cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item B
August 23, 2010

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.243, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 24, Schedule of Regulations, removing Section 2401, Preservation Option and Section 2402 Subdivision Open Space Plan, and amending and renumbering Sections 2403 Residential Cluster Option, Section 2404 RUD Residential Unit Development, and Section 2405 Open Space Preservation Option in order to expedite the approval process, provide more flexible development options and to encourage the preservation of open space. **Second Reading**

SUBMITTING DEPARTMENT: Community Development - Planning

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

At the City Council's July 12, 2010 meeting, the City Council approved the first reading of the proposed residential options Zoning Ordinance text amendments and asked staff to investigate several concepts regarding these options. The following is a brief discussion of the concepts and the changes to the proposed ordinance made in response to the discussion. Please note this information was also provided in an off-week packet and staff has not received any further comments since that time.

Consider allowing the use of the One-Family Cluster Option in the RA Zoning District

Most of the potential development parcels in the RA district are in the southwest corner of the City which is predominately open space and detached single family dwellings. Other development options are available for parcels in the RA district, which are more suited to development of these parcels and to the character of the RA district. The RUD option permits cluster development and mandates a buffer of single family homes around the perimeter of the development, which may help to preserve the detached single family residential character of the surrounding areas. Also, the RUD option includes a set discretionary review determinations which are not included in the One-Family Cluster option requirements, thus the City Council could more easily add conditions or even deny a proposal that doesn't fit the character of the neighborhood. Other residential development options give developers ample incentives to conserve natural features. *No new changes are proposed related to this discussion.*

Consider removing/modifying cluster & spacing requirements in One-Family Cluster Option

At this time, *Planning staff recommends maintaining the clustering and spacing provisions of the One-Family Cluster Option in order to allow time for staff to conduct further research on the matter.* Staff would like to produce sketch models demonstrating the current requirements and the potential results of other standards. The current standards prevent row-type attached dwellings and provide for open space between the clusters based on the number of units in opposing clusters. Both provisions help maintain a detached single family residential character to the development verses a multiple family character. Staff's initial research into this matter indicates that there may be opportunities to reduce setback and spacing requirements while maintaining safeguards that the ordinance provides.

Consider replacing the lot depth limit with a maximum lot size for One-Family Cluster Option
In order to allow more parcels to use the One-Family Cluster Option, but avoid a proliferation of this form of development, Planning Staff recommends expanding the number of parcels qualifying for this option to include parcels with a depth of up to 600 feet (increased from 360 feet). At this time, Planning Staff recommends keeping the proposed 600 feet property depth recommendation. The attached map shows the 6 potential properties that would fall within the 600 foot limitation. The vast majority of the other potential development parcels that are in the Master Plan for R-1 to R-4 residential densities, include a substantial amount of woodlands or wetlands and thus could qualify for the One-Family Cluster option if 50% of the area is preserved. Other parcels could qualify based on shape, soils or topography under the current ordinance provisions. Permitting the use of this option on all R-1 to R-4 parcels could reduce the amount of natural resources preserved because a developer could use the option without saving natural features. *Staff does not recommend modification at this time.*

Consider allowing use of RUD in R-4 areas
Two areas master planned for 3.3 dwelling units per acre (consistent with the R-4 zoning density) include parcels over 20 acres in area. These include property on the south side of Twelve Mile Road, between Wixom and Napier Roads, and property on the south side of Eleven Mile Road, west of Beck Road. Although these areas do not appear to include substantial areas of regulated wetlands that would permit an increase in density, some parcels contain unregulated wetlands and woodlands that could be preserved as open space if the RUD option was used. *The proposed ordinance amendment was revised to permit the use of the RUD option in the R-4 District and the new text is highlighted in the attached strike-through copy of the amendment.* A revised One-Family Residential Development Options Chart is also attached for the City Council's review.

Summary of changes (including changes proposed following First Reading)
The City of Novi has a long history of providing ordinances that allow quality housing options while protecting the natural environment. The City furthered this legacy by including specific goals, objectives and implementation strategies in its Master Plan for Land Use, adopted in April of 2008. To implement this aspect of the Plan, the City's Planning Staff and City Attorney conducted a review of the residential development options in the City's Zoning Ordinance. As a result of that review, a proposed set of Zoning Ordinance amendments were drafted.

None of the proposed amendments would change the maximum dwelling unit density allowed by the current zoning standards. However, by using one of these residential development options, a developer would be able to cluster the dwelling units offering a potential to reduce the length of roads and utility lines, and allowing for reduced development costs. Simplifying the review process and consolidating the residential development options will reduce site plan approval time and reduce development expenses. By permitting greater development flexibility on challenging properties and providing greater lot area and lot width reductions incentives, developers may be able to further reduce development costs.

RUD Residential Unit Development - Section 2404

- Increase the number of parcels that could use the option by decreasing the minimum parcel size from 80 acres to 20 acres.
- Permit in the R-4 District.

Preservation, Subdivision Open Space Plan and Open Space Preservation Options - Sections 2401, 2402 and 2405

- Merge these residential development options to reduce ordinance overlap and to simplify the ordinances that encourage the preservation of open space;
- Redefine open space to include active recreation areas (except golf courses) to encourage setting aside additional open space and the development of recreational open space areas;
- Establish a minimum size and width-to-length ratio for qualifying open space to eliminate the creation of unusable open space;
- Reduce minimum lot area and lot width requirements to provide additional design flexibility; and
- Allow the Planning Commission to approve development options through elimination of the City Council approval step to reduce the site plan approval processing time.

One-Family Clustering Option - Section 2403

- Permit use of this option on parcels with a maximum depth of 600 feet instead of 360 feet to permit the use of this option on remaining hard to develop parcels; and
- Relax access, building orientation and driveway design standards and reduce setbacks on parcels of less than 10 acres in area, to provide additional development flexibility.

Although the use of any of the residential development options will remain voluntary, the proposed amendments will help the City encourage the use of the options.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.243, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 24, Schedule of Regulations, removing Section 2401, Preservation Option and Section 2402 Subdivision Open Space Plan, and amending and renumbering Sections 2403 Residential Cluster Option, Section 2404 RUD Residential Unit Development, and Section 2405 Open Space Preservation Option in order to expedite the approval process, provide more flexible development options and to encourage the preservation of open space. **Second Reading**

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

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

City Council Minutes

July 12, 2010

REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
EXCERPTS
MONDAY, JULY 12, 2010 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE RD

ROLL CALL: Mayor Landry, Mayor Pro Tem Gatt, Council Members Crawford, Fischer, Margolis, Mutch, Staudt

ALSO PRESENT: Clay Pearson, City Manager
Tom Schultz, City Attorney
Ara Topouzian, Economic Development Director

MATTERS FOR COUNCIL ACTION – Part I

4. **Consideration of Zoning Ordinance Text Amendment 18.243, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 24, Schedule of Regulations, removing Section 2401, Preservation Option and Section 2402 Subdivision Open Space Plan, and amending and renumbering Sections 2403 Residential Cluster Option, Section 2404 RUD Residential Unit Development, and Section 2405 Open Space Preservation Option in order to expedite the approval process, provide more flexible development options and to encourage the preservation of open space. First Reading**

CM-10-07-095 **Moved by Mutch, seconded by Gatt; CARRIED UNANIMOUSLY: To approve Zoning Ordinance Text Amendment 18.243, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 24, Schedule of Regulations, removing Section 2401, Preservation Option and Section 2402 Subdivision Open Space Plan, and amending and renumbering Sections 2403 Residential Cluster Option, Section 2404 RUD Residential Unit Development, and Section 2405 Open Space Preservation Option in order to expedite the approval process, provide more flexible development options and to encourage the preservation of open space. First Reading**

DISCUSSION

Member Mutch said he was pleased to see this come forward as he thought the proposal was a move in the right direction. He said there were a couple of areas that he would like to have additional discussion about and one was the One Family Cluster option because the change proposed still limited that option to the R-1 through R-4 Zoning Districts. Member Mutch stated he would like to see Council allow the Cluster Option within the RA Zoning District. He said they currently allowed a certain amount of Cluster development under the RUD provision of the Ordinance. He commented he would like to see if that could be opened up as a straight Cluster Option development.

