



## CITY of NOVI CITY COUNCIL

Agenda Item H  
June 4, 2012

**SUBJECT:** Adoption of resolution referring a proposed Zoning Ordinance Amendment relating temporary tents erected in connection with a permitted outdoor recreation use, under Section 3004, to the Planning Commission for its review and, following a public hearing, if recommendation to City Council.

**SUBMITTING DEPARTMENT:** Community Development *ums*

**CITY MANAGER APPROVAL:** *[Signature]*

**BACKGROUND INFORMATION:**

At the April 23, 2012 Council meeting a discussion took place concerning the placement of temporary tents in connection with outdoor recreation uses such as Paradise Park, located on Grand River Avenue in a Light Industrial (I-1) District. More specifically, the question was raised about the difference between the temporary special event provisions of the Zoning Ordinance (which allow tents for up to five days in a six-month period, for events with less than 100 people) and outdoor gatherings, which also allow temporary tents, but which are under the City Code provision for gatherings of more than 200 people.

During discussions following the meeting, it was pointed out that the two provisions are not inconsistent, but have different purposes and somewhat different review criteria. However, neither of them in fact fit the situation of an outdoor recreation use that regularly erects temporary tents in connection with different groups using the facility. The matter was referred to the City council's Ordinance Review Committee (ORC), which met on May 11, 2012 and unanimously recommended the attached proposed ordinance amendment.

The attached amendment would cover the circumstance of a regular temporary tent installed as part of an outdoor recreation use like Paradise Park by adding a **new category** to go along with outdoor tent sales, special events, and pre-manufactured buildings that are allowed in the Zoning Ordinance. The new category is found in subsection d of Section 3004(1). It basically allows an approval by the Building Official of permits for an unlimited number of temporary tent installations in connection with outdoor recreation uses that are principal permitted uses under the zoning ordinance, for periods not to exceed four consecutive days and subject to various other conditions. The proposed changes were unanimously recommended by the ORC.

The staff did not recommend, and the ORC agreed, allowing the temporary tent to be installed and then left up for a significant period of time. These tents are reviewed by the Building Official for location, but also for structural integrity, and safety. The fire department also inspects the tent in accordance the Chapter 24 of the fire code for each use regardless if is in that same location or not. They do this because each event could have different and unique characteristics that need to be evaluated. These

characteristics could include: occupancy load, seating plans, intended uses, exiting, tent sides on or off, emergency lighting and exit signage, cooking near the tent, hours of use, flame spread rating of the fabric, etc. As a result, each event must be treated as a separate use that needs to be evaluated and inspected for all life safety hazards. There are usually temporary electrical connections that need to be evaluated by the electrical inspector. If they use heaters, the mechanical inspector needs to inspect these.

In addition to adding that section, the staff and the ORC also took the opportunity to clean up a few things, including changing the name of Department of Building and Safety to Department of Community Development and adding a reference to an application being required not just for outdoor sales, but for special events, pre-manufactured buildings, and this new category of temporary tents with outdoor recreational uses.

**RECOMMENDED ACTION: Adoption of resolution referring a proposed Zoning Ordinance Amendment relating temporary tents erected in connection with a permitted outdoor recreation use, under Section 3004, to the Planning Commission for its review and, following a public hearing, its recommendation to City Council.**

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

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

CITY OF NOVI

COUNTY OF OAKLAND, MICHIGAN

**RESOLUTION REFERRING PROPOSED ORDINANCE AMENDMENT RELATING TO TEMPORARY TENTS TO PLANNING COMMISSION**

Minutes of a Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall of said City on \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_ o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_

The following preamble and Resolution were offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_.

