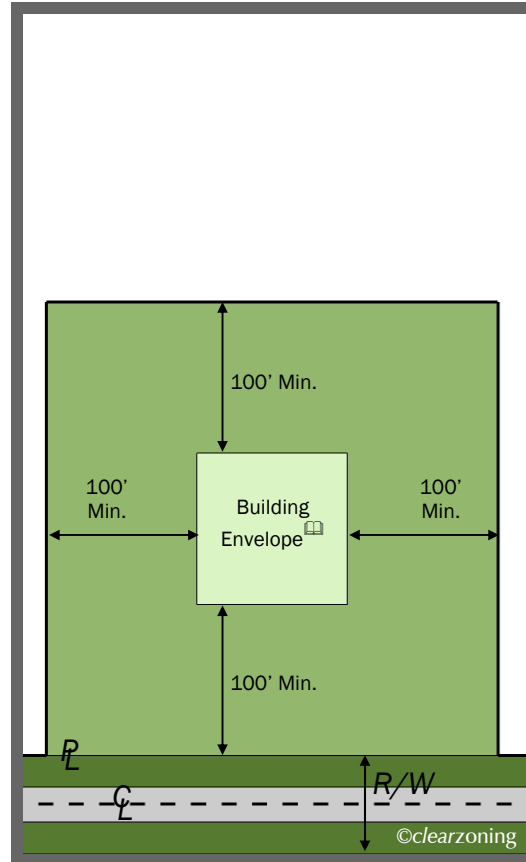
Maximum building height: 45 feet or 3 stories, whichever is less

Parking Setbacks

Minimum front yard setback: 20 ft
 Minimum rear yard setback: 10 ft
 Minimum side yard setback: 10 ft

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: C, D, E, H, L, M, O, P, and Q](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- RC District Requirements §3.26
- Planned Development Options §3.31

4. Use Standards

- Uses Not Otherwise Included § 4.86
- Unlisted Use Determination § 4.87

5. Site Standards

- Off-street Parking Requirements § 5.2
- Off-street Parking Layout, Standards... § 5.3
- Off-street Loading and Unloading § 5.4
- Landscape Standards § 5.5
- Signs § 5.6
- Exterior Lighting § 5.7
- Corner Clearance § 5.9
- Additional Road Design § 5.10
- Fences § 5.11
- Frontage on a Public Street § 5.12
- Access to Major Thoroughfares § 5.13

Performance Standards § 5.14

- Exterior Building Wall Facade Materials § 5.15
- Bike Parking Facility Requirements § 5.16

6. Development Procedures

- Site Plan Review § 6.1
- Public Hearing § 6.2

7. Admin. and Enforcement

- Nonconformities § 7.1
- Planned Rezoning Overlay § 7.13.2

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A. INTENT

The TC, Town Center district is designed and intended to promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the district and shall not have adverse impact upon adjacent street capacity and safety, utilities, and other City services.





The TC Town Center district is further designed and intended to discourage the development of separate off-street parking facilities for each individual use, and to encourage the development of off-street parking facilities designed to accommodate the needs of several individual uses. Furthermore, it is recognized that uses which have as their principal function the sale or servicing of motor vehicles, such as automobile service establishments, car washes, or new and used motor vehicle sales or service establishments, and drive-in restaurants and restaurants with drive-through facilities, have a disruptive effect on the intended pedestrian orientation of the districts

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES



- i. **Retail businesses use**  §4.78.3
- ii. Retail business service uses 
- iii. **Dry cleaning establishments, or pick-up stations, dealing directly with the consumer** §4.24
- iv. Business establishments which perform services on the premises
- v. Professional services 
- vi. Post office and similar governmental office buildings, serving persons living in the adjacent residential area
- vii. Off-street parking lots 
- viii. Private clubs , fraternal organizations and lodge halls
- ix. **Places of worship** §4.10
- x. **Retail business**  §4.27
- xi. **Service establishments of and office showroom or workshop nature** §4.27
- xii. **Restaurants (sit-down), banquet facilities or other places serving food or beverage** §4.27
- xiii. **Theaters, assembly halls, concert halls, museums or similar places of assembly** §4.27
- xiv. **Business schools and colleges or private schools operated for profit** §4.27
- xv. Offices and office buildings
- xvi. Municipal uses
- xvii. Indoor commercial recreation facilities
- xviii. Outdoor theaters, plazas, parks, public gathering places, including those along a river walk, and like public facilities

B. PRINCIPAL PERMITTED USES (continued)

- xix. Hotels 
- xx. **Financial institutions** §4.81
- xxi. **Residential dwellings** §4.82
- xxii. **Day care centers**  and **adult day care centers**  §4.12.2
- xxiii. Instructional centers
- xxiv. Other uses similar to the above uses subject to conditions noted
- xxv. **Accessory structures and uses**  §4.19 customarily incidental to the above permitted uses

C. SPECIAL LAND USES

The following uses shall be permitted by the City Council, following review and recommendation of the Planning Commission.

- i. **Open air business uses** §4.80.1
- ii. **Sale of produce and seasonal plant materials outdoors** §4.30
- iii. **Veterinary hospitals**  or **clinics**  §4.31
- iv. **Microbreweries**  §4.35
- v. **Brewpubs**  §4.35



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: See [Section 3.6.2.D](#)
 Minimum lot width[Ⓜ]: See [Section 3.6.2.D](#)

Lot Coverage

Maximum lot coverage: See [Section 3.6.2.D](#)

Open Space

Minimum gross open space: 15%*

Usable Open Space[Ⓜ]

Minimum for multiple dwelling units : 200 sq ft per dwelling unit

Setbacks[Ⓜ]

Minimum front yard setback: See [Section 3.27.1.C](#)
 Minimum rear yard setback: See [Section 3.27.1.C](#)
 Minimum side yard setback: See [Section 3.27.1.C](#)

Building Height[Ⓜ]

Maximum building height: 5 ft or 65 stories, whichever is less

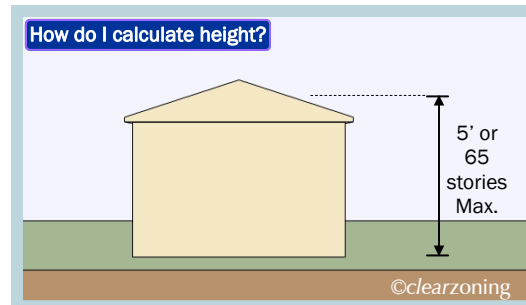
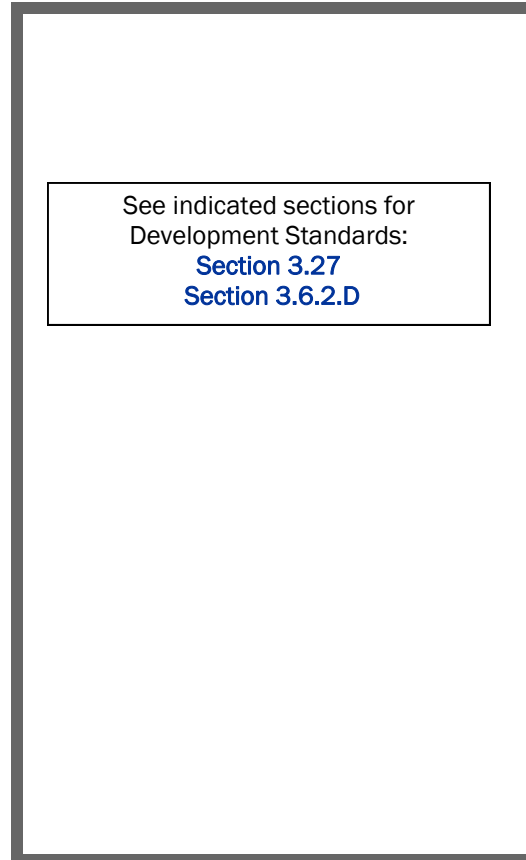
Parking Setbacks

Minimum front yard setback: 20 ft
 Minimum rear yard setback: 10 ft
 Minimum side yard setback: 20 ft

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: C, D, E, H, L, M, P, and Q](#)
- See *Selected References* below for applicability

* See [Section 3.27.1.F](#) for additional requirements



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [TC and TC-1 Requirements](#) §3.27

4. Use Standards

- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
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- [Exterior Lighting](#) § 5.7
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■ [Performance Standards](#) § 5.14

- [Exterior Building Wall Facade Materials](#) § 5.15
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A. INTENT





The TC-1, Town Center district is designed and intended to promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the district and shall not have adverse impact upon adjacent street capacity and safety, utilities, and other City services.

The TC-1 Town Center district is further designed and intended to discourage the development of separate off-street parking facilities for each individual use, and to encourage the development of off-street parking facilities designed to accommodate the needs of several individual uses. Furthermore, it is recognized that uses which have as their principal function the sale or servicing of motor vehicles, such as automobile service establishments, car washes, or new and used motor vehicle sales or service establishments, and drive-in restaurants and restaurants with drive-through facilities, have a disruptive effect on the intended pedestrian orientation of the districts.





The TC-1 District is especially designed to encourage developments of an urban "Main Street" with mixed land uses and shared parking. Flexible regulations regarding streetscape design, landscape design, provision of parking facilities, architectural and facade design, residential dwelling units, and setback standards are intended.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. **Retail businesses** §4.78.3
- ii. Retail business service uses 
- iii. **Dry cleaning establishments, or pick-up stations, dealing directly with the consumer** §4.24
- iv. Business establishments which perform services on the premises
- v. Professional services 
- vi. Post office and similar governmental office buildings, serving persons living in the adjacent residential area
- vii. Off-street parking lots
- viii. Private clubs  , fraternal organizations and lodge halls
- ix. **Places of worship** §4.10
- x. **Retail business**  §4.27
- xi. **Service establishments of and office showroom or workshop nature** §4.27
- xii. **Restaurants (sit-down), banquet facilities or other places serving food or beverage** §4.27
- xiii. **Theaters, assembly halls, concert halls, museums or similar places of assembly** §4.27
- xiv. **Business schools and colleges or private schools operated for profit** §4.27
- xv. Offices and office buildings
- xvi. Public and quasi-public
- xvii. Indoor commercial recreation facilities

B. PRINCIPAL PERMITTED USES (continued)

- xviii. Outdoor theaters, plazas, parks, public gathering places, including those along a river walk, and like public facilities
- xix. Hotels 
- xx. **Financial institutions** §4.81
- xxi. **Residential dwellings** §4.82
- xxii. **Day care centers**  and **adult day care centers**  §4.12.2
- xxiii. Instructional Centers
- xxiv. Other uses similar to the above uses subject to conditions noted
- xxv. **Accessory structures and uses**  §4.19 customarily incidental to the above permitted uses

C. SPECIAL LAND USES

The following uses shall be permitted by the City Council, following review and recommendation of the Planning Commission:

- i. **Open air business uses** §4.80.1
- ii. **Sale of produce and seasonal plant materials outdoors** §4.30
- iii. **Veterinary hospitals**  or **clinics**  §4.31
- iv. **Fast food drive-through restaurants**  §4.40
- v. **Microbreweries**  §4.35
- vi. **Brewpubs**  §4.35



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☒]: See [Section 3.6.2.D](#)
 Minimum lot width[☒]: See [Section 3.6.2.D](#)

Lot Coverage[☒]

Maximum lot coverage: See [Section 3.6.2.D](#)

Open Space

Minimum gross open space: 15%*

Usable Open Space[☒]

Minimum for multiple dwelling units : 200 sq ft per dwelling unit

Setbacks[☒]

Minimum front yard setback: See [Section 3.27.1.C](#)
 Minimum rear yard setback: See [Section 3.27.1.C](#)
 Minimum side yard setback: See [Section 3.27.1.C](#)

Building Height[☒]

Maximum building height: 5 ft or 65 stories, whichever is less**

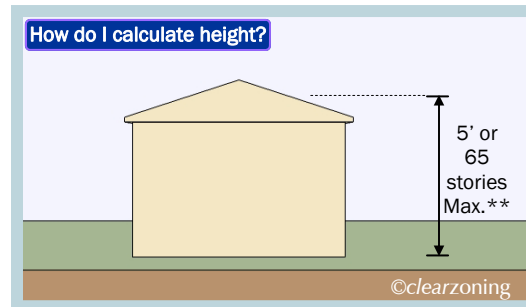
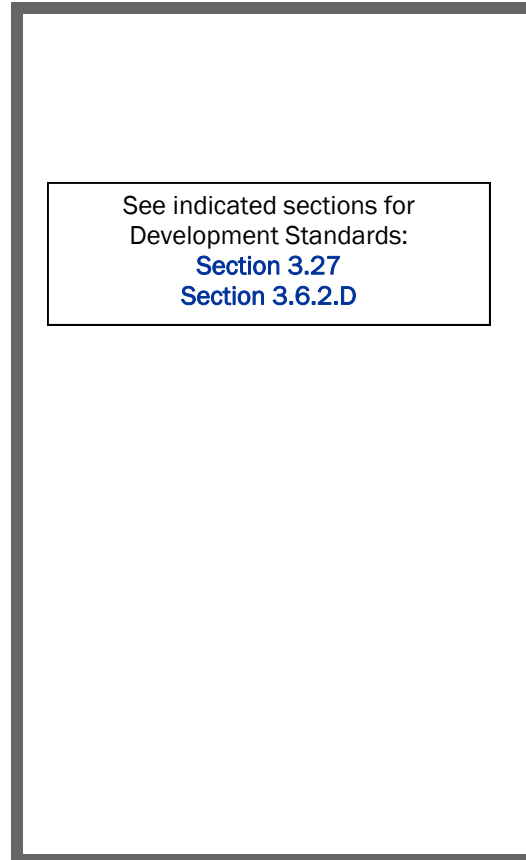
Parking Setbacks

Minimum front yard setback: 20 ft
 Minimum rear yard setback: 10 ft
 Minimum side yard setback: 10 ft

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: C, D, H, L, M, P, and Q](#)
- See *Selected References* below for applicability

* See [Section 3.27.1.F](#) for additional requirements.
 ** See [Section 3.27.2.A](#) for exceptions and additional requirements



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [TC and TC-1 Requirements](#) §3.27

4. Use Standards

- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
- [Corner Clearance](#) § 5.9
- [Additional Road Design](#) § 5.10
- [Fences](#) § 5.11
- [Frontage on a Public Street](#) § 5.12
- [Access to Major Thoroughfares](#) § 5.13

Performance Standards § 5.14

- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Public Hearing](#) § 6.2

7. Admin. and Enforcement

- [Nonconformities](#) § 7.1
- [Planned Rezoning Overlay](#) § 7.13.2

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PSLR PLANNED SUBURBAN LOW-RISE OVERLAY DISTRICT

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A. INTENT

The intent of the PSLR, Planned Suburban Low-Rise Overlay district is to promote the development of high-quality uses, such as low-density multiple family residential, office, quasi-public, civic, educational, and public recreation facilities that can serve as transitional areas between lower-intensity detached one-family residential and higher-intensity office and retail uses while protecting the character of neighboring areas by encouraging high-quality development with single-family residential design features that will promote a residential character to the streetscape. Uses not contemplated in the district include personal services, retail sales (except as an ancillary use to a photography, art or craft studio located in a live-work unit), restaurants, hotels, motels, repair shops, private recreation and fitness facilities, theaters, drive-through facilities, financial institutions and private clubs.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. All Principal Uses Permitted in the underlying zoning district, as regulated in the underlying zoning district
- ii. All Principal Uses Permitted Subject to Special Conditions in the underlying zoning district, as regulated in the underlying zoning district

C. SPECIAL LAND USES

The following uses are subject to the requirements in **Section 3.21**:

- i. **Low-rise multiple-family residential uses** §4.70
- ii. **Independent and congregate elderly living facilities** §4.20
- iii. Assisted living facilities , convalescent homes, and hospice care facilities
- iv. **Live/work units** §4.71
- v. **Day care centers** and **adult day care centers** §4.12.2
- vi. Professional offices
- vii. Medical offices, including laboratories and clinics
- viii. Places of worship
- ix. Public, parochial and private elementary, intermediate or secondary schools, offering courses in general education
- x. Colleges, universities, business training schools, and trade schools
- xi. Publicly owned and operated parks, parkways and recreation facilities
- xii. Non-profit community buildings and cultural facilities
- xiii. Mixed-use buildings with two (2) or more of the above permitted uses
- xiv. Uses similar to those listed above, as determined by the City Council
- xv. **Accessory buildings, structures and uses** §4.73 customarily incidental to the above uses



PSLR PLANNED SUBURBAN LOW-RISE OVERLAY DISTRICT

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: See [Section 3.6.2.D](#)
 Minimum lot width[☐]: See [Section 3.6.2.D](#)

Lot Coverage[☐]

Maximum lot coverage: 25%

Setbacks[☐]

Minimum front yard setback: 30 ft*
 Minimum rear yard setback: 30 ft
 Minimum side yard setback:
 Exterior side yard adjacent to roads and drives: 30 ft*
 Exterior side yard adjacent to planned or existing section line road ROW: 50 ft
 Interior side yard: 30 ft
 Minimum other building setback:
 Building to building: 30 ft
 Corner to corner: 15 ft

Building Height[☐]

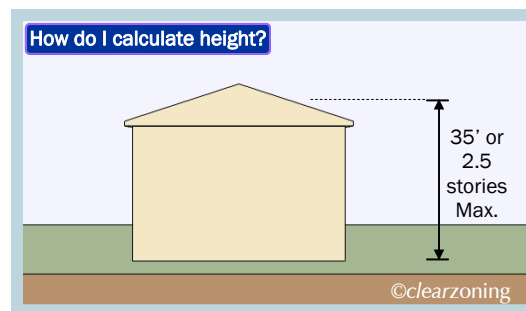
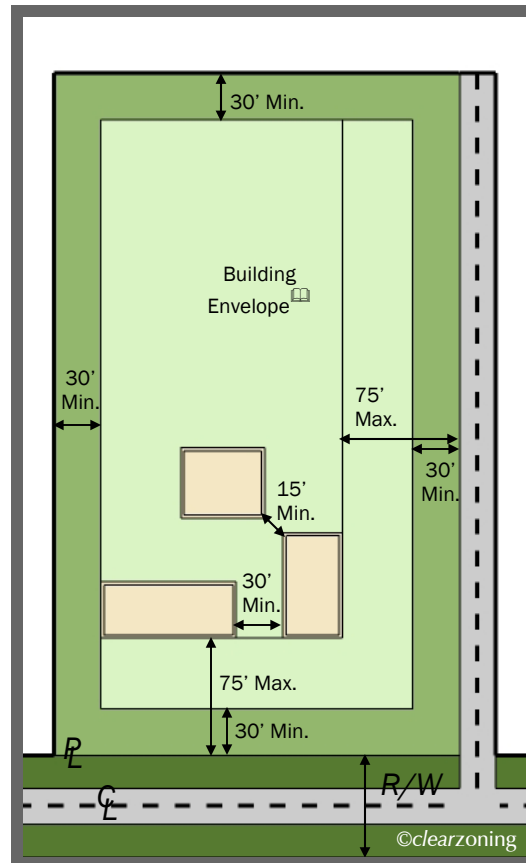
Maximum building height: 35 feet or 2.5 stories, whichever is less

Parking Setbacks: See [Section 3.21](#)

NOTES

- For additions to the above requirements, refer to [Section 3.6.2 Notes to District Standards: E, P, and Q.](#)
- See *Selected References* below for applicability

*The maximum front and exterior side yard setback requirement when adjacent to roads and drives (other than planned or existing section line road right-of-way) is 75 feet.



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [PSLR Requirements](#) §3.21

4. Use Standards

- [Uses Not Otherwise Included](#) § 4.86
- [Unlisted Use Determination](#) § 4.87

5. Site Standards

- [Off-street Parking Requirements](#) § 5.2
- [Off-street Parking Layout, Standards...](#) § 5.3
- [Off-street Loading and Unloading](#) § 5.4
- [Landscape Standards](#) § 5.5
- [Signs](#) § 5.6
- [Exterior Lighting](#) § 5.7
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- [Access to Major Thoroughfares](#) § 5.13

Performance Standards § 5.14

- [Exterior Building Wall Facade Materials](#) § 5.15
- [Bike Parking Facility Requirements](#) § 5.16

6. Development Procedures

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P-1 Vehicular Parking District

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A. INTENT

The P-1 Vehicular Parking districts are intended to permit the establishment of areas to be used for off-street parking of private passenger vehicles, a use incidental to a principal use. This district will generally be provided by petition or request to serve a use district which has developed without adequate off-street parking facilities.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

C. SPECIAL LAND USES

i. Off-street vehicular parking areas

i. **Parking for sale of new, unlicensed motor vehicles and parking of licensed rental and loaner motor vehicles** §4.74

Notes for Development Standards

- Refer to **Section 3.22.8** for setbacks
- See *Selected References below*

SELECTED REFERENCES

3. Zoning Districts

- **P-1 Requirements** §3.22

4. Use Standards

- **Uses Not Otherwise Included** § 4.86
- **Unlisted Use Determination** § 4.87

5. Site Standards

- **Off-street Parking Requirements** § 5.2
- **Off-street Parking Layout, Standards...** § 5.3
- **Off-street Loading and Unloading** § 5.4
- **Landscape Standards** § 5.5
- **Signs** § 5.6
- **Exterior Lighting** § 5.7
- **Corner Clearance** § 5.9
- **Additional Road Design** § 5.10
- **Fences** § 5.11
- **Frontage on a Public Street** § 5.12
- **Access to Major Thoroughfares** § 5.13

6. Performance Standards § 5.14

- **Exterior Building Wall Facade Materials** § 5.15
- **Bike Parking Facility Requirements** § 5.16

6. Development Procedures

- **Site Plan Review** § 6.1
- **Public Hearing** § 6.2

7. Admin. and Enforcement

- **Nonconformities** § 7.1
- **Planned Rezoning Overlay** § 7.13.2



3.2 DISTRICT BOUNDARIES

The boundaries of these districts are hereby established as shown on the Zoning Map, City of Novi Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

3.3 DISTRICT BOUNDARIES INTERPRETED

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1. through 5. above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections 1. through 6. above, the Board of Appeals shall interpret the district boundaries.
8. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

3.4 ZONING OF ANNEXED AREAS

Whenever any area is annexed to the City of Novi, one of the following conditions shall apply:

1. Land zoned prior to annexation to the City shall be zoned to a like or the most nearly similar district, upon annexation, provided such zoning is in harmony with the City's adopted Master Plan for Land Use.
2. Land zoned prior to annexation to the City, the zoning of which is contrary to the recommendations of the City's adopted Master Plan for Land Use, shall be zoned to a district which corresponds to the recommendations of that Master Plan.

3.5 ZONING OF VACATED AREAS

Whenever any street, alley or other public way, within the City of Novi shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

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3.6.2 Applicability of Notes to District Standards for Residential District

Residential Districts	Notes to District Standards																
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
RA	✓	✓	✓										✓				
R-1	✓	✓	✓										✓				
R-2	✓	✓	✓										✓				
R-3	✓	✓	✓										✓				
R-4	✓	✓	✓										✓				
RT		✓	✓								✓		✓				
RM-1	✓	✓	✓										✓				
RM-2	✓	✓	✓										✓				
MH*																	
OS-1			✓	✓	✓							✓	✓			✓	✓
OSC			✓	✓	✓	✓		✓					✓			✓	✓
OST			✓	✓	✓			✓					✓			✓	✓
B-1			✓	✓	✓							✓	✓			✓	✓
B-2			✓	✓	✓							✓	✓			✓	✓
B-3			✓	✓	✓							✓	✓			✓	✓
RC			✓	✓	✓			✓				✓	✓		✓	✓	✓
TC			✓	✓	✓			✓				✓	✓			✓	✓
TC-1			✓	✓				✓				✓	✓			✓	✓
FS			✓	✓	✓							✓	✓			✓	✓
I-1			✓	✓	✓	✓		✓					✓		✓	✓	✓
I-2			✓	✓	✓	✓		✓					✓		✓	✓	✓
NCC			✓	✓	✓							✓	✓			✓	✓
C													✓			✓	✓
EXPO					✓								✓			✓	✓
EXO					✓								✓			✓	✓
GE							✓		✓	✓						✓	✓
PSLR					✓											✓	✓

* See 3.9 MH Mobile Home Park District Required Conditions



3.6 NOTE TO DISTRICT STANDARDS

1. Applicability. The notes contained in Section 3.6.2 are additions, exceptions, and clarifications to the district standards contained in Section 3.1. The applicability of individual notes to each district is provided in the tables on the following pages.
2. Notes:
 - A. Area Requirements:
 - i. Pursuant to the definition contained in [Section 2.2](#), lot width shall be measured between the two points where the front setback line intersects the side lot lines. Within the residential districts, where a main building is placed behind the front set back line, the distance between the side lot lines shall not be reduced below ninety (90) percent of the required minimum lot width at any point between the front set back line and such main building. The purpose of this amendment is to protect against the creation within the city of irregularly-shaped flag lots.
 - B. For all uses permitted other than single-family or two-family residential, the building or structure setback shall at least equal to: (1) the height of the main building; (2) seventy-five (75) feet; or (3) the setback required in the Development Standards of [Section 3.1](#) of this Ordinance, whichever is greater. However, the minimum building setback from access streets may be reduced to fifty (50) feet for fire department structures where quick access to the street network is required.

For all off-street parking lots serving any use other than single-family residential, the setback from any interior side or rear lot line shall be not less than twenty (20) feet, and the setback from the front and any exterior side lot line shall comply with the building setback required for such uses specified above. Further, for churches there shall be no parking in the front yard. (See also [Section 4.10](#).)
 - C. Except where otherwise provided in this Ordinance, all exterior side yards abutting a street shall be provided with a setback equal to the front yard setback requirement of the district in which located and all regulations applicable to a front yard shall apply, except further, where a nonresidential district abuts a residential

district, the exterior side yard setback requirement shall not be less than the minimum front yard setback requirement of the abutting residential district, but may be more depending on the applicable setback requirement of the nonresidential district.

- D. Except where otherwise provided in this Ordinance, the minimum lot area and width, and the maximum percent of lot coverage shall be determined on the basis of off-street parking, loading, greenbelt screening, yard setback or usable open space requirements as set forth in this Ordinance.
- E. Off-street parking shall be permitted in the front yard of the OS-1, OST, EXPO, EXO, B-1, B-2, B-3, NCC, RC, TC and FS districts, except that said parking shall observe the minimum off-street parking setback requirements in the Development Standards of [Section 3.1](#) and [Section 5.5.3](#) of this ordinance and, with respect to the TC district, [Section 3.27.1.D](#).

No off-street parking shall be permitted in the front yard, being that area between the front property line and the front building facade of the principal building(s) on the lot or parcel, of the OSC, I-1, I-2 districts unless:

- i. The parking area serves a development of at least two (2) acres in size;
- ii. The parking area does not extend into the minimum required front yard setback of the district, unless the site is located in the OSC district, located only on a private road, and located at least one-hundred (100) feet from any public road, then the minimum parking area front yard requirement may be reduced to twenty-five (25) feet;
- iii. The parking area does not occupy more than fifty (50) percent of area between the minimum front yard setback line and the building facade setback line. This provision is not applicable if the site is located in the OSC district, on a private road and more than one-hundred (100) feet from any public road;

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- iv. The parking area is screened from all public rights-of-way by an ornamental brick-on-brick wall, or landscaped berm that is two and one-half (2½) feet in height (as measure from the parking lot surface) and which is designed in accordance with [Section 5.5.3](#); and
 - v. The Planning Commission finds that the parking area and lighting is compatible with surrounding development.
- F. Off-street parking shall be permitted within the side and rear yards. Provided, however, if a property abuts a residential district and is not separated therefrom by a major thoroughfare as designated in the City's Master Plan, or railroad right-of-way, each of the following conditions shall apply to side and rear yard parking:
- i. Off-street parking shall not occupy more than fifty (50) percent of the area of the side or rear yard abutting a residential district; and
 - ii. Off-street parking shall be setback no less than one-hundred (100) feet from the residential district. Exterior side yards shall be subject to the front yard setback requirements of the district and all regulations applicable to a front yard shall apply.
- G. The maximum number of stories for a special development option as described in [Section 3.12.5.E.vi](#) is three (3) which may be increased to four (4), if the fourth floor is incorporated into the roof structure so as to have the appearance of a three (3) story structure, with dormers or other similar features being permitted.
- H. Yard setbacks
- i. Where a use abuts any residential district and is not separated therefrom by a thoroughfare as designated in the City's Master Plan for Land Use, or a railroad right-of-way, the minimum distance a building shall set back from a residential district shall be as follows:
 - a. OSC, RC, TC districts, three (3) feet of horizontal setback for each foot of building height.
 - b. I-1 and I-2 districts, five (5) feet of horizontal setback for each foot of building height, or one-hundred (100) feet, whichever is greater.
 - c. Except when a site or rear yard is separated from a residential district by a railroad right-of-way, the right-of-way may be included as part of the setback requirement.
 - ii. In the OSC, OST and RC districts, the distance between buildings shall be governed by the requirements of [Section 3.8.2](#) or by the minimum setback requirements of the district, whichever is greater, except in the case of a planned development of retail commercial outlets, no yards shall be required along interior lot lines when such lines are composed of common party walls, unless otherwise specified in the Building Code.
 - iii. In the I-1 and I-2 districts, where more than one principal freestanding industrial building is to be erected on one parcel of land, all applicable requirements of the respective district shall apply to each building as though each were on a separate parcel of land.
- I. The minimum lot size for a special development option as described in [Section 3.12.5](#) is five (5) acres with a minimum lot width of three-hundred (300) ft. unless modified by City Council in accordance with [Section 3.12.5.B](#).
- J. Maximum building height for a special development option as described in [Section 3.12.5.E.vi](#) may be increased to fifty (50) ft. however, any structure within three-hundred (300) feet of a one-family residential district shall be limited to a maximum height of thirty-five (35) feet.
- K. There shall be provided concrete pedestrian safety paths (sidewalks) of five (5) feet in width along both sides of all public and private roads for a development permitted in an RT district.
- L. Wherever property directly abuts or is adjacent to residentially zoned property, the minimum yard setback shall be twenty (20) feet.



M. Wetland/watercourse setback

- i. There shall be maintained in all districts a wetland and watercourse setback, as provided herein, unless and to the extent, it is determined to be in the public interest not to maintain such a setback. The intent of this provision is to require a minimum setback from wetlands and watercourses, and to regulate property within such setback in order:
 - a. To prevent physical harm, impairment or destruction of or to such wetlands and watercourses. It has been determined that, in the absence of such a minimum setback, intrusions in or on to such areas would occur, resulting in harm, impairment or destruction of the same contrary to the public health, safety and general welfare.
 - b. Protect unique wildlife habitat and habitat transition, including, without limitation, feeding, nesting, resting and traveling areas for numerous animals.
 - c. Protection of surface water run-off and water quality for pollution preventing purposes, and assistance in beneficial water recharge for drinking, irrigation and other purposes.
 - d. Provide water storage area in storm events.
 - e. Provide areas for recreational or other functional uses which are unique due to geographic relationship to natural feature.
 - f. Preserve aesthetic views and areas for the enjoyment of natural resources.
 - g. Preserve threatened and endangered species habitat, including upland species.
 - h. Reduce the need for on-site and off-site storm water storage capacity based upon the availability of a greater area of absorption and a smaller impervious area.

- i. Stabilize and protect soil resources, including the prevention of erosion and prohibition of the loss due to moving water resulting in destruction of upland, structures and infrastructure on the upland, and prevention of the alteration of the course of moving waters.

This regulation is based on the police power, for the protection of the public health, safety and welfare, including the authority granted in the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

- ii. For purposes of this regulation the terms "wetland" or "watercourse" shall be defined as set forth in [Section 12-152 of the Novi Code of Ordinances](#). The setback required to be maintained by this regulation shall be twenty-five (25) feet from the boundary of a wetland, and twenty-five (25) feet from the ordinary highwater mark of a watercourse.
- iii. Within an established wetland or watercourse setback, unless and only to the extent determined to be in the public interest by the body undertaking plan review, there shall be no deposition of any material, removal of any soils, minerals and/or vegetation, dredging, filling or land balancing, or construction of any temporary or permanent structures.
- iv. In determining whether proposed activities are in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the construction or other activity, taking into consideration the local, state, and national concern for the protection and preservation of the natural feature in question. If, as a result of such a balancing, there remains a debatable question whether the proposal is clearly in the public interest, authorization for the construction or other activity within the setback shall not be granted. The following general criteria shall be applied in undertaking this balancing test:

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- a. The relative extent of the public and private need for the proposed activity.
- b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
- c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the wetland or watercourse setback provides.
- d. The probable impact of the proposed construction or other activity in relation to the cumulative effect created by other existing and anticipated activities in the wetland or watercourse to be protected.
- e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife and the public health.
- f. The size and quantity of the wetland or watercourse setback being considered.
- g. The amount and quantity of the remaining wetland or watercourse setback.
- h. Proximity of the proposed construction and/or operation in relation to the wetland or watercourse, taking into consideration the degree of slope, soil type and the nature of the wetland or watercourse to be protected.
- i. Economic value, both public and private, of the proposed construction and/or operation, and economic value, both public and private, if the proposed construction and/or operation were not permitted.
- j. The necessity for the proposed construction and/or operation.
- v. If and to the extent the city is prohibited by law from regulating the proposed activity in or on the respective wetland or watercourse, regulation under this article shall be exempted.
- N. For general hospitals, as defined within this Ordinance, the maximum allowable height shall be subject to the standards within [Section 4.65](#).
- O. On properties located within one-thousand one-hundred (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 and I-2 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.
- P. The required parking setback area shall be landscaped and provided with plant materials such as trees and shrubs pursuant to standards set forth at [Section 5.5.3](#) regarding plant materials, species, size and spacing. Where a side or rear yard abuts a residential district the requirements for a screening wall or berm/landscape planting screen shall be observed. (See [Section 5.5.3.A](#).)
- Q. The Planning Commission may modify setback requirements in those instances where it determines that such modification may result in improved use of the site and/or in improved landscaping; provided, however, that such modification of the setback requirements does not reduce the total area of setback on a site below the minimum setback area requirements of this Section.



3.7 RA, R-1, R-2, R-3, AND R-4 REQUIRED CONDITIONS

1. Single-Family Detached Structure Review. The erection of single-family detached dwellings shall not be grossly dissimilar to the exterior design and appearance of existing detached single-family dwellings in the surrounding area. **Gross dissimilarity** in exterior design and appearance adversely affects single-family detached dwellings in the surrounding area, adversely affects the desirability of immediate and neighboring areas, impairs the benefits of occupancy of existing dwellings in such areas, impairs the stability of the environment in such areas, prevents the most appropriate use of real estate and the most appropriate development of such areas and produces degeneration of property in such areas with attendant deterioration of conditions affecting the public health, safety, comfort, morals and welfare of the citizens thereof. Compliance with the above intent shall be achieved in the following manner:
 - A. Procedure. No building permit for any single-family detached dwelling shall be issued unless or until it has been found as a fact by a reviewing official, after review of the site of the proposed single-family detached dwelling and after an examination of the building permit application, that the exterior architectural appeal and functionalism of the proposed single-family detached dwelling will not, when erected, be grossly dissimilar to the exterior architectural appeal and functionalism of the single-family detached dwellings within the surrounding area.
 - B. Measurements under this Section shall be made within the same zoning district as that of the dwelling to be reviewed; and
 - i. If the dwelling to be reviewed lies within a platted subdivision, measurement shall be made within the platted subdivision; and
 - ii. If the dwelling to be reviewed lies within a RUD (Residential Unit Development), measurement shall be made within the RUD (Residential Unit Development), anything herein to the contrary notwithstanding.

- C. Measurements under this Section shall be made from the lot line of the proposed single family detached dwelling site to the lot line of each surrounding single-family detached dwelling already constructed in the area. If any part of a lot is within the specified area, the single-family detached dwelling constructed thereon shall be deemed included within the surrounding area. Measurements shall be made from the front lot line, or the rear lot line, or the side lot lines, whichever produces the shortest possible distance between the two measured lots.
- D. Application Review. A building official of the Building Department, or his designee, shall perform the duties and exercise the powers as provided in this Section.
 - i. No building permit for any single-family detached dwelling shall be issued unless it has been found as a fact by the Reviewing Official, after view of the site of the proposed single-family dwelling and an examination of the building permit application, that the exterior architectural appeal and functionalism of the proposed single-family detached dwelling will not, when erected, be grossly dissimilar to the exterior architectural appeal and functionalism of the single-family detached dwelling within the surrounding area.
- E. Grant of Building Permit. A building permit for a single-family detached dwelling shall be issued by the Reviewing Official unless:
 - i. The proposed single-family detached dwelling fails to satisfy the standards set forth herein to insure that the single family detached dwelling will not, when erected, be grossly dissimilar to other single-family detached dwellings within the surrounding area.
 - ii. The building permit application fails to comply with all applicable statutes and ordinances.
- F. Review Standards. In determining whether the exterior architectural appeal and functionalism of the proposed single-family detached dwelling is grossly dissimilar to other single-family detached dwellings, the Reviewing Official shall consider the following features:

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



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- i. The residential floor area of such proposed dwelling is not less than seventy-five (75) percent of the average square footage of the single-family detached dwellings constructed within the surrounding area.
- ii. The type of materials used in such proposed dwelling is not grossly dissimilar to the type of materials used in single-family detached dwellings constructed within the surrounding area.
- iii. The architectural design of such proposed dwelling is not grossly dissimilar to the architectural design of the single-family detached dwellings constructed within the surrounding area.

G. Relation to Other Provisions. The requirements of [Section 3.7.1](#) shall not be interpreted to be in conflict with any of the provisions of this Ordinance. The requirements of [Section 3.7.1](#) shall not apply to developments proposed under [Section 3.28](#) of this Ordinance.

2. Single-Family Detached Appearance Variation. There shall be a variation in appearance in the development of front building elevations and rear building elevations of those residential lots that fall within the purview of [Section 3.7.2.A.i.d](#) hereof. Substantially similar architecture adversely affects the desirability of immediate and neighboring areas, impairs the benefits of occupancy of existing homes in such areas, impairs the stability of the environment in such areas, prevents the most appropriate use of real estate and the most appropriate development of such areas, and produces degeneration of property in such areas with attendant deterioration of conditions affecting the public health, safety, comfort, morals and welfare of the citizens thereof. Compliance with the above intent shall be achieved in the following manner:

A. Variation in Appearance. In any one-family residential district, there shall be a variation in appearance in the development of front building elevations and rear building elevations of those residential lots that fall within the purview of [Section 3.7.2.A.i.d](#) hereof, of one-family detached dwellings subject to any or all of the following standards, as applicable:

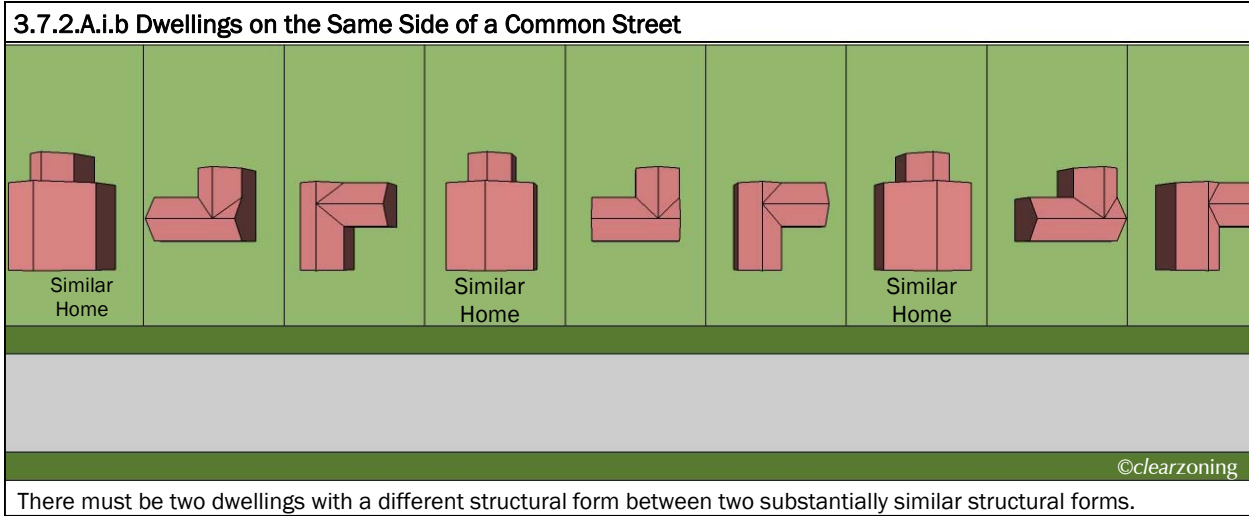
- i. Substantial Similarity

a. Substantial Similarity Defined. Dwelling structural form shall be determined to be substantially similar if the building official, or his designee, finds two (2) or more of the following criteria to be similar:

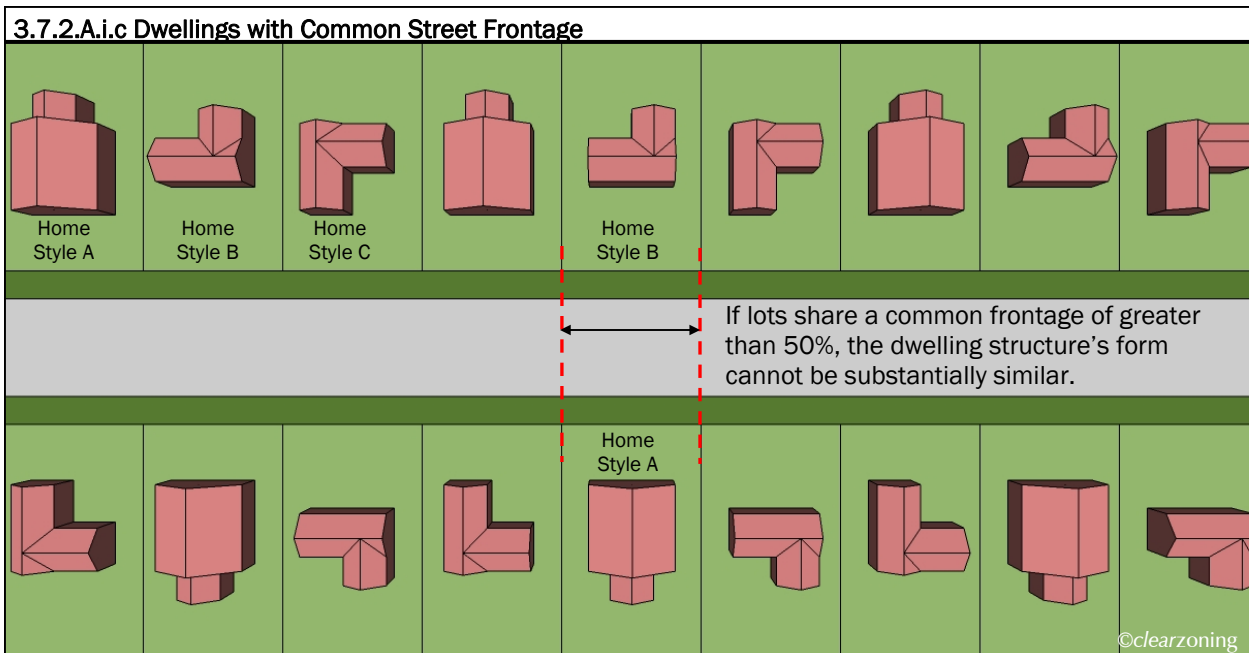
- (1) Maximum width of the front elevation as measured between outside walls. If the dwelling structural form includes an attached garage, maximum width shall be measured between the interior garage wall and the opposite exterior dwelling wall. The difference in measurements must be five (5) feet or greater to be considered dissimilar.
- (2) Relative locations, sizes and design of windows, doors, porches and attached garages constituting the front building elevations and rear building elevations of those residential lots that fall within the purview of [Section 3.7.2.A.i.d](#) hereof. An end-to-end reversal of such elements shall not be considered a dissimilarity in determining whether the relative locations of those elements are similar.
- (3) Overall front or rear elevation appearance including the design, treatment and style of roofs, materials, trim, exterior wall projections, and any other features which affect appearance.



- b. Dwellings on the Same Side of a Common Street. No dwelling structural form shall be located on the same side of the street as a substantially similar dwelling structural form without there being at least two (2) dwellings with a different structural form between the two (2) substantially similar structural forms. For purposes of this provision, dwellings within the same quadrant of intersecting streets shall be treated as being on the same side of a common street.



- c. Dwellings with Common Street Frontage. No dwelling structural form shall be located across a street or thoroughfare from a substantially similar dwelling structural form. Dwelling structural forms shall be considered to be located across a street or thoroughfare from one another if located on lots that share common frontage of more than fifty percent (50%) of the frontage of either lot.



- d. Dwellings with Rear Yard Abutting a Major Thoroughfare. No dwelling structural form shall be located with a rear yard abutting the same major thoroughfare as a substantially similar dwelling structural form without there being at least two (2) dwellings with a different structural form between the two (2) substantially similar structural forms. Dwellings shall be considered to abut a major thoroughfare where fifty percent (50%) or more of the rear property line abuts the right of way line, or an easement or open space abutting the right of way line, or where fifty percent (50%) or more of the rear property line is within thirty (30) degrees of being parallel to the right of way line, and is within fifty (50) feet of the right of way line.
 - e. On corner lots and when the structure is positioned at an angle to a street, all facades exposed to a common or intersecting street shall be considered front elevations, and shall be subject to the criteria set forth in [Subsection 3.7.2.A.i.a](#), above.
- B. Building Permit Review. No building permit for any single-family dwelling shall be issued unless it has been found as a fact by the building official, or his designee, that the construction of the building will not violate [subparagraph 2.A](#) of this Section. The rejection of an application for a building permit shall be in writing and shall set forth the reasons for denial of the application.
- C. Relation to Other Provisions. The requirements of [Section 3.7.2](#) shall not be interpreted to be in conflict with any of the provisions of this Ordinance. The requirements of [Section 3.7.2](#) shall not apply to developments proposed under [Section 3.28](#) of this Ordinance.
3. In the case of premanufactured homes, the following conditions shall apply, in addition to the requirements of [Section 3.7.1 and Section 3.7.2](#) of this Ordinance:

- A. Conform to the applicable requirements of the Premanufactured Unit Rules of the State Construction Code, being Section 6 of Act 230 of the Public Acts of 1972 [MCL 125.1506], as amended, including the display of a manufacturer's date plate, or the display of an approved HUD seal assuring compliance with the HUD Construction Code Standards for Mobile Homes.
 - B. Such dwelling units shall be permanently attached to a perimeter foundation, except that in those instances where the applicant elects to set the dwelling on piers or when the type of unit requires placement of an under frame on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall, furthermore, provide an appearance which will be compatible with the dwelling itself and with the site built homes in the surrounding area. Where a perimeter wall is used, the wall shall extend upwards from the ground to a point uniformly three (3) inches below the base of the perimeter wall of the dwelling. A flange attached to the base of the dwelling wall shall extend down along the outside of the perimeter wall not more than six (6) inches on all sides of the dwelling.
4. All off-street parking shall be arranged so as to minimize any impact on adjacent residential properties.

3.8 RM-1 AND RM-2 REQUIRED CONDITIONS

- 1. RM-1 and RM-2 Density Regulations
 - A. In the RM-1 Multiple-Family districts, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the net site area of the parcel in square feet divided by two-thousand (2,000) and all the public utilities must be available. Units shall be permitted as follows:
 - i. Elderly Housing:



- a. Not more than thirty (30) percent of the units may be of an efficiency apartment type; and
 - b. The balance of the units must have at least one (1) bedroom and a living room.
- ii. Other:
- a. Not more than five (5) percent of the units may be of an efficiency apartment type;
 - b. Not more than twenty (20) percent may be one (1) bedroom units with a living room; and
 - c. The balance of the units must have at least two (2) bedrooms with a living room.
- B. In the RM-2 Family districts, residential buildings less than four (4) stories in height shall conform to the requirements of the RM-1 districts as set forth in this Article. In the RM-2 districts, for residential buildings of four (4) or more stories in height, the total number of rooms of eighty (80) square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the net site area of the parcel in square feet divided by seven-hundred (700). Community sewers must be available. Units shall be permitted as follows:
- i. Elderly Housing:
 - a. Not more than forty (40) percent of the units may be of an efficiency apartment type; and
 - b. The balance of the units must have at least one (1) bedroom and a living room.
 - ii. Other:
 - a. Not more than ten (10) percent of the units may be of an efficiency apartment type;
 - b. Not more than thirty-three (33) percent may be one (1) bedroom units with a living room; and
 - c. The balance of the units must have at least two (2) bedrooms with a living room.

- C. For purposes of computing the permitted number of dwelling units per acre, in the RM-1 and RM-2 districts, the following room assignment shall control:

3.8.1.C Room Count Per Dwelling Unit Size	
Dwelling Unit Size	Room Count
Efficiency	1 room
One bedroom	2 rooms
Two bedroom	3 rooms
Three and four bedrooms or more	4 rooms
Plans presented showing 1, 2 or 3 bedroom units and including a "den," "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.	

- D. If a convalescent or assisted living facility is proposed, one-thousand five-hundred (1,500) square feet of land area shall be provided for each bed in the facility. If other types of senior housing units are proposed as part of the same development (e.g. congregate care or independent housing), the land area allocated above for convalescent and assisted living facilities shall be subtracted from the net site area of the parcel for the purpose of determining density of the remaining portion of the development.
- E. The overall horizontal length requirement may be modified by the Planning Commission if the following conditions are met: (1) The building includes common areas with a minimum capacity of fifty (50) persons for recreation, dining or social activities; and (2) the building is setback an additional one (1) foot for every three (3) feet of building length in excess of one-hundred eighty (180) feet from all property lines abutting a residential district or major thoroughfare. In no case will the building length exceed three-hundred and sixty (360) feet.

- 1 Purpose and Introduction
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2. RM-1 and RM-2 General Regulations

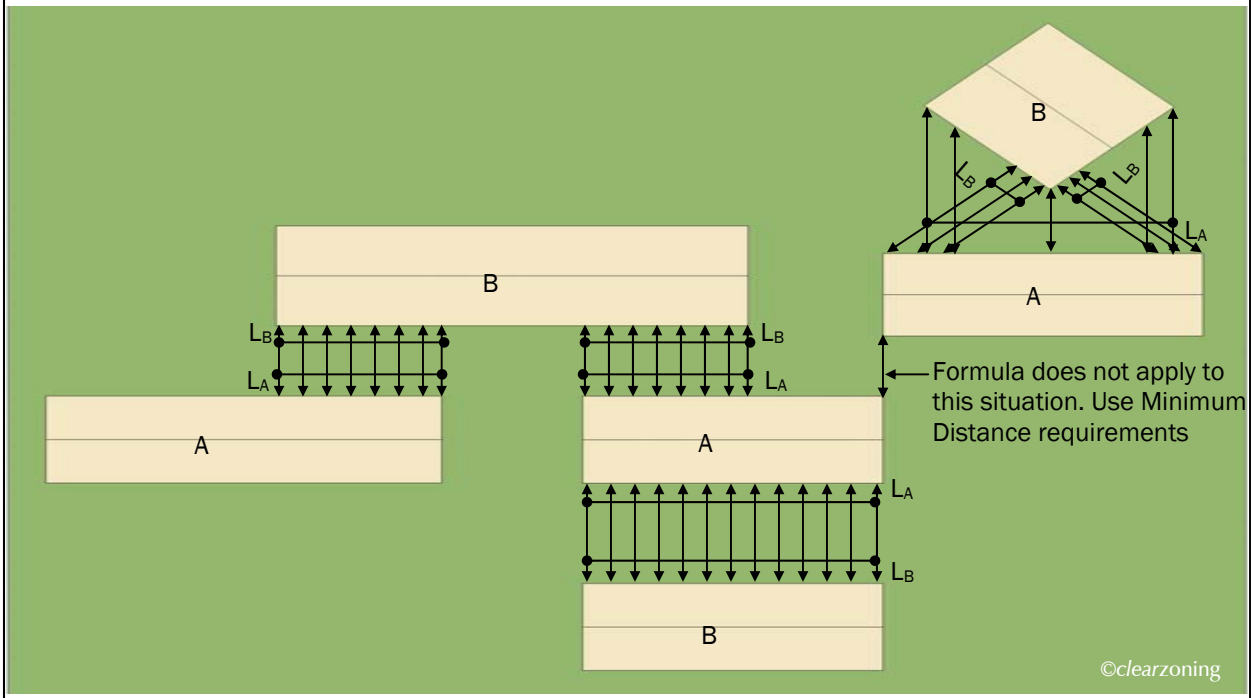
- A. In RM-1 and RM-2 districts, a minimum yard setback of one-hundred and fifty (150) feet shall be provided along any natural lake shoreline. The area of said setback may be utilized in the computation of density but shall not be used for off-street parking, buildings or accessory uses. Said yard area may be used for open space, recreation, beach facilities and similar uses.
- B. In all RM-1 and RM-2 districts, each structure in the dwelling group shall front either on a dedicated public street or approved private drive. An approved private drive is defined as a non-dedicated street constructed in accordance with the City of Novi Design and Construction Standards [Chapter 11 of this Code] for private roads or streets and in accordance with specifications for site plan approval as referred to in this Ordinance.
- C. In the RM-1 and RM-2 districts, the maximum overall horizontal length of any one building or group of buildings attached together over any portion of a common party wall, or other architectural feature which attaches buildings together, shall not exceed one-hundred eighty (180) feet. The overall horizontal length requirement may be modified by the Planning Commission if the following conditions are met: (1) The building includes common areas with a minimum capacity of fifty (50) persons for recreation, dining or social activities; and (2) the building is setback an additional one (1) foot for every three (3) feet of building length in excess of 180 feet from all property lines abutting a residential district or major thoroughfare. In no case will the building length exceed three-hundred and sixty (360) feet.
- D. Where any multiple dwelling structure and/or accessory structure is located along an outer perimeter property line adjacent to another residential or nonresidential district, said structure shall be oriented at a minimum angle of forty-five (45) degrees to said property line. The Planning Commission may modify this requirement upon a showing of unusual shape or location of the property.
- E. Within any required front, side or rear yard setback from any property line in an RM-1 or RM-2 district, not more than thirty (30) percent of any such yard area shall be used for off-street parking, maneuvering lanes, service drives or loading areas.
- F. It is further provided that off-street parking or related drives shall not be located closer than twenty-five (25) feet to any wall of a dwelling structure which contains openings involving living areas, nor closer than eight (8) feet to any such wall that does not contain openings. No off street parking, maneuvering lanes, service drives or loading areas shall be located closer than twenty (20) feet from any street right-of-way line or other property line.
- G. There shall be provided concrete sidewalks of five (5) feet in width in any housing development in an RM-1 or RM-2 district so as to permit safe and convenient pedestrian access along internal roads and to any community center, recreational facility, parking lots and neighboring buildings. Where feasible, the sidewalks shall connect to sidewalks, bikepaths and nature trails which abut the property. Such sidewalks shall be depicted upon the preliminary site plan and final site plan, including the landscaping plan submitted pursuant to [Section 5.5](#). All applicable local, state and federal standards relating to barrier free design shall be complied with.
- H. In all RM-1 and RM-2 districts, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30) feet unless there is a corner-to-corner relationship in which case the minimum distance shall be fifteen (15) feet. The formula regulating the required minimum distance between two buildings in all RM districts is as follows: ~~✗~~



3.8.2.H Distance Formula

$\text{Minimum Distance Between Building(s)} = \frac{L_A + L_B + 2(H_A + H_B)}{6}$	
S	Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either
L _A	Total length of building A
	The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B
L _B	Total length of building B
	The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A
H _A	Height of building A
	The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.
H _B	Height of building B
	The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building

3.8.2.H Distance Spacing for Multiple Dwellings



$$\text{Minimum Distance Between Building(s)} = \frac{L_A + L_B + 2(H_A + H_B)}{6}$$



3. RM-2 Required Conditions

- A. In making its review of any proposed multiple development in an RM-2 district, the Planning Commission shall find that a proper relationship exists between local streets and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety.
- B. All development features of the principal building or buildings, and any accessory buildings, such as architectural design and facade materials, shall be clearly shown and identified.
- C. All service roads, driveways, parking areas and open spaces shall be located and interrelated so as to minimize any adverse effects upon adjacent property, such as channeling excessive traffic onto local residential streets, lack of adequate or effective screening or buffering of parking and service areas.
- D. All buildings or building groupings shall be located so as to properly relate one to the other and to uses on adjacent properties. Circulation between buildings and within the site shall be carried out so as not to interfere with fire equipment access to the buildings.

and, Rules 941 and 944 of the Michigan Administrative Code, as amended.

- 3. The requirements of Rules 941 and 944 of the Michigan Mobile Home Commission Regulations, as amended must be met for all appropriate distances and setbacks.
- 4. The maximum height for any building or structure in a mobile home park shall not exceed the lesser of twenty-five (25) feet or one and one-half (1.5) stories.
- 5. Mobile home parks shall not be permitted on parcels of less than twenty (20) acres, except sites as small as ten (10) acres may be permitted where such sites represent a physical expansion of an adjacent existing mobile home park.
- 6. Access to a mobile home park shall only be from a major thoroughfare as designated in the City's Master Plan for Land Use, there being no access permitted from a residential street or through a residential district.

All drives within the park and any drive leading to the park from a major thoroughfare shall be hard-surfaced streets including curb, gutters and sidewalks and shall be constructed to City codes.

- 7. An area of sufficient width to permit the development of a landscaped earth berm no less than six (6) feet in height shall be provided along the park's frontage on a major thoroughfare.

In those instances where a mobile home park lies adjacent to an existing nonresidential district, a twenty (20) foot wide greenbelt planting screen shall be provided. The earth berm and planting, where above required, shall be provided in accordance with the requirements of [Section 5.5](#) of this Ordinance.

- 8. Off-street parking shall be provided within the mobile home park in accordance with the requirements of [Section 5.2](#) and [Section 5.3](#) of this Ordinance.
- 9. A mobile home park shall provide an area for the storage of park residents, recreational vehicles, boats and other recreational equipment in accordance with the requirements of [Section 5.1](#) of this Ordinance.
- 10. No mobile home shall have less than seven-hundred twenty (720) square feet of floor space.

3.9 MH MOBILE HOME DISTRICT REQUIRED CONDITIONS

- 1. All mobile home park development shall comply with the applicable requirements of the Mobile Home Commission Act, 1987 PA 96, MCL 125.2301 *et seq.*; MSA 19.855(101) *et seq.*, as amended, and the rules of the Michigan Mobile Home Commission set forth and provided thereunder, as amended, and the requirements of this Article.
- 2. A mobile home park shall be developed with sites averaging five-thousand five-hundred square feet per mobile home unit. The five-thousand five-hundred (5,500) square foot area requirement of any individual site may be reduced by twenty (20) percent provided that the individual site shall equal at least four-thousand four-hundred (4,400) square feet. For each one (1) square foot of land gained through the reduction of a site below five-thousand five-hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space. This space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944



11. Each mobile home park shall provide recreational park or open space areas in accordance with Mobile Home Commission Rule 946, as amended. Recreational area to be provided in a mobile home park, shall be designated on the preliminary plan, and must be developed and maintained by the proprietor of the mobile home park. Such area shall be clearly separated and protected from streets, drives, and parking areas. The development and maintenance of each recreational area shall be the responsibility of the park manager/owner.
12. Each mobile home shall be installed pursuant to the manufacturer's set up instructions and pursuant to the Michigan Mobile Home Commission Regulations. All mobile homes shall be required to be anchored to their foundation in accordance with Mobile Home Commission Rules 605, 607 and 608, as amended.
13. Each mobile home shall be provided with exterior skirting in accordance with the requirements of Mobile Home Commission Rule 604, as amended.
14. Storage sheds shall be permitted in the rear fifty (50) percent of an individual lot, or in a side yard when they are an integral part of a covered parking structure, provided all storage sheds are located at least three (3) feet from any lot line and three (3) feet from the mobile home and at least twenty (20) feet from any public street and no less than ten (10) feet from any adjacent mobile home. No storage sheds shall be permitted in the front yard. All storage sheds shall comply with Mobile Home Commission Rule 941(1), as amended.
15. All Preliminary Site Plans shall be prepared in accordance with the applicable requirements of Act 419 of the Public Acts of 1976 [MCL 125.1101 *et seq.*, MSA 19.855(1) *et seq.*], as amended, with the provisions and requirements of Section 5-16(a) and 5-16(b) and Rule 81 (R325.3381 of the Michigan Administrative Code) of the Michigan Department of Public Health's Mobile Home Park Standards, as amended, and in accordance with the requirements of this Section and of [Section 6.1](#) of this Ordinance.
16. No permit shall be issued for the construction of a mobile home park until the approval of a preliminary site plan has been given by the Michigan Mobile Home Commission and by the Novi Planning Commission.

17. Wherever in this Article an earth berm or greenbelt planting screen is required, it shall be shown in detail on the site plan indicating the scaled location, type and height of the plantings.
18. All electric, telephone, telecommunication, and other service lines from supply poles, or other sources to each mobile home site shall be underground and shall comply fully with Mobile Home Commission Rules 932 and 933, as amended. Proposed water supply and waste water treatment processes must provide sufficient capacity to service all uses on the site. All other utilities for mobile or manufactured housing located in the mobile home park shall be designed, installed, operated and maintained in accordance with Mobile Home Commission Regulations, Michigan Department of Public Health, Oakland County Department of Public Health, and standards of the City of Novi.
19. Construction plans shall be submitted to the Michigan Mobile Home Commission and to the Novi Planning Commission for review and approval. All such plans shall be prepared and submitted in accordance with the applicable requirements of Act 419 of the Public Acts of 1976 [MCL 125.1101 *et seq.*, MSA 19.855(1) *et seq.*], as amended.
20. Whenever a construction plan differs from an approved preliminary site plan with respect to those requirements set forth in [Section 6.1](#) of this Ordinance, a revised preliminary site plan shall be submitted to the Michigan Mobile Home Commission for review and approval and to the Novi Planning Commission for review and approval.

3.10 B-1, B-2 AND B-3 BUSINESS DISTRICTS REQUIRED CONDITIONS

1. In the B-1, and B-2 districts:
 - A. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises.
 - B. All business, servicing or processing, except for off-street parking, loading/unloading shall be conducted within completely enclosed buildings.
2. In the B-2 district:



- A. The maximum height of buildings may be increased to 42 feet (up to 3 stories) for a development that does not abut a residential district.
- B. All business, servicing or processing, except for off-street parking, loading/unloading and those outdoor sales uses permitted and regulated in [Section 3.1.11.C](#), shall be conducted within completely enclosed buildings.
- 3. In the B-2 and B-3 districts:
 - A. No truck well, loading dock, overhead door or other type of service bay door shall face a major thoroughfare, nor an abutting residential district. Pedestrian exits or emergency doors are permitted on such building facades.

3.11 GE GATEWAY EAST DISTRICT REQUIRED CONDITIONS

- 1. Uses with a drive through window are not consistent with the intent of the GE district.
- 2. The following conditions shall apply to all developments in the GE district except where indicated otherwise in this ordinance or where flexibility or additional standards are required for developments utilizing the special development option in [subsection 3.12.1](#) .
 - A. Maximum floor area ratio (ratio of gross square feet of building area to gross land area of site, less existing right-of-way) shall be 0.275. Where an addition is made to an existing structure, the total resultant structure or combination of structures on-site shall be used in the calculations.
 - B. Maximum number of stories is limited to two (2). Uncovered roof seating areas above the second floor for restaurant uses may be permitted by the City Council upon a demonstration by the applicant that such seating would not jeopardize public safety and/or privacy of adjoining uses, and would not result in any other adverse consequences to the surrounding area, and, particularly, adverse consequences to residential uses.

- C. No individual retail sales or personal service establishment shall exceed twenty-thousand (20,000) square feet of total gross floor area, exclusive of basement areas leased and utilized by the tenant of the building for storage purposes only. The total gross floor area of retail uses within a single development or site shall not exceed twenty-five thousand (25,000) square feet.
- 3. Off-street parking shall either be provided within the building, within a parking structure physically attached to the building, or in a designated off-street parking area within three-hundred (300) feet of the building. Parking provided within the building or attached parking structures shall be fully screened from public view. Ground level parking below a structure that houses the site's principal use is not permitted (building on stilts with ground level parking underneath).
- 4. The outdoor storage of goods or material shall be prohibited.
- 5. Building Setbacks
 - A. Major Thoroughfare (See Table 3.11.5 Building Setbacks)



3.11.5 Building Setbacks		
Major Thoroughfare		
	Minimum (feet)	Maximum (feet)
Front:	70 from centerline of major thoroughfare	90 from centerline of major thoroughfare
Exterior Side:	70 feet from the centerline of major thoroughfare	90 from the centerline of major thoroughfare
Side:	0	None
Rear:	30	None
Non-Residential Collectors and Local Streets		
Front:	20	None
Exterior Side:	20	None
Side:	0	None
Rear:	0	None
Private Drives, Aisles, and Shared Access Drives		
Front:	10	None
Exterior Side:	10	None
Side:	0	None
Rear:	0	None

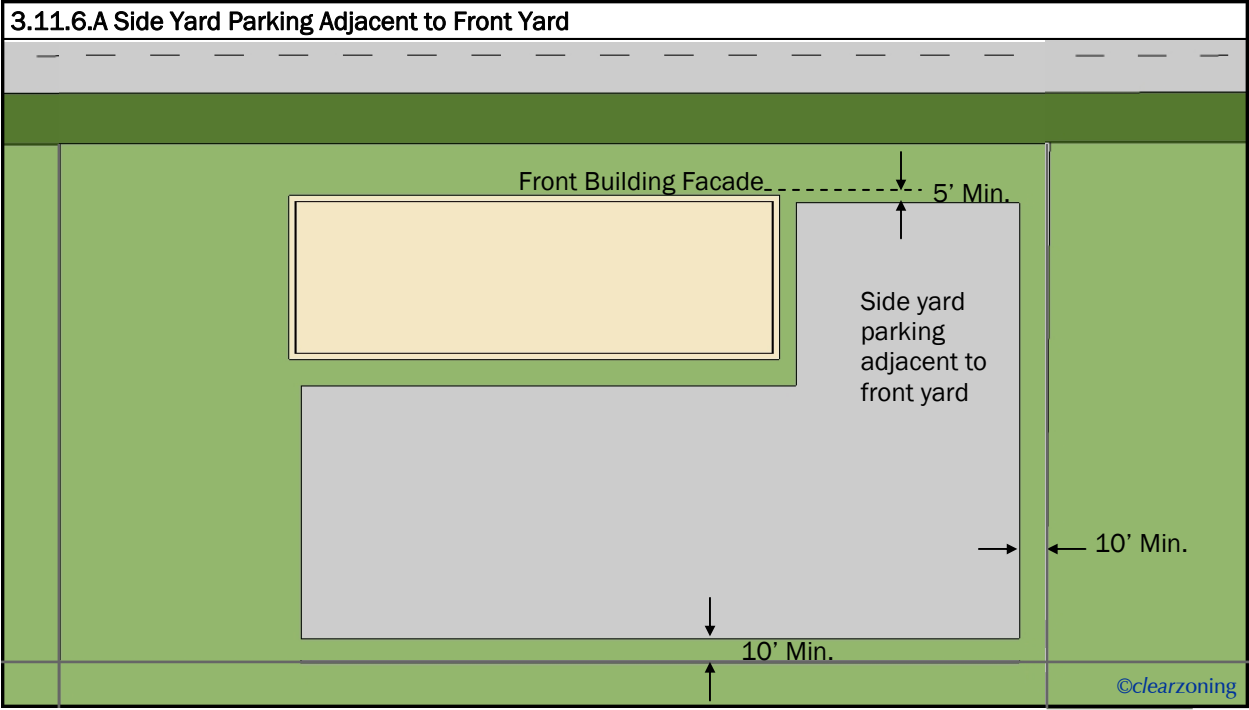
B. Non-residential Uses/Interior Buildings. Where a non-residential use abuts a one-family residential district, the minimum building setback shall be five (5) feet for each foot of building height. For interior buildings within a site, buildings with a front-to-front relationship shall have a minimum separation of forty (40) feet. Buildings with a front-to-rear or front-to-side relationship shall have a minimum separation of thirty (30) feet. All other interior buildings shall have a minimum separation of twenty (20) feet unless otherwise provided for in this district.



6. Parking Lots

A. No front yard parking is permitted. Side yard parking adjacent to a front yard shall be setback from the front building facade line by a minimum of five (5) feet (see example below). Off-street parking lots shall provide the following minimum setbacks from all property lines: ~~☒~~

3.11.6.A Off-street Parking Lot Setbacks	
	Minimum Setback (feet)
Side	10
Side yard parking adjacent to a front yard	5 from front of building facade yard
Rear	10



B. Parking lots shall be screened from all major thoroughfares. Such screening may be accomplished through the provision of any combination of the following subject to site plan review:

- i. by a two and one-half (2.5) foot high ornamental brick or stone wall designed with intermittent landscaped breaks;
- ii. plantings that achieve within two (2) years of installation a minimum three (3) foot high screen with an eighty (80) percent winter opacity and a ninety (90) percent summer opacity standard;
- iii. existing natural vegetation augmented if necessary with additional plantings to achieve the above opacity standards.

C. Parking may front on shared private access road easements and similar private internal streets and drives.

7. Open Space: At least twenty-five (25%) percent of the gross area of each development site shall be comprised of open space, such as permanently landscaped open spaces, plazas, pocket parks, internal walkways and similar features accessible to non-residential occupants and invitees. Substantially all of the total open space area must be designed as useable space. Small strips of landscaped area, landscaped end islands, and similar areas that are less than (twenty) 20 ft. wide shall not be considered useable open space and shall not comprise more than ten percent (10%) of the required open space on the site; provided that up to fifty percent (50%) of the required open space may be composed of areas required to be preserved by City of Novi woodlands and/or wetlands regulations (Example: A ten (10) acre site is required to have at least two and one-half (2.5) acres of open space, one and one quarter (1.25) acres of this open space could include a regulated wetland, a maximum of one quarter (0.25) acres can be credited for small landscaped



islands, and the remainder or one (1) acre of the site must be within useable open space), and, if due to topography or other legitimate reason, an applicant may request a reduction in the amount of open space that must be useable. The maintenance of all open space within the development shall be the responsibility of the owner(s) of the property within the development, and such obligation shall be incorporated as part of a maintenance agreement covenant approved as to form and substance by the City Attorney in order to ensure the establishment of a binding and permanent obligation with an adequate means of finance, and to ensure the authority for the City to enforce conformance with the maintenance obligation in the event of a breach, to be recorded with the office of the Oakland County Register of Deeds, and shall run with the land.

8. Building Facades and Scale

- A. All buildings shall comply with the standards for Region 1 provided in [Section 5.15](#).
- B. Buildings located at the corner of two streets should provide greater massing and height than in other locations throughout the district. Buildings in such locations shall contain two stories, or incorporate architectural features that provide additional massing. The City Council may permit a building height of forty (40) ft. at corner locations to provide for substantial architectural features, but in no case shall the number of stories exceed two (2).

9. Sidewalks and Bicycle Paths: Sidewalks are required for all developments which abut any street and shall comply with the City of Novi Design and Construction Standards. Bicycle paths shall be provided in accordance with the Bicycle and Pedestrian Master Plan, and shall take into consideration the City's Grand River Corridor Study. In addition, there shall be a system of internal pedestrian connections within and between all developments and between all buildings within a single development in the GE district to enable pedestrians to safely access buildings and adjacent developments. Pedestrian connections between adjacent parcels will also be required unless the applicant demonstrates to the City Council that such connections would be unfeasible or inappropriate.

Sidewalks shall be required between vehicular parking areas and building facades with

pedestrian entrances with the intent of providing pedestrian connections between all buildings and their associated parking areas in the district. Along Grand River Avenue, sidewalks shall be eight (8) feet wide.

10. Streetscape Amenities: The use of decorative, pedestrian-scale parking lot lighting, public pathways, bicycle racks, and similar site features shall be an integral part of any site plan in the GE district. The development of urban pocket parks and other pedestrian areas is encouraged. Amenities along Grand River Avenue shall include lighting, landscape plantings and other such features that reflect a consistent theme, and shall take into consideration the concepts (enhancement elements) set forth in the City of Novi's Grand River Avenue Corridor Study. All such amenities shall be privately owned and maintained, and shall be included in the open space maintenance agreement referenced in [subsection 3.11.7](#), above, and, it is encouraged that such amenities will be available for public use and enjoyment.

11. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be principally sold at retail on the premises, which shall include the sale of goods purchased on site for carry out off premises. Production for off-premise sales shall be permitted only upon a finding by the City Council, after review by the Planning Commission, that such production is clearly accessory to the principal use and is consistent with the intent of the GE district, including compatibility and all other off-site considerations.

12. All businesses, services or processing, except for off-street parking or loading and, where permitted, outside dining, shall be conducted within a completely enclosed building. Loading and unloading shall take place in the rear yard or, in the case of a lot with frontage on more than one road, an interior side yard.

13. Outdoor storage of goods or material shall be prohibited.

14. Adjacency: The City Council may impose conditions in order to ensure compatibility with and between adjacent properties, including:

- A. The establishment of landscaping, and/or the placement of a berm or wall if there is a demonstrated need applying accepted planning and noise attenuation principles as applicable.



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- B. The utilization of compatible site improvements, such as signage, lighting, or the like.

3.12 SPECIAL DEVELOPMENT OPTION (SDO) FOR THE GE DISTRICT

1. Intent and General Application. The provisions of this [Section 3.12.1](#) are intended to provide standards for the submission, review and approval of applications for Special Development Option projects (SDO), to be reviewed and approved as authorized and provided in MCL 125.3503b. It is the intent of this Section to authorize the use of special development regulations in GE districts for the purpose of:

- A. Permitting quality residential development and facilitating mixed use developments, including multiple-family residential, office, and limited size commercial;
- B. Encouraging a mixture of uses in accordance with character and adaptability of the land;
- C. Conserving natural resources and natural features and energy; encouraging innovation in land use planning; providing enhanced housing, employment, shopping, traffic circulation and open space opportunities for the people of this City;
- D. Bringing about a greater compatibility of design and use between neighboring properties and the downtown district of Novi; and
- E. Making provision for unique "entry" developments at the intersection of Grand River and Meadowbrook, as specified in [subsection 3.12.2.A.ii](#).

A SDO may be applied for in any GE district. The granting of a Special Development Option application shall require review and recommendation of the Planning Commission and approval of the City Council.

- 2. Uses permitted subject to approval of a Special Development Option
 - A. For developments utilizing the Special Development Option (SDO) the uses listed under [Section 3.1.16.B](#) will be permitted in addition to the following specified uses subject to the special conditions and review and approval process herein established, unless otherwise provided in this Ordinance:

- i. Multiple-family residential dwellings, including senior, age-qualified, independent housing, provided the conditions in [Section 3.12.3](#) are met.
- ii. For the limited purposes of the four properties situated at the "entry" of the area for which GE district permission is provided herein, i.e., the four properties at the intersection of Grand River Avenue and Meadowbrook Road (having frontage on both roads), the City Council, following recommendation of the Planning Commission, shall be authorized to approve an SDO project which includes or consists of a non-residential use permitted elsewhere in this Zoning Ordinance but not otherwise permitted in the GE district, on the condition that such use meets all of the following criteria, as determined by the City Council:
 - a. The proposed use exemplifies the intent of the GE district as stated in [Section 3.1.16.A](#), and the intent of the SDO as stated in [Section 3.1.16](#).
 - b. The proposed use incorporates as a predominant physical component of the development that provides a unique entry feature along Grand River Avenue for the GE district, characterized by a distinct, high profile appearance.
 - c. The proposed use is compatible with, and will promote, the uses permitted with the GE district and SDO.
 - d. The proposed use will not create an inconsistency with the City's Master Plan for Land Use in terms of the general activities on the site and the impacts upon the surrounding area.
 - e. The proposed use is designed in a manner that will result in traffic and pedestrian safety, consistent with the adjoining pedestrian and vehicular thoroughfares.
 - f. The proposed use is designed with exceptional aesthetic quality, including building design, building materials and landscaping design, not likely to be achieved except based upon this authorization.



- B. Developments which include a single use, a mixed use building and/or a mixed use development may be proposed and approved as an SDO project.
3. Eligibility Criteria
- A. Uses proposed within an SDO project shall be situated within a GE district, and shall require the applicant to demonstrate to the City Council, and the City Council finding, in its discretion, that each particular use, as well as the quantity and location of such use, would result in a reasonable and mutually supportive mix of uses on the site, and a compatibility of uses in harmony with the surrounding area and other downtown areas of the City, as intended in this Article. Such discretionary decision making by the City Council shall be based upon relevant planning and/or zoning principles, including the standards set forth in [subsection 6.1.C](#) and the standards set forth below.
- B. As part of the application and review for concept plan approval, the applicant for a Special Development Option must demonstrate the following:
- i. The project will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved by a traditional development.
 - ii. In relation to a development otherwise permissible as a Principal Permitted Use under [Section 3.1.16.B](#), the proposed type and density of development shall not result in an unreasonable increase in the use of public services, facilities and utilities, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment.
 - iii. Based upon proposed uses, layout and design of the overall project, the proposed building facade treatment, the proposed landscaping treatment and the proposed signage, the Special Development Option project will result in a material enhancement to the area of the City in which it is situated.
 - iv. The proposed development shall not have a materially adverse impact upon the Master Plan for Land Use of the City, and shall be consistent with the intent and spirit of this Section.
 - v. In relation to a development otherwise permissible as a Principal Permitted Use under [Section 3.1.16.B](#), the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
 - vi. The proposed development shall contain at least as much useable open space as would be required in this Ordinance in relation to the most dominant use in the development.
 - vii. Each particular proposed use in the development, as well as the size and location of such use, shall result in and contribute to a reasonable and mutually supportive mix of uses on the site, and a compatibility of uses in harmony with the surrounding area and other downtown areas of the City.
 - viii. The proposed development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership and/or control, upon completion of one or more phases and upon 1) due notice to the City Clerk, 2) appropriate and customary approval by other City officials and 3) financial guarantees for completion of improvements.
4. Project Design Standards. The following project design standards shall apply to all Special Development Option projects in the GE district:
- A. Residential Design Standards. Subject to conformance with the provisions of [Section 3.12.5](#) below, the design standards, including density for residential uses in an SDO project shall be determined at the discretion of the City Council consistent with the intent of the GE district, the Master Plan for Land Use, the standards contained in this Article, and the impact such density would have upon open space, the Main Street and Town Center areas, adjoining property, water and sewer services, storm water drainage, road capacity, traffic, fire and police services,



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schools, character of the area, and any planned public and private improvements in the area. In addition, the following standards shall be considered:

- i. Innovative planning and design excellence, taking into consideration the review and recommendation of the City's professional staff and/or consultants;
 - ii. Relationship to adjacent land uses;
 - iii. Pedestrian and/or vehicular safety provisions;
 - iv. Aesthetic quality in terms of design, exterior materials and landscaping, including internal compatibility within the development as well as its relationship to surrounding properties; and
 - v. Provisions for the users of the project.
- B. Non-Residential Design Standards. The following design standards shall apply to non-residential projects:
- i. Permitted non-residential uses may be allowed in combination with other permitted non-residential uses or as part of a common development with residential uses, based upon a layout and integrated plan approved as part of the site plan.
 - ii. The non-residential uses permitted with an SDO project shall serve as a transition to and complement the City's "downtown" Main Street area and Town Center Area, particularly in terms of mass, market area to be served and overall intensity.
 - iii. The design standards for non-residential uses shall be based upon the regulations in this Ordinance applicable to the corresponding uses, provided modified design standards may be approved by the City Council based upon a demonstration by the applicant of the following, and findings in accordance with [Section 3.12.6.A.i](#):
 - a. The proposed uses will complement and support the intent of the Town Center districts and established uses within the Town Center area of the City;
 - b. The project has shown that design coordination and connection with

adjacent property, developed or not, has been accomplished;

- c. A unique and attractive street-level environment has been achieved that focuses on the pedestrian experience;
 - d. Vehicular safety provisions and controls have been applied particularly with regard to access to major thoroughfares; and
 - e. Aesthetic quality is improved in terms of design, exterior materials and landscaping, including internal compatibility within the development as well as its relationship to surrounding properties.
- C. General Design Standards. The following minimum standards shall be reviewed and determined by City Council as part of the SDO review process.
- i. There shall be a perimeter setback and berming, as found to be necessary by the City Council, for the purpose of buffering the development in relation to surrounding properties. Such perimeter setback shall be established at the discretion of the City Council taking into consideration the use or uses in and adjacent to the development, the topography on and adjacent to the property and the height of buildings and structures proposed for the property and situated on surrounding property, provided, the perimeter setback shall not be less than otherwise provided in the GE district; and may be increased in certain areas on the perimeter of the development in order to achieve a specific and generally recognized planning objective based upon the recommendation of the City planning staff and/or consultant.
 - ii. There shall be underground installation of utilities, including electricity and telecommunications facilities, as found necessary or appropriate by the City.
 - iii. The design of pedestrian walkways shall be reviewed with the view of achieving safety, and also considering the objectives and intent of this district.



- iv. Signage, lighting, streetscape, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area. The City's Grand River Corridor Plan and reasonably shall be incorporated in terms of design features and concepts applicable to the subject property.
- v. Developments with non-residential uses, including non-residential uses within a mixed-use development that have a residential component, which abut off-site residentially zoned property, shall incorporate noise reduction and visual screening provisions such as earthen and/or landscape berms and/or decorative walls, which shall be approved as to design and location.
- vi. In order to provide efficient circulation and reduce driveways and curb cuts along Grand River Avenue, all development sites fronting on Grand River Avenue shall be constructed to maximize traffic safety and convenience. Toward this end, it is strongly encouraged that shared rear access drives, running behind the building(s) closest to Grand River Avenue, shall be established and utilized. If established, shared access drives shall be located a minimum of three-hundred (300) feet and a maximum of six-hundred fifty (650) feet from the centerline of Grand River Avenue, provided, however, such distance shall take into consideration the need to make connection with adjoining properties, if feasible. The City Council may permit modification of this standard when the applicant demonstrates that 1) continuation of the drive to adjacent properties will not be impaired and 2) that the placement of the drive in the location specified above would cause practical difficulties. The shared access drive shall be privately owned and maintained, have a cross-section

- meeting or exceeding City local street standards, and shall be governed by a cross-access agreement that provides for public access at all times and shall be recorded with the Oakland County Register of Deeds after review and approval by the City Attorney. The shared access drive shall be a minimum of twenty-eight (28) feet wide (back to back of curb) and shall be placed within a thirty-six-foot (36) (minimum) private easement. Parallel parking may be permitted along said shared access drive provided the road and easement is widened on a proportional basis. Minimum building and parking setbacks shall be reduced to ten (10) feet from the easement or right-of-way line along a shared access drive. The City Council may permit the termination of the shared rear access drive where it is not feasible to extend it to another property due to 1) environmental limitations, 2) incompatible adjacent development, 3) shallow lots, or 4) other unique site features.
 - vii. On retail buildings, windows within areas of the premises to which the public is invited shall be made of materials which do not materially obstruct transparency.
 - viii. The City Council shall resolve ambiguities in the interpretation of applicable regulations using the Zoning Ordinance, Master Plan, the intent of this Article and other City standards or policies as a guide.
5. Required Conditions for Special Development Option projects
- A. The required conditions listed within [Section 3.11](#) must be met except where modified as permitted within this [subsection 3.12.5](#)
 - B. Minimum acreage for a project is five (5) acres unless varied by City Council approval based upon a demonstration by the applicant that the proposed development on less land meets all of the standards of this [Section 3.12.5](#), and [subsections 3.12.1 and 3.12.3](#), and that the proposed development exemplifies the intent of this Article as stated in [Section 3.1.16.A](#)



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- C. Minimum public road frontage is three-hundred (300) ft. along a single thoroughfare unless varied by City Council.
- D. The following standards are required for residential components within Special Development Option projects:
 - i. All dwellings shall meet the required conditions of the RM-2 district, [Sections 3.1.8 and 3.8.3](#), except as otherwise provided for in this Ordinance. With the objective of providing a balanced share of housing opportunities within the city, it is strongly encouraged that dwellings be designed and marketed for owner occupancy.
 - ii. All residential structures shall have a minimum of two (2) stories except as provided in [Section 3.12.5.D.iii.](#) below.
 - iii. Up to ten (10) percent of residential units may be of a one (1) story construction only if the one (1) story structures are located within three-hundred (300) feet of an adjacent one-family district.
- E. The following additional required conditions shall apply to all Special Development Option projects:
 - i. The total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel in square feet, divided by one-thousand six-hundred (1,600). Provided, however, that in the case of a mixed-use development meeting the following standards, the denominator may be modified down from one-thousand six-hundred (1,600) to nine-hundred fifty (950):
 - a. The project shall meet the criteria for a "mixed-use" project, as specified in this Section, and
 - b. Building elevations of all buildings on lots with frontage on a public street shall be constructed primarily (more than fifty (50) percent) of face brick and shall otherwise meet the Region One requirements of [Section 5.15](#)
 - ii. All trash receptacles and trash collection areas shall be screened from view and shall not be placed within ten (10) feet of any wall of a dwelling structure which contains openings involving living areas. HVAC units that are not placed on the roof of a structure must be located away from openings to dwellings, including windows, and must be screened from view.
 - iii. Each residential unit shall have its own exterior entrance or share an entrance with no more than one (1) additional unit. Residential units located above retail, office and similar uses shall not be required to have more than one floor devoted to residential land use and may have interior entrances.
 - iv. Off-street parking shall not be placed within ten (10) feet of any wall of a dwelling structure which contains openings involving living areas, and no closer than five (5) feet to any wall that does not contain such openings. Units that have garages may be permitted parking on garage aprons.
Off-street parking shall be prohibited in the front yard for all structures, with the exception of driveway apron parking for residential units.
 - v. Open space as set forth in [Section 3.1.8.D](#) shall be provided for each multiple dwelling unit.
 - vi. The following residential densities shall be permitted based on mixed-use or single-use developments:



3.12.5.E.vi Residential Densities			
	Residential Only Developments	Mixed-Use Developments	Mixed-Use Developments
A. Density ^{1, 2, 3, 4}		Single-Use Building	Multi-Use Building
i. Efficiency (1 room)	–	–	–
ii. 1 Bedroom (2 rooms)	13.6 DU/AC	22.92 DU/AC	27.2 DU/AC
iii. 2 Bedroom (3 rooms)	9.07 DU/AC	15.28 DU/AC	18.15 DU/AC
iv. 3+ Bedrooms (4 rooms)	6.81 DU/AC	11.48 DU/AC	<u>13.6</u> DU/AC
B. Maximum Percent of Dwelling Units By Type			
i. Senior, Age-Qualified Housing			
a. Efficiencies	20%	40%	
b. One Bedroom	50%	100%	
ii. Other Housing in Single-use Building			
a. Efficiencies	5%	5%	
b. One Bedroom	15%	25%	
iii. Other Housing in Multi-use Building			
a. Efficiencies	NA	10%	
b. One Bedroom	NA	25%	
C. Minimum distance between Buildings ⁵			
D. Floor Area Ratio	0.50	0.75	
E. Maximum Building Height	Fifty (50) feet	Fifty (50) feet ⁶	
F. Maximum Number of Stories ⁷	3	3	
G. Retail Development	N/A	<ol style="list-style-type: none"> No individual retail sales or personal service establishment shall exceed twenty thousand (20,000) square feet of total gross floor area, exclusive of basement areas leased and utilized by the tenant of the building for storage purposes only. For a mixed use development, the total gross floor area maximum for retail uses shall be thirty-five thousand (35,000) square feet and one (1) individual retail anchor tenant space may be permitted up to twenty thousand (20,000) gross square feet. 	

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3.12.5.E.vi Residential Densities (continued)			
	Residential Only Developments	Mixed-Use Developments	Mixed-Use Developments
G. Retail Development	N/A	3. In no instance shall the gross floor area of the retail component of a mixed use development comprise more than fifty percent (50%) of the total floor area of all buildings (including residential and non residential) within the entire development.	4. In order to encourage comprehensive planning on larger parcels, an applicant may propose, and the City may approve as a part of the Special Development Option, additional total gross floor area of retail uses, provided the twenty thousand (20,000) square foot limitation for an individual establishment, and the fifty percent (50%) total floor area limitation, shall apply. Up to an additional one thousand (1,000) square feet per each acre over ten (10) acres of property in the development may be approved. In allowing additional area, the City Council shall find that the architecture, landscape architecture, open space features, streetscape features, pedestrian system and/or other site features are of exceptional quality and/or function.

Notes to Table:	
1	Any room noted as a den, library or other extra room shall count as a bedroom for the purpose of computing density.
2	Review this entire ordinance thoroughly for a complete overview of residential development requirements.
3	The minimum floor area per unit in Section 3.1.8.D shall apply. If a one-room loft unit exceeds seven-hundred fifty (750) square feet, it shall be considered a one bedroom (two-room) unit.
4	For all residential development, residential density shall be calculated for the net site area of the development.
5	Where a non-residential use abuts a one-family residential district, the minimum building setback shall be five (5) feet for each foot of building height. The placement of residential uses adjacent to one-family and multi-family dwelling districts is encouraged. For interior buildings within a site, buildings with a front-to-front relationship shall have a minimum separation of thirty (30) feet. All other interior buildings shall have a minimum separation of fifteen (15) feet (thirty (30) feet for buildings thirty (30) feet or more in height) unless otherwise provided for in this District.
6	Any structure within three hundred (300) feet of a one-family residential district shall be limited to a maximum height of thirty-five (35) feet.
7	The maximum number of stories may be increased to four (4) if the fourth floor is incorporated into the roof structure so as to have the appearance of three (3) story structure, with dormers or similar features being permitted.



6. Review and approval process for Special Development Option Concept Plan

A. Special Development Option may be approved in any GE district, subject to the 3-step review and approval as provided for in this Section.

i. General Regulations: Consistent with the Special Development Option concept, and toward encouraging flexibility and creativity in development, departures from compliance with the standards provided for an SDO project, may be granted in the discretion of the City Council as part of the approval of a SDO project in a GE district. Such departures may be authorized on the condition that there are recognized and specific features or planning mechanisms deemed adequate by the City Council designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a departure is sought. In all events, however, the required perimeter setbacks may not be modified from those established within this section. Any deviations from special development option standards will require the Applicant to provide substitute safeguards for each regulation for which there is noncompliance, in whole or in part, in the development plan.

ii. The development shall be designed so as to promote preservation of natural resources and natural features. In the interpretation of this provision, natural resources and natural features may be modified if it is in the public interest to do so. In determining whether action is in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of natural resources and natural features, and taking into account the provisions and standards of the Michigan Natural Resources Environmental Protection Act, Act 451 of 1994, as amended. This provision is not intended to

undermine or replace any other applicable Ordinance Code provision, and, all applicable regulations, permits and approvals required under other Ordinance Code provisions shall be observed and secured.

iii. Phasing: Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase, considered together with other completed phases, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned gateway development and the residents and property in the surrounding area. The Temporary Certificate cannot be extended beyond the five (5) year use limit. After such time permanent facades must be constructed or adjoining phases begun. The Council may require performance guarantees, in accordance with [Section 3.12.7.D](#), to ensure that permanent facades are constructed. In developments which include residential and non-residential uses, phasing shall be consistent with the following:

- a. At least thirty (30) percent of all proposed residential units shall be constructed no later than concurrent with the first phase of any non-residential construction;
- b. At least an additional thirty (30) percent of all proposed residential units shall be constructed no later than concurrent with any second phase of non-residential construction; and,
- c. The balance of all proposed residential units shall be constructed no later than concurrent with any third phase of non-residential construction.

For purposes of implementing the residential/non-residential phasing requirements set forth above, the percentages shall be reasonable approximations, as determined in the discretion of the City Council, and,



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such percentages may be substantially modified should the City Council determine in its discretion that the applicant has presented adequate and effective assurances that the residential component(s) of the development shall be completed within a specified period.

B. Procedure for Review and Approval

i. Consideration of Concept Plan Application:

a. Pre-Application Conference. Prior to submittal of a concept plan, the applicant shall apply for and attend a pre-application conference with the Community Development Department, and other appropriate officials deemed necessary by the Planning Director. Prior to the meeting, the applicant shall provide to the Community Development Department a brief narrative of how the development meets or exceeds the standards of this ordinance.

b. Planning Commission Review. After the pre-application conference and upon receipt of an application for purposes of a concept plan submittal, the application shall be referred to the Planning Commission. The concept plan shall include the information required in [subsection 3.12.7.C](#), below. The Planning Commission shall place the application on its next available agenda, at which a review shall be conducted. Following such review, the Planning Commission shall provide its report and recommendation to the City Council. In making its recommendation to the City Council, the Planning Commission shall determine:

- (1) Consistency with the Master Plan;
- (2) Innovative planning and design excellence;
- (3) Relationship to adjacent land uses;

(4) Compliance with this Ordinance;

(5) Benefits to the community such as publicly dedicated parks and open areas, and public facilities;

(6) Pedestrian and/or vehicular safety provisions;

(7) Aesthetic beauty in terms of design, exterior materials and landscaping, including internal compatibility within the development as well as its relationship to surrounding properties;

(8) Provisions for the users of the project; and

(9) An evaluation of the standards in [subsections 3.12.3 through 3.12.5](#).

c. The Planning Commission shall forward its findings to the City Council for consideration no later than the next scheduled regular meeting of the Planning Commission following the public hearing.

d. City Council Review. Within sixty (60) days after recommendation by the Planning Commission, the concept plan shall be placed on an agenda of the City Council, and the City Council shall conduct a public hearing. In making its review, the City Council shall follow the standards and guidelines applicable to an SDO project. After review of the Planning Commission's recommendation, consideration of the input received at the public hearing, and other information relative to the Special Development Option application, the City Council may grant the application with or without conditions, which will serve as concept plan approval of the Special Development Option application. When such approval is given, it shall be tentative, and the City Council shall instruct the applicant to have prepared, for review and approval by the City's legal counsel, a contract, which



shall incorporate the concept plan and specify the terms and provisions upon which the approval is based. After approval of the contract by resolution of the City Council, the contract shall be executed by the City and the applicant and recorded in the office of the Oakland County Register of Deeds. Final approval of the concept plan shall be effective upon recording. Physical development of the site shall be in accordance with the approved concept plan and shall not be commenced until after site plan approval by the City Council.




7. Review and Approval of SDO Site Plan

- A. In General. No building permit shall be issued for any building or structure within the development until a final site plan for the SDO project has been approved. Site plans shall be reviewed in accordance with the requirements of [Section 6.1](#) of this ordinance with the exception that the City Council will review and approve all site plans. No more than two (2) extensions to a preliminary or final site plan may be approved. The review of the site plan shall also include consideration of the following:
 - i. That public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity,
 - ii. Protecting the natural environment and conserving natural resources and energy,
 - iii. Insuring compatibility with adjacent uses of land, and
 - iv. Promoting the use of land in a socially and economically desirable manner.
 - v. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the project and those immediately adjacent, and the community as a whole, shall be reasonably related to the purposes affected by the planned gateway development, and shall be necessary to meet the intent and purpose of this Ordinance, and be related to the

objective of insuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned gateway development.

- B. Applications. Once concept plan approval has been granted, the applicant may proceed to site plan review. Preliminary site plans will be reviewed and approved by the City Council. Final site plans may be reviewed and approved administratively unless the City Council directs otherwise at the time of preliminary site plan approval (see [Section 3.12.7.B](#) GE district Review Process).



3.12.7.B GE District Review Process		
Review Levels	Principal Permitted Use	Special Development Option
1. Pre-Application Conference	Meeting held with City staff and consultants	Meeting held with appropriate City officials
		
2. Concept Plan	N/A	Concept Plan approved by City Council after review and recommendation by Planning Commission.
		
3. Preliminary Site Plan	Review and approval by City Council after review and recommendation by Planning Commission	Review and approval by City Council only
		
4. Final Site Plan	Review and approval administratively unless otherwise requested by City Council	Review and approval administratively unless otherwise requested by City Council

- C. Plan Information
- i. Concept plans shall include the following:
 - a. Applicant's name and address.
 - b. The name of the proposed development.
 - c. Common description of property and complete legal description.
 - d. Dimensions of land, width, length, acreage and frontage.
 - e. Existing zoning on all adjacent properties.
 - f. Statement of intent of proposed use(s) of land and any phasing of the project, including anticipated completion date.
 - g. Qualifications of applicant/developer including information of past projects, size, location, type etc..
 - h. Name, address, city and phone number of: firm and individual who prepared the plan; owner of the property; and applicant, if other than owner.
 - i. Existing and proposed right-of-way width of all adjoining and internal roads, and layout of all internal roads and drives. A traffic study, prepared in accordance with the City's Site Plan and Development Manual requirements, shall be submitted, unless such requirement is waived by the Community Development Department during pre-application conference.



- j. Proposed acceleration, deceleration, and passing lanes.
 - k. Location of existing drainage courses, flood plains, lakes, streams and wetlands, together with a proposed conceptual plan specifying any proposed alteration of such resources, as well as a conceptual plan for the management of storm water.
 - l. Soil types by Oakland County and USDA.
 - m. Intentions with respect to water and sewer.
 - n. All parking areas and number of spaces by size and any requests for shared parking reductions. The City may permit the use of a flexible shared parking formula if a Shared Parking Study is submitted and accepted by the City Council, after review and recommendation by the Planning Commission and City traffic consultant.
 - o. The number and location of areas to be preserved as open and recreational space.
 - p. All known natural resources and natural features to be preserved and modified.
 - q. Density calculations, number and types of units (if applicable), and floor area per habitable space for each use proposed.
 - r. Fair representation of the development concept, including each type of use, square footage or acreage allocated to each use, approximate locations of each principal structure and use in the development, setbacks, typical layout and elevation for each type of use.
 - s. Specification of each deviation from the applicable ordinance regulations which will be sought to be approved, and the safeguards, features and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulations from which a deviation is being sought.
 - t. The Planning Commission and/or City Council may require a topographical map if the size of the project and/or nature of the topography indicates that such document would be meaningful to the review.
 - u. Community Impact Statement for all projects, including impact on City services, fiscal impact analysis addressing anticipated costs and revenues to City and school district, unless such requirement is waived by the Community Development Department during pre-application conference.
 - v. Identification of the name, address and phone number of the professional who prepared the plan.
- ii. Preliminary and final site plans shall include the following:
- a. All requirements specified in the City's Site Plan and Development Manual.
 - b. Evidence of market need for the use(s) and economic feasibility of the project.
 - c. A separately delineated specification of all deviations from this Ordinance which would otherwise be applicable to the uses and development proposed in the absence of this Special Development Option Section. This specification should include ordinance provisions from which deviations are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations from which deviations are sought shall be specified.
 - d. In the event the property on which the project is to be situated consists of six (6) or more acres, a community impact statement shall be submitted as part of the application.

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e. A specific schedule of the intended development and construction details, including phasing or timing, and the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities and visual screening features.

D. Performance Guarantees. The applicant shall comply with the requirements for performance guarantees contained in Chapter 26.5 of the Ordinance Code, as amended. The Council may require the posting of performance guarantees in addition to those required under this Chapter and Chapter 26.5, in order to secure improvements authorized under this Section. If an amount for such security is not reasonably ascertainable by the City, the applicant may be required by the Council to submit a signed and sealed certification of the amount of the estimated cost by applicant's licensed engineer or architect, or, alternatively, a bona fide contract for the work to be performed, including a provision authorizing enforcement of the contract by the City in the event of a default by the applicant.

**3.13 FS FREEWAY SERVICE DISTRICT
REQUIRED CONDITIONS**

1. Barriers: All development shall be physically separated from the feeder road by a curb and planting strip. Such barrier shall effectively eliminate unchanneled vehicle ingress and egress except for authorized accessways.
2. Accessways: Each separate use, grouping of buildings, or grouping of uses as a part of a single planned development shall not have more than two (2) accessways from a feeder road. Each accessway shall not be located closer than three-hundred (300) feet to the point of intersection of an entrance or exit ramp baseline and the feeder road centerline. In cases where the ramp baseline and the feeder road centerline do not intersect, no accessway shall be located closer than three-hundred (300) feet from the point of tangency of the ramp baseline and the feeder road pavement. In those instances where properties fronting on a feeder road are of such width or are in multiple ownerships and accessways to

property cannot be provided in accord with the minimum three-hundred (300) foot distance from the intersection of the feeder road and entrance or exit ramps, a marginal access road shall be provided to serve such properties.

The marginal access road shall be subject to the front property line and shall be at least thirty (30) feet wide. Said marginal access road shall be either dedicated as public right-of-way or shall be an easement which will permit the use of the marginal access road for traffic circulation from one property to another. Said easement shall be in a form acceptable to the City Council, and approved by the Council prior to the issuance of a building permit. No permanent structures such as curbs shall be permitted within the easement or right-of-way although temporary features such as wheel stops may be permitted. Each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of getting from one property to another. The easement shall be recorded with the Oakland County Register of Deeds prior to the issuance of an occupancy permit.

In reviewing the site plan, the Planning Commission may permit parking in the easement area provided that the layout is such that the parking can be removed at a later date when the marginal access road is needed for access to adjacent properties, without disrupting the layout of the parking area. Temporary parking spaces permitted within the marginal access drive shall not be included in computing the minimum off-street parking requirements.

Where marginal access roads are required, the Planning Commission shall recommend that a minimum of twenty-two (22) foot area be paved up to the abutting properties. Backing from parking spaces onto the marginal access road shall not be permitted except on a temporary basis. The site plan shall indicate the proposed elevation of the marginal access road at the property line and the Building Inspector [Official] shall maintain a record of all marginal access road elevations so that their grades can be coordinated. Marginal access road elevations shall conform to elevations established by the City Council. Paving of the marginal access road shall meet construction specifications set by the City Council.



Temporary entrances and exits may be approved for individual sites provided money is placed in escrow to assure elimination of temporary entrances and exits. Occupancy permits shall not be issued until monies have been deposited with the City.

In determining which entrances and exits will be permanent and which will be temporary, the Planning Commission shall generally be guided by a minimum distance of six-hundred (600) feet between entrances and exits and the location of existing drives on the opposite side of the street.

3.14 I-1 DISTRICT REQUIRED CONDITIONS

All uses within the I-1 district shall be subject to the Site Plan Review Requirements as set forth in [Section 6.1](#) and must comply with the following required conditions:

1. Uses which may take place within or outside of a completely enclosed building:
 - A. Except as provided in subpart (B), below, all uses shall be conducted wholly within a completely enclosed building.
 - B. The following uses may be conducted outside of a completely enclosed building:
 - i. Off-street parking.
 - ii. Outdoor placement of above-ground storage tanks of not more than a six-hundred gallon capacity per tank and accessory to an otherwise permitted use. Placement and use of the above-ground storage tanks shall be in compliance with the City's adopted fire prevention code and any State of Michigan regulations related to such use.

All such storage tanks must be enclosed or screened from public view. Such screening shall consist of a wall not less than one (1) foot higher than the height of the storage tank placed therein, which completely conceals the tank from public view. The inside dimensions of the enclosure shall be such as will permit adequate access to the tank, as well as completely enclose the tank so that it does not project outside of the enclosure.

Screening materials shall consist of masonry, consisting of those materials permitted under the exterior building wall material standards contained in [Section 5.15](#), herein, or reinforced

concrete. Other materials may be used for the gate or doorway to the enclosure.

- iii. Outdoor storage of recreational equipment, provided that:
 - a. The equipment is licensed or registered as required under state law and has affixed to it a current registration plate, sticker, or other proof of required registration;
 - b. The equipment is operable and must either have wheels making it moveable or must be on a trailer with wheels that are moveable;
 - c. The equipment is owned by the owner or occupant of the property;
 - d. No more than three (3) vehicles or other such piece of equipment is stored on the property; a boat or similar vehicle that is on a trailer shall be considered a single piece of equipment: and
 - e. The equipment shall be stored only in an area where an accessory structure is permitted; and
 - f. The property is developed with a building of at least five-thousand (5000) square feet and the equipment is clearly accessory to the principle permitted use of the site.

- Before storing any recreational equipment under this subsection, the owner or occupant of the property shall secure a temporary special exception permit from the Building Official in accordance with the procedures and requirements of [Section 7.6.1](#), including the submission of an application as provided under [7.6.1.A.ii](#). The Building Official shall review the application in accordance with the requirements of [Section 7.6](#), including [Section 7.6.3.A-K](#).
2. Unless otherwise provided, dealing directly with consumer at retail, is prohibited.
 3. For all uses permitted in the I-1 district, there shall be a finding by the Planning Commission that:
 - A. The scale, size, building design, facade materials, landscaping and activity of the use is such that current and future

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- adjacent residential uses will be protected from any adverse impacts.
- B. The intended truck delivery service can be effectively handled without long term truck parking on site.
 - C. The lighting, noise, vibration, odor and other possible impacts are in compliance with standards and intent of this article and performance standards of [Section 5.14](#)
 - D. The storage and/or use of any volatile, flammable or other materials shall be fully identified in application and shall comply with any city ordinances regarding toxic or hazardous materials.
 - E. There is compliance with the City's hazardous materials checklist for required submittal data.
4. Where a permitted use abuts a freeway right-of-way the following special conditions apply: licensed motor vehicles related to activities of a permitted use, such as repair, delivery, loading/unloading and transport may be parked on site provided they shall be parked not closer than twenty (20) feet from any freeway right-of-way and shall be screened by a four and one-half (4.5) foot brick-on-brick wall or landscaped berm pursuant to requirements at [Section 5.5](#).
5. Where a permitted use abuts a residential district the following special conditions apply:
- A. No truck well, loading dock or door, shall be permitted on or in the wall of the building which faces the abutting residential district and only pedestrian exits or emergency doors shall be allowed on such wall. All loading/unloading docks and truck wells shall be placed on or in the wall of the building that is opposite the boundary of the residential district or on the wall that lies approximately at a ninety (90) degree angle to the residential district boundary. If such dock, truck well and/or dock faces the front street, then such dock, truck well or door shall be recessed by not less than sixty (60) feet from the front wall of the building in order to provide that a semitrailer truck tractor and cab shall not, when in place for loading or unloading at the dock or well, project past the front wall of the building. Also the site plan and driveways shall be designed in such a manner to discourage semi-trailer truck

- traffic access to that portion of the lot or site that is adjacent to a residential district.
- B. The following provisions shall apply to refuse pick-up, off-street parking and areas used for vehicular repair, delivery, loading/unloading and transport:
 - i. No outside storage of any materials, equipment, trash or waste shall be permitted, except that dumpsters may be permitted outdoors where properly screened pursuant to the requirements of this Ordinance, as amended, or revised. Refuse pick-up shall be limited to the hours of 7:00 a.m. to 5:00 p.m., prevailing time.
 - ii. All off-street parking and areas used for vehicular repair, delivery, loading/unloading and transport shall be not closer than one-hundred (100) feet from the boundary of a residential district and effectively screened from view from said residential district by landscaping, walls or berms pursuant to the requirements of [Section 3.14.5.E](#). Notwithstanding the restriction of [Section 3.6.2.E-F](#), the Planning Commission may permit front yard and side yard parking where necessary to maintain the separation required by this subsection.
 - C. The maximum heights of any building constructed on a lot or site adjacent to a residential district shall be twenty-five (25) feet, except where there is a street, road, highway or freeway between said lot or site and the abutting residential district.
 - D. Exterior site lighting as regulated by [Section 5.7](#). In addition, where a building wall faces an abutting residential district there shall be no floodlighting of such facade. This shall not preclude the lighting of doorways on such facades.
 - E. For I-1 districts, adjacent to any residential district, an earth berm and plantings are required, except that no additional berm shall be required along a street, road, highway or freeway that lies between said use and an abutting residential district. The requirements supersede standards at [Section 5.5](#), provided, however, that pursuant to [Section 5.5.3.A.vii](#) the Planning Commission may waive or modify the requirements for an earth berm or obscuring wall when adjacent to a woodland. Woodland areas shall be of



sufficient width and density to provide the visual and audio screening that the berm or wall would provide. Generally, berms shall be of a continuous undulating, serpentine form. They shall have a maximum slope ratio of three (3) feet horizontal to one (1) foot vertical. A flat horizontal area at the crest is required to be six (6) feet in width. Berms shall be no less than ten (10) feet in height. Opacity requirements are to be eighty (80) percent in winter and ninety (90) percent in summer within two (2) years after planting.

If existing trees are six (6) inches d.b.h. or greater, the berm may be designed in a natural format. The berm itself may be divided and formed on either side or continue around the existing trees. The plantings are to be primarily evergreen trees on the crest of the berm. These may be supplemented with shrubs that regenerate on each side of the berm, (i.e. Red Twig Dogwood, Fragrant Sumac, Arrowood Viburnum). The berm shall be hydroseeded.

If there are no existing trees the berm is to be sodded and irrigated. The plantings are to be primarily evergreen trees with supplemental deciduous trees, shrubs and evergreen shrubs. The landscape screening method shall be developed to protect the needs of the adjacent residential area. The minimum sizes of all plants when planted are to be seven (7) feet in height for evergreen trees, three (3) inch caliper for deciduous trees, two (2) inch caliper for small deciduous trees, thirty (30) inch - thirty-six (36) inch for large deciduous shrubs, twenty four (24) inch - thirty (30) inch for small shrubs. Spacing to be in a triple spacing or equilateral triangle format. Evergreen trees shall be a minimum of ten (10) feet on center, deciduous trees thirty-five (35) feet O.C., small deciduous trees fifteen (15) feet O.C., large deciduous shrubs four (4) feet O.C., and small shrubs three (3) feet O.C. All plants are to be mulched with four (4) inch shredded hardwood bark.

- F. Windows and doors of non-office use areas of structures in an I-1 district may not be left open.

3.15 I-2 DISTRICT REQUIRED CONDITIONS

1. I-2 General Regulations

- A. Where a site is located within a planned industrial park of not less than forty (40) acres, the building setback requirements on individual sites may be reduced as follows, provided, that the park is designed so as to be enclosed and screened in accordance with the requirements of [Sections 3.15.2.A, 3.15.2.C, 5.5, 5.10, and 3.6.2.F and 3.6.2.H](#):

3.15 Building Setback Reduction Permitted	
Yard	Distance (In Feet)
Front	50
Side	30 (each)
Rear	30

Furthermore, where portions of an I-2 industrial park (forty (40) acres or more) are adjacent to land zoned for I-2 use (and not therefrom separated by a road, street or highway), the landscape screening otherwise required may be modified per [Section 3.15.2](#).

- B. Where portions of an I-2 industrial site or park are adjacent to land zoned for I-2 use which is not currently used for residential purposes (and the I-2 industrial site or park is not separated therefrom by a road, street or highway), and screening is required pursuant to [Section 3.15.2](#), the landscaped screening otherwise required adjacent to such neighboring I-2 land as follows: provide a three (3) foot high landscaped berm meeting requirements of [Section 5.5](#), a five (5) foot high wall of masonry construction with a brick texture or a five (5) foot wall of poured concrete with a brick texture or a five (5) foot decorative fence of treated lumber, cedar or redwood. Provided, the Planning Commission, in reviewing the site plan or plat for such a park or site shall require such berming and screening as will otherwise protect any residentially-zoned property beyond the adjacent I-2 land.



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2. I-2 District Required Conditions

- A. Outdoor storage of any equipment or material shall be conducted so as not to extend to a greater height than the on-site obscuring screen. This restriction shall include trucks and cranes, the booms of which shall be stored in an horizontal position. When an I-2 use is located within a planned industrial park of not less than forty (40) acres, the screening requirements may be satisfied by screening of the perimeter of the entire planned industrial park as opposed to screening of each individual site. The park design and screening shall comply with the requirements of [Sections 5.5, 5.10, and Sections 3.6.2.F and 3.6.2.H](#).
- B. When any loading, unloading area shall be visible from any residential or commercial district, or road or street, it shall be effectively screened from view so as not to be visible from those areas.
- C. Where a permitted use abuts a residential district the requirements at [Section 3.14.5](#) shall apply, provided, the berm required pursuant to [subsection 3.14.5.E](#) shall be of a minimum height of ten (10) feet. The irrigation requirements of [subsection 3.14.5.E](#) may be eliminated upon recommendation of the Planning Consultant when the berm landscaping is of natural low-maintenance planting not requiring irrigation. Fencing shall be erected on the interior side of any such berm. Notwithstanding the provisions of [Section 37-8\(a\) of the Novi Code of Ordinances](#), landscaping of such berm area in an I-2 planned industrial park may be considered in calculating woodland replacement credits.

3.16 NCC DISTRICT REQUIRED CONDITIONS

To promote the most desirable use of lands in the NCC district in accordance with a well conceived plan, to provide stability of commercial development, to strengthen the economic base of the City, to protect the character and pattern of desirable development, to conserve the value of land and buildings, and to protect the City's tax revenue, the following required conditions shall be met by all uses in a NCC district:

1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises.

All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

2. Access to a site shall be in accordance with [Section 5.13](#) of this Ordinance; provided, however, in those instances where the Planning Commission finds that dimensions of the subject parcel and neighboring parcels will result in an excessive number of ingress and egress points onto a major thoroughfare, such that vehicular congestion or other traffic impairment may result, the Planning Commission may require marginal access (frontage) roads, and, to assure development of parking areas so that contiguous lots on abutting properties will allow traffic circulation from one property to another without re-entering the public thoroughfare.

Marginal access roads, when required shall be adjacent to front property lines and shall be in accordance with the City's design and construction standards. The marginal access road shall be either dedicated as public right-of-way or shall be an easement which will permit the use of the marginal access road for traffic circulation from one property to another. The width of such easements and rights-of-way shall be thirty-five (35) feet. Such easements shall be in a form acceptable to the City Attorney and shall be approved by the Department of Public Services prior to issuance of a building permit. No permanent structures or features such as curbs shall be permitted within the easement or right-of-way, except temporary features such as wheel stops. Each property shall be responsible for maintenance of the easement so that it remains usable as a means of traveling from one property to another. The easement shall be recorded with the County Register of Deeds prior to issuance of any occupancy permit.

In reviewing the site plan, the Planning Commission may permit parking on a temporary basis within the easement area provided that the layout is such that the parking can be removed at a later date when the marginal access road is needed for access to adjacent properties. Temporary parking spaces permitted within the marginal access road shall not be included in computing the minimum off-street parking requirements.



Where the marginal access roads are required; the Planning Commission shall require that a minimum twenty-four (24) foot area be paved up to abutting properties that are zoned or planned for nonresidential uses. Backing from parking spaces onto the marginal access road shall not be permitted except on a temporary basis, when a segment has not yet been connected to an adjacent property.

The site plan shall indicate the proposed elevation of the marginal access road at the property line and the Community Development Department shall maintain a record of all marginal access road elevations so that their grades can be coordinated. Marginal access road elevations shall conform to elevations established by the City Engineer. Paving of the marginal access road shall be in accordance with the City's design and construction standards.

Temporary entrances and exits to major thoroughfares may be approved for individual sites provided a condition of site plan approval shall be that the property owner guarantee elimination of such temporary features upon development of adjacent sites so as to provide alternative access.

In determining which entrances and exits will be permanent and which will be temporary, the Planning Commission shall generally be guided by the minimum distance of six-hundred (600) feet between entrances and exits and locations determined to provide permanent access to the abutting major thoroughfare, the applicant shall, if feasible in relation to the site design, use and topographic conditions, increase the length of the stacking (connecting) lane between the major arterial and the marginal access road. The increased separation distance shall be determined based on the above factors and the projected volume of traffic using the marginal access road and the major thoroughfare.

3. The outdoor storage of goods or material shall be prohibited.
4. No individual retail sales or personal service shop or establishment shall exceed fifteen-thousand (15,000) square feet of total gross floor area, exclusive of basement areas leased and utilized by the tenant of the building for storage purposes only.
5. Each retail business or service establishment shall occupy a separately defined lot. Two (2) retail businesses or service establishments shall be permitted on a common lot if the following criteria are met:

- A. Environmental features of site (e.g. woodlands, wetlands, watercourses), if such exist, can be better preserved if the uses are developed at a common site.
 - B. A shared entranceway and parking lot design is possible.
 - C. Unified architectural design of the buildings is demonstrated.
 - D. The size and configuration of the parcel is such that it is sufficiently in excess of one (1) acre so as to accommodate both uses without varying from lot coverage standards, but not of such size and configuration that it could be divided into two (2) sites which could comply with minimum standards for lot area, lot width and other applicable ordinance requirements.
 - E. There is a minimum separation between freestanding buildings of no less than twenty (20) feet.
6. Total floor space of a building in gross square feet shall not exceed twenty five percent (25) of the total site as measured in square feet. (Floor Area Ratio (FAR) of 0.25.) Where an addition is made to an existing structure, the total resultant structure would be considered in the computation.
 7. Total open "greenspace" on a site plan shall not be less than twenty-five percent (25) of the total site area. Such greenspace area may not include parking lots and access aisles but may include required building setback landscaped areas. Greenspace requirements may be reduced by that portion of the site reserved for a marginal access road which is not parallel to or adjacent to a major thoroughfare right-of-way.

3.17 OS-1 DISTRICT REQUIRED CONDITIONS

1. No interior display shall be visible from the exterior of the building.
2. The outdoor storage of goods or materials shall be prohibited.
3. Warehousing or indoor storage of goods or material, beyond that normally incident to the permitted uses, shall be prohibited.

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3.18 OSC DISTRICT REQUIRED CONDITIONS

To promote the most desirable use of land in the OSC district in accordance with a well conceived plan, to provide stability of commercial development, to strengthen the economic base of the City, to protect the character and pattern of desirable development, to conserve the value of land and buildings, and to protect the City's tax revenue, the following specified conditions shall be met by all uses precedent to location in an OSC district:

1. They generally do not create any significant objectionable influences. The normal operation incident to the use shall in no way diminish or impair property values within the district.
2. They shall be located within a completely enclosed building except for outdoor restaurant seating, off-street parking and public open space or park areas. Outdoor storage and display shall be prohibited.

3.19 OST DISTRICT RETAIL SERVICE OVERLAY

Required conditions for Retail Service Overlay uses:

1. For those properties located within the areas designated "Office, Research, Development & Technology with Retail Service Overlay" on the Future Land Use Map in the City of Novi's Master Plan for Land Use access shall be provided from a public or private local street or collector road that loops between two arterial streets. The general location of such streets shall be as depicted in the City of Novi Master Plan for Land Use. To the extent possible, direct access from streets designated major arterial, arterial or minor arterial in the Master Plan for Land Use shall be prohibited.
2. Access drives or roads, access easements and non-motorized transportation facilities and easements shall be extended to the property line of neighboring properties in such a manner as determined by the City to provide for future service to the neighboring properties.
3. A minimum of fifteen (15) percent of any development site, excluding any required detention or retention facilities, shall be provided as landscaped open space.
4. Outdoor sales shall be prohibited except that outdoor seating and dining as an accessory use to existing or proposed restaurants is permitted subject to the requirements of [Section 4.84](#)

5. Generally recognized retail and personal service uses shall not exceed twenty-five (25) percent of the total floor space as developed in any one of the specific polygon areas designated "Office, Research, Development & Technology with Retail Service Overlay" on the Future Land Use Map in the City of Novi's adopted Master Plan for Land Use. The Planning Commission shall be authorized to grant deviations from the twenty-five (25) percent maximum retail and personal service floor space requirement provided that the Planning Commission finds that the proposed deviation is in keeping with the intent of this Section to provide for a limited amount of retail and personal services to serve the employees of and visitors to the nearby office use areas and not to create a community or regional serving retail area, is in the best interest of the City, the need for the requested deviation is due to unique circumstances or physical conditions of the property involved, and the proposed deviation will not alter the essential character of the neighborhood.
6. Architectural design and facade materials of building shall be designed to be compatible with and complementary to other developed buildings in the area. Building facades that are visible from a public or private road shall be composed of the same architectural building facade materials and design as provided on the building's front facade.
7. For retail, service and restaurant uses as permitted in [Section 4.78.1.B.ii](#), the following standards shall apply:
 - A. Any such retail, service or restaurant use shall not exceed twenty (20) percent of the total floor area of any building or structure it is intended to serve, and must be attached to the principal building it is intended to serve, except that when physically designed and oriented to serve more than one building in a complex of buildings, the retail, service or restaurant use may be permitted in a separate building, provided the separate building does not exceed ten-thousand (10,000) square feet and is a minimum of one-thousand eight-hundred (1,800) square feet.

- B. Any such retail, service or restaurant use shall be accessible from the adjacent office park development by means of connected access driveways to non-residential collector streets and/or adjacent developments and by means of sidewalks to insure that the retail, service and restaurant uses are accessible to workers in the adjacent office park development without being required to travel on the main roads.
- C. Any such restaurant use shall include pedestrian plazas, landscaping and amenities, such as seating and trash receptacles. An outside dining area shall be provided in accordance with the standards of [Section 4.84](#)
- D. Any such fast food drive-through restaurant use shall meet the standards of [Section 5.3.11](#) and the following standards:
 - i. Access shall be provided from the non-residential collector road only.
 - ii. The drive-through shall be accessory to a full-service, indoor use on-site.
 - iii. Drive-through lanes shall be screened from view from adjacent properties by the building, a decorative brick wall or landscaping planted to achieve a minimum opacity of ninety (90) percent during the summer and eighty (80) percent during the winter.
 - iv. Proposed buildings shall be designed in accordance with [Section 5.15.13](#) requiring designs compatible to existing buildings in the area with respect to the materials used and overall aesthetic quality.
 - v. A Traffic Impact Statement prepared in accordance with the standards in the City of Novi Site Plan and Development Manual is required.
 - vi. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).

3.20 OST DISTRICT REQUIRED CONDITIONS

- 1. OST District General Regulations
 - A. 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.

- i. Properties south of Grand River Avenue shall not qualify for additional building height.
- ii. 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.
- iii. 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 one-thousand two-hundred (1,200) feet of a right-of-way line of a limited access freeway,
 - 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.

All being subject to the following:

- (1) 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.
- (2) 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).



- iv. The maximum height of all buildings shall include all rooftop appurtenances, architectural features, skylights, or other such roof mounted building amenities.
 - v. Notwithstanding the above, the minimum building setback from all residentially zoned properties shall be one-hundred (100) feet.
2. OST District Required Conditions
- A. Truck service areas and overhead truck loading/unloading doors shall be totally screened from view from any public right-of-way, including freeway right-of-way, and adjacent properties, except for required driveway access. Such screening shall be accomplished by the courtyard design of the principal building itself, by a solid ornamental wall of a design, construction and materials similar to that of the principal building, or by an earth berm and plantings, or combination thereof. Such berm and plantings shall be one of three (3) types. Generally, it shall be a continuous undulating serpentine form. It shall have a maximum slope ratio of three (3) feet horizontal to one (1) foot vertical. A flat horizontal area at the crest is required to be four (4) feet in width. The berm shall range in height from six (6) to ten (10) feet depending upon the requirement to screen truck service and loading/unloading areas. Opacity requirements are to be eighty (80) percent in winter and ninety (90) percent in summer within two (2) years after planting.
 - i. If there are a group or groups of existing trees the majority of which are six (6) inches d.b.h. or greater in the area where a berm is required, the berm may be designed to save such trees. A natural form of berming may be used that would be shaped around the group of trees to be saved. Retention walls will be required if the berm comes within the drip line of any of the trees to be saved if the elevation of the berm at that point is four (4) inches or greater. The plantings are to be primarily evergreen trees of varying species on the crest of the berm. These may be supplemented with shrubs that will regenerate such as Dogwood, spp. and Viburnum, spp. Shrubs should be planted on both sides of the berm. The berm shall be hydroseeded and irrigated.
 - ii. If there are no existing trees, the berm is to be sodded and irrigated. The plantings are to be primarily evergreen trees with supplemental deciduous trees, shrubs, and evergreen shrubs. All plantings shall meet the requirements of [Section 5.5](#).
 - iii. Intent of this section is to require the screening of all truck loading/unloading and parking space (including temporary truck parking where vehicles are waiting for truck loading/unloading) from view from any adjacent properties or street/freeway right-of-way. The Planning Commission may waive these requirements, in whole or in part, where such truck parking/loading and unloading areas are abutting a railroad, light or heavy industrial district or other OST zoned property or where the adjacent freeway right-of-way or adjacent property or buildings are of a higher elevation than the subject property, and, as a result, the total enclosure from view of such truck loading, unloading and parking areas would result in peculiar or exceptional practical difficulties to or exceptional undue hardship upon the owner of such property. The waiver granted shall not be any greater than necessary to relieve such practical difficulty or undue hardship.
 - B. Required parking shall be computed based upon amount of floor area utilized for various purposes in accordance with the standards of [Section 5.2](#), provided that a floor plan indicating such uses, and gross leaseable floor space, as defined, is graphically and statistically shown on site plan.
 - C. Uses permitted under [subsections 3.1.23.B.ii - v](#) shall not be located on property sharing a common boundary with property zoned for R-A, R-1, R-2, R-3, R-4 or MH district use unless one of the following conditions is satisfied:
 - i. The respective properties are separated by a public right-of-way;
 - ii. A landscaped berm of six (6) to ten (10) feet in height satisfying the standards of [Section 5.5](#) is constructed and maintained on the OST property between the use and the adjacent residential land;



- iii. The owner of the adjacent residential property waives the requirement for such a berm in writing;
 - iv. The abutting or adjacent property is recommended in the Master Plan for uses other than residential; or
 - v. The abutting residentially zoned property is being used for industrial, commercial or office type use.
- D. The outdoor storage of goods or materials shall be prohibited.

3.21 PSLR REQUIRED CONDITIONS

1. General Overlay Uses Requirements. The Planned Suburban Low-Rise (PSLR) Overlay district uses listed in [Section 3.1.27.C](#) shall only be permitted on land subject to an approved PSLR Overlay Development Agreement between the City of Novi and the property owner(s). The City Council, following a public hearing held by the Planning Commission and in receipt of a recommendation from the Planning Commission, may approve a PSLR Overlay Development Agreement together with a PSLR Overlay Concept Plan setting forth the uses and improvements authorized and the terms and conditions upon which they are authorized.

An applicant, in seeking approval of a PSLR Overlay Development Agreement, shall submit to the City an application with a proposed PSLR Overlay Concept Plan. The following items shall be included with the application.

- A. A PSLR Overlay Concept Plan, prepared by a professional engineer, landscape architect or architect registered in the State of Michigan, that includes the following minimum components:
 - i. Legal description and a graphical depiction of the dimensions;
 - ii. Existing zoning of the property and all adjacent properties;
 - iii. Location of existing flood plains, lakes, waterways and wetlands and a conceptual plan depicting the proposed impact upon these features and any proposed mitigation of such impacts;
 - iv. Location of City of Novi regulated woodlands as well as a conceptual plan depicting the proposed impact upon regulated woodlands and proposed mitigation (if any);

- v. Existing and proposed rights-of-way and pavement width of all adjoining and internal roads, and a layout of all proposed roads and drives including acceleration, deceleration, and passing lanes;
 - vi. Bicycle and pedestrian facilities plan;
 - vii. Conceptual storm water management plan;
 - viii. Conceptual utility plan including estimated sanitary sewer and water demand;
 - ix. Building, parking and wetland setback requirements;
 - x. Conceptual building size, use, type, footprint and location plan;
 - xi. Conceptual open space/recreation plan;
 - xii. Conceptual streetscape and landscaping plan;
- And may contain the following optional components (when applicable):
- xiii. Parking plan;
 - xiv. Building size, use, type, footprint and location details;
 - xv. Residential density calculations, number and types of units;
 - xvi. Detailed open space/recreation plan;
 - xvii. Detailed streetscape and landscaping plan;
 - xviii. Graphic depiction of each deviation from the applicable ordinance regulations which will be sought to be approved; and
 - xix. Phasing plan.

- B. A Community Impact Statement when the petition area is ten (10) acres or larger.
- C. A Traffic Impact Study as required by the City of Novi Site Plan and Development Manual.
- D. Proposed ordinance deviations with supporting narrative(s).

As part of the approval of a PSLR Overlay Concept Plan and PSLR Overlay Development Agreement, departures from compliance with the standards in this Article and other articles of the Zoning Ordinance may be authorized on the condition that there are specific, identified features or planning mechanisms deemed beneficial to the City by the City Council which

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are designed into the project for the purpose of achieving the objectives for the district. Any deviations from the requirements of [Section 3.21.2](#) shall require the applicant to provide substitute safeguards for each regulation for which there is noncompliance, in whole or in part, in the PSLR Overlay Concept Plan.

2. Required PSLR Overlay Use Standards/ Conditions for special land uses. The following standards and requirements shall apply to all uses permitted in [Section 3.1.27.C](#) in the PSLR Overlay district and shall be incorporated into all PSLR Overlay Concept Plans and site plans:

- A. Site Standards
 - i. Buildings shall front either on a dedicated non-section line public street or an approved private drive. An approved private drive is defined as a non-dedicated street constructed in accordance with the City of Novi Design and Construction Standards for private roads or streets and in accordance with specifications for site plan approval as referred to in this Ordinance.
 - ii. Buildings shall meet the following setback requirements:
 - a. Front yard or exterior side yard adjacent to roads and drives (other than planned or existing section line road rights-of-way) - minimum of thirty (30) feet and a maximum of seventy-five (75) feet.
 - b. Exterior side yard adjacent to planned or existing section line road right-of-way - minimum of fifty (50) feet.
 - c. Other interior side and rear yards - minimum of thirty (30) feet.
 - d. Other buildings - minimum of thirty (30) feet. Corner-to-corner relationships shall be a minimum of fifteen (15) feet.
 - iii. All buildings, parking lots and loading areas shall be separated from all existing or planned section line road rights-of-way as defined in [Chapter 11 - Design and Construction Standards](#) by a fifty (50) foot wide landscape buffer containing an undulating, three (3) to five (5) foot tall landscaped berm. Such berm(s) and plantings shall be as provided in the landscaping standards of [Section 5.5.3](#).

- iv. Parking spaces for all uses in the district, except for townhouse style multiple-family dwellings that provide private garages for each dwelling unit, shall meet the following requirements:
 - a. Off-street parking shall be located only in the rear yard or interior side yard.
 - b. Off-street parking shall be screened from the view from adjacent streets by a three (3) to five (5) foot undulating landscape berm as provided in the landscaping standards of [Section 5.5.3](#).
 - c. Parking spaces and access aisles shall be a minimum of fifteen (15) feet from all buildings, except as provided in residential driveways.
 - d. Parking lots and access aisles shall meet the following setback requirements:
 - (1) Front yard parking is not permitted, except that parking spaces for townhouse developments shall be permitted in the front yard setback when the parking area is also a driveway access to a parking garage contained within the unit.
 - (2) Exterior side yard adjacent to a section line road - minimum of fifty (50) feet.
 - (3) Exterior side yard adjacent to a local street - minimum of thirty (30) feet.
 - (4) Interior side yards adjacent to single family residential districts - minimum of thirty (30) feet.
 - (5) Interior side yards not adjacent to a single family residential district - minimum of fifteen (15) feet.
- v. Multiple-family residential developments shall provide open space recreation areas that meet the following requirements:



- a. Each dwelling unit shall have a minimum of two-hundred (200) square feet of private open space adjacent to and accessible directly from the dwelling unit. This open space may include covered porches, patios and balconies.
- b. All residential developments shall provide common open space areas, enhanced with play structures, furniture, and landscaping as central to the project as possible.
- c. Active recreation areas shall be provided in all residential developments, with at least fifty percent of the open space area provided to be designed for active recreation.
- d. Active recreation area shall consist of a minimum of ten percent (10%) of the site area.
- vi. All uses involving the receipt of goods or services shall have a truck loading and unloading area and comply with [Section 5.4](#).
- vii. Off-street parking shall be provided as required in [Section 5.2](#) and [Section 5.3](#) of this Ordinance.
- viii. The maximum overall horizontal length of any one building or group of buildings attached together over any portion of a common party wall, or other architectural feature which attaches buildings together, shall not exceed one-hundred eighty (180) feet. The overall horizontal length requirement may be modified by the City Council if the following conditions are met:
 - a. The building includes common areas with a minimum capacity of fifty (50) persons for recreation, dining or social activities; and
 - b. The building is setback an additional one (1) foot for every three (3) feet of building length in excess of one-hundred eighty (180) feet from all property lines abutting a residential district. In no case shall the building length exceed three-hundred and sixty (360) feet.
- ix. Landscaping throughout the site shall be provided as set forth and regulated in [Section 5.5](#) of this Ordinance. All sites shall include streetscape amenities such as but not limited to benches, pedestrian plazas, etc.
- x. Outdoor lighting of parking lots, access drives, and pedestrian and bicycle facilities, shall meet the requirements of [Section 5.7](#) and the following additional special conditions:
 - a. The height of light fixtures shall not exceed twenty (20) feet.
 - b. All fixtures shall have a cut-off angle of ninety (90) degrees or less.
 - c. No direct light source shall be visible at any property line abutting a section line road right-of-way at ground level.
 - d. Maximum illumination at the property line shall not exceed one-half (½) foot-candle.
- B. Circulation Standards. All uses that include the construction of a new building shall be designed, to the extent possible, with full time access drives connected only to non-section line roads. Emergency access routes normally closed with an emergency access gate may be connected to section line roads when no other practical location is available:
 - i. New public or private local streets shall be designed to provide public access connections to neighboring properties at location(s) acceptable to the City and the neighboring property owners.
 - ii. New streets shall include public pedestrian and bicycle facilities, as follows:
 - a. All new streets shall be designed as bicycle/pedestrian focused corridors as outlined in the City of Novi Non-Motorized Master Plan and include design features that will result in motorists driving at speeds typically found on non-arterial residential streets.



- b. All buildings and active recreation open space areas shall be connected to the City's existing or planned bicycle and pedestrian facilities.
- c. Where existing non-motorized facilities do not exist on adjacent neighboring properties, facilities shall be stubbed to the property line.

C. Building Design Standards. All buildings shall meet the following requirements:

- i. Maximum building height shall be thirty-five (35) feet or two and one-half (2 ½) stories.
- ii. All buildings shall be constructed with a "single-family residential character" and include the following design features, unless the Planning Commission, upon recommendation from the City's facade review consultant, determines that the feature(s) does not add to the residential character of the building:

a. Building Footprint/Shape. Buildings shall include facade variations with shifts in the plane of walls, set backs, step-backs, reveals, overhangs, and details in order to create variations in a building's facade and shall include the following footprint features:

- (1) Offsets in the facade plane shall be provided at least every fifty (50) feet, with a minimum offset of four (4) feet.
- (2) All front and rear building elevations shall have ground floor pedestrian entrance doors spaced no more than every sixty (60) feet.
- (3) All pedestrian entrance doors shall be recessed from the building plane by at least four (4) feet or shall be located under a covered porch that has a minimum width of at least six (6) feet and a depth of at least four (4) feet.

b. Roofs. All building roofs shall meet the following requirements:

- (1) Roofs shall be designed with gable and/or hip roof lines. Attached accessory structures for utility boxes and HVAC or with a similar function may be of an alternative roof design provided it is less than ten percent (10%) of the total roof area as viewed in each elevation of the facade plan.
- (2) Roof designs shall include multiple dormers and/or gable roof features to limit the amount of roofing material visible on any facade elevation to a maximum of seventy percent (70%) of any elevation above the eave or gutter line of the roof.
- (3) Roof designs shall include a minimum of a one (1) foot roof overhang, be designed with gutters and downspouts to prevent sheet flow of water from the roof, and have a minimum roof pitch of 6:12.
- (4) All roofs shall be of a shingle or tile design and of fiberglass, asphalt, wood, slate, ceramic tiles, or metal.
- (5) Notwithstanding the above, solar collectors may replace any portion of a roof.

c. Windows.

- (1) All windows shall be of a multiple pane or divided light design. The maximum pane or undivided light size shall not exceed six (6) square feet.
- (2) Windows shall not exceed fifteen (15) feet in width and shall be separated from another window by at least two (2) feet.
- (3) Windows shall be framed with window trim such as shutters or decorative moldings.



d. Facade Materials. All building facades shall include a variety of siding textures and colors, and be of materials typically found on single-family residential homes in Novi and shall not exceed the maximum allowable percentages as listed for Facade Region 1 in [Section 5.15](#), except that there shall be no use of flat metal panels, standing seam metal, spandrel glass, display glass, EIFS, granite, marble or 'C' brick.

The City Council may permit building designs that do not meet the above requirements if it makes a finding, following recommendation from the City's consulting architect, that the proposed facade meets the intent of this section and has a "single-family residential character" and is in general compliance with the approved PSLR Overlay Development Agreement and PSLR Overlay Concept Plan.

3. PSLR Development Agreement Application Review and Approval. PSLR Development Agreement Applications are subject to review and approval as provided in this Section.
 - A. Pre-Application Conference. Prior to submittal of a PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan, the applicant shall apply for and attend a pre-application conference with the Planning Division, and other appropriate officials deemed necessary by the Planning Division. Prior to the meeting, the applicant shall provide to the Planning Division a brief narrative of how the development meets or exceeds the standards of this ordinance.
 - B. Planning Commission Review. After the pre-application conference and upon receipt of PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan submittal, the application shall be referred to the Planning Commission. The Planning Commission shall hold a public hearing and provide its report and recommendation to the City Council with regard to the PSLR Overlay Development Agreement Application and the PSLR Overlay Concept Plan. In making its recommendation to the City Council, the Planning Commission shall evaluate the PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan

for eligibility and compliance with the above requirements, conditions and requirements and with the following:

- i. The PSLR Overlay Development Agreement and PSLR Overlay Concept Plan will result in a recognizable and substantial benefit to the ultimate users of the project and to the community.
 - ii. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed type and density of use(s) will not result in an unreasonable increase in the use of public services, facilities and utilities, and will not place an unreasonable burden upon the subject property, surrounding land, nearby property owners and occupants, or the natural environment.
 - iii. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed development will not cause a negative impact upon surrounding properties.
 - iv. The proposed development will be consistent with the goals and objectives of the City of Novi Master Plan, and will be consistent with the requirements of this Article.
- C. City Council Review. The City Council, after review of the Planning Commission's recommendation, consideration of the input received at the public hearing, and review of other information relative to the PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan, may take one of two actions:
- i. Indicate its tentative approval of the PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan, and direct the City Administration and City Attorney to cause to be prepared, for review and approval by the City Council, a PSLR Overlay Development Agreement; or
 - ii. Deny the proposed PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan.



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If the PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan are denied, the City Council shall make findings with regard to the standards set forth in this Article.

If tentative approval is offered, following preparation of a proposed PSLR Overlay Development Agreement, the City Council shall make a final determination with regard to the application. The City Council may deny the PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan or may approve the PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan. The City Council shall make findings with regard to the criteria established in this Article.

- D. PSLR Overlay Development Agreement. The approved PSLR Overlay Development Agreement, including the PSLR Overlay Concept Plan, shall be executed by the City and the applicant and be recorded in the office of the Oakland County Register of Deeds. Final approval of the PSLR Overlay Development Agreement and PSLR Overlay Concept Plan shall be effective upon recording. Physical development of the site shall be in accordance with the approved PSLR Overlay Development Agreement and PSLR Overlay Concept Plan and shall not be commenced until after a final site plan is approved for any site within the area depicted in the PSLR Overlay Development Agreement.
 - E. Amendments. Amendments to the approved PSLR Overlay Development Agreement Application and the PSLR Overlay Concept Plan shall follow the same procedure as would a new PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan.
4. Review and Approval of Site Plans. Submission of a site plan for a development permitted within the PSLR Overlay district may be made after City Council approval of the PSLR Overlay Development Agreement and PSLR Overlay Concept Plan.
- A. Preliminary site plans shall be reviewed and approved by the Planning Commission.
 - B. Final site plans may be reviewed and approved administratively unless the Planning Commission directs otherwise at the time of preliminary site plan approval.

- C. Site plans meeting the requirements for administrative review in [Section 6.1.1.C](#) shall be reviewed and approved administratively.
- D. No building permit shall be issued for any building or structure within the petition area until a final site plan for the project has been approved. Site plans shall be reviewed in accordance with the requirements of [Section 6.1](#) and [Section 3.21](#) of this Ordinance and for general compliance with the approved PSLR Overlay Development Agreement and PSLR Overlay Concept Plan.

3.22 P-1 DISTRICT REQUIRED CONDITIONS

1. The parking area shall be accessory to, and for use in connection with one or more businesses, or industrial establishments, located in adjoining business or industrial districts, or in connection with one or more existing professional or institutional office buildings or institutions.
2. Such parking lots shall be contiguous to an RM-1 or nonresidential district. Parking areas may be approved when adjacent to said districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 district and above listed districts.
3. Parking areas shall be used solely for parking of private passenger vehicles for periods of less than one (1) day, except for uses under [Section 3.1.28.B](#). Parking areas shall not be used as an off-street loading area.
4. No commercial repair work or service of any kind shall be conducted in such parking area. Sales and displays of vehicles for sale shall be restricted to that permitted under [Section 3.1.28.C](#).
5. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.
6. No building other than those for shelter of attendants shall be erected upon the premises and they shall not exceed fifteen (15) feet in height.
7. Applications for P-1 district rezoning shall be made by submitting a dimensional layout of the area requested showing the intended parking plans in accordance with [Section 5.2](#) and [Section 5.3](#) of this Ordinance.



8. Minimum Distances and Setbacks

- A. Side and Rear Yards. Where the P-1 district is contiguous to the side or rear lot lines of premises within a residentially zoned district, a landscaped berm shall be provided in accordance with [Section 5.5](#)
- B. Front Yards. Where the P-1 district is contiguous to a residentially zoned district which has a common frontage in the same block with residential structures, or wherein no residential structures have been yet erected, or is across the street from a residential district, there shall be a setback equal to the required residential setback for said residential district, or a minimum of twenty-five (25) feet or whichever is the greater. The required wall shall be located on this minimum setback line unless, under unusual circumstances, the Planning Commission finds that no good purpose would be served. The land between said setback and street right-of-way line shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy, growing condition, neat and orderly in appearance.

3.23 CONFERENCE DISTRICT REQUIRED CONDITIONS

1. Required Conditions

- A. Vehicular Access. Adequate reservoir space the form of deceleration lanes shall be provided at the vehicular entrance(s), and sufficient vehicular entrances and exits shall be provided to prevent traffic congestion, in accordance with a traffic study submitted by the applicant and approved by City.
- B. Floor Space. A conference center must have at least twenty-thousand (20,000) square feet of usable conference rooms, meeting rooms, banquet rooms and pre-function space.
- C. Building Height. Height of buildings in the C district shall be regulated by the permitted floor area ratio (FAR) established in [Section 2.2](#), but, except as hereinafter provided, no building, including roof appurtenances (e.g., elevator tower and climate control equipment) shall exceed sixty-five (65) feet or five (5) stories in height, whichever is less.

Provided, however, if the City Council finds the following conditions to exist, it may permit the buildings on the lot to exceed the height limitation of sixty-five (65) feet or five (5) stories:

- i. There are practical difficulties or unnecessary hardship because of the building height restrictions;
- ii. The proposed building is (1) a part of the conference center building and is to be used for conference center building office purposes; or (2) the proposed building is a full service hotel facility directly attached to the conference center building or attached to the conference center building by a sheltered pedestrianway(s) of permanent foundation, walls and roof construction;
The appurtenant conference center facility referred to must have at least thirty-thousand (30,000) square feet of usable conference room, meeting room, banquet room and pre-function space;
- iii. The proposed building: (1) is located in an area designated on the City's Master Plan for Land Use as a PCD, Planned Conference district, (2) is located within a C, Conference Zoning district of not less than thirty (30) acres, and (3) is more than three-eighths 3/8 of a mile from any residential subdivision or any land proposed for residential use in the City's Master Plan for Land Use;
- iv. There is a demonstrated need for excess building height because the site, or reasonably available land for an expanded site, cannot accommodate sufficient usable floor area in a building of sixty-five (65) feet or five (5) stories in height. An economic feasibility analysis may be required by the City Council;
- v. The proposed provides for the placement of art in a public area with the intent of creating intimate spaces that encourage pedestrian interaction with art;

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- vi. Landscape treatment within the proposed surface parking areas, such as traffic islands, pedestrian walkways, and greenbelts, comprises not less than ten (10) percent of the surface parking area, which will be in addition to the landscaping requirements of this Ordinance. Provisions of some parking within a parking structure shall be encouraged;
- vii. The proposed building will not have an adverse impact on the site and on the adjacent lands and uses with respect to landscaping, screening, off-street parking, pedestrian circulation, pedestrian plazas, and the compatibility of its physical design with adjacent buildings;
- viii. In order to minimize the adverse effect a building in excess of sixty-five (65) feet or five (5) stories in a Conference district will have on the low profile character of the City of Novi, the proposed building shall be designed utilizing creative architecture with attention to decorative detail so as to create an exceptionally attractive landmark for the City; and
- ix. In no instance shall a building, including roof appurtenances (e.g., elevator tower and climate control equipment) exceed one-hundred (100) feet or ten (10) stories in height, whichever is less.