He said he would also like staff's input on some of the provisions within the Cluster Option. Member Mutch said one of the limitations he saw with the Cluster Option was the requirement that Clusters had to be in groups of a minimum of two or a maximum of four. He said if they looked at most communities doing open space zoning ordinance through a Cluster Option, they didn't have these kinds of requirements. He said when the Cluster Option was first adopted, he thought it was the standard to have these pods of homes but if they looked at modern developments with clustering, they didn't have those kinds of limitations. He said he would like Council to consider that and some of the other limitations that really limited the applicability. He stated he knew there was concern that removing some of those limitations might open up areas of the City to Cluster development but if looking at the sites within the City that were facing future development, they were very limited and difficult. He said most of them have a lot of limitations such as environmental features, the location and parcel size and he would like the Ordinance to have enough flexibility that when they got to the difficult sites they would not try to force a standard development pattern into a location that didn't really work. He said another area he would like staff to provide input on was that the R-4 District was not allowed an RUD. He said one of the items being presented under the revisions to the Master Plan was extending the R-4 zoning into some areas along Eleven Mile west of Beck Road and the R-4 zoning density. Also, in the area of Twelve Mile and Wixom Roads, there were some parcels opening up for R-4 development that could benefit from this kind of option. Member Mutch said the RUD option allowed not just the standard subdivision but also a collection of uses, such as Island Lake, schools, parks, clubhouses and the things that they hadn't seen a lot of in Novi since Village Oaks in the seventies. He thought they would want to encourage that if possible. He asked staff to provide feedback on those options. He said it would allow them to provide a little more flexibility in development options and hopefully, when difficult sites came forward, it would give those developers more opportunity to utilize some of the tools that Novi was providing. He thought it would help provide more open space, more recreational opportunities within the City and also preserve more of the environmental features.

Roll call vote on CM-10-07-095 **Yeas: Staudt, Landry, Gatt, Crawford, Fischer, Margolis, Mutch**

Nays: None

Supplemental Residential Options Information Memo

MEMORANDUM

cityofnovi.org

TO: CLAY PEARSON, CITY MANAGER

FROM: MARK SPENCER, *AICP*, PLANNER

THROUGH: BARBARA MCBETH, *AICP*, DEPUTY DIRECTOR OF COMMUNITY DEVELOPMENT

SUBJECT: SUPPLEMENTAL RESIDENTIAL OPTIONS INFORMATION

DATE: AUGUST 12, 2010

8/12/10 To: Mayor & Council/Mgr FYI

At the City Council's July 12, 2010 meeting, the City Council approved the first reading of the proposed residential options zoning ordinance text amendments and asked staff to investigate several concepts regarding these options. The following is a brief discussion of Planning staff's recommendations regarding these concepts.

1. **Permit the use of the One-Family Cluster Option in the RA Zoning District.**
   The Planning staff does not support allowing the use of the One-Family Cluster Option in the RA, Residential Acreage district for a number of reasons. Most of the potential development parcels in the RA district are in the southwest corner of the City which is predominately open space and detached single family dwellings (see attached Potential Development Properties in the RA District map). Other development options are available for parcels in the RA district, which are more suited to development of these parcels and to the character of the RA district. The RUD option does permit cluster development and mandates a buffer of single family homes around the perimeter of the development, which may help to preserve the detached single family residential character of the surrounding areas. Also, the RUD option includes a set discretionary review determinations which are not included in the One-Family Cluster option requirements, thus the City Council could more easily add conditions or even deny a proposal that doesn't fit the character of the neighborhood. In addition, staff believes the other residential development options give developers ample incentives to conserve natural features.

2. **Remove/modify cluster and spacing requirements in the One-Family Cluster Option.**
   At this time the Planning staff recommends maintaining the clustering and spacing provisions of the One-Family Cluster Option to allow time for staff to conduct further research on the matter. Staff would also like to produce sketch models demonstrating the current requirements and the potential results of other standards. The current standards prevent row-type attached dwellings and provide for open space between the clusters based on the number of units in opposing clusters. Both provisions help maintain a detached single family residential character to the development verses a multiple family character. Staff's initial research into this matter indicates that

there may be opportunities to reduce setback and spacing requirements while maintaining safeguards that the ordinance provides.

3. **Replace the lot depth limit with a maximum lot size for the One Family Cluster option.**
In order to allow more parcels to be able to use the One Family Cluster Option, but not encourage a proliferation of developments under this option, Planning Staff recommends expanding the number of parcels qualifying for this option to include parcels with a depth of up to 600 feet (from 360 feet). At this time the Planning staff recommends keeping the proposed 600 feet property depth recommendation. The attached Potential 600 Ft. Cluster Option Development Properties map depicts the six potential development properties that could qualify for the One-Family Cluster option using the 600 feet depth qualification. The vast majority of the other potential development parcels, that are in the Master Plan for R-1 to R-4 residential densities, include a substantial amount of woodlands or wetlands and thus could qualify for the One-Family Cluster option if 50% of the area is preserved. Other parcels could qualify based on shape, soils or topography under the current ordinance provisions. Permitting the use of this option on all R-1 to R-4 parcels could reduce the amount of natural resources preserved because a developer could use the option without saving natural features.

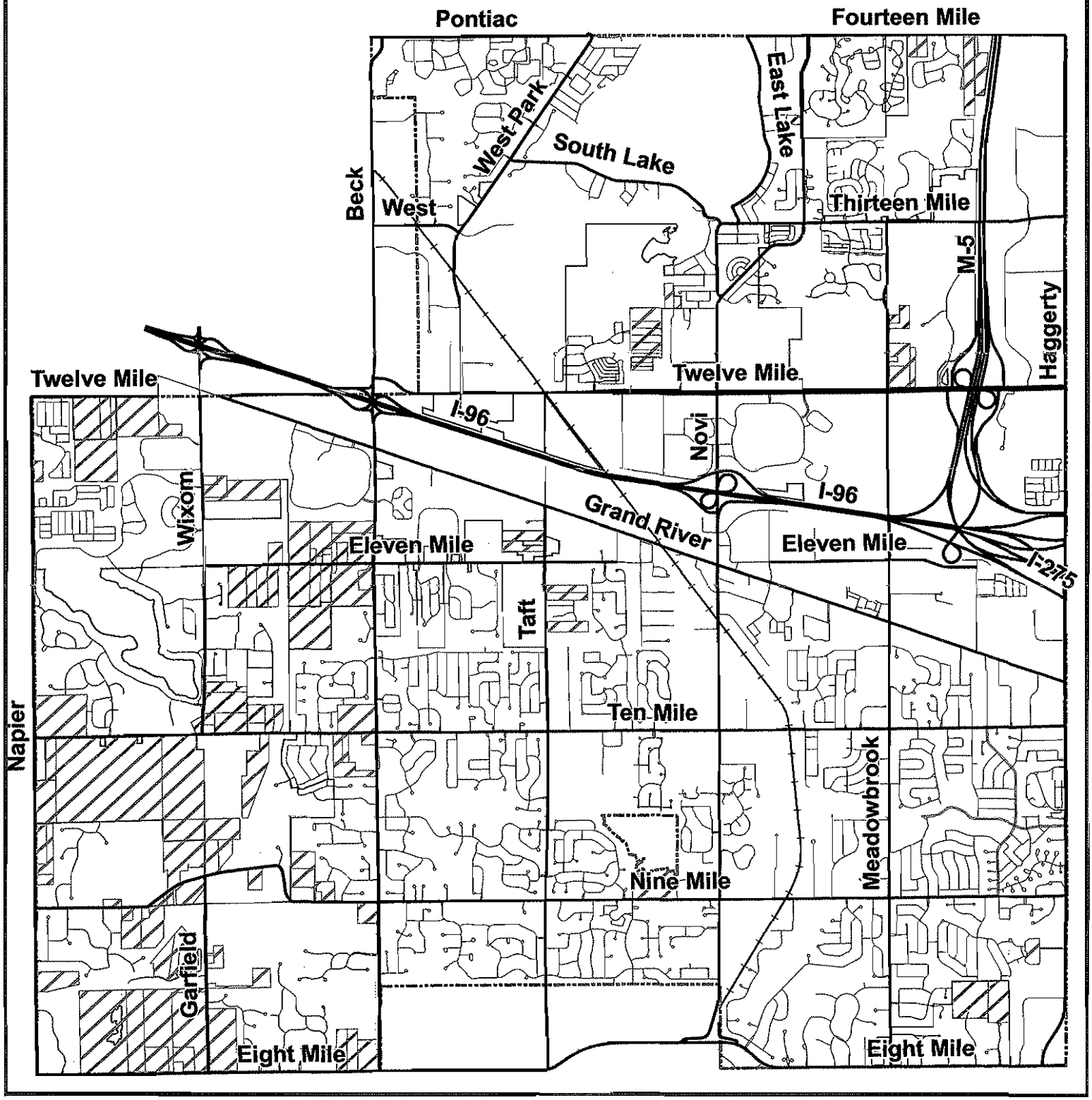
4. **Allow use of RUD in R-4 areas.**
Staff does not have any concerns with expanding the use of this option to the R-4 zoning district. The attached Potential R-4 District Development Properties map shows the areas master planned for 3.3 dwelling units per acre which is consistent with the R-4 zoning density. These two areas include property on the south side of Twelve Mile Road, between Wixom and Napier Roads, and property on the south side of Eleven Mile Road, west of Beck Road. Although these areas do not appear to include substantial areas of regulated wetlands that would permit an increase in density, some parcels contain unregulated wetlands and woodlands that could be preserved as open space if the RUD option was used. A copy of the proposed ordinance amendments incorporating this change and a revised One-Family Residential Development Options Chart are attached for the City Council's consideration.

