

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF NOVI

ORDINANCE NO. 18.296

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, ORDINANCE 14-271, THE CITY OF NOVI ZONING ORDINANCE, AS AMENDED, AT ARTICLE 3.0 ZONING DISTRICTS, ADD SECTION 3.1.30 TO ESTABLISH THE CW – CITY WEST DISTRICT, SECTION 3.33 CITY WEST REQUIRED CONDITIONS, SECTION 3.34 CITY WEST MIXED USE DEVELOPMENT OPTION, RENUMBERING GENERAL EXCEPTIONS TO SECTION 3.35, AND TO AMEND ARTICLE 4.0 USE STANDARDS, SECTION 4.12 GROUP DAY CARE HOMES, DAY CARE CENTERS AND ADULT DAY CARE CENTERS, SECTION 4.24 DRY CLEANING ESTABLISHMENTS, SECTION 4.27 RETAIL BUSINESS OR SERVICE ESTABLISHMENTS, SECTION 4.28 HOTELS AND MOTELS, SECTION 4.31 VETERINARY HOSPITALS AND CLINICS, SECTION 4.35 MICROBREWERIES AND BREWPUBS, SECTION 4.62 INSTRUCTIONAL CENTERS, AND SECTION 4.81 FINANCIAL INSTITUTIONS. ALL BEING DONE TO CREATE AND ADD REQUIREMENTS FOR THE CITY WEST (CW) DISTRICT. AMEND ARTICLE 2, SECTION 2.2 DEFINITIONS, TO ADD A DEFINITION FOR WORKFORCE HOUSING. AMEND ARTICLE 3.0 ZONING DISTRICTS, SECTION 3.1.15 EXO EXPOSITION OVERLAY DISTRICT AND 3.25 EXO OVERLAY DISTRICT REQUIRED CONDITIONS, TO CHANGE THE UNDERLYING ZONING OF THE EXO OVERLAY DISTRICT TO CITY WEST.

**THE CITY OF NOVI ORDAINS:**

**Part I.**

That the City of Novi Zoning Ordinance, as amended, Article 3.0, Zoning Districts, Section 3.1 Districts Established, is hereby amended to add a new district as number 30 CW City West District.

**Part II.**

That the City of Novi Zoning Ordinance, as amended, Article 3.0, Zoning Districts, Section 3.1 Districts Established, is hereby amended to add section 3.1.30 as follows:

3.1.30 CW City West District

**A. Intent and General Provisions**

1. Description of the District. The City West district permits a mix of uses, including amusement and entertainment uses, office, commercial, and multiple-family housing, that are appropriate within the context of the City West area. Key design concepts include multiple-story buildings that frame the internal street network, a corridor of buildings massed along Grand River Avenue, shared access and parking, a mix of uses including commercial and multi-family residential, and public gathering spaces.

Buildings should have high-quality materials and allow for changing uses over time. Development will be pedestrian-oriented, with a high degree of transparency on the ground level and functional, attractive outdoor amenities such as plazas and pocket parks with seating and lighting. Parking is placed to the side or rear of main buildings, preferably in parking structures, driveways are consolidated from the major thoroughfare, and on-street parking is permitted on secondary streets.

2. Intent. The intent of the City West district is to encourage high-quality and distinctive development that will complement and support nearby areas. The district will reflect an inviting and vibrant identity for this area of the City's Grand River Corridor while implementing 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 to provide coordinated development with consolidated access points. Minimum lot and frontage thresholds are established for the mixed-use development option to further this objective. Shared parking is strongly encouraged, and vehicular and pedestrian connections between sites is expected.

The district allows a wide range of principal uses. In conjunction with different height, area, and bulk standards, this should increase development and re-development opportunities that will look demonstratively different than existing uses.

Additionally, some of the objectives of the district are intended to be accomplished or facilitated by the establishment of an optional development approval process, the Mixed-Use Development Option (MDO). Under this optional form of development:

- Mixing of uses is permitted, either vertically or horizontally.
- Building heights are greater than most traditional commercial districts in the city.
- Floor area ratios and densities are increased to allow economies of scale.
- Required setbacks are reduced to encourage a development pattern that frames the primary street frontage.

Under the MDO concept, a wider variety of retail, commercial, office, and residential uses and open spaces are permitted, to further the creation of a dynamic mix of compatible uses. As a trade-off for this greater flexibility, regulations regarding streetscape and landscape design, provisions for parking facilities, architectural and façade design, multi-family residential dwelling units, and setback standards are incorporated into the district, resulting in a mix of some form-based standards and more conventional guidance. See the City West Design Guide for examples of the development vision and guidelines for projects in this district. The MDO, if successfully implemented, should:

- Encourage the use of land in accordance with its character and surroundings;
- Conserve natural resources and natural features;
- Encourage innovation and creativity in land use planning;
- Enhance pedestrian and cycling activity within the district and to surrounding destinations;

- Provide enhanced housing, cultural, and recreational opportunities for the people of the City; and
- Bring about a greater compatibility of design and use between and among neighboring properties.