The City Council may impose conditions necessary to insure that public services and facilities affected by the increased building height will be capable of accommodating increased service and facility loads caused by the increased building height, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

- D. Relation to Other Buildings. The proposed building(s) is designed to (1) relate to other buildings on the site, and (2) be visually compatible and reflect good urban design and building proportions as viewed from adjacent properties and rights-of-way.
- E. Amenities. The proposed building(s) shall provide for atriums or other public gathering places.

- F. Minimum Building Setback Requirements. All building setbacks from the outer perimeter of a C district shall be at least equal to the height of the highest part of the building mass nearest to said perimeter boundary or fifty (50) feet, whichever is greater. Provided, however, that where the C district abuts or is across a street right-of-way from a public open space (e.g., park) of not less than five (5) acres and not less than two-hundred (200) feet in depth as measured perpendicularly to the common lot line, or is adjacent to an interstate freeway, then the minimum yard setback on those sides shall be fifty (50) feet.
 - G. Building design. Any main or accessory building shall comply with [Section 5.15](#), Exterior Building Wall Facade Materials, and shall be composed of the same architectural building facade design and materials on all exterior walls.
 - H. Outside Storage. All uses, except for off-street parking or loading space shall be conducted within a completely enclosed building. Outdoor storage of any commodities or storage containers, vehicles or other uses shall be expressly prohibited.
 - I. Special Findings and Requirements. The City Council may require appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs or requirements for soundproofing of arenas, halls or auditoriums, shielding of floodlights, and surfacing of all access roads or driveways.
2. Physical Design and Site Relationship. A physical design and site relationship proposal shall be submitted at the time of the initial submittal of any new or expanded use in the district. The intent and purpose of requiring submission of such a document shall be to inform and aid the Planning Commission and the City Council in their decisions relating to the overall proposed development's physical, aesthetic and functional relationship. Accordingly, a site analysis and a conceptual building development design proposal shall be submitted. Twenty (20) copies of documentation shall be submitted and an oral presentation shall be made before the Planning Commission and City Council. All drawings shall be drawn to scale as set forth in [Section 6.1](#). Models presented shall be of adequate size, scale and detail to clearly indicate design intent.



3. Development Timing. The primary use in the C district shall be a conference center, as described in [Section 3.1.13.C](#), having at least twenty-thousand (20,000) square feet. This facility, as shown in the overall conceptual building development design required in [Section 3.23.2](#), shall be constructed prior to construction of other uses permitted in the C district, except for uses already established in the district at the time the particular property is zoned for C district use. Should a use or expanded use, other than a conference center, be proposed in the C district prior to construction of a conference center, the developer(s) of said use shall provide performance guarantees in a form provided by Chapter 26.5 of the Ordinance Code, and in an amount acceptable to the City to ensure that the conference center will be built within one (1) year following approval of said use or expanded use. Where a proposed building, other than a conference center, is permitted to exceed sixty-five (65) feet or five (5) stories in height, the performance guarantee shall also provide for construction of a conference center having at least thirty-thousand (30,000) square feet of usable conference rooms, meeting rooms, banquet rooms and pre-function space.

3.24 EXPO DISTRICT REQUIRED CONDITIONS

1. Required Conditions

- A. Vehicular Access. An exposition facility must have at least two (2) points of external access available at all times for emergency vehicles. A single, boulevard entrance from a public road shall not satisfy this requirement. At least one point of access shall be to a major thoroughfare or a service road having access thereto. Adequate reservoir space in the form of deceleration lanes shall be provided at the vehicular entrance(s), and sufficient vehicular entrances and exits shall be provided to prevent traffic congestion, in accordance with a traffic study submitted by the applicant and approved by City.
- B. Floor Space. An exposition facility must have at least one-hundred and fifty-thousand (150,000) square feet of exposition floor space.
- C. Building Height. Height of buildings in the EXPO district shall be regulated by the permitted FAR established in [Section 3.1.14.D](#), but no building, including roof appurtenances (e.g., elevator towers and

climate control equipment) shall exceed sixty-five (65) feet or five (5) stories in height, whichever is less.

- D. Relation to Other Buildings. The proposed building(s) shall be designed to (1) relate to any other buildings in the district, and (2) be visually compatible and reflect good urban design and building proportions as viewed from adjacent properties and street and freeway rights-of-way.
- E. Pedestrian Ways. There shall be provided pedestrian sidewalks within an exposition facility site to permit safe and convenient access to the facility from parking lots and adjacent properties.
- F. Minimum Setback Requirements. All building setbacks from the outer perimeter of an EXPO district shall be at least equal to the height of the highest part of the building mass nearest to said perimeter boundary or fifty (50) feet, whichever is greater. Provided, however, that where the EXPO district abuts or is across a street right-of-way from a public open space (e.g., park) of not less than five (5) acres and not less than two-hundred (200) feet in depth as measured perpendicularly to the common lot line, or is adjacent to an interstate freeway, then the minimum yard setback on those sides shall be not less than fifty (50) feet. Off-street parking and vehicular use areas shall be set back not less than twenty (20) feet from all perimeter property lines so as to permit landscape/berming screening per the requirements of [Section 5.5](#)
- G. Outside Storage. Except as permitted in [Section 3.14.1.B.ii](#), all uses, except for off-street parking or loading/unloading space shall be conducted within a completely enclosed building except that shipping or storage containers, pallets or other items related to an exposition function may be stored outside provided that areas for such storage shall be screened by an opaque fence or wall from view from adjacent property, from parking lots on site and from public rights-of-way. Recreational vehicles (RVs) and trucks used in transporting exhibit materials at scheduled exposition functions may be parked on site during the term of the exposition and five (5) days preceding or following said exposition, provided they are parked in a location which is screened from view from any public right-of-way, and which is designed and striped for over-size vehicle parking.

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H. Site Plan Review. Site plan approval for exposition facilities, hotels and motels, museums and theaters shall be by the City Council following review and recommendation by the Planning Commission. For all other uses, the Planning Commission shall be the approving body unless the changes are minor in nature and meet the requirements listed in [Section 6.1](#) for administrative review. The City Council or Planning Commission may require appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of arenas, halls or auditoriums, shielding of floodlights, and surfacing of access roads or driveways.

2. Physical Design and Site Relationship. An overall site plan for the entire Exposition district that includes the proposed development is required with preliminary site plan application. The intent and purpose of requiring submission of such a document shall be to inform and aid the Planning Commission and the City Council in their decisions relating to the overall proposed development's physical, aesthetic and functional relationship.

3.25 EXO OVERLAY DISTRICT REQUIRED CONDITIONS

1. EXO Overlay required conditions
 - A. Exposition, conference, and convention facilities, with a minimum of Two-hundred fifty-thousand (250,000) square feet, including display floor space, exhibition halls, meeting rooms, conference rooms, banquet rooms, pre-function space, office and catering uses, kitchen areas, shall be a required use and facility in each EXO Overlay district.
 - B. An EXO Overlay district shall satisfy all of the following in order to qualify for approval:
 - i. The EXO Overlay district shall be situated within one mile of the City's Town Center (TC) district, as shown on the Master Plan for Land Use.
 - ii. The EXO Overlay district shall be contiguous with the I-96 freeway.
 - iii. The EXO Overlay district shall be directly accessible from a major thoroughfare, which shall be deemed to be the front of the site.

- iv. Taking into consideration the potential mass, height and intensity of the overall use, as well as the traffic contemplated to be generated from the use, the EXO Overlay district shall be no less than Forty-five (45) acres in area, and no more than fifty-five (55) acres in area; and, no EXO Overlay district shall be established within two (2) miles of an existing EXO Overlay district. For purposes of this provision, an expansion of an existing district shall be deemed to be the establishment of a new district, and the authorizations and regulations of this district have been enacted in reliance upon this premise.
- v. The zoning classification of the entire EXO Overlay district shall be OST, Planned Office Service Technology district.
- vi. Following approval of one EXO Overlay district, a second EXO Overlay district shall not be approved until the population of the city exceeds one-hundred thousand (100,000).

2. Supplemental Required Conditions for Overlay Uses. In the event of construction of building(s) for overlay uses permitted under [Section 3.1.15.C](#), the following supplemental required conditions shall apply:

- A. Vehicular Access. An exposition, conference, and convention facility must have at least two (2) points of external access available at all times for emergency vehicles. A single, boulevard entrance from a public road shall not satisfy this requirement. At least one point of access shall be to a major thoroughfare. As a condition to granting approval, the City Council, shall receive the report of a transportation professional meeting the qualifications listed in the City's Site Plan and Development Manual specifying that no unreasonable traffic impacts would result from the use(s) proposed. As a further condition to granting approval, the City Council, after review and recommendation by the Planning Commission, shall find that there is adequate reservoir/vehicular stacking space in the form of deceleration lanes at the vehicular entrance(s), as well as sufficient vehicular entrances and exits to prevent congestion, in accordance with a traffic study submitted by the applicant and



approved by the City. Uses accessory to an exposition, conference, or convention facility shall not have separate access to a major thoroughfare. Uses described in [subsection ii - ix of Section 3.1.15.C](#) shall have access onto an internal roadway or roadway other than a major thoroughfare, unless the City Council, after review and recommendation by the Planning Commission, determines that access onto a major thoroughfare can be accomplished in a manner that is safe for pedestrian and vehicular circulation.

- B. Floor Space. An exposition, conference, and convention facility must have at least one-hundred and fifty-thousand (150,000) square feet of exposition floor space.
- C. Density. Total floor space of all overlay uses permitted under [Section 3.1.15.C](#) in gross square feet shall not exceed fifty (50) percent of the total lot area as measured in square feet (i.e., Floor Area Ratio, FAR[□], of 0.5)
- D. Building Height. Height of buildings for overlay uses permitted under [Section 3.1.15.C](#) shall be regulated by the permitted FAR established in [Section 3.1.14.D](#), but no building, including roof appurtenances (e.g., elevator towers and climate control equipment) shall exceed sixty-five (65) feet or five (5) stories in height, whichever is less; provided, however, one hotel within the district may have a height not to exceed one-hundred (100) feet, or nine (9) stories, whichever is less.
- E. Pedestrian Ways. There shall be provided pedestrian sidewalks within an exposition, conference, and convention facility site to permit safe and convenient access to the facility from parking lots and adjacent properties. Such pedestrian sidewalks shall provide appropriate access to public rights-of-way adjacent to the facility site.
- F. Minimum Setback Requirements and Screening

- i. Setback Requirements. All building setbacks from the outer perimeter of an EXO Overlay district shall be at least equal to the height of the highest part of the building mass nearest to said perimeter boundary or fifty feet, whichever is greater. Provided, however, that any use permitted in [Section 3.1.15.C.i or ii](#) shall be setback from the front property line by a minimum of one-hundred (100) feet; and provided further that where the EXO Overlay district is adjacent to an interstate freeway, then the minimum yard setback on those sides for the principal exposition facility shall be not less than thirty (30) feet if the following conditions are met:
 - a. An existing wooded or landscaped area is provided on- or off-site that provides effective screening of the exposition building from the adjacent interstate freeway;
 - b. The required area is permanently preserved through a preservation easement or similar legal instrument reviewed by the City Attorney's office; and
 - c. The area is augmented, where determined to be necessary by the City, by additional landscaping or other screening techniques that reduce the visual impact of the bulk of the exposition facility.
- ii. Screening. If the City Council, after review and recommendation by the Planning Commission, determines that there will be an unreasonable impact as a result of height, bulk, or proximity of buildings, it may require up to an additional ten (10) percent more berm and/or landscape screening around the impacted area.
- G. Building Design. Construction of buildings for uses permitted under [Section 3.1.15.C](#) shall be controlled by [Section 5.15](#), except that the following standards shall apply with respect to facade materials for the uses permitted under [Section 3.1.15.C.i](#) only:
 - i. Setback Requirements. All building setbacks from the outer perimeter of an EXO Overlay district shall be at least equal to the height of the highest part of the building mass nearest to said perimeter boundary or fifty feet, whichever is greater. Provided, however, that any use permitted in [Section 3.1.15.C.i or ii](#) shall be setback from the front property line by a minimum of one-hundred (100) feet; and provided further that where the EXO Overlay district is adjacent to an interstate freeway, then the minimum yard setback on those sides for the principal exposition facility shall be not less than thirty (30) feet if the following conditions are met:
 - a. An existing wooded or landscaped area is provided on- or off-site that provides effective screening of the exposition building from the adjacent interstate freeway;
 - b. The required area is permanently preserved through a preservation easement or similar legal instrument reviewed by the City Attorney's office; and
 - c. The area is augmented, where determined to be necessary by the City, by additional landscaping or other screening techniques that reduce the visual impact of the bulk of the exposition facility.
 - ii. Screening. If the City Council, after review and recommendation by the Planning Commission, determines that there will be an unreasonable impact as a result of height, bulk, or proximity of buildings, it may require up to an additional ten (10) percent more berm and/or landscape screening around the impacted area.

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3.25.2.G Maximum Allowable Percentages of Façade Material

Wall Materials	Region 1 ⁸	Region 2 ⁸	Region 3 ⁸
Brick natural clay	100% ²	100%	100%
Glazed brick & ceramic tile	25%	75%	100 % ³
Limestone	50%	100%	100%
Stone field, cobble, etc.	50%	75%	100%
Granite/marble, polished	50%	100%	100%
Fluted & split faced c.m.u.	60%	50%	75% ⁴
Striated scored c.m.u.	0%	0%	25% ⁴
Precast colored exposed agg.	0%	25%	50%
Precast other	0%	0%	0%
Flat metal panels (urethane backed) ¹	70%	50%	75%
Standing seam metal	25% ⁵	50%	75% ⁶
Ribbed metal panels	0%	25%	50% ⁶
Spandrel glass	50%	50%	50%
Glass block	0%	25%	50%
Display glass	25%	25%	25% ⁷
Molded cornices, trim columns, surrounds	15%	15%	15%
Concrete piers	3%		
Painted steel I-beams	10%		

Notes to Table

1. Not more than 35% of this material shall be permitted on the front elevation of a building
2. All buildings in Region 1, except those in I-1 and I-2 districts, shall have a minimum of thirty (30) percent brick
3. Allowed only if earth tone color and matte finish
4. Plain faced C.M.U.s are not permitted. Ground, polished, burnished and striated faced C.M.U.s are only permitted if laid in a stacked bond pattern
5. Must be one hundred (100) percent copper or copper bearing painted finish in TC and TC-1 districts
6. Must have factory applied permanent colored finish
7. Where vision glass areas are intended through exposure to thoroughfares or pedestrian ways and lighting methods to strongly emphasize the materials and items displayed within the window area, and where such items are a permanent part of the building design, such items shall be deemed as part of the building facade and shall be so regulated by this section
8. See Section [5.15 Schedule Regulating Facade Materials](#) for region description



- H. Outside Storage. All uses, except for off-street parking, loading/unloading space, and the outside uses allowed in connection with the uses permitted in **Section 3.1.15.C**, shall be conducted within a completely enclosed building, except that shipping or storage containers, pallets, or other items related to an exposition function occurring in an exposition facility may be stored outside in an area designated on the site plan, provided that areas for such storage shall be screened from view from adjacent properties. Recreational vehicles (RVs) and trucks used in transporting exhibit materials at scheduled exposition functions occurring in an exposition facility may be parked on site during the term of the exposition and five (5) days preceding or following said exposition, provided they are parked in a location which is designed and striped for oversize vehicle parking and screened from view from public roadways.
- I. Conditions for Outdoor Recreation Uses. Reasonable conditions may be imposed by the City Council to ensure that an outdoor recreational use is compatible with the surrounding area, including site improvements and features such as additional screening, landscaping, and increased setbacks.
- J. Financial Uses, Retail Sale of Products and Services, and Restaurants. Financial uses developed to support exposition activities, uses for the retail sale of products and services occurring as part of a scheduled exposition function, and restaurants shall be permitted within the principal exposition building. In addition, the following uses shall be permitted in free-standing buildings in the district:
 - i. One (1) financial use, e.g., a bank, shall be permitted; and
 - ii. Retail sale of products and services shall be permitted on not more than five (5) acres of land within the district. The five-acre area shall include the principal building(s), parking, setbacks and other site improvements; and
 - iii. Not more than two (2) restaurants shall be permitted.

- K. Covenants and Restrictions. As part of the approval of any site plan for the district following its creation by rezoning, the owners of all property in the district shall join in the execution of covenants and restrictions which shall be binding upon the entire district, and binding upon all owners of the district, as well as their successors, assigns and transferees. Such covenants and restrictions shall have as their purpose the establishment of duties and responsibilities relative to the preservation and maintenance of certain aspects of the district, including without limitation, preservation and maintenance of common areas, wetlands, drainage, landscape vegetation and buffer, easement areas, entryway, parking, signage, and the like. Such documents shall also provide the City with the authority, but not the obligation, to enforce and/or undertake the appropriate curative action on the property in the event preservation and/or maintenance is not undertaken as required, and shall provide that they are not to be amended or altered without written authorization of the City. The terms of the covenants and restrictions shall be mutually agreeable to the attorneys for owners of the property and the City consistent with this provision.
- L. Approval Process
 - i. Approval of an EXO Overlay district shall require the approval of a Zoning Ordinance amendment to amend the Zoning Map by the City Council, in the exercise of its legislative discretion, following a public hearing held by, and receipt of a recommendation from, the Planning Commission. An applicant seeking approval of an EXO Overlay district rezoning shall submit a rezoning petition to the City. If approved, the amendment shall place, or overlay, the EXO Overlay district over the underlying OST district relative to the property which is the subject of the amendment.
 - ii. An approved EXO Overlay district shall be designated on the Zoning Map by a dashed line showing the perimeter of the overlay district and a "EXO" label near the center of the EXO Overlay district.

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- iii. Submission of a site plan for a development permitted within the EXO Overlay district may be made after approval of the Zoning Ordinance amendment. The Planning Commission shall review the proposed site plan, and forward its comments and recommendation to the City Council. The City Council shall thereafter approve, approve with conditions, or deny the site plan, with reasons for its decision stated in the minutes.

- (5) acres or more in area and the site plan meets the eligibility requirements of [Section 6.1.1.C](#) for administrative site plan review and approval, a facade waiver may be granted by the Planning Commission.
- B. Height. The maximum height of structures shall not exceed five (5) stories or sixty-five (65) feet in height, except in the TC-1 district as provided in [Section 3.27.2.A](#).
- C. Building Setbacks. Minimum building setback requirements, except as otherwise specified herein, shall be:

3.26 RC DISTRICT REQUIRED CONDITIONS

- 1. All business establishments permitted in the district shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- 2. All business, servicing or processing, except off-street parking, loading and those open air uses permitted and regulated in [Section 3.1.24.C](#), shall be conducted within completely enclosed buildings.
- 3. Site plans shall be prepared in accordance with the requirements of [Section 6.1](#) 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 (4) 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.

3.27 TC AND TC-1 DISTRICT REQUIRED CONDITIONS

- 1. The following standards shall apply to all uses permitted in the TC and TC-1 districts:
 - A. Site Plans. For all uses permitted in the TC and TC-1 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 (5) 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



3.27.1.C Minimum Building Setback Requirements		
TC district	Interior (feet)	Exterior (feet)
Front	15 (for setbacks between separate building on same site)	50 (See §3.6.2.E)
Each side	10	50 (See §3.6.2.H)
Rear	10	50 (See §3.6.2.H)
TC-1 district		
Arterials	Interior (feet)	Exterior (feet)
Front	15	No less than 80 , and no greater than 137, as measured from the centerline of the arterial
Side	10	50 (See §3.6.2.H)
Rear	10	50 (See §3.6.2.H)
Nonresidential collectors and local streets		
	Minimum (feet)	Maximum (feet)
Front ¹	0	10
Side	0	None
Rear	0	None
Notes to Table		
<p>1. The front yard setback shall be increased at intersections where necessary to obtain a clear vision area for vehicular traffic. Awning and projecting signs shall not be deemed in violation of setback requirement, provided that:</p> <ul style="list-style-type: none"> (1) awning signs project no further than five (5) feet into the right-of-way; (2) they are at least eight and one-half (8½) feet above the surface of any sidewalk; and (3) they comply with the sign regulations set forth in Chapter 28 of the Novi Code of Ordinances. 		

The setback requirements noted above may be reduced where strict adherence would serve no good purpose or where the overall intent of the TC and TC-1 district would be better served by allowing a lesser setback, provided the conditions listed in subparts i. through iii. herein are found to exist. Such reduction may be made by the Planning Commission for developments on lots of less than five acres in area. For any development on a lot of five acres or more, such reduction may only be made by the City Council:

- i. That a reduction in setback, or waiver of a setback altogether, will not impair the health, safety or general welfare of the City as related to the use of the premises or adjacent premise;
- ii. That waiver of the setback along a common parcel line between two premises would result in a more desirable relationship between a proposed building and an existing building; and
- iii. The adherence to a minimum required setback would result in the establishment of nonusable land area that could create maintenance problems.



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In addition to providing for adequate light and air, a setback may also be required by the Planning Commission or City Council in those instances where exterior access to the rear of the building or to land or to uses beyond the premises would be desirable and where it can be found that such exterior open space would be in keeping with the pedestrian-oriented intent and purpose of the district.

Where the Planning Commission or City Council finds that such exterior open areas (setbacks) are desirable, they shall be developed as pedestrian plazas or court areas and made an integral part of the site's landscaping. Wherever such open spaces shall be created, they shall be physically connected, when possible, to adjacent open space areas and shall be designed and constructed so as to be in harmony of appearance and function with the connecting open space areas.

- D. **Parking Setbacks.** Off-street parking areas shall be set back a minimum of twenty (20) feet from the right-of-way line of any street or roadway, presently existing or as planned by the Road Commission for Oakland County or the City of Novi Master Plan. Surface parking lots shall be screened from all public rights-of-way and internal roads by either (1) a two and one-half (2.5) foot: ornamental brick-on-brick wall, or 2) a landscaped berm. The landscaping of such areas shall comply with the standards set forth in [Section 5.5](#). Notwithstanding the above, within the TC-1 district there shall be no front yard or side yard parking on any non-residential collector. Access to such rear yard parking shall be provided by alleyways which provide access to parking areas of adjacent parcels.
- E. **Architecture/Pedestrian Orientation.** Proposed uses, through innovative architecture, shall create a significant pedestrian orientation in keeping with the intent and purpose of these districts. No building in the TC-1 district shall be in excess of one-hundred twenty-five (125) feet in width, unless pedestrian entranceways are provided at least every one-hundred twenty-five (125) feet of frontage.

Architectural amenities shall include pedestrian walkways, brick or other approved decorative paving, coordinated pedestrian scale lighting, benches, trash receptacles, small scale landscape treatments, and major architectural features at entranceways and focal points of the development (e.g., arch, gateway, bell tower, fountain).

Architectural design and facade material are to be complimentary to existing or proposed buildings within the site and the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.

- F. **Open Space.** A minimum of fifteen (15) percent of the gross site area of a development shall be devoted to permanently landscaped open spaces and pedestrian plaza areas accessible to the public. All landscaped open spaces and pedestrian plaza areas shall be maintained by the owner of the commercial office or other development it serves.
- G. **Facades.** All exterior walls of any main or accessory building shall be composed of the same architectural building facade materials. Exterior building facades shall be primarily of brick or stone, which may be augmented by materials complementary to brick or stone. When renovations, alterations, or additions are made to an existing building within the TC or TC-1 districts, the exterior building facades of the entire building shall be brought into compliance with this subsection.

When facade materials other than brick or stone are proposed for a building within the TC or TC-1 districts, the Planning Commission (or City Council for site of five (5) acres or greater) may permit such alternative facade materials provided it finds that all of the following conditions are satisfied:
 - i. The selected facade materials and material combinations will be consistent with and enhance the building design concept.



- ii. The selected facade materials and material combinations will be complementary to existing or proposed buildings within the site and the surrounding area.
- iii. The use of the selected facade materials and material combinations will not detract from the future development in the districts of buildings with facades of brick and stone, augmented by materials complementary to brick and stone.
- iv. The request is accompanied by a written design statement describing how the selected facade materials will satisfy the above requirements.

The planning commission may request the report and recommendation of a professional design or architectural consultant as a part of its review of the proposed waiver.

- H. **Parking, Loading, Signs, Landscaping, Lighting, Etc.** All sites must comply with [Article 5, Site Standards](#), regarding off-street parking requirements, off-street parking standards, off-street loading/unloading, signs, landscaping, exterior lighting, and obscuring screens as those standards relate to uses permitted in the TC and TC-1 districts. Notwithstanding the above, all loading and unloading within the TC-1 district shall be in rear yards. In those areas where on-street parking is permitted, off-street parking requirements may be reduced by the number of on-street parking spaces adjacent to a use. Parking requirements may be reduced when the Planning Commission (or City Council for site of five (5) acres or greater) determines that given parking areas serve dual functions by providing parking capacity for separate uses which have peak parking demand periods which do not overlap. In those instances when a parking structure, underground parking or municipal surface parking lot is constructed pursuant to a special assessment district, a parking exempt district shall be created for that area served by the improvement and assessed for its cost.
- I. **Sidewalks.** Sidewalks are required at all developments which abut any street or an internal service road. All sidewalks shall comply with the [City of Novi Design and Construction Standards \(Chapter 11 of the](#)

[Novi Code of Ordinances](#)) and all other applicable ordinances and statutes. Sidewalks within the TC-1 district adjacent to non-residential collector and local streets shall be twelve and one-half (12.5) feet in width. Direct pedestrian access shall be provided between all buildings and uses within a development and between a development and adjacent areas. Such access may be provided by the utilization of interior walkways in conjunction with exterior sidewalks.

- J. **Bicycle Paths.** Bicycle paths shall be designed throughout the Town Center area to link up with other adjacent residential and nonresidential areas.
- K. **Vehicular Access.** Vehicular access to a development site shall be designed to provide safe and efficient distribution of traffic to and from the site. Access design that results in an undue intensification of traffic congestion shall be prohibited.
- L. **Development Amenities.** All sites shall provide development amenities in the form of exterior lighting, paved activity nodes, street/sidewalk furniture, safety paths, screening walls and planters in accordance with the Town Center Area Study, which is made a part of this Ordinance. Modifications of stated standards in a TC-1 district may be approved by Planning Commission (or City Council for site of five (5) acres or greater) upon a showing that such a change enhances a project and is consistent with a unified overall district plan.
- M. **Combining of Use Groups within a Single Structure.** Commercial and office uses may occupy any number of total floors within a building used for residential uses, subject to the restriction contained within [Section 3.27.2.B](#). No commercial or office shall be located on the same floor as residential use, and no floor may be used for commercial or office purposes which is located above a floor used for residential purposes.
- N. **Street and Roadway Rights-of-Way.** Nonresidential collector and local streets within the TC and TC-1 districts shall provide rights-of-way and road cross sections consistent with the City's Design and Construction Standards. Additional rights-of-way area shall be provided where boulevards, squares or traffic circles are created.



2. The following standards shall apply to the TC-1 district.
 - A. Height. The maximum height of structures shall not exceed five (5) stories or sixty-five (65) feet in height, except as provided below:
 - i. Buildings within the TC-1 district may exceed five (5) stories or sixty-five (65) feet in height, but may not exceed five (5) stories and seventy-eight (78) feet in height. Buildings exceeding sixty-five (65) feet in height shall have a minimum of one-hundred and fifty (150) feet of building frontage on a roadway no less than twenty-eight (28) feet wide, constructed in accordance with all applicable City standards.
 - ii. Mixed-use buildings within the TC-1 district which are designed with retail or office uses on the first floor may be permitted an additional height bonus, subject to review and recommendation by the Planning Commission and approval by the City Council, as provided in subsection v below. For each additional floor of office or retail use above the first floor, an additional floor of residential use may be permitted, with the total building height, including all bonuses, not to exceed seven (7) stories or one-hundred and four (104) feet. All other standards of the ordinance apply to the height bonus, including setback, parking, landscaping, density, and subsection i above.
 - iii. Residential buildings within the TC-1 district which are not located on a publicly dedicated roadway may be permitted to have parking on the ground level of the building. Such parking level shall not count against the maximum story requirement. The parking inside the building must be aesthetically and effectively screened from view through architectural design, landscaping, or other means, from adjacent drives, walkways and buildings, and particularly from the street level view.
 - iv. In all cases, the maximum height shall include all rooftop appurtenances, architectural features, skylights, or other such roof mounted building amenities.

- v. For all buildings exceeding five (5) stories or sixty-five (65) feet in height within the TC-1 district, the City Council, following a recommendation by the Planning Commission, shall make a finding that the additional height will complement and be compatible with existing and proposed buildings and land uses, with respect to the size, height, area, and configuration of adjacent or surrounding parcels and structures and any other relevant characteristics and interest. The City Council shall determine whether the architectural design of the buildings provides adequate building relief to minimize the mass and height of the building. The applicant shall provide, where feasible, a taller floor-to-floor building height for the ground level to insure that a unique and attractive street level environment has been achieved that focuses on the pedestrian experience.
- B. Retail Space. No retail commercial building within the TC-1 district shall exceed seven-thousand five-hundred (7,500) square feet in gross leasable floor area (GLA), except as provided herein.
 - i. The seven-thousand five-hundred (7,500) square-foot limit may be exceeded by an open-air building utilized for the retail sales of produce, plant material, lawn furniture, garden supplies or like items. The limit shall not be exceeded by an enclosed building which merely utilizes additional outdoor space for the display of goods.
 - ii. The seven-thousand five-hundred (7,500) square foot limit may be exceeded by a department store with a minimum of two (2) stories, if it complies with all the following standards:
 - a. The minimum gross leasable area of a department store shall be eighty-thousand (80,000) square feet.



- b. In a two story building, the second floor shall contain at least forty (40) percent of the gross leasable floor area of a department store. Additional retail space may be provided on floors above the second floor if all other City ordinance requirements are met.
- c. A department store shall have a main exterior pedestrian entrance along a single building facade (elevation). Additional entrances shall be provided along facades facing public streets or internal pedestrian-only corridors, and shall comply with the following standards:
 - (1) They shall be designed to serve a single department,
 - (2) Said department shall have a varied facade design treatment which has the appearance of an individual storefront,
 - (3) Said entrances shall meet the TC-1 spacing standard of one-hundred twenty-five (125) feet from entry door to entry door, and
 - (4) Each separate department shall provide display windows showing merchandise or services offered within the department. Internal connections between departments shall be permitted.

The internal design of a department store shall have the appearance of several individual sales areas or department, consistent with the merchandise categories offered by the retailer. For departments with individual pedestrian entrances, the floor plan for the space directly accessed by the pedestrian entryway shall be consistent with the use or product advertised by the external facade features, e.g., display windows, signs, etc. An alternate floor plan showing how departments with individual pedestrian entrances could be converted to independent stores

- shall be provided with the floor plan review package.
- d. No department store building shall be located closer than one-thousand five-hundred (1,500) feet of another department store building within the same zoning district, unless separated by a major thoroughfare.
- e. Notwithstanding the above, floor space devoted to department store use shall not exceed twenty (20) percent of the total gross leasable area of the development, as shown on the approved site plan. In addition, for phased projects, floor space devoted to department store use shall not exceed fifty (50) percent of the total developed gross leasable area at any phase of construction.
- f. All department store uses shall otherwise meet all TC-1 district design standards and other applicable ordinances.
- iii. The seven-thousand five-hundred (7,500) square foot limit may be exceeded in a multi-storied building provided that such uses comply with all of the following conditions:
 - a. All floors above the first floor are occupied by uses permitted in the TC-1 district;
 - b. No retail commercial use shall be permitted above the second floor;
 - c. Retail commercial uses on the second floor shall not exceed twelve-thousand (12,000) square feet or twenty-five (25) percent of the floor area of such floor, whichever is lesser;
 - d. Retail commercial space devoted to a single user shall not exceed fifteen-thousand (15,000) square feet within the first floor of such building; and
 - e. At least fifty (50) percent of the retail commercial space located on the first floor of such building shall be devoted to users of five-thousand (5,000) square feet or less.

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3.28 ONE-FAMILY CLUSTERING OPTION

The intent of this Section is to permit, through design innovation, flexibility in the development of one-family residential housing patterns on sites where the conventional subdivision approach to residential development would either destroy the unique environmental significance of the site, or where a transitional type of residential development is desirable. To accomplish this, the following modifications to the One-Family Residential Standards of this Ordinance may be permitted subject to the conditions herein imposed:

- 1. In all one-family residential districts, the clustering of one-family dwellings may be permitted, provided that:
 - A. The parcel of land under direct or indirect control of the applicant consists of an unsubdivided area generally not exceeding six-hundred (600) feet in depth abutting a freeway or major thoroughfare which is designated on the Thoroughfare Plan of the City of Novi Master Plan for Future Land Use as having a right-of-way of at least one-hundred twenty (120) feet, and the Planning Commission finds that the use of the cluster option is necessary to provide a transition between the major thoroughfare or freeway and conventional one-family detached housing areas; or
 - B. The land consists of an unsubdivided area and the Planning Commission finds, after reviewing the proposed site plan and after public hearing as required by Section 3.30.6, that the conventional approach to residential development would destroy the unique environmental significance of the site, and that the use of the cluster option is a desirable course of action to follow.

One of the following conditions must also be found to exist:

- i. Site is of such unusual shape that a conventional approach to residential development would cause peculiar or exceptional practical difficulties or exceptional undue hardship; or
- ii. Site is composed of generally unbuildable soils over a majority of the total site area; or
- iii. Site is characterized to a substantial degree by severe topographic conditions in which changes in elevation include slopes in excess of fifteen (15) percent or where the achieving of road grades of less than

six (6) percent is impossible over a majority of the site, absent mass grading; or

- iv. The majority (fifty (50) percent) of the net site area (defined here as the area which is delineated by parcel lines, exclusive of rights-of-way as shown on the adopted master plan) is composed of lands that are within jurisdiction of **Woodland Protection Ordinance, as amended, Chapter 37 of the Code of Ordinances**, or within the jurisdiction of the **Wetland and Watercourse Protection Ordinance, as amended, Chapter 12, Article V of the Code of Ordinances**, or any combination of such lands.
- 2. The woodlands and wetlands used to qualify for the cluster option under Section 3.28.1.B.iv shall be left undisturbed and in their natural state so as to remain in excess of fifty (50) percent of the net site area.
- 3. The overall permitted unit density within an unsubdivided parcel which qualifies for consideration under either Section 3.28.1A or 1B shall not exceed the following dwelling unit densities by districts, which shall be calculated in accordance with the definition of density contained within Section 2.2:

3.28.3 Dwelling Unit Densities	
Zoning District	Dwellings Per Acre
R-1	1.65
R-2	2.0
R-3	2.7
R-4	3.3

- 4. Under this Section, the attaching of one-family homes in clusters, or the detaching of one-family homes in clusters, shall be permitted subject to the following conditions:
 - A. The attaching of one-family homes within a cluster shall be permitted when said homes are attached either through a common party wall or garage wall which does not have over fifty (50) percent of an individual wall or more than twenty-five (25) percent of the total exterior walls of the living area of a one-family home in common with the wall or walls of the living area of an adjoining home; or by means of an architectural detail which does not form



interior room space; or through a common party wall in only the garage portion of adjacent structures.

- B. The detaching of one-family homes within clusters shall be permitted provided said homes shall be spaced not less than six (6) feet apart when opposing dwelling unit walls contain no openings, and not less than ten (10) feet apart when opposing dwelling unit walls contain openings. The distance between opposing garage walls within a cluster shall meet local fire codes, except that in no case shall said walls be less than six (6) feet apart.
 - C. The maximum number of homes in a cluster shall be subject to review by the Planning Commission, except that in no case shall a cluster contain less than two (2) homes or more than four (4) homes.
 - D. No structure within a cluster shall be located closer than thirty (30) feet to any interior private street or drive, thirty (30) feet from any public right-of-way, or seventy-five (75) feet to any peripheral property line.
Clusters of one-family homes shall be arranged on the site so that none shall face directly to a major thoroughfare, nonresidential district or nonresidential use.
5. Each cluster of attached or detached one-family homes shall be separated from any other cluster of one-family homes by a distance determined by the number of homes in opposing clusters as set forth in the following scale; except that the Planning Commission after review of site development plans, may modify the strict application of the distance in those instances where it is found that a natural amenity would be destroyed or topographical or soil conditions limit a practical dimensional separation of clusters:

3.28.5 Separation Between Clusters as Determined by the Number of Homes in Opposing Clusters					
Total homes in opposing clusters	8	7	6	5	4
Minimum distance between clusters (front and rear) (feet)	100	85	75	65	55
Minimum distance between clusters (side) (feet)	75	75	60	60	50

- 6. On parcels of less than ten (10) acres, or unusual shaped parcels or in the interest of saving natural features, the Planning Commission may permit some or all of the following exceptions to the ordinance:
 - A. "T" turn-arounds or other creative access drives approved by the City Engineer and Fire Marshal,
 - B. Units facing arterial and collector streets, and
 - C. Reduced setbacks subject to the Planning Commission making the following findings:
 - i. The proposed changes will not adversely affect neighboring properties;
 - ii. Density will not exceed that permitted in the district;
 - iii. Safe access is provided to the development; and
 - iv. The following conditions are met:
 - a. A landscape berm meeting the requirements of [Section 5.5.3.A.i-ii](#) is provided adjacent to other single family residential districts;
 - b. Setbacks to adjacent one-family and residential acreage properties are not reduced below the rear yard setbacks required in the adjacent zoning district;
 - c. Setbacks to private drives is not reduced below twenty-five (25) feet;
 - d. Clusters shall maintain a minimum fifty-five (55) foot front and rear and twenty-five (25) foot side setback between clusters; and
 - e. Setbacks to existing right-of-way or proposed right-of-way, as determined by the City Engineer, shall not be reduced to less than forty (40) feet.
- 7. An applicant seeking use of the one-family cluster option shall submit a site plan to the Planning Commission for consideration. The Planning Commission, in making its review, shall find that the site possesses at least one of the requirements for qualifications as outlined in [Section 3.28.1.A or B](#) before approving the application. The Planning Commission shall conduct its review in accordance with the public hearing requirements set forth and regulated in [Section](#)

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6.2 of this Ordinance. The use of the one-family cluster option shall be subject to the Special Land Use regulations of **Section 6.1.2.C** and the approving body may impose conditions on its approval subject to the provisions of **Section 6.1.2.C**.

8. The site plan shall be prepared as follows: Site plans, in addition to meeting all requirements of the Site Plan and Development Manual, shall provide the following:
 - A. The structural outline (building envelope) of all structures proposed on the site.
 - B. Architectural renderings of building facade elevations within a typical cluster.
 - C. The areas to be dedicated as open space and recreational use, showing access, location and any improvements. Assurance of the permanence of the open space and its continued maintenance shall be submitted for review and approval by the City Attorney. The City Attorney shall review and render an opinion with respect to:
 - i. The proposed manner of holding title to the open space.
 - ii. The proposed manner of payment of taxes.
 - iii. The proposed method of regulating the use of open land.
 - iv. The proposed method of maintenance of property and the financing thereof.
 - v. Any other factor relating to the legal or practical problems of ownership and maintenance of the open land.
 - D. The location of access drives, streets and off-street parking areas, sidewalks, trash receptacles, etc.
 - E. The location, extent and type of landscaping in accordance with the requirements of **Section 5.5** of this Ordinance.
9. The applicant shall submit as a part of his site plan proposed building elevations and typical floor plans. Elevation drawings shall be drawn to scale and need only be a sample of development throughout the site. Where more than one type of structural design is intended, sample elevation and corresponding floor plans for each type shall be submitted.
10. In reviewing the site plan for application of the one-family cluster option to a particular site, the Planning Commission shall require:

- A. A landscaped undulating earth berm, at least six (6) feet in height at its lowest elevation, be provided along the entire property line of any boundary line abutting a major thoroughfare or nonresidential district. The berm shall not be included as any part of a side or rear yard but may be a part of an adjoining open space area. Earth berms where employed on the site shall be designed so as not to obscure clear vision at street intersections. The Planning Commission may permit an optional landscape treatment that is consistent with **Section 5.5** of this Ordinance and which will serve as an effective screening barrier when a landscape berm is not practical due to site conditions.
 - B. Concrete pedestrian safety paths (sidewalks) of five (5) feet in width along both sides of all public and private roads within a cluster option development.
11. Approval of a site plan under this Section shall be effective for a period of one (1) year from date of approval. Development not started in this period shall be considered as abandoned and authorization shall expire, requiring that any proposed development thereafter shall be resubmitted for review and approval by the Planning Commission. Any proposed change in a site plan after approval has been granted, shall require review and approval by the Planning Commission prior to effecting said change.

3.29 RUD RESIDENTIAL UNIT DEVELOPMENT

The purpose of the Residential Unit Development Option, hereinafter referred to as RUD, is to permit an optional means of development flexibility in the RA district and in the R-1 through R-4 districts, which allows a mixture of various types of residential dwelling units (one-family, attached one-family cluster). It is further the intent of this Section to permit permanent preservation of valuable open land, fragile natural resources, and rural community character that would be lost under conventional development. This would be accomplished by permitting flexible lot sizes in accordance with open land preservation credits when such developments provide detached and/or attached single family dwelling units which are located and designed in a substantial open land setting, and through the consideration of relaxation of area, bulk, yard, dimensional, and other zoning ordinance standards in order to accomplish specific planning objectives. This flexibility is intended to reduce the visual



intensity of development; provide privacy; protect natural resources from intrusion, pollution, or impairment; protect locally important animal and plant habitats; preserve lands of unique scenic, historic, or geologic value; provide private neighborhood recreation; and protect the public health, safety and welfare. Such flexibility will also provide for:

- (1) the use of land in accordance with its character and adaptability;
- (2) the construction and maintenance of streets, utilities and public services in a more economical and efficient manner;
- (3) the compatible design and use of neighboring properties; and
- (4) the reduction of development sprawl, so as to preserve open space as undeveloped land.

To accomplish the purpose and intent of this Section, the following modifications to applicable one-family residential standards shall be permitted subject to the conditions imposed by this section:

1. Residential Unit Development Regulations. The RUD Option shall only be considered for parcels containing at least twenty (20) contiguous acres of land under single ownership or control. Contiguous land may be separated by a road right-of-way. All RUD uses shall be regulated as set forth in this Section, an approved RUD plan, any special conditions imposed by the Planning Commission or City Council, and other applicable provisions of this Ordinance. An RUD shall include detached one-family dwellings. An RUD may also include:
 - A. One-family dwelling clusters, provided that:
 - i. a majority of dwelling units within the RUD are detached, non-clustered one-family dwellings; and
 - ii. a significant portion of the dwelling units are conventional one-family dwelling units. Conventional one-family dwelling units are units constructed on platted lots or site condominium building sites with area and width conforming to the schedule of regulations for the underlying zoning district. The Planning Commission and City Council shall review the mixture of residential dwelling types to determine whether the proportions of dwelling types meet the purpose and intent of this section in accordance with [subsections 3.29.4 and 3.29.8](#), below.

- A. Rental or management offices and club rooms accessory to the RUD.
 - B. Places of worship.
 - C. Public, parochial, and private elementary and/or high schools offering courses in general education.
 - D. Noncommercial golf courses.
 - E. Public libraries, parks, parkways and recreational facilities.
 - F. Private parks and recreation areas for use of the residents of the RUD.
 - G. Accessory uses and accessory buildings.
2. Perimeter Buffering. In order to assure development that is compatible with the zoning of adjacent property, where the RUD abuts a one-family district, development of that strip of land three-hundred thirty (330) feet in depth adjacent to such one-family district shall be restricted to detached, non-clustered, one-family dwelling units meeting the requirements of the RUD standards, or to schools, parks, or golf courses. For purposes of this section, the RUD shall not be considered adjacent to property zoned for one-family use where it is separated from such property by a major thoroughfare. The City Council, after review and recommendation of the Planning Commission, may vary the three-hundred thirty (330) foot depth in any one of the following circumstances:
 - A. The parcel is of a narrow dimension and will not permit sound development of that portion remaining beyond the three-hundred thirty (330) foot strip;
 - B. Due to topography or existing abutting development, the development of the remaining portion of the parcel in question would result in an unreasonably restrictive treatment of the parcel; or
 - C. The adjacent property is otherwise screened from view of development within the RUD in the area where the three-hundred thirty (330) foot depth is varied by one of the following, or by a combination of the following:
 - i. An undulating earth berm, at least six (6) feet in height at its lowest elevation, that is landscaped in accordance with the standards of [Section 5.5](#), and which will serve as an effective screening barrier. Landscaped berms shall be designed so as not to obscure clear vision at

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street intersections. Berms shall not be included as any part of a side or rear yard but may be a part of an adjoining open space area.

- ii. The retention within the RUD of an existing regulated or unregulated wooded area, provided:
 - a. The retained wooded area will provide effective screening consistent with the opacity requirements of [Section 5.5](#). Supplemental plant material may be added to meet the screening requirements;
 - b. The failure to retain the wooded area will have a negative impact on the preservation of woodlands within the City of Novi; and
 - c. The retained wooded area has been inspected by the City relative to the health and desirability of the existing plan material and found to be healthy and desirable.

However, in no circumstances shall any attached or detached clustered housing dwelling unit in the RUD be located closer than seventy-five feet to any peripheral property line.

- 3. Density
 - A. For purposes of determining density, the following maximum number of dwelling units per acre overall, by zoning district, shall be permitted:

3.29.3.A Density by Zoning District	
Zoning District	Dwelling Units Per Net Site Acre
RA	0.8
R-1	1.65
R-2	2.0
R-3	2.7
R-4	3.3

Density shall be measured based upon net site acreage, excluding identified wetlands or watercourses which are regulated by Parts 301 and 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, or [Chapter 12, Article V of the Novi Code of Ordinances](#), but not excluding quality

wetlands less than two (2) acres regulated by such laws.

The dwelling unit densities set forth in [Section 3.28](#) of this Ordinance for cluster housing may be applied to the RUD site on an individual acre basis, provided that the overall dwelling unit density of the RUD does not exceed the above maximum dwelling unit density levels by district.

- B. An additional credit of 0.8 dwelling units per acre of RUD open space may be granted to the applicant by the City Council, after review of the Planning Commission, provided that such open space is dedicated to the use of the residents of the RUD, as follows:
 - i. Environmental features
 - a. Watercourses and bodies of water, provided that the following requirements are met. No less than twenty-five (25) percent of the boundary of the watercourse or body of water shall abut a park area that is dedicated to the use of all RUD residents. The park area shall be at least one-hundred (100) feet in depth and usable for active or passive recreation (including a pathway or trail system). Where topography or the existence of a wetland or wetland setback area makes such recreational use impractical, the depth of the park area shall be increased so as to permit such recreation. There shall be provided significant means of access by streets or pedestrian safety paths to all areas reserved for such use.
 - b. Quality wetlands less than two (2) acres in size.
 - c. Wetland and watercourse setback areas, as provided in [Section 3.6.2.M](#).
 - d. Regulated woodlands.
 - e. Other local important plant and/or animal habitats which are not regulated, which are contiguous to regulated woodlands, regulated wetlands, or wetland and watercourse setback areas, and which meet the following conditions:



- (1) They are an uncommon or rare ecosystem in the city;
 - (2) They are of exceptional value and quality;
 - (3) They enhance the value of the surrounding area; and
 - (4) They enhance the quality of the neighboring plant and/or animal habitats.
- ii. Historical buildings which have been registered as historic landmarks.
 - iii. Recreation Areas set aside for active or passive recreational uses. Recreation Areas are defined as an area established for recreation purposes that is landscaped and permanently protected to prohibit the development of buildings, driveways, parking spaces or roads. Sidewalks, trails, landscape features, recreation fields or courts and associated structures are permitted in the area. Each area permitted to qualify as a Recreation Area must be at least one-half acre in area and the length of the Recreation Area can not exceed three times the width unless the area is a connecting greenway.

The area eligible for this additional open space credit shall exclude all identified wetlands that are regulated by Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, or [Chapter 12, Article V of the Novi Code of Ordinances](#), but shall not exclude quality wetlands less than two (2) acres regulated by such laws. In determining whether to grant such additional credit, the City Council shall consider those factors set forth in [subsection 3.29.8](#), below.

The overall dwelling unit density in the RUD, including any additional dwelling unit credit earned for open space, shall not exceed the maximum dwelling unit density computed utilizing the gross acreage of the entire parcel and the allowable density of the underlying zoning district, as provided below:

3.29.3.B Maximum Dwelling Unit Density	
Zoning District	Dwelling Units Per Overall Acre
RA	0.8
R-1	1.65
R-2	2.0
R-3	2.7
R-4	3.3

- 4. Lot Area. One-family non-clustered detached dwellings shall be subject to the minimum lot area and lot width requirements of the underlying zoning district. The City Council may modify such lot area and lot width requirements where such modification will result in the preservation of open space for those purposes set forth in [subpart 3.29.3.B](#), above, and where the RUD will provide a genuine variety of lot sizes. No lot shall be of an area or width less than that required in the R-3 zoning district unless the parcel is in the R-4 zoning district. In determining whether to so modify lot areas and widths, the City Council shall consider those factors set forth in subsection 3.29.7, below.
- 5. Yard Setbacks. For purposes of determining yard area requirements and regulating the distance between buildings, the following requirements shall control:
 - A. One-family detached dwellings shall be subject to the minimum requirements of the zoning district. In those instances where lot sizes are reduced in accordance with subsection 4., above, yard requirements for a given lot shall be governed by that zoning district which has minimum lot area and width standards that correspond to the dimensions of the particular lot.
 - B. One-family clusters shall meet the minimum requirements of [Section 3.28](#) of this Ordinance, provided that the City Council, after review by the Planning Commission, may modify the strict application of requirements related to attaching cluster units ([Section 3.28.4](#)) and separation distance between clusters ([Section 3.28.5](#)) where it is demonstrated that greater open space can be provided as a contiguous system for wildlife habitat or recreation amenity can be provided or that a natural habitat would be destroyed or that topographical conditions limit the practical dimensional separation of clusters.

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6. Deviations from Standards and Area, Bulk, Yard, and Dimensional Requirements. As part of final approval of an RUD plan, the City Council shall be authorized to grant deviations from the strict terms of the zoning ordinance (including the provisions of 3.29.1 through 3.29.5 above) governing area, bulk, yard, and dimensional requirements applicable to the property. Such authorization to grant deviations shall be conditioned upon the Council finding:
- That each zoning ordinance provision from which a deviation is sought would, if the deviation were not granted, prohibit an enhancement of the development that would be in the greater public interest;
 - That approving the proposed deviation would be compatible with the existing and planned uses in the surrounding area;
 - That the proposed deviation would not be detrimental to the natural features and resources of the affected property and surrounding area, or would enhance or preserve such natural features and resources;
 - That the proposed deviation would not be injurious to the safety or convenience of vehicular or pedestrian traffic. In determining whether to grant any such deviation, the Council shall be authorized to attach reasonable conditions to the RUD plan, in accordance with [Section 3.29.10](#); and
 - That the proposed deviation would not cause an adverse fiscal or financial impact on the City's ability to provide services and facilities to the property or to the public as a whole.
7. Application Requirements. Application for RUD consideration by the Planning Commission and City Council under this Section may be made by any person owning or controlling land in the RA, R-1, R-2, R-3, or R-4 districts. Application shall be made to the City Clerk and shall at a minimum contain the following information:
- A boundary survey of the exact acreage being requested prepared by a registered land surveyor or civil engineer (scale: not smaller than 1" = 200').
 - A topographic map of the entire area at a contour interval of not more than two (2) feet. This map shall indicate all major stands of trees, of eight (8) inches or greater in diameter, bodies of water and unbuildable areas (scale: not smaller than 1" = 200').
- A recent aerial photograph of the area shall be provided (scale: not smaller than 1" = 200').
 - An RUD plan for the entire area carried out in such detail as to indicate the functional use areas and dwelling unit types being requested; the proposed population densities, including a traffic circulation plan; and sites being reserved for schools, if needed, service activities, playgrounds, recreation areas, parking areas, and other open spaces and areas to be used by the public or by residents of the RUD (scale: not smaller than 1" = 200').
 - An indication of the contemplated storm and sanitary sewer plan, and a preliminary topographic map indicating how the land area is proposed to be shaped.
 - A written statement explaining in detail the full intent of the applicant, indicating the type of dwelling units contemplated and the resultant population and providing supporting documentation such as: soil surveys, studies supporting land use requests, and the intended scheduling of the development.
 - A statement as to the proposed mechanism to assure the permanent preservation and maintenance of open space areas, RUD amenities and common areas.
8. Consideration of Application
- Upon receipt of an application as a preliminary submittal, the City Clerk shall refer the application to the Planning Commission for its report and recommendation to the City Council. In making its recommendation to the City Council, the Planning Commission shall determine:
 - The appropriateness of the site for the proposed use;
 - The effects of the proposed use upon adjacent properties and the community;
 - The demonstrable need for the proposed use;
 - The care taken to maintain the naturalness of the site and to blend the use within the site and its surroundings; and



- v. The existence of clear, explicit, substantial and ascertainable benefits to the City from the RUD.
- B. The Planning Commission's determination shall include evaluation of all of the following factors:
- i. Whether all applicable provisions of this Section, other applicable requirements of this Ordinance, including those applicable to special land uses, and all applicable ordinances, codes, regulations and laws have been met. Insofar as any provision of this Section shall be in conflict with the provisions of any other Section of this Ordinance, unless otherwise specifically noted, the provisions of this Section shall apply to the lands embraced within the RUD.
 - ii. Whether adequate areas have been set aside for all schools, walkways, playgrounds, parks, recreation areas, parking areas and other open spaces and areas to be used by residents of the development. The applicant shall make provisions to assure that such areas have been or will be committed for those purposes. The City may require that conveyances or other documents be placed in escrow. Where property is to be utilized for schools, parks or other uses to be under the control of a public entity, the applicant shall demonstrate that the public entity has approved the setting aside of the property for such use.
 - iii. Whether traffic circulation features within the site and the location of parking areas are designed to assure safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - iv. Whether, relative to conventional one-family development of the site, the proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service, or, in the alternative, the development will provide onsite and offsite improvements to alleviate such impacts.

- v. Whether there are or will be, at the time of development, adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water.
- vi. Whether, and the extent to which, the RUD will provide for the preservation and creation of open space. Open space includes the preservation of significant natural assets, including, but not limited to, woodlands, topographic features, significant views, natural drainage ways, water bodies, floodplains, wetlands, significant plant and animal habitats and other natural features.

Specific consideration shall be given to whether the proposed development will minimize disruption to such resources. Open space also includes the creation of active and passive recreational areas, such as parks, golf courses, soccer fields, ball fields, bike paths, walkways and nature trails.
- vii. Whether the RUD will be compatible with adjacent and neighboring land uses, existing and master planned.
- viii. Whether the desirability of conventional residential development within the City is outweighed by benefits occurring from the preservation and creation of open space and the establishment of school and park facilities that will result from the RUD.
- ix. Whether any detrimental impact from the RUD resulting from an increase in total dwelling units over that which would occur with conventional residential development is outweighed by benefits occurring from the preservation and creation of open space and the establishment of school and park facilities that will result from the RUD.
- x. Whether the proposed reductions in lot sizes and setback areas are the minimum necessary to preserve and create open space, to provide for school and park sites, and to ensure compatibility with adjacent and neighboring land uses.

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- xi. Evaluation of the impact of RUD development on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost and with regard to the planned and expected contribution of the property to tax base and other fiscal considerations.
- xii. Whether the applicant has made satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements.
- xiii. Whether the applicant has made satisfactory provisions for future ownership and maintenance of all common areas within the proposed development.
- xiv. Whether any proposed deviations from the area, bulk, yard, and other dimensional requirements of the zoning ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.
- 9. Public Hearing Requirement. Upon receipt and review of the above information, the Planning Commission shall hold a public hearing as set forth in [Section 6.2](#), at which time it may make its recommendation to the City Council. The Planning Commission shall forward its findings and recommendations to the City Council for consideration.
The Planning Commission's findings and recommendations shall include any conditions on approval recommended pursuant to [Section 3.29.10](#).
- 10. City Council Review
 - A. The City Council, in making its review, shall follow the standards set forth in subsection 8., above, and throughout this Section. After review of the Planning Commission's recommendations and other information relative to the RUD application, the City Council may move to grant the application, which will serve as preliminary approval of the RUD plan. As part of its approval of the RUD plan, the Council is authorized to impose conditions that are reasonably related to the purposes of this Section and that will:
 - i. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity;
 - ii. Protect the natural environment and conserve natural resources and energy;
 - iii. Insure compatibility with adjacent use of land; and
 - iv. Promote the use of land in a socially and economically desirable manner.
 - B. All conditions imposed shall be made a part of the record of the approval of the RUD plan.
 - C. The preliminary RUD plan approval shall be subject to and conditioned upon Council approval of an RUD agreement setting forth the terms and conditions of the RUD, consistent with the preliminary RUD plan. The applicant shall have prepared, for review and approval by the City's legal counsel, an agreement setting forth the conditions upon which such approval is based. The RUD agreement shall specifically include:
 - i. A statement confirming the voluntary nature of the applicant's agreement to terms and conditions of the agreement;
 - ii. A survey of the acreage comprising the proposed development;
 - iii. The manner of ownership of the developed land;
 - iv. The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space;
 - v. Provision assuring that open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose; the City may require conveyances or other documents to be placed in escrow to accomplish this;



- vi. Satisfactory provisions to provide for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the Planning Commission;
 - vii. The cost of installing, improving and maintaining streets and the necessary utilities has been assured by a means satisfactory to the Planning Commission;
 - viii. Provisions to ensure adequate protection of natural features;
 - ix. Any conditions imposed by City Council under [Section 3.29.10](#); and
- C. Approval of the RUD agreement shall entitle the applicant to submit for site plan approval pursuant to [Section 3.29.12](#). Such application and site plan shall be in accordance with the approved final RUD plan. The agreement, after approval by resolution of the City Council, shall be executed by the City and the applicant and recorded in the office of the Oakland County Register of Deeds. Final approval of the RUD plan shall be effective upon recording. Physical development of the site shall be in accordance with the approved plan and shall not be commenced until after final approval by the City Council.
11. Phasing. The phasing of an RUD shall be in accordance with the phasing requirements contained within the site plan manual, provided that individual phases may be divided into sub-phases where such sub-phases likewise comply with the phasing requirements contained in the site plan manual.
12. Final Site Plans or Plats. No building permit shall be issued for any building or structure within the RUD until a final plat or final site plan has been approved for that area of the project where buildings or structures are to be located. Site plans shall be reviewed in accordance with the requirements of [Section 6.1](#) of this ordinance. Plats shall be reviewed in accordance with the City of Novi Subdivision Ordinance. The review of the plats and site plans shall include consideration of the following:

- A. All portions of the phase or phases submitted for final site plan or plat approval that are shown upon the approved plan for the RUD for use by the public or the residents of the RUD have been committed to such uses in accordance with the RUD contract.
- B. Except where deviation from such standards is shown in the approved final RUD plan, or in the RUD agreement, site plans and plats shall be in conformity with the requirements of this ordinance and all other applicable laws, ordinances, codes and regulations, and with the approved RUD plan. Landscaping plans shall conform to the requirements of [Section 5.5](#) and to the City of Novi Subdivision Ordinance. Landscaping within a given phase shall conform to those requirements applicable to the type of development within that phase, i.e., detached one-family development shall conform to those requirements applicable to subdivisions.
- C. Provisions have been made in accordance with the RUD contract to provide for the financing of any improvements shown on the site plan or plat for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured in accordance with the RUD contract.
- D. Dedication of public roads in accordance with the requirements of this City Code shall have been made so as to cause continuity of public access between the adjacent major thoroughfare(s) and ingress, egress to all private developments within the project.
- E. There shall be provided pedestrian safety paths (sidewalks) of design, materials and construction that meet the City of Novi Design and Construction Standards. Such safety paths shall be at least five (5) feet in width along both sides of all public and private streets within the RUD. When necessary to preserve regulated woodlands or wetlands, safety paths may be eliminated on one side of a street and replaced where possible with pedestrian safety paths of a design and construction that is compatible with such environmental resources.



13. Effect of Approval of RUD Plan. Once an area has been included within a plan for RUD and such plan has been approved by the City Council, no development may take place in such area nor may any use thereof be made except in accordance with the plan or in accordance with a Planning Commission and City Council approved amendment thereto, unless the plan is terminated as provided herein. The location, height, bulk, density and area of all buildings, structures and uses shall be in accordance with the schedule of regulations contained within this ordinance, except where expressly supplanted on the approved RUD plan, or approved in textual form with the RUD plan.
14. Termination of RUD. An approved plan may be terminated by the applicant or its successors or assigns, prior to any development within the area involved, by filing with the City and recording in the Oakland County Records, an affidavit so stating. The approval of the plan shall terminate upon such recording. No approved plan shall be terminated after development commences except with the approval of the City Council after Planning Commission recommendation and notice of all parties of interest in the land.
15. Open Space Preservation. In order to assure the development of open space in conjunction with an RUD, the City Council shall include in the contract recorded with the Register of Deeds, a schedule for the completion of portions of the open space so that it coincides with completion of dwelling units. The developer may suggest a schedule for review by the City Council. The mechanism to assure the permanent preservation and maintenance of open space areas, RUD amenities and common areas shall be subject to review and approval by the City Attorney. The mechanism shall permit, in the event of the failure of the property owners to preserve and maintain areas, the City to perform maintenance and preservation functions and to assess the cost of such performance to the property owners. The City Attorney shall review and render an opinion with respect to:
- The proposed manner of holding title to the preserved areas;
 - The proposed method of payment of taxes;
 - The proposed method of regulating the use of the areas;
 - The proposed method of maintaining the areas and the financing thereof; and
- Any other factor relating to the legal or practical problems of ownership and maintenance of open land.
16. Construction of Improvements. The construction of improvements within phases and sub-phases of an RUD shall be in accordance with [Section 7.7](#) of this Ordinance, the City of Novi Subdivision Ordinance and all other ordinances, codes, regulations and laws. All amenities planned within the RUD for the benefit of residents of the RUD shall be constructed within the phase or sub-phase in which they are depicted. No temporary or final certificate of occupancy shall be granted for any dwelling unit within a phase or sub-phase unless all amenities within that phase or sub-phase are constructed or completion of construction is secured by financial guarantee in accordance with [Section 7.7](#) of this Ordinance.
17. RUD as Optional Method of Development. Approval of an RUD under this Section shall be considered an optional method of development and improvement of property and shall be subject to the agreement to the various conditions as set forth herein between the City and the applicant.
18. Amendments and Revisions
- An applicant may request an amendment or revision to an approved RUD plan. Any amendment or revision constituting a major change in the approved RUD plan, as defined in this Section, shall necessitate all procedures and conditions herein required for original submittal and review, in full. Amendments considered to be major changes include the following:
 - Change in concept of the development;
 - Change in use or character of the development;
 - Change in type of dwelling unit as identified on the approved area plan;
 - Increase in the number of dwelling units (decreases in dwelling unit numbers or increases in lot sizes are not major changes);
 - Increase in lot coverage;
 - Rearrangement of lots, blocks or building sites;
 - Change in the character or function of any street;
 - Reduction in land area set aside for common open space or the relocation of such area(s);



- ix. Increase in building height; or
 - x. Any modification similar in character or scope to any of the above.
- B. Amendments which are not major may be approved by the Planning Commission in conjunction with site plan approval, or by the City Council, upon Planning Commission recommendation, in conjunction with plat approval.
19. Appeals. The Zoning Board of Appeals shall have no jurisdiction to hear appeals or make interpretation or any other decisions regarding this Section or a proposed RUD plan.

3.30 OPEN SPACE PRESERVATION OPTION

1. Intent. The intent of the Open Space Preservation Option is to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas.
2. Eligibility Requirements. In areas that are served by municipal sewers, eligible properties shall be zoned for residential development at three and one half (3.5) or fewer dwelling units per acre (R-A through R-4). In areas which are not served by municipal sewers, eligible properties shall be zoned for residential development at two (2) or fewer dwelling units per acre (R-A through R-2).
3. Density.
 - A. Land meeting the above eligibility requirements may be developed with the same number of dwelling units on a portion of the site, but not more than eighty (80) percent of the site, that, as determined by the approving body, then could otherwise be developed under existing ordinances, laws, and rules on the entire land area.
 - B. The approving body may permit the use of this option when the same number of dwelling units is placed on more than eighty (80) percent of the site if it finds that significant natural features or open space would not be preserved if this option was not used. If the same number of units is placed on more than eighty (80) percent of the site, the proposal shall be subject to the Special Land Use regulations of [Section 6.1.2.C](#) and the approving body may impose conditions on its approval subject to the provisions of [Section 6.1.2](#).
 - C. Density shall be calculated as follows: A parallel (bona fide) plan shall be submitted to the approving body in order to establish

the maximum permitted density. A parallel (bona fide) plan shall identify how a parcel could be developed, including all roads and other infrastructure improvements, under the conventional development standards of the City. All unbuildable areas and areas with limitations to development must be accurately identified on the parallel (bona fide) plan including but not limited to wetlands, watercourses, drains, floodplains, steep slopes, habitat areas, woodlands and similar features. The approving body shall make the determination that a parallel (bona fide) plan is acceptable once it meets all applicable City ordinance requirements and, based on the plan, determine the maximum number of dwelling units that would be permitted under this Open Space Preservation Option. A separate review fee for the parallel (bona fide) plan shall be submitted with the application. The density shall not exceed the following dwelling unit densities by districts, which shall be calculated in accordance with the definition of density contained within [Section 2.2](#):

3.30.3.C Maximum Dwelling Unit Density	
Zoning District	Dwelling Units Per Overall Acre
RA	0.8
R-1	1.65
R-2	2.0
R-3	2.7
R-4	3.3

4. Design requirements.
 - A. A minimum of ten (10%) percent of the gross site area, exclusive of existing and statutorily authorized rights-of-way, shall be preserved as permanent open space in an undeveloped state or for recreation purposes.
 - B. Qualifying permanent open space may be "Natural Feature Areas" that include important natural, environmental, agricultural, and/or contextual features, such as:
 - i. steep slopes;
 - ii. wetlands;
 - iii. wetland setback areas;
 - iv. floodplains;

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- v. natural watercourses;
- vi. woodlands;
- vii. scenic views;
- viii. agricultural or equestrian components; and
- ix. recreational pathways and facilities, or other permanent open space that will improve the quality of the development including:
 - a. "Recreation Areas" set aside for active recreation;
 - b. Historical structures;
 - c. Buffers from major thoroughfares and more intensive land uses that are at least 50 feet in width and in addition to required setbacks and landscape areas; and
 - d. Similar features meeting the requirements of Section 506 of the Michigan Zoning Enabling Act.
- C. The minimum lot area may be reduced by a percentage equal to the percentage of qualifying open space on the site permanently preserved up to the limits listed in the chart below and lot width may be reduced by a percentage equal to one half the percentage of qualifying open space on the site permanently preserved up to the limits listed in the chart below by zoning district:

3.30.4.C Allowable Lot Reductions		
Zoning	Area (square feet)	Width (feet)
RA	43,560 reduced to a minimum of 24,000 (44.9% maximum)	150 reduced to a minimum of 120
R-1	21,780 reduced to a minimum of 12,000 (44.9% maximum)	120 reduced to a minimum of 90
R-2	18,000 reduced to a minimum of 10,000 (44.4% maximum)	110 reduced to a minimum of 85
R-3	12,000 reduced to a minimum of 9,000 (25% maximum)	90 reduced to a minimum of 75
R-4	10,000 reduced to a minimum of 8,000 (20% maximum)	80 reduced to a minimum of 70 (12.5% maximum)

Not withstanding requirements at [Section 3.6.2.M](#), side lot yard setbacks may be reduced as follows:

3.30.4.C Allowable Side Yard Setback Reductions		
Lot Width (feet)	Side Yard (feet)	Minimum Side Yard Setback Aggregate of Two Side Yards (feet)
110 or greater	15	35
90 or greater, but less than 110	10	25
70 or greater, but less than 90	10	20

Additional modifications to lot and width standards from those specified above may be permitted if the approving body determines that a smaller minimum size is necessary to comply with the intent of preserving open space and natural features. In such cases the approving body may modify lot area and lot width requirements so as to assist in the creation of open space or preserve natural features. In those instances where lot sizes are reduced in accordance with the Open Space Preservation Option, yard requirements for a given lot shall be governed by that zoning district which has minimum lot area and width standards that correspond to the dimensions of the particular lot.



- D. Open space areas shall be accessible to all lots in the development, either directly from the internal road network, or if approved in the discretion of the approving body, directly from another manner of access providing perpetually existing and maintained pedestrian accessibility to all lots.
- E. Qualifying permanent open space shall be connected with adjacent open space, public land, and existing or planned pedestrian/bicycle paths, where feasible, as determined by the approving body.
- F. Approval of an open space option development does not constitute a change in the zoning of the property, and, except as specifically provided in this section, all other regulations applicable within the zoning district of the property and development shall apply.
- G. Restrictions
 - i. Nothing in this section shall allow the construction of multi-family residential units in a single family residential district.
 - ii. Nothing in this section shall allow a development to result in the creation of a nuisance or a danger or hazard to the health, safety and welfare of any person or property.
 - iii. The development shall not result in an unreasonable burden upon public services and/or facilities, taking into consideration the capacity and availability, considering the existing and anticipated future use of such services and facilities.
 - iv. The development shall be designed to avoid an unreasonable burden upon the subject and/or surrounding properties, taking into consideration economic, aesthetic, traffic, noise and other applicable and relevant planning and/or engineering considerations.
 - v. The development proposed utilizing the open space preservation option provided in this Section shall, to the greatest extent feasible while remaining consistent with the requirements of Section 506 of the Michigan Zoning Enabling Act, MCL 125.3506, as amended, comply with all zoning regulations and design standards applicable to the property.

- 5. Qualifying Permanent Open Space Maintenance
 - A. All open space shall remain perpetually in an undeveloped state, except developed Recreation Areas, by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land. Developed Recreation Areas shall remain perpetually recreation areas by means of restrictive covenant or other legal means that runs with the land. The City shall be a party to these legal means to insure the perpetual protection.
 - B. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by City legal counsel prior to acceptance by the approving body.
 - C. All open space agreements which involve donations of land to the City or which name the City as a party to any agreement shall be approved by the City Council prior to final approval of the development.
 - D. A public hearing shall be held on the matter in accordance with the requirements set forth in [Section 6.2](#) before action is considered by the approving body.
- 6. Review Process
 - A. All proposed Open Space Preservation Option developments shall be reviewed in compliance with the appropriate procedure for the type of development (lot split, subdivision, site condominium, etc.) and in accordance with the development standards in this Section and other applicable ordinances.
 - B. All open space preservation option plans shall include a resource inventory that contains the following:
 - i. All floodplains, wetlands, and water bodies;
 - ii. A woodlands analysis identifying all regulated woodlands;
 - iii. All wildlife habitat areas, per the City's Wildlife Habitat Master Plan;
 - iv. An analysis of onsite soils and topography to identify limitations to development; and

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- v. An analysis of the contextual features of the site, such as scenic views, historic structures, patterns of original farm fields, fences or stone walls, recreational uses and the like.
- C. The approving body shall determine that the open space preservation option plan satisfies the intent of this option.
- D. A public hearing shall be held on the matter in accordance with the requirements set forth in [Section 6.2](#) before action is considered by the approving body.
- E. If development proposed on more than eighty (80) percent of the site, as could be developed using standard development techniques, then the application is subject to Special Land Use Permit approval requirements of [Section 6.1](#).

PD Option an application to rezone shall be made to the Planning Commission for its review and recommendation to the City Council. The application for rezoning shall be completed in accordance with the City's Site Plan and Development Manual.

- C. The Planning Commission may proceed simultaneously with review and recommendation on applications for rezoning, PD Option and preliminary site plan approval.
- 3. Application Review. The Planning Commission, upon receipt of an application to rezone and develop under an option as set forth in 2.B. above, or to develop under an option as set forth in 2.A. above, shall set a public hearing date for review of the application. Notice of the public hearing shall be given and the hearing held as provided by the Zoning Enabling Act, Act 110 of 2006, as amended. The Commission, in making its review, shall adhere to the conditions stated in [Sections 3.31.6.A](#) and [7.A](#), as applicable.