This matter will be placed on an upcoming City Council agenda for further consideration and possible adoption of the ordinance amendments for a second reading.

Supplemental Residential Options Information Memo

Supporting Maps

Potential Development Properties in the RA District



Map Author: Mark Spencer
Date: 8/9/10
Project: Potential RA Cluster Properties
Version #: 1.2

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Map Legend

Potential Development Parcels

Zoning

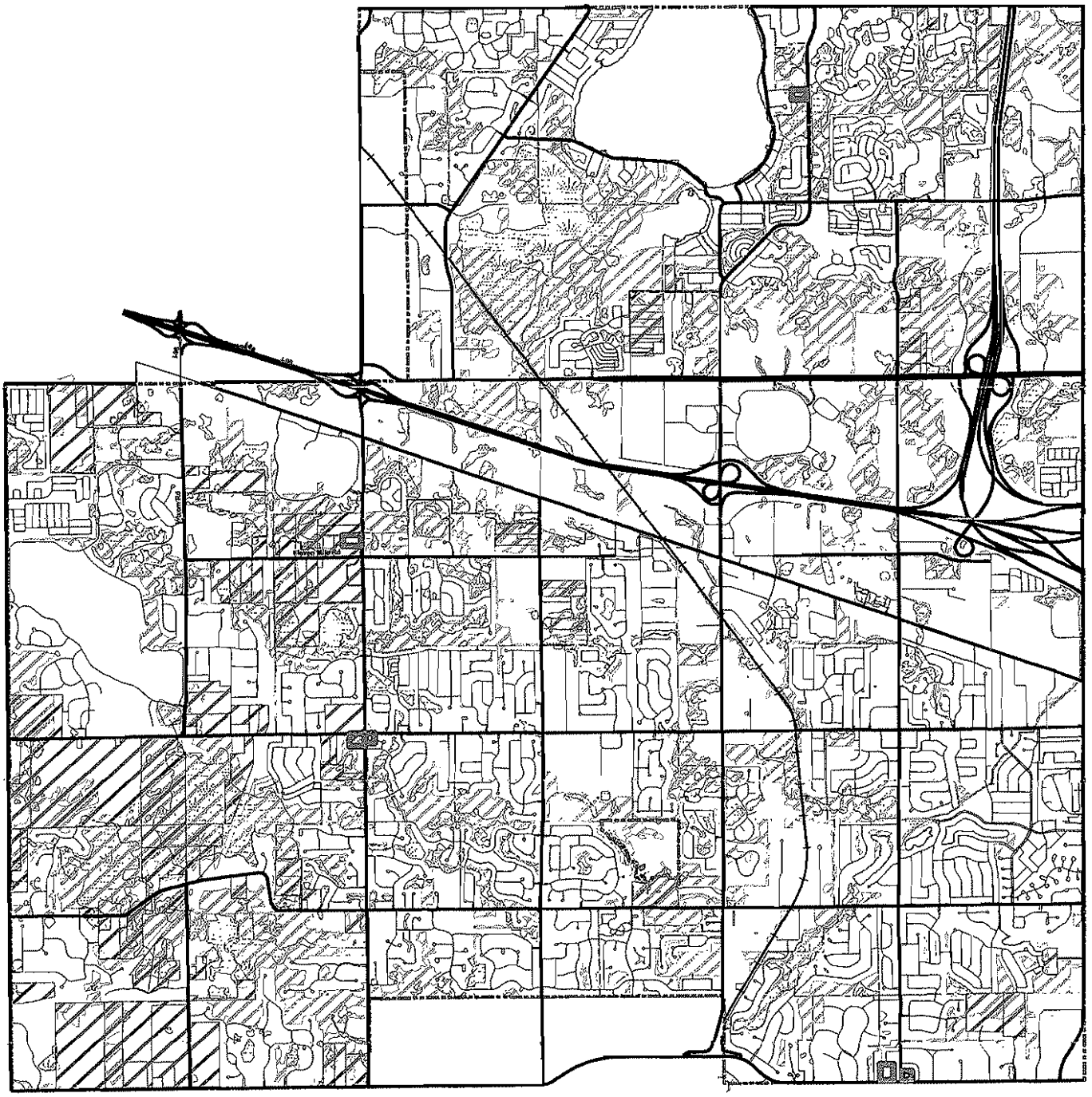
R-A: Residential Acreage

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

0 750 1,500 3,000 4,500 6,000
Feet

1 inch = 4,253 feet

Potential 600 Ft. Cluster Option Development Properties



Map Author: Mark Spencer
Date: 7/13/10
Project: Potential Cluster Properties
Version #: 1.0