## **B. Principal Permitted Uses –**

- i. Offices, including professional, medical (including labs and clinics)
- ii. Municipal uses, such as post offices and similar governmental office buildings
- iii. Day care centers (4.12.2)
- iv. Financial institutions (4.81)
- v. Retail business or service establishments, including restaurants (4.27)
- vi. Business schools and colleges or private schools operated for profit (4.27)
- vii. Instructional Centers (4.62)
- viii. Outdoor theaters, plazas, parks, public gathering places, farmers markets and like public facilities
- ix. Art galleries, museums, and non-profit community centers
- x. Personal service establishments
- xi. Private recreational facilities, indoor or outdoor
- xii. Publicly owned and operated parks, pathways, and recreational facilities
- xiii. Transit station
- xiv. Brewpubs and Microbreweries (4.35)
- xv. Outdoor restaurants (4.84)
- xvi. Principal uses similar to those listed above, as determined by the Planning Commission
- xvii. Off-street parking lots and structures (not to include vehicle storage)
- xviii. Accessory structures and uses customarily incidental to the above permitted uses, except drive-through windows (4.19)

## **C. Mixed-Use Development Option Permitted Uses –**

- i. Any of the Principal Permitted Uses above
- ii. Multiple-family residential
- iii. Live/work units
- iv. Hotels (4.28.1) – North of Grand River Only
- v. Business establishments which perform services on the premises
- vi. Health and fitness clubs, public or private
- vii. Dry Cleaning Establishments or Pick Up Stations (4.24)
- viii. Other uses similar to the above uses subject to conditions noted
- ix. Accessory structures and uses customarily incidental to the above permitted uses (4.19)

## **D. Special Land Uses**

- i. Amusement and entertainment uses, including theaters, athletic and performing arts venues
- ii. Private clubs, organizations, cultural facilities, and lodge halls
- iii. Places of worship
- iv. Drive throughs, as an accessory to a permitted use (Sec. 5.3.11)
- v. Veterinary hospitals and clinics (4.31)

**E. Development Standards**

**Lot size, Lot Coverage, Lot width:**

See section 3.6.2.D

**Open Space:**

Minimum Gross Open Space: 15% (see Section 3.33.4.1.F)

Minimum Usable Open Space: 150 sq ft per dwelling unit

**Building Setbacks**

Minimum front yard setback: See Section 3.33.1.E

Minimum rear yard setback: See Section 3.33.1.E

Minimum side yard setback: See Section 3.33.1.E

**Building Height**

Minimum building height: 20 feet

Maximum building height: 2 stories

**Parking Lot Setbacks**

Front yard setback: Front yard parking is not permitted, unless it is on-street, except as otherwise provided. See Section 3.33.1.E

Rear yard setback: 10 feet; If adjacent to existing residential zoning district a minimum of 50 feet is required

Side yard setback: 10 feet; If adjacent to existing single family residential zoning district a minimum of 100 feet is required

**3.6.2 Applicability of Notes to District Standards**

- o City West Districts: D, M

**Part III.**

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, is amended to add a new Section 3.33, City West Required Conditions, as follows in its entirety:

**3.33 City West District REQUIRED CONDITIONS**

1. The following standards shall apply to all uses permitted in the district except as indicated otherwise in this ordinance, or where different or additional standards are either authorized or required for developments utilizing the Mixed-Use Development Option (MDO) in Section 3.34.

- A. Site Plans. 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 Section 6, unless the proposed plan qualifies for administrative review per Section 6.1.C.
  
- B. Nonconforming Uses and Buildings: A use or structure that is lawfully operating/existing as of the date this Section takes effect shall be considered a legal non-conforming use, so long as it remains otherwise lawful, subject to the following:
  - a. Such uses may be enlarged or increased by up to 10 percent of the existing total floor area, provided the resulting total floor area does not exceed the maximum floor area ratio of 0.275 as described below.
  - b. Any changes to the building or site at these locations that require site plan approval as described in Section 6.1 shall also require Planning Commission approval under the requirements of the Special Land Use permit approval provisions of that Section.
  
- C. Maximum floor area ratio (FAR): The maximum FAR (ratio of gross square feet of building area to gross land area of site, less prescribed right-of-way) shall be 0.275. Where an addition is proposed to an existing structure, the total resultant structure or combination of structures on-site shall be used in the calculations.
  
- D. Building and Parking Setbacks: Building and parking setback requirements, except as otherwise specified herein, shall be as noted in the table below, as measured from the future Right-of-Way line. These setback requirements may be reduced or increased by the approving body where strict adherence would serve no good purpose or where the overall intent of the district would be better served by allowing a lesser or greater setback, provided that:

- i. An increase or reduction of a setback will not impair the health, safety or general welfare of the city as related to the use of the premises or adjacent premise,
- ii. The increase or reduction 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,
- iii. The increase or reduction of the setback would create a more desirable viewshed along the corridor, and
- iv. The adherence to the required setback would result in the establishment of non-usable land area that could create maintenance problems.

| <b>3.33.1.E. Setback Requirements for CW Districts</b>   |                       |                       |
|--|-----------------------|-----------------------|
| <b>Arterials (Grand River, Beck)</b>                     | <b>Minimum (feet)</b> | <b>Maximum (feet)</b> |
| Building - Front   | 20                    | 65                    |
| Building - Exterior side <sup>1</sup>                    | 20                    | 65                    |
| Parking <sup>4</sup>                                     | 20                    | None                  |
| <b>Nonresidential collectors and local streets</b>       | <b>Minimum (feet)</b> | <b>Maximum (feet)</b> |
| Building – Front   | 10                    | 20                    |
| Building - Exterior Side <sup>1</sup>                    | 0                     | none                  |
| Parking (rear and side yard) <sup>4</sup>                | 10                    | none                  |
| <b>Private Drives, Aisles &amp; Shared Access Drives</b> | <b>Minimum (feet)</b> | <b>Maximum (feet)</b> |
| Building – Front   | 10                    | none                  |
| Building - Exterior Side <sup>1</sup>                    | 10                    | none                  |
| Parking (rear and side yard) <sup>4</sup>                | 10                    | none                  |
| <b>I-96 Highway ROW</b>                                  | <b>Minimum (feet)</b> | <b>Maximum (feet)</b> |
| Building <sup>1</sup>                                    | 75                    | none                  |
| Parking <sup>4</sup>                                     | 30                    | none                  |
| <b>Adjacent to Single Family</b>                         | <b>Minimum (feet)</b> | <b>Maximum (feet)</b> |
| Building – Non-residential use                           | 100                   | none                  |
| Building - Residential use                               | 100                   | none                  |
| Parking (rear and side yard) <sup>4</sup>                | 100 feet              | none                  |
| <b>Notes to Table</b>                                    |                       |                       |