3.31 PLANNED DEVELOPMENT OPTIONS

- 1. Intent. The PD Planned Development Options contained herein are intended to provide for alternative means of land use development within designated zoning districts. The options contained herein shall be considered only within those areas of the City which are specifically designated for their application on the City's Master Plan for Land Use Map.

The land use patterns of alternative development under these options are further intended to be designed and laid out so as to create a desirable environment providing for the harmonious relationship between land use types with respect to: uses of land, the location of uses on the land and the architectural and functional compatibility between uses.

- 2. Application. Application for development under these options shall be made to the City in accordance with the following:
 - A. An application to develop under a PD Option shall be made to the Planning Commission for its review and recommendation to the City Council. The application shall be filed concurrently with a fully documented preliminary site plan. The preliminary site plan shall be completed in accordance with the review requirements as set forth and regulated in the City's Site Plan and Development Manual and subpart 4.A. of this Section.
 - B. In those instances where it is necessary to request rezoning in order to effectuate a

Upon receipt of the Planning Commission's recommendation, the City Council may grant the rezoning request provided it finds that the request meets the conditions outlined in [Sections 3.31.6.A](#) and [7.A](#), as applicable, provided, further, that the request to rezone and the PD Option to be implemented along with the accompanying Preliminary Site Plan, in the Council's opinion, carries out the intent of this Section as well as the overall intent of this Ordinance as set forth in its preamble. The City Council may proceed simultaneously with review and action on applications for rezoning, PD Option and preliminary site plan approval, with special land use consideration.

- 4. Site Plan Review. For the purpose of effectuating a PD Option, the Preliminary Site Plan, with accompanying rezoning application (if applicable), shall be reviewed by the Planning Commission for recommendation to City Council. In those instances where a request to rezone is not necessary in order to develop under a PD Option, a Preliminary Site Plan shall be submitted to the Planning Commission for its review and recommendation to the City Council.
 - A. Preliminary Site Plan Review—Planning Commission. The Planning Commission, in making its review of the Preliminary Site Plan, shall find that at least the following conditions are met:



- i. The plan meets all the requirements of [Section 6.1](#) of this Ordinance for Preliminary Site Plans and the requirements set forth in the City's Site Plan and Development Manual.
- ii. The plan satisfies the intent of the Special Land Use provisions as stated in [Section 6.1.2.C](#).
- iii. The Community Impact Statement and Traffic Study are provided, regardless of site size, in accordance with the requirements set forth in the City's Site Plan and Development Manual.
- iv. The plan satisfies the intent of this Section with respect to use of land and principal and accessory use relationships within the site as well as with uses on adjacent sites.
- v. That all existing or proposed streets, roads, utilities and marginal access service drives, as are required, are correctly located on the site plan in accordance with the approved plans for these improvements.
- vi. The plan meets all the applicable standards of this Ordinance relative to height, bulk and area requirements, building setbacks, off-street parking and preliminary site engineering requirements.
- vii. That there exists a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; that there is a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area to assure proper relationships between:
 - a. The topography of the adjoining lands as well as that of the site itself including any significant natural or manmade features.
 - b. The relationship of one building to another whether on-site or on adjacent land, i.e., entrances, service areas and mechanical appurtenances.
 - c. The rooftops of buildings that may lie below street levels or from the windows of higher adjacent buildings.

- d. Landscape plantings, off-street parking areas and service drives on adjacent lands.
 - e. Compliance with street, road and public utility layouts approved for the area.
 - f. The architecture of the proposed building(s) including overall design and facade materials used. Architectural design and facade material are to be complimentary to existing or proposed buildings within the site and the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.
- B. Preliminary Site Plan Approval—City Council. The City Council shall review the Preliminary Site Plan with regard to the Planning Commission's recommendation and the review requirements and conditions set forth in [4.A](#) of this Section. The City Council shall approve the Preliminary Site Plan provided all the conditions as set forth in [4.A](#) of this Section are met, as well as the standards of [Section 6.1.2.C](#).
- As part of its approval of the Preliminary Site Plan, the Council is authorized to impose conditions that are reasonably related to the purposes of this section and that will:
- i. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity;
 - ii. Protect the natural environment and conserving natural resources and energy;
 - iii. Insure compatibility with adjacent use of land; and
 - iv. Promote the use of land in a socially and economically desirable manner.

All conditions imposed shall be made a part of the record of the approval of the Preliminary Site Plan.

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C. Approved Preliminary Site Plan. Once the Preliminary Site Plan has been approved by the City Council, no development shall take place therein nor use made of any part thereof except in accordance with the approved plan or in accordance with an approved amendment thereto.

Approval of the Preliminary Site Plan by the City Council shall give direction to the applicant to proceed with development of the Final Site Plan.

D. Final Site Plan Approval. A Final Site Plan shall be prepared and submitted by the applicant for approval. Review and approval shall be administrative unless the City Council requests that the final site plan be submitted to it for review. The Final Site Plan shall:

- i. Conform with the Preliminary Site Plan and meet the conditions as set forth in **4.A.** of this Section.
- ii. Contain all the requirements as set forth in **Section 6.1** of this Ordinance and the requirements set forth in the City's Site Plan and Development Manual.
- iii. Include plans and drawings illustrating, in detail, all physical layouts as indicated on the approved Preliminary Site Plan, as well as building elevations of all building walls, including a legend detailing facade materials, landscaping plans and any other physical plan details such as lighting, signs, etc. being proposed. Supporting documentation in the form of building plans and schedules of construction may also be requested.
- iv. The dedication of public rights-of-way or planned public open spaces, where proposed on the site plan or as may be otherwise required, shall have been made.
- v. In residential use areas, any prorated open space has been irrevocably committed and retained as open space for park, recreation and related uses, and that all such lands meet the requirements of the City.
- vi. Where applicable, marginal access road easements or rights-of-way have been provided.

vii. Money or other forms of credit satisfactory to the City had been submitted for the ultimate removal of any direct access points to major thoroughfares and guaranteeing construction of the marginal access road.

viii. The Final Site Plan clearly and undeniably states that any and all direct access points to a major thoroughfare, where access is ultimately to be made via a marginal access drive, is temporary access and will be removed upon opening of the marginal access drive across the site.

E. Site Plan Revisions. Revisions to an approved Preliminary Site Plan shall require re-submittal of plan revisions to the City for review. Such revisions shall be resubmitted to the Planning Commission and City Council for review and approval, except those revisions permitted to be reviewed administratively under **Section 6.1.1.C.** Revisions requiring Commission and Council review shall include physical changes to the exterior building wall facade materials or physical alterations that will change the appearance of a building.

The Planning Commission and City Council, in making a review of a revised site plan, shall find that any such revisions forwarded to them for review and approval, meet all the minimum requirements of this Section, including its general intent.

Revisions to an approved Final Site Plan shall require re-submittal of plan revision to the City for administrative review, unless the City Council has requested that the Final Site Plan be submitted to it for review.

F. Site Plan Approval Limitations. Approval of a Preliminary Site Plan shall be effective for a period of one (1) year from the date of approval by the City Council, within which time period the applicant shall obtain final site plan approval. Approval of a Final Site Plan shall be effective for a period of two (2) years from the date of approval, within which time the applicant shall obtain building and other necessary permits and commence construction. Development shall be in accordance with such time limits unless an extension is requested and granted by the City Council.



i. The City Council may grant an extension of the Preliminary and/or Final Site Plan approval 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:

- a. The applicant has demonstrated that required utility services have been delayed;
- b. The applicant has demonstrated that technical reviews of the Final Site Plan have raised unforeseen development delays;
- c. The applicant has demonstrated that unforeseen economic events or conditions have caused delays;
- d. The approved Preliminary or Final Site Plan to be extended is in compliance with all current site plan criteria and current ordinances, laws, codes and regulations;
- e. There is no pending zoning ordinance amendment that would otherwise substantially change the requirements of the approved plan.

Development shall be in accordance with such time limits unless an extension is requested and granted by the City Council.

5. Deviations From Area, Bulk, Yard, and Dimensional Requirements. As part of approval of a Preliminary Site Plan, the City Council shall be authorized to grant deviations from the strict terms of the zoning ordinance governing area, bulk, yard, and dimensional requirements applicable to the property; provided, however, that such authorization to grant deviations shall be conditioned upon the Council finding:
- A. That each zoning ordinance provision from which a deviation is sought would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest;
 - B. That approving the proposed deviation would be compatible with the existing and planned uses in the surrounding area;

- C. That the proposed deviation would not be detrimental to the natural features and resources of the affected property and surrounding area, or would enhance or preserve such natural features and resources;
- D. That the proposed deviation would not be injurious to the safety or convenience of vehicular or pedestrian traffic; and
- E. That the proposed deviation would not cause an adverse fiscal or financial impact on the City's ability to provide services and facilities to the property or to the public as a whole.

In determining whether to grant any such deviation, the Council shall be authorized to attach reasonable conditions to the Preliminary Site Plan, in accordance with [Section 3.31.4.B](#).

6. (PD-1) Planned Development Option. The PD-1 Planned Development Option is designed to encourage development of specific types of residential land use within the RM-1 district in those designated areas of the City's Master Plan for Land Use and which would be in substantial accord with the goals and objectives of that plan. The intent of this option is to permit the application of mid-rise, higher density multiple dwelling structures in a district otherwise restricted to low-rise, lower density residential use:
- A. In considering a request to rezone land to a district in which the PD-1 Option is permitted, the Commission may recommend approval of the request to the City Council only after the Commission finds that:
 - i. The parcel of land requested for rezoning to an RM-1 district lies substantially within an area depicted on the City's Master Plan for Land Use Map for development under a PD-1 Option.
 - ii. The request to rezone is being made with the intent of developing uses under the PD-1 Option.
 - iii. The area being requested for rezoning is either fully served by public utilities, including water and sanitary sewer, or will be fully served through the extension of such public utilities to the site at the time of development.

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- iv. The area requested for PD-1 Option development demonstrates suitable road traffic capacity/access for the expected higher density housing at the time of development.
 - v. The PD-1 Option development reflects an opportunity to preserve existing environmental resources onsite through development of multi-story construction and underground or first floor parking vs. two (2) story construction and surface parking.
 - vi. The development will not be contrary to established land use patterns.
 - vii. The requirements for special land uses contained within [Section 6.1.2.C](#) are satisfied.
 - viii. The development will not adversely impact the City's ability to deliver and provide public infrastructure and public services at a reasonable cost and with regard to the planned and expected contribution of the property to tax base and other fiscal considerations
- B. Application for development under this option shall conform to all the submittal requirements of this Section. Under this option, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:
- i. All uses permitted and as otherwise regulated in the RM-1 district.
 - ii. Mid-rise multiple-family dwellings.
 - iii. Retail, commercial uses and office uses provided the following conditions are met:
 - a. Such uses shall be permitted within mid-rise structures only;
 - b. Any retail or office uses on the site shall be clearly accessory to the principal use and shall be intended and designed to service only the residents of the principal use;
 - c. Such uses shall be contained totally within the walls of a principal building and shall be totally obscured from any exterior view. No identification sign shall be visible from any exterior view; and
 - d. Such uses shall not exceed twenty-five (25) percent of the gross floor area at grade level, or more than fifty (50) percent of the gross floor area of a subgrade level, and shall be prohibited from any level above the first floor.
- iv. For those uses exceeding the maximum permitted height limitation of the RM-1 district, the following requirements shall apply:
- a. No structure shall be less than three (3) nor more than five (5) stories in height, except that in the case of low-rise, low-density multiple-family dwellings, two and one-half (2 1/2) story structures may be permitted, provided at least one (1) complete wall with fenestrations from the lower living level shall be fully exposed;
 - b. For the purposes of computing dwelling unit density, the total number of rooms eighty (80) square feet or more (but not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel in square feet divided by seven-hundred (700). Community water and sewer must be available. All units shall have at least one (1) living room and one (1) bedroom, except that up to ten (10) percent of the total number of units in a building may be of an efficiency apartment type;
 - c. For the purposes of computing the permitted number of dwelling units per acre, the room assignments (bedroom to total room ratio) of [Section 3.8.1](#), shall apply;
 - d. For those structures exceeding the maximum height limitations of the district, the minimum yard setbacks shall be equal to the setback requirements of the district, plus one (1) additional foot of setback shall be provided for each foot the building exceeds the maximum height limitation of the district, except that where a lot line abuts a public street, one-half (1/2) the width of the right-of-way



- of said street may be considered as yard setback, but in no instance shall any such setback be less than fifty (50) feet;
- e. A minimum yard setback of one-hundred (100) feet shall be provided from any lake shoreline including natural or manmade water bodies. Stormwater retention facilities shall be considered as shoreline when they are designed and developed as an integral part of the site's landscaped open space. The area of said setback may be utilized in the computation of density but shall not be used for off-street parking or accessory buildings. Said yard area shall be used for open space, recreation, beach facilities and similar uses;
 - f. For the purposes of determining the location of off-street parking with respect to buildings and the minimum distance between buildings, the applicable requirements of [Section 3.8.2](#), shall apply; and
 - g. Off-street parking shall be provided as required in [Section 5.2](#) of this Ordinance and shall be laid out in accordance with the requirements of [Section 5.3](#) of this Ordinance.
7. (PD-2) Planned Development Option. The PD-2 Planned Development Option is intended to encourage development of intensive major nonresidential land use types and transitional mixed-use buildings with residential components land use types not otherwise permitted in the RC district. The Option is designed to encourage development within those land areas in substantial accord with the goals and objectives of the City's Master Plan for Land Use. The further intent of this option is to permit the limited application of (i) more extensive commercial uses in a district otherwise restricted to community and regional oriented shopping centers or (ii) transitional uses on the periphery of regional oriented shopping centers:
- A. In considering a request to rezone land to a district in which the PD-2 Option is permitted, the Commission may recommend approval of the request to the City Council only after the Commission finds that:
 - i. The parcel of land requested for rezoning to RC district lies substantially within an area depicted on the City's Master Plan for Land Use Map for development under a PD-2 Option.
 - ii. The request to rezone is being made with the intent of developing uses under the PD-2 Option.
 - iii. The area being requested for rezoning is immediately adjacent to like or similar zoning so as not to create unrelated penetrations of nonresidential districts into residentially zoned areas.
 - iv. The area requested for rezoning is either fully served by public utilities, including water and sanitary sewer, or will be fully served through the extension of such public utilities to the site at the time of development.
 - v. The area requested for PD-2 Option development demonstrates suitable road traffic capacity/access and utility services for the expected high density commercial type uses and/or higher density mixed-use buildings with residential type uses at the time of development.
 - vi. The development will not be contrary to established land uses patterns.
 - vii. The requirements for special land uses contained within [Section 6.1.2.C](#) are satisfied.
 - B. Application for development under this Option shall conform to all the submittal requirements of this Section. Under this Option, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses:
 - i. Convention centers including motels, motor hotels, auditoriums, theaters, assembly halls, concert halls or similar places of assembly, and related accessory uses when included as an integral part of the center;
 - ii. Planned commercial centers containing at least one-hundred fifty-thousand (150,000) square feet of gross leasable floor area;
 - iii. Entertainment centers such as theaters, health clubs, racquet clubs and other indoor recreation centers;



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- iv. Retail commercial uses, provided such retail commercial uses shall have a gross leasable floor area of fifty-thousand (50,000) square feet and shall be contained wholly within a building with no outdoor sales, display, storage of goods or materials;
- v. Banquet halls, sit-down restaurants, and the following types of fast food restaurants: fast food carryout, fast food drive-through and fast food sit-down restaurants, provided the following conditions are met:
 - a. When restaurants are independently freestanding uses and not attached to or otherwise clearly accessory to a principle use, they shall be located no closer than one-thousand (1,000) feet from any other such use on the same side of the street;
 - b. Minimum parcel size shall be one and one-quarter (1.25) acres.
 - c. The site plan shall be designed to achieve traffic circulation features both within the site and in relation to access streets that assure safety and convenience of both vehicular and pedestrian traffic.
- vi. Office buildings for executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and allied uses;
- vii. Retail commercial uses provided all such business uses are located on subfloors below grade on the ground floor or ground floor mezzanine only; and
- viii. Mixed-use buildings with residential components on properties adjacent to a use or zoning district other than the RC district, subject to the following:
 - a. All buildings shall consist of any single use or combination of uses that are principal permitted uses of the B-1, B-2, or OSC zoning district, and all buildings shall have an attached residential component. In no instance shall the gross floor area of the retail/office component of a mixed-use development comprise more than twenty (20) percent of the total floor area of the building. The regulations applicable to the RM -2 district with respect to density shall apply to the residential component;
 - b. The ground floor of the building shall not contain any residential use except for customary indoor ancillary uses to multiple family dwellings including, but not limited to, lobbies, hallways, leasing offices, garages, residential storage, swimming pools and ancillary uses. For purposes of this section, "ground floor" shall be defined as a floor, or portion thereof, where the exterior finish grade adjacent to the floor is no more than four (4) feet below the finish floor elevation;
 - c. Subject to the percentage limitations of subsection (a) above, upper stories may be used for any use as permitted in [Section 3.31.7.B.viii.a](#), above, provided that no commercial of office use shall be located on a story above a residential use (not including ancillary uses to residential uses).
 - d. In addition to the requirements of [Section 3.31.4.A](#), the applicant for a mixed-use building must demonstrate the following:
 - (1) The development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.
 - (2) Based upon the proposed uses, layout, and design of the overall project, the proposed building facade treatment, the proposed landscaping treatment, and the proposed signage, the development will result in a material enhancement to the area of the City in which it is situated.



- (3) In relation to underlying zoning, the proposed development will not result in an unreasonable negative economic impact upon surrounding properties.
 - (4) Each particular proposed use in the development, as well as the quantity and location of such use, shall result in and contribute to a reasonable and mutually supportive mix of uses on the site, and a compatibility of uses in harmony with the surrounding area and other downtown areas of the City, and shall reflect innovative planning and design excellence.
 - (5) The proposed development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership and/or control, upon due notice to the City Clerk, provided that the transfer is to a single person or entity, as required in the first instance.
 - (6) Streetscape amenities shall be included as part of a mixed-use building. The use of decorative, pedestrian-scale parking lot lighting, public pathways, and other similar features shall be an integral part of any site plan. Amenities shall include lighting, landscape plantings, and other amenities that reflect a consistent residential theme. All such amenities shall be privately owned and maintained.
 - ix. Accessory uses customarily ancillary to the above permitted uses.
- C. The maximum permitted building height of the RC district shall apply to all uses under the PD-2 Option.

- D. The minimum front, side, and rear yard setback requirements for all principle uses permitted under this Option, shall be as follows:

3.31.7.D Minimum Front, Side, and Rear Yard Setback Requirements

Front yard setback	50 feet ⁽¹⁾
Side yard setback(s)	35 feet ⁽²⁾ (total of two 70 ft.)
Rear yard setback	35 feet

(1) Wherever a marginal access service drive shall be required in accordance with the approved plan, the front yard setback shall be measured from the interior right-of-way line of the service drive; and

(2) In the case of an exterior side yard, the setback requirement of the front yard shall apply including all off-street parking and greenbelt requirements. Off-street parking shall be provided as set forth and regulated in [Section 5.2](#) of this Ordinance, except that off-street parking shall be permitted within any yard to a point twenty (20) feet from the front or exterior side yard property line and to a point ten (10) feet from any interior side and rear property

- E. Landscaping throughout the site shall be provided as set forth and regulated in [Section 5.5](#) of this Ordinance.
- F. In those instances where the Planning Commission and City Council determines that marginal access service drives will not be necessary, off-street parking may be permitted in the front yard to a point twenty (20) feet from the proposed thoroughfare right-of-way line.

In determining that marginal access service drives will not be needed, the Planning Commission and City Council shall find that:

 - i. The extent of frontage on a major thoroughfare consumed by the site in question is such that the number of access points from the site directly to the thoroughfare will be no more than and/or will have no greater impact on the thoroughfare than if access were provided via a marginal access drive;

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- ii. The function of any existing or proposed marginal access service drives adjoining the site in question will not be adversely affected by not continuing such drives on the site in question; and
 - iii. The extent of thoroughfare frontage is such that the need for marginal access service drives beyond the site in question will either no longer be needed or can be effectively developed independently of the site in question.
8. Appeals. The Zoning Board of Appeals shall have no jurisdiction to hear appeals or make interpretation or any other decisions regarding this Section or a proposed Preliminary Site Plan.

3.32 GENERAL EXCEPTIONS

Area, Height and Use Exceptions. The regulations in this Ordinance shall be subject to the following interpretations and exceptions.

- 1. Essential Services. Essential services serving the City of Novi shall be permitted as authorized and regulated by law and other ordinances of the Municipality. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the Municipality shall receive the review and recommendation of the Planning Commission to the City Council, and the review and approval, after public hearing, of the City Council. Such a review of the City Council shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers and further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the City.
- 2. Voting Place. The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
- 3. Height Limit. The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flagpoles, public monuments or commercial wireless transmission towers; provided, however, that the Zoning Board of Appeals may specify a height limit for any such structure requires authorization as a conditional use and provided further that the height of any such structure shall not be greater than the distance to the nearest property line.

- 4. Lot Area. Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted in the district [in] which such lot is located, other than conditional uses for which special lot area requirements are specified in this Ordinance, whether or not such lot complies with the lot area and width requirements of this Ordinance. Such use may be made provided that all requirements other than lot area and width prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit, and except as provided for in [Section 7.1.2](#), of this Ordinance.
- 5. Lots Adjoining Alleys. In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.
- 6. Yard Regulations. When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified as determined by the Board of Appeals.
- 7. Porches; Decks. An open, unenclosed and uncovered porch or paved terrace may project into a required front yard setback for a distance not exceeding four (4) feet, but this shall not be interpreted to include or permit fixed canopies. An open, unenclosed and uncovered wooden deck may project into a required rear yard setback for a distance not exceeding eighteen (18) feet, but this shall not be interpreted to include or permit fixed canopies. Spas and gazeboes as an accessory to a deck shall be permitted in all areas allowable for placement of a deck. With the exception of the lakeside of waterfront lots which are further regulated by [Section 5.11.1.A.ii](#), privacy and decorative fencing used in the construction of a deck shall be limited to six (6) feet in height as measured from the floor of the deck. All construction shall comply with the provisions of the State Construction Code, as enforced pursuant to [Chapter 7, Article II of the Novi Code of Ordinances](#).



8. Projections into Yards. Architectural features, including gutters, soffits, eaves, cornices, and roof overlaps, but not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

Bay windows, chimneys, cantilevered floors, and other vertical projections of up to ten (10) feet in length, and not occupying more than thirty (30) percent of the length of the wall on which they are located, may project into required side yard not more than two (2) inches for each one (1) foot of width of such side yard (up to a maximum of two (2) feet of projection), and may project into a required front or rear yard not more than three (3) feet.

9. Access Through Yards. For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall, for the purpose of this Ordinance, not be considered to be a structure, and shall be permitted in any required yard.

10. Lots Having Water Frontage

A. Those residential lots or parcels having water frontage on a body of water having an area of six-hundred (600) acres or more and abutting a public thoroughfare shall maintain the yard on the water side as an open unobscured yard, except that the following may be permitted:

- i. A boat well, upon review and approval by the Planning Commission, provided the following conditions are satisfied:
 - a. Erection of the boat well shall not unreasonably impair the view of the lake from adjacent lots or parcels.
 - b. The boat well shall not be located in such a way that it will create a potential safety hazard to boaters on the lake.
 - c. The appearance of the boat well shall be in harmony with the principal use of the lot or parcel.

- ii. A single storage shed, upon review and approval by the Community Development Department, provided the following conditions are satisfied:

- a. The shed shall be no larger than ten (10) feet by ten (10) feet in area and no taller than eight (8) feet in height.
- b. The lot coverage of the shed is no more than five (5) percent.
- c. The shed is a minimum of ten (10) feet from the adjacent roadway, and a minimum of one (1) foot from the side property lines.
- d. Multiple platted lots having common ownership shall be considered one lot.

B. Accessory structures shall be permitted upon such water frontage lots in the setback between the abutting road right-of-way and the main building provided the front yard setback required in Development Standards of each district in this Ordinance is met.

C. The winter storage (October 1st to May 31st) of boats and docks and materials customarily incidental to the summertime usage of lake front property is permitted on lake front property and provided the property is maintained in a manner to enhance and not obstruct the view of the lake.

D. The storage of wood on lake front lots is permitted where such storage is immediately adjacent to a house or garage on such lot and otherwise in compliance with all ordinances and regulations. When the firewood is not stored immediately adjacent to a house or garage, the maximum dimensions of the pile shall be three (3) feet in height, three (3) feet in length and eighteen (18) inches in width.

11. Basketball Apparatuses. Basketball apparatuses consisting of a single backboard, hoop, and net may project into a front yard or side yard setback area when mounted directly on a garage. As an alternative to a garage mounted apparatus, a single pole-mounted backboard, hoop and net may be erected, provided it is located only in the one-half of the front yard or side yard lawful setback area nearest the dwelling and is contiguous to the driveway.

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4.1 FARMS AND GREENHOUSES

In the RA, R-1, R-2, R-3 and R-4 districts, farms and greenhouses are permitted on those parcels of land separately owned outside the boundaries of either a proprietor or assessor's plat, having an area of not less than three (3) acres and subject to the health and sanitation requirements of the City of Novi and provided further that no farm shall be operated as a piggery, a rendering plant or for the disposal of garbage, sewage, rubbish, offal, or the slaughter of animals, except where such animals have been raised on the premises for use and consumption by persons residing thereon.

4.2 CEMETERIES

In the RA, R-1, R-2, R-3, and R-4 districts, cemeteries are permitted as a special land use provided that:

1. Not more than fifty-one (51) percent of the land in the Residential Unit in which the cemetery is to be located is in recorded plats.
2. All access to said site shall be in accordance with [Section 5.13](#) of this Ordinance.

4.3 SCHOOLS

1. In the RA district, public, parochial and other private elementary schools offering courses in general education, not operated for profit, and not including dormitories are permitted.
2. In the RA, R-1, R-2, R-3 and R-4 districts, public, parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit, and not including dormitories are a permitted land use. Access to the site shall be in accordance with [Section 5.13](#). A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).

4.4 HOME OCCUPATIONS

In the RA, R-1, R-2, R-3 and R-4 districts, home occupations are permitted subject to the following regulations:

1. There is no sign, advertising device, or other manifestation displayed on the inside of the dwelling so as to be visible through a window or glass area, or located on the exterior of the dwelling structure or within any yard area, which such sign, devise, or manifestation

suggests or implies the existence of a home occupation.

2. The home occupation is conducted wholly within the main building by the residents thereof.
3. There is not involved the keeping of a stock in trade and no article shall be sold or offered for sale from the home. Articles made in the home by the inhabitants thereof, may be delivered by the resident to markets off premises.
4. Home occupations shall not be carried on to an extent so as to require parking in excess of that required for the residential structure in which it is located.
5. Any home occupation that creates objectionable noise, fumes, odor, dust, electrical interference or more than normal residential traffic shall be prohibited.

4.5 FAMILY DAY CARE HOMES

In the RA, R-1, R-2, R-3 and R-4 districts, family day care homes are permitted as regulated pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, Section 206, MCL 125.3206, provided the licensee shall occupy the dwelling as a residence.

4.6 RAISING OF PLANT MATERIAL

1. In the RA district, the raising of nursery plant materials shall be permitted as a special land use provided no such stock or any related material, i.e., fertilizers, plant grooming materials and etc., shall be sold on the premises.
2. In the B-3 district, plant materials nursery for the retail sale of plant materials and sales of lawn furniture, playground equipment and garden supplies is permitted as a special land use subject to the following conditions:
 - A. The storage or display of any materials or products shall meet all setback requirements of a structure.
 - B. All loading and parking shall be provided off-street.
 - C. The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any affects on adjacent uses.
 - D. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).



4.7 DAIRIES

In the RA district, dairies are permitted as a special land use when operated as an integral part of a dairy farm, with no retail commercial sales to customers on the premises.

4.8 KEEPING AND RAISING OF LARGE ANIMALS

In the RA district, the keeping and raising of livestock is permitted as a special land use and in the R-1, R-2, R-3, and R-4 district the keeping of horses and ponies is a permitted use. These uses are permitted subject to the following:

1. The use of said animals are for private use only.
2. There shall be permitted one (1) animal for a minimum lot area of two (2) acres, and an additional two (2) acres for each additional animal.
3. Animal pens and stables shall be kept clean and manures and stable refuse shall be treated so as to control flies and other insects, and shall be disposed of regularly and not allowed to accumulate so as not to become a public nuisance.
4. Buildings of greater than the maximum height allowed in in the Development Standards of the indicated districts may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed. For purposes of minimum yard requirements, buildings intended to provide shelter for animals shall be located a minimum of one-hundred (100) feet from exterior property lines.

4.9 LIMITED NONRESIDENTIAL USE OF HISTORIC BUILDINGS

To promote the City's heritage, historical buildings in residential districts may be occupied by limited nonresidential uses so as to encourage their preservation as historical landmarks. The occupancy of historical buildings for limited nonresidential uses may be permitted by the Planning Commission after public hearing, and after a recommendation has been received from the Historical Commission. The Historical Commission, upon receipt of a completed application for such use, shall conduct its review and forward its recommendation to the Planning Commission.

1. The Planning Commission may approve a proposed nonresidential use of an historical building, only upon finding that:
 - A. The building is listed on at least two (2) of the following three (3) registers as an historical landmark:
 - i. Local Historical Register
 - ii. State Historical Register
 - iii. National Historical Register
 - B. The establishment of the proposed use is necessary to the preservation of the subject building(s) and is in accordance with the intent and purpose of this section.
 - C. All proposed building and site alterations are in accordance with the intent and purpose of this Section and the Novi Building Code, i.e., all lighting, fencing and any buildings or accessory uses reflect the period architecture of the historical building.
 - D. Any proposed building and site alterations have been designed so as to minimize any possible adverse effects of such uses on the character of the surrounding area.
 - E. A site plan, prepared in accordance with the site plan review requirements of this Ordinance, has been submitted for review and approval as a part of this applicant's submittal requirements.
2. Uses permitted in a designated historical building in a residential district shall be limited to:
 - A. Those uses permitted and regulated in the residential district; or
 - B. Those uses permitted in the OS-1 district.
3. An historical building which is, or which is to be, occupied solely as a residential dwelling may be physically renovated, rehabilitated or expanded, provided:
 - A. All such improvements meet applicable local and state building code requirements.
 - B. All such improvements are done in a manner commensurate with the period architecture of the building.
 - C. All height, bulk and area requirements of the residential in which it is located are met.
4. An historical building which is approved for a permitted nonresidential use may be physically renovated or rehabilitated, provided:

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- A. All such improvements meet applicable local and state building code requirements.
- B. All such improvements are done in a manner commensurate with the period architecture of the building.
- C. Any such improvements shall not result in the physical expansion of any exterior building walls or roof areas.

When improvements to a designated historical building for occupancy by a permitted nonresidential use result in the loss of the building's historical designation, the building shall, within sixty (60) days from the date of notification of said loss, revert to residential use only. Thereafter, the building may be occupied only by those uses permitted in the residential district in which the building is located until such time as its historical designation shall have been restored.

- 5. Off-street parking shall be provided only in the rear or in an interior side yard, and shall be in accordance with the off-street parking requirements of this Ordinance. Off-street parking areas shall be effectively screened from view as set forth and regulated in this Ordinance.
- 6. The Historical Commission and the Planning Commission may impose such additional conditions, limitations and safeguards as it deems reasonably necessary to protect the public health, safety and general welfare, and to fulfill the intent and purpose of this Section. To minimize any adverse effects of such uses on adjacent properties and to foster a proper land use relationship to those adjacent properties, the Planning Commission may modify the standards of this Section, but only to the extent necessary to assure preservation of the subject structures in a manner commensurate with the intent and purpose of this Section.
- 7. Planning Commission approval shall be required for any subsequent change in use or occupancy of an historical building for which a certificate of occupancy is required, or for any alterations, modifications or improvements to an historical building or site for which a building permit is required. The Planning Commission shall grant or deny such approval based upon the provisions of this Section, after public hearing and after a recommendation has been received from the Historical Commission.

4.10 PLACES OF WORSHIP

In the RA, R-1, R-2, R-3, R-4 and NCC districts, churches and other facilities normally incidental thereto are permitted as a special land use subject to the following conditions:

- 1. Minimum site size shall be three (3) acres.
- 2. Minimum site width shall be two-hundred (200) feet along front yard.
- 3. All access to the site shall be onto a Major Arterial, Arterial or Minor Arterial road as shown on the City's Thoroughfare Plan.
- 4. Minimum building setbacks shall be seventy-five (75) feet from all property lines.
- 5. There shall be no parking in front yard, nor closer than twenty (20) feet from any side or rear lot line, except in those instances where the lot abuts a residential lot and in those instances, no closer than thirty-five (35) feet.
- 6. Screening of vehicular parking areas shall be in conformity with requirements at [Section 5.5.3](#).
- 7. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).

4.11 UTILITY AND PUBLIC SERVICE BUILDINGS

In the RA, R-1, R-2, R-3, and R-4 districts, utility and public service buildings and uses (without storage yards) are permitted as a special land use when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity and when the architecture is in keeping with the surrounding area. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).

4.12 GROUP DAY CARE HOMES, DAY CARE CENTERS, AND ADULT DAY CARE CENTERS

- 1. In the RA, R-1, R-2, R-3, and R-4 districts, group day care homes, day care centers, and adult day care centers are permitted as a special land use, as follows:
 - A. Group Day Care Homes, subject to the following:
 - i. Outside recreation area required, as follows:
 - a. There shall be provided and maintained an outdoor recreation area of not less than two-thousand (2000) square feet.



- b. Recreation area shall be securely fenced and screened from any adjoining lot in any residential district with appropriate fence and landscape materials as reviewed by the City's Landscape Architect to provide opaque screening for the outside activities. These screening requirements are in addition to the requirements of [Section 5.5](#).
 - ii. The minimum parcel size for a Group Day Care Home shall be one-half (0.5) acre.
 - iii. The licensee shall occupy the dwelling as a residence.
 - iv. The licensee shall register with the City Clerk and the licensed premises may be subject to a fire department inspection and shall provide a smoke detector in all daytime sleeping areas.
 - v. Any sign accessory to the home is prohibited.
 - vi. The hours of operation shall be limited to the period between 6:00 a.m. and 7:00 p.m.
 - vii. The parcel shall abut a major thoroughfare or section line collector road, but may have access from a local street. The driveways shall be designed so that vehicles can exit the site without having to back onto a major thoroughfare.
 - B. Day Care Centers accommodating no more than fifty (50) children, and Adult Day Care Centers accommodating no more than twenty-five (25) persons, subject to the following:
 - i. Outside recreation area required, as follows:
 - a. For each person cared for, there shall be provided and maintained a minimum of one-hundred fifty (150) square feet of outdoor recreation area.
 - b. Such recreation area shall have a total minimum area of not less than two-thousand eight-hundred (2800) square feet.
 - c. The recreation area shall be securely fenced and screened from any adjoining lot in any residential district, with appropriate fence and landscape materials as reviewed by the City's Landscape Architect to provide opaque screening for the outside activities. These screening requirements are in addition to the requirements of [Section 5.5](#).
 - ii. The minimum parcel size for a Day Care Center or Adult Day Care Center shall be one (1) acre.
 - iii. The hours of operation shall be limited to the period between 6 a.m. and 7 p.m.
 - iv. The parcel shall abut and have access to a major thoroughfare or section line collector road. The driveways shall be designed so that vehicles can exit the site without having to back onto a major thoroughfare.
 - v. The licensee shall register with the City Clerk and the licensed premises may be subject to a fire department inspection and shall provide a smoke detector in all daytime sleeping areas.
 - vi. Any refuse bins or outside trash receptacles shall be located as far away as is practical from properties zoned for residential uses.
 - vii. The exterior building facades shall comply with [Section 5.15](#). Additionally, the City's Facade Consultant shall review the proposed architectural style of the structure to insure the residential character of the neighborhood is maintained with regard to design and facade elements. The following materials shall be allowed up to a maximum of twenty-five (25) percent of the building facade, with a finding that these materials will be compatible with the adjacent residential areas: wood siding, painted siding, tongue and groove siding, batten siding, vinyl siding and aluminum siding. These materials are subject to footnote 11 of the Schedule Regulating Facade Materials, in [Section 5.15](#).



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- viii. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).
 - C. Day care centers exceeding fifty (50) children, but not more than one-hundred and twenty (120) children, and adult day care centers exceeding twenty-five (25) persons, but not more than sixty (60) persons, providing the following conditions are met:
 - i. Subject to the standards contained in [Subsection 4.12.1.B.ii](#).
 - ii. The parcel must abut land zoned only NCC, EXPO, OS-1, OSC, TC, TC-1, RC, FS, I-1, P-1, C, and OST.
 - iii. The hours of operation shall be limited to the period between 6 a.m. and 7 p.m.
 - iv. The exterior building facades shall comply with [Section 5.15](#). Additionally, the City's Facade Consultant shall review proposed architectural style of the structure to insure the residential character of the neighborhood is maintained with regard to design and facade elements. The following materials shall be allowed up to a maximum of twenty-five (25) percent of the building facade, with a finding that these materials will be compatible with the adjacent residential areas: wood siding, painted siding, tongue and groove siding, batten siding, vinyl siding and aluminum siding. These materials are subject to footnote 11 of the Schedule Regulating Facade Materials, in [Section 5.15](#).
 - v. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).
 - 2. Day care centers and adult day care centers are a permitted use in the B-2, OST, TC, TC-1 districts and EXO Overlay district and a special land use in the OS-1, OSC, and PSLR districts, all subject to the following:
 - i. In the B-2, OST, OS-1, OSC, TC, TC-1, PSLR districts and EXO Overlay district:
 - a. Outdoor recreation areas shall be provided, consisting of at least one-hundred fifty (150) square feet for each person cared for, with a minimum total area of three-thousand five-hundred (3,500) square feet. All such outdoor recreation areas shall be fenced with self-closing gates. The recreation area may extend into an exterior side yard up to twenty-five (25) percent of the distance between the building facade and the property line.
 - b. The hours of operation shall be limited to the period between 6 a.m. and 7 p.m. for those facilities abutting residential zoning districts.
 - c. Facilities shall be located either within a permitted office, or commercial structure, or in a freestanding building on a site coordinated with surrounding development (i.e., traffic flow, parking access, drop off areas, architecture and relationship to other buildings).
 - d. Screening and landscaping of outdoor recreation areas, recreation area fences and parking lots shall comply with [Section 5.5](#).
 - e. Off-street parking shall comply with [Section 5.2.12](#) and [Section 5.3](#).
 - ii. In the B-2, OST, OS-1, OSC, TC, TC-1 districts and EXO Overlay district:
 - a. Not more than fifty (50) percent of front yard or exterior side yard setback between the minimum required parking setbacks (35') and building facade line may be used for parking. The balance of this area shall be maintained in lawn and landscaping.
 - b. Vehicular access to site shall not be directly to or from a major arterial or arterial.
 - c. Facilities abutting residential zoning districts shall be reviewed under the facade standards provided in [Section 4.12.1.B.vii](#).
3. In the NCC district, day care centers and adult day care centers are permitted subject to the regulations in [Sections 4.12.1.B.i through Section 4.12.1.B.viii](#), except that day care centers may accommodate in excess of fifty (50) children, and adult day care centers may exceed twenty-five (25) persons.



4.13 PRIVATE NONCOMMERCIAL RECREATIONAL AREAS, INSTITUTIONAL OR COMMUNITY RECREATION CENTERS, AND NONPROFIT SWIMMING POOL CLUBS

In the RA, R-1, R-2, R-3, and R-4 districts, private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs, not including indoor ice skating rinks and indoor tennis courts are permitted as a special land use, all subject to the following conditions:

1. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one (1) property line abutting a major thoroughfare and the site shall be so planned as to provide all access in accordance with [Section 5.13](#) of this Ordinance.
2. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking, structures or recreation facilities permitted in these minimum yards, except that off-street parking may be permitted to within twenty-five (25) feet of a street, and except required entrance drives and walls used to obscure the use from abutting residential districts.
3. Off-street parking shall be provided so as to accommodate not less than one-half (½) of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the Planning Commission on the basis of usage.
4. Whenever a swimming pool is constructed under this Ordinance, said pool and pool area shall comply with the standards of this Ordinance regulating the location of accessory uses and with applicable State regulations. In those instances where a conflict exists between

State and local regulations, the more restrictive standard shall govern.

5. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).

4.14 GOLF COURSES

In the RA, R-1, R-2, R-3, and R-4 districts, golf courses, consisting of at least nine holes and not including driving ranges, "pitch and putt," miniature or "par 3" courses, which may or may not be operated for profit are permitted as a special land use, subject to the following conditions:

1. The site shall be so planned as to provide all access in accordance with [Section 5.13](#) of this Ordinance.
2. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
3. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two-hundred (200) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings will be screened from view, the Planning Commission may modify this requirement.
4. Whenever a swimming pool is to be provided, said pool and pool area shall comply with the conditions set forth in [Section 4.13.4](#) of this Ordinance.

4.15 COLLEGES, UNIVERSITIES, AND OTHER SUCH INSTITUTIONS OF HIGHER LEARNING

Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education are permitted as a special land use in the RA, R-1, R-2, R-3, and R-4 districts and as a permitted use in the OST district and EXO Overlay district, subject to the following conditions:

1. In the RA, R-1, R-2, R-3, and R-4 districts:
 - A. Institutions shall not be operated for a profit

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- B. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
 - C. All access to said site shall be in accordance with [Section 5.13](#) of this Ordinance.
 - D. No building shall be closer than eighty (80) feet to any property line.
 - E. Buildings to be used for servicing or maintenance such as heating plants, garages, storage structures and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.
 - F. Buildings of greater than the maximum height allowed in the schedule of regulations may be allowed provided front, side and rear yard setbacks are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 - G. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).
2. In the OST district and EXO Overlay district:
- A. Administrative offices, conference rooms, classrooms, and related educational support uses shall be permitted under this subsection as accessory to the main educational facility.
 - B. No dormitories or outdoor sports facilities shall be permitted in association with an institution of higher learning under this subsection.
 - C. All buildings proposed to be located within an existing or future corporate park shall be designed to be architecturally integrated into the corporate park.

4.16 PRIVATE POOLS

In the RA, R-1, R-2, R-3, and R-4 districts, private pools shall be permitted as an accessory use within the rear yard or a nonrequired interior side yard and shall not require Planning Commission review and approval, provided all pools and pool areas shall comply with the conditions set forth in [Section 4.13.4](#) of this Ordinance.

4.17 MORTUARY ESTABLISHMENTS

In the RA, R-1, R-2, R-3, R-4, B-1 and OS-1 districts, mortuary establishments are permitted as a special land use subject to the following:

1. In the RA, R-1, R-2, R-3, R-4, B-1 and OS-1 districts:
 - A. Adequate assembly area shall be provided off-street for vehicles to be used in funeral processions, and that such assembly area shall be provided in addition to any required off-street parking area.
 - B. A caretaker's residence may be provided within the main building or mortuary establishments.
2. In the RA, R-1, R-2, R-3, and R-4 districts:
 - A. Mortuary must be located on a designated major thoroughfare.
 - B. When reviewing such uses, the Planning Commission shall take into consideration the provisions of [Section 7.12](#) of this Ordinance.
 - C. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).

4.18 BED AND BREAKFAST OPERATIONS

Intent. It is the intent of this section to permit the operation of bed and breakfast facilities as a vehicle for preserving historical resources within the City of Novi. Historical preservation is recognized as a public purpose by statute and local ordinance as a means to safeguard local heritage, preserve cultural, social, economic, political and architectural history, to stabilize and improve property values, to foster civic beauty, to strengthen local economies and to promote the education, pleasure and welfare of the citizenry. The purpose of this section is to advance those goals by enhancing the viability of historical preservation.

Bed and breakfast operations may be permitted by Planning Commission in any Zoning District, as special land uses after holding a public hearing in accordance with the requirements as set forth and regulated in [Section 6.2](#) of this Ordinance, subject to the following standards:

1. The bed and breakfast site shall be located on parcel fronting onto collector or arterial road as defined in the Thoroughfare Plan of the Master Plan for the City of Novi, provided that no such site shall be located within a single-family residential subdivision.



2. Such operations shall be run by persons who own and occupy the premises for residential purposes.
3. Not more than eight (8) bedrooms in the bed and breakfast operation shall be used for bed and breakfast sleeping rooms. Use of a garage for bed and breakfast sleeping rooms is prohibited. Accessory buildings may be used for bed and breakfast sleeping rooms when they were originally constructed to accommodate housing use.
4. If more than two (2) such rooms are for rent, each room shall have access to two (2) separate means of egress. Access shall not be through another bedroom.
5. Signs identifying the bed and breakfast operation shall comply with the requirements of Chapter 28 of the Novi Code of Ordinances, except that in a residential district identification signs shall be no larger than two (2) square feet.
6. Such facilities shall comply with all applicable local, county, state and federal ordinances, laws, rules, regulations and codes.
7. Guest occupancy shall be no longer than fourteen (14) consecutive days.
8. No more than four (4) occupants per room shall be allowed.
9. There shall be no cooking facilities for use by the occupants of the bed and breakfast sleeping rooms.
10. Lavatory and bathing facilities shall be available for all persons utilizing the bed and breakfast.
11. A fire escape plan shall be developed and graphically displayed in each guest room. A smoke detector in proper working order shall be placed in every sleeping room and a fire extinguisher in proper working order shall be placed on every floor. The site shall be reviewed by the Fire Official pursuant to the standards contained within [Section 313 of the Novi Fire Prevention Code \(Novi Code Chapter 15, Article II\)](#), as to the necessity for fire lanes.
12. One (1) off-street parking space shall be provided in the rear or side yard, behind the front building setback line, for each guest room. For parcels abutting an exterior side street, parking shall not be closer to the street than the principal structure. Such parking lot shall be exempt from paving requirements at [Section 5.3.2](#).

4.19 ACCESSORY USES

Accessory uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Accessory Buildings
 - A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
 - B. Accessory buildings shall not be erected in any required front yard or in any required exterior side yard.
 - C. The total floor area of all accessory buildings shall not occupy more than twenty-five (25) percent of any required rear yard.
 - D. Each accessory building shall meet all setback requirements for the zoning district in which the property is situated, and all requirements of the City Code regarding woodlands and wetlands.
 - E. Except as set forth in [Section 4.19.1.E.iv](#), in a residential district, the aggregate of all accessory buildings on the property shall not exceed the following square footage of area:
 - i. In the R-3, R-4 and RT districts, eight-hundred fifty (850) square feet;
 - ii. In the R-2 district, one-thousand (1000) square feet; and
 - iii. In the RA and R-1 districts, one-thousand five-hundred (1500) square feet; provided, however, that for lots in the R-1 district, the lot must meet the requirements of the Zoning Ordinance for area and width for such district, otherwise one-thousand (1000) square feet shall apply.
 - iv. For residential developments approved under [Section 3.28](#), One-Family Clustering Option; [Section 3.29](#), RUD, Residential Unit Development; and [Section 3.30](#) Open Space Preservation Option, the aggregate of all accessory buildings on a one-family residential lot shall be governed by the underlying Zoning District on which the lot is located, unless varied by the approving body in accordance with such provisions.

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- v. In no instance shall the aggregate of all accessory buildings exceed the ground floor area of the principal building on the lot or parcel. Notwithstanding anything to the contrary in this subsection E, the aggregate of all accessory buildings in an R-A or R-1 district may exceed the ground floor area of the main building on the lot if all of the following conditions are met:
 - a. The lot or parcel of land on which the accessory building is located has at least one (1) acre of area and is deed-restricted from future division, and
 - b. The accessory building:
 - (1) Is customarily incidental to an existing permitted principal use in said district,
 - (2) Does not exceed two-thousand five-hundred (2,500) square feet in ground floor area for the total aggregate area of all accessory buildings on the lot, and
 - (3) Complies with applicable setback requirements at [Section 4.86.4 and 4.86.5](#).
 - F. Wherever possible, side entry garages shall be encouraged in residential districts.
 - G. A detached accessory building shall not be located closer than ten (10) feet to any main building and shall not be located closer than six (6) feet to any interior side lot or rear lot line.
 - H. In those instances where the rear lot line abuts an alley right-of-way, the accessory building shall be no closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within an easement or dedicated right-of-way. In those instances where the rear lot line abuts a street right-of-way, the accessory building shall be no closer to this line than the required front yard setback in the district in which the property is located.
 - I. A detached accessory building in the R-1 through R-4, RT, RM-1, MH, OS-1, B-1, P-1, and NCC districts shall not exceed one (1) story or fourteen (14) feet in height. Accessory buildings in all other districts may be built to a height equal to the maximum permitted height of the district; provided, if the accessory building exceeds one (1) story or fourteen (14) feet in height, the building shall be set back one (1) foot for each foot the building exceeds fourteen (14) feet in height.
 - J. Not more than one (1) detached accessory building shall be permitted on any lot having less than twenty-one thousand seven-hundred eighty (21,780) square feet of area. Not more than two (2) detached accessory buildings shall be permitted on any lot having twenty-one thousand seven-hundred eighty (21,780) square feet of area or more.
 - K. Use of any detached accessory building in any Residential, Business or Office district for a use other than the parking and storage of private motor vehicles, tools, recreation equipment or dog houses shall require review and approval by the Zoning Board of Appeals.
 - L. All attached and detached accessory buildings in excess of two-hundred (200) square feet shall be designed and constructed of materials and architecture compatible with the principal structure, and shall have a minimum roof pitch of 3/12 and overhangs of no less than six (6) inches.
2. Accessory Structures
- A. Accessory structures, except where otherwise permitted and regulated in this Ordinance, shall be located in the rear yard and shall meet the setback requirements of an accessory building.
 - B. Flagpoles may be located within any required front or exterior side yard. Such poles shall be located no closer to a public right-of-way than one-half (½) the distance between the right-of-way and the principal building.



C. Canopies

- i. Canopies covering gasoline pump islands may extend into the required front or exterior side yards to a point fifteen (15) feet from the street right-of-way line. No signs shall be placed on any canopy other than a sign showing the height of the canopy. Such signs shall not exceed one (1) square foot in total display area.
- ii. Canopies or awnings installed on the facade of a building shall not be considered as extending into the setback area, providing:
 - a. The canopy or awning is retractable, or the canopy or awning can readily be disassembled without visible damage to the building facade or canopy itself; and
 - b. If the canopy or awning is in a nonresidential area, administrative approval through the Community Development Department is granted to assure compliance with this section and all other Zoning Ordinance requirements.

D. Structures such as private television antennas, pole antennas or other private communication antennas, or towers, shall be located in the rear yard or on a rooftop so long as the height of the antenna, or tower, does not exceed the minimum horizontal distance from its base to the nearest property line; except in no case shall an antenna or tower exceed the maximum height limitation of the district in which it is located. Dish antennas in single- and two-family districts shall be located in the rear yard only and shall be placed in accordance with the requirements governing setbacks for accessory buildings. Dish antennas in all other districts shall be located in the rear yard, an interior yard area that does not make up any part of a peripheral yard area, or on the top of buildings with flat roofs at or near the center of the roof.

E. The following restrictions shall apply to all buildings and structures other than for single-family residences:

- i. All roof top climate control equipment, elevator towers, transformer units and satellite dish antenna and similar items shall be screened from view so as not to be visible from any street, road or adjacent property. The planning commission may provide a waiver of this requirement as to satellite dishes where the requirement prevents the reception of satellite delivered signals or imposes costs on the user of such dish antenna that are excessive in light of the purchase and installation cost of the equipment. All wall mounted utility meters and utility outlets shall be enclosed and integrated into the design and color of the building, subject to safety and access requirements of respective utility companies. Refuse bins shall be subject to the screening requirements of Section 16-20 of the Novi Code of Ordinances.
 - ii. Roof top appurtenances, including mechanical and electrical equipment, shall not exceed the maximum permitted building height limits, unless the following conditions are met. For every one (1) foot that a roof top appurtenance exceeds the maximum district building height, it shall be setback five (5) feet from any and all building faces. No roof top appurtenance shall exceed five (5) feet above the maximum district building height. In all instances, roof top appurtenances shall be screened in accordance with applicable facade regulations, and shall not be visible from any street, road or adjacent property. See [Section 3.32.3](#) for other exceptions to the maximum building height limits.
- F. Refuse Bin (Dumpster, Trash Receptacle) with appropriate screening enclosure, as provided in [Section 21-145 of the City Code](#), which shall conform to the following standards except as otherwise provided in the TC and TC-1 (Town Center) districts and the GE (Gateway East) district, and except where more specific standards are provided elsewhere in this ordinance:
- i. Except where otherwise permitted and regulated in this ordinance, refuse bins and their screening enclosures shall be located in the rear yard.

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- ii. If a refuse bin enclosure is structurally attached to a main building, it is subject to regulations applicable to the main building.
 - iii. No refuse bin screening enclosure shall be located closer than ten (10) feet to any building, unless structurally attached to the building.
 - iv. No refuse bin screening enclosure shall be located closer to the property line than the minimum parking lot setback established in the Development Standards Section for the district in which it is located. If no parking lot setback is established, the refuse bin screening enclosure shall not be located closer than ten (10) feet to the property line.
 - v. In those instances where the rear lot line abuts an alley right-of-way, the refuse bin screening enclosure shall be no closer than one (1) foot to such rear lot line. In no instance shall a refuse bin screening enclosure be located within an easement or dedicated right-of-way.
 - vi. In those instances where the rear lot line abuts a street right-of-way, the refuse bin screening enclosure shall be no closer to this line than the required front yard setback in the district in which the property is located.
 - vii. Refuse bin screening enclosure shall be located as far away as possible from barrier free parking spaces.
- G. Solar collectors shall be defined as a device or combination of devices, structures, or parts thereof, that collect, transfer or transform director solar, radiant energy into thermal, chemical or electrical energy and that contribute significantly to a structure's energy supply.
- i. Freestanding solar collectors shall be defined as solar collectors not attached to and separate from any existing structures on the site. Freestanding solar collectors shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.

- ii. Structurally attached solar collectors shall be defined as solar collectors attached to an existing structure's roof or wall or serving as a structures roof, wall, window or other structural member. Structurally attached solar collectors shall be a permitted accessory use in all districts and subject to administrative review and approval. Structurally attached solar collectors shall not be subject to the provisions of [Section 4.19.2.A](#) and shall not be included in the height requirements listed in Development Standards Section. Structurally attached solar collectors installed on a building with a sloped roof shall not project vertically above the peak of the roof. Structurally attached solar collectors installed on a building with a flat roof shall not project vertically more than five (5) feet above the roof.
- H. Outdoor furnaces as defined in [Section 2.2](#) are prohibited and shall not be installed or operated within the City of Novi.

4.20 HOUSING FOR THE ELDERLY

In all districts allowing for housing for the elderly the following regulations shall apply:

1. Shared Elderly Living consists of a maximum of four (4) unrelated elderly individuals, with or without spouses who may occupy a single dwelling structure specifically designed for such use. The dwelling shall provide for separate bedrooms and sanitary facilities for each occupant, (i.e., husband and wife shall constitute one (1) occupant), together with a shared kitchen, dining and living space. A minimum of two-hundred fifty (250) square feet of private space (bedroom and sanitary facilities) shall be provided for each occupant, together with shared space (kitchen, dining and living) of two-hundred (200) square feet per occupant. Each shared dwelling unit must be provided with qualified management services to maintain the premises. All dwellings must be compatible with abutting and surrounding single-family dwellings with respect to scale, character, materials and landscaping. Shared senior citizen living does not include adult foster care homes.
2. Independent Elderly living units may include attached or detached cottage-type dwellings, townhouses, or apartments consistent with all provisions of this Ordinance otherwise applicable to such dwellings.



3. Congregate Elderly living units shall consist of dwelling units containing kitchen, sanitary, sleeping and living spaces in addition to common service areas, including, but not limited to, central dining room(s), recreational room(s) and central lounge. Shared senior citizen living does not include adult foster care homes.

4.21 CONVALESCENT HOMES, ASSISTED LIVING FACILITIES, HOSPICE CARE FACILITIES AND CHILD CARE CENTERS

In the RM-1 district, convalescent homes, assisted living facilities, hospice care facilities and child care centers shall be permitted as a special land use when the following conditions are met:

1. There shall be provided on site, the following minimum land area ratio:
 - A. Convalescent homes, assisted living facilities and hospice care facilities. One-thousand five-hundred (1,500) square feet of total land area per bed in the home.
 - B. Child care centers. A minimum of one-hundred (100) square feet of outdoor play area shall be provided per child. Such play space shall have a total minimum of two-thousand eight-hundred (2,800) square feet and shall be fenced and screened from any adjoining lot in any residential district. All access to the site shall be in accordance with [Section 5.13](#)
2. No building shall be closer than forty (40) feet to any property line.

4.22 RETAIL COMMERCIAL SERVICES AND OFFICE USES

In the RM-2 district, retail commercial services and office uses are permitted as a special land use provided the following conditions are met:

1. Any retail commercial or office use shall be clearly incident to the principal use and designed so as to serve the residents of the principal use.
2. Such uses shall be provided totally within the walls of the principal structure and shall be totally obscured from any exterior view. No identification sign shall be visible from any exterior view.

3. Such uses shall be permitted on the first floor, first floor mezzanine or in a subgrade level. No such use shall be permitted above the first floor or first floor mezzanine or on any floor on which living units are provided or on any floor above a floor on which living units are provided.

4.23 MOBILE HOME SALES

In the MH district, mobile home sales is a permitted use provided:

1. Such sales are carried out by the tenant, licensed dealer or real estate broker.
2. Such sales shall be for the exclusive sale of an individual sale of an individual mobile home on a pad located on an individual site within a mobile home park. In those instances where mobile homes are to be used as model homes within a new mobile home park not more than four (4) sites already designated within the park shall be used for such purposes at one time.
3. One (1) for sale sign of not more than two (2) square feet in display area (each side) may be permitted on the same lot with the mobile home.
4. The use of banners, streamers or pennants shall be prohibited.

4.24 DRY CLEANING ESTABLISHMENTS OR PICKUP STATIONS

In the B-1 and TC districts, dry cleaning establishments, or pick-up stations, dealing directly with the consumer are a permitted use. Central dry cleaning plants serving more than one retail outlet shall be prohibited.

4.25 MIXED-USE DEVELOPMENTS

To qualify as a "mixed-use development," a project must meet the following requirements:

1. Each use shall comprise at of least ten (10) percent in the GE district or twenty (20) percent in the TC-1 and TC-2 districts of either
 - A. the net site area or
 - B. the total gross floor area of all buildings and not be considered accessory to another principal use.
2. A development with both conventional multi-family and senior, age-qualified, independent multi-family uses shall not be considered mixed use unless a non-residential use is also included.

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3. A performing arts facility unconditionally dedicated to the public use, under separate agreement with the City, shall be considered a second use, provided that it is a fully enclosed structure with a minimum of five-hundred (500) seats.

4.26 PUBLICLY OWNED BUILDINGS, UTILITY BUILDINGS AND STATIONS

Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations are permitted as a special land use. A noise analysis is required subject to the standards of [Section 5.14.10.B](#).

4.27 RETAIL BUSINESS OR SERVICE ESTABLISHMENTS

1. In the B-2, TC and TC-1 districts, all retail business or service establishments are permitted as follows:
 - A. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
 - B. Any service establishment of an office, showroom or workshop nature of a decorator, dressmaker, tailor, bridal shop, art gallery, interior designer or similar establishment that requires a retail adjunct.
 - C. Restaurants (sit down), banquet facilities or other places serving food or beverage, except those having the character of a drive-in or having a drive-through window.
 - D. Theaters, assembly halls, concert halls, museums or similar places of assembly when conducted completely within enclosed buildings.
 - E. Business schools and colleges or private schools operated for profit.
2. In the FS district, retail establishments to serve the needs of the highway travelers, including such facilities as, but not limited to, gift shops and restaurants, not including drive-ins are permitted uses.

4.28 HOTELS, MOTELS AND TRANSIENT LODGING FACILITIES

1. In the B-2 district, hotels and motels are a permitted use provided the site does not abut a residential district.
2. In the B-3 district, motels are permitted as a special land use subject to the following conditions:
 - A. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on major thoroughfare
 - B. Each unit shall contain not less than two-hundred and fifty (250) square feet of floor area.
 - C. No unit shall be occupied as a permanent residence.
3. In the FS district, motels, hotels and transient lodging facilities but not including tent sites and campgrounds are permitted uses, provided that each living unit shall not contain less than two-hundred fifty (250) square feet of floor area, and provided further that no unit shall be occupied as a permanent residence.
4. In the OST district and EXO Overlay district, hotels and business motels are a permitted use when such are designed to be an integral part of an overall design of an OST district development under [Section 3.1.23.B](#), which shall be constructed at the same time as or after one (1) of the principal permitted uses on the same development site is constructed.

4.29 FUELING STATIONS AND MINOR AUTOMOBILE SERVICE ESTABLISHMENTS

1. Fueling stations for the sale of gasoline and alternate fuels, oil and minor accessories only, and where no major repair work is done, other than accessory minor repair and incidental services, but not including major services such as steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glass work, and such other activities whose external effects could adversely extend beyond the property line are permitted as a special land use in the B-2 district and as a permitted use in the FS district, subject to the following:



- A. The curb cuts for access to a fueling station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than one-hundred (100) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - B. The minimum lot area for any fueling station shall be one (1) acre.
 - C. Fueling stations shall be located on the site so as to minimize its impact on any adjacent residential district, OS-1, OSC or B-1 district. Ample space shall be provided for motor vehicles waiting for service, or which are parked to be mechanically serviced or to be picked up following mechanical service. Sufficient vehicle stacking space shall provide at the pump islands so that vehicles awaiting service will not interfere with vehicles entering the site.
 - D. Canopies, when constructed as an integral part of the main building, shall comply with the minimum setback requirements of the district. Detached freestanding canopies shall comply with the requirements of [Section 4.19](#) of this Ordinance.
 - E. The storage of vehicles overnight shall be prohibited except for working vehicles (wreckers and similar vehicles) and vehicles or trailers for general rental and those awaiting mechanical repair. These vehicles shall be parked in accordance with [Section 5.2](#) and [Section 5.3](#). Wrecked vehicles may be stored for a period not to exceed twenty-four (24) hours.
 - F. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).
2. Sale of alcoholic beverages at a fueling station. The sale of alcoholic beverages shall be permitted as an accessory use subject to the issuance of an appropriate license by the Liquor Control Commission and subject to the standards imposed by the Commission and state law if all three of the following conditions are met and are reflected on the site plan:
- A. One (1) or both of the following conditions exist:
 - i. The applicant or licensee is located in a neighborhood shopping center composed of one or more commercial establishments organized or operated as a unit which is related in location, size and type of shop to the trade area that the unit serves, which provides not less than fifty-thousand (50,000) square feet of gross leasable retail space and which provides five private off-street parking spaces for each one-thousand (1,000) square feet of gross leasable retail space.
 - ii. The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than two-hundred fifty-thousand (\$250,000.00) dollars, at cost, of those goods and services customarily marketed by approved types of businesses.
 - A. The site of payment and selection of alcoholic liquor is not less than fifty (50) feet from that point where motor vehicle fuel is dispensed.
 - B. The building from which alcoholic liquor is sold provides not less than five-thousand (5,000) square feet of gross leasable floor area.

4.30 SALE OF PRODUCE AND SEASONAL PLANT MATERIALS OUTDOORS

In the B-2, B-3 RC, TC and TC-1 districts, the sale of produce and seasonal plant materials outdoors is permitted as a special land use, provided such use is incidental to a similar principal use indoors and adjacent to and adjoining the building of the principal use, subject to the following conditions:

- 1. In the B-2, B-3, RC, TC and TC-1 districts:
 - 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 six (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.



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- D. Outdoor sales areas shall not occupy required parking spaces or drive aisles and/or required landscaping areas and shall be located on a paved surface.
- 2. In the TC and TC-1 districts:
 - A. Outdoor sales areas shall not constitute part of the open space requirements of [Section 3.27.1.F](#).
 - B. Parking for outdoor sales areas shall be provided as required for comparable interior retail sales areas.

4.31 VETERINARY HOSPITALS OR CLINICS

Veterinary hospitals or clinics are permitted as a special land use in the B-2, B-3, NCC, TC, and TC-1 districts. They are also a special land use in the I-I and EXPO districts when the I-1 and EXPO districts are abutting residential districts. In the I-1 and EXPO districts, when not abutting a residential district, and in the I-2 district they are a permitted use. In all districts they are subject to the following:

1. In the B-2, B-3, NCC, TC, TC-1, I-1, I-2 and EXPO districts:
 - A. All activities must be conducted within a totally enclosed building
 - B. All buildings must be set back at least two-hundred (200) feet from abutting residential districts on the same side of the street.
2. In the B-2, B-3 NCC, TC, TC-1 and I-1 (when the I-1 district is abutting residential) districts a noise impact statement is required subject to the standards of [Section 5.14.10.B](#).

4.32 AUTO WASHES

In the B-3 district, auto wash is a permitted use when completely enclosed in a building.

4.33 NEW AND USED CAR SALESROOM, SHOWROOM, OR OFFICES

In the B-3 district, new and used car salesroom, showroom, or office are permitted uses, except trucks and heavy off-road construction equipment.

4.34 PUBLIC OR PRIVATE HEALTH AND FITNESS FACILITIES AND CLUBS

In the B-3, FS, I-1, I-2, OS-1 and OSC districts, public or private health and fitness facilities and clubs are permitted uses provided that such facilities or clubs do not exceed two-thousand (2,000) square feet in size. All fitness activities shall be contained within a completely enclosed building.

4.35 MICROBREWERIES AND BREWPUBS

Microbreweries and brewpubs are permitted uses in the B-3 district and special land uses in the RC, TC, and TC-1 districts subject to the following conditions:

1. Microbreweries and brewpubs
 - A. In the B-3, RC, TC and TC-1 districts:
 - i. No storage in any detached, separate container (e.g. a silo) for hops, barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall be permitted. No storage in tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.
 - ii. There shall be included a taproom/restaurant which shall provide full meal service for consumption by patrons while seated on the premises. (See also definition of [Restaurant \(sit down\)](#)). Taprooms serving less than twenty patrons and accessory to a larger retail use shall not be required to provide meal service.
 - iii. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to [Section 7.6](#). Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of [Section 4.84](#).
 - iv. There shall be compliance with the standards at [Section 5.14](#).
 - B. In the RC district, no microbrewery or brewpub shall be located closer than one-thousand (1,000) feet from any freestanding restaurant.



2. Microbreweries:
 - A. Brewery production shall not exceed twenty thousand (20,000) barrels per year.
 - B. Steam condensation units shall be required on all venting.
 - C. No more than sixty-five (65) percent of total gross floor space of the establishment shall be used for the microbrewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.
 - D. Owing to unique features and operational requirements of a microbrewery, off-street loading/unloading facilities shall be designed to accommodate at least two (2) tractor trailers at one time in addition to compliance with the standards at [Section 5.4.2](#).
 - E. No microbrewery shall be located closer than two-thousand five-hundred (2,500) feet of another microbrewery.
3. Brewpubs
 - A. Brewery production shall not exceed two-thousand (2,000) barrels per year.
 - B. No more than fifty (50) percent of total gross floor space of the establishment shall be used for the brewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.

4.36 OUTDOOR SPACE FOR EXCLUSIVE SALE OF NEW OR USED AUTOMOBILES, CAMPERS, RECREATION VEHICLES, MOBILE HOMES, OR RENTAL OF TRAILERS OR AUTOMOBILES

In the B-3 district, outdoor space for exclusive sale of new or used automobiles, campers, recreation vehicles, mobile homes, or rental of trailers or automobiles are permitted as a special land use, all subject to the following:

1. The lot or area shall be paved and shall be graded and drained as to dispose of all surface water accumulated within the area.
2. Access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.

3. A ten (10) foot wide greenbelt planting strip shall be maintained between the street right-of-way line and any area used for customer parking or vehicle display.
4. No major repair or major refinishing shall be done on the lot.
5. All lighting shall be shielded from adjacent residential districts.
6. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).

4.37 BUSINESSES IN THE CHARACTER OF A DRIVE-IN OR OPEN FRONT STORE

In the B-3 district, business in the character of a drive-in or open front store, not including automobile service or repair establishments, oil change or mini-lube facilities or fueling stations, is permitted as a special land use subject to the following conditions:

1. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
2. Access points shall be located at least sixty (60) feet from the intersections of any two (2) streets.
3. All lighting shall be shielded from adjacent residential districts.
4. A six (6) foot high completely obscuring wall shall be provided when abutting or adjacent districts are zoned for R, OS-1, OSC, NCC, B-1, B-2 or B-3 districts, and where such abutting or adjacent districts are not separated from the proposed drive-in or open front store by a road, highway or freeway. The height of the wall shall be measured from the surface of the ground. Said wall shall further meet the requirements of [Section 5.5](#).

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4.38 PUBLIC OR PRIVATE INDOOR AND PRIVATE OUTDOOR RECREATIONAL FACILITIES

In the B-3, OS-1, OSC, and OST districts and EXO Overlay district, public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than two-thousand (2,000) square feet in size, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities are permitted as a special land use. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#). In the OST district and EXO Overlay district, a noise impact statement is only required for facilities over two-thousand (2,000) square feet and outdoor facilities.

4.39 MINI-LUBE OR OIL CHANGE ESTABLISHMENTS

In the B-3 district, mini-lube or oil change establishments, which provide as a primary use the lubrication and/or checking, changing and/or additions of those fluids and filters necessary for the regular maintenance of a vehicle, including the sale of oil and minor accessories only, and exclusive of other minor or major automobile repair or service as defined in this ordinance are permitted as a special land use. Additionally, no sale of gasoline or alternate fuels shall occur. Such establishments shall be subject to the following requirements:

1. The curb cuts for access to a mini-lube or oil change establishment shall be such as to minimize the potential for traffic hazards in the streets immediately adjacent thereto. Entrances shall be not less than one-hundred (100) feet from a street intersection (measured from road right-of-way) and from adjacent residential districts.
2. Mini-lube or oil change establishments shall be located on the site so as to minimize impact on any adjacent residential districts, OS-1, OSC and B-1 district. Ample space, based upon a queuing analysis, shall be provided for motor vehicles waiting for service. Sufficient vehicle stacking space shall be provided at service bay entrances so that vehicles awaiting service will not interfere with vehicles entering the site.

3. No vehicle parking shall be permitted in front of actual building setback line.
4. No more than one (1) curb cut shall be allowed to an abutting major thoroughfare.
5. There shall be observances of required parking and vehicular access area setback from front, side and rear lot lines as specified in each districts Development Standards
6. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).

4.40 RESTAURANTS IN THE CHARACTER OF A FAST FOOD CARRYOUT, DRIVE-IN, FAST FOOD DRIVE-THROUGH, OR FAST FOOD SIT-DOWN

1. For restaurant in the character of a fast food carryout, drive-in, fast food drive-through, or fast food sit-down a noise impact statement is required subject to the standards of [Section 5.14.10.B](#).
2. In the B-3 district, restaurants in the character of a fast food carryout, drive-in, fast food drive-through, or fast food sit-down are permitted as a special land use subject to the following conditions:
 - A. Access points shall be located at least sixty (60) feet from the intersections of any two (2) streets.
 - B. Such uses shall not be permitted on a parcel less than sixty (60) feet from any residential zoning district.
 - C. All drive-through lanes shall be located at least one-hundred fifty (150) feet from any residential zoning district.
 - D. All lighting shall be shielded from residential uses.
 - E. All drive-through restaurants shall meet the stacking space requirements listed in [Section 5.3.11](#).
 - F. A six (6) foot high obscuring wall shall be provided when abutting or adjacent districts are zoned for OS-1, OSC, NCC, B-1, B-2 or B-3 districts, and where such abutting or adjacent districts are not separated from the proposed restaurant by a road, highway or freeway. The height of the wall shall be measured from the surface of the ground. Any proposed wall shall further meet the requirements [Section 5.5](#).