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Map Legend

Potential Development Parcels

Potential >600 ft. Cluster option

Wetlands

Woodlands

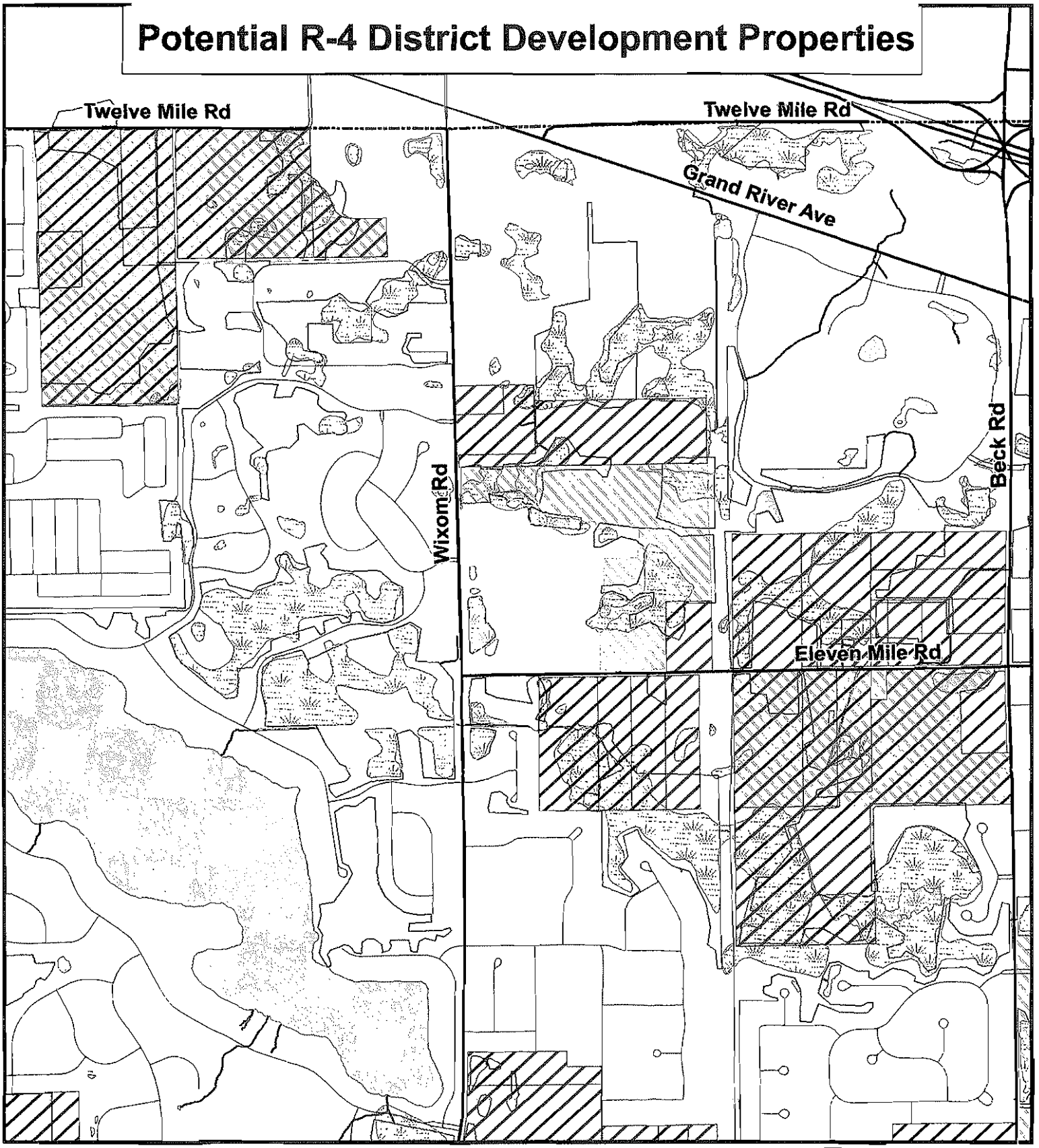
Max R-1 - R-4 Residential Density

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

0 875 1,750 3,500 5,250 7,000
Feet

1 inch = 4,586 feet

Potential R-4 District Development Properties



Map Author: Mark Spencer
Date: 8/9/10
Project: Potential R-4 RUD Properties
Version #: 1.2

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Map Legend

- **Potential Development Parcels**
- Potential R-4 parcels
- Wetlands
- Woodlands

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

0 235 470 940 1,410 1,880
Feet

1 inch = 1,250 feet

PLANNING COMMISSION ACTION SUMMARY

JUNE 23, 2010

PLANNING COMMISSION ACTION SUMMARY

CITY OF NOVI
Regular Meeting
Excerpts
Wednesday, June 23, 2010 | 7 PM
Council Chambers | Novi Civic Center |45175 W. Ten Mile
(248) 347-0475

cityofnovi.org

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

ROLL CALL
Present: Member Baratta, Member Cassis, Member Gutman, Member Lynch, Chair Pehrson, Member Prince
Absent: Member Greco (excused), Member Larson (excused), Member Meyer (excused)
Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Mark Spencer, Planner; David Beschke, Landscape Architect; Lindon Ivezaj, Engineer; Kristin Kolb, City Attorney; Rod Arroyo, Traffic Consultant; John Freeland, Environmental Consultant; Doug Necci, Façade Consultant

PUBLIC HEARINGS

2. **ZONING ORDINANCE TEXT AMENDMENT 18.243**
Public Hearing for a recommendation to the City Council for Zoning Ordinance Text Amendment 18.243, an ordinance to repeal and delete sections of Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance at Article 24, Schedule of Regulations, Section 2401, Preservation Option and Section 2402, Subdivision Open Space Plan and to amend and renumber at Section 2403, One-Family Clustering Option, Section 2404 RUD Residential Unit Development and Section 2405 Open Space Preservation Option. Amendments proposed in order to expedite the approval process and provide more flexible development options that encourage the preservation of open space, in accordance with the goals and objectives of the Master Plan for Land Use.

In the matter of Text Amendment 18.243, motion to recommend approval to City Council. *Motion carried 6-0.*

* Actual language of motions subject to review.

PROPOSED ORDINANCE AMENDMENTS – STRIKE THROUGH VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO.10 - 18 – 243

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 24, AMENDMENTS TO ORDINANCE, REMOVING SECTION 2401, PRESERVATION OPTION AND SECTION 2402 SUBDIVISION OPEN SPACE PLAN, AND AMENDING AND RENUMBERING SECTIONS 2403 RESIDENTIAL CLUSTER OPTION, SECTION 2404 RUD RESIDENTIAL UNIT DEVELOPMENT, AND SECTION 2405 OPEN SPACE PRESERVATION OPTION IN ORDER TO EXPEDITE THE APPROVAL PROCESS AND PROVIDE MORE FLEXIBLE DEVELOPMENT OPTIONS TO ENCOURAGE THE PRESERVATION OF OPEN SPACE.

THE CITY OF NOVI ORDAINS:

Part I.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 24, Amendments to Ordinance, Section 2401, Preservation Option, Section are hereby amended to read as follows:

ARTICLE 24, SCHEDULE OF REGULATIONS

Section 2400. [Unchanged]

~~Section 2401. Preservation Option.~~

~~Intent. The intent of this section is to provide flexibility in development to encourage and facilitate the substantial preservation of locally regulated woodlands as a functioning ecosystem with minimal intrusion, to provide an incentive to preserve locally important plant and/or animal habitats as part of the overall ecosystem in areas of the development. Upon review and recommendation by the Planning Commission and approval by the City Council, a reduction of lot sizes and lot widths by a developer may be permitted when an area of the site which meets the requirements of this Section is designated as open space and preserved. The percentage of area of the net site so preserved is the basis for the calculation of the allowable lot size and lot width reduction.~~

~~It is the further intent of this option that it shall not be used to increase the number of lots in a development beyond the maximum permitted based upon the net site area and pursuant to the density limitations of the zoning district wherein the project is located as established at Section 2400, Dwelling Unit Density/Type Regulations.~~

~~The City Council, after Planning Commission recommendation made after a public hearing held in accordance with the guidelines set forth in Section 3006 of this Ordinance, may permit development under this option when it can be found that the protection and preservation of~~

~~locally regulated woodlands and locally important habitats provides for a subdivision or site plan layout which meets the conditions contained within this section.~~

~~Option use. Use of the option shall be permitted only after the conditions of this Section are met:~~

~~1. *Preservation credit areas.* The areas described in subparts a.–c. shall be considered preservation credit areas for computation of the schedule of reduced lot size and width. Stormwater retention or detention areas shall not be considered preservation credit areas unless they fall within the following criteria and will be preserved in their natural state. All areas used for preservation credit must not be a part of a platted lot and must be accessible to all residents of the development without having to cross platted lots:~~

~~a. Woodland areas regulated by Chapter 37 of the Novi Code of Ordinances and not regulated by any wetland protection act or ordinance;~~

~~b. Wetland setback areas, as provided for in Section 2400(t).~~

~~c. The areas described in subparts (1) and (2) below, provided each such area is contiguous to an area described in subsections 1a., b., above, or a similarly preserved area on neighboring property, or otherwise connected to such areas by an easement preserved in a natural state which allows all preservation credit areas to serve as an overall plant and/or animal habitat area. The easement area providing such connection may be crossed with roads and utilities provided that it is not part of a platted lot:~~

~~(1) Quality wetlands less than two (2) acres in size. A buffer area of twenty-five (25) feet for this area may also be included.~~

~~(2) Other locally important plant and/or animal habitats which are not covered by regulations provided these areas meet the following conditions:~~
~~(a) They are an uncommon or rare ecosystem in the city;~~
~~(b) They are of exceptional value and quality;~~
~~(c) They enhance the value of the surrounding area; and~~
~~(d) They enhance the quality of the neighboring plant and/or animal habitats.~~

~~2. *Lot area and width reductions; setbacks.* The allowable lot area and width reductions are given in the following schedule. The calculations are based upon the Preservation Credit Percentage (PCP). The PCP is equal to the percent of the net site area which is comprised of allowable preservation credit areas as given in Subsection 1, above.~~

Zoning District	Area in Square Feet	Width in Feet	Overall Density on the Net Site
RA	43,560 reduced by the PCP to a minimum of 34,848	150 reduced by the PCP to a minimum of 140	0.8
R-1	21,780 reduced by the PCP to a minimum of 18,000	120 reduced by the PCP to a minimum of 110	1.65
R-2	18,000 reduced by the PCP to a minimum of 14,400	110 reduced by the PCP to a minimum of 90	2.0
R-3	12,000 reduced by the PCP to a minimum of 10,000	90 reduced by the PCP to a minimum of 80	2.7

Notwithstanding requirements at Section 2400, Footnote (t), side lot yard setbacks may be reduced as follows:

	Minimum Side Yard Setback	
Lot Width (feet)	Side Yard (feet)	Aggregate of Two Side Yards (feet)
110 or greater	15	40
90 or greater, but less than 110	10	30
80 or greater, but less than 90	10	25

3. *Concept plan.* For purposes of review of an application for use of the option on a given parcel of land, the applicant shall submit with its application a concept plan to scale which depicts existing woodlands and wetlands, proposed open space, existing and proposed public and private roads (and road rights-of-way), proposed lot dimensions (in the case of a plat), proposed building site dimensions (in the case of a site condominium), and a schedule of all proposed lot (or building site) widths and areas. In addition, the applicant shall submit a bona fide plan depicting the use of the property as a conventional subdivision or site condominium. Approval of an application based upon a concept plan shall remain valid for a period of one (1) year, within which time the applicant shall secure tentative preliminary plat approval (in the case of a plat) or preliminary site plan approval (in the case of a condominium project), absent the granting of an extension by the City Council. Any plat or site plan shall be consistent with the approval application and concept plan. Minor deviations in the lot dimensions and road layout of the concept plan are permissible, provided that the plat or site plan remains in conformity with the requirements of this section. The applicant's submittal shall include a review fee as established by resolution of the City Council.

4. *Required findings.* The Planning Commission may recommend, and the City Council may grant approval of an application only after finding that all of the following criteria are met:

a. That the use of the option on a given parcel of land will result in a more pleasing and desirable layout than would be attained under bona fide conventional platting techniques or, in the case of a site condominium, under bona fide conventional siting techniques.

b. That the use of the option, when compared to the use of bona fide conventional platting or siting techniques, will not cause any detrimental impact upon the surrounding neighborhood, or upon the capabilities of public services and facilities including, but not limited to, roads, water service, sewer service, stormwater management facilities, and police and fire protection.

c. That the project is not a continuation (phase) of a platted development or site condominium which has been built under conventional platting or siting techniques unless an area plan depicting the intention of the developer to use this option in future phases of the development was presented with the original phase of the development and disclosed to purchasers of the development.

d. That the use of the option will result in substantial preservation of locally regulated woodlands, locally important small wetlands, or animal and/or plant habitat than would be possible with bona fide conventional platting or siting techniques. In making this evaluation, the Planning Commission and City Council shall consider:

(1) Whether the use of the option, when compared to the use of bona fide conventional platting or siting techniques, will improve the ability of the preserved woodlands and wetlands to serve as a noise buffer and windbreak and to serve to prevent damage from erosion, siltation, and to prevent the loss of wildlife, vegetation and natural habitat.

(2) Whether the use of the option will result in substantial preservation of woodlands and wetlands and locally important habitat which are preserved as a contiguous whole.

(3) Whether the use of the option, when compared to the use of bona fide conventional platting or siting techniques, will result in substantial woodland and wetland preservation which better protects property, geological, ecological, historical and aesthetic values.

(4) Whether the woodland features to be preserved and which would not otherwise be preserved using bona fide conventional platting or siting techniques are of significant importance in that they are a woodlands containing a diversity of species in good health, provide significant habitat value, and are an environmental asset.

(5) Whether the wetland features to be preserved and which would not otherwise be preserved using bona fide conventional platting or siting techniques are of significant importance in that they are essential for preventing pollution or the impairment or destruction of natural resource systems and the environment, or they provide a habitat to plant or animal species which have been designated as threatened or endangered.

e. The development includes a mechanism to assure the permanent preservation of the preserved and open space areas, the documentation of which shall be subject to review and approval by the city's legal counsel. The mechanism shall permit, in the event of the failure of the property owners to preserve and maintain the 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:

(1) The proposed manner of holding title to the preserved areas;

(2) The proposed method of payment of taxes;

(3) The proposed method of regulating the use of the areas;

(4) The proposed method of maintaining the areas and the financing thereof; and

(5) Any other factor relating to the legal or practical problems of ownership and maintenance of open land.

f. That the approval is conditioned upon the granting of all other necessary environmental permits such as woodlands use permits and wetlands use permits for the development and upon development in compliance with all the terms and conditions of those permits.

5. *Preserved natural resources.* In addition to the criteria provided in this section, above, to qualify for this option, the developer shall designate on the site the preservation of woodlands and wetlands within the jurisdiction of Chapter 37 of the Novi Code of Ordinances, Chapter 12, Article V of the Novi Code of Ordinances, and Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. It is the intent of this Section that all such woodlands and wetlands as it is feasible to be preserved be so designated. Minimum encroachment into preserved areas, necessary for road and utility crossings, may be permitted.

6. *Phased projects.* When a final plat is submitted as a portion of a preliminary plat, it shall comply with the minimum standards as listed in this Section. When a site condominium project is phased, each phase in combination with preceding phases shall comply with the minimum standards as listed in this Section, and shall comply with all of the phasing requirements contained in the Site Plan Manual (Section 2516.7).

~~Section 2402. Subdivision Open Space Plan.~~

~~1. The intent of the Subdivision Open Space Plan is to promote the following objectives:~~

~~A. Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.~~

~~B. Encourage developers to use a more creative approach in the development of residential areas.~~

~~C. Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and allowing the developer to bypass or preserve natural amenities or obstacles on the site.~~

~~D. Encourage the provision of open space within reasonable distance of all lot development of the subdivision and to further encourage the development of recreational facilities.~~

~~2. Modifications to standards outlined in Article 24, Schedule of Regulations, may be made by the Planning Commission after a public hearing held as set forth in Section 3006 of this Ordinance to the R-1 through R-4 One-Family Residential Districts or to the RA Residential Acreage District when the following conditions are met:~~

~~A. The area and width of lots in the RA and R-1 through R-4 Districts may be reduced as follows:~~

~~Zoning District~~	~~Minimum Lot Area (sq. ft.)~~	~~Minimum Lot Width (ft.)~~
~~RA~~	~~39,200~~	~~135~~
~~R-1~~	~~19,600~~	~~110~~
~~R-2~~	~~16,200~~	~~90~~
~~R-3~~	~~10,000~~	~~80~~
~~R-4~~	~~9,000~~	~~80~~

~~The above lot area and lot width reductions are permitted, provided the dwelling unit density shall be no greater than the following densities by residential district:~~

~~Zoning District~~	
~~RA~~	~~0.8 dwellings to the acre~~
~~R-1~~	~~1.65 dwellings to the acre~~
~~R-2~~	~~2.0 dwellings to the acre~~
~~R-3~~	~~2.7 dwellings to the acre~~
~~R-4~~	~~3.3 dwellings to the acre~~

~~The area used for computing density shall be in accordance with the definition of density contained within Section 201. Definitions: D - F.~~

~~B. Rear yards in the R-1 District may be reduced by fifteen (15) feet and in the R-2 through R-4 District by ten (10) feet when such lots border on land dedicated for private parks, recreation or usable open space area provided the minimum width of said reserved land shall not be less than one hundred and fifty (150) feet in width measured from the rear lot line of any given lot to the nearest lot line of any opposing lot.~~

~~C. Under the provisions of item A. above of this Section for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in Article 24, Schedule of Regulations, by district, at least equal amount of land shall be reserved for the common use of the lot owners of the subdivision and maintained by them in a manner approved by the City. The mechanism to assure the permanent preservation and maintenance of open space areas shall be subject to review and approval by the City's legal counsel. 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: (1) the proposed manner of holding title to the preserved areas; (2) the proposed method of payment of taxes; (3) the proposed method of regulating the use of the areas; (4) the proposed method of maintaining the areas and the financing thereof; and (5) any other factor relating to the legal or practical problems of ownership and maintenance of open land.~~