1. Rear and interior side yard building setbacks are not prescribed, except as noted or as necessary to meet landscaping or other requirements, or where the Planning Commission or City Council determines buildings or parking require additional distance for safety, protection of natural features, or to enhance compatibility.
2. Distance Between Buildings: 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 buildings shall have a minimum separation of twenty (20) feet, or thirty (30) feet for buildings sixty (60) feet or more in height, unless otherwise provided for in these district regulations.
3. The front yard setback shall be increased at intersections where necessary to obtain the appropriate clear vision area. Clear vision area shall comply with standards set forth in Section 5.9, Corner Clearance, or any more restrictive standards adopted by the Road Commission for Oakland County (RCOC).
4. Parking Setbacks.
  - a. Front yard off-street parking is generally not permitted as it detracts from the intent to create a pedestrian-oriented district. If parking in the front yard is determined to be essential to the site layout and uses, it shall be limited to one bay of parking and observe a minimum of a 10-foot setback with greenbelt. Surface parking lots shall be screened from all major thoroughfares by: (1) a two and one-half (2.5) foot ornamental brick or stone wall with intermittent landscaped breaks; or (2) semi-transparent screening such as brick pilaster with metal decorative fence in order to maintain attractive streetscapes as approved by the City's Landscape Architect. Landscaping, 12 - 36 inches in height, along the street side of walls or fences shall be provided.
  - b. Side yard parking adjacent to a front yard shall be setback from the front façade of the building by a minimum of five (5) feet. See illustration in Section 3.11.6.A. Screening as described above is required.
  - c. Off-street parking areas may be located within the exterior side yard along arterial roads if the primary building is oriented to front on a non-residential collector or local street. If parking is located in a side yard, the minimum setback of at least twenty (20) feet is required from the right-of-way line of any major thoroughfare, presently existing or as planned by the Road Commission for Oakland County or the City of Novi Master Plan.
  - d. Off-street parking areas adjacent to a single-family district shall be screened with a 5-foot wall or landscaped berm.

- F. Height. Buildings shall be a minimum of 20 feet with quality architectural design and a maximum of two stories, except as otherwise provided under the MDO. Uncovered roof seating areas for restaurant uses may be permitted by the Planning Commission 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 to residential uses.

- G. Pedestrian Development Amenities. Proposed developments, through innovative planning, design, and architecture, shall create a significant pedestrian orientation in keeping with the intent and purpose of the district and shall take into consideration the City West Design Guide recommendations. There shall be a system of pedestrian connections within and between all developments to enable pedestrians to safely and conveniently access nearby destinations. Benches, plazas, landscaping and other features to create attractive micro-destinations are required. Stubbed sidewalk connections to undeveloped adjacent parcels shall be provided at suitable locations.
- H. Sidewalks and Bicycle Facilities. Sidewalks with a minimum width of 6 feet are required abutting any street or internal road, and shall be placed at least 5 feet from the curb where street trees are required. Along major thoroughfares sidewalks shall be 8 to 10 feet wide as shown in the Active Mobility Plan. Sidewalks are also required between vehicular parking areas and building facades with pedestrian entrances. Bicycle parking shall meet or exceed the standards set forth in Section 5.16, and bike paths shall be provided in accordance with the Active Mobility Plan.
- I. Open Space. A minimum of fifteen (15) percent of the gross site area of a commercial or mixed-use development shall be devoted to publicly accessible, permanently landscaped usable open spaces and pedestrian plaza areas (such as internal walkways, linear or pocket parks, plazas, or other space for gathering accessible to occupants and invitees). Small strips of landscaped area, landscaped end islands in parking lots, and similar areas that are less than 20 feet wide shall not be counted toward the required open space on the site. All landscaped open spaces and pedestrian plaza areas shall be maintained by the owners of the development it serves.

Up to 50 percent of the required open space may consist of areas that are regulated by City of Novi woodland and/or wetland ordinances if they are permanently protected by conservation easements. Wherever open spaces shall be created or preserved, they shall be physically connected, when possible, to adjacent open space areas.

Usable open spaces required for multi-family development units may count toward the 15 percent requirement if the spaces are publicly accessible (e.g., not private patios, roof decks, balconies, fitness rooms and clubhouses) and part of an integrated development plan. Usable open spaces must be clearly designed for active or passive recreational or leisure use and have a minimum dimension of



twenty feet in every direction (private spaces like patios or balconies may be less). Open space intended to serve all the units of a project shall be accessible and convenient to all units. Private open space shall be accessible and convenient to the units intended to be served. Active recreational facilities for children in appropriate projects are encouraged, and shall be a minimum of 250 square feet.

- J. Facades. All sites in the City West districts are subject to Region 1 standards of Section 5.15. In addition, all exterior walls of any main or accessory building shall be composed of the same or complementary architectural building facade materials as others on the site. 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 City West district, the exterior building facades of the entire building shall be brought into compliance with this subsection.

Architectural design and facade material are to be complementary 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.

- K. Parking, Loading, Landscaping, Lighting, etc. All sites must comply with Article 5, Site Standards, regarding all applicable requirements, including off-street parking, landscaping, exterior lighting, and buffers/walls, as those standards relate to uses permitted in the City West district, except as otherwise stated. Notwithstanding the above, loading and unloading may be in a side or rear yard, and shall be located as to be inconspicuous and properly screened. The approving body may modify the size requirement for a loading area, an alternate location, or approve a shared loading area between buildings, when the applicant provides ample justification that the uses proposed will be adequately served.

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 approving body 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. The applicant shall submit a Shared Parking Study based on requirements set forth in Section 5.2.7 to provide justification for the request. Applicant shall also provide information on cross-access and maintenance agreements.

In those instances when a parking structure, underground parking or municipal 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.