3. In the TC-1 district, fast food drive-through restaurants are permitted as a special land use subject to the following conditions:

- A. The site shall have frontage on a non-residential collector and at least two-hundred (200) feet of frontage on an arterial road. Two-way access shall be provided from the non-residential collector road only, unless a Traffic Impact Statement clearly demonstrates that limiting two-way access from the non-residential collector road does not provide reasonable access to the site, in which case, the approving body may allow one-way access from the arterial road, as permitted. Any shopping center in existence at the time this ordinance is adopted may have two-way access off of both the arterial road and non-residential collector road.
- B. A minimum one-thousand eight-hundred (1,800) square foot dining area with indoor seating for at least forty (40) people shall be provided.
- C. The site plan shall be designed to achieve traffic circulation features both within the site and in relation to access streets that assure the safety and convenience of pedestrian traffic. Pedestrian connections to sidewalks and all adjacent uses shall be provided that ensure pedestrians are kept out of the travel path of vehicles visiting the site as much as possible. The drive-through lanes shall provide sufficient space so that motor vehicles will not impede the circulation of pedestrians, cyclists and motorists. Drive-through lanes shall be set back to the largest extent feasible from any designated pedestrian access (sidewalks, crosswalks, etc.). A low brick wall shall be provided wherever suitable to minimize potential conflicts between pedestrians and exiting drive-through traffic.
- D. The drive-through shall be accessory to a full-service, indoor use on-site.
- E. Drive-through lanes shall be screened from view from adjacent properties by the building, a decorative screen wall or landscaping planted to achieve a minimum opacity of ninety (90) percent during the summer and eighty (80) percent during the winter.

- F. No parcel with a drive-through restaurant shall be located closer than one-hundred fifty (150) feet from any other parcel with a drive-through restaurant.
- G. In addition to the special land use requirements noted in [Section 6.1.2.C](#), the Planning Commission shall make a finding that the proposed plan will not have an adverse impact on the site and on the adjacent lands and uses with respect to landscaping, screening, off-street parking, vehicular and pedestrian circulation, and the compatibility of its physical design with respect to adjacent buildings.
- H. An outdoor seating area comprising at least eight seats and in compliance with the provisions of [Section 4.84](#) of the Zoning Ordinance shall be provided.
- I. A Traffic Impact Statement prepared in accordance with the standards in the City of Novi Site Plan and Development Manual is required.

4.41 RESTAURANTS (SIT-DOWN)

- 1. In the GE district, restaurants (sit-down) up to a maximum of one-hundred twenty-five (125) seats, or other places serving food or beverage, excluding those having the character of a drive-in or having a drive through window are a permitted use. Outdoor dining may be permitted, subject to approval at the time of preliminary site plan review, if the applicant demonstrates that, as proposed, such outdoor use shall be compatible with surrounding uses, be consistent with pedestrian movement (including an unobstructed pedestrian path at least six (6) feet in width), be consistent with the intent of [Section 3.1.16.A](#), and be subject to the standards of [Section 4.84](#), Outdoor Restaurants. Proposals for outdoor seating for an existing restaurant within the GE district may be reviewed and approved administratively.
- 2. In the NCC district, sit-down restaurants having a minimum capacity of fifty (50) persons; and a maximum size of ten-thousand (10,000) square feet are a permitted use provided, however, there shall not be permitted any of the following types of restaurants: drive-in, fast food carry out, fast food sit down or fast food drive-through.

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3. In the OSC district, sit-down restaurants, except those possessing the character of a drive-in, drive-through, fast food, fast food carry out or delivery facility, as freestanding uses, or in conjunction with an office structure in which the office is the principal use are permitted as a special land use provided:
 - A. All such uses shall have a minimum occupancy of at least one-hundred (100) persons.
 - B. Such uses, whether freestanding or in conjunction with an office structure, shall only be developed as an integral part of a planned complex of office uses.
 - C. Such uses shall be no closer than five-hundred (500) feet from any other such use within the same office complex site, measured directly from main door to main door along the internal streets of the planned office complex. All such uses shall provide driveway access solely to the internal street of the planned office complex and not to any external streets. Provided, however, under exceptional circumstances, the city council may allow one (1) additional driveway access to a major thoroughfare.
 - D. Minimum site size shall be two (2) acres.
 - E. Any such use when located in conjunction with an office structure in which the office is the principal use, shall be located within the office structure. A restaurant located within an office structure shall not be subject to the two-acre site requirement of Subpart 4.41.3.D, above.
 - F. Sit-down restaurants, when accessory to hotels, motels and like facilities used primarily for transient occupancy, shall not be subject to the requirements of Subparts 4.41.3.A through E, above. Employee cafeterias, when accessory to an office use shall not be subject to the requirements of Subparts 4.41.3.A through E, above.
 - G. Requirements for off-street parking for restaurants shall be computed according to the standards contained in [Sections 5.2.12.](#) and [5.2.13,](#) and shall be in addition to parking otherwise required for associated offices, hotels or motels.
4. In the OST district and EXO Overlay district, sit-down restaurants, except those possessing the character of a drive-in, drive-through, fast food, or fast food carry out or delivery facility are a permitted use provided:

- A. All such uses shall have a minimum occupancy of at least one-hundred fifty (150) persons.
 - B. All such uses shall be located within a principal office building, college, university, or hotel, or as an attachment to such principal office building, college, university or hotel by means of a common party wall with access from the principal office building to such use.
 - C. Any such use shall be located as part of an office complex having at least twenty (20) acre parcel size.
 - D. Such uses shall be at least five-hundred (500) feet from any residentially zoned district.
 - E. Employee cafeterias, when accessory to a permitted principal use or a permitted principal use subject to special conditions and shall not be subject to the requirements of subparts 4.41.4.A through D.
5. In the C district, restaurants (sit-down) are permitted as a special land use as a freestanding building or associated with uses listed in [Section 3.1.13.C.ii through iv.](#)

4.42 OTHER SIMILAR USES

1. In the FS district, other similar uses, as determined by the Planning Commission, are permitted. In determining that the uses are similar, the Planning Commission shall find that the uses will primarily serve the needs of freeway traffic.
2. In the I-2 district, any other use which shall be determined by the City Council upon recommendations from the Planning Commission after a public hearing as set forth and regulated in [Section 6.2](#) of this Ordinance to be of the same general character as permitted uses in [Section 3.1.19.B](#) are permitted. The City Council may impose any required setback, performance standards and/or screening so as to ensure public health, safety and the general welfare.

4.43 NOISE ANALYSIS

A noise analysis is required subject to the standards of [Section 5.14.10.B.](#)



4.44 INDUSTRIAL OFFICE SALES, SERVICE AND INDUSTRIAL OFFICE RELATED USES

In the I-1, I-2 and EXPO districts, industrial office sales, service and industrial office related uses are permitted when located within an existing office building portion of an industrial use.

4.45 SELECT I-1 AND EXPO DISTRICT USES

These uses shall be permitted as principal uses permitted. However, when such uses abut a residential district, they shall be treated as special land uses subject to approval by the Planning Commission in accordance with the additional requirements of [Section 6.1.2.C](#) for special land uses, and subject to the public hearing requirements set forth and regulated in [Section 6.2](#) of this Ordinance and shall provide a noise impact statement.

4.46 PET BOARDING FACILITIES

In the I-1 and I-2 districts, pet boarding facilities are permitted, subject to the following conditions:

1. The facilities must be located in a building with the pet boarding being the only use.
2. Up to ten (10) percent of the gross floor area may be used for accessory retail sales.
3. Adequate traffic circulation shall be provided on the site to accommodate the frequent pick-ups and drop-offs of animals for the facility.
4. Outdoor facilities, with the following restrictions:
 - A. Any outdoor facilities shall not be closer than five-hundred (500) feet from the boundary of the adjacent residential zoning.
 - B. Any outdoor facilities shall be located in the interior side yard or rear yard.
 - C. A six (6) foot tall, solid, obscuring fence or wall shall completely enclose all outdoor facilities.
 - D. The outdoor facilities shall not encroach into any required building setback.
 - E. All animal waste shall be removed from the outdoor area daily and disposed of in a sanitary manner.
 - F. Pets shall not be permitted to remain outdoors overnight.

4.47 MOTION PICTURE, TELEVISION, RADIO AND PHOTOGRAPHIC PRODUCTION FACILITIES

1. In the I-1, I-2, EXPO and OST districts and the EXO Overlay district, motion picture, television, radio and photographic production facilities, including sound stages and broadcasting studios are permitted uses provided:
 - A. In the I-1, I-2, EXPO and OST districts and the EXO Overlay district:
 - i. All activities are conducted within a totally enclosed building, with the exception of the following.
 - a. When not in use, production vehicles must be stored in the rear yard and adequately screened from all surrounding properties.
 - b. Communication antenna towers and poles are subject to the standards of [Section 4.86.1](#).
 - B. In the I-1, I-2, and EXPO districts, a noise analysis is required subject to the standards of [Section 5.14.10.B](#).
 2. Motion picture, television, radio and photographic production facilities are permitted as a special land use in the I-1 and EXPO districts and as a permitted use in the I-2 district when conducted outside of existing buildings, including backlot. In all districts they are subject to the following:
 - A. Uses must comply with subsections 4.47.1.A.i and 4.47.1.A.ii.
 - B. Such outside activities are completely screened from view with an eight (8) foot tall obscuring berm from all adjacent properties.

4.48 METAL PLATING, BUFFING, POLISHING AND MOLDED RUBBER PRODUCTS

In the I-1 district, metal plating, buffing, polishing and molded rubber products are permitted as a special land use. In the I-2 district it is a permitted use. In both districts they are subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances. A noise analysis is required subject to the standards of [Section 5.14.10.B](#).

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4.49 EATING AND DRINKING ESTABLISHMENTS AND MOTELS

In the I-1 and I-2 districts, eating and drinking establishments and motels are permitted as a special land use, subject to the following conditions:

1. Such uses shall be on a major thoroughfare and at least five-hundred (500) feet from any residential district. Freestanding restaurants shall be located on the periphery of an industrial district at the intersection of either two (2) major thoroughfares or one (1) major thoroughfare and an industrial street serving the district and shall be located no closer than one-thousand (1,000) feet from any other freestanding restaurant on the same side of the street.
2. Such uses shall be on parcels with a minimum area of two (2) acres and a minimum frontage of two-hundred (200) feet on a major thoroughfare. The frontage requirement may be satisfied by two-hundred (200) feet of frontage on a side street where the use has some frontage on a major thoroughfare.
3. Eating and drinking establishments must be of a sit-down, fast food sit-down, or fast food carryout type and shall have a seating capacity of at least one-hundred (100) seats. A restaurant may have a single drive-through window for carryout service, provided that drive-in restaurants serving food and beverages for consumption in motor vehicles while on the premises shall be precluded.

4.50 AUTOMOBILE SERVICE ESTABLISHMENT

In the I-1 district, automobile service establishments that include minor services for minor vehicle repair and servicing 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 engine and transmission service, but not including major automobile repair such as vehicle undercoating, body repair and collision work, painting, tire recapping, major engine or transmission work or auto dismantling operations are permitted as a special land use. In the I-2 district they are permitted uses. In both districts they are subject to the following:

1. For any such use on a lot adjacent to a major thoroughfare, the following special requirements shall apply:
 - A. Minimum site size of two (2) acres.
 - B. Minimum site frontage of two-hundred (200) feet.
 - C. No vehicle parking in front of actual building setback line.
 - D. No vehicle parking in required side yard setbacks.
 - E. No service bay doors shall face a major thoroughfare.
 - F. No more than one (1) curb cut shall be allowed to the major thoroughfare. Further, where deemed necessary by the Planning Commission, under the authority of [Section 6.1.2.D](#), marginal access roads may be required pursuant to design standards at [Section 3.13](#), for said roads. Where marginal access roads are required, minimum front yard setback shall be measured from said road right-of-way or easement line.
2. Vehicle parking on site shall be limited to customers and employees, and not for vehicle storage longer than twenty-four (24) hours nor for used car sales.
3. No wrecked or partially dismantled vehicles or vehicles without current license plates may be stored outside.
4. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).

4.51 SELF-STORAGE FACILITIES

In the I-1 district, self-storage facilities used to provide temporary storage needs for businesses, apartment dwellers, and other individuals on a self-service basis are permitted as a special land use. In the I-2 district they are a permitted use. In both districts they are subject to the following:

1. The minimum size of the site devoted entirely to such use shall be not less than five (5) acres.
2. All ingress and egress from the site shall be directly onto a major thoroughfare as designated on the City's Master Plan.
3. All yard setbacks established in the I-1 district for buildings shall be complied with, except that setbacks between mini-warehouses on the same site may be twenty-five (25) feet apart, side to side or front to rear.
4. Maximum lot coverage may not exceed forty (40) percent .



5. Maximum length of any mini-warehouse shall be two-hundred and fifty (250) feet.
6. No storage of combustible or flammable liquids, combustible fibers, or explosive materials as defined in the fire prevention code, or toxic materials, shall be permitted within the self-storage buildings or upon the premises. A lease agreement between the lessee and lessor shall state (1) that no flammable, combustible or toxic material shall be stored or used on premises, and (2) that the property shall be subject to periodic and unannounced inspections for flammable, toxic and other hazardous materials by City officials.
7. No storage outside of the self-storage buildings shall be permitted.
8. Except as provided herein, the use of the premises shall be limited to storage only and shall not be used for operating any other business, for maintaining or repairing of any vehicles, recreational equipment or other items, or for any recreational activity, hobby or purpose other than the storage of personal items and business items as hereinbefore set forth.
9. The entire site shall be surrounded on all nonresidentially zoned sides by a six (6) foot chain-link fence. Where the site abuts an office, a recreational facility, a motel/hotel, or restaurant in an I-1 district, screening shall consist of (1) a face brick wall not less than six (6) feet in height or (2) a six (6) foot, chain-link fence and a ten (10) foot wide landscaped greenbelt, except with respect to the side of the property which abuts a public street, including an exterior side lot line, which shall provide a landscaped berm in the required forty (40) foot setback yard space.
10. A security manager shall be permitted to reside on the premises to the extent required by such use and such residence shall be considered an accessory use as provided at [Section 2.2](#).
11. All access aisles, parking areas and walkways on the site shall be graded, drained, hard-surfaced and maintained in accordance with the standards and specifications of the City of Novi.
12. Limited retail sales to tenants of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers, and locks and chains shall be permitted on the site devoted to this use.

13. Access to the self-service storage facility premises shall be restricted to tenants only, by use of an attendant, mechanical or electronic locking device or other entrance-control device.
14. Fire hydrants and fire suppression devices shall be provided, installed and maintained in compliance with the fire prevention code and any other applicable ordinances.
15. No building or structure other than the manager's quarters shall exceed fifteen (15) feet in height.
16. In addition to requirements at [Section 5.15](#), Exterior Building Wall Facade Materials, self-storage facilities, including storage buildings and caretaker's office and quarters, shall be architecturally designed so as not to have a flat roof, and shall instead have a mansard, gable hip or gambrel roof design.

4.52 RETAIL SALES ACTIVITIES

Retail sales activities are permitted as a special land use in the I-1 district and as a permitted use in the I-2 district when ancillary to an otherwise permitted electrical or plumbing supply business or ancillary to otherwise permitted manufacturing, repair or service of electric or neon signs, light sheet metal products, including heating, ventilating and air conditioning equipment, furnaces, lawn maintenance equipment, cornices and eaves; and the retail sale of home and commercial building components that are to be fabricated into a structure (such as doors, windows, sashes, wall siding, roofing and insulation when ancillary to an otherwise permitted use, provided that sales are predominantly to building contractors and the trades, as distinguished from a hardware store or home furnishing store having retail sales predominantly to the general public. The space for retail sales activities, including any area which is accessible by customers, shall be limited to ten (10) percent of the total floor space of the business or two-thousand (2,000) square feet, whichever is less. All signage shall comply with the City of Novi Sign Ordinance (Code of Ordinances Chapter 28).

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4.53 CENTRAL DRY CLEANING PLANTS OR LAUNDRIES

Central dry cleaning plants or laundries are permitted as a special land use in the I-1 district and as a permitted use in the I-2 district provided that such plants shall not deal directly with consumers at retail unless such use is clearly accessory to the principal use. A noise impact statement is required subject to the standards of Section 5.14.10.B.

4.54 STORAGE FACILITIES FOR BUILDING MATERIALS, SAND, GRAVEL, STONE, LUMBER, STORAGE OF CONTRACTOR'S EQUIPMENT AND SUPPLIES

Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies are permitted as a special land use in the I-1 district and as a permitted use in the I-2 district provided such use is enclosed within a building. A noise analysis is required subject to the standards of Section 5.14.10.B.

4.55 OUTDOOR STORAGE YARDS

In the I-2 district, outdoor storage yards are permitted either as a principal use of a site or as a use accessory to a principal use of a site when such yards are totally obscured by a masonry wall, landscaped earth berm, chain link fence with heavy screen plantings, or combinations thereof, the height, location and extent of which shall be according to the requirements of Section 5.5 of this Ordinance, except as hereinafter exempted in Section 3.15.2 for a location within a planned industrial park. Whenever outdoor storage is the principal use of the parcel, no outdoor storage shall extend into the required front yard setback of the district and no wall, fence or other screening devices shall extend into the required front yard setback.

4.56 COMMERCIAL SALE OF NEW AND USED HEAVY TRUCKS AND HEAVY OFF-ROAD CONSTRUCTION EQUIPMENT

In the I-2 district, commercial sale of new and used heavy trucks and heavy off-road construction equipment such as but not limited to: track laying machinery, graders, earth moving or earth hauling vehicles are a permitted use. The outdoor storage of any such equipment shall comply with the outdoors storage requirements of the Section 4.55, except that up to five (5) such pieces of new or rebuilt equipment may be displayed within any yard when placed on concrete pads and made an integral part of the yard's landscaping.

4.57 PRODUCTION OR MANUFACTURING USES

In the I-2 district, any of the following production or manufacturing uses are a permitted use provided that they are located not less than eight-hundred (800) feet distant from any residential district and not less than three-hundred (300) feet distant from any other district.

4.58 JUNKYARDS

In the I-2 district, junkyards are a permitted use subject to Section 4.57 and provided they are entirely enclosed within a building or within an eight (8) foot obscuring wall and provided further that one (1) property line abuts a railroad right-of-way.

4.59 INCINERATION OF GARBAGE OR REFUSE

In the I-2 district, incineration of garbage or refuse are permitted uses subject to Section 4.57 when conducted within an approved and enclosed incinerator plant.

4.60 INDOOR TENNIS COURTS, ROLLER SKATING RINKS, AND ICE-SKATING RINKS

In the I-2 district, indoor tennis courts, roller skating rinks, and ice-skating rinks are a permitted use when, together with accessory uses such as off-street parking, they are located at least one-hundred (100) feet from any adjacent residential district.



4.61 LUMBER AND PLANING MILLS

In the I-2 district, lumber and planing mills are a permitted use when located in the interior of the district so that no property line shall form the exterior boundary of the I-2 district.

4.62 INSTRUCTIONAL CENTERS

In the NCC district, instructional centers, such as schools for dance, music, language, arts, or general education are a permitted use subject to the following:

1. The center must comply with all applicable state laws and licensing requirements.
2. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

4.63 SPECIAL LAND USES IN THE NCC DISTRICT

All principal uses permitted in the RM-1 district as principal uses permitted are permitted as a special land use in the NCC district subject to the following:

1. The Planning Commission shall find as a fact that the proposed use shall be compatible with and not adversely affect the orderly growth of uses of the lots adjacent to the proposed use.
2. The use shall comply with the conditions of [Section 3.1.7](#) and [Section 3.1.20](#).

4.64 FACILITIES FOR HUMAN CARE

In the OS-1, OSC, and OST districts and the EXO Overlay district, facilities for human care such as general hospitals, sanitariums, convalescent homes, hospice care facilities and assisted living facilities are a permitted use subject to the following requirements:

1. Any such use shall be developed only on sites consisting of not less than five (5) acres except that general hospitals shall be developed only on sites consisting of not less than twenty (20) acres.
2. The minimum distance of any main or accessory building from any lot line or street shall be at least fifty (50) feet for all two (2) story structures. For every story above two (2), the minimum yard setback for any yard shall be increased by no less than twenty (20) feet for each floor over two (2), or the setback requirements of the particular zoning district wherein located, whichever is greater.

3. General hospitals may exceed the maximum height restrictions of the district provided that all structures shall be limited to five (5) stories and to sixty-five (65) feet in height.

4.65 INPATIENT BED FACILITY[□] PORTION OF GENERAL HOSPITALS

In the OSC district, the inpatient bed facility portion of General Hospitals, as defined in this Ordinance, is a permitted use and may exceed five (5) stories or sixty-five (65) feet in height, but may not exceed seven (7) stories and one-hundred and fifteen (115) feet in height, and is subject to the following conditions:

1. Site Size. The minimum site size shall be not less than forty (40) acres.
2. Setback. Notwithstanding the setback requirements of [Development Standards](#) Section of the indicated district, the minimum building setback under this section, shall be as follows:
 - A. The minimum distance from any property line or right-of-way shall be at least two-hundred (200) feet.
 - B. The required setback of any portion of any inpatient bed tower from adjacent residential districts shall be a minimum of three (3) feet of setback for every one (1) foot in building height.
 - C. Building placement shall be arranged so as to minimize adverse impact to any surrounding property.
3. Patient Floors. The highest occupied floor of the inpatient bed facility shall be no higher than one-hundred (100) feet measured from average grade to the roofline of the highest occupied floor.
4. Mechanical Equipment. The total height of building, including any mechanical equipment, shall not exceed one-hundred fifteen (115) feet, measured from average grade.
5. Access to Major Thoroughfare. Access to hospital campus shall comply with [Section 5.13](#).
6. Facade. The exterior building facades shall comply with [Section 5.15](#), Exterior Building Wall Facade Materials. Additionally, the architectural design must provide adequate building relief to minimize the mass and height of the building.
7. Fire Marshal. The proposed site plan shall receive a favorable recommendation from the Fire Marshal regarding fire protection, access, and compliance with state and local codes.

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- 8. Accommodations for Helicopters. Accommodations for helicopters on the site shall comply with [Section 4.86.6](#).

4.66 RETAIL COMMERCIAL BUSINESS USES

- 1. In the OSC district, retail commercial business uses other than restaurants, serving the convenience shopping needs of persons working in a single office building are permitted as a special land use provided that all such uses shall be contained within the office building itself and shall be located totally within the walls of the building and on the ground floor and ground floor mezzanine or subgrade level only.
- 2. In the OSC district, retail commercial business uses including restaurants, serving the convenience and comparison shopping needs of the area are permitted as a special land use provided:
 - A. That all such uses are contained within a planned commercial shopping center.
 - B. Such planned commercial shopping center shall not exceed one-hundred fifty-thousand (150,000) square feet of gross leasable area, or comprise more than twenty (20) percent of the total site area of the planned office complex of which it is a part.
 - C. That planned commercial shopping centers shall be permitted only when made an integral part of a larger overall complex of office buildings.
 - D. No such planned commercial shopping center shall be located adjacent to a residential district unless it is separated from such residential district by a street, road, highway or freeway.
 - E. Only one (1) planned commercial shopping center is permitted per planned office complex.
 - F. Sit-down restaurants, fast food restaurants, fast food carry-out or delivery restaurants, except those possessing the character of a drive-in or drive-through restaurant shall be permitted. Such uses, whether freestanding or in conjunction with a retail structure, shall only be developed as an integral part of a planned commercial shopping center.
 - G. One drive-through restaurant, if developed as an integral part of a planned commercial shopping center shall be permitted, provided:
 - i. Drive-through restaurant shall contain less than four-thousand (4,000) square feet of gross floor area;
 - ii. Maximum of one (1) drive-through restaurant window per restaurant; and
 - iii. Maximum of one (1) drive-through restaurant shall be permitted per planned commercial shopping center.

4.67 AMUSEMENT AND ENTERTAINMENT USES

In the OSC district, amusement and entertainment uses, including commercial recreation centers and theaters, are permitted as a special land use provided:

- 1. Access to the site shall be in accordance with [Section 5.13](#).
- 2. That amusement and entertainment uses shall only be permitted when made an integral part of a larger development of office buildings.
- 3. That no such amusement or entertainment uses shall be located adjacent to a residential district.
- 4. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).

4.68 RESEARCH, TESTING, DESIGN AND DEVELOPMENT, TECHNICAL TRAINING AND DESIGN OF PILOT OR EXPERIMENTAL PRODUCTS

In the OST district and EXO Overlay district, research, testing, design and development, technical training and activities which include, but are not limited to aerospace, telecommunication, automotive and satellite technology, medical, computer, electronic, robotic research, development, instruction or application, and related laboratory experimental and demonstration, and any uses charged with the principal function of design of pilot or experimental products are permitted uses subject to the following conditions:

- 1. Manufacturing and assembly line operations shall be permitted when accessory research and development activities occurring on the same site.
- 2. Limited warehousing or storage of products for distribution shall be permitted only if such is an accessory use from products created or used in relation to the principal use or for products used in research, testing, design, technical training or experimental product development. Warehousing, storage and distribution activities shall not be permitted as principal uses.



- Such uses shall be permitted only as part of a mixed use building or development in which no less than ten (10) percent of the combined floor area of a building or buildings within the development are utilized for office and/or laboratory use. Laboratory uses include those activities involving research, design, testing, inspection, demonstration and display, but do not include manufacturing assembly and warehousing activities. When there is planned a multi-building development, not less than ten (10) percent of the initial building on site shall be utilized for office and/or laboratory use. It shall be the responsibility of the owner of the mixed use development to demonstrate to the Community Development Department that such percentages are met at the time each certificate of occupancy is sought.

4.69 SECONDARY USES IN THE OST DISTRICT AND EXO OVERLAY DISTRICT

One (1) or more of the following secondary uses which is accessory to and located in the same building as a principal use authorized by [Section 3.1.23.B.i](#), [3.1.23.B.viii](#) or [3.1.23.B.ix](#): A pharmacy or apothecary shop, medical supply store, optical services, restaurants, barber shops or beauty shops, gift shops, travel agencies, health studios and related services for employees and customers of offices, shall be a permitted use subject to the following conditions:

- Such uses shall not be permitted in a building of less than fifty-thousand (50,000) square feet of floor area.
- The floor area devoted to such uses in a building shall not exceed ten (10) percent of the total floor area of the building.
- All secondary uses shall have customer entrances from the interior of the principal building in which they are located.
- All secondary uses shall provide off-street parking spaces in accordance with the requirements of [Section 5.2](#).
- Appropriate floor plans shall be submitted at the time of site plan review.

4.70 LOW-RISE MULTIPLE-FAMILY RESIDENTIAL USES IN THE PSLR DISTRICT

In the PSLR district, low-rise multiple-family residential uses are permitted as a special land use up to a maximum of six and one-half (6.5) dwelling units per net acre, excluding existing road rights-of-way.

4.71 LIVE/WORK UNITS

In the PSLR district, dwelling units providing for living and working areas are permitted as a special land use subject to the following restrictions:

- Units must contain at least one (1) bedroom, one (1) bathroom, and kitchen facilities;
- Minimum floor area per live/work unit shall be seven-hundred fifty (750) square feet.
- In addition to residential uses the following uses shall be permitted:
 - Photography, art, craft, music and similar studios.
 - Professional offices of architects, engineers, lawyers, accountants of other similar professionals.
- Employees shall be limited to residents of the live/work unit and up to two (2) additional employees.
- Maximum six and one-half (6.5) dwelling units per net acre excluding existing road rights-of-way.

4.72 NON-PROFIT COMMUNITY BUILDINGS AND CULTURAL FACILITIES

In the PSLR district, non-profit community buildings and cultural facilities established primarily to provide services to the community, such as, but not limited to, museums, senior centers, performing arts centers, indoor recreation centers are permitted as a special land use.

4.73 ACCESSORY BUILDINGS, STRUCTURES AND USES IN THE PSLR DISTRICT

Accessory buildings, structures and uses customarily incidental to the special land uses in the PSLR district are permitted as a special land use subject to [Section 4.19](#) and the following:

- Accessory buildings and structures shall be located in the rear yard or interior side yard.
- Accessory buildings shall be constructed of the same materials as the principal building(s), and shall not exceed twenty-five (25) percent of the floor space of the principal building.

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4.74 PARKING FOR SALE OF NEW, UNLICENSED MOTOR VEHICLES AND PARKING OF LICENSED RENTAL AND LOANER MOTOR VEHICLES

In the P-1 district, parking for sale of new, unlicensed motor vehicles and parking of licensed rental and loaner motor vehicles, but not including junk or inoperable motor vehicles, partially dismantled or damaged motor vehicles, are permitted as a special land use without time limitation subject to the following conditions:

1. Motor vehicles parked pursuant to this section shall be limited to passenger vehicles (cars, vans, pick-up trucks and sports utility vehicles), and shall not include semi-trucks or trailers, step-vans or other commercial vehicles.
2. No car hauler delivery operations shall be allowed.
3. A landscaped berm shall be provided around all sides of a P-1 zoned site abutting a residential zoned district which shall comply with standards at [Section 3.14.5.E](#).
4. No dumpster or trash storage facility shall be permitted.
5. Night lighting shall be shielded from all adjacent residential zoned districts.
6. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).

4.75 CONFERENCE CENTERS

In the C district, conference centers, including meeting rooms and halls, conference rooms, banquet rooms, pre-function space, and catering uses comprising contiguous space are permitted as a special land use.

4.76 RETAIL SALE OF PRODUCTS OR SERVICES OCCURRING AS PART OF A SCHEDULED EXPOSITION FUNCTION

1. In the EXPO district, retail sale of products or services occurring as part of a scheduled exposition function are a permitted use, provided, a scheduled exposition function that involves the sale of products shall not be repeated more often than six (6) times within a calendar year.
2. In the EXO district, retail sale of products or services are permitted as a special land use when occurring as part of a scheduled exposition function occurring in an exposition facility .

4.77 I-1 USES IN THE EXPO DISTRICT

The listed uses in Section 3.1.14.B.xvi through xxvii are permitted uses in the EXPO district subject to the following:

1. All usage as an exposition facility ceases in the district;
2. Subject to the conditions required in [Section 3.14.1 through Section 3.14.5](#).

4.78 RETAIL USES, SERVICE USES AND RESTAURANT USES

1. In order to provide a limited amount of retail and personal service establishments to serve the employees of and visitors to the nearby office use areas, the following additional uses shall be permitted by the Planning Commission on a limited number of properties located in the OST district and EXO Overlay district as a Retail Service Overlay.

A. Retail uses, service uses and restaurant uses are permitted as a special land use subject to the following:

- i. Generally recognized retail businesses and personal service establishments, as permitted in the B-1 district, [Section 3.1.10.B.i](#) and [3.1.10.B.ii](#), and other uses similar to the identified uses, subject to the limitations of [Section 3.19.5 and 3.19.7](#).
- ii. Restaurants, including sit down, banquet facilities or other places serving food or beverage, except those having the character of a drive-in or having a drive-through window, subject to the limitations of [Section 3.19.7](#).
- iii. Fast food drive-through restaurants shall be permitted only on properties meeting the requirements of subsection B, below subject to the limitations of subsection B.ii.d and [Section 3.19.7](#).

B. These above uses shall only be permitted on properties:

- i. Located within the areas designated "Office, Research, Development & Technology with Retail Service Overlay" on the Future Land Use Map in the City of Novi's Master Plan for Land Use; or



ii. Designated OST, Planned Office Service Technology on the City of Novi Zoning Map for that area north of Twelve Mile Road and east of M-5, and only for those properties located at the intersection of a minor arterial road, an arterial road or a major arterial road and a non-residential collector street, at least five-hundred (500) feet from land zoned for residential purposes, and subject to a finding by the Planning Commission that the proposed plan is consistent with all of the following standards:

- a. Is in keeping with the stated intent of the Retail Service Overlay to provide a limited amount of retail and personal service establishments to serve the employees and visitors to nearby office use areas;
- b. Is in keeping with the stated intent of the OST district to encourage and allow development of high tech, multi-use office/ laboratory/ production uses;
- c. That the proposed plan will not have an adverse impact on the site and on the adjacent lands and uses with respect to landscaping, screening, off-street parking, vehicular and pedestrian circulation, and the compatibility of its physical design with respect to adjacent buildings; and
- d. In order to ensure that the fast food drive-through restaurants permitted in this Section are intended to primarily serve the office uses in the immediate area, the following shall also apply:
 - (1) Only one fast food drive-through restaurant shall be permitted at the intersection of a minor arterial road, an arterial road or a major arterial road and a non-residential collector.
 - (2) The hours of operation of both the indoor restaurant and the drive-through lane shall be limited to the hours of 6 a.m. to 10 p.m.

2. RC district

- A. Retail business or service establishments are permitted as a special land use when such uses are accessory to or a part of an existing or developing planned commercial shopping center in an RC district. All such uses shall furthermore be subject to the site plan review requirements of [Section 3.31](#).
 - B. Restaurants are permitted as a special land use, except those having the character of a drive-in or having a drive-through window, provided that no freestanding restaurant of any type shall be located closer than one-thousand (1,000) feet from any other freestanding restaurant.
3. In the TC and TC-1 districts, generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other specialty food products (excluding all restaurants), drugs, dry goods, clothing and notions or hardware are a permitted use. Retail sales may be conducted outdoors on sidewalks, provided:
- i. At least six (6) feet of sidewalk width is clear for pedestrian traffic; and
 - ii. All merchandise and equipment is kept indoors during non-business hours.

4.79 SHOPPING CENTERS

In the RC district, the following shopping centers are a permitted as follows:

1. Regional shopping centers comprising not less than four-hundred thousand (400,000) square feet of gross leasable floor area.
2. Community shopping centers comprising not less than three-hundred thousand (300,000) square feet of gross leasable floor area.

4.80 OPEN AIR BUSINESSES

Open air business uses are permitted as a special land use when developed in planned relationship to shopping centers in the RC, TC and TC-1 districts as follows:



1. Retail sales of plant material and sales of lawn furniture, playground equipment and garden supplies are permitted provided:
 - A. In the RC, TC and TC-1 districts:
 - i. Such uses shall be located at the exterior of the building mass and in the designated interior side or rear yard and shall meet all setback requirements of the district. The storage or display of any materials or products relating to the above permitted items, shall be contained so as to prevent any adverse effects on adjacent areas and surrounding land use.
 - ii. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).
 - B. In the TC and TC-1 districts:
 - i. A solid masonry screen wall equal to a minimum of six (6) feet in height measured from average grade, with decorative metal fencing above the masonry screen wall (or other suitable screening materials to match the existing facade), and with a total height equal to one (1) foot higher than the material to be offered for sale, shall be provided.
 - ii. The sales area shall be accessible to customers from either the adjacent building or from a sidewalk adjacent to the building (or both).
 - iii. Any bulk material pick-up areas, or other similar areas if allowed, shall be screened from any adjacent public or private street or parcel with a screen wall and/or landscaping to achieve a minimum opacity of ninety (90) percent in the summer and eighty (80) percent in the winter.
2. In the RC district, recreation space providing children's amusement park and other similar recreation is permitted when part of a planned development, provided that:
 - A. The use shall be located at the exterior of the building mass in the designated interior side or rear yard and shall meet all setback requirements of the district.
 - B. Such uses shall be fenced on all sides with a four foot six inch (4 ft. 6 in.) chain link type fence.

- C. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).

4.81 FINANCIAL INSTITUTIONS

In the TC and TC-1 districts, financial institutions are a permitted use, provided that such institutions shall not have drive-thru teller or ATM facilities as the principal use of the premises.

4.82 RESIDENTIAL DWELLINGS

In the TC and TC-1 districts, residential dwellings are a permitted use, provided the following conditions are met:

1. Single-family detached dwellings shall meet requirements for the R-4 district.
2. Multiple-housing dwelling units and attached single family units (i.e., cluster housing, duplex, townhouse) shall meet requirements of the RM-1 district and/or cluster housing option as modified herein.

In a multiple-family development within the TC and TC-1 districts the total number of rooms (not including kitchen, dining and sanitary facilities) shall not have more than the area of the parcel in square feet, divided by a factor of one-thousand two-hundred (1,200). If such multiple housing is within a mixed-use development, the total number of rooms shall not be more than the area of the parcel in square feet, divided by a factor of eight-hundred (800). All public utilities must be available. In mixed-use developments, all units shall be a minimum of seven-hundred (700) square feet.



4.82.2 Residential Guidelines for Development				
Residential Guidelines for Non Mixed-Use Development				
Minimum Dwelling Unit Size	Room Count	Maximum Density (Units/Acre)	Max. % of Dwelling Units	Off-Street Parking Spaces Per Unit
Efficiency—400	1	—	5%	1
1 BR—500	2	18.15 (a)	25%	1
2 BR—750	3	12.1	100%	2
3 BR—900	4	9.07	100%	2
4+ BR—1,000	5	7.26	100%	2
Residential Guidelines for Mixed-Use Development				
Minimum Dwelling Unit	Maximum Room Count	Max. Density (Units/Acre)	Max. % of Dwelling Units	Off-Street Parking Spaces Per Unit
700	2	—	5%	1
900	3	27.23 (a)	50%	1
1,000	4	18.15	100%	2
1,100	5	13.61	100%	2
1,300	6	10.89	100%	2
Notes to Table				
(a) This density not attainable owing to cap on number of 1 BR units				

In a mixed-use development, an applicant shall be required to provide, as part of site plan approval for a development, conceptual floor plan layouts for each dwelling unit to establish the maximum number of rooms permitted per building. After the maximum rooms per building has been established, an applicant may modify the individual unit floor plans, provided that the maximum rooms and maximum percentage of each type of dwelling unit are not exceeded for the development.

The minimum distance between buildings shall be ten (10) feet.

Building setback to any property line shall be thirty (30) feet, except where adjacent to single-family residential property, in which case the setback shall be seventy-five (75) feet. Driveways, parking and walls may be within the setback as long as a ten (10) foot green belt area is placed between the property line and any improvement.

Off-street parking shall not be placed within ten (10) feet to any wall of a dwelling structure which contains openings involving living areas, and no closer than five (5) feet to any wall that does not contain such openings. Units which have garages may be permitted parking on garage aprons. No off-street parking, maneuvering lanes, service drives or loading areas shall be located closer than ten (10) feet from any street right-of-way and five (5) feet from any other property line, except where adjacent to single-family residential property, in which case such facilities shall be no closer than thirty (30) feet from the property line.

3. Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential use.



- 4. All buildings fronting onto a publicly dedicated roadway shall have non-residential uses on the first floor.
- 5. Off-street parking shall either be provided within the building, within a parking structure physically attached to the building, or in a designated off-street parking area within three-hundred (300) feet of the building.
- 6. Open space as set forth in the Development Standards of each district shall be provided for each multiple dwelling unit. The dimensional requirements for rooftop open space may be modified where such dimensions cannot be met due to the size of the building.

4.83 KEEPING OF DOGS AND CATS

It is recognized that the keeping of an unlimited number of dogs and cats within residential districts for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable use of such districts. It shall be unlawful for any person or persons to keep more than three (3) dogs or three (3) cats within residential districts, with the exception that a litter of pups or a litter of kittens, or a portion of a litter may be kept for a period not exceeding five (5) months from birth.

4.84 OUTDOOR RESTAURANTS

All sit-down and fast food sit-down restaurants, as defined at Section 2.2, may have outside seating and dining as an accessory use, subject to the following conditions:

- 1. If the seating area is proposed as part of a site plan application it shall require site plan review and approval by the Planning Commission or City Council, in accordance with Section 6.1. If the seating area is proposed to be added for an existing business, a plan providing sufficient information to determine compliance with Section 4.84 shall be submitted for review and approval by the Building Official. Outdoor seating areas shall also comply with all applicable building and fire codes. Once initial approval has been granted by the Planning Commission, City Council or administratively, as applicable, it may be renewed annually by the Building Official, provided that it complies with the original approval.
- 2. Outdoor seating shall be permitted between March 1st and November 30th with all furniture and fixtures including, but not limited to, tables, chairs and waste receptacles

- removed from the exterior premises after November 30th. Outdoor seating shall not be the primary seating of the restaurant.
- 3. Outdoor seating areas shall be located in a manner to maintain a minimum pathway width of six (6) feet (clear of structures such as light poles, trees and hydrants) along the sidewalk so as not to interfere with pedestrian traffic. Chairs and tables shall be of a quality durable material such as metal or wood. Waste receptacles shall be provided in instances where wait staff does not clear all tables.
- 4. Outdoor seating areas shall be required to be enclosed in instances where there is alcohol service. Enclosures shall consist of metal railing, wood railing, brick walls or other suitable materials approved by the Planning Commission, City Council or administratively, as applicable, and the Building Official.
- 5. For outdoor seating areas located within any public right-of-way, approval by the corresponding jurisdiction (i.e. City of Novi, MDOT or Road Commission for Oakland County) is required. Proof of Insurance naming the City as an additional insured, in a form and amount deemed acceptable by the City Attorney's office, shall be required. A license agreement in a form deemed acceptable to the City Attorney's office shall also be required.
- 6. For plans showing more than twenty (20) occupants within the outdoor seating area, requirements for off-street parking for outdoor restaurants shall be computed according to the standards contained in Section 5.2, as indicated for restaurant use.
- 7. The hours of operation for the outside restaurant shall be consistent with the hours of operation of the inside restaurant.
- 8. If the seating area proposed contains more than twenty (20) occupants or if hardscape or landscape improvements are proposed as part of the outdoor seating area, a site plan prepared in accordance with Section 6.1 shall be submitted for administrative review and approval by the Planning Division staff.



4.85 ADULT BOOKSTORES, ADULT MOTION PICTURE THEATERS, ADULT MOTELS, ADULT PERSONAL SERVICE BUSINESSES AND CABARETS

1. Intent. In the development and enactment of this Section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated into limited areas of the City, thereby having a deleterious effect upon the adjacent areas. Such concentration tends to detract from the aesthetics of the neighborhood; cause annoyance or disturbance to the citizens and residents who live, work in, or pass through the neighborhood; attract an undesirable quantity of transients; adversely affect property values; cause an increase in crime; and encourage residents and other businesses to move elsewhere. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The control or regulation is for the purpose of preventing a concentration of these uses in any one area. Uses subject to these controls shall be permitted only upon approval of the City Council. Uses subject to these controls, referred to as "Adult Uses," are as follows.
2. Adult Uses. Uses subject to the controls contained herein shall be referred to as Adult Uses. These uses shall include the following:
 - A. **Adult bookstore**
 - B. **Adult mini motion picture theater**
 - C. **Adult motion picture theater**
 - D. **Adult motel**
 - E. **Adult personal service business, and**
 - F. **Cabaret**
3. Procedure. It shall be unlawful to establish any Adult Use except as hereinafter provided:
 - A. City Council Approval.
 - i. Any person owning or having an interest in the subject property may file an application for a license to use such property for one or more Adult Uses provided for in this Section of the zoning district in which the property is situated. Such application shall be filed with the Planning Commission.

- ii. Any applicant for a Adult Use must fully comply with **Section 6.1** of this Ordinance requiring site plan review, and with all other applicable provisions of this Ordinance.
 - iii. Upon receiving an application for a Adult Use, the Planning Commission shall conduct necessary field inspections, surveys and investigations; prepare maps, charts or other pictorial materials; hold necessary hearings; and otherwise process said application in order to arrive at a proper recommendation. The Planning Commission shall then transmit the application for Adult Use, together with the Planning Commission's recommendation thereon, to the City Council.
 - iv. The City Council shall give due notice of receipt of the application for Adult Use and the Planning Commission's recommendation in such manner as is prescribed by the provisions of Act 110 of 2006, as amended.
 - v. Subsequent to the deadline for response to the Notice of Application, a decision shall be made by the City Council to either approve, approve with conditions, or deny the application in accordance with the standards set forth in Part iv of this Section.
 - vi. Upon approval or approval with conditions of the application by the City Council, a license shall be granted for the Adult Use. Said license shall be a nontransferable license for the life of the use, and shall be issued upon payment by the applicant of a license fee to be determined by resolution of the City Council.
- B. Approval Standards.
- i. No Adult Use shall be established in any zoning district other than a B-3 zoning district.
 - ii. No Adult Use shall be established within one-thousand (1,000) feet of any other Adult Use. Measurement shall be made from front door to front door along the street line.

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- iii. No Adult Use shall be established within one-thousand (1,000) feet of a pre-existing school or place of worship. Measurement shall be made from front door of the proposed Adult Use to front door of the pre-existing school or place of worship along the street line.
- iv. No Adult Use shall be established within one-thousand three-hundred (1,300) feet of any residentially zoned district. Measurement shall be from the front door of the proposed Adult Use to the nearest residential district boundary line as established by this Ordinance.
- v. No Adult Use shall be approved by the City Council unless all of the following findings are made:
 - a. That the establishment, maintenance, location and operation of the Adult Use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare; and
 - b. That the Adult Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted nor substantially diminish or impair property values within the neighborhood; and
 - c. That the establishment of the Adult Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in that district; and
 - d. That the Adult Use will not be conducted in any manner that permits the observation of any material depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas," from any public way or from any other property. This provision shall apply to any display, decoration, sign, show window, or other opening; and
 - e. That adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided; and
 - f. That adequate measures have been or will be taken to provide ingress and egress designed so as to minimize traffic congestion in the public streets; and
 - g. That the Adult Use will in all other respects conform to the applicable requirements of the zoning district in which it is located.
- vi. Prior to granting any Adult Use, the City Council may modify any existing requirements or may impose any additional conditions or limitations upon the establishment, location, construction, maintenance or operation of the Adult Use as may in its judgment be necessary for the protection of the public interest and to secure compliance with the standards specified above. The City Council may require such evidence and guarantees as it deems necessary as proof that the conditions stipulated in connection therewith are being, and will be, fulfilled.
- vii. The City Council shall waive the locational provisions of subsection 3.B.ii of this Section if the following findings are made:
 - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Section will be observed.
 - b. That the proposed use will not enlarge or encourage the development of a "skid row" area.
 - c. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation.
 - d. That all applicable regulations of this Section will be observed.
- viii. In any case where a Adult Use has not been established within six (6) months after the granting of a license therefore, then without further action by the City Council, the Adult Use license shall be null and void.



4. Appeal. An appeal may be taken to the circuit court from any decision of the City Council on an application for a Adult Use.

No application for a Adult Use which has been denied wholly or in part by the City Council shall be resubmitted for a period of one (1) year from the date of said order or denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the City Council.

5. Violation. The failure of a licensee under this Section to comply with the requirements of [sub-parts 3.A.ii, 3.B.v or 3.B.vi](#), shall constitute a violation of this Ordinance and shall result in revocation of the license by the City Council. An appeal may be taken to the circuit court from a license revocation by the City Council.

4.86 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT

Because the uses hereinafter referred to in this Section possess unique characteristics making it impractical to include them in a specific use district, they may be permitted by the City Council upon recommendation by the Planning Commission. The Planning Commission shall review any such use as set forth herein, and make its recommendation after holding a public hearing in accordance with the requirements as set forth and regulated in [Section 6.2](#).

In every case, the uses herein set forth shall be expressly prohibited from any residential district, unless otherwise specifically permitted in this Section.

The uses permitted herein require special consideration since they service an area beyond the City and/or require sizable land areas creating potential control problems with respect to adjacent land use and use districts, traffic, noise, appearance and general safety.

Those uses falling specifically within the intent of this Section are as follows:

1. Commercial Television and Radio Towers, Communication Antennas, Public Utility Microwave Towers, Public Utilities T.V. Transmitting Towers. Radio and television towers, communication antennas, public utility microwave towers, public utility television transmitting towers, their attendant facilities shall be permitted subject to the following criteria and standards being met:

- A. Communication antenna towers and poles shall be permitted in I-1 and I-2 districts, provided the antenna or pole is located at least three-hundred (300) feet from any residentially-zoned districts. The City Council may permit a communication antenna or pole in other zoning districts not listed above or within three-hundred (300) feet of a residentially-zoned district, or may otherwise vary the standards contained herein, when it finds that such restrictions would prohibit or have the effect of prohibiting the provision of personal wireless services, so as to contravene the provisions of 47 U.S.C. § 332(c)(7)(B)(i). The relief granted shall be the minimum necessary to eliminate such an effect.
- B. The following criteria shall be considered in the recommendation of the Planning Commission, and decision of the City Council:
 - i. Whether the requested use is essential or desirable to the public convenience or welfare.
 - ii. Whether the proposed antenna tower or pole is of such location, size and character as to be compatible with the orderly development of the zoning district in which it is situated, and shall not be detrimental to the orderly development, environment or use of adjacent properties and/or zoning districts. Consideration will be given to applications which present a creative solution to proliferation of antennas.
 - iii. Whether denial of the request will prohibit or have the effect of prohibiting the provision of personal wireless services.



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C. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the City, co-location, or the provision of more than one facility at a single location, shall be required in accordance with the following. An applicant seeking to establish a new antenna or pole for the providing of wireless services shall be required to provide information regarding the feasibility of co-location at existing sites. Before approval is granted for a new facility, the applicant shall demonstrate that it is not possible to co-locate at an existing site. Further, the applicant shall be required to provide a letter of intent to lease excess space on a facility and commit itself to:

- i. Respond to any requests for information from another potential shared use applicant;
- ii. Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically feasible, and
- iii. Make no more than a reasonable charge for a shared use lease.

The requirement to permit co-location in accordance with such letter of intent shall be deemed a condition of approval of an application. If a party that owns or otherwise controls a facility fails or refuses a proposed and feasible co-location, that party shall be deemed in violation of this section. In addition to those remedies provided in [Section 7.14](#), the party shall be precluded from receiving approval for a new wireless communication facility until such violation is corrected.

To further minimize the impact of such facilities on the City, if facilities cease to be used for transmission purposes, the facilities, including all buildings and structures, shall be removed in their entirety within ninety (90) days of the ceasing of such use and a note evidencing this requirement shall be placed on the site plan.

- D. The use may be located on the same property with a second principal use. When a tower or pole is located on the same property as another principal use it shall be separated from all structures, associated with the other principal use by a distance no less than forty (40) percent of the height of the pole or tower. Separation shall not be required for an antenna attached to an existing building, tower, pole or other structure. For purposes of access to public streets and dimensional requirements, the property shall be treated as a single site. If a tower ceases to be utilized it shall be removed within ninety (90) days, along with any building, fencing or other structural improvements.
- E. A setback consisting of forty (40) percent of the height of an antenna tower and antenna (forty (40) percent fall zone) shall be required for any antenna tower or pole. Fall zone percentage means the distance relative to the height of the tower or pole, as measured from surrounding grade to the uppermost element of the antenna, which the tower or pole must set back from all adjacent property lines. If the setback is less than one-hundred (100) percent of height of tower or pole, the applicant must provide data showing that the facility is designed to keep any falling tower, pole or other infrastructure within the fall zone. Notwithstanding the above, where a site is adjacent to residentially-zoned property, the minimum setback shall be not less than one-hundred (100) percent of the height of the antenna tower and antenna.
- F. All transmission lines related to and serving any antenna tower or pole shall be placed underground.
- G. Antenna towers, poles and related equipment shelter buildings shall be subject to site plan review as provided in [Section 6.1](#). All equipment not mounted on the antenna tower or antenna pole must be installed in an equipment shelter building, unless otherwise permitted in this Section. Equipment shelter buildings shall be constructed of face brick on all sides with a gable roof in addition to compliance with the facade standards of [Section 5.15](#).



- H. The approving body may permit the installation of outdoor cabinets or other equipment outside of an equipment shelter building, provided that the equipment is located within a screened equipment compound. The applicant shall demonstrate to the approving body that the placement of equipment within an equipment shelter building is not practical, due to existing site conditions or due to the constraints of the equipment itself. The equipment compound shall be adequately screened from view from any public road and all neighboring properties. Any equipment permitted outside of a building, including cabinets, may not exceed the height of the screening. Screening may consist of a masonry screen wall that complies with [Section 5.15](#), or with landscaping that provides for adequate screening of the equipment compound, as approved by the city's landscape architect. The equipment compound entrance shall be screened with an opaque gate.
 - I. Equipment shelter buildings and equipment compounds shall comply with the building setback and height standards for the district in which they are located.
 - J. Antenna towers shall not exceed one-hundred and fifty (150) feet in height as measured from surrounding grade.
 - K. Where a wireless communication facility is proposed on the roof of a building, and the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed, and maintained to be architecturally compatible with the building on which it is to be located, and shall be subject to the standards of [Section 5.15](#).
 - L. Antenna shall be permitted to be mounted on an existing structure, such as a building, water tower or utility tower, provided that all other provisions of this ordinance are met.
 - M. If permitted in a residential district, antenna towers or poles shall be of a "stealth design" that conceals the antenna and associated mounting structure, or other design that is deemed harmonious with the property and surrounding residential districts.
 - N. As a condition to every approval, the applicant shall provide to the City of Novi Building Division on an annual basis, beginning the first July 1st after erection of the tower, an inspection report from a licensed engineer confirming: (1) the continued structural integrity of the facility in accordance with applicable standards; and (2) that the facility meets those standards imposed by the Federal Communications Commission for radio frequency emissions. A notice of these conditions shall be placed on the site plan.
 - O. When an applicant proposes solely to construct an antenna upon an existing structure, install additional equipment or construct an additional equipment building, without the construction of any additional tower or pole, the application and plan may be reviewed administratively without the necessity of special land use approval, provided that the criteria of this subsection are met. Under such administrative review, determinations that would otherwise be made by the Planning Commission or City Council shall be made by the Planning Division of the Community Development Department.
2. Outdoor Theaters. Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I-2 districts only, and shall not be adjacent to existing or planned residential areas. Outdoor theaters shall further be subject to the following conditions:
 - A. The proposed internal design shall receive approval from the Building Official and the City Engineer as to adequacy of drainage, lighting and other technical aspects.
 - B. Outdoor theaters shall abut a major thoroughfare and point of ingress and egress shall be available only from such major thoroughfare.
 - C. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.



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- D. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.
- 3. Sand, Gravel Topsoil and Ore Extraction. The removal of sand, gravel, limestone or any similar materials by excavation, stripping, mining or otherwise taking, including any on-site operations appurtenant or accessory to the taking (i.e., washing, grading, sorting or grinding and crushing operations) shall be permitted in any zoning district. All extraction from new pits begun subsequent to the effective date of this Ordinance shall be washed, graded and further processed and/or stored within the limits of the property in question or within the limits of the operations and no natural resource extracted outside the limits of the property in question or the limits of adjoining operations by the same company, shall be brought to the site or operation for washing, grading or further processing, except in the event of a public emergency as declared by the City Council.

Resource related industries, including but not limited to concrete batch plants, asphalt mixing plants and contractors yards, shall be expressly prohibited as a use permitted under these provisions: Any sand, gravel, topsoil or ore extraction operations may be permitted in any zoning district in the City including any residential district, provided all the applicable requirements of this Ordinance and any other City Code or Ordinance which relates to such operations are strictly adhered to.
- 4. Public and Private Stables and Riding Academies. Public and private stables and riding academies shall be permitted in RA and all R-1 through R-4 districts subject to the following:
 - A. There shall be maintained a minimum lot area of not less than ten (10) acres, with a minimum lot width of not less than five-hundred (500) feet.
 - B. There shall be provided an area of not less than one (1) acre for each horse stabled.
 - C. The structure for housing the horses shall be not less than one-hundred (100) feet from any exterior property line or from any dwelling unit on said property.
- D. Manure and stable refuse shall be treated so as to control flies and other insects, and shall be disposed of regularly and not be allowed to accumulate so as to become a public nuisance.
- 5. Training Farm for Horses in RA and all R-1 through R-4 districts, subject to the following conditions:
 - A. Said use shall not be established on a site of less than sixty (60) acres.
 - B. No less than two (2) acres shall be provided for each horse not stabled.
 - C. Said use shall not be permitted in any quarter section containing a platted subdivision of record and not within five-hundred (500) feet of any subdivision of record.
 - D. No building, structure or activity area as a parking lot shall be located closer than three-hundred (300) feet to an exterior property line and no practice track shall be located closer than two-hundred (200) feet to any exterior property line, nor shall any of the aforementioned facilities be closer than one-hundred (100) feet from any dwelling unit on said property. Buildings of greater height than the maximum height allowed in the Development Standard of the indicated districts may be allowed.
 - E. The site shall have at least one (1) property line abutting a major thoroughfare and all ingress and egress shall be from said major thoroughfare.
 - F. The site shall not be open to the public and the construction of grandstands or other spectator facilities shall be prohibited.
 - G. The use of loud speakers or other sound amplification devices shall be prohibited.
 - H. Manure shall be treated so as to control flies and other insects, and shall be disposed of regularly and not allowed to accumulate.
 - I. All structures or buildings intended for human habitation shall meet all health, sanitation, housing and other applicable codes and ordinances of the City of Novi.
- 6. Accommodations for Helicopters. Facilities for the accommodation of helicopters are considered separately under this Section.

These facilities shall be subject to the review procedures and applicable criteria for airports and the following:



- A. Heliports shall be permitted in the I-2 district only. Helistops shall be permitted in all districts except the residential districts, OS-1 district, B-1 district and B-3 district. Helipads may be established in any zoning district.
 - B. When reviewing an application for a heliport, helistop or helipad, the City shall require contemporary standards recommended by the Federal Aviation Agency and Michigan Aviation Commission for the proper operation of such facilities.
 - C. Particular attention shall be given to the following:
 - i. That adequate provision is made to control access to the facility.
 - ii. That the surface of the facility is such that dust, dirt or other matter will not be blown onto adjacent property by helicopter operations.
 - iii. That all applicable provisions of building, fire and health codes are met, including special provisions applicable in the case of rooftop heliports.
 - iv. That appropriate provision is made for off-street parking.
7. Oil and Gas Drilling Facilities. Oil and gas drilling facilities shall be permitted subject to the requirements of [Chapter 23 of the Novi Code of Ordinances](#).
8. Wind Energy Turbines
- A. Intent. The purpose of this ordinance is to establish guidelines for siting Wind Energy Turbines (WETs). The goals are as follows:
 - i. To promote the safe, effective and efficient use of a WET in order to reduce the consumption of fossil fuels in producing electricity.
 - ii. Preserve and protect public health, safety, welfare and quality of life by minimizing the potential adverse impacts of a WET.
 - iii. To establish standards and procedures by which the siting, design, engineering, installation, operation and maintenance of a WET shall be governed.
 - B. Applicability. This ordinance applies to all WETs proposed to be constructed after the effective date of this ordinance. All WETs constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance; however, any physical modification to an existing WET that materially alters the size, type, equipment or location shall require a permit under this Ordinance.
 - C. Small Structure-Mounted Wind Energy Turbine and Small Tower-Mounted Wind Energy Turbine. Notwithstanding other provisions of this section of the ordinance, a Small Structure-Mounted Wind Energy Turbine (SSMWET) and Small Tower-Mounted Wind Energy Turbine (STMWET) shall be considered a principal permitted use in all zoning districts. A SSMWET and/or STMWET shall not be erected, constructed, installed or modified as provided in this ordinance unless administrative approval from the Planning Division and appropriate building permits have been issued to the owner(s) or operator(s). All SSMWETs and STMWETs are subject to the following minimum requirements:
 - i. Siting and Design Requirements
 - a. "Upwind" turbines shall be required for all horizontal WETs.
 - b. Visual Appearance
 - (1) A SSMWET or STMWET, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower and any ancillary facility shall be maintained in working condition and free of rust and corrosion by the owner of the SSMWET or STMWET throughout the life of the SSMWET or STMWET.
 - (2) A SSMWET or STMWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.



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- (3) A SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers or decorative items), except for reasonable identification of the turbine manufacture.
- c. Ground Clearance: The lowest extension of any blade or other exposed moving component of the SSMWET or STMWET shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within thirty (30) feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the SSMWET or STMWET.
- d. Noise: Noise emanating from the operation of a SSMWET(s) shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential use parcel or from the property line of parks, schools, hospitals or churches. Noise emanating from the operation of a SSMWET or STMWET shall not exceed, at any time, the lowest ambient noise level plus five (5) dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential use parcel.
- e. Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which a SSMWET or STMWET is located.
- f. Guy Wires: Guy wires shall not be permitted as part of the SSMWET or STMWET.
- g. In addition to the Siting and Design Requirements listed previously, the SSMWET shall also be subject to the following:
 - (1) Height: The height of the SSMWET shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae and other similar protuberances.
 - (2) Setback: The setback of the SSMWET shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the SSMWET is affixed by extension to the side, roof or other elevated surface, then the setback from the property lines or public right-of-way shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension of all moving parts.
 - (3) Location: The SSMWET shall not be affixed to the side of a structure facing a road.
 - (4) Separation: If more than one SSMWET is installed, a distance equal to the height of the highest SSMWET must be maintained between the base of each SSMWET.
- h. In addition to the Siting and Design Requirements listed previously, the STMWET shall also be subject to the following:
 - (1) Height: The total height of a STMWET in any nonresidential district shall not exceed one-hundred (100) feet. The total height of a STMWET in any residential district shall not exceed thirty-five (35) feet.
 - (2) Location: The STMWET shall only be located in the rear yard of a property that has an occupied building. In the case of a double-frontage lot, the STMWET may be located in an interior side yard.



- (3) Occupied Building Setback: The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the tower.
 - (4) Other Setbacks: The setback shall be equal to the total height of the STMWET as measured from the base of the tower, from the property line, public right-of-way, public easement or overhead utility lines. This setback may be reduced if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind turbine.
 - (5) Electrical System: All electrical controls, control wiring, grounding wires, power lines and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.
- ii. Application Requirements. The following information should be submitted with the proposed site plan.
- a. Documented compliance with the noise requirements set forth in this ordinance. Said documentation shall require, at a minimum, data reflecting ambient sound measurements taken over a two (2) week period, which shall include the location on the property where the measurements were taken. The method of measuring ambient sound levels and the location on the property where the measurements will be taken shall be approved by the City prior to the collection of the data.
 - b. Documented compliance with applicable local, state and national regulations including but not limited to, all applicable safety, construction, environmental, electrical, communications and FAA requirements.
 - c. Proof of applicant's liability insurance.
 - d. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
 - e. The STMWET application shall also include the following: A description of the methods that will be used to perform maintenance on the STMWET and the procedures for lowering or removing the STMWET in order to conduct maintenance.
- iii. Safety Requirements
- a. If the SSMWET or STMWET is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
 - b. The SSMWET or STMWET shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
 - c. A clearly visible warning sign regarding voltage shall be placed at the base of the SSMWET or STMWET. The sign shall contain at least the following:
 - (1) Warning high voltage



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- (2) Manufacturer's and owner(s)/ operator(s) name(s)
- (3) Emergency contact numbers (list more than one number)
- d. The structural integrity of the SSMWET or STMWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" and or IEC 61400-23 "Blade Structural Testing," or any similar successor standards.
- iv. Signal Interference. The SSMWET or STMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite or emergency communication systems.
- v. Decommissioning
 - a. The SSMWET or STMWET owner(s) or operator(s) shall complete decommissioning within six (6) months after the end of the useful life. Upon request of the owner(s) or assigns of the SSMWET of STMWET, and for a good cause, the City Council may grant a reasonable extension of time. The SSMWET or STMWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
 - b. If the SSMWET or STMWET owner (s) or operator(s) fails to complete decommissioning within the period prescribed above, the City Council may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the SSMWET or STMWET is not owned by the property owner, a bond must be provided to the City for the cost of decommissioning each SSMWET or STMWET.
 - c. In addition to the decommissioning requirements listed above, the STMWET shall also be subject to the following:
 - (1) Decommissioning shall include the removal of each STMWET, buildings, electrical components and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade.
 - (2) The site and any disturbed earth shall be stabilized, graded and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.
- D. Medium Wind Energy Turbine. A Medium Wind Energy Turbine (MWET) shall be considered a principal permitted use subject to special conditions in the following districts: I-1, I-2 and OST. A MWET shall not be erected, constructed, installed or modified as provided in this ordinance unless City Council approval has been granted after a recommendation from the Planning Commission and appropriate building permits have been issued to the owner(s) or operator(s). All MWETs are subject to the following minimum requirements:
 - i. Siting and Design Requirements
 - a. "Upwind" turbines shall be required for all horizontal WETs.
 - b. The design of a MWET shall conform to all applicable industry standards.
 - c. Visual Appearance
 - (1) Each MWET, including accessory buildings and related structures shall be mounted on a tubular tower and a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of turbines, towers and buildings shall be maintained in working condition and free of rust and corrosion by the owner of the MWET throughout the life of the MWET.



- (2) Each MWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
- (3) A MWET shall not be used for displaying any advertising (including flags, streamers or decorative items), except for reasonable identification of the turbine manufacture.
- d. **Vibration:** Each MWET shall not produce vibrations humanly perceptible beyond the property on which it is located.
- e. **Shadow Flicker:** The MWET owner (s) and/or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the MWET. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than thirty (30) hours per year and describe measures that shall be taken to eliminate or mitigate the problems. Shadow flicker on a building shall not exceed thirty (30) hours per year.
- f. **Guy Wires:** Guy wires shall not be permitted as part of the MWET.
- g. **Electrical System:** All electrical controls, control wiring, grounding wires, power lines and all other electrical system components of the MWET shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.
- h. **Location:** If an MWET is located on an agricultural, commercial, industrial or public property that has an occupied building it shall only be located in the rear yard. In the case of a double frontage lot, the MWET may be located in an interior side yard. The MWET shall only be located in a General Common Element in a Condominium Development.
- i. **Height:** The total height of an MWET shall not exceed one-hundred fifty (150) feet.
- j. **Ground Clearance:** The lowest extension of any blade or other exposed moving component of a MWET shall be at least fifteen (15) feet above the ground (at the highest point of the grade level within fifty (50) feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human occupancy, such as balconies or roof gardens, that are located directly below the MWET.
- k. **Noise:** Noise emanating from the operation of a MWET shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals and churches. Noise emanating from the operation of a MWET(s) shall not exceed, at any time, the lowest ambient noise level plus five (5) dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
- l. **Setback and Separation**
 - (1) **Occupied Building Setback:** The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.

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- (2) Property Line Setbacks: With the exception of the locations of public roads (see below) and parcels with occupied buildings (see above), the internal property line setbacks shall be equal to the total height of the MWET as measured from the base of the tower. This setback may be reduced to a distance agreed upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the WET.
 - (3) Public Road Setbacks: Each MWET shall be set back from the nearest public road a distance equal to the total height of the MWET, determined at the nearest boundary of the underlying right-of-way for such public road.
 - (4) Communication and Electrical Lines: Each MWET shall be set back from the nearest above-ground public electric power line or telephone line a distance equal to the total height of the MWET, as measured from the base of the tower, determined from the existing power line or telephone line.
 - (5) Tower Separation: MWET tower separation shall be based on industry standard and manufacturer recommendations.
- ii. Safety Requirements
 - a. If the MWET is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
 - b. The MWET shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
 - c. Security measures need to be in place to prevent unauthorized trespass and access. Each MWET shall not be climbable up to fifteen (15) feet above ground surfaces. All access doors to MWETs and electrical equipment shall be locked and/or fenced as appropriate, to prevent entry by non-authorized person(s).
 - d. All spent lubricants, cooling fluids and any other hazardous materials shall be properly and safely removed in a timely manner.
 - e. Each MWET shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower and on the security fence, if applicable. The sign shall contain at least the following:
 - (1) Warning high voltage
 - (2) Manufacturer's and owner(s)/operator(s) name(s)
 - (3) (iii) Emergency contact numbers (list more than one number)



- f. The structural integrity of the MWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design," IEC 61400-22 "Wind Turbine Certification" and or IEC 61400-23 "Blade Structural Testing," or any similar successor standards.
- iii. Signal Interference. The MWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite or emergency communication systems.
- iv. Decommissioning
 - a. The MWET owner(s) or operator(s) shall complete decommissioning within six (6) months after the end of the useful life. Upon request of the owner(s) or assigns of the MWET and for a good cause, the City Council may grant a reasonable extension of time. The MWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
 - b. Decommissioning shall include the removal of each MWET, buildings, electrical components and roads to a depth of sixty (60) inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the County Register of Deeds.
 - c. All access roads to the MWET shall be removed, cleared and graded by the MWET owner(s), unless the property owner(s) requests in writing, a desire to maintain the access road. The City will not be assumed to take ownership of any access road unless through official action of the City Council.
- d. The site and any disturbed earth shall be stabilized, graded and cleared of any debris by the owner (s) of the MWET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.
- e. If the MWET owner(s) or operator (s) fails to complete decommissioning within the period described above, the City may designate a contractor to complete the decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the MWET is not owned by the property owner, a bond must be provided to the City for the cost of decommissioning each MWET.
- v. Application Requirements. The following information should be submitted with the proposed site plan.
 - a. Documented compliance with the noise and shadow flicker requirements set forth in this ordinance. Said documentation shall require, at a minimum, data reflecting ambient sound measurements taken over a two (2) week period, which shall include the location on the property where the measurements were taken. The method of measuring ambient sound levels and the location on the property where the measurements will be taken shall be approved by the City prior to the collection of the data.
 - b. Engineering data concerning construction of the MWET and its base or foundation, which may include, but is not limited to, soil boring data.
 - c. Anticipated construction schedule.
 - d. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the MWET to conduct maintenance, if applicable.

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- e. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical and communications. The MWET shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport Zoning Act, Michigan Tall Structures Act and any applicable airport overlay zone regulations.
- f. Proof of applicant's liability insurance.
- g. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- h. A written description of the anticipated life of each MWET; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the MWET(s) become inoperative or non-functional.
- i. The applicant shall submit a decommissioning plan that will be carried out at the end of the MWET's useful life, and shall describe any agreement with the landowner(s) regarding equipment removal upon termination of the lease.
- j. The proposed plan shall conform to the requirements of [Section 6.1](#) of the Zoning Ordinance: Site Plan Review (All Districts).
- vi. Certification and Compliance. The City must be notified of a change in ownership of a MWET or a change in ownership of the property on which the MWET is located.
- E. Temporary Uses Related to Wind Energy Turbines. The following is permitted in all zoning districts as a temporary use, in compliance with the provisions contained herein, and the applicable WET regulations.

- i. Anemometers
 - a. The construction, installation or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state and federal safety, construction, environmental, electrical, communications and FAA requirements.
 - b. An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety requirements and decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.
 - c. An anemometer shall be permitted for no more than thirteen (13) months for a SSMWET, STMWET or MWET.

4.87 UNLISTED USE DETERMINATIONS

Where a proposed use of land or use of a building is not contemplated or specified by this Ordinance, or where the Planning Division has a question as to the appropriateness of a use that involves other features that were not contemplated or specified by this Ordinance, the Planning Division shall request a determination from the City Council, after review and recommendation from the Planning Commission, as to what district or districts, if any, in which the proposed use may be appropriate as a special land use.

In acting upon the request, the City Council shall take into consideration the spirit, purpose and intent of the Ordinance and the Master Plan for Land Use. If the City Council determines that:

1. Such use does not appear to be expressly authorized in the zoning ordinance as a principal permitted use or a principal use permitted subject to special conditions,
2. Such use does not appear to have been contemplated by this Ordinance as a principal permitted use or a principal permitted use subject to special conditions, or



3. Such use involves features which do not appear to have been contemplated by the zoning ordinance as features of a principal permitted use or a principal permitted use subject to special conditions, the City Council shall specify what district or districts, if any, in which the proposed use may be appropriate as a special land use.

Following such a determination, a party authorized to do so may file an application pursuant to [Section 6.2](#) for approval of the use as a special land use in a district in which the City Council has determined the use may be appropriate as a special land use.

4.88 SPECIAL USE ACCOMMODATIONS

1. Purpose. This section is intended to authorize the grant of relief from the strict terms of the ordinance in order to provide and regulate equal housing opportunities particularly suited to the needs of persons entitled to reasonable accommodation under law, and to encourage innovation in land use and variety in design and layout. In the event state or federal law, e.g., The Federal Fair Housing Amendments Act of 1988, requires the City to make a "reasonable accommodation" for a particular proposed user of property, the City Council, following public hearing before, and the recommendation of, the City Manager, or the Manager's designee, under the authority of Section 503 of Act 110 of 2006, The Michigan Zoning Enabling Act, MCL 125.3503, administratively approve a special accommodation use, subject to and in accordance with this section.
2. Requirements. As a condition to approval of a special accommodation use, the applicant must comply with all of the terms of this section, and must demonstrate all of the following:
 - A. The ultimate residential user or users of the property shall be persons for whom state or federal law mandates the City to make reasonable accommodations in connection with proposed uses of land; and
 - B. Taking into consideration the needs, facts, and circumstances which exist throughout the City, and within the population to be served by the use, including financial and other conditions, making the proposed reasonable accommodation shall be necessary to afford such persons equal opportunity to the proposed use and enjoyment within the City; and

- C. Approval of the proposed housing shall not require or will not likely result in a fundamental alteration in the nature of the land use district and neighborhood in which the property is situated, considering cumulative impact of one or more other uses and activities in, or likely to be in, the area, and shall not impose undue financial and administrative burden. The interests of the City shall be balanced against the need for accommodation on a case-by-case basis.
 - D. No other specific ordinance provision exists and is available to provide the relief sought.
3. Application. The application for a special accommodation use shall include the following:
 - A. A plan drawn to scale, showing the proposed use and development.
 - B. A separate document providing a summary of the basis on which the applicant asserts entitlement to approval of a special accommodation use, covering each of the requirements of subsections 4.88.2.A-D, above. This summary shall include the documentation on which the applicant relies, as well as the name, address and a summary of all statements with regard to each person whose statements shall be relied upon by the applicant (and, if such persons are relied upon for their expertise, a resume of their backgrounds and expertise shall be included).
 - C. The information required for site plan review, provided, upon a showing by the applicant that the inclusion of specified information generally required for site plan review would be irrelevant, the City Manager may waive the requirement to include such material in the application. As part of the recommendation made by the City Manager to the City Council, the Manager shall inform the Council of the required information waived by the Manager under this paragraph. If, during review, the City Council determines that information waived by the Manager is needed for decision-making, the Council may require the submission of such information.