~~D. The area to be reserved for subdivision open space, including space for active recreation purposes, and space left in a natural state, such as stands of trees and woodlands, brooks and wetlands, hills and similar assets, shall in no instance be less than four (4) acres, provided a parcel divided by a road or stream may be considered as one parcel. Further, each such area or areas of land dedicated for common use:~~

~~(1) Shall not include any area used for street purposes.~~

~~(2) Shall be designed and laid out in such a manner that: (a) it shall directly border a majority of the lots within the subdivision or (b) at least twenty-five percent (25%) of the perimeter borders on a subdivision street. These requirements may be modified by the Planning Commission where there exists on the site lands that are within the jurisdiction of the Woodlands Protection Ordinance, Ordinance No. 86-125 [Code of Ordinances, Chapter 37]; as amended, or within the jurisdiction of the Wetland and Watercourse Protection Ordinance, Ordinance No. 85-119 [Code of Ordinances, Chapter 12, Article V] as amended, or any combination of such lands.~~

~~(3) Shall be provided with a significant means of access by streets or pedestrian accessways to all areas reserved for the common use of the land for those lots in the subdivision that do not directly border the common areas.~~

(4) Shall be designed and laid out in such a manner that at least two (2) acres of the total common areas shall be capable of being used for active recreation purposes. The facilities for such active recreation shall be constructed with the construction of the subdivision.

(5) Shall contain no active recreational areas at or along the outer perimeters of the subdivision, except that such areas may extend to the outer perimeter of the subdivision when the area can be connected to like active recreation areas in adjacent subdivisions. Open space areas, other than those intended for active recreational use, may extend to or along the outer perimeter of the subdivision.

(6) Shall not include bodies of water and subaqueous areas unsuitable for recreational purposes as part of the land area necessary to meet the minimum requirements of this Section, except that lakes or ponds, when landscaped and maintained as an integral part of a larger common area within the development, and quality wetlands of less than two (2) acres as regulated by City Ordinance may be included in usable open space computations. Retention basins shall not be considered as part of the required open space.

(7) Shall be designed and laid out in such a manner that all land reserved for common use shall maintain its natural drainage.

3. The reasonableness of the Subdivision Open Space Plan Option on any given parcel of land shall be subject to review and approval of the Planning Commission and City Council as to lot layout, street configuration and the location and size and overall layout of the open space areas. Review of a conceptual development plan shall be made by the Planning Commission, for recommendation to the City Council. Approval of the conceptual development plan by the City Council shall authorize the applicant to proceed with preparation of the Preliminary Plan based on the general layout of the approved conceptual development plan. Approval of an application based upon the conceptual development plan shall remain valid for a period of one (1) year, within which time the applicant shall secure tentative preliminary plat approval (in the case of a plat) or preliminary site plan approval (in the case of a site condominium project), absent the granting of an extension by the City Council.

4. The Planning Commission and City Council, in carrying out its review of the common areas of the plan, shall find:

A. The location, size and overall shape of the proposed common areas to be suitable for the purposes for which it is intended.

B. Those portions of the total common land area intended for active recreational purposes are of adequate size and shape to permit active recreational use and are generally unencumbered by extensive tree cover, shrub masses, changes in topography, poor soil conditions, or other conditions that would make use of the area undesirable for the activity intended.

C. Whenever possible, the overall area of the common lands flows throughout the subdivision in such a manner that it will directly serve the maximum number of lots possible.

~~D. The overall area of common land, wherever possible, varies in width so as to take advantage of the natural amenities of the site such as ground cover, streams, gullies, ground swales and etc. and to effectuate a more pleasing appearance.~~

~~E. Wherever a varying in the widths of the common areas is proposed, that as closely as possible, a general balance between the narrower common lands and the broader common lands is achieved.~~

~~F. The location, size and shape of proposed access points, open spaces, recreational areas and any proposed accessory structures, are clearly shown on the plan and identified, and that these areas and structures, along with general use patterns and pedestrian circulation relate well with the lots within the subdivision.~~

~~5. Under the Subdivision Open Space Plan, the developer shall reserve the total park area in accordance with the requirements of item 2.C. of this Section, at the time of filing of the final plat as required in the City's Subdivision Regulations.~~

~~6. Upon acceptance and Tentative Preliminary Plat approval of the plat, the City Council shall instruct the applicant to have prepared, for review and approval by the City's Legal Counsel, a contract setting forth the manner of the dedication and title of the open land or common areas, the manner of ownership, the restrictive covenants required for membership rights and privileges, maintenance and obligation to pay assessments for the same and provision for the City to effect use and maintenance as proposed and assess the cost thereof to the lot owners if necessary.~~

~~7. Provisions for bonded or funded security for the assurance of the installation of required improvements, utilities, and facilities shall be in compliance with Chapter 26.5 of the Ordinance Code.~~

~~(Ord. No. 04-18.190, § 3, 9-13-04)~~

Section 2403.1 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 ~~three hundred sixty feet (360')~~ six hundred feet (600') in depth abutting a freeway or major thoroughfare which is designated on the Thoroughfare Plan of the City of Novi Master Plan as having a right-of-way of at least one hundred twenty feet (120'), 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 2403.6, 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:

(1) 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

(2) Site is composed of generally unbuildable soils over a majority of the total site area; or

(3) Site is characterized to a substantial degree by severe topographic conditions in which changes in elevation include slopes in excess of fifteen percent (15%) or where the achieving of road grades of less than six percent (6%) is impossible over a majority of the site, absent mass grading; or

(4) The majority (50%) 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 2403.1.B.(4) 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 2403, 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 201: Definitions: D--F:

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:

Total homes in opposing clusters	8	7	6	5	4
Minimum distance between clusters (front and rear)	100	85	75	65	55
Minimum distance between clusters (side)	75	75	60	60	50

6. On parcels of less than 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:

A. The proposed changes will not adversely affect neighboring properties;

B. Density will not exceed that permitted in the district;

C. Safe access is provided to the development; and

D. The following conditions are met:

(1) A landscape berm meeting the requirements of Section 2509.3.a(1)(2) is provided adjacent to other single family residential districts;

(2) Setbacks to adjacent one-family and residential acreage properties are not reduced below the rear yard setbacks required in the adjacent zoning district;

(3) Setbacks to private drives is not reduced below 25 feet;

(4) Clusters shall maintain a minimum 55 foot front and rear and 25 foot side setback between clusters; and

(5) Setbacks to existing right-of-way or proposed right-of-way, as determined by the City Engineer, shall not be reduced to less than 40 feet.

~~6.~~ 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 2403 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 3006 of this Ordinance. The use of the one-family cluster option shall be

subject to the Special Land Use regulations of Section 2516.2.c. and the approving body may impose conditions on its approval subject to the provisions of Section 2516.2.c.

~~7.~~8. The site plan shall be prepared as follows:

A. Site plans, in addition to meeting all requirements of the City's Site Plan Review Procedures Manual, shall provide the following:

(1) The structural outline (building envelope) of all structures proposed on the site.

(2) Architectural renderings of building facade elevations within a typical cluster.

(3) 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's Legal Counsel. The City Attorney shall review and render an opinion with respect to:

(a) The proposed manner of holding title to the open space.

(b) The proposed manner of payment of taxes.

(c) The proposed method of regulating the use of open land.

(d) The proposed method of maintenance of property and the financing thereof.

(e) Any other factor relating to the legal or practical problems of ownership and maintenance of the open land.

(4) The location of access drives, streets and off-street parking areas, sidewalks, trash receptacles, etc.

(5) The location, extent and type of landscaping in accordance with the requirements of Section 2509 of this Ordinance.

~~8.~~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.

~~9.~~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 2509 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.

~~10~~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.

Section 2404~~3~~2. 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 Residential Acreage District and in the R-1 through R-3 One-Family Residential 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:

- The use of land in accordance with its character and adaptability;
- The construction and maintenance of streets, utilities and public services in a more economical and efficient manner;
- The compatible design and use of neighboring properties; and
- 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 ~~eighty (80)~~ 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: (1) a majority of dwelling units within the RUD are detached, non-clustered one-family dwellings; and (2) 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 24042.4 and 24042.8, below.