- L. Vehicular Access. Vehicular access to a development site shall be designed to provide safe and efficient distribution of traffic to and from the site and should form a logical street network connecting to adjacent parcels in the district where appropriate. Access design that results in an undue intensification of traffic congestion shall be prohibited. Multiple curb cuts onto major arterials is discouraged.
- M. Street and Roadway Rights-of-Way. Nonresidential collector and local streets within the City West district 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. The local street network shall be designed to accommodate motorized and non-motorized users.
- N. Storm Water Detention. The use of underground and shared storm water facilities meeting all relevant standards should be used to the extent feasible to achieve permitted densities while protecting existing natural resources.

**Part IV.**

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, is amended to add a new Section 3.34, Mixed Use Development Option for the City West District, as follows in its entirety:

**3.34 Mixed Use Development Option (MDO) for the City West District**

- 1. Intent and General Application. The MDO expands the number and kind of uses permitted in the district. In addition to permitting quality residential development and facilitating mixed-use developments, including multiple-family residential, office, and commercial uses, this optional form of development allows for increased building height—up to 110 ft—and increased floor area ratios (FAR), as well as the opportunity to deviate from height, area, and bulk standards provided the deviations benefit the development and are considered in context with the surrounding area.

The granting of a Mixed-Use Development Option application requires review and recommendation by the Planning Commission and approval of the City Council, under the process contemplated in MCL 125.3503. As part of the review and appeal process, and in light of the potential additional uses and flexible building standards, the development may be subject to certain conditions, and will have to demonstrate conformance with the Design Guide adopted by the City as part of this ordinance.

For purposes of this Section 3.34, the "City West North" area shall be that part of the district north of Grand River Avenue, and the "City West South" shall be that part of the District south of Grand River Avenue.

## 2. Uses permitted subject to approval of a Mixed-Use Development Option

- A. For developments utilizing the Mixed-Use Development Option (MDO) the uses listed under Section 3.1.30.B, C, and D will be permitted, with a minimum combination of two distinct use classifications. Multiple-family residential dwellings, including senior, age-qualified, or independent housing, may be proposed as a stand-alone use.
- B. MDO Projects with a single use may be considered for density reserved for mixed-use projects if there is a clearly designed relationship between complementary uses, including direct pedestrian connections and building entrances located within 300 feet measured along the pedestrian route.

## 3. Eligibility Criteria

- A. MDO projects shall require the applicant to demonstrate that each particular use (or single use, as applicable), as well as the quantity and location of such use(s), 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 nearby areas of the City, as intended in this Article.
- B. Minimum acreage for a project is five (5) acres, unless varied by City Council approval with a demonstration by the applicant that the proposed development on less land meets the standards of Section 3.34, and subsections 3.33.1 and 3.33.3, and that the proposed development exemplifies the intent of this Article as stated in Section 3.1.30.A and the Design Guide.
- C. Minimum public road frontage is three hundred (300) feet unless varied by City Council.

## 4. General Approval Standards

- A. As part of the application and review for site plan approval, the applicant for the MDO 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. Relative to a development otherwise permissible as a Principal Permitted Use under Section 3.1.30.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.
  - iii. The layout of the site is designed to minimize the negative impact on existing natural features, including woodlands and wetland areas. Where buffers to adjacent uses are required, preserving existing natural features is a preferable strategy to replacement and mitigation if appropriate visual and audible screening can be achieved.
  - iv. Based upon the proposed uses, layout and design of the overall project, the proposed building facade treatment, the proposed landscaping treatment and the proposed amenities, the MDO project will result in a material enhancement to the area of the City in which it is situated.

- v. The proposed development will not have a materially adverse impact upon the Master Plan for Land Use of the City and will be consistent with the intent and spirit of this Section.
- vi. Each proposed use in the development, as well as the size and location of such use, will result in and contribute to a reasonable and mutually supportive mix of uses on the site, and/or a compatibility of uses in harmony with the surrounding area and other nearby areas of the City.
- vii. The land area proposed for development represents a cohesive and logical consolidation of parcels to allow a coordinated project to be brought forward.
- viii. The proposed development will 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 or 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.

5. Project Design Standards. The following design standards shall apply to MDO projects:

- A. General Design Standards. The following design standards shall apply to all projects:
  - i. Permitted non-residential uses may be allowed in combination with other permitted non-residential or residential uses, based upon a layout and integrated plan approved as part of the site plan.
  - ii. The design standards for non-residential uses shall be based upon the regulations in this Ordinance applicable to the corresponding uses, provided that modified design standards may be approved by the City Council based upon a demonstration by the applicant of the following, and the findings of Section 3.34.7.A.i.d:
    - a. The proposed uses will complement and support the intent of the City West district, the convention center and other established uses within this area of the City.
    - b. The project has shown that design coordination and connection with adjacent property, developed or not, has been accomplished.
    - c. An attractive street-level environment has been achieved that focuses on the pedestrian experience and provides public space amenities, with recommendations from the Active Mobility Plan incorporated.
    - d. Vehicular safety provisions and controls have been applied particularly with regard to access to major thoroughfares.
    - 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 to accommodate future development.
    - f. Preservation of natural features is achieved.

- iii. There is underground installation of utilities, including electricity and telecommunications facilities, as found necessary or appropriate by the approving body.
- iv. In order to provide efficient circulation and reduce driveways and curb cuts along Grand River Avenue, all development sites fronting Grand River Avenue shall be constructed to maximize traffic safety. Toward this end, to the extent feasible internal access drive networks shall be established and utilized as local streets. The shared access drives shall be privately owned and maintained, have a cross-section meeting the City's 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 (from 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 an access aisle of 26 feet is maintained. The local street network shall be designed to accommodate motorized and non-motorized users.

The City Council may waive the requirement for a shared 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.

- v. The City Council shall resolve ambiguities in the interpretation of applicable regulations using the Zoning Ordinance, Master Plan, the Design Guide, and the intent of this Article and other City standards or policies as a guide.

B. Bonus height. Buildings in an MDO project may exceed the height stated in the Development Standards, except those buildings located within 300 feet of a single-family district, subject to the following:

- i. Bonus height may be granted under the following circumstances:
  - a. If underground or structured parking is provided, the maximum height of the building may be increased up to 2 additional floors (1 story per 125 spaces provided);
  - b. If dedicated Open Space or preservation of natural areas is provided in excess of 25 percent of the total site area, the maximum height of the building may be increased an additional story.
  - c. The provision and use of energy and water efficient design, water conservation, reuse and preservation of resources, and sustainable lifestyle solutions such as electric vehicle charging or integration of solar arrays. Applicants shall provide a narrative explaining how

sustainability elements will be incorporated and quantify the impacts of those strategies. For qualifying for LEED (Leadership in Energy and Environmental Design) certification, or equivalent for green building strategies, the maximum height of the building may be increased (up to 2 stories for Platinum).

- d. Providing 15 percent or more residential units targeted for workforce housing as defined in Section 2 (1 story bonus).
- ii. Building height, including bonuses earned, shall not exceed one hundred fifteen (115) feet or 8 stories, whichever is less, in the City West North area or 55 feet or 4 stories, whichever is less, in the City West South area.
- iii. Buildings utilizing this subsection shall be designed to minimize their impact on surrounding existing uses and roadways, 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 strategies (including step-backs of higher stories).
- iv. For all buildings utilizing bonus height strategies above, the City Council, following a recommendation by the Planning Commission, shall make a finding that the additional height will complement and be compatible with the vision for the district 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 and will not have a negative impact on the goal of creating a cohesive, walkable district.

#### 6. Required Site Development Conditions for MDO projects

- A. The required conditions listed within Section 3.33 must be met except as otherwise permitted within this Section 3.34
- B. The following standards are required for residential-only buildings, either as a component in a mixed-use or a single-use development:
  - i. All residential structures shall have a minimum of two (2) stories or equivalent height.
  - ii. The minimum distance between townhouse buildings shall be twenty (20) feet. No more than eight (8) attached townhouse units in a single building.
  - iii. The minimum distance between multifamily buildings shall be one-half (1/2) the height of the taller building.
  - iv. The length/depth of a building shall not exceed four (4) times the height of the building.
  - v. Private community swimming pools and similar private amenities shall not require additional parking spaces except for barrier free spaces.

- vi. Off-street parking shall not be placed within ten (10) feet of any wall of a dwelling structure. Units that have garages may be permitted parking on garage aprons if parking space dimensions are met without encroaching on sidewalks.
  - vii. Landscaping for residential-only buildings (See Section 5.5 for definitions):
    - a. Multi-family Unit Trees: 1.5 trees per first floor unit
    - b. Multi-family Unit Shrubs: 2 shrubs per first floor unit
    - c. Interior Street Trees: 1 canopy tree per 50 linear feet (less driveway widths)
  - viii. Parking requirements:
    - a. Studio and 1-bedroom units: 1 space per unit
    - b. 2+ bedroom units: 2 spaces per unit
- C. The following additional site development conditions shall apply to all MDO projects:
- i. Commercial and office uses may occupy any number of total floors within a building used for residential uses. No commercial or office use shall be located on the same floor as residential use, unless it is considered a live work unit, and no floor may be used for commercial or office purposes which is located above a floor used for residential purposes.
  - 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.
  - iii. 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.
  - iv. Buildings may be permitted to have parking on the ground level of the building. 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.
- D. The following densities/intensities shall be permitted based on mixed-use or single-use developments:

**Table 3.34.6.D Development Density/Intensity – Based on Net Site Area**

|  | Residential Only | Mixed-Use Developments | Mixed-Use Developments |
|--|------------------|------------------------|------------------------|
| <b>A. Maximum Density<sup>1</sup></b>  |                  | Single Use Building    | Multi-Use Building     |
| City West North                        | 20 du/ac         | 25 du/ac               | 30 du/ac               |
| City West South                        | 10 du/ac         | 15 du/ac               | 20 du/ac               |
| <b>B. Floor Area Ratio<sup>1</sup></b> |                  |                        |                        |
| City West North                        |                  | 2.0 FAR                | 2.5 FAR                |
| City West South                        |                  | 1.0 FAR                | 1.5 FAR                |

|   |         |         |         |
|---|---------|---------|---------|
| C. Maximum Building Height <sup>2</sup> |         |         |         |
| City West North                         | 65 feet | 65 feet | 65 feet |
| City West South                         | 35 feet | 45 feet | 45 feet |
| D. Minimum Building Height <sup>2</sup> |         |         |         |
| City West North                         | 35 feet | 40 feet | 40 feet |
| City West South                         | 25 feet | 25 feet | 35 feet |

Notes to Table

1. For all development, density/intensity shall be calculated for the net site area of the development.
2. All structures within 200 feet of a one-family residential district shall be limited to 35 feet in height. Any structure more than 200 feet but less than 300 feet of a one-family residential district shall be limited to a maximum of 45 feet or three stories. In all other locations building height may be exceeded with bonus height as described in subsection 3.34.5.B.
3. Buildings with a front-to-front relationship shall have a minimum separation of 40 feet. Buildings with a front-to-rear or front-to-side relationship shall have a minimum separation of 30 feet. All other interior buildings shall have a minimum separation of 20 feet, or 30 feet for buildings 60 feet or more in height.

E. Landscape Standards at Major Thoroughfares

- i. Greenbelt: A landscape planting buffer is required to improve the appearance from the right-of-way, including screening off-site parking and access drive areas.
  - a. Greenbelt that is adjacent to on-site drives or parking shall be a minimum of 10-feet in width, with a brick wall 3 feet in height to provide screening, and small plantings on the street side. The wall should be placed 3 feet from the curb. Trees should be planted within 4-foot gaps between wall sections.
  - b. Greenbelt that is not adjacent to parking or drive shall be a minimum of 20 feet in width. No screening wall is required.
  - c. The following greenbelt landscaping is required: 1 canopy tree per 30 feet or 1.5 subcanopy trees per 30 feet (less drive width). Trees to be evenly spaced.