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4. Standards and Regulations. In order to be entitled to the approval of a special accommodation use, the following must be demonstrated by the applicant to the City Council, after public hearing before, and recommendation of, the City Manager or the City Manager's designee(s). If the City Council determines to approve a special accommodation use, a tentative motion for approval shall be made, and referred to the Planning Commission, and also to the Director of Community Development and/or Engineer, as deemed appropriate, for their recommendations back to the City Council with respect to these standards:

- A. All of the requirements for entitlement to approval under subsections 4.88.2.A-D, will be met.
- B. If the proposed use does not constitute a permitted use in the zoning district in which the property is situated, the intensity of the use (e.g., number of residents in a residential facility) shall be the minimum required in order to achieve feasibility of the use.
- C. The use, and all improvements on the property shall be designed and constructed to meet the following standards and conditions:
 - i. Taking into consideration the size, location, and character of the proposed use, viewed within the context of surrounding land uses and land use planning for such area, the proposed use shall be established in such a manner to be compatible and harmonious, as determined by the application of generally accepted planning standards and/or principles, with (1) the surrounding areas; and/or (2) the orderly development of the surrounding neighborhood and/or vicinity.
 - ii. The proposed use shall be designed to ensure that vehicular and pedestrian traffic shall be no more hazardous than is normal for the district involved, taking into consideration turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provision for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.

- iii. The proposed use shall be designed and operated so as not to unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and shall not unreasonably impact upon persons perceiving the use in terms of aesthetics.
 - iv. The proposed use shall be such that the location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings and will not have a detrimental effect upon their value.
 - v. The proposed use shall be designed, located, planned and operated in such a manner that the public health, safety and welfare will be protected.
 - vi. The proposed use shall be designed and operated so as not to cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the Zoning District.
5. Design Standards. All regulations and standards for buildings, structures and site improvements within the district in which the property is situated shall apply, subject to the right of the City Council, following recommendation of the City Manager or the City Manager's designee(s), to alter and supplement such standards and regulations the Council finds to be needed given the facts and circumstances attendant to a particular case, provided, in all events, the spirit of the ordinance shall be observed, public safety secured, and substantial justice done, and, moreover, standards and regulations shall be enforced so that the essential character of the neighborhood and/or district is not altered.
6. Conditions. In connection with the approval of a special accommodation use, the City Council may impose such conditions as are authorized by law.



7. Effect of Approval

- A. Approval of a special accommodation use shall be solely for the benefit of the particular class of users who were the basis of requiring the City to make a reasonable accommodation under applicable state and/or federal law, and not for the benefit of any other persons. Accordingly, the effect of an approval under this section shall be for the exclusive benefit and occupancy of such class of persons. If a change in such use occurs such that it is occupied by others, all of the regulations applicable within the district in which the property is situated shall thereupon immediately and fully apply, and any approval granted under this section shall thereupon become inapplicable. An approval under this section shall not be final until such time as the applicant records an Affidavit at the office of the Register of Deeds in connection with the property, in a form approved by the City Attorney, providing notice of the terms of this provision.
- B. An approval under this section shall be effective for a period of one (1) year, and shall thereafter be void unless there is an occurrence of actual occupancy by persons for whom the special accommodation has been made in granting approval.
- C. If the City Council approves an application, the Community Development Department shall place a notation on the zoning map reflecting that the subject property is the subject of a "special accommodation" approval.

- 8. Application Fee. The City Council shall establish an application fee by resolution.
- 9. Public Hearing Requirements. See [Section 6.2](#) for public hearing requirements.

4.89 SERVICE OF ALCOHOLIC BEVERAGES; SPECIAL USE APPROVAL REQUIRED

- 1. Purpose. Alcohol-related uses can have a detrimental effect on a geographic area where there is a concentration of such uses in proximity to each other. Neighborhood character, use type and type of activities, hours of operation, public safety resources, and the secondary effects resulting from such uses must be taken into consideration during the alcohol licensing process.

- 2. Applicability. Any land use that requires a license from the Michigan Liquor Control Commission (LCC) for the sale or consumption of beer, wine, or alcoholic beverages on-premises and any expansion or other changes in such a land use, shall require a special use permit in accordance with this Section.
- 3. Application Requirements. Each application shall be accompanied by a detailed site plan and such information as is necessary to demonstrate that the proposed use or change in use meets the review standards contained herein. The following shall be submitted as part of a special use application:
 - A. License Application. A copy of the license application submitted to the LCC.
 - B. Site Plan. A site plan illustrating the proposed location where the alcohol sales would occur, as well as all other locations where on-premises sales presently exist within a one-thousand (1,000) foot radius of the closest lot lines of the subject site.
- 4. Standards for review. An applicant shall establish that:
 - A. The proposed establishment will promote the City's economic development goals and objectives, and will be consistent with the City's master plan and zoning ordinance;
 - B. Given the character, location, development trends and other aspects of the area in which the proposed use or change in use is requested, it is demonstrated that the use will provide a service, product, or function that is not presently available within the City or that would be unique to the City or to an identifiable area within the City and that the addition of the use or proposed change in use will be an asset to the area.
- C. The use or change in use as constructed and operated by the applicant is compatible with the area in which it will be located, and will not have any appreciable negative secondary effects on the area, such as:
 - i. Vehicular and pedestrian traffic, particularly during late night or early morning hours that might disturb area residents.
 - ii. Noise, odors, or lights that emanate beyond the site's boundaries onto property in the area on which there are residential dwellings.
 - iii. Excessive numbers of persons gathering outside the establishment.

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- iv. Peak hours of use that add to congestion or other negative effects in the neighborhood.
- v. Fighting, brawling, outside urination, or other behavior that can accompany intoxication
- 5. Approval process. A public hearing as required under [Section 6.2](#) shall be held jointly by the Director of Public Services, the Director of Community Development, and the Assessor, or their designees, who shall make a recommendation to the City Council whether the proposed special use meets the criteria of this Section and should be approved. The recommendation may include conditions on any recommended approval. The City Council shall determine whether to deny, approve, or approve with conditions the special use.
- 6. Existing uses. Existing and new establishments with alcoholic beverage sales for on-premises consumption shall obtain special land use approval upon application for a site plan review as required by this ordinance.
- 6. Any motor vehicle washing facilities must be accessory to the motor vehicle rental use and must be contained within a completely enclosed building.
- 7. Consumers shall be permitted in the rental motor vehicle parking areas.
- 8. Motor vehicles parked pursuant to this section shall be limited to passenger vehicles (cars, vans, pick-up trucks and sports utility vehicles), and shall not include semi-trucks or trailers, step-vans or other commercial vehicles.
- 9. No car hauler delivery operations shall be allowed.

4.90 OUTDOOR SPACE FOR PARKING OF LICENSED RENTAL MOTOR VEHICLES

Outdoor space for parking of licensed rental motor vehicles, including loaners, but not including junk, inoperable, partially dismantled, or damaged motor vehicles, all subject to the following:

- 1. The rental parking area shall be designed in accordance with the standards listed in [Sections 5.2, 5.3, 5.5, 5.14](#) and with the Design and Construction Standards identified in Chapter 11 of the City Code. The area shall be paved, graded and drained as to dispose of all surface water accumulated within the area.
- 2. Access to the rental parking area shall be at least sixty (60) feet from all street intersections.
- 3. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).
- 4. Rental motor vehicle parking spaces must be located in a single area in the rear yard, be clearly marked as parking for rental motor vehicles, and shall be limited to twenty-five (25) in number or twenty-five (25) percent of the rear yard area, whichever is less. Rental motor vehicles shall only be parked in those spaces.
- 5. Rental motor vehicle parking spaces must be in excess of the off-street parking spaces required by [Section 5.2](#).



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Article 5.0 Site Standards



Article 5.0 Site Standards

- 5.1 Commercial and Recreational Vehicle Parking and Storage
- 5.2 Off-Street Parking Requirements
- 5.3 Off-Street Parking Layout, Standards, Construction and Maintenance
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- 5.9 Corner Clearance
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- 5.11 Fences (Residential and Nonresidential)
- 5.12 Frontage on a Public Street
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5.1 COMMERCIAL AND RECREATIONAL VEHICLE PARKING AND STORAGE

The off-street parking or storage of any mobile home or recreational equipment or trailers in any residential district shall be subject to the following conditions:

1. Except where otherwise permitted in this Ordinance, the off-street parking of a mobile home for periods exceeding twenty-four (24) hours on lands not approved for mobile homes or mobile home parks, shall be expressly prohibited, except that the Building Official may extend temporary permits allowing the parking of a mobile home in a rear yard on private property, not to exceed a period of two (2) weeks.

All mobile homes owned by residents of the City of Novi and stored only within the confines of the rear yard shall further respect the requirements of [Section 4.19.1](#), insofar as distances from principal structures, lot lines and easements are concerned.

Any such mobile home so parked or stored shall not be connected to sanitary facilities and shall not be occupied.

Recreational equipment and trailers may be temporarily parked or stored anywhere on a residential premises for a period not to exceed seventy-two (72) consecutive hours for the purpose of active loading, unloading, trip preparation, or minor routine maintenance and repair. Removal of the equipment from the premises for a period of greater than twenty-four (24) hours shall commence a new seventy-two (72) hour period. For purposes of enforcement, in addition to parking or storage for a period in excess of seventy-two (72) hours, the presence of the same equipment on the same premises within a seven (7) day period shall be considered a violation of this provision, unless the property owner can establish the removal of the equipment as provided herein.

2. Any recreational equipment or trailer less than six (6) feet in height above the ground may be stored in any required side or rear yard. In addition to the general six (6) foot height permitted, minor portions of such equipment not exceeding three (3) square feet in vertical cross section as viewed perpendicular to the adjacent lot line may be permitted to exceed six (6) feet in height.

3. Recreational equipment and trailers exceeding six (6) feet in height may be stored in any rear yard or in any nonrequired interior side yard subject to the applicable conditions of [Section 4.19](#) regarding accessory buildings, with respect to height, yard coverage, and setbacks.
4. Recreational equipment or trailers shall not be parked or stored in such a manner as to create a dangerous or unsafe condition on the property. The ground under and surrounding any parked or stored equipment shall be free of noxious weeds, overgrowth of grass or weeds, litter, excessive dirt, or debris. Broken windows and flat tires are prohibited. All covers or tarps or other material employed to protect such equipment shall be secured and weather proof. Rocks, bricks, or other weighted items shall not be used to secure a weatherproofing cover. No more than one motor home may be stored on any one (1) residential premises.
5. Recreational equipment parked or stored on residential premises shall be kept in good repair and carry current license plate and registration. The requirement of carrying current registration shall be deemed satisfied for equipment issued a six-month registration pursuant to Section 226 of Act 300 of 1949, The Motor Vehicle Code, MCL 257.226(11), as Amended where such six-month registration is current or was current within the previous six (6) months.
6. At no time shall recreational equipment be used for living or housekeeping purposes, nor may it be connected to water or sanitary sewer facilities.
7. The outdoor storage of recreational equipment on any residential lot or parcel shall be limited to only that equipment owned by, licensed or registered to, the occupant of the residential lot or parcel on which the equipment is stored.
8. In the case of a multiple-family dwelling, a complex of multiple family dwellings, or mobile home parks, the City shall require a screened area, in addition to off-street parking spaces, be provided on the site for the parking and storage of recreational vehicles.

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9. Commercial Vehicles and Trailers

- A. A person shall not park, nor a vehicle's registered owner permit to be parked, nor the owner of residentially-zoned property permit to be parked, any commercial vehicle or a commercial trailer on any residentially-zoned property in the city for any purpose or length of time other than for expeditious loading and delivery or pick-up and unloading of materials, goods, or merchandise, or for the purpose of carrying on a principal use permitted on the property on which the vehicle is parked, or as permitted in subpart B, below.
- B. A commercial vehicle may be parked on residentially-zoned property if all of the following conditions are met:
 - i. The vehicle is used as the principal means of transportation for a resident in the conduct of his employment or profession or is the resident's sole means of motor vehicle transportation;
 - ii. The vehicle is not a dump truck, stake truck, flatbed truck or semi-tractor or cube van;
 - iii. The vehicle does not exceed seven-thousand (7,000) pounds, empty weight, as defined in 1949 PA 300, as amended;
 - iv. In any proceeding for violation of this ordinance, where a motor vehicle displays commercial license registration plates, such registration shall constitute prima facie presumption that it is a commercial vehicle at the time of any alleged violation; and
 - v. In any proceeding for violation of the weight limitation provision of this Ordinance, the weight indicated on the vehicle's registration shall constitute a prima facie presumption of the weight of the vehicle at the time of any alleged violation, and any gross vehicle weight classification indicated on the vehicle's registration or plate shall constitute a prima facie presumption that the weight of the vehicle was within such classification at the time of any alleged violation.

5.2 OFF-STREET PARKING REQUIREMENTS

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

- 1. Except as specifically permitted in the P-1 district, off-street parking or off-street parking lots shall not be permitted as the sole or principal permitted use in any zoning district.
- 2. Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard nor within a minimum side yard setback unless otherwise provided in this Ordinance.
- 3. Off-street parking for other than residential use shall be either on the same parcel of and or within three-hundred (300) feet of the building it is intended to serve, measured along a pedestrian walkway from the nearest point of such building to the nearest point of the off-street parking lot. The pedestrian walkway shall be on the applicant's property or within a dedicated right-of-way, provided that a pedestrian walkway approved by the planning commission may cross intervening parcels of land under separate ownership where the applicant has secured necessary permanent easements from the owners of the intervening parcels and the walkway provides a reasonably safe method of pedestrian access between the parking area and the building served.

The purpose of the sidewalk is to permit safe and convenient pedestrian access for employees and/or customers who may use the parking lot. If the pedestrian walkway crosses an intervening major arterial, arterial, or minor arterial road, the applicant shall be responsible for improvements required by the planning commission, including the requirement of an overhead crosswalk, necessary to provide a safe pedestrian crossing. No crossing shall be permitted unless approved by the Planning Commission as a safe crossing.



Ownership shall be shown of all lots or parcels intended for use as parking by the applicant. Off-street parking required to meet the minimum standards specified at [Section 5.2.12](#). shall be located within the corporate limits of the City of Novi.

Notwithstanding [Section 6.1.1.C.i](#) (permitting administrative site plan review of expansion of existing off-street parking areas), all off-premises parking lots must be approved by the Planning Commission in accordance with requirements of [Section 6.1.2.C](#) for special land uses and subject to the public hearing requirements set forth and regulated in [Section 6.2](#).

Required parking for an exposition facility permitted pursuant to [Section 3.1.14.B.i](#) may be located up to three-thousand (3,000) feet from the facility provided:

- A. There is an agreement between the operator of the exposition facility and the owner of the off-premises parking lot(s) permitting use of said lot(s) for exposition facility parking for not less than five (5) years, which lease agreement shall be recorded by the operator with the Oakland County Register of Deeds prior to final occupancy permit, and a certified copy of the recorded document provided to the City Clerk, and, provided further, should said parking agreement be rescinded the operator shall immediately notify the City Clerk and provide alternative parking complying with terms of this section;
 - B. There is provided a shuttle service to transport persons from the parking lot to the facility; and
 - C. No more than twenty-five (25) percent of the required parking is provided by such off-premises lots.
 - D. Upon the expiration or termination of any off-premises parking lot lease required by this section, a substitute off-premises parking lot lease shall be executed, recorded and provided to the City Clerk. The failure to comply with this requirement shall constitute a violation of this section of the Ordinance.
4. Required off-street parking for single- and two-family dwellings may be provided in a stacking configuration in a driveway or garage or combination thereof.

Required off-street parking for all other uses shall consist of an unencumbered parking stall or strip, parking bay, vehicle maneuvering space or driveway, garage or combinations thereof. All residential parking shall be located on the premises it is intended to serve. Parking garages or structures when accessory to a principal use shall be subject to the applicable provisions of [Section 4.19](#).

- 5. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere.
- 6. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- 7. In the instance of dual function of off-street parking spaces by more than one land use, the Planning Commission may permit a reduction in the number of parking spaces required in the Ordinance. Said reduction may be considered by the Planning Commission only after the submittal by the Applicant of a Shared Parking Study, prepared by an individual or firm with demonstrated experience in parking analysis. The methodology used in the report shall generally follow the guidelines set for in the following documents: Shared Parking - Potential for Application within the Town Center districts (December 1993), prepared for the City of Novi, and Shared Parking (2nd Edition, 2005), prepared for the Urban Land Institute. In the instance of multi-phased projects, the Applicant shall present evidence during the review of all phases subsequent to Phase 1 that the assumptions included in the shared parking analysis are reasonably being met by the previous phases.
- 8. The sale or storage of construction trailers, merchandise, motor vehicles or trailers for sale or rent, trucks, or the repair of vehicles is prohibited on off-street parking lots.
- 9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type. If no use is deemed to be similar, the Planning Commission may accept the recommendation of its Traffic Consultant or undertake a study to determine the most appropriate standard to use.



- 10. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- 11. Wherever the City Council shall establish off-street parking facilities by means of a special assessment district, or by any other means, the City Council may determine, upon completion and acceptance of such off-street parking facilities by the City Council, all existing buildings and uses and all buildings erected or uses established thereafter within the special assessment district or districts, shall be exempt from the requirements of this Section for privately supplied off-street parking facilities.
- 12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:



5.2.12 Off-Street Parking Spaces

Use	Minimum Number of Parking Spaces per Unit of Measure
A. Residential	
Residential, one-family and two-family	Two (2) for each dwelling unit
Residential, multiple-family	Two (2) for each dwelling unit having two (2) or less bedrooms and two and one-half (2 ½) for each dwelling unit having three (3) or more bedrooms
Fraternities or sororities	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater
Housing for elderly:	
1. Shared elderly living	Two (2) for each dwelling unit
2. Independent elderly	One (1) for each dwelling unit and one (1) for each employee
3. Congregate elderly	Three (3) for each four (4) units and one (1) for each employee
Mobile home park	Two (2) for each mobile home site
B. Institutional	
Places of worship	One (1) for each three (3) seats or persons permitted to capacity as regulated by local, county or state fire or building codes or six (6) feet of pews in the main unit of worship, whichever is the greater, plus parking for accessory uses, if determined necessary by the City
Hospitals	Two and seven tenths (2.7) for each one (1) bed plus parking for related uses
Assisted living convalescent care, homes for the aged, and nursing homes	One (1) for each four (4) beds and one (1) for each employee
Elementary and junior high schools	One (1) for each one (1) teacher, administrator and other day employee or the requirements of the auditorium, whichever is the greater
Senior high schools	One (1) for each one (1) teacher, administrator, and other day employee, and one (1) for each four (4) students over the driving age, or the requirements of the auditorium, whichever is the greater
Private clubs or lodge halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes

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5.2.12 Off-Street Parking Spaces (continued)

Use	Minimum Number of Parking Spaces per Unit of Measure
B. Institutional (continued)	
Private golf clubs, swimming pool clubs or other similar uses	One (1) for each two (2) member families or individuals plus spaces required for each accessory use such as a restaurant or bar.
Private tennis clubs or other similar uses	Six (6) for each one (1) tennis court plus spaces required for each accessory use
Golf courses open to the general public, except miniature or "par-3" courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar
Stadiums, sports arenas, or similar place of outdoor assembly	One (1) for each three (3) seats or five (5) feet of benches
Theaters and auditoriums	One (1) for each three and four tenths (3.4) seats plus one (1) for each two (2) employees
Nursery schools, day nurseries or child care centers	One (1) for each three hundred fifty (350) square feet of usable floor area plus one (1) space for each employee
Libraries, museums, post offices	One (1) for each three hundred fifty (350) square feet of gross floor area
Health clubs and facilities:	
a. 30,000 square feet or less	One (1) for each 5.5 memberships (family or individual)
b. Greater than 30,000 square feet	One (1) for each 9 memberships (family or individual)
Swimming clubs (private)	One (1) for each four (4) member families (under maximum membership)
Swimming pools (public)	One (1) for each four (4) persons permitted under maximum capacity of the facility
C. Business and Commercial	
Auto washes (automatic)	Two (2) plus one (1) for each employee plus one (1) for each vacuum station or similar area
Auto washes (self-service or coin-operated)	Two (2) plus one (1) for each employee plus one (1) for each vacuum station or similar area
Beauty parlors or barbershops	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 ½) spaces for each additional chair



5.2.12 Off-Street Parking Spaces (continued)

Use	Minimum Number of Parking Spaces per Unit of Measure
C. Business and Commercial (continued)	
Bowling alleys	Five (5) for each one (1) bowling lane plus parking for accessory uses
Planned commercial or shopping centers	<p>One (1) for each 250 square feet gross leasable area (GLA) for developments under 400,000 square feet (4.0 spaces per 1,000 square feet GLA)</p> <p>For developments between 400,000 and 600,000 square feet, a sliding scale where the parking ratio increases/decreases proportionally with the centers square footage, from one (1) for each 250 square feet of GLA (4 spaces per 1,000 sq. ft. GLA) at 400,000 square feet to (1) for each 222 square feet of GLA (4.5 spaces per 1,000 sq. ft. GLA) at 600,000 square feet</p> <p>For developments 600,000 square feet GLA and larger, one (1) for each 222 square feet GLA (4.5 spaces per 1,000 sq. ft. GLA)</p> <p>If the combined GLA of restaurant, cinema, and entertainment uses exceeds 20% of the total GLA for the shopping center, a shared parking study shall be undertaken to determine the appropriate parking ratio for the shopping center.</p> <p>Any single use over 30,000 square feet and within a shopping center shall have its portion of the parking requirement calculated from the appropriate standards for the use, if one exists</p>
Dance halls, pool or billiard parlors, roller skating rinks, exhibition halls, and assembly halls without fixed seats	One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes
Restaurants and other establishments for sale and consumption on the premises of beverages, food or refreshments:	
a. Sit-down	One (1) for each seventy (70) square feet gross floor area (14.3 spaces per one-thousand (1,000) square feet), or one (1) for each two (2) employees, plus one (1) for each two (2) customers allowed under maximum capacity (including waiting areas), whichever is greater
b. Fast Food	One (1) for every two (2) employees, plus (1) for every two (2) customers allowed under maximum capacity (including waiting areas) plus compliance with the requirements for stacking spaces outlined in Section 5.3.11
Drive-in restaurants	One (1) for each thirty (30) square feet of usable floor area

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5.2.12 Off-Street Parking Spaces (continued)	
Use	Minimum Number of Parking Spaces per Unit of Measure
C. Business and Commercial (continued)	
Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses	<ol style="list-style-type: none"> One (1) space for each two hundred (200) square feet of gross leasable floor area Upon approval by the Planning Commission, granted pursuant to Section 5.2.14, the paved area for off-street parking may be reduced to an area comprising one (1) space for each eight hundred (800) square feet of usable floor area, and one (1) additional space for each two (2) employees working in processing areas, provided that a surplus area is provided on the site to accommodate the construction of additional off-street parking to fulfill the requirements of preceding paragraph if needed
Fueling stations (with accessory service garage)	Two (2) for each service bay; and one (1) for each fuel dispensing stand; and one (1) for each vehicle used as part of the equipment of the service station; and spaces for accessory uses
Fueling stations (without accessory service garage)	One (1) fueling space for each fuel dispensing stand. In addition, one (1) space per 200 square feet usable floor area (not to include vehicle fueling spaces located at the pump) plus parking for accessory uses. In no instance shall such a facility provide less than three (3) parking spaces. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel
Laundromats and coin-operated dry cleaners	One (1) for each two (2) machines (washing and dry cleaning)
Miniature or "par-3" golf courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee
Mortuary establishments	One (1) for each fifty (50) square feet of usable floor area
Motels, hotels or other commercial lodging establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus parking for accessory uses
Motor vehicle sales and service establishments	One (1) for each two hundred (200) square feet of usable floor area of sales room and one (1) for each one (1) auto service stall in the service room
Retail stores except as otherwise specified herein	One (1) for each two hundred (200) square feet of gross leasable floor area
Conference facilities	One (1) for every three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes. Requirements for hotel, motel, restaurants, lounges, offices and other uses associated with a conference facility shall also be met as established for such uses in Section 5.2



5.2.12 Off-Street Parking Spaces (continued)	
Use	Minimum Number of Parking Spaces per Unit of Measure
C. Business and Commercial (continued)	
Exposition facilities	<ol style="list-style-type: none"> One (1) for every one hundred twenty (120) square feet of gross floor area in exhibition hall space and ancillary conference room space available for use, plus parking for general office space, restaurants, museum area, warehousing and other permitted uses per requirements at Section 5.2.12. In addition, a minimum of ten (10) tractor-trailer truck parking spaces shall be provided for an exhibition facility. Truck spaces shall be a minimum of fourteen (14) feet wide and fifty-five (55) feet long, with adequate maneuvering area located adjacent to said truck spaces The parking requirements for an exposition facility may be satisfied by construction of seventy-five (75) percent of the minimum required spaces, provided that an area sufficient to construct the remaining twenty-five (25) percent of required spaces is reserved on the site, or on a site owned by the applicant which is within three hundred (300) feet of the site pursuant to Section 5.2.3. Thereafter, the applicant shall on an annual basis submit a report to the Building Division listing each event held at the facility, the number of attendees, the total number of vehicles parked on site each day for the event, and the peak number of vehicles parked on site at a given time during the event. The Building Division shall also have provided to it by City consultants and departments, any additional information pertinent to the reasonable adequacy of the usable parking at the facility. The Building Division shall make a determination on an annual basis as to whether additional parking shall be constructed on the land reserved or a portion of the land reserved
Oil change facilities, Mini-lubes	Two and one-half (2.5) for each service bay
Hardware/building supply stores (free-standing)	One (1) per two hundred forty (240) square feet of gross floor area (interior and exterior)
Banquet Halls	One (1) for each three (3) persons permitted under maximum capacity
Microbreweries; brewpubs	One (1) for each seventy (70) square feet of gross floor area (14.3 spaces per one-thousand (1,000) square feet), or one (1) for each two (2) customers allowed under maximum capacity (including waiting areas) in the taproom/restaurant, whichever is greater, plus one (1) for each one and one-half (1½) employees in largest working shift in the taproom/restaurant and in the microbrewery or brewpub. Above requirements apply for either a freestanding facility or for a facility attached to other retail uses in a planned commercial center
Pet Boarding Facilities	One (1) for each seven hundred (700) square feet of usable floor area



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5.2.12 Off-Street Parking Spaces

Use	Minimum Number of Parking Spaces per Unit of Measure
C. Business and Commercial (continued)	
Warehouse stores, characterized by the collocation of sales and storage functions, where aisles are designed to frequently accommodate both customers and powered material handling equipment simultaneously	One (1) for each seven hundred (700) square feet of gross leasable floor area
Lumber and Building Material Stores over 75,000 square feet	One (1) for each seven hundred (700) square feet of gross leasable floor area
D. Offices	
Banks	One (1) for each one hundred fifty (150) square feet of gross floor area (6.7 spaces per 1,000 sq. ft. GFA).
Business offices or professional offices except as indicated below	One (1) for each two hundred twenty-two (222) square feet GLA (4.5 spaces per 1,000 sq. ft. GLA) for buildings up to 100,000 square feet. For buildings greater than 100,000 square feet, one (1) per two hundred eighty six (286) square feet GLA (3.5 spaces per 1,000 sq. ft. GLA)
Professional offices of doctors, dentists, veterinarian or similar professions; outpatient clinics	One (1) for each one hundred sixty seven (167) square feet GLA (6 spaces per 1,000 sq. ft. GLA) for buildings up to 5,000 square feet. For buildings greater than 5,000 square feet, one (1) per one hundred seventy-five (175) square feet GLA (5.7 spaces per 1,000 sq. ft. GLA)
E. Industrial	
Industrial or research establishments and related accessory offices	One (1) space for each seven hundred (700) square feet of usable floor area or five (5) plus one (1) for each one and one-half (1 ½) employees in the largest working shift, whichever is greater. Space on site shall also be provided for all construction workers during periods of plant construction
Warehouses and wholesale establishments and related accessory offices	<ol style="list-style-type: none"> 1. One (1) space for each seven hundred (700) square feet of usable floor area 2. Upon approval by the Planning Commission, granted pursuant to Section 5.2.14, the paved area for off-street parking may be reduced to an area comprising five (5) spaces plus one (1) for every one (1) employee in the largest working shift, or five (5) spaces plus one (1) for every seventeen hundred (1700) square feet of usable floor area, whichever is greater, provided that a surplus area is provided on the site to accommodate the construction of additional off-street parking to fulfill the requirements of the preceding paragraph if needed



5.2.12 Off-Street Parking Spaces	
Use	Minimum Number of Parking Spaces per Unit of Measure
E. Industrial (continued)	
Automobile service establishments, (major and minor services)	Two (2) spaces for each service bay, plus one (1) space for every employee. No wrecked or partially dismantled vehicles, or vehicles without current license plates shall be stored outside
Mini warehouses	Five (5) spaces at the office. Access to individual storage units shall provide for loading/unloading of vehicles adjacent to units without impeding thru traffic flow

13. Parking spaces for those with physical disabilities shall be designed and provided as part of the minimum number of parking spaces required by this Ordinance, and shall be designed, constructed and marked in accordance with Title III of the Americans with Disabilities Act, Public Law 101-336 (ADA) and Section of Act 230 of the Public Acts of 1972, as amended (Michigan Barrier Free Design Standards).

14. It is the intent of this subsection to recognize that certain uses may function with less off-street parking than other uses permitted in their respective zoning districts. Notwithstanding the specific provisions of [Sections 5.2.12.C for Exposition Facilities](#) and [5.2.12.E for Warehouses](#), landbanking may be permitted on the request of the applicant if an applicant can demonstrate that the number of parking spaces required under this Section are in excess of the actual requirements for the functional use of the building, for up to twenty-five (25) percent of the required number of parking spaces on the site, subject to the following conditions:

- A. The minimum number of spaces required for the site shall be forty-five (45), prior to the landbanking request.
- B. An alternative parking site plan shall be submitted to the Planning Division that conforms with [Section 6.1](#) of this Ordinance, provided, that the area where parking spaces will be landbanked shall be so designated on the site plan in addition to the areas where parking spaces will be initially constructed. The alternative parking site plan shall show the number of parking spaces to be provided, the number of spaces to be landbanked, and the layout of both provided and landbanked parking

areas. All areas designated for land banking shall be maintained as landscaped open space and may not be used for any other purposes.

- C. The applicant shall demonstrate that all proposed and landbanked parking areas can be developed in accordance with City standards and regulations including, but not limited to, woodlands, wetlands, and stormwater management.
- D. Areas of land where parking construction has been landbanked shall be landscaped and maintained with grass or other acceptable plant materials. If that area is not disturbed during construction, it may, with the approval of the Planning Commission, be maintained in its natural vegetative condition existing prior to development, provided the natural vegetation is in keeping with the general appearance of the area.
- E. In addition to the above requirements, approval for landbanking of parking lot construction shall be granted only upon finding by the Planning Commission that the proposal meets the following:
 - i. The applicant has demonstrated through substantial evidence that the specified occupant or building use would require less parking than what would typically be required by this Section;
 - ii. Parking will not occur on any street or driveway;
 - iii. Parking will not occur on any area not approved and developed for parking;
 - iv. Parking will not occur on that area where parking construction has been landbanked until such time as that area is constructed for such parking;



- v. The requested parking landbanking shall not create traffic or circulation problems on or off site;
 - vi. The requested parking landbanking shall be consistent with the public health, safety, and welfare of the City and the purposes of this Ordinance.
- F. The owner of property for which parking landbanking has been granted shall report any proposed change in the use or occupancy of the property to the Building Official prior to said increase or change, who shall evaluate the need for some or all of the landbanked parking spaces to be installed.
- G. Upon determination by the Building Official, or his designee, that some of all of the landbanked spaces need to be installed, the applicant shall install some or all of the landbanked spaces prior to any change in the use or occupancy of the property.
- H. In approving landbanking of parking, the Planning Commission may prescribe such conditions regarding the character, location, landscaping and other features that will in its judgment secure the objectives and purposes of this Ordinance. Violations of such conditions, when made a part of the terms under which the landbanking is permitted, shall be deemed a violation of this Ordinance.
15. It is the intent of this subsection to provide reasonable standards for the installation and operation of Plug-In Electric Vehicle (PEV) charging stations and charging spaces within off-street parking areas.
- A. PEV charging stations, as well as all structures and equipment ancillary to PEV charging stations (protective bollards, signage, etc.), shall collectively be considered an accessory use to any principal permitted use.
 - B. The location of PEV charging stations and spaces shall be subject to the following:
 - i. PEV charging stations and spaces shall be permitted anywhere off-street parking is permitted;
 - ii. PEV charging stations and spaces shall be permitted anywhere within an off-street parking area that a standard parking space is permitted, provided all standards pertaining to off-street parking spaces and to off-street parking areas are met;
- C. PEV charging stations and spaces shall meet the following design requirements:
- i. PEV charging stations shall meet all applicable electrical and building codes, including but not limited to the National Electrical Code (NEC) and the Michigan Building Code;
 - ii. PEV charging stations shall be Level-1 and Level-2 capable as defined by the National Electrical Code (NEC);
 - iii. PEV charging spaces shall meet all dimensional requirements of a standard parking space per [Section 5.3](#), including length and width. PEV charging spaces shall meet the requirements of the City's Design and Construction Standards, including those pertaining to parking lot curbing and pavement;
 - iv. Where a PEV charging space is proposed perpendicular to a four (4) inch curb such that a seventeen (17) foot parking space with a two-foot overhang is permitted per [Section 5.5.3.C.ii](#), the corresponding PEV charging station as well as any structures ancillary to it (bollards, signs, etc.) shall be installed a minimum of two (2) feet from the face of the curb;
 - v. Where a PEV charging station is installed adjacent to a sidewalk, the station and all structures ancillary to it shall maintain a five (5) foot wide clearance for the sidewalk;
 - vi. PEV charging stations and spaces shall be identified with the State-standard "Reserved Parking Only - Charging Station" sign and corresponding plaque (R7-8c and R7-8cP, respectively) as detailed in the Michigan Standard Highway Signs Book, or its equivalent. PEV identification signs shall meet the same standards relative to location, height, and design as barrier-free parking signs;
 - vii. PEV charging spaces shall be identified with the MMUTCD-standard pavement marking D9-11b (ALT) or its equivalent;



- viii. PEV charging stations shall be installed in a suitable location such that any cords connecting the charging station with the vehicle will not extend across a pedestrian walkway or will otherwise present a tripping hazard. Charging stations featuring self-retracting cords are encouraged; and
- ix. PEV charging stations available to the public shall be maintained in safe and operational repair, and shall clearly display a toll-free telephone number to report any problems.

- iii. All ancillary structures installed as part of a PEV charging station shall meet the maximum height requirements of the applicable zoning district;
- iv. PEV charging stations shall be permitted no additional signage beyond the required City-standard sign identifying the PEV charging station space.

D. PEV charging spaces shall be considered as standard parking spaces for the purpose of meeting the minimum off-street parking requirements of **Section 5.2**.

E. PEV charging stations and spaces, as well as all structures ancillary to PEV charging stations and spaces, including but not limited to bollards, signs, canopies, shelters, solar collectors, etc., shall be subject to the following:

- i. PEV charging stations and spaces, as well as all ancillary structures installed as part of a PEV charging station, shall meet the minimum parking setback requirements of the applicable zoning district;
- ii. Solar collector-equipped panels and canopies, shelters, carports, and similar large structures installed as part of a PEV charging station or space shall meet the minimum building setback requirements of the applicable zoning district;

5.3 OFF-STREET STACKING SPACE, LAYOUT STANDARDS, CONSTRUCTION AND MAINTENANCE

Whenever the off-street parking requirements in **Section 5.2** require the building of an off-street parking facility, or where P-1 districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Official. Applications for a permit shall be submitted to the Building Division in such form as may be determined by the Building Inspector [Official] and shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements: ✎

5.3.2 Off-Street Parking Minimum Requirements

Parking Pattern	Maneuvering Lane Width (feet)	Parking Space Width (feet)	Parking Space Length (feet)	Total Width of 1 Tier of Spaces Plus Maneuvering Lane (feet)	Total Width of 2 Tiers of Spaces Plus Maneuvering Lane (feet)
0° Parallel parking	13	8	23	21	42
30° to 53°	15	9	18	34	53
54° to 74°	18	9	18	38	58
75° to 90°	24 *	9	19	43	62

Note: All above dimensions are measured from face of curb to face of curb.
 * When no parking spaces are present adjacent to a maneuvering lane, the lane width may be reduced to 22 feet, face of curb to face of curb (if curbed) unless the Planning Commission finds that the 24 foot width is warranted for the proposed use.



Parking Lot Layouts



3. All spaces shall be provided access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in an area zoned for multiple-family residential use shall not be across land(s) zoned for single-family residential use. Further, ingress and

egress to a parking lot lying in an area zoned for nonresidential use shall not be across land (s) zoned for residential use, nor shall access to a local residential street be permitted except as may otherwise be permitted in [Section 5.13](#).

5. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety (90) degree pattern may permit two-way movement.



- 6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.
- 7. The entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with asphalt or concrete surfacing in accordance with the parking standards contained in the City's Design and Construction Standards. The parking area shall be surfaced within one (1) year of the date the first occupancy permit (temporary or permanent) is issued.

Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

- 8. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
- 9. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
- 10. The Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.
- 11. Any lane, route, or path in which vehicles are directed expressly for the purposes of receiving or dispensing persons, goods, or services without the driver leaving the vehicle (hereinafter referred to as a drive-through lane) shall comply with the following requirements:

- A. Drive-through lanes shall be separate from the circulation routes and lanes necessary for ingress to, egress from, the property.
- B. Drive-through lanes and stacking spaces shall be setback from the property line a distance equivalent to the minimum setback required for parking lots, as provided in the Development Standards of each district. The setback area shall be landscaped in a manner consistent with the applicable parking lot setback landscaping requirements of [Section 3.6.2](#) and [Section 5.5](#).

- C. Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.
- D. Drive-through facilities shall provide one bypass lane to allow unobstructed travel for vehicles to pass those waiting to be served. Such bypass lane shall be a minimum of eighteen (18) feet in width, unless otherwise determined by the Fire Marshal.
- E. Drive-through lanes shall have a minimum width of nine (9) feet.
- F. Drive-through lanes shall have a minimum centerline radius of twenty-five (25) feet.
- G. Drive-through lanes shall be striped, marked, or otherwise distinctly delineated.
- H. Drive through stacking spaces shall have a minimum length of nineteen (19) feet.
- I. Drive-through lanes shall have a minimum stacking space in accordance with the following standards:

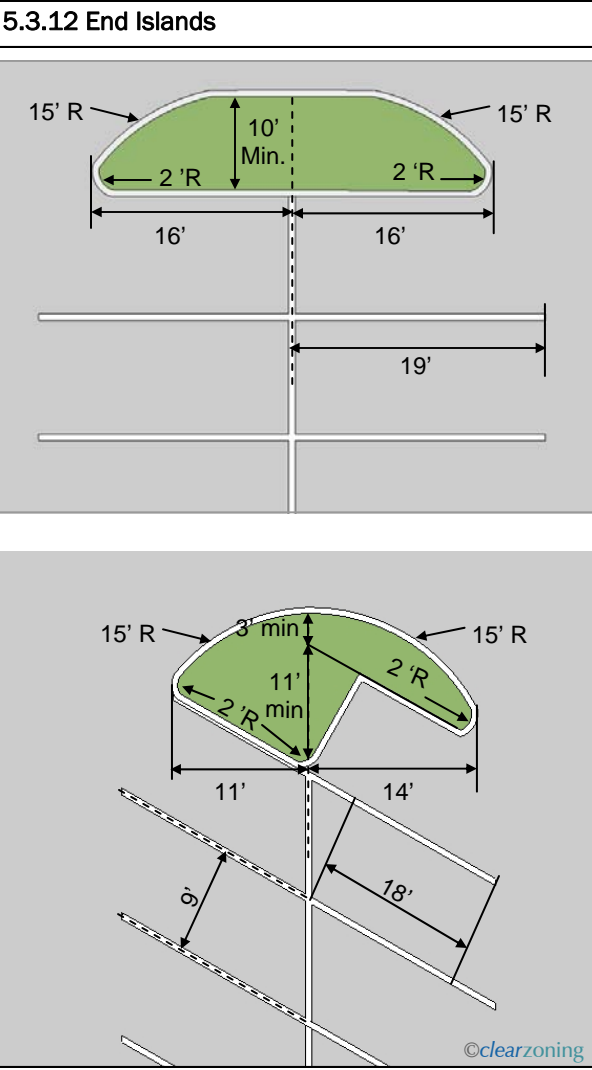
5.3.11.I Drive-Thru Stacking Spaces	
Use Served by Drive-Thru Lane	Minimum Stacking Requirements (per lane)
Restaurant (fast food)	The distance between the order board and the pick-up window shall store four (4) vehicles, and four (4) vehicles shall be stored in advance of the menu board (not including the vehicles at the pick-up window and menu board).
Restaurant (fast food drive through only)	The distance between the order board and the pick-up window shall store four (4) vehicles, and fifteen (15) vehicles shall be stored in advance of the menu board (not including the vehicles at the pick-up window and menu board).
Financial Institution	Three (3) vehicles inclusive of the vehicle at the window.
Car Wash (coin-operated)	Three (3) vehicles in advance of the washing bay and storage for one and one-half ((1½) vehicles beyond the washing bay as a drying and vacuum area.

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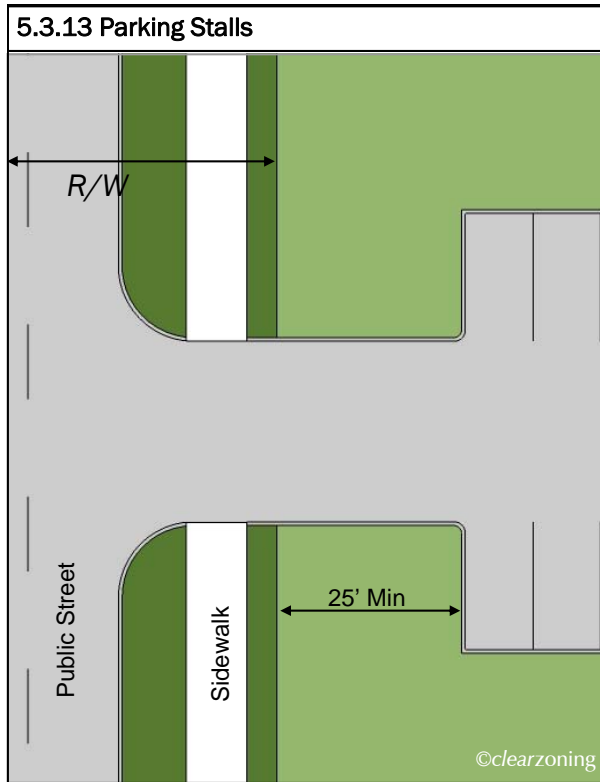


5.3.11.I Drive-Thru Stacking Spaces (continued)	
Use Served by Drive-Thru Lane	Minimum Stacking Requirements (per lane)
Car Wash (Fixed location/ automatic, when accessory to a fueling station)	Nine (9) vehicles in advance of the washing bay and storage for one and one-half (1 ½) vehicles beyond the washing bay as a drying area.
Car Wash (tunnel wash)	Twenty-five (25) vehicles prior to the tunnel (may be in multiple lanes), three (3) vehicles beyond the tunnel for drying areas.
Child Care Centers	One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building.
Dry Cleaners	Four (4) vehicles inclusive of the vehicle at the window.
Convenience Market, including Drug Stores and Pharmacies	Three (3) vehicles inclusive of the vehicle at the window.
Other uses	For uses not listed above, the planning commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the city traffic engineering consultant.

12. In order to delineate on-site circulation, improve sight distance at the intersection of parking aisles, ring roads, and private roads, protect the vehicle at the end of a parking bay, and define the geometry of internal intersections, end islands (landscaped with raised curb) shall be required at the end of all parking bays that abut traffic circulation aisles in off-street parking lots. End islands with raised curbs and landscaping shall not be required in parking structures; however, painted islands must be provided. For surface lots where internal traffic circulation is forecast to be low or where the raised islands would not be appropriate, the Planning Commission may waive the requirement for raised end islands and may allow for painted islands only. The end islands, whether raised or painted, shall generally be at least ten (10) feet wide, have an outside radius of fifteen (15) feet, and be constructed three (3) feet shorter than the adjacent parking stall as follows. ✍



- No parking stall located adjacent to a parking lot entrance from a street (public or private) shall be located closer than twenty-five (25) feet from the street right-of-way (ROW) line, street easement or sidewalk, whichever is closer. ✎



5.4 OFF-STREET LOADING AND UNLOADING

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. All spaces shall be provided where required in the Development Standards, as follows:

- Within the OS districts, loading space shall be provided in the rear yard or in the case of a double frontage lot, in the interior side yard, in the ratio of five (5) square feet per front foot of building up to a total area of three-hundred sixty (360) square feet per building.

- Within the B, GE, FS, RC, NCC, TC and TC-1 districts, loading, unloading space shall be provided in the rear yard at a ratio of ten (10) square feet for each front foot of building; except in the case of a double frontage lot, loading-unloading, as well as trash receptacles may be located in an interior side yard beyond the minimum side yard setback requirement of the district. Location of such facilities in a permitted side yard shall be subject to review and approval by the City. The City in making its review shall find that any such use shall:
 - Not have a disruptive effect on the safe and efficient flow of pedestrian and vehicular traffic within the site.
 - Be aesthetically and effectively screened from view from adjoining properties and from a street, in a manner acceptable to the applicable review body of the City.

The City, to aid in its review, may require submittal of building elevations and cross-section plans showing grade elevations with respect to the location of loading, unloading and trash receptacles, the corresponding elevations of adjoining property and streets and the means by which these facilities will be effectively screened from view.

Off-street loading/unloading space for microbreweries shall require two (2) ten (10) by fifty (50) foot truck spaces, unless the above standards require additional loading/unloading space.

- Within any I district, EXPO district, or EXO d Overlay district, all loading and unloading operations shall be conducted in the rear yard, except in those instances where:
 - The Industrial district abuts a residential district, in which case, the conditions of [Section 3.14.5](#) shall apply, or,
 - An interior side yard is located adjacent to I district, EXPO district, or EXO Overlay district property, loading and unloading may be conducted in that interior side yard when located near the rear of the building. When loading and unloading is to be conducted within an interior side yard, the City may require aesthetic screening of the facility in accordance with the guidelines set forth in [Section 5.5](#).
- The area required for loading, unloading and trash receptacles shall be computed separately from the off-street parking requirements and shall be laid out in such a way that when in use it shall not cut off or diminish access to off-street parking spaces or to service drives.

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5. Banks and other similar financial institutions shall not be required to designate a loading space on the site, provided that the applicant submit documentation concerning the sensitivity of deliveries to the site and the need for these deliveries to occur as near to the door as possible.

5.5 LANDSCAPE STANDARDS: OBSCURING EARTH BERMS AND WALLS, RIGHTS-OF-WAY BUFFERS, AND INTERIOR AND EXTERIOR LANDSCAPE PLANTINGS

1. Intent. The intent of this Section is to achieve landscapes with creative placement and distinctive design that emphasize the preservation of existing natural resources and the use of native plant materials, and a diversity of plant species; preserve and enhance existing woodlands, wetlands and natural open areas, which reduces impervious surfaces, enhances storm water management and prevents soil erosion and soil depletion; require appealing yet opaque visual and audible buffering between non-compatible land uses; and to utilize the best ecological concepts and environmental objectives with preservation as a priority, to protect and enhance the well being of the residents of the City of Novi.

Landscape regulation is intended to establish minimum standards for all property in the City. Property owners and occupants are encouraged to exceed these standards, to minimize paved areas and other run-off areas, and to maximize the areas devoted to attractively designed and well-maintained landscapes.

2. Landscape Plan Required. A landscape plan shall be submitted for any new commercial or residential development, and any addition to an existing building that is equal to or greater than a twenty-five (25) percent increase in the overall square footage of the building or four-hundred (400) square feet, whichever is less. With the exception of Section 5.5.5.F, Individual (Non-Subdivision/Non-Site Condominium) Single-Family Street Tree Requirements, an owner of a single-family homesite shall not be required to comply with the provisions of this section. All landscape plans shall be prepared in accordance with the requirements of the this Ordinance and the requirements of the City of Novi "Landscaping Design Manual," as adopted by the City Council by resolution and which may similarly be amended by Council resolution from time to time.

3. Landscape Requirements

A. Residential Adjacent to Non-Residential

- i. Intent. To make provision for a visual buffer strip in each zoning and use classification when a non residential use abuts or is adjacent to any residential zoning district.
- ii. Requirements for Obscuring Landscaped Earth Berms and Walls. In all locations which abut or are adjacent to any residential district (RA, R-1, 2, 3, 4, RT, RM-1, RM-2, MH and any TC district if developed for residential purposes), an obscuring landscaped earth berm and plantings, as described, shall be proposed, approved, installed and maintained in connection with any development or use identified below. Where TC-1 and RM-2 are adjacent to TC-1 and RM-2, a wall and plantings shall be provided as indicated in the following Berm Requirement Chart.



5.5.3.A.ii Residential Adjacent to Non-Residential Berm Requirement Chart		
Use	Zoning	Bern Height
Parking	P-1 district Off-Street Parking Area	4 ft. 6 in. to 6 ft. high
Residential/Special Land Use	RM-1, RM-2, and MH districts, churches, schools, nursery schools, day care centers and other uses where special land use approval is required	4 ft. 6 in. to 6 ft. high
Office Service/Tech	OST, OS-1, and OSC districts	4 ft. 6 in. high to 6 foot high
Commercial	B-1, B-2, B-3, RC, and NCC districts	6' to 8 ft. high
EXPO, EXO district	EXPO district	8' to 10' high
Conference	C district	8' to 10' high
Freeway Service	FS district	8' to 10' high
Town Center	(a.) TC and TC-1 districts	6' high
	(b.) TC-1 and RM-2 districts	6' high wall
Industrial	I-1 district	10-15 ft. ht. berm, 6 ft. crest width, 80% winter/90% summer opacity (See Section 1905.4e)
	I-2 district	15 ft. ht. berm, 15 ft. crest width, 80% winter/90% summer opacity (See Section 2002.4)
Auto Wash, Drive-In Restaurants, Service Stations, and Planned Commercial Centers and Regional Shopping Centers	Where permitted or approved	10' to 15'
Hospital-Ambulance and Delivery Areas	Where permitted or approved	6 ft. 0 in. high
Utility Buildings, Stations, and/or Substations	Where permitted or approved	6 ft. 0 in. high

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- iii. Exceptions. Obscuring landscaped berms and walls are not required to separate identically zoned uses or where uses are separated by a street, road, highway, or freeway.
- iv. Placement. The berm is required to be on the property seeking approval. The berm may be placed upon the adjacent residential property in order to provide continuity with an adjoining berm. A recorded permanent easement and a maintenance agreement in a form acceptable to the City Attorney will be required from the adjacent property owner.
- v. Berm Requirements. The obscuring berm requirements are as follows:
 - a. The berm height shall be measured as follows:
 - (1) The berm height, as specified in the [Residential Adjacent to Non-Residential Berm Requirement Chart \(Table 5.5.3.A.ii\)](#), shall be analyzed from the following locations, and the final measurement of the berm shall be made from that location which results in the maximum screening:
 - [i] The first floor elevation of the closest adjacent principal structures;
 - [ii] The first floor elevation of the uses requiring screening;
 - [iii] The elevation of the parking lots closest to the property line when only the parking area requires screening; or
 - [iv] The elevation of the nearest property line.

Where a range of height is stated for a use on the Chart, the basic berm height shall be deemed to be the lower measurement, with approving body of the City having the discretion to increase the height up to the higher measurement based upon an application of the following considerations on the non-residential property: intensity

- of use; noise generation customarily associated with the use; height and aesthetic appearance of buildings and structures; topography; distance of buildings, structures and activities from the common property line; and, the extent of disharmony with the adjoining residential use as a result of other considerations.
- (2) The site plan shall include the first floor elevation of all adjacent principal structures within two-hundred (200) feet of the subject site's property lines.
- (3) Where the applicant demonstrates, and the Planning Commission finds that practical difficulties would result from the strict application of berm height standards, as required herein, the Planning Commission may reduce the height of the berm, or eliminate the berm, and may approve an alternate plan which includes landscape treatment or a wall [subject to Section 5.5.3.A.vi below], or a combination of the two, provided that the approved alternate plan achieves adequate noise attenuation and obscuring screening. The Planning Commission may also reduce the height of the berm, or eliminate the berm, where it determines that an alternative design utilizing landscaping or other materials, including a wall subject to Section 5.5.3.A.vi below, provides adequate and effective noise attenuation and screening, or where such alternative design provides a substantial aesthetic or site design benefit while still providing for noise attenuation and screening to the extent reasonably practicable. The intent of this section is not to encourage and allow



elimination or reduction of berm height for the sake of convenience or cost savings, but rather to allow reasonable development while achieving design excellence not otherwise possible under these requirements.

- b. The berm shall be natural in appearance and have overlapping and undulating changes in elevation, both horizontally and vertically without compromising the minimum height requirement and/or intent of the berm; where a range of height is stated on the Chart for a use, and the approving body determines berm height based upon the criteria specified in sub-paragraph 5(a), above, the height of the undulations on the berm shall be determined by the approving body as part of site plan approval, taking into consideration the location of improvements and activities to be screened, and the criteria in sub-paragraph 5(a), above.
- c. The obscuring berm shall have no greater than a maximum slope of thirty-three (33) percent. (Three (3) feet of horizontal plane for each one (1) foot of vertical height.) More gradual slopes are strongly encouraged. Plants shall be specified for any "no mow" areas.
- d. The crest of the obscuring berm shall have a nearly flat horizontal area of at least five (5) feet in width. (See the previous Berm Requirement Chart for exceptions.)
- e. The required earth berm shall be located at the lot line, except where such location would interfere with underground utilities or drainage.

- f. Where an existing or proposed parking or vehicular use area abuts an existing berm or wall or other durable landscape barrier on an abutting property, said existing landscaping may be used to satisfy the landscape requirements of this [Section 5.5](#), provided that it meets all applicable noise attenuation and obscuring screening standards of this Section, and provided that the existing berm, wall, or other durable landscape barrier is required to be maintained consistent with the terms of this section of the ordinance and consistent with the approved site plan. Where the existing berm, wall, or other durable landscape barrier is not otherwise required to be maintained in connection with the adjacent property, the applicant shall be responsible for such maintenance and shall obtain and record a permanent easement and maintenance agreement from the adjoining property owner in a form approved by the City Attorney, making provision for such maintenance.
 - g. See [Landscape Design Manual](#) for additional requirements.
 - h. Where a property has already been lawfully developed for one of the uses listed in the [Residential Adjacent to Non-Residential Berm Requirement Chart \(Table 5.5.3.A.ii\)](#), adjacent residential property which subsequently develops shall provide and maintain the necessary berm.
- vi. Wall Requirements.
- a. Freestanding walls shall have all exterior sides constructed of face brick or stone with a suitable cap, and the interior constructed of masonry or reinforced concrete. The Planning Commission may consider materials of equal durability and aesthetic quality.

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- b. Walls shall be designed to resist the pressure of the retained material, including both live and dead loads to which they may be subject. Foundations shall be designed to prevent movement due to frost action and a suitable drainage system shall be provided to assure stability. Walls that are greater than three and one-half (3½) feet in height shall be designed and sealed by a professional engineer. Walls shall not cause flooding or impound water at any time and are subject to Final Site Plan review. (See Design and Construction Standards ([Chapter 11, Novi Code of Ordinances](#)).
- c. All other obscuring conditions of this subsection and the [Landscape Design Manual](#) must be met.
- d. Timber, boulder, and interlocking retaining walls are permitted for the purpose of terracing.
- vii. Waiver of Landscaped Berm or Wall for Preservation of Wooded Area. The Planning Commission may waive the requirement for an earth berm or obscuring wall adjacent to a residential use district when the proposed development includes the retention of an existing regulated or non-regulated wooded area adjacent to the residential district, or when an existing regulated or non-regulated wooded area is preserved on the adjacent residential property. In either case, the owners of all such area(s), including the owners of the adjacent residential property, shall provide a permanent preservation easement, including requirements for perpetual maintenance and replacement of woodland features, in recordable form acceptable to the City Attorney for such wooded area, and provided all the following conditions are met:
 - a. The retained wooded area will provide effective screening consistent with the opacity for visual screening requirements of this Ordinance and intent of this Section.
 - b. The retained wooded area shall be of a depth and height equal to or greater than the screening requirement being waived.
 - c. The failure to retain the wooded area will have a negative impact on the preservation of woodlands within the City of Novi.
 - d. The retained wooded area has been inspected and evaluated by the City relative to the health and desirability of the existing plant material.
 - e. The Planning Commission may require, during construction phases, as a condition to the waiver, additional and/or modified plantings and/or the erection of a temporary chain link fence within or adjacent to the preserved wooded area to meet the opacity requirements and/or other objectives of this Section, and, in the event all or part of the retained wooded area is removed, destroyed, diminished, or altered in any manner such that it no longer provides the screening required under this Section, the berm or wall shall be installed at the applicant's (or its successor's) expense or additional screening material may be required by the City to be installed and maintained at the applicant's (or its successor's) expense in order to achieve the screening objective under this Section.
- B. Adjacent to Public Rights-of-Way
 - i. Intent. The intent of the landscape planting buffer requirements along public rights-of way is to improve the appearance of the rights-of-way including screening off-street parking and vehicular use areas of property abutting public rights-of-way.
 - ii. Requirements. Landscape plantings shall be installed and maintained adjacent to existing or proposed public rights-of-way according to the standards set forth on the [Right-of-Way Landscape Screening Requirements Chart \(Table 5.5.3.B.ii.F\)](#), and as otherwise established in this ordinance, including the individual zoning district, and in the [Landscape Design Manual](#).



- a. There shall be provided adjacent to the abutting right-of-way or private road a landscape area of sufficient width to accommodate a required berm as indicated in the Right-of-Way Landscape Screening Requirements Chart, except in those use districts or development options that require a greater greenbelt, or except as otherwise provided in the TC and TC-1 districts.
- b. Berms shall comply with [Section 5.5.3.A.v](#).
- c. The landscape area, if adjacent to parking and vehicular use areas, shall be planted to achieve a minimum opacity of ninety (90) percent during the summer and eighty (80) percent during the winter. The landscape in this area shall provide an intermittent visual obstruction height of thirty-six (36) inches.
- d. All landscape areas shall have a berm meeting the height requirements of the zoning district as specified in the Right-of-Way Landscape Screening Requirements Chart, and shall have a maximum slope of thirty-three (33) percent (three feet of horizontal plane for each one (1) foot of vertical height) and a crest as specified in the Right-of-Way Landscape Screening Requirements Chart. A landscape area shall be planted to provide visual interest and yet allow views into the site.
- e. For a residential development abutting an arterial or minor arterial roadway, landscape buffers shall be installed and maintained along the entire property line abutting the right-of-way.
- f. Necessary access ways from public rights-of-way through such landscaped areas shall be permitted but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required. The buffering shall not prevent visibility of the main building entry from the public rights-of-way.

5.5.3.B.ii.f Right-of-Way Landscape Screening Requirements									
Use	Zoning	Berm Located	Requirements						
			Greenbelt width (2) (3) (5) (feet)	Min. berm crest width (feet)	Min. Berm Height (9) (feet)	3 Foot Wall	Canopy decid. or large evergreen trees 1 per: (1) (10) (linear feet)	Sub-canopy decid. Trees 1 per: (2) (10) (linear feet)	In area between sidewalk and curb, plant 1 canopy decid. tree per: (1) (6) (10) (linear feet)
Single Family Residential	R-A R-1 R-2 R-3 R-4		34	4	4	N/A	35	20	35
Two-Family Residential	RT	Adjacent to parking	20	2	3	(4) (7) (8)	35	20	35
		No parking	30	4	4	(4) (7) (8)	35	25	45
Multi – Family Residential	RM-1 RM-2 MH	Adjacent to parking	20	2	3	(4) (7) (8)	35	20	35
		No parking	34	4	4	(4) (7) (8)	35	25	45

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5.5.3.B.ii.f Right-of-Way Landscape Screening Requirements (continued)									
			Requirements						
Use	Zoning	Berm Located	Greenbelt width (2) (3) (5) (feet)	Min. berm crest width (feet)	Min. Berm Height (9) (feet)	3 Foot Wall	Canopy decid. or large evergreen trees 1 per: (1) (10) (linear feet)	Sub-canopy decid. Trees 1 per: (2) (10) (linear feet)	In area between sidewalk and curb, plant 1 canopy decid. tree per: (1) (6) (10) (linear feet)
Commercial /Office	NCC C OS-1 OSC OST B-1 B-2 B-3	Adjacent to Parking	20	2	3	(4) (7)	35	20	35
		No parking	25, except OS-1 & B-1 = 20 ft.	3, except OS-1 & B-1 = 2 ft.	3, except OS-1 & B-1 = 2½ ft.	(4) (7)	40	25	45
Industrial	I-1 I-2	Adjacent to Parking	25	3	3	(4) (7)	40	30	45
		No parking	25	—	—	(7)	40	35	55
Downtown	TC TC-1	Adjacent to Parking	20	—	—	(7) (8)	25	15	—
		No parking	—	—	—	(7) (8)	30	20	—
Misc. Large Use	P-1 Expo EXO RC FS	Adjacent to Parking	20	2	3	(4) (7)	30	20	45
		No parking	25	3	3	(4) (7)	35	25	55
Planned Suburban Low Rise	PSLR	Parking and buildings adjacent to a section line road right-of-way	50	4	3	Not permitted	35	20	35
		Parking adjacent to other right-of-ways	Front of principal building	4	3	3	Not permitted	35	20



5.5.3.B.ii.f Right-of-Way Landscape Screening Requirements (continued)

Notes to table:

- (1) Subcanopy trees are to be used under overhead utilities. Use 2 subcanopy trees for each one canopy tree requirement.
- (2) Subcanopy trees can be in an informal or formal arrangement. Format spacing shall be 10-foot minimum to 15-foot maximum on center.
- (3) Shrubs, both deciduous and evergreen, are to be used to screen parking and vehicular use areas and provide seasonal interest where no parking occurs.
- (4) Planning Commission Waiver is required to use a wall instead of a berm and plantings.
- (5) Ornamental Grasses, perennials, annuals shall be planted in massed groupings to highlight entrances and views of key elements.
- (6) With Road Commission for Oakland County approval where applicable.
- (7) Freestanding walls shall be constructed of masonry or concrete with all exterior sides of face brick with a suitable cap.
- (8) An ornamental fence with shrubs and brick piers may be used instead of a wall if approved by the Planning Commission in Use / Zoning as indicated above.
- (9) View channels into the site are to be used for safety visibility.
- (10) Tree spacing requirements are intended to dictate the tree quantity per linear footage along the proposed right-of-way (ROW). It is not intended to dictate exact placement on the site. Creative landscape design is encouraged.
- (11) In situations where sidewalks are not required, the trees shall be placed midway between the curb line and right-of-way line where possible.
- (12) Street trees shall not be permitted within the 25-foot clear vision triangle.

iii. Reduction or Waiver. Except as provided in [Section 5.5.3.A.v.a.\(3\)](#), which governs relief relative to berm height, the Planning Commission may reduce or waive the landscaping screening/buffer right-of-way requirements when it determines that practical difficulties exist due to the parcel size or configuration, or where the design of the site would be enhanced by an alternative design solution while still meeting the intent of this Section. Such action by the Commission shall be taken when:

- a. Preservation of Regulated Woodlands or Wetlands or existing trees will occur;
- b. The grade of the site is higher than the road and naturally provides a screen;
- c. Significant architecture or historic buildings, water features, views of natural resources or vistas will be preserved;

The Commission may, as part of its exercise of such authority, require the:

- a. Use of a wall instead of a berm; or

b. Use of a wrought iron decorative fence with brick accents or other material of equal aesthetic quality and durability with plantings instead of a berm (see [Footnote \(8\) of the Right-of Way Landscape Screening Requirements Chart](#)).

C. Parking Area Landscaping Requirements.

- i. Intent. The intent of this subsection is to require curbed landscape islands within parking areas, thereby reducing solid expanses of impervious surfaces, to decrease runoff, and to create aesthetically pleasing and environmentally enhanced parking areas.
- ii. General Requirements.

a. Islands are to conform to the general requirements in [Section 5.3.12](#). Creative island configuration is encouraged, such as islands between rows of parking in long, wide planting strips (see [Parking Lot Configuration Diagrams in the City of Novi Landscape Design Manual](#)). The minimum width dimension of the islands is to be ten (10) feet from back of curb to

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back of curb. The use of pedestrian walkways in parking lot islands is encouraged, if the islands are greater than or equal to seventeen feet in width. Landscaped islands are to be installed with six (6) inch curbs that are designed to protect landscaping from damage by vehicles. However, periodic openings in curbs, which do not exceed two (2) feet in length, shall be permitted only for the purpose of conveying storm water run-off. If more than one (1) island is provided in a parking lot, they are to be distributed throughout the lot.

- b. Where a parking lot landscape area is required hereunder, it shall be no less than three-hundred (300) square feet in area for any development other than a single one-family dwelling or single two-family dwelling. The exact square footage of landscape islands required shall be as specified in the [Interior Parking Area Landscape Islands and Canopy Tree Chart \(Table 5.5.3.C.iii\)](#).
 - c. Wheel stops or curbing shall be installed to prevent vehicles from encroaching more than two (2) feet into any parking landscape area. Required six (6) inch curbs shall be reduced to four (4) inches in height when the adjacent ninety (90) degree parking stalls are proposed to be reduced from nineteen (19) feet to seventeen (17) feet in length. Also, instances where vehicles overhang a sidewalk, the parking stall may be reduced in length to seventeen (17) feet, the curbing shall be reduced to four (4) inches in height, and the sidewalk shall have a minimum width of seven (7) feet.
 - d. No plantings with a mature height greater than twelve (12) inches shall be within ten (10) feet of fire hydrants. Plant materials shall not block visibility of hydrant.
 - e. Islands are to have adequate drainage to nearest catch basin or adequate areas of amended sandy loam soil, as specified on the plan to achieve proper drainage.
 - f. Contrasting brick or concrete pavers may be used to delineate stall lines within parking areas.
 - g. Any area within a parking lot not dedicated to parking use or driveways, exceeding one-hundred (100) square feet, shall be landscaped.
 - h. All landscaped areas required herein shall consist of a mix of plant materials such as canopy deciduous trees, subcanopy trees, shrubs, groundcovers, ornamental grasses and perennials.
 - i. The total square footage of required interior landscape islands shall be provided as follows: The required square footage shall be provided only within islands that are surrounded by paved parking areas. Islands that project into the parking lot from the perimeter of the parking area shall meet the requirements of this Section. Areas abutting but not within the interior of the parking area shall not satisfy the requirements of this Section. Within the interior of the parking lot, islands shall be distributed evenly across the paved area so as to distribute the required landscaping throughout the parking area. No bay of parking (defined herein as a single row of side by side parking spaces) greater than fifteen (15) parking spaces in length shall be provided unless a landscape island is provided at a minimum interval of one island per fifteen (15) parking spaces. The design and layout of all parking lots and islands shall be subject to review and approval by the City of Novi.
- iii. Greenspace Requirements. The following chart is to be used to calculate the square footage of island space and the number of canopy trees required for Parking Area Landscaping.



5.5.3.C.iii Interior Parking Area Landscape Islands and Canopy Tree Chart

	A	B	C	D	E
Category*	Total square footage of parking spaces not including access aisles equals:	Square footage of all additional paved vehicular use areas (Not including A) under 50,000 square feet equals:	Square footage of all additional paved vehicular use areas (Not including A or B) over 50,000 square feet equals:	Total Square footage of landscaped islands required equals:	Number of Canopy Trees required equals:
1	× 10%	× 5%	× 1%	Total A+B (+C)	D / 75
2	× 7%	× 2%	× 0.5%	Total A+B (+C)	D / 75

*Category 1 = OS-1, OSC, OST, B-1, B-2, B-3, C, NCC, EXPO, FS, TC, TC-1, RC Districts and Special Land Uses

*Category 2 = I-1, I-2

Notes to table:

- A minimum square footage as set forth in [Section 5.5.3.C.ii.b](#) is required.
- All calculations are to be rounded to nearest whole number (do not use decimal places). For example, if A = 95.96, it would be rounded to 96 before continuing to the next calculation.
- Canopy deciduous trees are required. In instances of overhead utility lines, subcanopy trees may be approved.
- Corner areas at the edges of parking areas may also be counted toward square footage of island space.
- Perimeter greenspace must contain canopy trees equal in quantity to one (1) per thirty-five (35) linear feet as a minimum. Paved vehicular use areas includes loading/unloading areas.

- iv. Waiver. Based upon a sufficiently documented demonstration by the applicant, the Planning Commission may reduce or waive the parking lot landscape requirements when it determines that practical difficulties exist due to parcel shape or configuration or where the design of the site would be enhanced by an alternative design solution while still meeting the intent of this Section. Such action by the Commission may be taken when any or all of the following conditions will be met:
 - a. Preservation of Regulated Woodlands or Wetlands or existing trees will occur;
 - b. Stormwater runoff impacts will be lessened;
 - c. Traffic circulation will be substantially improved;
 - d. Vehicular and pedestrian safety will be enhanced.

- D. Building Foundation Landscape Requirements
 - i. Intent. The intent of this subsection is to provide green, landscape space around buildings in order to help integrate buildings into the surrounding landscape and to improve the aesthetic appearance of the site.
 - ii. Requirements. For all buildings or accessory buildings requiring site plan review, the following shall apply:
 - a. There shall be, as a minimum, interior site landscaping square footage equal to the quantity calculated by multiplying the entire perimeter of the building by eight feet. Landscaped planting beds shall be placed immediately adjacent to the building on all four sides and have a minimum width dimension of four feet. Creativity of the physical configuration of the landscape planting bed shape and dimension is strongly encouraged. Applicant is encouraged to provide additional greenspace adjacent to the building wherever possible.



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- b. For the front and any other facades visible from a public street, a minimum of sixty (60) percent of the exterior building perimeter will be greenspace planted with trees, shrubs and groundcovers, perennials, grasses, annuals and bulbs. Canopy deciduous, large evergreen trees and subcanopy trees may also be included around the building if separated from the building by the appropriate distances. Also see district Development Standard and Selected References as applicable.
 - c. With respect to projects within the TC and TC-1 districts, the Planning Commission may waive the eight (8) foot width calculation requirements, if significant additional planting and/or decorative paving or amenities are added adjacent to the building.
 - d. The loading/unloading spaces, entry doors, and drive through aisles are exceptions from having the greenspace adjacent to the building. There shall be greenspace adjacent to patios.
 - e. In instances where the building has a first floor overhang greater than two (2) feet, the landscaping required under this subsection shall begin at the outside edge of the overhang.
- iii. Waiver Procedure. The Planning Commission may reduce or waive the building foundation landscaping requirements when it determines that the applicant has established that practical difficulties exist due to parcel size or configuration or where the design of the site would be enhanced by an alternative design solution while still meeting the intent of this Section. Such action will be taken by the Planning Commission when:
- a. Particular pedestrian circulation safety concerns inhibit the application of this requirement; or
 - b. Elements or activities that are ancillary to the primary building's function inhibit the application of this requirement; or
 - c. Landscaping has been proposed in other areas adjacent to the building that offset the loss.
- E. Subdivision Planting Requirements
- i. Single-Family Platted Subdivisions or Residential Site Condominiums
 - a. Intent. The intent of this subsection is to create visually appealing single-family residential areas that integrate existing natural resources into the overall landscape design.
 - b. Requirements Adjacent to Major Thoroughfares. That portion of these lots abutting major thoroughfares shall include an approved screen planting and raised berm per [Section 5.5.3.B](#), contained in a non-access greenbelt easement, labeled as such on the plans, and having a minimum width of forty (40) feet. The screen plantings shall be installed at the time of construction of the subdivision.
 - c. Street Trees and Boulevard Planting
 - (1) Street trees shall be provided in front of each lot in accordance with the standards set forth in the [Landscape Design Manual](#).
 - (2) A Street Tree Financial Guarantee will be collected at a rate of four-hundred (400) dollars per street tree required prior to the Full Pre-Construction meeting. There will be no issuance of any Temporary or Final Certificate of Occupancy in the development until this financial guarantee and the Street Tree Maintenance Fee has been paid. No Final Certificate of Occupancy will be granted until the trees have been planted by the developer and inspected by the City. Trees shall be guaranteed by the developer for two (2) growing seasons after installation. All unhealthy and dead plant material shall



be replaced by the developer within six (6) months following notice, or the next appropriate planting period, whichever occurs first. All replacement trees shall be guaranteed by the developer for an additional two (2) years after which time a final inspection will be conducted at the request of developer. The Street Tree Financial Guarantee will not be reduced and no Final Certificate of Occupancy will be granted until the trees have been planted and approved.

