

CITY of NOVI CITY COUNCIL

Agenda Item 3
September 8, 2008

SUBJECT: Consideration of Zoning Ordinance Text Amendment 18.230, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 2, Subsection 201, "Definitions" in order to modify the definition of *Floor Area, Gross Leasable* to remove the area of ancillary basements and mezzanines limited to storage only from the gross leasable floor area calculation and to remove unnecessary language. **First Reading**

SUBMITTING DEPARTMENT: Community Development Department - Planning *Burb*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

As a part of the on-going efforts to improve customer service and to streamline the development and redevelopment process in Novi, the City Council approved the second reading for Zoning Ordinance text amendment 18.226 that added language to Section 2516 to permit the removal of ancillary basements and mezzanines from the Gross Leasable Floor Area calculations of a building when those areas can only be used for storage or mechanical equipment.

This amendment proposes matching changes to the definition of "*Floor Area, Gross Leasable*" in Section 201 of the Zoning Ordinance to further clarify the exclusion of these storage areas from parking calculations.

During the Ordinance review, staff identified a similar definition in the Ordinance for "*Gross Leasable Floor Area*." The proposed text consolidates the information from both definitions and deletes the latter definition.

On August 27, 2008, the Planning Commission held a public hearing on the proposed amendment and took action to recommend approval of the amendment (draft minutes attached).

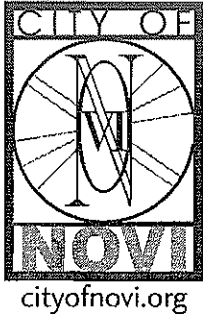
Attached are the draft strike through and clean versions of the Ordinance prepared for consideration at the first reading.

RECOMMENDED ACTION: Consideration of Zoning Ordinance Text Amendment 18.230, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 2, Subsection 201, "Definitions" in order to modify the definition of *Floor Area, Gross Leasable* to remove the area of ancillary basements and mezzanines limited to storage only from the gross leasable floor area calculation and to remove unnecessary language. **First Reading**

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Crawford				
Council Member Gatt				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

**DRAFT EXCERPTS
PLANNING COMMISSION MINUTES
AUGUST 27, 2008**



PLANNING COMMISSION

DRAFT COPY

CITY OF NOVI

Regular Meeting

18.230 Text Amendment Excerpt

Wednesday, August 27, 2008 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

ROLL CALL

Present: Members Brian Burke, Victor Cassis, David Greco, Andrew Gutman, Brian Larson, Michael Lynch, Mark Pehrson, Wayne Wrobel

Absent: Member Michael Meyer (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Mark Spencer, Planner; Karen Reinowski, Planner; David Beschke, Landscape Architect; Lindon Ivezaj, Civil Engineer; David Campbell, Traffic Consultant; Rod Arroyo, Traffic Consultant; Doug Necci, Façade Consultant; Tom Schultz, City Attorney

PUBLIC HEARING

1. ZONING ORDINANCE TEXT AMENDMENT 18.230

The Public Hearing was opened on Planning Commission's recommendation to City Council for an ordinance to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance, Article 2, Construction of Language and Definitions, Zoning Districts and Maps, Section 201, Definitions, in order to remove the area of office basements and mezzanines limited to storage only from the gross leasable floor area calculation, and to delete unnecessary language.

Planner Mark Spencer said that Section 2516 of the Zoning Ordinance was recently reviewed to expand the authority of administrative approval and length of site plan approval validity. Following the Public Hearing of that request, which has moved on to City Council for consideration, comments from a business owner came forward and asked that basement areas, up to 3,000 square feet, could be added to the text amendment. This basement area would have to be restricted to storage or mechanical equipment space and is accessory to an office building and considered uninhabitable in accordance with the State building code. The business owner also asked that this basement area not require additional parking spaces. These proposed changes were proposed to City Council at the first reading of the other text amendment, and City Council approved that text amendment with the understanding that these stated requests be incorporated into the second reading language.

The Planning Staff and City Attorney's office further refined the proposed changes and constructed Ordinance language that these areas would not be included in the gross leasable calculations or the parking calculations. City Council approved the second reading on August 11, 2008. In order to make the Ordinance clearer, the Staff seeks to amend the Ordinance of "floor area, gross leasable" in Article 2 to match the other definition. In addition, there is a definition called "gross leasable floor area" and Staff recommends these two items be consolidated under the former term and eliminating the latter.