F. Landscape Requirements for Mixed-Use and Commercial Buildings are shown in Table 3.34.6.F below:

Table 3.34.6.F Landscaping Requirements for Mixed Use/Commercial Buildings

| Location           | Minimum Requirement |
|--------------------|---------------------|
| i. Interior Drives |                     |



|   |  |
|---|--|
| Street trees  | 1 canopy tree per 75 feet <sup>1</sup> on both sides, spaced not closer than 25 feet |
| Minimum greenspace/tree   | 200 sf or silva cells (or comparable alternative) with 1,000 ft <sup>3</sup>         |
| <b>ii. Foundation Landscaping</b>   |  |
| Sidewalk 12 ft or wider   | 15% of building frontage, 2-3 feet depth   |
| Sidewalk less than 12 ft  | None   |
| <b>iii. Open Space</b>  |  |
| Paved gathering areas   | 5% landscaped, including movable planters  |
| Outdoor dining areas  | 60% of periphery landscaped with permanent planting beds or movable planters         |
| Primarily unpaved areas   | 1 canopy tree + 1 subcanopy tree + 10 shrubs per 5,000 sf of area                    |
| Landscaping feature   | 1 per 10,000 sf of open space in the development                                     |
| <b>iv. Parking</b>  |  |
| Surface Lots  | 200 sf & 1 canopy tree per 10 spaces, 15 space contiguous limit                      |
| Parking Structures  | 35% of building frontage (trellis or planted walls can meet requirement)             |
| <b>Notes to Table</b>   |  |
| <ol style="list-style-type: none"> <li>1. Measured along linear foot of street/drive, less driveway widths. See Figure 5.5.3.B.ii</li> <li>2. Buffers are not required between developments within the district, but may be desirable in some circumstances to enhance compatibility between different uses.</li> </ol> |  |

5. Review and approval process for all MDO projects

A. Preliminary Application and Review

- i. Pre-Application Submittal. Before formal submittal of a MDO plan, the applicant shall apply for and attend a pre-application meeting with the Plan Review Center, and other appropriate officials deemed necessary by the City Planner. Prior to the meeting, the applicant shall provide to the Plan Review Center a conceptual site plan and brief narrative of how the development meets or exceeds the standards of this ordinance and furthers the vision for the district. The Plan Review Center will provide initial comments on the plans.
- ii. Preliminary MDO Application.
  - a. An application to develop under the MDO shall be made to the Planning Commission for its review and recommendation to 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 Section 6.1. The MDO plan shall include the information required in [subsection 3.34.7.C](#).
- b. In those instances where it is necessary to request rezoning in order to effectuate a MDO plan, 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 & Development Manual.
  - c. The Planning Commission may proceed simultaneously with review and recommendation on applications for rezoning, MDO plan and Preliminary Site Plan approval, along with any associated permit reviews.
- iii. Initial Review. Upon receipt of an application for preliminary site plan, the application shall be reviewed by the Plan Review Center and referred to the Planning Commission and then City Council for initial review. Review shall be conducted at a regular meeting of each body and no public hearing shall be required to be noticed. Members of the Planning Commission and City Council will be able to provide feedback on the plans presented.
  - iv. Following the initial review, the applicant may choose to make any revisions to the plan and submit revised plans for review by the Plan Review Center before being scheduled for a public hearing before Planning Commission.
  - v. Planning Commission Public Hearing. Notice of the public hearing shall be given and the hearing held as provided by the Zoning Enabling Act, 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 consider:
    - (1) Consistency with the Master Plan;
    - (2) Innovative planning and design excellence;
    - (3) Relationship to adjacent land uses, design form and layout;
    - (4) Compliance with this Ordinance, including subsections 3.33 and 3.34;
    - (5) Adherence to the City West Design Guide;
    - (5) Benefits to the community such as publicly accessible parks and open areas, and public facilities.
    - (6) Pedestrian and vehicular safety provisions.
    - (7) Aesthetic beauty in terms of design, exterior materials, landscaping, and natural features, including internal compatibility within the development as well as its relationship to surrounding properties,
    - (8) Provisions for the future users of the project.
    - (9) Impacts to existing natural features.
    - (10) The standards of Section 6.1.2.C for Special Land Uses.
  - vi. City Council Approval. 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 Section 3.34.4.A. The City Council shall determine whether the proposed plan meets the conditions as set forth in Section 3.33 and 3.34, and the standards of [Section 6.1.2.C](#).

- a. 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:
- Insure 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,
  - Protect the natural environment and conserve natural resources and energy,
  - Insuring compatibility with adjacent uses of land, and
  - 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 approved Mixed Use Development Option.

- b. Deviations From Density, 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 density, 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:
1. 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;
  2. That approving the proposed deviation would be compatible with the existing and planned uses in the surrounding area;
  3. 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;
  4. That the proposed deviation would not be injurious to the safety or convenience of vehicular or pedestrian traffic; and
  5. 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.
- c. In determining whether to grant any such deviation, the Council shall be authorized to attach reasonable conditions to the Site Plan that will:
1. 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,
  2. Protect the natural environment and conserving natural resources and energy,
  3. Insure compatibility with adjacent use of land, and
  4. 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 Site Plan.

- B. Approved Preliminary Site Plan. Once the Preliminary Site Plan has been approved by 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. Once approval of the Preliminary Site Plan is granted, the applicant shall proceed with development of the Final Site Plan.
  
- C. 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 the Council's approval.
  - ii. Contain all the requirements as set forth in Section 6.1 of this Ordinance and the requirements as set forth in the City's Site Plan and Development Manual.
  - iii. 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.
  - iv. In residential use areas, any proffered open space has been irrevocably committed to be retained as open space for park, recreation and related uses, and that all such lands meet the requirements of the City.
  - v. Where applicable, road easements or rights-of-way have been provided.
  