- (3) The developer shall submit a landscape plan for all of the street trees to be provided within the plat, which shall be reviewed by the City.

d. Island and Boulevard Planting

- (1) All islands, boulevards and easements shall be landscaped and irrigated. Islands within a cul-de-sac shall not have any plant materials that may obscure vision across the island between heights of three (3) feet to six (6) feet as measured from the established street grade. See [Landscape Design Manual](#) for additional requirements regarding the type and size of plantings.
- (2) If an island is to be re-landscaped by the subdivision association, a landscape plan shall be submitted to the City for administrative approval.

ii. Multi-Family/Attached Dwelling Units

- a. Intent. The intent of this subsection is to create visually appealing multi-family residential areas that integrate existing natural resources into the overall landscape design.
- b. Requirements. For all multiple-family or other development with attached dwelling units (other than a single RT dwelling on an individual lot) the following shall apply:

- (1) Three (3) canopy deciduous trees or large evergreen trees for each dwelling unit on the first floor shall be provided. Evergreens shall be no closer than twenty (20) feet from the roadway.

- (2) In addition, there shall be one canopy deciduous tree along interior roads for every thirty-five (35) feet of lineal interior roadway, excluding driveways, interior roads adjacent to public rights-of-way and parking entry drives. The spacing of the canopy deciduous trees shall be a minimum of twenty-five (25) feet and a maximum of thirty-five (35) feet. In case of overhead utility lines, subcanopy deciduous trees can be substituted for canopy deciduous trees. (See [Single-Family Platted Subdivisions](#) or [Residential Site Condominiums](#) Sections for specific requirements.)

- (3) A mixture of shrubs and subcanopy trees and groundcover, perennials, annuals, and ornamental grasses shall be provided as foundation plantings at the front of each ground floor unit covering at least sixty (60) percent of the front building facade.

iii. Non-Residential Subdivisions

- a. Intent. The intent of this subsection is to create visually appealing non-residential areas that integrate existing natural resources into the overall landscape design.
- b. Requirements. For all non-residential subdivisions or non-residential site condominiums, the following landscape requirements shall apply:

- (1) Areas abutting the Public Rights-of-Way of major roadways shall be landscaped according to [Section 5.5.3.B.ii](#) and provided prior to lot development.



- (2) Landscape Screening Requirements where adjacent to residential, **Section 5.5.3.A.ii**, is to be installed at the time of and as a part of construction prior to development of any lots.
 - (3) Building Foundation Landscape Requirements per **Section 5.5.3.D** shall apply.
 - (4) Screening of outdoor storage, motor vehicles, off street parking, and areas used to [for] vehicle repair, deliveries, unloading, loading or transport is to be accomplished per **Sections 3.14, 3.15, 4.55, 4.56 and Section 5.5**.
 - (5) See **Landscape Design Manual** for additional requirements for individual lots.
- iv. Detention/Retention/Sedimentation Basin Landscape Requirements. All detention basins shall be planted with minimum requirements as set forth in the **Landscape Design Manual** and shall be designed to have a natural appearance, utilizing natural looking contours and native plant materials whenever possible. Detention maintenance shall be provided (see Ordinance Code, Storm Water Management).
4. Landscape Plan Review Standards. The landscape plan shall be reviewed relative to:
- A. The intent of the overall design of the site and the design of the proposed landscape materials to achieve unique, attractive and significant landscaping on the site as a whole;
 - B. The proper type, spacing, height, placement and location of plant materials in order to insure that the intent of this ordinance is met;
 - C. The choice and selection of plant materials so as to insure that root systems will not interfere with public utilities and so that fruit and other debris, except leaves, will not constitute a nuisance within public rights-of-way or to abutting property owners;
- D. The choice and selection of plant materials so as to insure that the type of plantings selected will be of a type that will survive and thrive in the area in which they are to be located;
 - E. The proper relationship between deciduous and evergreen plant materials exists so as to assure that the desired obscuring effect will be accomplished; and
 - F. All requirements of this Section and of the **Landscape Design Manual**.
5. Installation Specifications.
- A. Approved Planting Plan. Wherever in this Ordinance landscape plantings are required or permitted, they shall be planted in accordance with the approved final stamped landscape plan.
 - B. Time of Planting. All plant materials shall be installed between March 15 and November 15. All installed landscapes including plant materials, mulch, staking, irrigation, and sodding, must be installed and inspected by the City prior to issuance of a Temporary Certificate of Occupancy. At that time, a financial guarantee of one and one-half (1.5) times the cost of any deficiencies will be held until inspection occurs for a Final Certificate of Occupancy. In order to receive a Final Certificate of Occupancy, the deficiencies must be addressed within thirty (30) days during the March 15 to November 15 planting season. Under extraordinary circumstances related to the inability to plant during the approved installation period, a financial guarantee of two (2) times the cost of any deficiencies will be held until the inspection for a Final Certificate of Occupancy. If the deficiencies are not addressed in the time period outlined above, the City will cash in the amount being held for the outstanding items and remedy those items.
 - C. Inspections. A City representative will perform landscape inspections following a request from the developer. The inspection time period is from March 15 to November 15. If an inspection is requested between November 16 and March 31, a financial guarantee is to be provided based on two (2.0) times the percent incomplete for a Temporary Certificate of Occupancy as outlined above. Beginning March 31, the Applicant then has thirty (30) days to complete items or the City will cash in the amount being held and finish the job.



- D. Establishment Period. The establishment period for the plant material guarantee will occur beginning at the Final Certificate of Occupancy inspection approval to two (2) years from that date. All plantings shall be properly planted as to be in a healthy, growing condition at commencement of the establishment period. At the end of the establishment period, any plantings, which are twenty (20) percent dead or greater, shall be replaced.
- E. Notice of Installation/Minor changes
 - i. The owner or developer must notify the City of the installation schedule. The City may reject any material which is defective or in generally poor condition.
 - ii. Minor changes regarding plant materials per the approved and stamped landscape plan may be altered upon written notification to, and written sign-off by, the City Landscape Architect of species, size, change, and location.
 - iii. Minor changes due to seasonal planting problems and lack of plant availability may be approved in writing by the City Landscape Architect when there is no reduction in the quality of plant materials, no significant change in size or location of plant material, the new plant material is compatible with the area and is the same general type (deciduous/evergreen), exhibiting same design characteristics (mature height, crown), as the material being replaced. If these criteria are not fulfilled or changes are significant from approved plan, the landscape plan shall be revised and resubmitted for plan approval.
- F. Individual (non-subdivision/non-site condominium) single-family requirements
 - i. Street trees shall be provided in front of each single-family parcel, in accordance with the standards set forth in the [Landscape Design Manual](#) for lots within single-family platted subdivisions.
 - ii. A Street Tree Financial Guarantee will be collected at a rate of four-hundred (400) dollars per street tree required prior to the issuance of a building permit, in accordance with the

- provisions of [Chapter 26.5 of the Novi Code of Ordinances](#). No Final Certificate of Occupancy will be granted until the trees have been planted by the developer/builder or homeowner and inspected by the City. Trees shall be guaranteed by the developer/builder or homeowner for two (2) growing seasons after installation. All unhealthy and dead trees shall be replaced by the developer/builder or homeowner within three (3) months following notice, or the next appropriate planting period, whichever occurs first. All replacement trees shall be guaranteed by the developer/builder or homeowner for an additional two (2) years, after which time a final inspection will be conducted at the request of developer/builder or homeowner. The Street Tree Financial Guarantee will not be reduced until the trees have been planted and accepted by the City.
- iii. The developer/builder or homeowner shall depict the street trees on the plot plan, which shall be reviewed by the City.
- 6. Maintenance
 - A. Maintenance of required plantings by the owner shall be carried out so as to present a healthy, neat and orderly appearance, free from refuse and debris.
 - B. To insure proper maintenance and as a condition of Final Site Plan approval, the property owner shall enter into and record with the office of the Oakland County Register of Deeds a Landscape Maintenance Agreement, or include such provisions as part of subdivision restrictions or condominium master deed, each of which shall be approved by the City Attorney. Such instrument shall identify the minimum plan of maintenance, the person or entity responsible for maintenance, and shall provide the procedure, authority and finance for City cure of breaches by the responsible entity. Such instrument shall also include provisions that all unhealthy and dead material shall be replaced within one (1) year, or the next appropriate planting period, whichever occurs first; all landscaped areas shall be provided with an irrigation system; tree stakes, guy wires and tree wrap are to be removed after one

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winter season; plantings shall be guaranteed for two (2) growing seasons after date of the acceptance of the installation; if grass or weeds exceed the height specified in [Chapter 21 of the Novi Code of Ordinances](#), or if shrubs are allowed to obstruct vision across any portion of the island and the responsible party is unwilling to rectify the problem, the City will abate such violations and shall assess the cost of such abatement measures in the manner proposed by the developer and approved by the City in such instrument.

7. Responsibility and Certificates of Occupancy. The owner of the property subject to the requirements of this Section shall be responsible for installing and maintaining landscaping per the approved final landscape plan as specified in this Section. Where the property is occupied by a person other than the owner, the occupant shall also be responsible for maintenance. All landscaping work required pursuant to this Section shall be treated as a site improvement for purposes of [Sections 7.7.8](#) and [7.7.9](#).

5.6 SIGNS


All signs shall conform to all applicable codes and ordinances of the City of Novi, and, where required, shall be reviewed and approved by the Community Development Department and a permit issued.


5.7 EXTERIOR LIGHTING

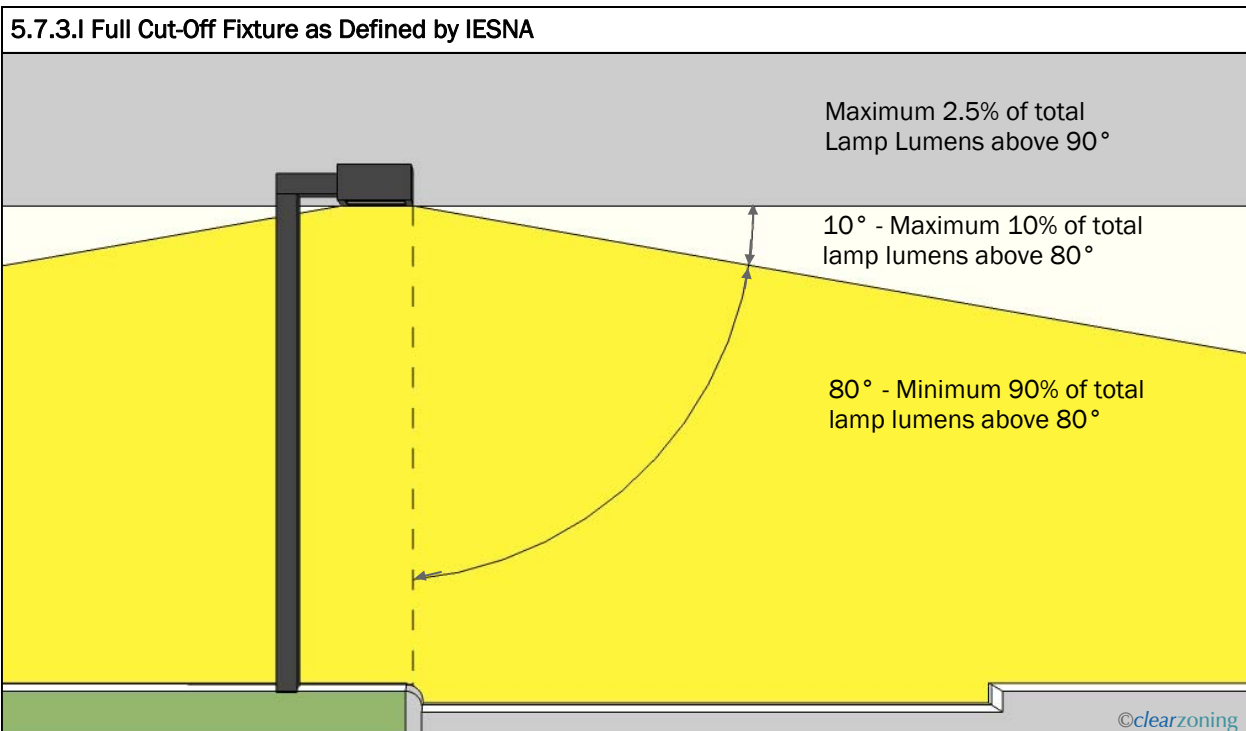
1. Intent. It is the intent of this Section to regulate outdoor lighting in a manner that establishes appropriate minimum levels of illumination, prevents unnecessary glare, reduces spill-over onto adjacent properties and reduces unnecessary transmission of light into the night sky. This Section is not intended to eliminate the need for an applicant to seek out professional assistance to determine appropriate lighting for the use and design proposed.
2. Approved Lighting Plan. Whenever the installation or modification of outdoor lighting is a required condition under this Section, or is part of a development plan that requires site plan approval, the approving body shall review and approve all proposed lighting as part of its site plan approval process. These standards shall also apply to site plan approval or modification of existing lighting.

- A. A lighting plan submitted for review shall contain the following:
 - i. A site plan showing the location of all existing and proposed buildings, landscaping, streets, drives, parking areas and exterior lighting fixtures.
 - ii. Specifications for all proposed and existing lighting fixtures including photometric data, fixture height, mounting and design, glare control devices, type and color rendition of lamps, and hours of operation. A photometric plan illustrating the levels of illumination at ground level shall account for all light sources that impact the subject site, including spill-over illumination from neighboring properties. (This information may be deferred to the final site plan if the site is not adjacent to a residential district.)
 - iii. Relevant building elevation drawings showing all fixtures, the portions of the walls to be illuminated, illuminance levels of walls and the aiming points of any remote fixtures.
- B. A proposed lighting plan shall be reviewed based upon the following considerations:
 - i. Whether the lighting is designed to minimize glare;
 - ii. Whether light will be directed beyond the boundaries of the area to be illuminated or onto adjacent properties or streets;
 - iii. Whether the lighting will cause negative impacts on residential districts and uses;
 - iv. Whether the plan will achieve appropriate levels of illumination for the use proposed; and
 - v. Whether the lighting is in harmony with the character of the surrounding area and the illumination levels of neighboring properties; and
 - vi. Whether the lighting is in keeping with the city's goal of prohibiting unnecessary illumination of the night sky.



3. Required Conditions. The following conditions shall apply to site plan approval or modification of existing lighting:
 - A. Light fixtures shall not be mounted in excess of the maximum height limitation of the district in which they are located. For lighting in residential districts and for uses adjacent to residential districts or uses, light fixtures shall not be mounted in excess of twenty-five (25) feet above grade. Fixture height shall be measured from the grade of the illuminated surface to the bottom of the fixture.
 - B. Electrical service to light fixtures shall be placed underground.
 - C. No flashing light shall be permitted.
 - D. Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall landscaping, fencing and similar screening methods be considered acceptable means for reducing glare.
 - E. Outdoor lighting shall be designed to achieve uniform illumination levels. The ratio of the average light level of the surface being lit to the lowest light of the surface being lit, measured in foot-candles , shall not exceed four to one (4:1).

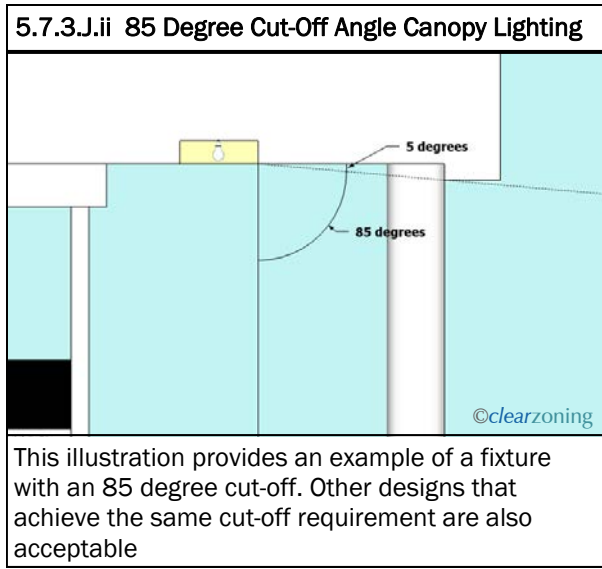
- F. The use of true color rendering lamps such as metal halide is preferred over high and low pressure sodium lamps.
- G. Only necessary lighting for security purposes and limited operations shall be permitted after a site's hours of operation.
- H. Lighting for security purposes shall be directed only onto the area to be secured.
 - i. All fixtures shall be located, shielded and aimed so that light is not cast toward adjacent properties or streets or unnecessarily transmitted into the night sky.
 - ii. Fixtures mounted on the building and designed to illuminate the facade are preferred.
- I. Parking lot lighting shall be designed to provide the minimum illumination necessary to ensure adequate vision and comfort in parking areas. Full cut-off fixtures shall be used to prevent glare and direct illumination away from adjacent properties and streets. Designs that result in even levels of illumination across a parking area are preferred. 



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- J. The illumination of gasoline service stations and convenience stores shall be the minimum level necessary to facilitate such uses. Excessive lighting for the purposes of attraction and advertising shall not be permitted.
- i. Areas away from gasoline pump islands that are used for parking and vehicle storage shall be illuminated in accordance with the parking area requirements of this Section.
 - ii. Light fixtures mounted on canopies shall be recessed or flush with the bottom of the canopy. Where a drop-down fixture is used, the lens shall be flush with (i.e., no more than one inch beyond) the casing so that light is directed down and not sideways. All canopy lighting shall be shielded to provide a cut-off angle of eighty-five (85) degrees. Fixtures shall not be mounted on the top or sides of canopies. ✍



- iii. The illumination of canopy sides is prohibited.
- K. The following illumination levels shall act as minimum standards for all exterior lighting. Maximum lighting will be governed by the four to one (4:1) ratio of average to minimum illumination of the surface being lit. Where a site abuts a nonresidential district, maximum illumination at the property line shall not exceed one (1) foot-candle. The city may modify these levels if such modifications are deemed necessary and appropriate for the use and surrounding area.

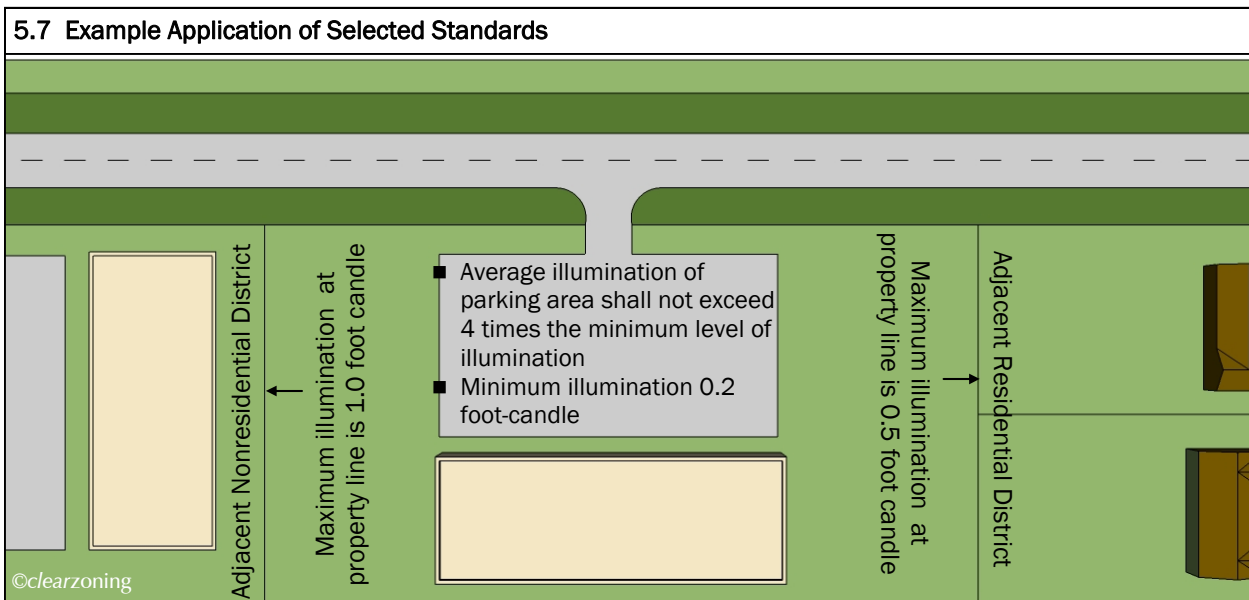
5.7.3.K Illumination Levels	
Use	Minimum Illumination* (foot-candles)
Parking Areas	0.2
Loading and Unloading Areas	0.4
Walkways	0.2
Building Entrances - Frequent Use	1.0
Building Entrances - Infrequent Use	0.2

*The minimum light measured in foot-candles at the point of least illumination when measured at

- L. Where a site abuts a residential district or use, the following special conditions shall apply:
 - i. The height of light fixtures shall not exceed twenty-five (25) feet.
 - ii. All fixtures shall have a cut-off angle of ninety (90) degrees or less.
 - iii. No direct light source shall be visible at the property line (adjacent to residential) at ground level.
 - iv. Maximum illumination at the property line shall not exceed one-half (½) foot-candle.
- M. The city may waive or alter cut-off requirements of this Section when appropriate historic or decorative fixtures are proposed (e.g., use of decorative uplighting to illuminate the underside of a canopy or columns on a facade, where a canopy or roof projection restricts the projection of the light into the night sky). ✍



- N. All residential developments receiving site plan approval after the adoption of this ordinance shall provide lighting at each entrance intersecting with a major thoroughfare sufficient to illuminate the entrance of the development. A major thoroughfare shall be defined as a major arterial, arterial or minor arterial road as designated in the City of Novi Master Plan's Thoroughfare Classification Map. Minimum illumination shall be 0.2 foot-candles. Fixtures shall not exceed twenty-five (25) feet in height. Lighting shall be subject to the requirements of this Section of the Zoning Ordinance. If the proposed lighting is within the right-of-way, installation, maintenance and operating costs and responsibilities shall be in accordance with the amended Street Light Policy adopted by the City Council on September 24, 2012.
4. Maintenance. All installed and approved light fixtures shall be kept in good repair. This includes, but is not limited to, replacing nonworking bulbs, repairing broken or malfunctioning fixtures and similar activities. Failure to maintain fixtures shall be deemed a violation of this chapter and violators shall be subject to the penalty provisions contained in [Section 7.14](#).
5. Exemptions. The following uses shall be exempt from the provisions of this Section:
- Roadway and airport lighting required by the appropriate public agency for health, safety and welfare purposes;
 - Construction lighting approved by the building department as part of a building permit;
 - Flag lighting, provided that the illumination is the minimum level necessary, and that the light source is aimed and shielded to direct light only onto the intended target and to prevent glare for motorists and pedestrians;
 - Emergency lighting approved by the city, provided the lighting is discontinued upon the abatement of the emergency necessitating said lighting; and
 - Other temporary lighting determined to be reasonable and appropriate by the City of Novi Building Official.



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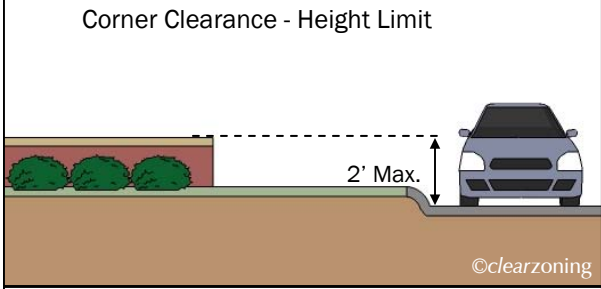
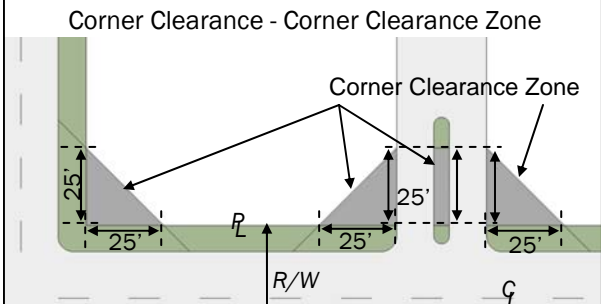
5.8 RESIDENTIAL ENTRANCEWAY

In all Residential districts, so called entranceway structures including but not limited to walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in **Section 5.9** Corner Clearance, provided that such entranceway structures shall comply to all codes of the Municipality, and shall be approved by the Building Department [Department of Building and Safety] and a permit issued.

5.9 CORNER CLEARANCE

Except as otherwise permitted in this Code of Ordinances, no fence, wall, plant material, sign or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the clear view zone which is the triangular area formed at the intersection of any existing public street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection. Medians shall be included in this measurement. Height of shrubs, perennials or ornamental grasses is the mature height for the species of plant material. Canopy and sub-canopy trees can be located at the outside edge of the triangle. No evergreen trees are allowed within or at the edge of the clear view zone. Driveways shall have a ten (10) foot clear view zone as measured from the back of curb and edge of drive. Private roads shall meet the same twenty-five (25) foot clear view zone. 📄

5.9 Corner Clearance

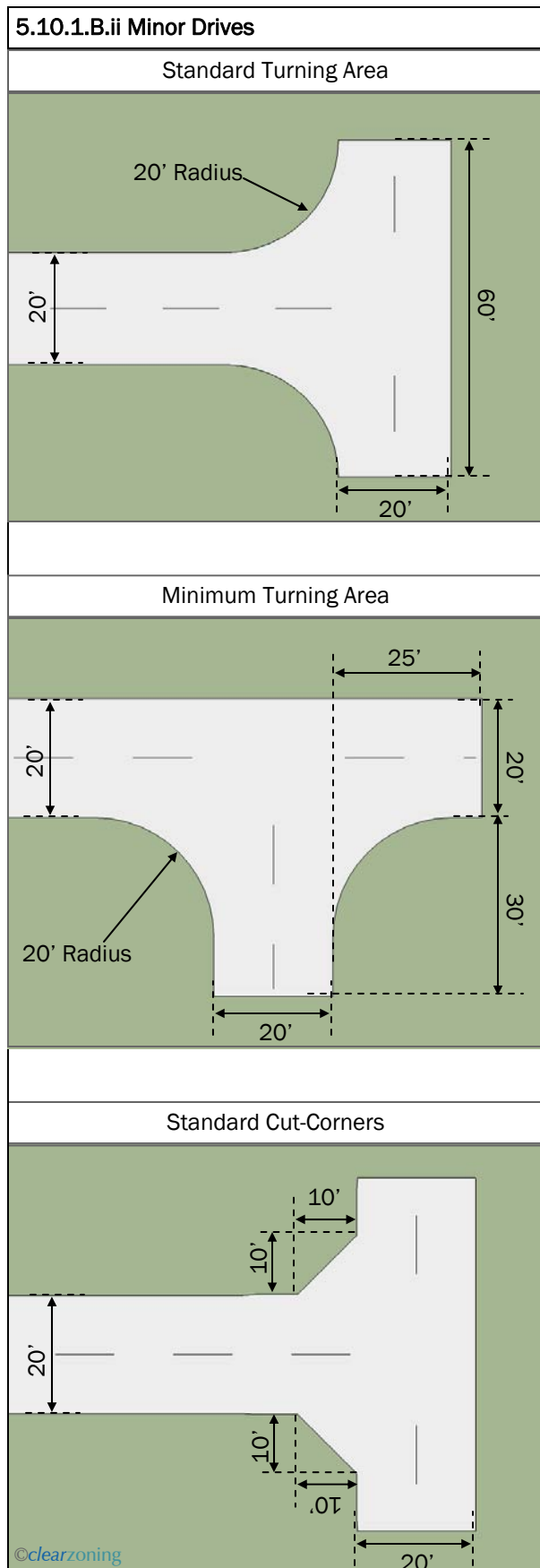


No visual obstructions within the corner clearance zone. Obstructions to vision above a height of 2', measured from established street grade, are not allowed. Plant materials are measured at mature height.

5.10 ADDITIONAL ROAD DESIGN, BUILDING SETBACK, AND PARKING SETBACK REQUIREMENTS FOR ONE-FAMILY CLUSTERING OPTION, TWO-FAMILY USES, MULTIPLE-FAMILY USES, AND CERTAIN NON-RESIDENTIAL USES AND DEVELOPMENTS

1. The following apply to uses and developments (other than subdivision plats and site condominiums) constructed according to the requirements and standards for the one-family clustering option, two-family uses, multiple-family uses, and non-residential districts meeting the standards in subsection 2 below. Conventional general and site condominium residential developments located in one-family districts shall be designed to meet Ordinance standards as if they were conventional residential platted subdivisions. For general condominiums, theoretical "lot" lines shall be shown on the review plans for the purpose of determining compliance with ordinances, but shall not be shown on the final recorded condominium plans.

- A. All uses and developments shall include a public road network or private drive network. A public road network shall be built to **City of Novi Design and Construction Standards**.
- B. A private drive network within a cluster, two-family, multiple-family, or non-residential uses and developments shall be built to City of Novi Design and Construction Standards for local street standards (twenty-eight (28) feet back-to-back width, although for industrial, commercial, office, and high tech uses, a wider road cross-section may be required, at the discretion of the approving body, based on a recommendation from the city engineer or traffic consultant) with the following exceptions:
- i. If a private drive network is proposed, there shall be a private "major drive" - i.e., a principal internal loop drive or principal cul-de-sac drive that has direct access to an exterior public road (see examples at the end of this Section);
 - ii. There may be intersecting "minor drives," i.e., individual private drives off a major drive or internal public road that are built according to the City of Novi's parking drive and parking space standards (**Section 5.3**). For example, a two-way minor drive would require a twenty-four (24) foot aisle with optional adjacent parking on one or both sides. Where on-street parking is proposed, it shall be limited to one side of the minor drive and the drive shall be a minimum width of twenty-eight (28) feet. On-street parking shall not be permitted for non-residential developments unless the minor drive is widened to maintain a minimum twenty-four (24) foot traveled way for two-way traffic. In order to qualify as a minor drive, the maximum length shall not exceed six-hundred (600) feet, measured from the near edge of the intersecting major drive or internal public road to:
 - a. The far edge of pavement (where no turnaround is required),
 - b. The center of the cul-de-sac or
 - c. The far edge of the T-turnaround (at the centerline of the drive)



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All minor drives in excess of one-hundred fifty (150) feet, with only one point of access, shall provide a cul-de-sac meeting City Design and Construction Standards or a T-turnaround, meeting the standard shown above. ✎

- iii. For multiple-family and non-residential projects, parking lots with access from major drives or public streets may also be permitted. Parking lots shall conform with the City of Novi Zoning Ordinance and Design and Construction Standards. ✎
- iv. For major and minor private drives, the minimum centerline radius shall be one-hundred (100) feet, in accordance with the American Association of State Highway and Transportation Officials (AASHTO) minimum local street standards. Adjacent parking and on-street parking shall be limited near curves with less than two-hundred thirty (230) feet of centerline radius, at the discretion of the approving body, in order to provide safe and adequate sight distance. ✎
- v. Building and parking lot setbacks specified in the applicable zoning district shall be measured as follows:
 - a. When abutting a "major drive," measure setbacks from back of curb;
 - b. When abutting a property line, measure from property line;
 - c. When abutting a "minor drive," measure from back of curb;
 - d. Parking lots shall be setback a minimum of ten (10) feet from a major and minor drives and twenty (20) feet from any property line, unless a greater distance is specified for non-residential and multiple-family uses elsewhere in this Ordinance. Angled and perpendicular parking spaces may be accessed directly from a minor drive or parking lot aisle, but not from a major drive; ✎

e. For non-residential uses, buildings and structures shall be setback a minimum of ten (10) feet from any major drive or minor drive, measured from the back of curb or pavement edge (where no curb is provided). Setbacks from property lines and residential districts shall be as set forth elsewhere in this Ordinance.

vi. When abutting a parking space, the minimum building setback from the end of a parking stall shall be twenty-five (25) feet in all residential zoning districts and ten (10) feet in non-residential districts.

- 2. Non-residential projects shall be subject to the requirements of this Section if they meet the following criteria:
 - A. The development contains more than one principal building, and
 - B. At least one of the principal buildings is located nine-hundred (900) feet or more from an adjacent public road.

For the purpose of determining application of this subsection, the entire development parcel, including future phases, shall be considered. If the approving body determines that it is reasonable to expect that future development of the balance of the site would permit construction of a principal building nine-hundred (900) feet or more from an adjacent public roadway, then the entire site shall be developed in conformance with this Section.



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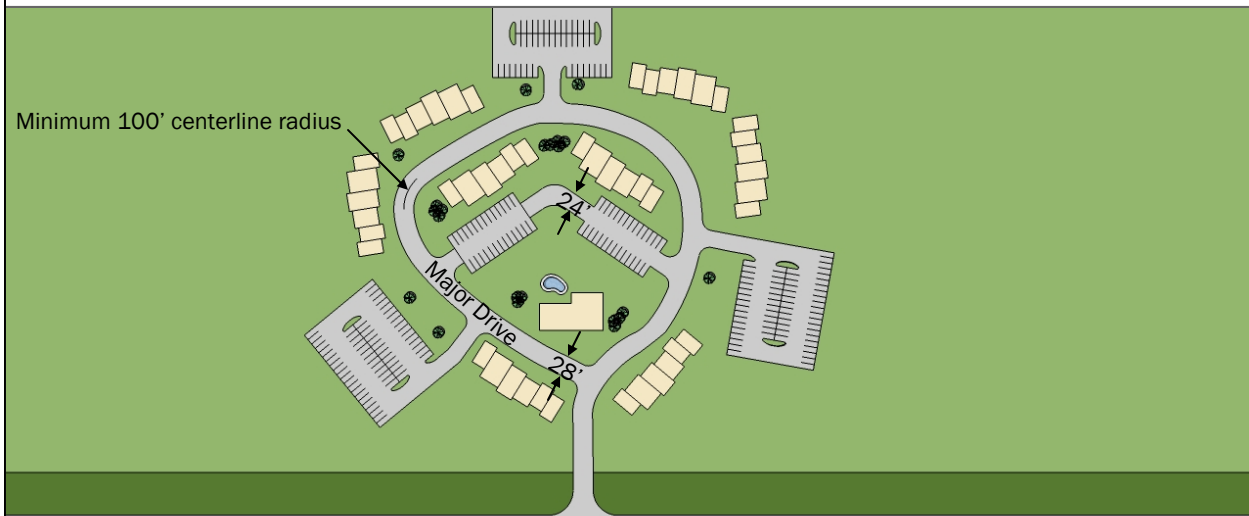
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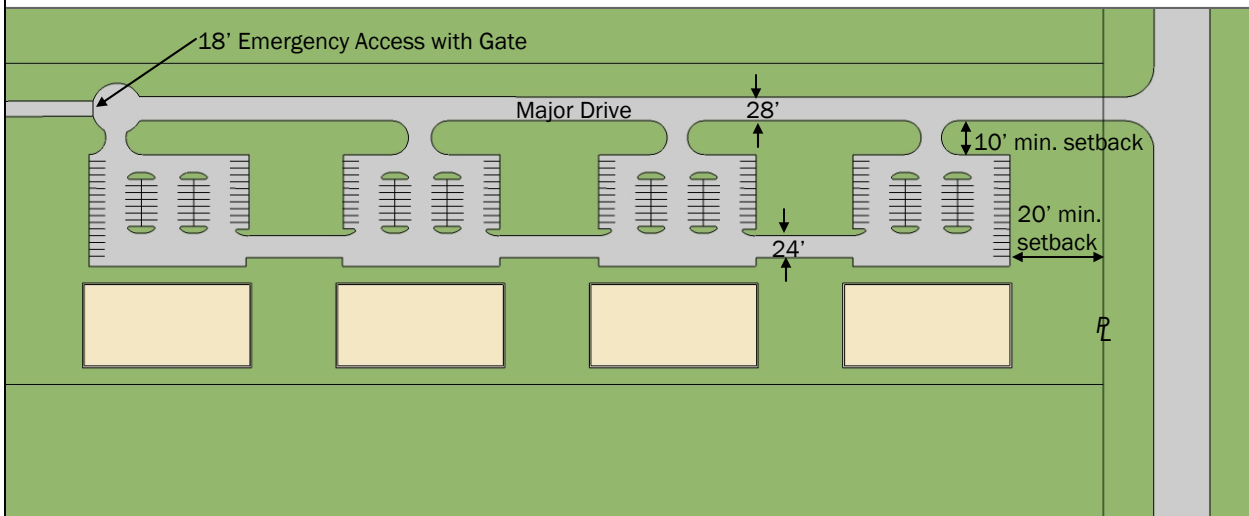
5.10 Single Family Use Major and Minor Drives



5.10 Multiple Family Major Drive Design



5.10 Office Use Major Drive Design

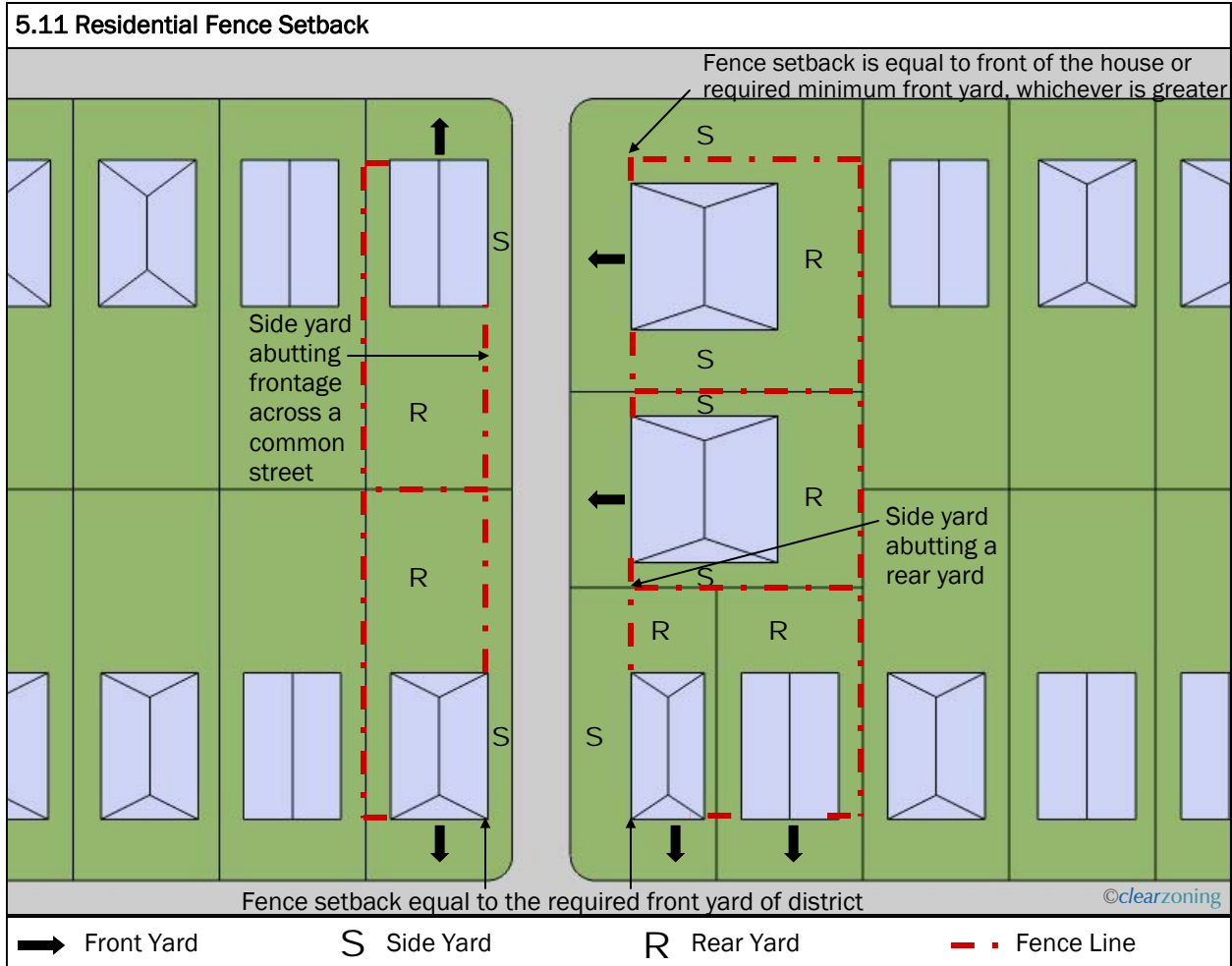


5.11 FENCES (RESIDENTIAL AND NONRESIDENTIAL)

1. Fences (residential) are subject to the following requirements:
 - A. Fences on all lots of record in all residential districts, and acreage parcels not within a recorded plat, which enclose property and/or are within a required side yard:
 - i. Shall not exceed six (6) feet in height,
 - ii. Shall not extend toward the front of the lot nearer than the minimum front yard setback distance, unless an existing house already extends into the minimum front yard, in which case the fence may extend to the front of the house. The requirements of this subpart shall not apply to decorative fencing (i.e. split rail), of no more than twenty (20) feet in length or four (4) feet in height when erected as part of an approved landscaping plan. In addition, the requirements of the subpart shall not prohibit fences in the front of lots having water frontage where said fences are placed on or within lot property lines, are no higher than four (4) feet and are constructed of materials that will not obstruct the view of the lake. Hedge rows shall not be permitted on a lot having water frontage from the front of the house to the lake.
 - B. The restrictions of subpart A.ii, above, shall not apply to residential fences on:
 - i. Lots in excess of two (2) acres within a recorded plat.
 - ii. Lots with a frontage of at least two-hundred (200) feet within a recorded plat.
 - C. Fences shall be constructed of comparable materials on both the front and back sides of the fence.
 - D. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.
 - E. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area except that nothing in this subpart shall prevent the erection of fencing for tennis courts, backstops or the like.
 - F. Nothing in this Section shall be interpreted to supersede the applicable requirements of [Section 5.5](#).
2. Fences (non-residential) shall be permitted in nonresidential districts provided:
 - A. No fence shall extend into a front or exterior side yard.
 - B. No fence shall exceed eight (8) feet in height, except barbed wire placed along the top of a fence may project beyond the maximum height limitation of the fence, but no fence, including barbed wire, shall exceed an overall height of eleven (11) feet.
 - C. No fence shall carry electrical current or charge of electricity.
 - D. Nothing in this Section shall be interpreted to supersede the applicable requirements of [Section 5.5](#).
3. General regulations applicable to residential and non-residential fences
 - A. Prohibited Materials. No fence shall be composed of scrap material, tires, canvas, cardboard, asphalt style shingles, chicken wire or similar fine wire mesh, corrugated metal or sheet metal. Fine wire fencing may be attached to the interior of, or made a part of any wooden, stone, brick, wrought-iron, or other such non-wire type fencing, where the other type fencing would not provide an adequate barrier to contain pets or animals. When so applied, the wire shall be vinyl coated or painted in a standard dark brown, dark green or black color. When used under these conditions, it shall not be considered a wire fence.
 - B. Maintenance. All fences shall be maintained in good condition, free of significant corrosion, peeling paint or finish and other damage. All fences shall be maintained in a condition of reasonable repair and not be allowed to become or remain in a condition of disrepair including noticeable leaning or missing sections or portions of sections, broken supports, non-uniform height, and growing of noxious vegetation. All fences shall comply with applicable provisions of the current City of Novi Property Maintenance Code.



- C. Uniformity. All fences shall be of uniform material(s), finish, and color along a property line of any parcel totaling less than one-hundred fifty (150) feet in length. Where a fence has a finished and an unfinished side, the finished or more decorative side shall face outward toward the adjoining property or street. Except for those materials identified as permitted, materials attached to the inward facing side of a fence shall not be visible from any adjoining property or street.
- D. Exemptions from standards. Those fences required as a safety barrier at a swimming pool or constructed to identify the entryway of a neighborhood or development, and fences two (2) feet or less in height around gardens are exempt from this subsection 3.



5.12 FRONTAGE ON A PUBLIC STREET

No lot or parcel of land shall be used for any purpose permitted by this Ordinance unless said lot or parcel shall front directly upon a public street, unless otherwise provided for in this Ordinance.

5.13 ACCESS TO MAJOR THOROUGHFARE

For uses making reference to this Section, vehicular access shall be provided only to an existing or planned major thoroughfare or freeway service drive. Provided, however, that access driveways may be permitted to other than a major

thoroughfare or freeway service drive, where such access is provided to a street where the property directly across the street between the driveway and the major thoroughfare or freeway service drive is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than single-family residences or is an area which, in the opinion of the City, will be used for other than single-family purposes in the future. This exception shall apply only if the City finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

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5.14 PERFORMANCE STANDARDS

No use otherwise allowed, shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

1. Smoke. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 on the Ringelmann Chart; provided that the following exceptions shall be permitted: Smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringelmann Chart, for a period, or periods, aggregating four (4) minutes in any thirty (30) minutes.

Method of Measurement: For the purpose of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of the Ordinance, shall be the standard. However, the Umbrascopes readings of smoke densities may be used when correlated with Ringelmann's Chart.

2. Dust, Dirt and Fly Ash. No person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas-borne or air-borne solids of fumes emitted into the open air, which is operated in conjunction with said process, furnace or combustion device so that the quantity of gas-borne or air-borne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of five-hundred (500) degrees Fahrenheit.

Method of Measurement: For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust and dirt shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Inspector [Official] may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust and dirt have been made.

3. Odor. Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations that are offensive, that produce a public nuisance or create a hazard to adjoining property, or would be otherwise detrimental to human, plant, or animal life. Michigan Environmental Protection & HAP (Hazardous Air Pollutant Standards) Agency Standard, Act 348, as amended.
4. Gases. The escape of or emission of any gas that may be injurious or destructive to life or property, or that is explosive, is prohibited. All uses shall maintain compliance with applicable state and federal regulations and statutes controlling the emission of gases or other substances into the atmosphere, including, but not limited to, Part 55 of 1994 PA 451, as amended, and 42 U.S.C. 7401, et seq.
5. Airborne Matter, General. In addition to 1. through 4. above, there shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger the comfort, repose, health or safety of persons or which cause injury or damage to business or property.
6. Glare and Radioactive Materials. Glare from any process (such as, or similar to, arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line and as not to create a public nuisance or hazard along lot lines. Radioactive materials, wastes and emissions, including electromagnetic radiation such as generated from an x-ray machine, shall not exceed levels established by Federal or State agencies with regulatory jurisdiction. No operation shall be conducted in a manner that emits, outside of any property line, levels of radiation that exceed the lowest concentration permitted for the general population. NESHAPS (National Emissions Standards for Hazardous Air Pollutants), NRPC 1993, Chapter 41, as amended.
7. Fire and Explosive Hazards
 - A. The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the Fire Chief, or his designee, is permitted, subject to compliance with all other performance standards above mentioned, and to the provisions of any other applicable City Code or Ordinance. The following shall define the ranges of burning:



- i. Intense burning materials are materials which, by virtue of low ignition temperature, high rate of burning, and large heat evolution, burn with great intensity. An example would be Manganese.
 - ii. Free and active burning materials are materials constituting an active fuel. Free burning and active burning is the rate of combustion described by a material which burns actively, and easily supports combustion. An example would be fuel oil.
 - iii. Moderate burning implies a rate of combustion described by material which supports combustion and is consumed slowly as it burns. An example would be coal.
 - B. The storage, utilization, or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire Chief, or his designee, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and to the provisions of any other applicable City Code or Ordinance, and providing that the following conditions are met:
 - i. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the Building Code of the Municipality.
 - ii. All such buildings or structures shall have a setback of at least forty (40) feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with the installation standards prescribed by the National Fire Association.
 - iii. The storage and handling of flammable liquids, petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941 [MCL 29.1 et seq., MSA 4.559 (1) et seq.], as amended.
8. Vibration. Machines or operations which cause vibration shall be permitted in Industrial districts, but no operation shall cause a displacement exceeding .003 of one (1) inch as measured at the property line.
9. Sewage Wastes. No waste shall be discharged in the public sewer system which is dangerous to the public health and safety. The following standards shall apply at the point wastes are discharged into the public sewer:
- A. Acidity or alkalinity shall be neutralized within an average pH range of between five and one-half (5½) to seven and one-half (7½) as a daily average on the volumetric basis, with a temporary variation of pH four and one-half (4.50) to ten (10.0).
 - B. Wastes shall contain no Cyanides. Wastes shall contain no chlorinated solvents in excess of .1 p.p.m.; no Fluorides shall be in excess of 10 p.p.m.; and shall contain no more than 5 p.p.m. of Hydrogen Sulphide; and shall contain not more than 10 p.p.m. of Sulphur Dioxide and Nitrates; and shall contain not more than 25 p.p.m. of Chromates.
 - C. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceed a daily average of 500 p.p.m. or fail to pass a No. 8 Standard Sieve or have a dimension greater than one-half (½) inch.
 - D. Wastes shall not have chlorine demand greater than 15 p.p.m.
 - E. Wastes shall not contain phenols in excess of .05 p.p.m.
 - F. Wastes shall not contain any grease or oil or any oily substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.
10. Noise
- A. Noise Disturbances
 - i. No activity, operation or use of land, open body of water, buildings or equipment shall make, continue or cause to be made or continue, any noise disturbance or allow to be emitted, sound from any source or combination of sources other than a motor vehicle registered for use on public highways, which when measured in accordance with the procedure described in this Section exceeds the sound level limits in [Table 5.14.10.A.ii Weighted Sound Level Limit Decibels](#). The measurements made are to be evaluated under Table 5.14.10.A.ii based upon the zoning of the property receiving the emitted sound.



- ii. Where background sound levels exceed the sound level limits in Table 5.14.10.A.ii, below, a violation shall be deemed to exist if the complained for activity exceeds the background sound levels by six (6) decibels.

5.14.10.A.ii Weighted Sound Level Limit Decibels			
Receiving Zoning Districts			
R-1, R-2, R-3, R-4, RT, RA, RM-1, RM-2, MH		NCC, B-1, B-2, B-3, EXPO, EXO, OS-1, OSC, TC, TC-1, RC, FS, C, I-1, I-2, P-1, PSLR	
Night Time Hours Decibels	Day Time Hours Decibels	Night Time Hours Decibels	Day Time Hours Decibels
55	60	70	75

- iii. The measurement of sound level shall be made at a height of five (5) feet (+ or -), at a horizontal distance of five and one half (5.5) feet (+ or -) from a lot line or right-of-way line on any lot or right-of-way other than that on which the sound source or sources being measured is located.

The sound level meter shall be a Type I or Type II instrument, adjusted to measure dB(A) sound levels using fast meter response. The instrument calibration shall be verified before use. A wind screen shall be used and no measurement shall be made when the wind speed is in excess of twelve (12) miles per hour.

- iv. No person shall sound or permit the sounding of any exterior burglar or fire alarm, or motor vehicle alarm unless such alarm is automatically terminated within sixty (60) minutes of activation.
- v. No person shall idle a motor vehicle, or unnecessarily race the motor of a motor vehicle in a manner which would annoy or disturb a reasonable person or normal sensitivity.
- vi. Nothing in this subsection shall be interpreted as preempting or otherwise eliminating those provisions of **Chapter 22 of the Novi Code of Ordinances** pertaining to construction activities and noise.

- B. Special land use approvals. Where required by this ordinance, the applicant shall submit a noise impact statement or noise analysis as part of a special land use application. The noise impact statement or noise analysis shall demonstrate that the completed structure and all activities associated with the structure and land use will comply with the standards set forth in **Table 5.14.10.A.ii** at all times. The noise impact statement or noise analysis shall document the ability to comply with said standards, including all internal and external equipment which generates sound. The reports shall be prepared in accordance with the following standards:

- i. Noise Impact Statement. The Noise Impact Statement shall be prepared by a design professional and include a description of the proposed use as well as a description of how the proposed noise emissions, if any, will comply with **Section 5.14.10.A**. The design professional shall be defined as the project architect or project engineer. All external and internal equipment that generates sound shall be noted and where available, manufacturer's specifications shall be provided. Hours of operation and any proposed soundproofing measures or other noise attenuation features (i.e. walls, berms, etc.) shall be noted. Based on the results of the Noise Impact Statement, a noise analysis may be required.
- ii. Noise Analysis. Where required, a Noise Analysis shall be prepared by a certified sound engineer qualified to evaluate noise emissions under maximum operating conditions. A noise analysis shall contain all information generally evaluated by a licensed professional for purposes of determining compliance with the noise limitations or attenuation requirements of this Section.
- iii. Waiver. The Planning Commission may, upon request of the applicant, waive the noise analysis and/or noise impact statement requirement upon a demonstration by the applicant that a practical difficulty exists, or that the proposed use clearly meets the standards of **Section 5.14.10.A**.



5.15 EXTERIOR BUILDING WALL FACADE MATERIALS

The purpose of this Section is to provide a consistent and equitable set of exterior building wall material standards, the intent of which is to create, enhance and promote the qualitative visual environment of the City of Novi. Also, the intent is to encourage developers and their architects to explore the design implications of their project to the context of the site, surrounding area and the City, and to provide the Planning Commission with a sense and appreciation for the design process. This Section is not intended to regulate the quality, workmanship and requirements for materials relative to strength, durability and endurance, maintenance, performance, load capacity, or fire resistance characteristics.

1. General. Wherever in this Ordinance reference is made to this Section, all exterior building wall facades shall consist of those materials and combinations of materials as set forth in this Section. Buildings within the TC district shall be subject to the provisions of [Section 3.27](#), in addition to the provisions of this Section. The use of exterior wall facade materials shall be in compliance with the maximum percentages permitted in the [Schedule Regulating Facade Materials](#). Structures regulated by this Ordinance shall include buildings, canopies, gateway structures and dumpster enclosures. Agricultural buildings, silos, greenhouses and sheds having an area less than one-thousand (1,000) square feet shall not be subject to this Section.
2. Color. Colors of all facade and roof materials proposed for a building reviewed under this Ordinance shall be established by the applicant as an integral part of the building design, and shall exhibit evidence of coordination and selection with respect to the overall visual effect of the building. The color of each facade material shall be harmonious with the color of all other facade materials used on the same building, as well as the color of facade materials used on adjacent buildings. For the purpose of this Ordinance, harmonious shall be defined as colors which are complementary in hue, tone and intensity. The use of dissonant and/or intense colored facade materials shall be deemed inconsistent with this Section. The use of facade materials to form a background or component in a sign, or to increase the visual presence of the building for the purpose of advertising shall be deemed inconsistent with this Section.
3. Roof Appurtenances. All roof appurtenances shall be screened from view using materials consistent with the building design. Proposed roof screening shall be indicated on the facade drawings and shall be considered as part of the facade when calculating the percentage of materials for compliance with the [Schedule Regulating Facade Materials](#).
4. Submittals. The following shall be submitted to the Community Development Department. These shall be minimum requirements and the applicant may present other items, as may be deemed necessary by the applicant. All materials submitted shall be retained by the Community Development Department, shall become part of the approval documents for the project and may be used by the Community Development Department at a later date to determine compliance of the completed building.
 - A. Facade Drawings. Architectural drawings (blueprints) not less than twenty-four (24) inches × thirty-six (36) inches in size, not less than one-eighth (1/8) inch per foot scale, consisting of elevation views of all regulated structures (north, south, east and west) drawn to scale, showing the location and extent of all materials. Each material shall be identified as to type and color by drawing notes, and shall be cross-referenced to the sample board described in paragraph d. All roof appurtenance screening shall be indicated on the facade drawings. All gateway structures, canopies and dumpster enclosures shall be indicated on the facade drawings.
 - B. Floor Plans. Architectural drawings (blueprints) not less than twenty-four (24) inches × thirty-six (36) inches in size, not less than one-eighth (1/8) per foot scale, for all regulated structures on the project site. Separate phases of construction shall be clearly indicated if proposed.
 - C. Landscape Plan. A copy of the landscape plan prepared pursuant to other Sections of this Ordinance.
 - D. Sample Board. A sample board(s) not greater than twenty-four (24) inches × thirty-six (36) inches in size showing physical samples of all facade materials including window glass if tinted other than bronze or grey, and window frames if colored other than white, bronze or natural aluminum. For materials without texture, such as flat metal surfaces, paint chips not

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less than four (4) inches × four (4) inches may be provided in lieu of physical samples. Each material and color on the sample board shall be key to the facade drawings using a symbol system.

- E. Facade Rendering. An architectural rendering (3-dimensional preferred) accurately depicting the colors of all facade materials using an appropriate permanent artistic medium. This drawing may consist of a colored-in version of the elevation views described in [Section 5.15.4.A](#).
- 5. Facade Material Calculations. The facade (north, south, east and west) of each regulated structure shall be considered separately for the purpose of calculating the percentages of materials for compliance with the [Schedule Regulating Facade Materials](#). The materials on each facade shall be consistent with the materials on other facades of the same building with respect to type and color. Areas of sloped roofs with a slope of six to twelve (6:12) or greater shall be considered facades. Areas of sloped roofs shall be taken as the horizontal projection of the roof area (as seen in elevation view). Areas of vision glass and operable doors shall be excluded from all area calculations.
- 6. Alterations. Where new materials are proposed for an existing building facade, the entire building facade shall be subject to this Section. Exception where horizontal offsets greater than two (2) feet occur in an existing facade which serve to visually separate the area within which the new materials are proposed, only the area between such offsets shall be subject to this Section, provided that the new materials and colors are harmonious with adjacent unaltered portions of the building, and provided that the building is not located in the TC or TC-1 district.
- 7. Additions. Where an addition is being proposed for an existing building, the existing facade materials may be used in the addition provided that: (1) the addition does not exceed one-hundred percent (100%) of the existing building floor area; (2) all new facades substantially constitute a continuation of the existing facades with respect to color, texture, size, height and location of materials; and (3) that the visual effect is to make the addition appear as part of the existing building. If the addition exceeds one-hundred (100) percent of the existing building floor area, or is located in the TC or TC-1 district, the entire building shall be brought into full compliance with this Section.
- 8. Review. A determination will be made by the Planning Commission whether the facades comply with this Ordinance. The Planning Commission may request the review of a consulting architect to assist in this determination, and may establish a fee for this review. A written report shall be issued to the Planning Commission and the applicant evaluating the compliance of the facade with this Section. If it is determined that the drawings do not comply with the Ordinance, the applicant will be so notified, and shall have the option to (1) revise the design to comply with this ordinance and resubmit for another review; or (2) request a waiver per [Section 5.15.9](#) of this Ordinance. All new buildings, building alterations and building additions shall be subject to this review. For a description of certain projects that qualify for administrative approval refer to [Section 6.1.1](#) and [6.1.4](#) of this Ordinance.
- 9. Facade Waiver. When a particular building design and the materials and colors or combination of materials and colors proposed to be used in the exterior walls are found by the Planning Commission to be in keeping with the intent and purpose of this section, but may differ from the strict application of [Section 5.15.2](#) and the [Schedule Regulating Facade Materials](#) of this Section (e.g., use of new materials not covered in the Facade Materials Schedule), the Planning Commission may waive the requirements of this Section. When a waiver is requested under this subsection, the drawings shall be accompanied by a more definitive description of the building design consisting of a written design statement which shall describe how the selected facade materials and/or colors and material combinations will be consistent with and will enhance the building design concept and how the materials and/or colors properly relate to the buildings in the surrounding area. When necessary the Planning Commission may as part of its review request the report and recommendation from a consulting architect as to the proposed waiver, and may establish a fee for this report.

A facade waiver may be granted administratively by the Community Development Department when a facade alteration is proposed for an existing facade that previously received a facade waiver under this subsection 9 by the Planning Commission, when the following conditions apply:



- A. The site plan meets the eligibility requirements of **Section 6.1.1.C** for administrative review;
- B. The City's facade consultant has determined that the proposed facade is consistent with the overall project design and the previously granted Section 9 facade waiver and, in the opinion of the City's facade consultant, it is determined that the proposed modifications will generally enhance the visual quality of the project; and
- C. The City's facade consultant has determined that the proposed facade is equally or more conforming with the material requirements of the **Schedule Regulating Facade Materials** of this Section.

If during administrative review, the Community Development Department determines that the changes or modifications proposed may significantly impact the site or adjacent areas, the subsection 9 facade waiver request will be forwarded to the Planning Commission for action.

- 10. Revisions After Approval. Changes to the facade drawings, sample board or rendering at any time after approval by the City, shall be submitted to the Department of Planning and Community Development for approval. A determination will be made whether the revisions qualify for administrative approval as in **Section 6.1.1** and **6.1.4**, or whether they necessitate repeating the facade review process described above.
- 11. Facade Material Inspections. Where facades have been reviewed and approved by the City, all facade materials subject to this Ordinance shall be inspected prior to installation. The inspections shall serve to verify that the facade materials delivered to the project site match those approved by the City. It shall be the responsibility of the applicant to request said facade inspection at a time appropriate to the construction process (after delivery, but before installation of facade materials). The City Council may by resolution establish a fee for such on-site facade inspections.
- 12. Canopies. Canopies shall be considered as separate facades and shall be subject to all requirements of this Ordinance. For the purposes of this Section, canopies shall be defined as roof structures which are not enclosed. On projects with canopies and buildings, the materials and colors used on

canopies shall be consistent with those used on the building. Not less than thirty percent (30%) of the facade of a canopy shall be of a material identical to a material used on the building. Columns, fascias and sloped roof areas shall be included when calculating the area and percentage of materials of a canopy facade. Canopy soffit areas are not subject to this Ordinance. For projects with both canopies and buildings located within five-hundred (500) feet of a R, RA, RM-1 and RM-2 district, the architectural style and extent and type of architectural ornamentation of the proposed buildings and canopies shall be consistent with the architectural style and extent and type of architectural ornamentation found in said districts. For the purpose of this Section the proposed architectural style shall be considered to be consistent if roof types and slopes, window treatments and decorative features are equal in both type and extent of these items on buildings in said district.

- 13. Context. Proposed buildings shall be designed to be compatible with existing buildings in the neighboring area with respect to the percentages of materials used and overall aesthetic quality. When the percentages of materials and design quality of existing buildings in the neighboring area establish a general character exhibiting an overall higher standard than that required on the table for Maximum Allowable Percentages, the materials used on the proposed building shall be comparable to or harmonious in design quality with those used on the existing buildings. For the purpose of this paragraph, neighboring area shall be defined as that within the same Facade Region and within the same subdivision or development, or if no such subdivision or development exists, within a one-thousand (1,000) foot radius measured building to building. Proposed buildings shall be deemed to meet the intent of this paragraph if they have equal or greater percentages of Brick, Stone, Limestone, Granite or Marble than the approximate percentages of these materials on the existing buildings in the neighboring area, or are constructed of materials otherwise compatible with the materials on the existing buildings, and exhibit equal treatment of massing, composition, proportions, and attention to detail, especially with respect to the front entrance.

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14. Sustainability in design. Promoting sustainability in design is encouraged at the applicant's discretion and facade materials that meet the intent of the LEED (Leadership in Energy and Environmental Design) standards may be utilized. The proposed facade composition must still meet the aesthetic standards set forth by this ordinance and undefined materials will be considered on a case by case basis. Solar structures shall be a permitted use in all districts and not subject to the requirements of [Section 5.15](#).

5.15 Schedule Regulating Facade Materials			
Façade Regions			
Region 1	Buildings Located in the TC, TC-1 ⁽⁷⁾ , RC, RA, R, RM-1, RM-2 PSLR, and GE districts and all buildings located within 500 feet of the R.O.W. of a freeway or major thoroughfare, as defined in the City's Master Plan for land use.		
Region 2	All buildings in districts other than I-1 and I-2, other than those in Region 1.		
Region 3	Buildings in I-1 and I-2 districts, other than those in Region 1.		
Maximum Allowable Percentages			
Wall Materials	Region 1	Region 2	Region 3
Brick natural clay	100 ⁽⁹⁾	100	100
Glazed brick & ceramic tile	25	75	100 ⁽¹⁾
Panel brick	0	15	15
Limestone	50	100	100
Stone field, cobble, etc.	50	75	100
Granite/marble, polished	50	100	100
Fluted & split faced c.m.u.	10	50	75 ⁽²⁾⁽¹³⁾
Striated scored c.m.u.	0	0	25 ⁽²⁾⁽¹³⁾
Concrete "C" brick ⁽¹⁴⁾	25	50	75
Precast colored exposed agg.	0	25	50
Precast, other	0	0	0
Flat metal panels (urethane backed)	50 ⁽¹⁰⁾	50	75
Standing seam metal	25 ⁽³⁾	50	75 ⁽⁸⁾
Ribbed metal panels	0	25	50 ⁽⁸⁾
Spandrel glass	50	50	50
Glass block	0	25	50
Display glass	25	25	25 ⁽⁴⁾
Molded cornices, trim, columns, surrounds	15	15	15
Wood siding, painted, t & g and batten siding	0 ⁽¹¹⁾	25 ⁽¹¹⁾	50
Vinyl & aluminum siding	0	0	50 ⁽¹²⁾
E.I.F.S. (dryvit)	25	50	75 ⁽⁵⁾
Cast stone & G.F.R.C.	25	50	75
Cement plaster	0	25	25
Canvas awnings	10	15	15 ⁽⁶⁾
Asphalt shingles	25	25	50



5.15 Schedule Regulating Facade Materials (continued)

Referenced Notes to Table

1. Allowed only if earth tone color and matte finish.
2. Plain faced C.M.U.'s are not permitted. Ground, polished, burnished and striated faced C.M.U.'s are only permitted if laid in a stacked bond pattern.
3. Must be one hundred (100) percent copper or copper bearing painted finish in TC and TC-1 districts.
4. Where vision glass areas are intended through exposure to thoroughfares or pedestrian ways and lighting methods to strongly emphasize the materials and items displayed within the window area, and where such items are a permanent part of the building design, such items shall be deemed as part of the building facade and shall be so regulated by this section.
5. Must be designed to simulate stone via joint pattern. Maximum joint spacing shall be three (3) feet on center horizontally and four (4) feet on center vertically.
6. Adjacent permanent facade materials shall extend behind awnings, backlit translucent awnings are not permitted except as regulated as a building sign.
7. Refer also to [Section 3.27.1.G](#) for additional TC and TC-1 districts facade requirements and [Section 3.21.2.C](#) for additional PSLR overlay district facade requirements.
8. Must have factory applied permanent colored finish.
9. All buildings in Region 1, except those in I-1 and I-2 districts, shall have a minimum of thirty (30) percent brick.
10. Zero (0) percent allowed in the TC and TC-1 districts.
11. The percentage of wood siding may be increased to fifty (50) percent in zoning districts RA through R4, RM-1 and RM-2, when the use of wood siding is consistent with residential style architecture.
12. One-eighths (1/8) inch gauge wood grain textured solid vinyl siding and three-eighths (3/8) inch gauge wood grain textured fibrous concrete siding shall be considered wood siding with respect to this ordinance.
13. The combined maximum amount of all C.M.U. shall not be greater than 75% of any one building and/or facade.
14. Concrete "C" brick shall be a maximum size of 16" wide by 4" high. Color shall be rich dark earthtone hues consistent with brown or red bodied fired clay brick. Colors using white cement base and/or substantial quantities of light colored aggregate are not allowed.

General Notes to Table

- Roof areas having slopes 6:12 and greater shall be considered facades.
- Vision glass and doors shall be omitted from facade material area calculations and percentages.
- Detached dwellings are not subject to facade chart.
- Backlit translucent plastic, backlit awnings, neon lighting and other such facade materials designed to visually attract attention for the purpose of commercial activity are not permitted (or shall be considered signage).

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5.16 BICYCLE PARKING FACILITY REQUIREMENTS

The bicycle parking requirements of this section are intended to facilitate the use of bicycles as a means of transportation in the City of Novi consistent with the City of Novi Non-Motorized Master Plan, by requiring bicycle parking facilities to be provided for certain uses as specified in this section.

1. Bicycle parking facilities general requirements. At the time of erection of any new principal building or new parking lot, the enlargement of any principal building by ten (10) percent or more of the existing gross floor area, or the enlargement of any automobile parking lot by ten (10) percent or more of the number of existing parking spaces, a bicycle parking

facility shall be required and be provided for as part of site plan review under **Section 6.1** in accordance with the following requirements:

- A. Provide the minimum number of bicycle parking spaces by type of use as determined in accordance with the following bicycle parking space requirement table. For those uses not specifically mentioned, the requirements for bicycle parking spaces shall be in accord with a use which the approving body considers is similar in type. When the number of required bicycle parking spaces results in a fractional space, any fraction up to and including one-half (½) shall be disregarded and fractions over one-half (½) shall require one (1) bicycle parking space.