   B. Rental or management offices and club rooms accessory to the RUD.

   C. Churches.

   D. Public, parochial, and private elementary and/or high schools offering courses in general education.

   E. Noncommercial golf courses.

   F. Public libraries, parks, parkways and recreational facilities.

   G. Private parks and recreation areas for use of the residents of the RUD.

   H. 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 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 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 330-foot depth is varied by one of the following, or by a combination of the following:

(1) 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 2509, and which will serve as an effective screening barrier. Landscaped berms shall be designed so as not to obscure clear vision at 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.

(2) 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 2509. 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:

Zoning District
R-A 0.8 units to the acre overall
R-1 1.65 units to the acre overall
R-2 2.0 units to the acre overall
R-3 2.7 units to the acre overall
R-4 3.5 units to the acre overall

Density shall be measured 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 dwelling unit densities set forth in Section 2403 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:

(1) Environmental features:

i. Watercourses and bodies of water, provided that the following requirements are met. No less than 25% 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 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.

ii. Quality wetlands less than two (2) acres in size.

iii. Wetland and watercourse setback areas, as provided in Section 2400, footnote (v).

iv. Regulated woodlands.

v. 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:

a. They are an uncommon or rare ecosystem in the city;

b. They are of exceptional value and quality;

c. They enhance the value of the surrounding area; and

d. They enhance the quality of the neighboring plant and/or animal habitats.

(2) Historical buildings which have been registered as historic landmarks.

(3) ~~Land~~ 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 2404.7, 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:

Zoning District
R-A 0.8 units to the acre overall
R-1 1.65 units to the acre overall
R-2 2.0 units to the acre overall
R-3 2.7 units to the acre overall
R-4 3.3 units to the acre overall

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 2042.3B, 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 2042.7, 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 2403~~1~~ 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 2403~~1~~.4) and separation distance between clusters (Section 2403~~1~~.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.

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 2404~~2~~.1 through 2404~~2~~.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:

(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 greater 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. 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 2404~~2~~.10; 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.

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, ~~or~~ R-3~~,~~ or R-4 One-Family Residential Districts. Application shall be made to the City Clerk and shall at a minimum contain the following information:

A. A boundary survey of the exact acreage being requested prepared by a registered land surveyor or civil engineer (scale: not smaller than 1" = 200').

B. 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').

C. A recent aerial photograph of the area shall be provided (scale: not smaller than 1" = 200').

D. 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').

E. 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.

F. 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.

G. 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.*

A. 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:

(1) The appropriateness of the site for the proposed use;

(2) The effects of the proposed use upon adjacent properties and the community;

(3) The demonstrable need for the proposed use;

(4) The care taken to maintain the naturalness of the site and to blend the use within the site and its surroundings; and

(5) 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:

(1) 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.

(2) 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.

(3) 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.

(4) 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 on-site and off-site improvements to alleviate such impacts.

(5) 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.

(6) 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.

(7) Whether the RUD will be compatible with adjacent and neighboring land uses, existing and master planned.

(8) 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.

(9) 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.

(10) 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.

(11) 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.

(12) Whether the applicant has made satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements.

(13) Whether the applicant has made satisfactory provisions for future ownership and maintenance of all common areas within the proposed development.

(14) 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 3006, 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 24042.10.

10. *City Council Review.* 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:

    A. 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;

    B. Protect the natural environment and conserve natural resources and energy;

    C. Insure compatibility with adjacent use of land; and

    D. 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 RUD plan.

    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:

    A. A statement confirming the voluntary nature of the applicant's agreement to terms and conditions of the agreement;

    B. A survey of the acreage comprising the proposed development;

    C. The manner of ownership of the developed land;

    D. The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space;

    E. 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;

    F. 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;

G. The cost of installing, improving and maintaining streets and the necessary utilities has been assured by a means satisfactory to the Planning Commission;

H. Provisions to ensure adequate protection of natural features;

I. Any conditions imposed by City Council under Section 2404.10; and

Approval of the RUD agreement shall entitle the applicant to submit for site plan approval pursuant to Section 2042.12. 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 2516 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 2509 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's legal counsel. 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:

A. The proposed manner of holding title to the preserved areas;

B. The proposed method of payment of taxes;

C. The proposed method of regulating the use of the areas;

D. The proposed method of maintaining the areas and the financing thereof; and

E. 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 3005 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 3005 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.*

A. 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:

(1) Change in concept of the development;

(2) Change in use or character of the development;

(3) Change in type of dwelling unit as identified on the approved area plan;

(4) Increase in the number of dwelling units (decreases in dwelling unit numbers or increases in lot sizes are not major changes);

(5) Increase in lot coverage;

(6) Rearrangement of lots, blocks or building sites;

(7) Change in the character or function of any street;

(8) Reduction in land area set aside for common open space or the relocation of such area(s);

(9) Increase in building height; or

(10) 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.

Section 2405~~3~~. 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 ~~in accordance with P.A. 179 of 2001~~.

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-~~3~~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 80% 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 80% 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 80% of the site, the proposal shall be subject to the Special Land Use regulations of Section 2516.2.c. and the approving body may impose conditions on its approval subject to the provisions of Section 2516.2.

~~B~~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 201: Definitions: D--F:

Zoning District	*Dwellings Per 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 ~~twenty (20%)~~ 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 p~~P~~ermanent open space ~~shall~~ may be "Natural Feature Areas" that include important natural, environmental, agricultural, and/or contextual features, such as:

(1) steep slopes,

~~(2) wetlands, floodplains, natural watercourses,~~

(2) wetlands;

(3) wetland setback areas;

(4) floodplains;

(5) natural watercourses;

~~(3)~~(6) woodlands,

~~(4)~~(7) scenic views,

~~(5)~~(8) agricultural or equestrian components, and

~~(6) historical structures,~~

~~(7)~~(9) 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. 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 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;

(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 PA 179.

~~(8) buffers from major thoroughfares and more intensive land uses, and~~

~~(9) similar features acceptable to the approving body.~~

C. The minimum lot area ~~or width by zoning district is as follows:~~ 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:

Zoning	Area in Square Feet	Width in Feet
RA	43,560 reduced to a minimum of ~~28,750~~ -24,000 (44.9% maximum)	150 reduced to a minimum of ~~140~~ 120
R-1	21,780 reduced to a minimum of ~~14,375~~ -12,000 (44.9% maximum)	120 reduced to a minimum of ~~110~~ 90
R-2	18,000 reduced to a minimum of ~~11,880~~ -10,000 (44.4% maximum)	110 reduced to a minimum of ~~90~~ 85
R-3	12,000 reduced to a minimum of ~~10,000~~ -9,000 (25% maximum)	90 reduced to a minimum of ~~80~~ 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 2400, footnote (t), side lot yard setbacks may be reduced as follows:

Lot Width (feet)	Side Yard (feet)	Minimum Side Yard Setback Aggregate of Two Side Yards
110 or greater	15	~~40~~ 35
90 or greater, but less than 110	10	~~30~~ 25
~~80~~ 70 or greater, but less than 90	10	~~25~~ 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 ~~P.A. 179 of 2001~~ 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 order to comply with State law~~. 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. ~~Preserved~~ 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.

(1) Nothing in this section shall allow the construction of multi-family residential units in a single family residential district.

(2) 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.

(3) 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.

(4) 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.

(5) 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 Public Act 179 of 2001, 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 3006 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:

(1) All floodplains, wetlands, and water bodies;

(2) A woodlands analysis identifying all regulated woodlands;

(3) All wildlife habitat areas, per the City's Wildlife Habitat Master Plan.

(4) An analysis of on-site soils and topography to identify limitations to development; and

(5) 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 3006 before action is considered by the approving body.

E. If development proposed on more than 80% 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 2516.

Section 24064. Planned Development Options. (renumber only)

(Ord. No. 02-18.174, Pt. I, 11-25-02; Ord. No. 2005-18.194, Pt. IV, 8-22-05)

PART II.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance b e 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 _____, 2010.