**WHEREAS**, at the April 23, 2012 Council meeting a discussion took place concerning the requirements under the City's Code of ordinances relating to temporary tents, and more specifically the difference between the temporary special event provisions of the Zoning Ordinance (which allow tents for up to five days in a six-month period, for events with less than 100 people) and outdoor gatherings, which also allow temporary tents but which are regulated under the City Code provision for gatherings of more than 200 people; and

**WHEREAS**, it was acknowledged that neither existing ordinance provision addresses the situation of a temporary tent that is regularly placed in connection with an outdoor recreation use, such as the use permitted in the Light Industrial district of the City's zoning ordinance; and

**WHEREAS**, the issue was referred to the Council's Ordinance Review Committee (ORC) for consideration; and

**WHEREAS**, on May 11, 2012, the ORC met to consider a draft proposed ordinance to address the matter; and

**WHEREAS**, the ORC has recommended adoption of the attached revisions to Article 30, Section 3004, of the zoning ordinance, relating to temporary land uses, which generally add provisions dealing specifically with outdoor recreation uses as principal permitted uses to allow temporary tents to be approved by the Building Official under certain conditions, and make certain other clarifying changes to the Section; and

**WHEREAS**, the City Council finds that it would be appropriate to refer the matter to the Planning commission for its recommendation regarding the proposed amendment.

**NOW THEREFORE, IT IS THEREFORE RESOLVED AS FOLLOWS:**

The attached proposed amendment to the City's zoning ordinance, Article 30, Section 3004, relating to temporary land uses, is hereby referred to the Planning Commission for its review and recommendation, following the appropriate public hearing(s), such recommendation to be provided to the City Council within 60 days of the date hereof.

**AYES:**

**NAYS:**

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
Maryanne Cornelius, City Clerk

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi, County of Oakland, and State of Michigan, at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2012, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

\_\_\_\_\_  
Maryanne Cornelius, City Clerk  
City of Novi

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 30, "ADMINISTRATION AND ENFORCEMENT," SECTION 3004, "TEMPORARY SPECIAL EXCEPTION AND TEMPORARY SPECIAL LAND USE PERMITS," IN ORDER TO ADD A TIMEFRAME FOR SUBMITTING AN APPLICATION AND TO PROVIDE REGULATIONS RELATING TO TEMPORARY TENTS IN CONNECTION WITH AN OUTDOOR RECREATION FACILITY

THE CITY OF NOVI ORDAINS:

**Part I.** That Article 30, Administration and Enforcement," Section 3004, "Temporary Special Exception and Temporary Special land Use Permits," is hereby amended as follows:

**Section 3004. Temporary Special Exception and Temporary Special land Use Permits**

1. The Building Official shall have the power to grant permits authorizing temporary special exceptions for:

a. *Outdoor tent, sidewalk, or flower/plant sales, and seasonal sales of produce, firewood, or Christmas trees,* under the following conditions:

(1) *Zoning Districts Where Permitted.*

Temporary special exceptions for outdoor tent, sidewalk, or flower/plant sales that are accessory to a permitted principal retail use of a property, and seasonal sales of produce (i.e., fruits and vegetables), firewood, or Christmas trees, shall be permitted in OSC Office-Service-Commercial Districts, B-1 Local Business Districts, B-2 Community Business Districts, B-3 General Business Districts, I-1 Light Industrial Districts, I-2 General Industrial Districts and P-1 Vehicular Parking Districts. In addition, temporary special exceptions for

seasonal sales of produce or of Christmas trees shall be permitted on parcels of three (3) acres or more in any residential district and temporary special exceptions for outdoor tent sales, sidewalk sales and seasonal sales of Christmas trees shall be permitted in the RC Regional Center District.

(2) *Application; Fee; Submission of Plot Plan.*

Every person, firm, or corporation desiring to obtain a temporary special exception permit as required by this Ordinance shall file a written application with the Department of ~~Community Development Building and Safety~~ on a form approved by the Department, together with an application fee as is hereafter provided by resolution of City Council. An application, together with the required fee, shall be filed by the owner of the land not less than five (5) business days before the proposed event or sale.