5.16.1 Bicycle Parking Space Requirement	
Land Use	Minimum Number of Bicycle Parking Spaces
Auto wash (self-service or coin-operated), essential services, one-family residential, two-family residential, mobile home sites, shared elderly housing, and accessory buildings that do not add to the automobile parking requirements	None
Multiple-family residential, and housing for elderly (except shared elderly housing)	One (1) space for each five (5) dwelling units
K-12 public and private schools	Three (3) spaces per classroom, ten (10) spaces minimum
Retail (except as listed elsewhere in table), personal services, laundromats, restaurants (except fast food), microbreweries, brewpubs, billiard parlors, banks, business offices, industrial, research and development, and warehouses	Five (5) percent of required automobile spaces, minimum two (2) spaces
Shopping centers, places of assembly (theaters, auditoriums, stadiums, arenas), indoor or outdoor recreation facilities (unless specifically listed), colleges and business schools, and places of worship	Five (5) percent of required automobile spaces, minimum eight (8) spaces
Community centers, libraries, museums, public swimming pools, private recreation facilities accessory to a residential development, and public parks	Ten (10) percent of required or provided automobile parking spaces, minimum eight (8) spaces
Pet boarding, mini warehouse, mortuary, fueling station, nursery, greenhouse, day care centers, automatic car wash, recreational or motor vehicle sales, recreational or motor vehicle service centers, motels, furniture stores, appliance stores, household equipment repair shops, and showrooms of a plumber, decorator, electrician, or similar trade	Two (2) spaces
Warehouse, lumber and building material stores with over seventy-five thousand (75,000) square feet, golf courses, private clubs, banquet halls, conference centers, exposition facilities, fast food restaurants, and hotels	Four (4) spaces
Medical offices, hospitals, congregate elderly housing, assisted living convalescent care, and nursing homes	One (1) space for each twenty (20) employees on the maximum shift, minimum two (2) spaces



- B. Off-street bicycle parking facilities may be located in any yard subject to meeting the parking setback requirements of [Section 3.1](#), the schedule of regulations, including the pertaining footnotes. The site plan approval may allow bicycle parking facilities in the required front yard parking setback when the location is between a public bicycle route and the principal building, and no waiver of any landscape requirement in [Section 5.5](#) will be required.
 - C. Bicycle parking facilities shall be located on the parcel that the bicycle parking serves, and if all non-zoning ordinance city permits and approvals are obtained, may be approved within the road right-of-way adjacent to the principal building(s) in a location that would be similar to the location of street trees, street furniture or pedestrian amenities, and located so pedestrian and bicycle travel on non-motorized facilities in the road right-of-way would not be compromised.
 - D. Bicycle parking facilities shall be located along the principal building entrance approach line and be clearly visible and easily accessible from the approach and building entrance being served.
 - E. Bicycle parking facilities shall be no greater than one-hundred twenty (120) feet from the entrance being served or the nearest automobile parking space to that entrance.
 - F. When four (4) or more bicycle parking spaces are required for a building with multiple public entrances served by automobile parking, the site plan approval may require the spaces in increments of two (2) to be provided in multiple bicycle parking facilities to serve more than one (1) of those entrances.
 - G. Minimum required bicycle parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere.
2. Deferrals/Landbanking. Upon the written request and satisfactory showing by the applicant that complying with the bicycle parking requirements in this section is not necessary to serve actual bicycle parking needs for the proposed use, or in the case of covered spaces, is not practical, the planning commission or administrative site plan approval for the activity requiring the provision of bicycle parking spaces may allow deferral of actual installation of some or all of the required

bicycle parking facility by including on the site plan an area designated as landbanked bicycle parking facilities(s) for future construction in accordance with the requirements at the time of site plan approval, subject to the following requirements:

- A. An area approved for landbanked bicycle parking facilities shall be maintained in compliance with the approved site plan and may not be used for any other purposes.
 - B. Upon any change in use or occupancy of a site where a landbanked bicycle parking facility has been approved, and no more than once per year, the community development department may conduct a review to determine if installation of a landbanked bicycle parking facility is necessary to serve actual bicycle parking needs at the site. Upon determining such a necessity, the department shall notify the property owner of the determination and basis for it, and of a time within which the installation is to be completed.
 - C. A property owner may install some or all of a landbanked bicycle parking facility at any time after providing written notice to the community development department and obtaining all required permits.
3. Automobile parking space reduction bonus. When the required number of automobile parking spaces exceeds twenty (20) spaces, the number of required automobile parking spaces may be reduced by one (1) space for every ten (10) uncovered bicycle parking spaces provided and by one (1) space for every five (5) covered bicycle parking spaces provided, up to a maximum of ten (10) percent of the required automobile parking spaces.
4. Covered bicycle parking space requirement. Unless waived or modified as provided in subsection 5E, when twenty (20) or more bicycle parking spaces are required, twenty-five (25) percent of the bicycle parking spaces shall be covered bicycle parking spaces.
5. Bicycle parking facility layout, location and design standards. Bicycle parking area(s) shall be laid out, constructed and maintained in accordance with the following standards and regulations:
- A. Plans for the layout of bicycle parking facilities shall be in accord with the following minimum requirements:

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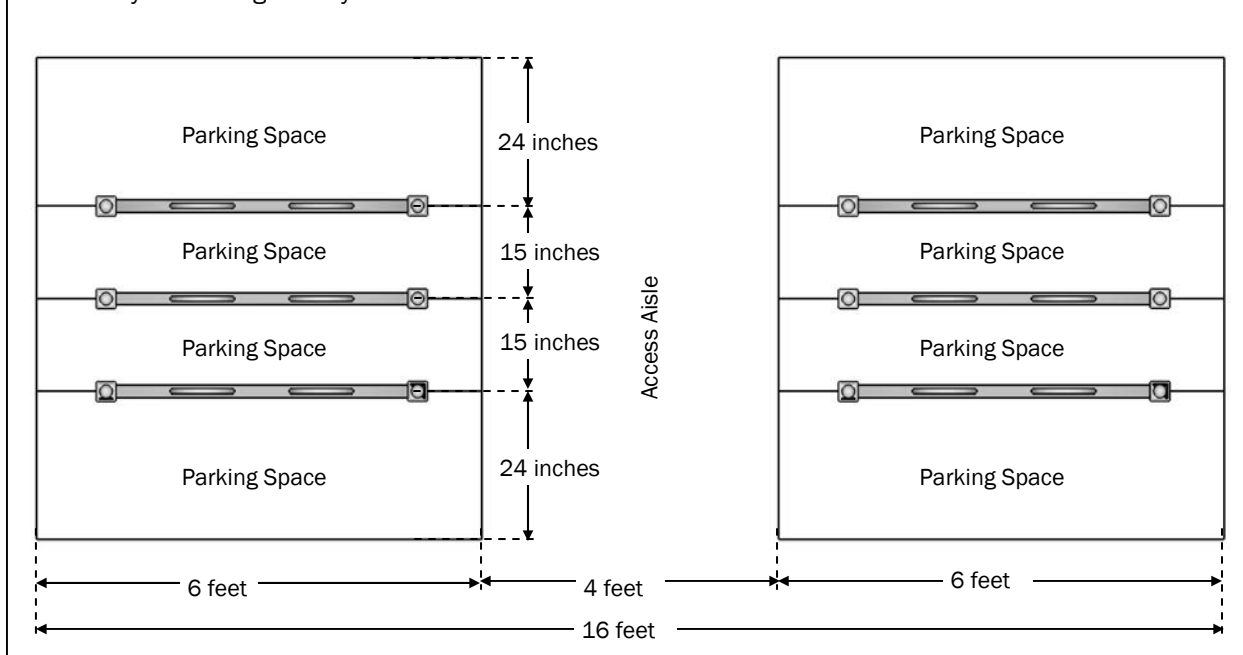
5.16.5.A Bicycle Parking Facility Layout

Bicycle Parking	Maneuvering Lane Width	Parking Space depth	Parking Space width	Total Width Of One Tier Of Spaces Plus Maneuvering Lane	Total Width Of Two Tiers Of Spaces Plus Maneuvering Lane
0° (parallel) to 90°	Four (4) feet	Two (2) feet single Two and one-half (2½) feet double	Six (6) feet	Ten (10) feet	Sixteen (16) feet

- B. All bicycle parking spaces shall be paved and adjacent to a bicycle rack of the inverted "U" design, that is solid, cannot be easily removed with common tools, provides at least two (2) contact points for a bicycle, is at least three (3) feet in height, and permits the locking of a bicycle through the frame and one (1) wheel with a standard U-Lock or cable in an upright position. The rack shall be securely anchored in concrete or asphalt. Alternative installations and designs may be considered if the proposed rack design functions similar to the inverted "U" design.
- C. All bicycle parking facilities shall be accessible from adjacent street(s) and pathway(s) via a paved route that has a minimum width of six (6) feet.
- D. All bicycle parking facilities shall be separated from automobile parking spaces and access aisles by a raised curb, landscape area, sidewalk, or other method that complies with all city ordinances.
- E. Upon the written request of an applicant, the planning commission or administrative site plan approval for an activity requiring the provision of bicycle parking spaces may waive or modify the bicycle parking facility layout, location, and design requirements in this subsection 5, covered bicycle parking space requirements in subsection 4, and/or the landscaping requirements in [Section 5.5](#), upon a satisfactory showing by the applicant of a practical difficulty with complying with the requirement due to site constraints or other factors, and that the applicant's proposed plan will adequately serve the needs of the site and the bicycling public.

6. Bicycle Parking Lot Layout Illustration

5.16.6 Bicycle Parking Lot Layout



7. Waivers

- A. Subject to and as provided in this subsection 7, the planning commission or administrative site plan approval may waive the requirement to provide a bicycle parking facility.
- B. Retail and service uses dealing directly with customers, residential housing uses, and other uses that are open to and regularly visited by the general public are not eligible for a waiver of the requirement to provide a bicycle parking facility but are eligible for landbanking deferral under subsection 2.
- C. Waivers may be granted on the written request and satisfactory showing by the site plan applicant that a bicycle parking facility is not necessary to serve actual bicycle parking needs of employees and customers, or is inconsistent with the use for which site plan approval is required.
- D. A waiver shall be limited to the use disclosed and for which site plan approval was requested and granted, but may be requested, approved and continued for a new use as part of a change of use site plan review and approval upon the same showing as required in subsection 7C.
- E. A waiver shall be limited to the building or parking lot erection or enlargement for which is was granted, shall not be binding on or apply to a future building or parking lot erection or enlargement for which a bicycle parking facility is required by subsection 1, but may be requested and approved for continuation as provided in this subsection 7.



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6.0 Development Procedures

6.1 SITE PLAN REVIEW (ALL DISTRICTS)

1. Site Plan Review - General

- A. Site plans shall be submitted to the City for review. All site plans and accompanying documents shall be submitted together with an application form available through the City Clerk's office. All site plans shall be prepared in accordance with the requirements of this Ordinance and the City's Site Plan Development Manual.
- B. Unless administrative review is permitted pursuant to subparts C or D, below, or [subsection 6.1.4](#), all site plans shall be reviewed for approval by the Planning Commission, or where required within this Ordinance, by the City Council after receipt of a recommendation by the Planning Commission. Site plan approval is required prior to conducting any of the following activities:
 - i. Building of any structure(s) or additions, including carports, other than single family homes to be used as a residence;
 - ii. Improvements or modifications to, or expansion of, off-street parking areas unless determined by the Planning Division that same can be reviewed by the Engineering Division;
 - iii. A change in use within an existing freestanding building or the interior modification of an existing use which results in an increase in off-street parking needs;
 - iv. The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility or utility-related lines or easements (including oil and gas production facilities), unless determined by the Planning Division that same can be reviewed by the Engineering Division;
 - v. Establishment of any site condominium or condominium development;
 - vi. Any plan showing the construction of new public or private roads;
 - vii. Revisions made to any previously approved site plan including, but not limited to, the following:
 - a. Approved landscape plans
 - b. Modification of the location of buildings
 - c. Changes to the facade design or sample board
 - d. Revisions in any phasing plan
- C. A site plan may be reviewed for approval administratively without formal review by the approving body under the following circumstances:
 - i. When the plan only proposes improvements to or expansion of an existing off-street parking area;
 - ii. When the plan only proposes modifications to a previously approved off-street parking lot layout, provided the proposed modifications do not reduce the number of approved parking spaces to less than the minimum number of spaces required by the Ordinance;
 - iii. When the plan only proposes a change of use within an existing freestanding building or an interior modification of an existing use where such change results in an attendant increase in off-street parking need;
 - iv. When the plan only proposes the improvement, expansion, extension or abandonment of any utility line or easement;
 - v. When the plan only proposes revisions to a previously approved landscape planting layout, provided that the revision does not compromise any applicable minimum standards of this Ordinance; or

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- vi. When the plan only proposes changes in the location of previously approved buildings, provided the proposed relocation does not displace approved off-street parking areas and has no significant impact on the site or adjacent properties.
- vii. When the site is already the subject of an existing and previously approved site plan and the revised plan only proposes the construction of an accessory building or accessory structure, where otherwise permitted, for the containment of hazardous chemicals for compliance with [Chapter 15 of the Novi Code of Ordinances](#), or for any other customary accessory use provided that the accessory building or structure does not exceed [one-thousand] (1,000) square feet in total (gross) floor area, and does not require a new or revised woodlands permit or a non-administrative wetlands permit.
- viii. When the site already the subject of an existing and previously approved site plan and the revised plan only proposes to add a pay telephone structure or delivery service drop box.
- ix. When the site is already the subject of an existing and previously approved site plan and the revised plan only proposes one (1) of the following:
 - a. An addition totaling one-thousand (1,000) square feet or less to an existing building or structure; or
 - b. An additional totaling more than one-thousand (1,000) square feet but less than ten-thousand (10,000) square feet when the proposed addition is less than ten (10) percent of the gross floor area of an existing non-residential building or structure and when the building or structure is located on a parcel of land that is at least five-hundred (500) feet from any residential zoning district; or
 - c. An office storage basement or mezzanine totaling not more than three-thousand (3,000) square feet, to a proposed or existing building provided the addition, basement or mezzanine does not require a new or revised woodlands permit or a non-administrative wetlands permit.
- x. When the plan only proposes a change to a previously approved facade plan and the proposed facade revision conforms with the provisions in this ordinance or the proposed facade revision receives an administrative subsection 9 facade waiver per the requirements of [Section 5.15.9](#).
- xi. When an existing restaurant use proposes an outdoor seating area, provided the addition does not require a new or revised woodlands permit, a non-administrative wetlands permit, or where such change does not result in a deficiency in off-street parking demand.

If during any administrative review process authorized under this subpart or subpart D it is determined that changes or modifications to a site plan may significantly impact the site or adjacent areas, the site plan shall be forwarded to the Planning Commission for review and approval.
- D. Any amended site plan for an existing legal nonconforming use of land and/or nonconforming structure, shall be reviewed administratively when the site plan proposes a revision, modification, repair, alteration or change solely to one (1) or more of the following:
 - d. A reduction in the proposed building size.

- i. Revisions to a previously approved landscape plan which does not result in the expansion of a nonconforming use of land as provided in [Section 7.1](#);
- ii. Improvements to, but not expansion of, off-street parking areas;
- iii. Alteration of any facade; and
- iv. The improvement, extension or abandonment of any public or private overhead or underground utility or utility related lines or easements.

Those elements of the site or structure which are so revised, modified, repaired, altered or changed shall be in conformity with existing regulations, but elements which are not revised, modified, repaired, altered or changed shall be deemed to continue as legally nonconforming.

- E. Site plans shall be submitted to the City for review of all plans that propose construction of new public and/or private roads, regardless of whether any buildings or other structures are proposed. If a new public or private road is proposed to be constructed without or in advance of buildings, parking areas, or other improvements, a site plan shall be submitted for review of the proposed roads and any proposed utilities. Site plans for roadways shall be prepared in accordance with this Ordinance and the City's Site Plan and Development Manual. The site plan shall also meet all of the requirements of the district in which the property is located, and be subject to all of the requirements of those districts.

If utilities are proposed to be constructed at the same time the roads are constructed, Engineering design and calculations and a Storm Water Management Plan shall be submitted for review as required by [Chapters 11 and 12 of the City Code](#) in order to demonstrate engineering feasibility of the proposed utilities. The submitted Engineering and Storm Water Management plans shall support the proposed sizing of utilities and shall be based on the design provided on the conceptual development plans.

The Site Plan for the proposed roads shall also be supported by appropriate additional information showing conceptual development plans of possible future improvements on the site, in relation to the

proposed roads, in order to demonstrate feasibility of compliance with ordinance standards with regard to development areas. Conceptual development plans are illustrative only, and shall not constitute approval of any development outside the roads and utilities. A conceptual development plan need not be as detailed as a site plan, but shall at a minimum include the following:

- i. An illustrative plan for the development area carried out in such detail as to indicate any expected improvements, such as future buildings or other structures, parking and landscaped areas, lot lines, required building setbacks, public or private parks or other open spaces, utility locations and storm water detention basins (scale: not smaller than 1" = 200').
- ii. A written statement reinforcing the illustrative plan explaining in detail the full intent of the applicant, indicating the type of structures contemplated, expected uses of the property, and the intended scheduling of the development.
- iii. A topographic map of the development area at a contour interval of not more than two (2) feet. For the development area and within one-hundred (100) feet of the development area, this map shall indicate all major stands of trees, of eight (8) inches or greater in diameter, bodies of water, wetlands and unbuildable areas (scale: not smaller than 1" = 200'). Additional information shall include:
 - a. Preliminary Wetland Assessment. The applicant is to demonstrate the vegetative character of the wetlands (i.e. forested, scrub-shrub, emergent, etc.). The Preliminary Wetland Assessment shall also provide information on the drainage patterns and hydrologic character of the wetlands. The City's Wetlands Consultant will verify this information in the field at the time of submittal of the conceptual development plan.



b. Preliminary Woodland Assessment. The applicant will be asked to provide the following information:

(1) The location of all regulated woodland per the official [City of Novi Woodland Map](#).

(2) A demonstration of the character of the woodland by providing the following specified number of woodland assessment samples per woodlot (or continuous area of tree cover):

[i] For woodlots up to five (5) acres, three (3) samples per acre,

[ii] For woodlots between five (5) acres and twenty (20) acres, two (2) samples per acre,

[iii] For woodlots greater than twenty (20) acres, one (1) sample per acre. Sample areas shall be a minimum of one-hundred (100) feet by fifty (50) feet. These samples shall include the type of understory vegetation, the predominant tree species in each sample area, and should be taken from dispersed areas within each woodlot. The city's Woodland Consultant will verify this information in the field at the time of the submittal of the conceptual development plan.

(3) Additional Information. In its review, the Planning Division may request additional information or greater detail of the existing conditions of the property be provided.

iv. A boundary survey of the exact acreage of the property, prepared by a registered land surveyor or civil engineer (scale: not smaller than 1" = 200').

v. A recent aerial photograph of the area shall be provided (scale: not smaller than 1" = 200').

vi. If utilities are not proposed to be constructed at the same time roads are constructed, the applicant shall submit a plan with an indication of the contemplated storm and sanitary sewer design with preliminary engineering calculations, and a preliminary topographic map indicating how the land area is proposed to be shaped.

Additionally, if a site condominium development is proposed, it shall be reviewed under [Section 6.3](#) and other relevant sections of the Zoning Ordinance. If woodlands and wetlands permits are requested at the time of Site Plan Review for the roads and utilities, the applicant shall provide information as required by appropriate sections of the ordinance.

2. Site Plan Review Procedure

A. No site plan shall be approved when the site plan fails to contain all the applicable data set forth herein and in the [Site Plan and Development Manual](#).

B. The Planning Commission (or the City Council when designated as the reviewing body) shall consider the following factors in exercising its discretion over site plan approval:

i. Whether the use proposed for the site is a use permitted in the district and complies with all the applicable requirements of the Novi Zoning Ordinance and/or any other code or ordinance regulating and controlling the use.

ii. Whether traffic access to the site is such that vehicular congestion or other impairment of traffic may result from access to and from the site.

iii. Whether the traffic circulation features within the site and location of automobile parking areas are designed to assure safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.



- iv. Whether the zoning and use of surrounding land as they relate to the site being considered is such that the proposed use will be compatible with such surrounding zoning and use and will not be a physical barrier to the development of other surrounding lands.
 - v. Whether the location of activities on the site, including the arrangement of buildings is such that activities may create noise, odor or other nuisances that would be a detriment to existing or future uses of abutting lands.
- C. When the site plan proposes a principal use permitted subject to special conditions, or any other special land use or planned development requiring a public hearing in accordance with the requirements of [Section 6.2](#), the Planning Commission (or City Council when designated as the reviewing body) shall also consider the following factors in exercising its discretion over site plan approval:
- i. Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, accel/decel lanes off-street parking, off-street loading/unloading, travel times and thoroughfare level of service.
 - ii. Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal, and police and fire protection to serve existing and planned uses in the area.
 - iii. Whether, relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats.
- iv. Whether, relative to other feasible uses of the site, the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood.
 - v. Whether, relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
 - vi. Whether, relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner.
 - vii. Whether, relative to other feasible uses of the site, the proposed use is:
 - a. Listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and
 - b. Is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.
- D. Reasonable conditions may be imposed in conjunction with the granting of a site plan approval, including conditions necessary to insure that public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:
- i. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic wellbeing of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - ii. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

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- iii. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.
- E. Any conditions imposed shall be recorded in the record of approval of the site plan, and shall remain unchanged except upon mutual consent of the approving body and the landowner.
- F. Preliminary site plans shall be reviewed for compliance with this Ordinance and for a determination as to engineering feasibility. If all conditions for final site plan approval are found to exist a site plan may be given preliminary and final site plan approval.
- 3. Preliminary Site Plans. Action on a site plan shall be taken by the Planning Commission when one of the following conditions exist:
 - A. All requirements for Preliminary Site Plan approval, as set forth herein, are met and a recommendation for approval has been forwarded to the Planning Commission by an authorized administrative official of the City, or in those instances where a recommendation for disapproval is rendered, where the applicant is requesting that the Planning Commission resolve a disagreement between the applicant and the official recommending disapproval relative to an interpretation of applicable review standards.
 - B. A site plan, by request of the applicant, needs an official denial by the Planning Commission in order to gain access to the Zoning Board of Appeals.
 - C. In those instances where approval authority is vested with the City Council, a recommendation shall be made by the Planning Commission to the City Council.

Preliminary Site Plan Approval by the Planning Commission or, when required, by the City Council, establishes site development feasibility.
- 4. Final Site Plan (Administrative Approval)
 - A. Except as otherwise set forth below, Final Site Plan approval shall be given administratively when all conditions set forth herein for Final Site Plans have been satisfied. The Planning Commission may, at the time of Preliminary Site Plan approval, require Final Site Plan approval by the Commission as well.
 - B. The approving body may, at the time of Preliminary Site Plan approval, require the Final Site Plan to be submitted for review and approval by said body for general or specific purposes. If the approving body requires a plan to be brought back for specific purposes, approval of all other issues shall be given administratively.
 - C. In those instances where this Ordinance vests site plan approval in the City Council, the Planning Commission shall review the Preliminary Site Plan and provide a recommendation to the City Council.
 - D. If during the administrative review process it is determined by the Planning and Community Development Department that changes or modifications to a Final Site Plan may significantly impact the site or adjacent areas, the plan shall be forwarded to the approving body for review and approval.
 - E. In the process of reviewing a Final Site Plan, the various reviewing agencies and departments shall consider:
 - i. That all local, county and state requirements as may apply to the proposed use are met.
 - ii. All applicable engineering requirements are met.
 - iii. All requirements for final site plan approval are met, including those incorporated into the site plan manual adopted pursuant to [subsection 6.1.7](#).
 - iv. The Final Site Plan remains substantially unchanged from the approved Preliminary Site Plan.
 - F. Upon request, the City may permit, when justifiable conditions are found to exist, and after preliminary site plan approval has been given, preliminary site work such as clearing and grubbing, provided the developer has:
 - i. Obtained all necessary woodlands, wetlands and watercourse and soil erosion permits;
 - ii. Executed an agreement acknowledging that it is proceeding at its own risk and that permission to proceed with preliminary site work does not in any way guarantee approval of the Final Site Plan;

- iii. Completed an environmental preconstruction meeting with staff and consultants, and verification that necessary permits have been obtained.
- G. Upon request, for projects other than site condominiums, the City may permit, when justifiable conditions are found to exist, and after preliminary site plan approval has been given, the layout of footings, the construction of foundation walls and, to the extent they are within the building footprint, the construction of mechanical appurtenances below grade (consisting of drains, sewer lines, water lines, gas lines and electrical lines) prior to final site plan approval, provided:
 - i. A grading plan, drawn to local specifications and when necessary to county specifications, has been reviewed and approved;
 - ii. A soil erosion permit, woodlands permit and wetlands permit, when required, has been secured;
 - iii. Footing and foundation design plans have been approved by all applicable state, county, local departments and consultants;
 - iv. Facades have been approved by the planning consultant, or where applicable, by the Planning Commission;
 - v. Necessary permits have been secured for all mechanical appurtenances to be installed;
 - vi. An agreement absolving the City of Novi of any liability has been submitted by the applicant and approved by the City's Attorney; and
 - vii. Any permit granted under this subpart shall be valid for a period of no longer than six (6) months, within which time period the applicant shall (i) take all steps necessary to obtain final site plan approval, (ii) obtain an extension from the City Council or (iii) remove all footing and foundation work and restore the site to its prior condition.
- 5. Fees. Site plan review fees shall be paid as set forth in the Site Plan and Development Manual.
- 6. Approval limitations. Preliminary and final site plan approvals shall have the following limitations:
 - A. Approvals shall be effective for a period of two (2) years from date of approval;
 - B. Approvals shall lapse and cease to be in effect if the premises are not used or the work is not started within that two-year period, or within any extension granted pursuant to [Section 6.1.7](#);
 - C. Approvals shall lapse and cease to be in effect if the work commenced is abandoned for a period of one (1) year;
 - D. When a development subject to site plan approval is also subject to special land use approval as a principal use permitted subject to special conditions, option or other conditional use approval, such special land use approval shall expire with the preliminary site plan approval or final site plan approval; and
 - E. Neither the approval of a site plan, nor anything in the this Ordinance, should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.
- 7. Extensions. The time limit set forth in subpart 6.1.6.A, above, may be extended by the body which approved the preliminary site plan, subject to the following:
 - A. An extension may be granted for any period of time not to exceed one (1) year;
 - B. An extension of site plan approval must be requested in writing, at least thirty (30) days prior to the expiration of the approval period, and such request must be granted before the original site plan approval, or any extension thereof, expires or lapses;
 - C. Validation of a site plan or special land use approval after the date of expiration will require resubmittal to the City for review and approval. Except as otherwise permitted herein, there shall be no revisions to a site plan without prior approval;
 - D. No more than three (3) one-year extensions will be granted;



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- E. Preliminary or final site plan approval shall be void in the event of rezoning that is inconsistent with the planned use;
- F. It is the burden of the applicant to show good cause for the granting of the requested extension. The body which approved the preliminary site plan shall consider the following factors in its determination of whether good cause exists:
 - 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.
- 8. All provisions of the Novi Site and Development Manual, as revised and dated 2011 and attached hereto, excluding any appendix or attachments thereto, are hereby adopted, enacted and made part of this Ordinance. The provisions of the Site Plan and Development Manual shall govern site plan review procedures and development requirements within the City of Novi; provided, if any provision of the Site Plan and Development Manual is in conflict with the City Charter, this or any other ordinance, or applicable statute, the conflicting provision shall not be interpreted as repealing said Charter, ordinance or statute, but rather said Charter, ordinance or statute shall govern.

6.2 PUBLIC HEARING

- 1. For all special land uses provided in this Ordinance, and for all other like uses where reference is made in this Ordinance to Section 6.2, as a prerequisite to approval of the use there shall be a public hearing with notice as provided in this Section, subject to and in a manner consistent with the requirements of state law, including the Michigan Zoning Enabling Act, 2006 PA 110, as amended.

- 2. All such public hearings shall be conducted by the Planning Commission, except where expressly assigned to another body (such as the Zoning Board of Appeals) or official.
- 3. Except where specific language in this ordinance provides otherwise, if the City conducts a public hearing required under this Ordinance, the City shall publish notice of the hearing in a newspaper of general circulation in the City not less than fifteen (15) days before the date of the hearing. Notice required under the Ordinance shall be given as required hereunder to the owners of property that is the subject of the request. Notice shall also be given as provided hereunder to all persons to whom real property is assessed within three-hundred (300) feet of the property that is the subject of the request and to the occupants of all structures within three-hundred (300) feet of the subject property regardless of whether the property or structure is located in the City of Novi. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant or each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be personally given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient. A notice under this Section shall do all of the following:
 - A. Describe the nature of the request.
 - B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - C. State when and where the public hearing on the request will be considered.



- D. Indicate when and where written comments will be received concerning the request.
4. Notice of a public hearing required for the amendment of, or to supplement, this Ordinance shall be given in the same manner as provided under this act for the adoption of the original ordinance, and the planning commission shall give a notice of the proposed rezoning in the same manner as required under paragraph (3), above. Except that, for any group of adjacent properties numbering eleven (11) or more that is proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner as required under paragraph (3), except that the requirements for mailing and the listing of street addresses do not apply to that group of adjacent properties.

6.3 SITE CONDOMINIUMS

1. Approval under this Section shall be required as a condition to the right to construct, expand or convert a site condominium. The approval process shall comply with those procedures for site plan review provided in this Ordinance. The Planning Commission shall conduct its review in accordance with the public hearing requirements set forth in [Section 6.2](#) of this Ordinance. At the time of final site plan review, the developer shall provide a copy of the proposed master deed and any additional documentation to be recorded with the Register of Deeds, for review and approval by legal counsel, with respect to all matters subject to regulation by the City, including, without limitation, ongoing preservation and maintenance of drainage, retention, woodland, wetland and other natural areas and common areas in the project.
2. The following regulations shall apply to site condominium projects:
- A. Each building site shall front on and have direct access to a public street or onto a private street that complies in all respects to the [Design and Construction Standards \(Novi Code Chapter 11\)](#) applicable to public streets and roadways. There shall also be provided concrete pedestrian safety paths (sidewalks) of five (5) feet in width along both sides of all public or

private roads within the site condominium project.

- B. There shall be compliance with all requirements of the Schedule of Regulations, and other provisions of this Ordinance with the understanding that references to "lot" in such regulations shall mean and refer to "building site" as defined in this Section, and references to "building" (meaning principal building) or "structure" (meaning principal structure) shall mean and refer to "building envelope" as defined under this Section. Where site condominium streets and roadways are dedicated to the public, front yard setbacks shall be measured from right-of-way lines. Where streets and roadways are private, front yard setbacks shall be measured as if such right-of-way lines existed; the width of such hypothetical right-of-way shall be based upon the function of such street as a major arterial, arterial, minor arterial, residential collector, nonresidential collector, residential street or nonresidential street, as those terms are used in the Master Plan for the City of Novi and the City of Novi Design and Construction Standards. In the review of a site condominium, it is recognized that it may not be feasible to precisely apply traditional definitions and measures applicable to developments. However, the review of plans submitted under this Section shall be accomplished with the objective and intent of achieving the same results as if the improvements were being proposed pursuant to the [City of Novi Subdivision Ordinance](#), excepting the procedural requirements imposed under that Ordinance. In particular, all street trees and boulevard and island plantings shall be in accordance with the requirements of said ordinance. In those instances where streets are to be dedicated as public streets, street tree planting shall be under the direction of the Director of Public Services or his designee, in the manner provided by said ordinance.
- C. Before the issuance of building permits for units, the developer shall demonstrate approval by city, county, and state entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply, sewage disposal, storm drainage and other utilities. As to the phase in which the unit is

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located, before the issuance of a building permit, the Building Official shall determine that all improvements such as roads, water supply, sewage disposal, storm drainage and other utilities have been completed in accordance with approved plans and such improvements are determined to be acceptable for use. All site improvements shall comply with the City of Novi Design and Construction standards, Chapter 11, Novi Code of Ordinances. "As-built" drawings shall be submitted in accordance with **Chapter 11, Article XIII of the Novi Code of Ordinances**. Prior to issuance of a building permit within a given phase, the developer shall comply with those requirements for performance guarantees contained in **Chapter 26.5 of the Ordinance Code**, as amended. Land improvement permits shall be required for individual building sites. Notwithstanding the above, the Building Division may issue building permits for model homes numbering not more than the lesser of four (4) or ten (10) percent of the total number of sites prior to completion of all roads, water supply, sewage disposal, storm drainage and other utilities, provided that roads, water supply, sewage disposal, storm drainage and other utilities to service the site used for model homes are completed and determined to be acceptable for use. Certificates of occupancy for such homes shall be limited for model purposes until such time as all such improvements are completed and determined acceptable for use.

- D. Before issuance of temporary or final certificates of occupancy, the developer shall comply with the requirements for performance guarantees contained in Chapter 26.5 of the Ordinance Code, to the extent such guarantees have not already been posted pursuant to subsection 2.C., above.
- E. With respect to each building envelope, within ninety (90) days following final inspection of the improvement, the developer shall submit to the Building Official an "as built" survey that complies with the requirements of Sections 125 and 126 of the Land Division Act, Act 288 of 1967, being MCL 560.125—.126, as amended, including dimensions between each improvement and the boundaries of the building site, and distance of each

improvement from any wetland, floodplain, and/or floodway. Monuments shall be located in the ground in accordance with the requirements MCL 560.125, as amended.

- F. The fees for all reviews shall be established by ordinance and/or resolution adopted by the City Council.
- G. Any proposed amendment of a master deed which would involve any subject matter reviewed or reviewable under this Section shall be reviewed and approved by the Planning Commission prior to recordation.



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Article 7.0 Administration, Appeals and Enforcement



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7.1 NONCONFORMITIES

1. Intent. It is the intent of this Ordinance to permit legal nonconforming lots, structures or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

2. Nonconforming Lots. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of

this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Zoning Board of Appeals. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this Ordinance; provided, however, notwithstanding the limits imposed by this sentence, in no instance shall said single owner be required to meet a lot width requirement that exceeds sixty (60) feet at the front or rear lot line and an area requirement of more than six-thousand (6,000) square feet.

3. Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
 - A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
 - B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;
 - C. If such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

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4. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.
 - Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance, except that reconstruction on the existing foundation or footings shall be permitted, provided reconstruction is commenced within six (6) months from date of such damage.
 - Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
5. Nonconforming Uses of Structures and Land. If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 - Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
 - Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 - When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
 - Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
6. Nonconforming Office, Commercial and I-1 Uses. If there exists a lawful office, commercial or I-1 use of land that would not be permitted because of an amendment rezoning the land to an I-1 district, or as a result of this amendment, this use and uses accessory thereto, may be continued and enlarged on the same lot, provided the following conditions are met:



- A. The identical office, commercial or I-1 use must be used on the lot (examples of identical office, commercial or industrial use would be a real estate office replaced by a real estate office, a drugstore replaced by a drugstore and a metal plating [plating] operation replaced by a metal plating [plating] operation. A real estate office replaced by a medical office or a drugstore replaced by a shoe store would not be identical replacement); and
 - B. Any enlargement of the use shall conform with the height, bulk and area requirements of the I-1 district, and the required conditions of [Section 3.14](#). Off-street parking shall comply with the locational requirements of the I-1 district, and with the applicable office, commercial or industrial use requirements of [Section 5.2](#) and [Section 3.14](#), whichever is more restrictive.
7. Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.
- Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- 8. Uses Under Exception Provisions Not Nonconforming Uses. Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.
 - 9. Change of Tenancy or Ownership. There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.
 - 10. Elimination of Nonconformities. The elimination of nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use, as provided in Section 208 of the Michigan Zoning Enabling

Act, Public Act 110 of 2006, MCL 125.3208(4), as amended. The City Council may acquire by purchase, by condemnation under 1911 PA 149, MCL 213.21 to 213.25, or otherwise, private property or an interest in private property for the removal of nonconforming uses and structures, however, property acquired under this subsection by the City shall not be used for public housing. The City Council may provide that the cost and expense of acquiring private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in local units of government.

7.2 ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Building Official or by such deputies of his department as the Building Official may delegate to enforce the provisions of this Ordinance.

7.3 DUTIES OF BUILDING OFFICIAL

The Building Official shall have the power to grant zoning compliance and occupancy permits, to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Official to approve any plans or issue any permits or certificates of occupancy for any excavating or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

The Building Official shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provision of [Section 7.1](#) of the Ordinance.

Under no circumstances is the Building Official permitted to make changes to this Ordinance nor to vary the terms of this Ordinances in carrying out his duties as Building Official.

The Building Official shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

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7.4 PLOT PLAN

1. The Building Official shall require that all applications for building permits shall be accompanied by plans and specifications including a plat plan, in triplicate, drawn to scale, showing the following:
 - A. The actual shape, location and dimensions of the lot.
 - B. The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.
 - C. The existing and intended use of the lot and of all such structures upon it including, in residential areas, the number of dwelling units the building is intended to accommodate.
2. Where the proposed structure is part of a development requiring site plan approval, copies of the approved final site plan may serve as the plot plan required by this Section; provided, that the applicant additionally submit to the Building Department a microfiche copy of the approved final site plan. The microfiche copy shall be in the format approved by the Director of Public Services.

7.5 PERMITS

The following shall apply in the issuance of any permit:

1. Permits Not to be Issued. No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.
2. Permits for New Use of Land. No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
3. Permits for New Use of Buildings. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
4. Permits Required. No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any

changes in structural parts, stair-ways, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the City of Novi Building Code [Code of Ordinances, Chapter 7, Article II], Housing Law (Code of Ordinances, Chapter 7, Article III), or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

7.6 TEMPORARY SPECIAL EXCEPTION AND TEMPORARY SPECIAL LAND USE PERMITS

1. The Building Official shall have the power to grant permits authorizing temporary special exceptions for:
 - A. Outdoor tent, sidewalk, or flower/plant sales, and seasonal sales of produce, firewood, or Christmas trees, under the following conditions:
 - i. Zoning Districts Where Permitted. Temporary special exceptions for outdoor tent, sidewalk, or flower/plant sales that are accessory to a permitted principal retail use of a property, and seasonal sales of produce (i.e., fruits and vegetables), firewood, or Christmas trees, shall be permitted in the OSC district, B-1 district, B-2 district, B-3 district, I-1 district, I-2 district and P-1 district. In addition, temporary special exceptions for outdoor tent sales, sidewalk sales and seasonal sales of Christmas trees shall be permitted in the RC district.
 - ii. Application; Fee; Submission of Plot Plan. Every person, firm, or corporation desiring to obtain a temporary special exception permit as required by this Ordinance shall file a written application with the Community Development Department on a form approved by the Department, together with an application fee as is hereafter provided by resolution of City Council. An application, together with the required fee, shall be filed by the owner of the land not less than five (5) business days before the proposed event or sale.



The application for a temporary special exception permit shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- a. The shape, location and dimensions of the lot, including the shape size and location of all buildings or other structures already on the lot, off-street parking layout, and the location of any designated fire lanes.
 - b. The materials to be utilized in and the shape, size, and location of all buildings and structures to be erected or moved onto the lot, including all tents, tables, stands, or display racks.
 - c. The anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, loss of off-street parking spaces, if any, as well as the anticipated flow of pedestrian traffic upon lot sidewalks.
 - d. For temporary tent, sidewalk, or flower/plant sales, an acknowledgement that outdoor sales shall be operated by and maintained under the same ownership as, or subject to the control of, the property owner and on the parcel as the principal use.
- iii. Time Limitations
- a. A temporary special exception permit for an outdoor tent, sidewalk, or flower/plant sale shall be effective for no longer than fifteen (15) days. No more than three (3) such sales shall be permitted in any calendar year. No more than fifteen (15) total days of such sales shall be permitted in any calendar year. A separate permit is required for each separate sale.
 - b. A temporary special exception permit for the sale of Christmas trees shall by its terms be effective for no longer than thirty (30) days. No more than one (1) temporary special exception permit for the sale of Christmas trees shall be

issued for any given location within a single calendar year.

- c. A temporary special exception permit for a vegetable, fruit or produce stand (other than flowers/plants) or for the sale of firewood, shall, by its terms, be effective for no longer than three (3) months. No more than one (1) temporary special exception permit for a vegetable, fruit or produce stand, or for the sale of firewood, shall be issued for any given location within a single calendar year.
- iv. Regulations
- a. The proposed temporary special exception shall comply with all applicable zoning regulations for the district in which the temporary special exception is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area, and off-street parking.
 - b. No temporary special exception shall be permitted if it reduces the parking by greater than twenty-five (25) percent.
 - c. All temporary buildings and structures shall be constructed, used, occupied and maintained so as to be in compliance with the provisions of the State Construction Code and all applicable ordinances of the City of Novi.
- v. Deposit Required for Temporary Sale of Christmas Trees. The Building Official or his designee shall require any person, firm, or corporation granted a temporary special exception permit for the sale of Christmas trees or firewood to deposit a sum of money in an amount as set by resolution of City Council with the Community Development Department to guarantee the cleaning of the lot and any abutting private or public property and the disposal of any remaining trees or firewood by an approved method within one (1) week after the permit expiration date.

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- B. Special Events. The temporary erection of a tent or similar temporary structure that is not totally enclosed for a maximum of five (5) days in any six-month period for customarily accessory uses such as promotional events, ground-breakings, grand openings, private parties or other similar gatherings that reasonably may be expected to attract fewer than one-hundred (100) persons and that are not expected to have significant negative impacts on surrounding properties. An application in accordance with [Section 7.6.1.A.ii](#) shall be filed with the Community Development Department.
- C. Pre-manufactured Buildings. The temporary location of a temporary or pre-manufactured building in connection with the development of a property or construction of buildings thereon, including in residential developments irrespective of the requirements of [Section 3.7](#), provided:
 - i. The use shall be limited to construction offices or trailers and offices for the specific purpose of selling lots or new homes to be erected in a residential development or in connection with the construction of nonresidential building improvements if such separate offices are reasonably necessary.
 - ii. All applicable building height, bulk and area requirements of the district are met.
 - iii. If the structure is used for the purpose of selling lots or new homes it shall be removed from the subdivision upon completion of the first permanently built model home intended for display. If the structure is used for construction offices then it shall be removed within the time period provided for in the permit.
 - iv. An application in accordance with [Section 7.6.1.A.ii](#) shall be filed with the Community Development Department.
- D. Temporary Tents Within Outdoor Recreational Use. Temporary tents within an outdoor recreational use that is a principal permitted use within a zoning district. A temporary tent installed or erected under this Section may be erected for a period of four (4) days, provided that an application in accordance with [Section 7.6.1.A.ii](#) shall be filed with the Community Development Department, which such application shall identify and describe all events and activities for which the tent is expected to be used. The time period may be extended for up to four (4) additional days, with the total period not to exceed eight (8) days, provided that
 - i. The applicant identifies events or activities to occur within the extended period;
 - ii. Each individual event configuration shall require an inspection by the Community Development Department, and the applicant shall pay a re-inspection fee as established by the City Council. The applicant shall request the re-inspection no later than two (2) days/forty-eight (48) hours before the event or activity.
 - iii. The tent shall be removed or uninstalled on or before the expiration permitted use or the eight (8) day whichever comes first.
- 2. The Building Official shall have the power, upon filing of an application in accordance with [Section 7.6.1.A.ii](#), to grant permits authorizing temporary special land uses for:
 - A. Temporary buildings and uses for periods not to exceed two (2) years on undeveloped parcels within the city and for periods not to exceed twelve (12) months on developed parcels, with the granting of twelve (12) month extensions being permissible, provided the conditions set forth in Section 7.6.3 below, are met.
 - B. Temporary uses, not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible that do not require the erection of any capital improvements of a structural nature, provided the conditions set forth in Section 7.6.3 below, are met.



C. Portable concrete batching plants, subject to the following conditions:

- i. Review and approval of the request by a committee consisting of the Building Official, City Engineer, and Director of Public Works ("Committee"), who may grant approval upon finding that the presence of the batching plant is reasonably necessary for the development of the site where it is to be located. The supplying of concrete to other sites may be permitted by the Committee subject to limitations imposed to minimize adverse impacts upon adjacent and neighboring parcels of land.
- ii. Time limits shall be imposed by the Committee, both as to the hours of operation and the length of time the batch plant may remain at the site. In no instance shall the batch plant be permitted to remain on the site longer than reasonably necessary to complete the on-site paving work.
- iii. Limitations shall be imposed as to permitted haul routes for all vehicles associated with the batch plant operation.
- iv. The Committee shall impose any restrictions deemed necessary to insure the control of noise and dust at and around the batch plant site.
- v. The Committee shall require the posting of a cash bond, with the City of Novi in an amount that will guarantee:
 - a. The removal of the plant and restoration of the site to a satisfactory condition, including the removal of any washings or hardened concrete;
 - b. The providing of dust control at the site and on streets and roads utilized, so as to prevent any nuisance to the surrounding area;
 - c. The providing, when weather and site conditions necessitate, of daily street cleaning to remove dirt, mud and other debris from streets and roads;
 - d. That vehicles adhere to any limitations imposed as to haul routes; and

e. The prevention of any damage to public streets and roads by vehicles associated with the batch plant operation.

vi. Such cash bond shall be deemed forfeited upon the failure of the operator to comply with any of the conditions imposed by the Committee for operation of the batch plant. If a bond is forfeited, all operations shall cease until such time as an additional bond is set by the City and posted by the operator, and the operator has remedied the problem that resulted in the forfeiture of the bond.

3. For any temporary special land use permitted in subsection 2, above, the Building Official shall take into consideration the factors in [Section 6.1.2.C](#). In addition, the granting of permits for the temporary special exceptions and temporary special land uses in subsections 1 and 2 above, shall be subject to the following conditions:

- A. The granting of the temporary exception or use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary exception or use is permitted, and shall not adversely affect the public health, safety, and welfare.
- B. The temporary exemption or use shall be compatible with surrounding uses and shall not adversely affect the surrounding neighborhood or area by means or odor, noise, dust or other nuisance or detrimental condition.
- C. The parking required by the temporary use will be provided on-site, through off-street parking unless adequate street parking is available in the immediate area.
- D. Increased traffic caused by the temporary use shall not adversely affect the surrounding neighborhood or the City at large.
- E. Permanent alterations to the site are prohibited.
- F. Adequate fire protection and access for fire vehicles shall be provided as determined by the Fire Chief, or their design.
- G. The site shall be completely cleared of all trash, debris, signs, sign supports, temporary structures, and electrical service within three (3) days following the date specified for termination of the temporary use.

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- H. The granting of the temporary exception or use shall be granted in writing stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
- I. All setbacks, land coverage, off-street parking, lighting and other requirements of the district shall be met; and
- J. In classifying uses as not requiring capital improvement, the Building Official or their designee shall determine that they are either demountable structures related to the permitted use of land; recreation developments, such as but not limited to golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
- K. The Building Official may impose reasonable conditions necessary to assure compliance with the standards in this subsection, to ensure that operation and maintenance of the permitted use mitigate potential adverse impacts on existing uses on adjoining properties and in the surrounding area, and to protect the public health, safety and general welfare. Conditions may address, but are not limited to, provisions for adequate parking, storage, and lighting; provisions for security, traffic safety, fire and life safety; conditions limiting hours of operation; provision for adequate sewage disposal; and any other health and safety concerns the Building Official may deem necessary to comply with the standards above. In addition, the Building Official may require the posting of a bond to ensure timely removal of structures and materials and restoration of the area.
- 4. Permit a residence in a nonresidential structure, where not otherwise permitted, providing the use is for the proprietor, a watchman or other security purposes. A residence permitted under this provision shall not be made available for general occupancy and shall be permitted for a one (1) year period. The permit shall be renewable with no charge to the petitioner.
- 5. For any temporary special land use permitted in subsection 2 above, notice of the request shall be sent out as required in Section 103 of Act 110 of the Public Acts of 2006, as amended. The notice shall indicate that a public hearing on the application may be requested by any property owner or the occupant of any structure located within three-hundred (300) feet of the property being considered for the special land use, regardless of whether the property or occupant is located in the zoning jurisdiction.
- 6. Exemptions. The following types of events do not need to obtain temporary use permits, but may be subject to the maximum allowable time frames, temporary signage requirements, and specific regulations as set forth in the city code:
 - A. City-sponsored events.
 - B. Athletic events held at approved sports facilities.
 - C. Garage and/or yard sales.
 - D. Private gatherings occurring entirely upon the grounds of a private residence or common area of a multi-family residential development.
- 7. Portable On-Site Storage Containers on Residential Properties.
 - A. General. A portable on-site storage unit may be placed on a residential property for seven (7) days in a twelve (12) month period without a temporary special exception permit or temporary special land use permit. Only one portable on-site storage unit shall be permitted per dwelling unit. This provision is not intended to override or displace subdivision rules, deed restrictions, or other private covenants that might prohibit or restrict the placement of such storage units.
 - B. Location. A portable on-site storage unit shall only be located as follows:
 - i. Single-Family Residences. The permitted portable on-site storage unit shall be located in the side or rear yard at least five (5) feet from any property line or in a driveway.
 - ii. All Other Types of Residences. Temporary portable on-site storage units for all other residential housing types shall be kept in an on-site vehicular use area so long as the storage unit does not obstruct a drive aisle or block a required parking space.



- C. Extended placement permitted as temporary special land use. A portable on-site storage unit to be placed on a residential property for more than seven (7) days in one twelve (12) month period shall require a temporary special land use, provided, however, that the Building Official shall not permit placement of a temporary portable on-site storage unit as a temporary special land use for more than fourteen (14) days in a twelve (12) month period. A portable on-site storage unit may be permitted for up to six (6) months for use on-site during substantial construction or renovation on the property as evidenced by active building permits and upon a finding by the Building Official that such outside storage is made necessary by the extent of the work being conducted and that no other area of the property that complies with the requirements of the Zoning Ordinance is reasonably available for use. Temporary special land use permits for this purpose may be renewed so long as the associated construction permits remain active

7.7 CERTIFICATES

No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

- 1. Certificate Not to be Issued. No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
- 2. Certificates Required. No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- 3. Certificates Including Zoning. Certificates of occupancy as required by the City Building Code [Code of Ordinances, Chapter 7, Article II] for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.

- 4. Certificates for Existing Buildings. Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such uses of land, are in conformity with the provisions of this Ordinance.
- 5. Record of Certificates. A record of all certificates issued shall be kept on file in the office of the Building Official and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- 6. Certificates for Dwelling Accessory Buildings. Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
- 7. Application for Certificates. Application for certificates of occupancy shall be made in writing to the Building Official on forms furnished by the Community Development Department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

- 8. Temporary Certificates of Occupancy. A temporary certificate of occupancy may be issued if the property owner is entitled to a temporary certificate of occupancy under the State Construction Code provided there is compliance with the additional requirements of this subsection. Any temporary certificate of occupancy issued shall comply with Chapter 26.5 of the Code of Ordinances with respect to the time frame for the completion of site improvements. Failure to comply with the time limit set forth in Chapter 26.5 shall be considered a violation of the time limit placed on the temporary certificate of occupancy for purposes of enforcing this Ordinance and requiring completion of site improvements. For purposes of this subsection, the term City Engineers shall include any private engineering firm with whom the City contracts to perform the described engineering functions:

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- A. Duration of Temporary Certificates of Occupancy. A temporary certificate of occupancy shall not be effective for more than six (6) months. Thereafter, occupancy may only be authorized under a final certificate of occupancy.
 - B. Unfinished Site Improvements. All unfinished site improvements that are included on an approved site plan, or that are otherwise required by this Ordinance shall be constructed, installed, or placed on the property, and be approved by City Engineers by letter to the Building Division, within six (6) months of obtaining a Temporary certificate of occupancy. Failure to finish and obtain approval of said improvements shall constitute a violation of this Section and in such event Chapter 26.5, and, in addition, constitute a basis for relief in Circuit Court.
 - C. Performance Guarantees. Whenever an applicant seeks occupancy of premises other than a single-family residential dwelling, not including single-family cluster options, before the completion of all construction of every nature in accordance with an approved site plan and the requirements of the City's ordinances and requirements, or when the applicant occupies the premises at the time of application for a building permit and continued occupancy is contemplated during the time of construction, the applicant shall deposit a performance guarantee in accordance with Chapter 26.5, Section 26.5-5 of the Code of Ordinances and shall comply with the provisions of Chapter 26.5
9. Final Certificate of Occupancy, Minor Exterior Improvements Not Completed. A final certificate of occupancy may be issued if the property owner is entitled to a final certificate of occupancy under the State Construction Code and the City of Novi Building Official or his designee finds that there are minor exterior site plan requirements that remain to be finished, provided there is compliance with the requirements of Chapter 26.5 of the Code of Ordinances with respect to performance guarantees.

7.8 FINAL INSPECTIONS

The holder of every building permit for the construction, erection, alteration, repair or moving of any building structure or part thereof shall notify the Building Official immediately upon the completion of the work authorized by such permit, for a final inspection.

7.9 FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Building Official in advance of issuance. The amount of such fees shall be established by resolution of the City Council and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

7.10 ZONING BOARD OF APPEALS (ZBA)

1. Creation and Membership. There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided in Article VI of Act 110 of the Public Acts of 2006 [MCL 125.3601-125.3607], as amended, the Michigan Zoning Enabling Act, and in such a way that the objectives of the Act and this Ordinance shall be observed, public safety secured, and substantial justice done. The ZBA shall consist of seven (7) members appointed by the City Council and shall be representative of the population distribution and of the various interests present in the City, except that, if required by the Michigan Zoning Enabling Act, one member shall be a member of the Planning Commission. Appointments shall be as follows: Three (3) members, including the Planning Commission member, if any, appointed for a period of one (1) year; two (2) members appointed for a period of two (2) years; and two (2) members appointed for a period of three (3) years, respectively; thereafter each member to hold office for the full three (3) year term. The City Council may also appoint not more than two alternate members, who shall serve as members of the ZBA only in the absence of a regular member if the regular member is unable to attend a meeting or if a regular member will abstain from voting on a particular matter for a permitted reason. Any vacancies in the ZBA shall be filled by appointment by the Council for the remainder of the unexpired term, and a successor shall be appointed not more than (one) 1 month after the term of the



preceding member has expired. The ZBA shall annually elect its own Chairperson, Vice-Chairperson and Secretary. The compensation of the appointed members of the ZBA may be fixed by the City Council.

2. Meetings. All meetings of the ZBA shall be held at the call of the Chairman and at such times as such ZBA may determine. All hearings conducted by said ZBA shall be open to the public. The City Clerk, or his representatives, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Four (4) members of the ZBA shall constitute a quorum for the conduct of its business. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.
3. Appeal. An appeal may be taken to the ZBA by any person, firm, or corporation, or by any officer, department, board or bureau of the state or a local unit of government, aggrieved by a decision of the Building Official or of the Planning Commission or any other administrative official carrying out or enforcing any provisions of this Ordinance. Such appeal shall be taken within 30 days, by filing with the individual or body appealed from and with the ZBA a notice of appeal, specifying the grounds thereof. The individual or body appealed from shall forthwith transmit to the ZBA all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from. However, if individual or body appealed from certifies to the ZBA after notice of appeal has been filed that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, the proceedings may be stayed only by a restraining order issued by the ZBA or a circuit court.

The ZBA shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

4. Fees. The City Council may, from time to time, prescribe and amend, by resolution, a reasonable schedule of fees to be charged to applicants for appeals to the ZBA. At the time the notice for appeal is filed, said fee shall be paid to the Secretary of the ZBA, which the Secretary shall forthwith pay over to the City Treasurer to the credit of the general revenue fund of the City of Novi.
5. Jurisdiction
 - A. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance but shall have the power to authorize a use in a zoning district in which it is not otherwise permitted, provided it is clearly shown that the land cannot be used for a zoned use, and shall be further empowered to act on those matters where this Ordinance provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this Section and laws of the State of Michigan. Said powers include:
 - i. Interpretation and Administrative Review. Subject to and in a manner consistent with the requirements of state law, including the Michigan Zoning Enabling Act, 2006 PA 110, as amended, to hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Building Official or any other administrative official in carrying out or enforcing any provisions of this Ordinance, including all questions that arise in the administration of this Ordinance, including interpretation of the zoning map, and all decisions concerning site plan review, except as to special land uses, the Planned Development (PD) and Gateway Special Development (SDO) options, Planned Rezoning Overlays (PRO), and other optional forms of development.

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The concurring vote of four (4) members of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of the Building Official, of the Planning Commission, or of any other administrative official charged with carrying out or enforcing any provisions of the Ordinance.

ii. Variance. Subject to and in a manner consistent with the requirements of state law, including the Michigan Zoning Enabling Act, 2006 PA 110, as amended, to authorize, upon an appeal, a variance from the strict application of the provisions of this Ordinance. The ZBA shall base its decision on variances from the strict requirements of this Ordinance so that the spirit of the Ordinance is observed, public safety secured, and substantial justice is done, based on the following standards:

a. For Non-Use or Dimensional Variances: A non-use or dimensional variance may be granted by the ZBA only in cases where the applicant demonstrates in the official record of the public hearing that a practical difficulty exists by showing all of the following:

- (1) That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, topography, or similar physical conditions and is not due to the applicants personal or economic difficulty.
- (2) That the need for the requested variance is not the result of actions of the property owner or previous property owners (i.e., is not self-created).
- (3) That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the

property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

(4) That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

(5) That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district

b. For Use Variances: A use variance may be granted by the ZBA only in cases where the applicant demonstrates in the official record of the public hearing that undue hardship exists by showing all of the following:

- (1) The property cannot be reasonably used for any of the uses permitted by right or by special land use permit in the zoning district in which it is located.
- (2) That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, topography, or similar physical conditions and is not due to the applicant's personal or economic hardship.
- (3) That the proposed use will not alter the essential character of the neighborhood.
- (4) That the need for the requested variance is not the result of actions of the property owner or previous property owners (i.e., is not self-created).



In granting a variance, the ZBA may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance.

- c. The concurring vote of four (4) members of the ZBA shall be necessary to grant a non-use or dimensional variance, and a two-thirds (2/3) majority vote of the membership of the ZBA is necessary to grant a use variance. At a minimum the record of the decision shall include:
 - (1) A determination of the relevant facts;
 - (2) The conclusions derived from the facts (reasons for the decision);
 - (3) The decision, including any conditions imposed.
- d. The record of the decision shall be certified and a copy delivered by first class mail to the person demanding the appeal, the administrator, and other parties within the time prescribed by law.
- iii. Exceptions and Special Approvals. Subject to and in a manner consistent with the requirements of state law, including the Michigan Zoning Enabling Act, 2006 PA 110, as amended, to hear and decide in accordance with the provisions of this Ordinance, requests for exceptions, for interpretations of the Zoning Map, and for decisions on special approval situations on which this Ordinance specifically authorizes the ZBA to pass. Any exception or special approval shall be subject to such conditions as the ZBA may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this Ordinance, including the following:

- a. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
- b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission.

Before granting an exception or special approval under this subsection, the ZBA shall determine that the proposed exception or special approval will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Novi. The concurring vote of four (4) members of the ZBA shall be necessary to grant an exception or special approval.
- iv. Rehearing. The ZBA may, in its discretion, grant rehearing of any decision to consider additional matters related to the relief requested within twenty (20) days of the ZBA's initial decision.
- v. Effect of Decision. Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the City Council of the City of Novi, in the manner provided by law.
- 6. Orders. In exercising the above powers, the ZBA may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Building Official from whom the appeal is taken.



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7. Notice

- A. Variance Requests, Exceptions, and Special Approvals. The ZBA shall fix a reasonable time for the hearing of matters brought before the ZBA and shall publish notice of the request in a newspaper of general circulation in the City. The ZBA shall also give due notice thereof as set forth in [Section 6.2](#), subject to and in a manner consistent with the requirements of state law, including the Michigan Zoning Enabling Act, 2006 PA 110, as amended.
- B. Requests for Interpretations or Appeals from an Administrative Decision. If the ZBA receives a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the ZBA shall conduct a public hearing on the request, with notice given under [Section 6.2](#); however, if the request does not involve a specific parcel of property, notice need only be published as provided in [Section 6.2](#) and given to the person making the request as provided there under.

8. Miscellaneous. No order of the ZBA permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the ZBA permitting a use of a building or premises shall be valid for a period longer than one-hundred and eighty (180) days unless such use is established within such a period; provided, however, where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for such erection or alteration is obtained within one (1) year and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Such time limits shall be extended for those applicants requiring site plan review to a period of thirty (30) days after the date of final site plan approval has been given by the City.

7.11 ZONING COMMISSION

The City's Planning Commission, having been designated as the Zoning Commission prior to July 1, 2006, shall continue to exercise the authority of the Zoning Commission as specified in Sections 301-308 of Act 110 of the Public Acts of 2006, The Michigan Zoning Enabling Act, [MCL 125.3301-125.3308], as amended, and shall perform the zoning duties of the Zoning Commission as provided in the statute in connection with the amendment of this Ordinance, and shall hold a minimum of two regular meetings annually, giving notice of the time and place by publication in a newspaper of general circulation in the City at least fifteen (15) days before the meeting, and shall be subject to the Open Meeting Act, 1976 PA 267, Sections 1-15, MCL 15.261-15.275, as amended. The Planning Commission shall at least once per year prepare for the City Council a report on the administration and enforcement of the zoning ordinance and recommendations for amendments or supplements to the ordinance.

7.12 PLANNING COMMISSION APPROVAL

In cases where the Planning Commission is empowered to approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter pursuant to [Section 6.1](#).

The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion, be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedures.

The Planning Commission shall exercise its authority in accordance with the provisions of [Section 6.1](#) and all other substantive provisions of this Ordinance.



7.13 AMENDMENTS TO ORDINANCE

1. Procedure. The City Council may, from time to time, on recommendation from the Planning Commission or on petition, amend, supplement or change the district boundaries or the regulations herein, pursuant to the authority and procedures established in Act 110 of the Public Acts of 2006, The Michigan Zoning Enabling Act, [MCL 125.3101 et seq.], as amended. The Council action shall be by majority vote, unless a protest petition is filed as described in Section 403 of The Michigan Zoning Enabling Act, [MCL 125.3403], as amended, in which case the action shall require a two-thirds (2/3) vote of the Council.
2. Planned Rezoning Overlay (PRO)
 - A. Intent. The Planning Commission and City Council have recognized that, in certain instances, it would be an advantage to both the City and to property owners seeking Rezoning if a site plan, along with conditions and limitations that may be relied upon by the City, could be proposed as part of a petition for rezoning. Therefore, it is the intent of this Section to provide an election to property owners in connection with the submission of petitions seeking the amendment of this Ordinance for approval of a rezoning with Planned Rezoning Overlay (PRO) that would establish a site specific use authorization under MCL 125.584b, so as to accomplish, among other things, the objectives of the zoning ordinance through a land development project review process based upon the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
 - B. PRO Conditions shall not authorize uses or development not permitted in the district proposed by the zoning (and shall not permit uses or development expressly or implicitly prohibited in the PRO Agreement), and may include some or all of the following, in addition to conditions imposed by the City under MCL 125.584c:
 - i. The location, size, height or other measure for and/or of buildings, structures, improvements, set backs, landscaping, buffers, design, architecture and other features shown on the PRO Plan.
 - ii. Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use, for example, and in no respect by way of limitation, units per acre, maximum usable floor area, hours of operation, and the like.
 - iii. Preservation of natural resources and/or features.
 - iv. Facilities to address drainage/water quality.
 - v. Facilities to address traffic issues.
 - vi. Preservation of open space.
 - vii. A written understanding for permanent maintenance of natural resources, features, and/or facilities to address drainage/water quality, traffic, open space and/or other features or improvements; and, provision for authorization and finance of maintenance by or on behalf of the City in the event the property owner(s) fail(s) to timely perform after notice.
 - viii. Other provisions proposed by the applicant and approved by the City.
 - ix. Signage, lighting, landscaping, building materials for the exterior of some or all structures.
 - x. Permissible uses of the property.
 - C. Authorization and Eligibility
 - i. A property owner shall have the option of making an election under this [Section 7.13.2](#) in connection with a submission of a petition seeking a rezoning. Such election may be made at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning. The election shall be made by filing an application conforming with this section for approval of a PRO that would establish a site-specific use authorization if the petition for rezoning is granted. Such election shall be to seek a rezoning with PRO pursuant to Section 503 of the Michigan Zoning Enabling Act, MCL 125.3503, as amended, which would represent a legislative amendment of this Ordinance.

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ii. In order to be eligible for the proposal and review of a rezoning with PRO, a property owner must propose a Rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific regulations (to be set forth on a PRO Plan and in a PRO Agreement to be prepared) which are, in material respects, more strict or limiting than the regulations that would apply to the land under the proposed new zoning district, including such regulations as set forth in sub-paragraphs (1) through (10) of the definition of "Planned Rezoning Overlay Conditions", above.

D. Approval of Rezoning with Planned Rezoning Overlay

i. Pursuant to Section 503 of the Michigan Zoning Enabling Act, MCL 125.3503, as amended, the City Council, following public hearing at and recommendation by the Planning Commission, may approve a petition for a rezoning with a PRO requested by a property owner.

a. As an integral part of the PRO, the following shall be reviewed and may be approved:

- (1) A PRO Plan, with such detail and inclusions proposed by the applicant and approved by the City Council in accordance with this Section, following recommendation by the Planning Commission. The PRO Plan shall not replace the requirement for preliminary and final site plan review and approval, or subdivision or condominium approval, as the case may be.
- (2) Planned Rezoning Overlay Conditions, as defined for purposes of this Section, which shall be required by the City Council following recommendation by the Planning Commission. PRO Conditions shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or

development expressly or implicitly prohibited in the PRO Agreement).

(3) A PRO Agreement, which shall be prepared by the City Attorney and the applicant (or designee) and approved by the City Council, and which shall incorporate the PRO Plan and set forth the PRO Conditions and conditions imposed pursuant to MCL 125.584c, together with any other terms mutually agreed upon by the parties (including the minimum provisions specified in the definition of PRO Agreement, above).

b. If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "PRO, Planned Rezoning Overlay". The Zoning Map shall specify the new zoning district plus a reference to "PRO", e.g., the district classification for the property might be "RM-1, Low Density, Low-Rise Multiple Family with PRO, Planned Rezoning Overlay", with a Zoning Map Designation of "RM-1/PRO". Development and use of the property so classified and approved shall be restricted to the permission granted in the PRO Agreement, and no other development or use shall be permitted.

c. The use of the property in question shall, subject to sub-paragraphs (i) and (ii), below, be in total conformity with all regulations governing development and use within the zoning district to which the property has been rezoned, including, without limitation, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, and land use density; provided, however, the following shall apply:



- (1) Development and use of the property shall be subject to the more restrictive requirements shown or specified on the PRO Plan, and/or in the PRO Conditions imposed, and/or in other conditions and provisions set forth in the PRO Agreement, required as part of the PRO approval, and such PRO Plan and conditions and PRO Agreement shall overlay and supersede all inconsistent regulations otherwise applicable under this Ordinance.
- (2) As part of the grant of final approval of a PRO, the City Council shall be authorized to grant deviations from the strict terms of this Ordinance governing dimensional requirements on the property; provided, such authorization to grant deviations shall be conditioned upon the Council finding that each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the City Master Plan and compatible with the surrounding area.
 - ii. The applicant shall have the burden of demonstrating that the following requirements and standards are met by the PRO Plan, Conditions, and PRO Agreement:
 - a. Approval of the application shall accomplish, among other things, and as determined in the discretion of the City Council, the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a PRO.
 - b. Sufficient conditions shall be included on and in the PRO Plan and PRO Agreement on the basis of which the City Council concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the rezoning with PRO; provided, in determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles, as presented to the City Council, following recommendation by the Planning Commission, and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.
 - c. In the discretion of the City Council, it shall be determined that there is compliance with all of the General Standards for the approval of uses subject to special approval are met, as enumerated in [Section 6.1.2.C](#).
 - iii. Unless extended by the City Council for good cause, the rezoning with PRO shall expire following a period of two (2) years from the effective date of the PRO Agreement unless bona fide development of the property, pursuant to the approved building and other required permits issued by the City, commences within such two-year period and proceeds diligently and in good faith as required by the ordinance to completion.
 - a. In the event bona fide development has not commenced within two (2) years from the effective date of the rezoning, the rezoning and PRO shall be void and of no effect.



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- b. If development and/or actions are undertaken on or with respect to the property in violation of the PRO Agreement, such development and/or actions shall constitute a nuisance per se. In such case, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the PRO Agreement, the City may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.
 - c. The City Council may grant an extension of the rezoning with PRO 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:
 - (1) The applicant has demonstrated that required utility services have been delayed;
 - (2) The applicant has demonstrated that technical reviews of the final site plan (e.g., related to engineering approvals or approvals by other agencies) have raised unforeseen development delays;
 - (3) The applicant has demonstrated that unforeseen economic events or conditions have caused delays;
 - (4) The approved PRO Plan to be extended is in compliance with all current site plan criteria and current ordinances, laws, codes, and regulations;
 - (5) There is no pending zoning ordinance amendment that would otherwise substantially change the requirements of final site plan approval for the approved PRO Plan.
 - iv. If the rezoning with PRO becomes void in the manner provided in [subsection 7.13.2.D.iii.a](#), either or both of the following actions may be taken:
 - a. The property owner may seek a new Rezoning of the property; and/or
 - b. The City may initiate a new Rezoning of the property to a reasonable district classification in accordance with the procedure provided by law for Rezonings in cities.

Until such time as a new zoning district classification of the property has become effective, no development shall be undertaken or permits for development issued.
- E. Procedure for Application, Review and Approval
- i. At the time of making application for amendment of this ordinance seeking a Rezoning of property, or at a later time during the process of City consideration of such Rezoning, a property owner may submit an application for approval of a PRO to apply in conjunction with the Rezoning.
 - ii. The application, which may be amended during the process of consideration, shall include a PRO Plan proposed by the applicant and shall specify the PRO Conditions proposed by the applicant, recognizing that PRO Conditions shall not authorize uses or development not permitted in the district proposed by the Rezoning.
 - iii. The proposed rezoning with PRO, together, shall be noticed for public hearing before the Planning Commission as a proposed legislative amendment of the Zoning Ordinance pursuant to Section 503 of the Michigan Zoning Enabling Act, MCL 125.3503, as amended.
 - iv. Following the public hearing, and further deliberations as deemed appropriate by the Planning Commission, the Planning Commission shall make a recommendation to the City Council on the proposed rezoning with PRO.



- v. Upon receipt of the recommendation of the Planning Commission, the City Council shall commence deliberations on the proposed rezoning with PRO. If the City Council determines that it may approve the rezoning with PRO, the City Council shall specify tentative conditions under Section 504 of the Michigan Zoning Enabling Act, MCL 125.3504, as amended, and direct the City Attorney to work with the applicant in the development of a proposed PRO Agreement.
 - vi. Upon completion of the PRO Agreement, the City Council shall make a final determination to approve, approve with conditions, or deny the rezoning with PRO.
- F. Effect of Approval. Approval of the PRO Plan and agreement confirms only the rezoning of the property, subject to any conditions imposed as reflected in the PRO Plan and after recordation as set forth in Paragraph H below. Approval of the usual preliminary site plan and final site plan as set forth in [Section 6.1](#) shall be required before any improvements to the property may be undertaken.
- G. Amendment of PRO Agreement. Amendment of a PRO Agreement shall be proposed, reviewed and approved in the same manner as a new rezoning with PRO.
- H. Recordation of PRO Agreement. A rezoning with PRO shall become effective following publication in the manner provided by law and City Charter, and, after recordation of the PRO Agreement, whichever is later.
- I. Fee. The applicant for a rezoning with PRO shall pay as a fee the City's costs and expenses incurred by the City in the review of and preparation of documents for a rezoning with PRO. An escrow shall be established in an amount specified by City Council Resolution, and additional reasonable amounts shall be contributed as required in order to complete the process of review and approval. Any unexpended amounts from such escrow shall be returned to the applicant.

7.14 ENFORCEMENT, PENALTIES AND OTHER REMEDIES

1. Violations
 - A. Any person, persons, firm, or corporation, or anyone acting on behalf of said person, persons, firm, or corporation, who should violate the provisions of this Ordinance, or who fails to comply with the regulatory measures or permit approvals (including conditions thereon) adopted or granted by the Zoning Board of Appeals, Planning Commission, or the City Council, shall be responsible for a municipal civil infraction, and subject to the penalties, sanctions and procedures set forth in this Section.
 - B. Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches, and mobile homes, used, erected, altered, raised, or converted in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. The court may, in addition to the remedies provided above, enter any such judgment, writ or order necessary to enforce or enjoin violation of this Ordinance.
2. Public Nuisance Per Se. Any building or structure that is erected, altered or converted, or any use of premises or land that is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
3. Owners/Occupants, Separate Offenses. The owner of any building, structure or premises or part thereof and the person or persons in possession of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be responsible for a separate offense and upon a determination of responsibility thereof shall be liable for a separate civil infraction.
4. Penalties, Sanctions and Remedies for Zoning Ordinance Violation
 - A. Penalties for Municipal Civil Infractions
 - i. The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless otherwise specifically designated in the text of this zoning ordinance:

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- a. First Offense. The civil fine for a first offense violation shall be in an amount of two-hundred (\$200.00) dollars, plus costs and other sanctions, for each offense.
- b. Repeat Offense. The civil fine for any offense which is a repeat offense shall be in an amount of up to five-hundred (\$500.00) dollars, plus costs and other sanctions for each offense.
- ii. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this Zoning Ordinance.
- iii. Continuing offense. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.
- iv. Remedies not exclusive. In addition to any remedies provided for in this Zoning Ordinance, any equitable or other remedies available may be sought.
- v. The judge or magistrate shall also be authorized to impose costs, damages and expenses as provided by law.
- B. A municipal civil infraction shall not be a lesser included offense of a criminal offense or of an ordinance violation which is not a civil infraction.
- 5. Rights and Remedies Are Cumulative. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- 6. Commencement of Municipal Civil Infraction Action
 - A. A municipal civil infraction may be commenced upon the issuance by an authorized official of a municipal civil infraction citation directing the person alleged to be responsible to appear in court.
 - B. The form of citations used to charge municipal civil infraction violation shall be in accordance with state law.
 - C. The basis for issuance of a municipal civil infraction citation shall be as set forth below:
 - i. An authorized official who witnesses a person violate the zoning ordinance, the violation of which is a municipal civil infraction, shall prepare and subscribe, as soon as possible and as completely as possible, an original and three (3) copies of a citation.
 - ii. An authorized official may issue a citation to a person if, based upon investigation, the official has reasonable cause to believe that a person is responsible for a municipal civil infraction.
 - iii. An authorized official may issue a citation to a person if, based upon investigation of a complaint by someone who allegedly witnessed the person violate this ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the attorney for the City for whom the authorized local officer is acting approves in writing the issuance of the citation.
- D. Municipal civil infraction citations shall be served in the following manner:
 - i. Except as otherwise provided below, the authorized official shall personally serve a copy of the citation upon the person alleged to be in violation of this ordinance.
 - ii. In a municipal civil infraction action involving the use or occupancy of land or a building or other structure, a copy of the citation need not be personally served upon the person alleged to be in violation of the ordinance but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building or structure at the owner's last known address.
 - iii. A citation served as provided in Paragraph (2), above, shall be processed in the same manner as a citation served personally upon an individual.