_____
DAVID LANDRY, MAYOR

_____
MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nayes:
Abstentions:
Absent:

PROPOSED ONE-FAMILY RESIDENTIAL DEVELOPMENT OPTIONS CHART

Option Type; Intent & Permitted Uses	Districts Permitted	Density Permitted (DU/acre)	Std. Lot Area (sq. ft.)	Max. Reduced Lot Area (sq. ft.)	% Reduction	Std. Lot Width (feet)	Max. Reduced Lot Width (feet)	% Reduction	Other Provisions***	Qualifying Criteria***	Approving Body
~~**Preservation Option** (Section 2401) Permit flexibility to preserve areas with woodlands, non-regulated wetlands and wildlife habitats. Single family detached residential.~~	~~RA~~	~~0.8~~	~~43,560~~	~~34,848~~	~~20%~~	~~150~~	~~140~~	~~6.6%~~	~~Side yard setback reductions – Cannot exceed normal density based on "net site area" for each district.~~	~~Lots and widths may be reduced by the percentage of regulated woodland, quality wetlands less than 2 acres in area, wetland buffers and habitat area permanently preserved if bona fide (parallel) plan demonstrates that with conventional development methods natural features would be lost. No minimum open space/preservation area.~~	~~Planning Commission recommendation & City Council approval of concept development plan – Site plan or plat use normal approval process~~
	~~R-1~~	~~1.65~~	~~21,780~~	~~18,000~~	~~17.3%~~	~~120~~	~~110~~	~~8.3%~~			
	~~R-2~~	~~2.0~~	~~18,000~~	~~14,400~~	~~20%~~	~~110~~	~~90~~	~~9%~~			
	~~R-3~~	~~2.7~~	~~12,000~~	~~10,000~~	~~16.7%~~	~~90~~	~~80~~	~~11%~~			
~~**Subdivision Open Space Plan Option** (Section 2402) Preserve natural character through creative design and open space preservation. Single family detached residential and active recreation areas.~~	~~RA~~	~~0.8~~	~~43,560~~	~~39,200~~	~~10%~~	~~150~~	~~135~~	~~10%~~	~~Rear setback reduction – Cannot exceed normal density based on "net site area" for each district.~~	~~Lots and widths may be reduced by the percentage of regulated woodland, quality wetlands less than 2 acres in area, wetland buffers and habitat area permanently preserved. Area of lots saved must be open space. Minimum 4 acres open space and 2 acres active recreation. Open space must be accessible to all lot owners~~	~~Planning Commission recommendation City Council approval of concept development plan – Site plan or plat use normal approval process~~
	~~R-1~~	~~1.65~~	~~21,780~~	~~19,600~~	~~10%~~	~~120~~	~~110~~	~~8.3%~~			
	~~R-2~~	~~2.0~~	~~18,000~~	~~16,200~~	~~10%~~	~~110~~	~~90~~	~~9%~~			
	~~R-3~~	~~2.7~~	~~12,000~~	~~10,000~~	~~16.7%~~	~~90~~	~~80~~	~~11%~~			
	~~R-4~~	~~3.3~~	~~10,000~~	~~9,000~~	~~10%~~	~~80~~	~~80~~	~~0%~~			
One-Family Cluster Option (Section 2403) Permit flexibility where transitional development is desirable of where conventional development would destroy the site's unique environmental features. One family detached and attached cluster residential.	R-1	1.65	Not applicable – no restriction on lot area and width - must meet all cluster and building spacing requirements. 75 ft. setback all property lines 30 ft. from internal ROW and private streets						Minimum 2 unit and maximum 4 unit clusters. - Cannot exceed normal density based on "net site area" for each district.	1. Parcel adjacent to 120 foot or larger ROW and less than ~~360~~ 600 feet deep providing a transition between road and conventional one family detached housing. **or** 2. Use of conventional development would destroy unique environmental significance of the site and one of the following must exist: a. Site unusual shape. b. Site is generally of	Planning Commission (site plan process)
	R-2	2.0									
	R-3	2.7									
	R-4	3.3									

Option Type, Intent & Permitted Uses	Districts Permitted	Density Permitted (DU/acre)	Std. Lot Area (sq. ft.)	Max. Reduced Lot Area (sq. ft.)	% Reduction	Std. Lot Width (feet)	Max. Reduced Lot Width (feet)	% Reduction	Other Provisions***	Qualifying Criteria***	Approving Body
										unbuildable soils. c. Severe topography limits road construction unless site mass graded. d. 50% of site regulated woodlands or wetlands and the qualifying areas must be preserved and be 50% or more of the net site area.	
RUD Residential Unit Development Option (Section 2404) Permit various dwelling types to preserve open land, natural resources and rural community character. Permits reduced lot size and a relaxation of bulk and dimensional standards to reduce the visual intensity, and to protect privacy and natural resources. One family detached and attached cluster residential, churches, schools, non-commercial golf courses, rental offices and clubhouses.	RA	0.8	43,560	12,000*	72.4%	150	90***	40%	Density based on gross site area minus regulated wetlands over 2 acres plus an additional 0.8 dwelling units per acre for each acre of RUD open space if meets criteria not to exceed district density for gross area - Detached one-family use setbacks that correspond to minimum lot area used - Attached one-family use setbacks in Sec. 2403. 330 ft. adjacent to detached residential must be detached residential with reduction down to 75 ft. due to topography, screening, or narrow lot dimension. Detached one-family use standard setbacks, lot widths & lot areas –	~~80~~ 20acre minimum which may be separated by a road right-of-way, 360 ft. strip of detached single family when adjacent to residential, requires RUD plan, must enter into RUD agreement – City Council can waive lot area, lot width, density, & setback requirements if it finds that the deviation if not granted would prohibit an enhancement that would be in the greater public interest, is compatible with existing and planned uses in the surrounding area, would not be detrimental or would enhance the natural features and resources, would not cause unsafe traffic conditions, and have no adverse fiscal or financial impact on City.	Planning Commission recommend-dation & City Council approval RUD Plan – City Council approval RUD agreement – Site Plan or Plat normal approval process
	R-1	1.65	21,780	12,000*	44.9%	120	90***	25%			
	R-2	2.0	18,000	12,000*	33.3%	110	90***	18.1%			
	R-3	2.7	12,000	12,000*	0%	90	90***	0%			
	R-4	3.3	10,000	10,000* * * min. lot area 12,000 sq. ft. May vary to preserve natural features. ** min. lot area may vary to preserve natural features	0%	80	80**** ***min. lot width 90 ft. May vary to preserve natural features **** min. lot width may vary to preserve natural features	0%			

Option Type, Intent & Permitted Uses	Districts Permitted	Density Permitted (DU/acre)	Std. Lot Area (sq. ft.)	Max. Reduced Lot Area (sq. ft.)	% Reduction	Std. Lot Width (feet)	Max. Reduced Lot Width (feet)	% Reduction	Other Provisions***	Qualifying Criteria***	Approving Body
Open Space Preservation Option (Section 2405) Encourage the long term preservation of open space and natural features and the provision of recreation and open ~~space in accordance with PA 179 of 2001~~. One-family detached residential.	RA	0.8	43,560	~~28,750~~ 24,000	~~34%~~ 44.9%	150	~~140~~ 120	~~6.7%~~ 20%	Cannot exceed normal density based on "net site area" for each district and based on a bona fide parallel plan using normal code requirements – Side yard setback reductions	Minimum ~~20%~~ 10% of natural features or permanent open space areas that could be developed with normal requirements must be preserved – If development proposed on more than 80% of the site as could be developed using standard development techniques, then application subject to Special Land Use Permit approval - Land donations and agreements that name the City such as conservation easements must be approved by Council before Final Site plan approval. – Must submit bona fide (parallel) plan.	Site plan or plat use normal approval process
	R-1	1.65	21,780	~~14,375~~ 12,000	~~34%~~ 44.9%	120	~~110~~ 90	~~8.3%~~ 25%			
	R-2	2.0	18,000	~~11,880~~ 10,000	~~33%~~ 44.4%	110	~~90~~ 85	~~18.1%~~ 22.7%			
	R-3	2.7	12,000	~~10,000~~ 9,000	~~17%~~ 25%	90	~~80~~ 75	~~11.1%~~ 16.7%			
	R-4	3.3	10,000	8,000	20%	80	70	12.5%			

*** Please note that the list of Other Provisions and Qualifying Criteria do not include all minor provisions and criteria. Please consult the City of Novi Zoning Ordinance for details.