- D. Site Plan Revisions. Revisions to an approved Preliminary Site Plan or Final 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 Planning Commission and City Council review shall include physical changes to the exterior building wall façade materials or layout alterations that will significantly change the appearance of a building or site, as determined by the City Planner. 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 general intent.
  
- E. 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 mixed use development and the residents and property in the surrounding area. Sidewalks and pathways shall be completed to avoid dead ends within the site. Plans shall clearly illustrate what is to be included in each phase. The Council may require performance guarantees in accordance with Chapter 26.5 to ensure that permanent facades are constructed. In developments which include residential and non-residential uses, phasing shall be consistent with the following:

- i. At least thirty (30) percent of all proposed residential units and non-residential floor area shall be constructed no later than concurrent with the first phase of construction.
- ii. At least an additional thirty (30) percent of all proposed residential units and twenty (20) percent of non-residential floor area shall be constructed no later than concurrent with any second phase construction; and
- iii. The balance of all proposed residential units shall be constructed no later than concurrent with any third phase of 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 such percentages may be substantially modified should the City Council determine in its discretion that the applicant has presented adequate and effective assurances that both residential and non-residential component(s) of the development shall be completed within a specified period.

## 8. Plan Information

A. MDO Preliminary site plans shall include the following:

- i. All requirements listed in the City's Preliminary Site Plan Checklist
- ii. Statement of intent of proposed use(s) of land and any phasing of the project, including anticipated completion dates.
- iii. Evidence of market need for the use(s) and economic feasibility of the project.
- iv. Qualifications of applicant/developer including information of past projects, size, location, type etc.
- v. A Contextual plan sheet with the general layout and all uses within 300 feet of the property lines to demonstrate the proposed project in context with the surroundings.
- vi. Existing and proposed right-of-way width of all adjoining and internal roads, and layout of all internal roads and drives.
- viii. vii. 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 Plan Review Center during pre-application conference. Proposed acceleration, deceleration, and passing lanes.

- ix. All parking areas and number of spaces 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's traffic consultant.
- x. The size and location of areas to be preserved as open and recreational space and intended programming of those spaces.
- xi. Demonstrated adherence to the recommendations of the Active Mobility Plan.
- xii. Density calculations, number and types of units (if applicable), and floor area per habitable space for each use proposed.
- xiii. Fair representation of each type of use, square footage or acreage allocated to each use, locations of each principal structure and use in the development, setbacks, typical layout and elevation for each type of use.
- xiv. 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.
- xv. 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 Plan Review Center during pre-application conference.
- xvi. If phasing is proposed, a plan showing what improvements will be constructed in each phase, with a description of the anticipated timing of construction.

B. Final site plans shall include the following:

- i. All requirements specified in the City's Final Site Plan Checklist and Application.
- ii. List all deviations from Ordinance standards granted by City Council and any conditions imposed.
- iii. If phasing is proposed, provide detailed plans that show what will be constructed/installed by the completion of each phase to verify that each phase, considered together with previous completed phases, shall be capable of meeting ordinance requirements on its own as

described in Section 3.34.7.E, including utilities, parking, end of pavement, landscaping, amenities, lighting, signage, any mechanisms designed to reduce noise, and visual screening features. Required Engineering and Landscape Cost estimates shall also be broken down by phases.

9. Performance Guarantees. The applicant shall comply with the requirements for performance guarantees contained in Chapter 26.5 of the Code of Ordinances, as amended.

**Part V.**

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, is amended to renumber Section 3.33, General Exceptions to Section 3.35.

**Part VI.**

That the City of Novi Zoning Ordinance, as amended, Article 4, "Use Standards," Section 4.12 "Group Day Care Homes, Day Care Centers, and Adult Day Care Centers" is amended to read as follows:

**Section 4.12 Group Day Care Homes, Day Care Centers, and Adult Day Care Centers**

1. [unchanged]
2. Day care centers and adult day care centers are a permitted use in the B-2, B-3, OST, TC, TC-1, CW districts and EXO Overlay district and a special land use in the OS-1, OSC, and PSLR districts, all subject to the following:
  - A. In the B-2, B-3, OST, OS-1, OSC, TC, TC-1, CW, PSLR districts and EXO Overlay district:
    - i. 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.
    - ii. 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.
    - iii. 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).

- iv. Screening and landscaping of outdoor recreation areas, recreation area fences and parking lots shall comply with Section 5.5.
- v. Off-street parking shall comply with Section 5.2.12. and Section 5.3.

B. [unchanged]

3. [unchanged]

### **Part VII.**

That the City of Novi Zoning Ordinance, as amended, Article 4, "Use Standards," Section 4.24 "Dry Cleaning Establishments or Pick Up Stations," is hereby amended to read as follows:

#### **Section 4.24 Dry Cleaning Establishments or Pick Up Stations**

In the B-1, B-2, B-3, CW 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.

### **Part VIII.**

That the City of Novi Zoning Ordinance, as amended, Article 4, "Use Standards," Section 4.27, "Retail Business and Service Establishments," is hereby amended to read as follows:

#### **4.27 Retail Business or Service Establishments**

- 1. In the B-2, B-3, CW, 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.



**Part IX.**

That the City of Novi Zoning Ordinance, as amended, Article 4, "Use Standards," Section 4.28 "Hotels, Motels, and Transient Lodging Facilities," is hereby amended to read as follows:

**Section 4.28 Hotels and Motels**

1. In the B-2 and CW district north of Grand River, hotels and motels are a permitted use provided the site does not abut a residential district.
2. (Unchanged)
3. (Unchanged)
4. (Unchanged)
5. All hotels and motels in all districts, shall provide a minimum of 30 square feet of usable open space for each room subject to the following conditions:
  - A. Usable open space shall include an unobstructed portion of a site which has a minimum dimension of ten feet in any direction, is landscaped and developed for active and passive recreational use, and is conveniently located and accessible;
  - B. The usable open space may include amenities such as pavers, benches and other landscape design elements with pervious surface materials. All such areas shall be for the benefit of the hotel patrons;
  - C. For TC, TC-1, CW, and PD-2 districts, the usable open space required per this section can be counted towards the minimum usable open space requirements for respective district standards;
  - D. The usable open space shall not be counted toward any minimum landscaping or other open space requirements of the Zoning Ordinance and required parking setback area;
6. (Unchanged)

**Part X.**

That the City of Novi Zoning Ordinance, as amended, Article 4, "Use Standards," Section 4.31 "Veterinary Hospitals and Clinics," is hereby amended to read as follows:

**Section 4.31 Veterinary Hospitals or Clinics**

Veterinary hospitals or clinics are permitted as a special land use in the B-2, B-3, CW, NCC, TC, and TC-1 districts. They are also a special land use in the I-1 district when abutting residential districts. In the I-1 and I-2 districts, when not abutting a residential district, they are a permitted use. In all districts they are subject to the following:

1. In the B-2, B-3, CW, NCC, TC, TC-1, I-1, and I-2 districts:
  - A. [unchanged]
  - B. [unchanged]
2. In the B-2, B-3, CW, 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.

**Part XI.**

That the City of Novi Zoning Ordinance, as amended, Article 4, "Use Standards," Section 4.35 "Microbreweries and Brewpubs," is hereby amended to read as follows:

**Section 4.35 Microbreweries and Brewpubs**

Microbreweries and brewpubs are permitted uses in the B-3 and CW districts 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, CW, RC, TC and TC-1 districts:
    - i-iv. (Unchanged)
  - B. (unchanged)
2. (unchanged)
3. (unchanged)

**Part XII.**

That the City of Novi Zoning Ordinance, as amended, Article 4, "Use Standards," Section 4.62 "Instructional Centers," is hereby amended to read as follows:

**Section 4.62 Instructional Centers**

In the CW and NCC districts, 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.

In the OS-1 district, instructional centers are permitted uses provided that such facilities do not exceed two-thousand (2,000) square feet in size. However, when such uses exceed two-thousand (2,000) square feet, 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. All instructional centers shall comply with the following conditions:

1. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
2. Multiple tenants with square footage less than 2,000 square feet shall be allowed in a single building.

**Part XIII.**

That the City of Novi Zoning Ordinance, as amended, Article 4, "Use Standards," Section 4.81 "Financial Institutions," is hereby amended to read as follows:

**Section 4.81 Financial Institutions**

In the CW, 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.

**Part XIV.**

That the City of Novi Zoning Ordinance, as amended, Article 2, Definitions, Section 2.2. Definitions, is hereby amended to include the following definitions:

**Section 2.2 Definitions**

Workforce Housing: A residential unit for sale or for rent with combined annual rental costs or combined annual mortgage loan debt service, property taxes, and required insurance that do not exceed thirty percent (30%) of the gross annual income of a household earning between sixty percent (60%) and one hundred and forty percent (140%) of the area median income, as defined annually by the United States Department of Housing and Urban Development.

**Part XV.**

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.1.15 EXO Exposition Overlay District, is hereby amended to read as follows:

**Section 3.1.15 EXO Exposition Overlay District**

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 West (CW) 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 CW City West 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.

B. Principal Permitted Uses

[existing content all removed]

See the underlying zoning district CW City West for Principal Permitted uses, standards and regulations (Section 3.1.30)

C. Special Land Use (EXO overlay uses)

The following uses are permitted as part of an EXO Overlay subject to Section 3.33, Section 3.34, 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

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

- ii. Indoor and outdoor recreational facilities
- iii. Retail sale of products or services
- iv. Onsite support retail uses
- v. Outside exhibits, fairs, entertainment and festivals
- vi. Surface parking lots

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

Selected references

3. Zoning Districts

- CW City West
- MDO Mixed-Use Development Option
- EXO Overlay District Requirements

Subsections 4-7. [unchanged]

**Part XVI.**

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.25 EXO Exposition Overlay District required conditions, is hereby amended to read as follows:

**Section 3.25 EXO Overlay district required conditions**

1. EXO Overlay required conditions

A. [unchanged]

B. An EXO Overlay district shall satisfy all of the following in order to qualify for approval:

i.-iv. [unchanged]

v. The zoning classification of the entire EXO Overlay district shall be CW, City West district.

vi. [unchanged]

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.-K. [unchanged]

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 CW or OST district relative to the property which is the subject of the amendment.

ii.-iii. [unchanged]

**PART XVII. 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 XVIII. 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 XIX. 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 XX. 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 20<sup>th</sup> DAY OF MAY, 2024.



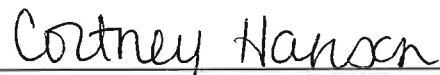
JUSTIN FISCHER, MAYOR



CORTNEY HANSON, 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 20<sup>th</sup> day of May, 2024.



CORTNEY HANSON, CITY CLERK

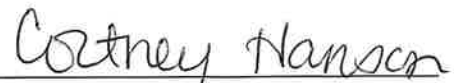
Adopted: 05/20/2024  
Published: 05/30/2024  
Effective: 06/06/2024

### Certificate of Clerk

I hereby certify that the foregoing ordinance was published by posting a copy thereof at each of the following times and places within the City of Novi, on the 21<sup>st</sup> day of May, 2024.

1. Novi City Hall 45175 Ten Mile Road
2. Novi Library 45255 Ten Mile Road

I do further certify that on the 30<sup>th</sup> day of May, 2024 said Ordinance Amendment 18.296 was published in brief in the Novi News, a newspaper published and circulated in said City.



CORTNEY HANSON, CITY CLERK