The application for a temporary special exception permit shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- (i) The shape, location and dimensions of the lot, including the shape size and location of all buildings or other structures already on the lot, off-street parking layout, and the location of any designated fire lanes.
- (ii) The materials to be utilized in and the shape, size, and location of all buildings and structures to be erected or moved onto the lot, including all tents, tables, stands, or display racks.
- (iii) The anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, loss of off-street parking spaces, if any, as well as the anticipated flow of pedestrian traffic upon lot sidewalks.
- (iv) For temporary tent, sidewalk, or flower/plant sales, an acknowledgement that

outdoor sales shall be operated by and maintained under the same ownership as, or subject to the control of, the property owner and on the parcel as the principal use.

(3) *Time Limitations.*

(i) A temporary special exception permit for an outdoor tent, sidewalk, or flower/plant sale shall be effective for no longer than fifteen (15) days. No more than three (3) such sales shall be permitted in any calendar year. No more than fifteen (15) total days of such sales shall be permitted in any calendar year. A separate permit is required for each separate sale.

(ii) A temporary special exception permit for the sale of Christmas trees shall by its terms be effective for no longer than thirty (30) days. No more than one (1) temporary special exception permit for the sale of Christmas trees shall be issued for any given location within a single calendar year.

(iii) A temporary special exception permit for a vegetable, fruit or produce stand (other than flowers/plants) or for the sale of firewood, shall, by its terms, be effective for no longer than three (3) months. No more than one (1) temporary special exception permit for a vegetable, fruit or produce stand, or for the sale of firewood, shall be issued for any given location within a single calendar year.

(4) *Regulations.*

(i) The proposed temporary special exception shall comply with all applicable zoning regulations for the district in which the temporary special exception is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum

percentage of covered lot area, and off-street parking.

(ii) No temporary special exception shall be permitted if it reduces the parking by greater than twenty-five (25) percent.

(iii) All temporary buildings and structures shall be constructed, used, occupied and maintained so as to be in compliance with the provisions of the State Construction Code and all applicable ordinances of the City of Novi.

(5) *Deposit Required for Temporary Sale of Christmas Trees.* The Building Official or his designee shall require any person, firm, or corporation granted a temporary special exception permit for the sale of Christmas trees or firewood to deposit a sum of money in an amount as set by resolution of City Council with the Department of Community Development ~~Building and Safety~~ to guarantee the cleaning of the lot and any abutting private or public property and the disposal of any remaining trees or firewood by an approved method within one (1) week after the permit expiration date.

b. *Special events.* The temporary erection of a tent or similar temporary structure that is not totally enclosed for a maximum of five (5) days in any six-month period for customarily accessory uses such as promotional events, ground-breakings, grand openings, private parties or other similar gatherings that reasonably may be expected to attract fewer than 100 persons and that are not expected to have significant negative impacts on surrounding properties. An application in accordance with section 3004.1.a(2) shall be filed with the Department of Community Development.

c. *Pre-manufactured buildings.* The temporary location of a temporary or pre-manufactured building in connection with the development of a property or construction of buildings thereon, including in residential developments irrespective of the requirements of Section 302 of this Ordinance, provided:



(1) The use shall be limited to construction offices or trailers and offices for the specific purpose of selling lots or new homes to be erected in a residential development or in connection with the construction of nonresidential building improvements if such separate offices are reasonably necessary.

(2) All applicable building height, bulk and area requirements of the district are met.

(3) If the structure is used for the purpose of selling lots or new homes it shall be removed from the subdivision upon completion of the first permanently built model home intended for display. If the structure is used for construction offices then it shall be removed within the time period provided for in the permit.

(4) An application in accordance with section 3004.1.a(2) shall be filed with the Department of Community Development.

d. Temporary tents within outdoor recreational use. Temporary tents within an outdoor recreational use that is a principal permitted use within a zoning district, provided that the tent may be erected for a period not to exceed four (4) consecutive days. An application in accordance with section 3004.1.a(2) shall be filed with the Department of Community Development.

## **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 Novi City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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Robert J. Gatt, Mayor

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Maryanne Cornelius, City Clerk

**Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the \_\_\_ day of \_\_\_\_\_, 2012.

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Maryanne Cornelius, City Clerk

Adopted:  
Published:  
Effective: