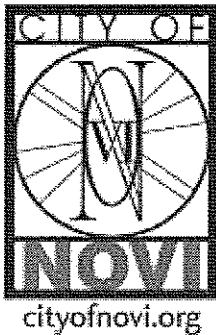


MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, PLANNER *Kristen*
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT *Barb*
SUBJECT: TEXT AMENDMENT 18. 238 FAST FOOD PARKING STANDARDS AND FAST FOOD AS A SPECIAL LAND USE IN B-3 (PLANNING COMMISSION MEETING DATE: 07/29/09)
DATE: JULY 20, 2009

Attached you will find a proposed ordinance amendment that the Community Development Department is proposing to amend the parking standards for fast food restaurants as well as suggestion of the conditions staff would include should the Planning Commission and City Council wish to expand the districts in which fast food restaurants are permitted.

This amendment addresses the off-street parking requirements for all fast food restaurants. Section 2505 currently lists separate parking requirement standards for fast food restaurants and drive-through restaurants, resulting in some confusion as to which applies in a given situation. In order to clarify this, staff is suggesting combining the two uses for the purposes of off-street parking and having a single standard for all fast food restaurants. Staff is also suggesting some minor modifications to the current standard to bring it more in line with other area ordinances.

The amendment also proposes fast food restaurants as a special land use in the B-3 District and lists a number of conditions requisite to their approval. Presently, drive-through fast food restaurants are only permitted in the Regional Center (RC) District when a PD-2 option is utilized or in the Freeway Service (FS) District. In recent research of other area ordinances, staff noted that many surrounding communities do permit fast food drive-through restaurants in their most intense commercial districts and so that option has been proposed should the Planning Commission and City Council wish to include that use in the B-3 District.

Attached you will also find two memos addressing standards for fast food drive-through restaurants in other communities in the area. These memos demonstrate that the proposed ordinance amendment would make Novi's standards regarding fast food drive-through restaurants comparable to the standards outline in the ordinances of peer cities and townships.

Attached is a chart indicating the five types of restaurants defined in the Zoning Ordinance and the districts where each type of restaurant is currently considered a principal permitted use or a special land use.

The Planning Commission is asked to set a Public Hearing for August 12th on the ordinance amendment. At that time the Commission will hold the public hearing and forward a recommendation to the City Council, for reading and adoption. 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.

Below please find the definitions of the various restaurant uses as identified in Section 201 of the Zoning Ordinance and a chart illustrating the various districts within the Zoning Ordinance that permit restaurant uses. Please note that there are conditions attached to many of the restaurant uses depending on the district and these are not demonstrated below.

Restaurant (Sit-Down): A business establishment in which a patron purchases food or beverages, which is then prepared after the patrons order, on the premises and which is thereafter served to the patron and is consumed by the patron while seated in the restaurant.

Restaurant (Fast Food Sit-Down): A business establishment in which a patron purchases food or beverages, which may have been previously prepared, and which is served in disposable containers or wrappers and which the patron consumes while seated in the restaurant.

Restaurant (Fast Food Carryout): A business establishment wherein food is prepared or cooked on the premises to be sold in disposable containers or wrappers to patrons and which is not intended to be consumed on the premises or within a motor vehicle parked or standing on the premises.

Restaurant (Fast Food Drive-through): A business establishment in which a patron purchases food or beverages, that (1) are served in disposable containers or wrappers, (2) may have been previously prepared, and (3) are principally ordered and received from a motor vehicle and consumed off premises.

Restaurant (Drive-in): A business establishment designed to provide a motor vehicle driveway approach, standing space, or parking space where patrons receive food and beverages while in motor vehicles for consumption in motor vehicles while on the premises.

	NCC	GE	EXPO	EXO	C	OS-2	OSC	OST	I-1	I-2	FS	B-2	B-3	TC/TC-1	RC	RC w/ PD-2
Sit-Down Restaurant	PPU*	PPU*	PPU*	PPU*	SLU*	SLU*	SLU*	SLU*	SLU	SLU	PPU	PPU	PPU	PPU	PPU (in shopping center) SLU (free standing)	SLU
Fast Food Sit Down Restaurant		PPU*					SLU*		SLU	SLU	PPU	PPU	PPU	PPU	PPU (in shopping center) SLU (free standing)	SLU
Fast Food Carryout Restaurant		PPU*					SLU*		SLU	SLU	PPU	PPU	PPU	PPU	PPU (in shopping center) SLU (free standing)	SLU
Fast Food Drive-Through Restaurant											PPU					SLU
Drive-in Restaurant																

PPU = Principal Permitted Use

SLU = Special Land Use

* Subject to conditions as listed in the ordinance.

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 09- 18 - 238

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 15, B-3 GENERAL BUSINESS DISTRICTS. SECTION 1502, PRINCIPAL PERMITTED USES PERMITTED SUBJECT TO SPECIAL CONDITIONS AND ARTICLE 25, GENERAL PROVISIONS. SECTION 2505, OFF-STREET PARKING REQUIREMENTS; IN ORDER TO PROVIDE CLEAR STANDARDS FOR FAST FOOD RESTAURANTS IN THE B-3 DISTRICT AND TO CLARIFY PARKING REQUIREMENTS FOR FAST FOOD RESTAURANTS.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 15, B-3 General Business District, Section 1502, Principal Permitted Uses Permitted Subject to Special Conditions and Article 25, General Provisions. Section 2505, Off-Street Parking Requirements are hereby amended to read as follows:

Article 15, B-3 General Business District

Sec. 1502. Principal Permitted Uses Permitted Subject to Special Conditions.

1. – 8. [unchanged]

9. Restaurant in the character of a fast food carryout, drive-in, fast food drive-through, or fast food sit down, subject to the following conditions:

- a. Access points shall be located at least sixty (60) feet from the intersections of any two (2) streets.
- b. Such uses shall not be permitted on a parcel less than sixty (60) feet from any residential zoning.
- c. All lighting shall be shielded from residential districts.
- d. All drive-through restaurants shall meet the stacking space requirements listed in Section 2506.12.
- e. A six (6) foot high completely obscuring wall shall be provided when abutting or adjacent districts are zoned for OS-1, OS-2, OSC, NCC, B-1, B-2 or B-3 Districts, and where such abutting or adjacent districts are not separated from the proposed restaurant by a road, highway or freeway. The height of the wall shall be

measured from the surface of the ground. Said wall shall further meet the requirements of Article 24, General Provisions.

- f. A noise impact statement is required subject to the standards of Section 2519.10(c).

Article 25, General Provisions

Sec. 2505. Off-Street Parking Requirements.

1. – 13. [unchanged]
14. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:
- a. [unchanged]
 - b. [unchanged]
 - c. Business and Commercial
 - (1) – (6) [unchanged]
 - (7) Restaurants and other establishments for sale and consumption on the premises of beverages, food or refreshments
 - (a) Sit Down [unchanged]
 - (b) Fast Food One (1) for each sixty (60) square feet gross floor area (16.7 spaces per one thousand (1,000) square feet), or one (1) for each two (2) employees, plus (1) for each two (2) customers allowed under maximum capacity (including waiting areas) whichever is greater plus stacking spaces outlined in Section 2506.12.
 - (8) Drive-in restaurants [unchanged]
 - (8A) Drive-through restaurants One (1) for each employee plus one (1) for every two (2) persons allowed in seating areas.
 - (9) – (27) [unchanged]
- d. [unchanged]

15. – 16. [unchanged]

PART II.

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

PART III.

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

PART IV.

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

PART V.

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

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2009.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nayes:

Abstentions:
Absent:

PROPOSED ORDINANCE AMENDMENTS – CLEAN VERSION

STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 09- 18 - 238

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 15, B-3 GENERAL BUSINESS DISTRICTS. SECTION 1502, PRINCIPAL PERMITTED USES PERMITTED SUBJECT TO SPECIAL CONDITIONS AND ARTICLE 25, GENERAL PROVISIONS. SECTION 2505, OFF-STREET PARKING REQUIREMENTS; IN ORDER TO PROVIDE CLEAR STANDARDS FOR FAST FOOD RESTAURANTS IN THE B-3 DISTRICT AND TO CLARIFY PARKING REQUIREMENTS FOR FAST FOOD RESTAURANTS.

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Article 15, B-3 General Business District

Sec. 1502. Principal Permitted Uses Permitted Subject to Special Conditions.

1. – 8. [unchanged]

9. Restaurant in the character of a fast food carryout, drive-in, fast food drive-through, or fast food sit down, subject to the following conditions:

- a. Access points shall be located at least sixty (60) feet from the intersections of any two (2) streets.
- b. Such uses shall not be permitted on a parcel less than sixty (60) feet from any residential zoning.
- c. All lighting shall be shielded from residential districts.
- d. All drive-through restaurants shall meet the stacking space requirements listed in Section 2506.12.
- e. A six (6) foot high completely obscuring wall shall be provided when abutting or adjacent districts are zoned for OS-1, OS-2, OSC, NCC, B-1, B-2 or B-3 Districts, and where such abutting or adjacent districts are not separated from the proposed restaurant by a road, highway or freeway. The height of the wall shall be

measured from the surface of the ground. Said wall shall further meet the requirements of Article 24, General Provisions.

- f. A noise impact statement is required subject to the standards of Section 2519.10(c).

Article 25, General Provisions

Sec. 2505. Off-Street Parking Requirements.

- 1. – 13. [unchanged]
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 - c. Business and Commercial
 - (1) – (6) [unchanged]
 - (7) Restaurants and other establishments for sale and consumption on the premises of beverages, food or refreshments
 - (a) Sit Down [unchanged]
 - (b) Fast Food (1) for each two (2) employees, plus (1) for each two (2) customers allowed under maximum capacity (including waiting areas) plus stacking spaces outlined in Section 2506.12.
 - (8) Drive-in restaurants [unchanged]
 - (9) – (27) [unchanged]
 - d. [unchanged]
- 15. – 16. [unchanged]

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

PART III.

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

PART IV.

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

PART V.

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

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2009.

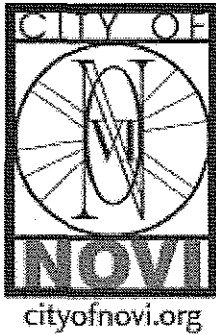
DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**MEMO ADDRESSING PARKING REQUIREMENTS
IN NEARBY COMMUNITIES**

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT
FROM: KRISTEN KAPELANSKI, PLANNER
SUBJECT: FAST FOOD PARKING REQUIREMENTS IN NEARBY COMMUNITIES
DATE: JULY 22, 2009

Following is a brief summary of the parking requirements for fast food/drive-thru restaurants in a handful of nearby communities. In all, the zoning ordinances of nine communities were examined. The following chart shows the number of spaces required for fast food restaurants in these neighboring communities. As a way of evaluating how these other standards apply to the standards within Novi, the rebuild of the existing McDonald's was used as a "test site plan." Required spaces were calculated based on each ordinance.

	Identified Use	Number of Spaces Required	Spaces Required for McDonald's
Brighton	Restaurant or Tavern*	<ul style="list-style-type: none"> 1 space per 100 sq. ft. GFA 1 space per 200 sq. ft. GFA (if not on-site consumption) 	5,364 sq. ft./100 = 56 spaces required
Bloomfield Hills	Establishments for sale and consumption, on the premises of beverages, food or refreshments	<ul style="list-style-type: none"> 2 spaces per 100 sq. ft. floor area 	5,364 sq. ft./100 = 53.64 x 2 = 107 spaces required
Canton	Restaurant, carryout	<ul style="list-style-type: none"> 10 spaces per 1 service or counter station plus 1 space for each employee 	N/A
	Restaurant, fast food, drive-in, drive-thru	<ul style="list-style-type: none"> 1 space per 50 sq. ft. of eating area plus 1 space for each employee 	2,227.5 sq. ft./ 50 = 44 spaces +12 employee spaces = 56 spaces required
Farmington	Drive-thru and fast food restaurants	<ul style="list-style-type: none"> 15 spaces per 1,000 sq. ft. of UFA 	2,227.5 sq. ft. /1,000 = 2.227 x

	Identified Use	Number of Spaces Required	Spaces Required for McDonald's
			15 = 33 spaces required
Farmington Hills	Drive-in or fast food carryout restaurants	<ul style="list-style-type: none"> 1 space per 25 sq. ft. of UFA 	2,227.5 sq. ft. /25 = 89 spaces required
Plymouth	Drive-in restaurant	<ul style="list-style-type: none"> 1 space for each employee plus 1 space per 25 sq. ft. of UFA 	2,227.5 sq. ft. /25 = 89 spaces required + 12 employee spaces = 101 spaces required
	Drive-thru restaurant	<ul style="list-style-type: none"> 1 space for each employee (plus required stacking spaces) 	12 spaces required
South Lyon	Drive-in restaurant	<ul style="list-style-type: none"> 1 space for each employee plus 1 space per 25 sq. ft. of UFA 	2,227.5 sq. ft. /25 = 89 spaces required + 12 employee spaces = 101 spaces required
	Drive-thru restaurant	<ul style="list-style-type: none"> 1 space for each employee (plus required stacking spaces) 	12 spaces required
Troy	Restaurants	<ul style="list-style-type: none"> 1 space for each two persons within the seating capacity of the establishment plus 1 employee parking space for each 10 seats within the seating capacity or 1 space for each 35 sq. ft. of dining area, whichever is greater (plus stacking spaces) 	Floor plans did not indicate the number of seats so required parking could not be determined.
Ypsilanti	Fast food, drive-in or drive-thru	<ul style="list-style-type: none"> 1 space per 50 sq. ft. of customer waiting and eating area plus 1 space for each employee in the largest shift (plus stacking spaces) 	2,227.5 sq. ft. /50 = 45 spaces required + 12 employee spaces = 57 spaces required

	Identified Use	Number of Spaces Required	Spaces Required for McDonald's
Novi	Fast Food	<ul style="list-style-type: none"> 1 space per 60 sq. ft. GFA or 1 space for each 2 employees, plus 1 space for each 2 customers allowed under maximum capacity, whichever is greater 	$5,364 \text{ sq. ft.} / 60 = 89 \text{ spaces required}$ 100 max. capacity / 2 = 50 spaces + 12/2 = 6 spaces = 56 spaces required
	Drive-through restaurant	<ul style="list-style-type: none"> 1 space for each employee plus 1 space for every two persons allowed in the seating area 	Floor plans did not indicate the number of seats so required parking could not be determined.
Average Number of Spaces Required (including Novi requirements and excluding Troy)			74 spaces

* No specific standard for fast food or drive-thru restaurants.

GFA = Gross Floor Area

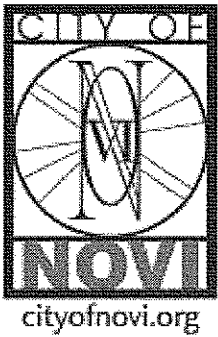
UFA = Usable Floor Area

UFA for McDonald's = 2,227.5 sq. ft.

Overall, parking requirements for fast food restaurants in other municipalities appear to require slightly less parking than the City of Novi's Zoning Ordinance requires. At a minimum it seems logical to eliminate either fast food or drive-through restaurant from the parking requirements of the zoning ordinance as this creates confusion for applicants regarding which standard applies.

**MEMO ADDRESSING USE
STANDARDS IN NEARBY COMMUNITIES**

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT
FROM: KRISTEN KAPELANSKI, PLANNER
SUBJECT: FAST FOOD USE REQUIREMENTS IN NEARBY COMMUNITIES
DATE: JULY 22, 2009

Following is a brief summary of the use requirements and any special conditions imposed on fast food/drive-thru restaurants in a handful of nearby communities. In all, the zoning ordinances of seven communities were examined. The following chart identifies the districts where drive-thru fast food uses are permitted and any special conditions that may have to meet.

	Principal Permitted Use	Special Land Use	Additional Requirements
Canton	N/A	C-2 (Community Commercial) C-3 (Regional Commercial) C-4 (Interchange Service)	<ul style="list-style-type: none"> • Minimum lot frontage of 125'. • Must be on road with at least 2 lanes in either direction. • Use must be secondary and attached to the primary use (applies to C-4 only).
Farmington	N/A	C-2 (Community Commercial) C-3 (General Commercial)	
Farmington Hills	B-3 (General Business)	B-2 (Community Business) B-4 (Planned General Business)	<ul style="list-style-type: none"> • Must be accessory to a principal permitted use (applies to B-2 & B-4 only).
Plymouth	N/A	B-3 (General Business) ARC (Ann Arbor Road Corridor)	<ul style="list-style-type: none"> • Must be 60' from future ROW (applies to ARC only).
South Lyon	N/A	B-1 (Community Business) B-3 (General Business)	<ul style="list-style-type: none"> • Must be 60' from future ROW. • Access points must be 60' from any intersection. • A 6' screen wall is required when parcel is adjacent to R,

	Principal Permitted Use	Special Land Use	Additional Requirements
			OS-1, B-1, B-2 or B-3.
Troy	B-3 (General Business) HS (Highway Service)	B-2 (Community Business)	<ul style="list-style-type: none"> • Parcel must be a minimum of 1 acre. • Must be located on major thoroughfare with 150' of frontage.
Ypsilanti	B-4 (General Business) CI (Commercial Industrial)	B-2 (Community Business)	<ul style="list-style-type: none"> • Must be located 60' from any intersection. • Must have access to a major thoroughfare. • Must be located 50' from any residential district.

Overall, most municipalities/townships surveyed permit fast food drive-thru restaurants either as Principal Permitted Uses or Special Land Uses in their general business districts at a minimum. Therefore, it seems logical that if the Planning Commission and City Council would like to add additional districts that permit fast food restaurants, to add them as a Special Land Use in the B-3 District and subject to additional conditions in order to bring the City in Novi in line with communities in the area.