No one from the audience wished to speak and no correspondence was received so Chair Pehrson closed the Public Hearing.

Member Gutman supported the request.

Moved by Member Gutman, seconded by Member Burke:

In the matter of Zoning Ordinance Text Amendment 18.230 related to the Section 201 definition of gross leasable area, motion to recommend approval to City Council.

DISCUSSION

Member Cassis said that this streamlining of the Ordinance will make the use of it easier. He complimented the Staff

on their work in making the Ordinance more user-friendly. Mr. Spencer responded that while there is no task force per se that finds these text amendment suggestions, the Staff has been given direction to look for opportunities to bring forward. He said that the Department continues to look for funding for an overhaul of the entire Ordinance.

Member Cassis asked what such a broad approach would cost. Deputy Director of Community Development Barbara McBeth responded that she has asked several times now for money for an outside consultant to assist with a full overhaul. It is a considerable cost to do this, and Staff thinks it's a good idea. At least the Department is not hindered by cost to bring forward these clean-up items as they are identified. Member Cassis supported the request.

ROLL CALL VOTE ON 18.230 TEXT AMENDMENT POSITIVE RECOMMENDATION MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BURKE:

In the matter of Zoning Ordinance Text Amendment 18.230 related to the Section 201 definition of gross leasable area, motion to recommend approval to City Council. *Motion carried 8-0.*

**FLOOR AREA, GROSS LEASABLE
"STRIKE-THROUGH" VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 08- 18 -230

AN ORDINANCE TO AMEND APPENDIX A OF THE CITY OF NOVI CODE OF ORDINANCES, ORDINANCE 97-18, AS AMENDED, KNOWN AS THE CITY OF NOVI ZONING ORDINANCE, ARTICLE, 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS, ZONING DISTRICTS AND MAPS, SECTION 201, DEFINITIONS, IN ORDER [TO] REMOVE THE AREA OF OFFICE BASEMENTS AND MEZZANINES LIMITED TO STORAGE ONLY FROM THE GROSS LEASABLE FLOOR AREA CALCULATION AND TO DELETE UNNECESSARY LANGUAGE.

THE CITY OF NOVI ORDAINS:

PART I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article, 2 Construction of language and definitions, zoning districts and maps, Section 201, Definitions, is hereby amended to read as follows:

ARTICLE 2. CONSTRUCTION OF LANGUAGE AND DEFINITIONS, ZONING DISTRICTS AND MAPS.

Section 200 [Unchanged]

Section 201 Definitions *Accessory use, or accessory – Floor Area, Gross* [unchanged]

Section 201 Definitions *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.

Section 201 Definitions *Floor Area, Residential – Greenbelt, Obscuring* [unchanged]

Section 201 Definitions ~~*Gross Leasable Floor Area:* The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, upper floors and generally all~~

~~that area on which tenants pay rent, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.~~

Section 201 Definitions *Group Day Care Home – Yards* [unchanged]

Section 202 – Section 207 [unchanged]

PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V. Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED AND ADOPTED BY THE NOVI CITY COUNCIL THIS ____ DAY OF _____, 2008.

DAVID LANDRY – MAYOR

MARYANNE CORNELIUS – CITY CLERK

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

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is true and complete copy of the Ordinance passed at the _____ meeting of the Novi City Council held on the _____ day of _____, 2008.

MARYANNE CORNELIUS – CITY CLERK

**FLOOR AREA, GROSS LEASABLE
"CLEAN" VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

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Section 201 Definitions *Floor Area, Residential – Greenbelt, Obscuring* [unchanged]

Section 201 Definitions *Gross Leasable Floor Area* [deleted]

Section 201 Definitions *Group Day Care Home – Yards* [unchanged]

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MADE, PASSED AND ADOPTED BY THE NOVI CITY COUNCIL THIS ____ DAY OF _____, 2008.

DAVID LANDRY – MAYOR

MARYANNE CORNELIUS – CITY CLERK

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

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is true and complete copy of the Ordinance passed at the _____ meeting of the Novi City Council held on the _____ day of _____, 2008.

MARYANNE CORNELIUS – CITY CLERK