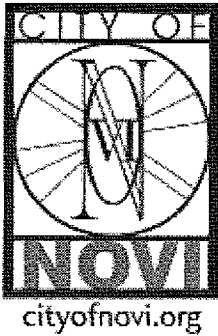


MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, PLANNER *Kristen*
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT *B.M.B.*
SUBJECT: TEXT AMENDMENT 18. 235 HEALTH AND FITNESS FACILITIES (PLANNING COMMISSION MEETING DATE: 02/25/09)
DATE: FEBRUARY 12, 2009

Attached you will find a proposed ordinance amendment that the Community Development Department has been researching regarding health and fitness facilities in the following districts: OS-1 (Office Service District), OSC (Office Service Commercial District), B-3 (General Business District), I-1 (Light Industrial District) and OS-2 (Planned Office Service District).

The amendment would allow indoor health and fitness facilities equal to or less than 2,000 square feet as principal permitted uses in all of the above mentioned districts. Fitness facilities greater than 2,000 square feet would remain special land uses in all of the aforementioned districts.

Currently, the Zoning Ordinance permits any size indoor recreational facility, such as a fitness club as a special land use in the OS-1, OSC, B-3, I-1 and OS-2 districts. This amendment is in response to recent requests from a number of small fitness facilities to locate in existing lease spaces of less than 2,000 square feet.

The Planning Commission is asked to hold a public hearing on February 25th, 2009 and forward a recommendation to the City Council regarding this amendment. If any Commissioner has any questions related to this request, do not hesitate to contact Kristen Kapelanski, in the Community Development Department at (248) 347-0586 or kkapelanski@cityofnovi.org.

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 09- 18 - 235

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 11, OS-1 OFFICE SERVICE DISTRICT, SECTION 1101 AND SECTION 1102, ARTICLE 12, OSC OFFICE SERVICE COMMERCIAL DISTRICT, SECTION 1201 AND SECTION 1202, ARTICLE 15, B-3, GENERAL BUSINESS DISTRICT, SECTION 1501 AND SECTION 1502, ARTICLE 19, I-1, LIGHT INDUSTRIAL DISTRICT, SECTION 1901 AND SECTION 1902 AND ARTICLE 23, OS-2, PLANNED OFFICE SERVICE DISTRICT, SECTION 2301 AND SECTION 2302; IN ORDER TO PROVIDE FOR HEALTH AND FITNESS FACILITIES AS PRINCIPAL PERMITTED USES.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 11, OS-1 Office Service District, Section 1101, Principal Uses Permitted and Section 1102, Principal Uses Permitted Subject to Special Conditions, Article 12, OSC Office Service Commercial District, Section 1201, Principal Uses Permitted and Section 1202, Principal Uses Permitted Subject to Special Conditions, Article 15, B-3, General Business District, Section 1501, Principal Uses Permitted and Section 1502, Principal Uses Permitted Subject to Special Conditions, Article 19, I-1, Light Industrial District, Section 1901, Principal Uses Permitted and Section 1902, Principal Uses Permitted Subject to Special Conditions When Abutting a Residential District and Article 23, OS-2, Planned Office Service District, Section 2301, Principal Uses Permitted and Section 2302, Principal Uses Permitted Subject to Special Conditions are hereby amended to read as follows:

Article 11, OS-1 Office Service District

Sec. 1100. Intent. [unchanged]

Sec. 1101. Principal Uses Permitted. [unchanged]

1-10. [unchanged]

11. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 1102. Principal Uses Permitted Subject to Special Conditions. [unchanged]

1-4. [unchanged]

5. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities. A noise impact statement is required subject o the standards of Section 2519.10(c).

Sec. 1103. Required Conditions. [unchanged]

1-8. [unchanged]

Article 12, OSC Office Service Commercial District

Sec. 1200. Intent. [unchanged]

Sec. 1201. Principal Uses Permitted. [unchanged]

1-6. [unchanged]

7. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 1202. Principal Uses Permitted Subject to Special Conditions. [unchanged]

1-9. [unchanged]

10. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities. A noise impact statement is required subject o the standards of Section 2519.10(c).

Sec. 1203. Required Conditions. [unchanged]

1-6. [unchanged]

Article 15, B-3 General Business District

Sec. 1500. Intent. [unchanged]

Sec. 1501. Principal Uses Permitted. [unchanged]

1.-8. [unchanged]

9. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 1502. Principal Uses Permitted Subject to Special Conditions. [unchanged]

1-5. [unchanged]

6. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities. A noise impact statement is required subject o the standards of Section 2519.10(c).

Sec. 1503. Required Conditions. [unchanged]

1-5. [unchanged]

Article 19, I-1 Light Industrial District

Sec. 1900. Intent. [unchanged]

Sec. 1901. Principal Uses Permitted. [unchanged]

1-3. [unchanged]

4. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 1902. Principal Uses Permitted Subject to Special Conditions When Abutting a Residential District. [unchanged]

1-14. [unchanged]

15. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities. A noise impact statement is required subject o the standards of Section 2519.10(c).

16-18. [unchanged]

Sec. 1903. Principal Uses Permitted in Locations Not Abutting a Residential District and Subject to Special Conditions. [unchanged]

1-11. [unchanged]

Sec. 1904. Nonconforming Office, Commercial and I-1 Light Industrial Uses. [unchanged]

1. [unchanged]

Sec. 1905. Required Conditions. [unchanged]

1-10. [unchanged]

Article 23, OS-2 Planned Office Service District

Sec. 2300. Intent. [unchanged]

Sec. 2301. Principal Uses Permitted. [unchanged]

1.-6. [unchanged]

7. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 2302. Principal Uses Permitted Subject to Special Conditions. [unchanged]

1-4. [unchanged]

4. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming

pools, tennis and racquetball courts and ice skating facilities. A noise impact statement is required subject o the standards of Section 2519.10(c).

5. [unchanged]

Sec. 2303. Required Conditions. [unchanged]

1-11. [unchanged]

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 _____, 2009.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent:

PROPOSED ORDINANCE AMENDMENTS – CLEAN VERSION

STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 09- 18 - 235

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 11, OS-1 OFFICE SERVICE DISTRICT, SECTION 1101 AND SECTION 1102, ARTICLE 12, OSC OFFICE SERVICE COMMERCIAL DISTRICT, SECTION 1201 AND SECTION 1202, ARTICLE 15, B-3, GENERAL BUSINESS DISTRICT, SECTION 1501 AND SECTION 1502, ARTICLE 19, I-1, LIGHT INDUSTRIAL DISTRICT, SECTION 1901 AND SECTION 1902 AND ARTICLE 23, OS-2, PLANNED OFFICE SERVICE DISTRICT, SECTION 2301 AND SECTION 2302; IN ORDER TO PROVIDE FOR HEALTH AND FITNESS FACILITIES AS PRINCIPAL PERMITTED USES.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 11, OS-1 Office Service District, Section 1101, Principal Uses Permitted and Section 1102, Principal Uses Permitted Subject to Special Conditions, Article 12, OSC Office Service Commercial District, Section 1201, Principal Uses Permitted and Section 1202, Principal Uses Permitted Subject to Special Conditions, Article 15, B-3, General Business District, Section 1501, Principal Uses Permitted and Section 1502, Principal Uses Permitted Subject to Special Conditions, Article 19, I-1, Light Industrial District, Section 1901, Principal Uses Permitted and Section 1902, Principal Uses Permitted Subject to Special Conditions When Abutting a Residential District and Article 23, OS-2, Planned Office Service District, Section 2301, Principal Uses Permitted and Section 2302, Principal Uses Permitted Subject to Special Conditions are hereby amended to read as follows:

Article 11, OS-1 Office Service District

Sec. 1100. Intent. [unchanged]

Sec. 1101. Principal Uses Permitted. [unchanged]

1-10. [unchanged]

11. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 1102. Principal Uses Permitted Subject to Special Conditions. [unchanged]

1-4. [unchanged]

5. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities. A noise impact statement is required subject o the standards of Section 2519.10(c).

Sec. 1103. Required Conditions. [unchanged]

1-8. [unchanged]

Article 12, OSC Office Service Commercial District

Sec. 1200. Intent. [unchanged]

Sec. 1201. Principal Uses Permitted. [unchanged]

1-6. [unchanged]

7. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 1202. Principal Uses Permitted Subject to Special Conditions. [unchanged]

1-9. [unchanged]

10. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities. A noise impact statement is required subject o the standards of Section 2519.10(c).

Sec. 1203. Required Conditions. [unchanged]

1-6. [unchanged]

Article 15, B-3 General Business District

Sec. 1500. Intent. [unchanged]

Sec. 1501. Principal Uses Permitted. [unchanged]

1.-8. [unchanged]

9. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 1502. Principal Uses Permitted Subject to Special Conditions. [unchanged]

1-5. [unchanged]

6. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities. A noise impact statement is required subject to the standards of Section 2519.10(c).

Sec. 1503. Required Conditions. [unchanged]

1-5. [unchanged]

Article 19, I-1 Light Industrial District

Sec. 1900. Intent. [unchanged]

Sec. 1901. Principal Uses Permitted. [unchanged]

1-3. [unchanged]

4. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 1902. Principal Uses Permitted Subject to Special Conditions When Abutting a Residential District. [unchanged]

1-14. [unchanged]

15. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities. A noise impact statement is required subject to the standards of Section 2519.10(c).

16-18. [unchanged]

Sec. 1903. Principal Uses Permitted in Locations Not Abutting a Residential District and Subject to Special Conditions. [unchanged]

1-11. [unchanged]

Sec. 1904. Nonconforming Office, Commercial and I-1 Light Industrial Uses. [unchanged]

1. [unchanged]

Sec. 1905. Required Conditions. [unchanged]

1-10. [unchanged]

Article 23, OS-2 Planned Office Service District

Sec. 2300. Intent. [unchanged]

Sec. 2301. Principal Uses Permitted. [unchanged]

1.-6. [unchanged]

7. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 2302. Principal Uses Permitted Subject to Special Conditions. [unchanged]

1-4. [unchanged]

4. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities,

including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities. A noise impact statement is required subject o the standards of Section 2519.10(c).

5. [unchanged]

Sec. 2303. Required Conditions. [unchanged]

1-11. [unchanged]

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 _____, 2009.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent: