

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, PLANNER *Kristen*
THRU: BARBARA *Barb* MCBETH, COMMUNITY DEVELOPMENT
SUBJECT: TEXT AMENDMENT 18.246
DATE: NOVEMBER 30, 2010

Attached are ordinance amendments the Community Development Department has proposed to update and address a number of deficiencies in the I-1, Light Industrial District. This matter appeared before the Implementation Committee on November 10th where the Committee was generally in support of the proposed changes. Relevant meeting minutes are attached.

Outdoor Storage Tanks

The Zoning Ordinance currently allows one outdoor storage tank for each building in the I-1 District. Staff has proposed amending the ordinance to allow multiple outdoor storage tanks on a property. The Fire Marshal has noted some initial concerns with the allowance of an unlimited amount of outdoor storage tanks and it may be more appropriate to limit the total number of tanks but allow more than one. Staff will be working with the Fire Marshal on this provision before the amendment moves forward.

Accessory Structures

All accessory buildings and structures are currently listed as special land uses in the I-1 District. Staff has proposed that buildings and structures accessory to a principal permitted use in the I-1 District also be allowed as principal permitted uses. Buildings and structures accessory to a special land use would remain special land uses.

Miscellaneous Items

A number of minor changes and clean-up items have also been proposed, including listing medical offices as a principal permitted use (These have been previously permitted per City policy.), requiring the submission of a Noise Impact Statement instead of a Noise Analysis for certain uses and removing auto undercoating shops as a permitted use in the I-1 District. In addition, references to previously amended sections would be corrected.

Set Ordinance Amendments for a Public Hearing

On December 8th, the Planning Commission will be asked to set a Public Hearing for January 12th on the proposed ordinance amendments. 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 or kkapelanski@cityofnovi.org.

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 09- 18 – 246

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AT ARTICLE 19, I-1 LIGHT INDUSTRIAL DISTRICT, IN ORDER TO PERMIT ACCESSORY BUILDINGS AND STRUCTURES AS PRINCIPAL PERMITTED USES IN LIMITED INSTANCES, TO REQUIRE A NOISE IMPACT STATEMENT INSTEAD OF A NOISE ANALYSIS FOR SOME USES, TO ALLOW MORE THAN ONE OUTDOOR STORAGE TANK WHERE NECESSARY AND TO ADDRESS MINOR INCONSISTENCIES IN THE ZONING ORDINANCE.

THE CITY OF NOVI ORDAINS:

Part I. That Article 19, I-1 Light Industrial District is hereby amended to read as follows:

Article 19. I-1 Light Industrial District

Sec. 1900. Intent. [Unchanged.]

Sec. 1901 Principal Uses Permitted.

[Unchanged.]

1. Office buildings, offices and office sales and service activities for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, steno graphic, drafting, sales and engineering, data processing and for activities related to laboratories research and development, corporate offices and headquarters and office support functions, such as conference rooms, dining facilities, photographic facilities and storage facilities.
2. ~~No accessory buildings, structures and uses shall be permitted unless granted pursuant to Section 1902.14.~~ Accessory buildings, structures and uses customarily incident to the above permitted uses.
3. – 4. [Unchanged.]
5. Medical offices, including laboratories and clinics.

Sec. 1902. Principal Uses Permitted, Subject to Special Conditions When Abutting a Residential District.

The following uses shall be permitted as principal uses permitted. However, when such uses abut a single-family residential district, they shall be treated as special land uses subject to approval by the Planning Commission in accordance with the additional requirements of Section 2516.2(c) for special land uses, and subject to the public hearing requirements set forth and regulated in Section 3006 of this Ordinance and shall provide a noise ~~analysis~~impact statement subject to the standards of Section 2519.10(c):

1. – 14. [Unchanged.]

15. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than two thousand (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. [Unchanged.]

17. Accessory buildings, structures and uses customarily incident to any of the above permitted uses ~~and uses in Section 1901.~~

18. – 20. [Unchanged.]

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

[Unchanged.]

~~1. Auto undercoating shops when completely enclosed. A noise impact statement is required subject to the standards of Section 2519.10(c).~~

12. [Unchanged.]

23. [Unchanged.]

34. [Unchanged.]

a. [Unchanged.]

(1) – (5) [Unchanged.]

(6) No more than one (1) curb cut shall be allowed to the major thoroughfare. Further, where deemed necessary by the Planning Commission, under the authority of Section 2516.2.3d, marginal access roads may be required pursuant to design standards at Section 1802.2,

for said roads. Where marginal access roads are required, minimum front yard setback shall be measured from said road right-of-way or easement line.

45. [Unchanged.]

a. The minimum size of the site devoted entirely to such use shall be not less than five (5) acres.

b. – p. [Unchanged.]

56. [Unchanged.]

67. [Unchanged.]

78. [Unchanged.]

89. [Unchanged.]

910. [Unchanged.]

1011. [Unchanged.]

1112. [Unchanged.]

12. Accessory buildings, structures and uses customarily incident to any of the above permitted uses.

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

[Unchanged.]

Sec. 1905. Required Conditions.

[Unchanged.]

1. a. [Unchanged.]

b. [Unchanged.]

(1) [Unchanged.]

(2) Outdoor placement of ~~an~~ above-ground storage tanks of not more than a six hundred-gallon capacity per tank where outdoor placement is necessary for compliance with Chapter 15 of the Novi Code of Ordinances and accessory to an otherwise permitted use.

All such storage tanks must be enclosed or screened from public view. Such screening shall consist of a wall not less than one (1)

foot higher than the height of the storage tank placed therein, which completely conceals the tank from public view. The inside dimensions of the enclosure shall be such as will permit adequate access to the tank, as well as completely enclose the tank so that it does not project outside of the enclosure.

Screening materials shall consist of masonry, consisting of those materials permitted under the exterior building wall material standards contained in Section 2520, herein, or reinforced concrete. Other materials may be used for the gate or doorway to the enclosure.

2. – 3. [Unchanged.]

4. [Unchanged.]

a. [Unchanged.]

b. [Unchanged.]

(1) [Unchanged.]

(2) All off-street parking and areas used for vehicular repair, delivery, loading/unloading and transport shall be not closer than one hundred (100) feet from the boundary of a residential district and effectively screened from view from said residential district by landscaping, walls or berms pursuant to the requirements of Section ~~1904~~1905.4.e. Notwithstanding the restriction of Section 2400, footnotes (h) and (i), the Planning Commission may permit front yard and side yard parking where necessary to maintain the separation required by this subsection.

c. – d. [Unchanged.]

e. For I-1 Districts, adjacent to any residential district, an earth berm and plantings are required, except that no additional berm shall be required along a street, road, highway or freeway that lies between said use and an abutting residential district. The requirements supersede standards at Secs. 2509, provided, however, that pursuant to Section 2509.63.gg(7) the Planning Commission may waive or modify the requirements for an earth berm or obscuring wall when adjacent to a woodland. Woodland areas shall be of sufficient width and density to provide the visual and audio screening that the berm or wall would provide. Generally, berms shall be of a continuous undulating, serpentine form. They shall have a maximum slope ratio of three (3) feet horizontal to one (1) foot vertical. A flat horizontal area at the crest

is required to be six (6) feet in width. Berms shall be no less than ~~from~~ ten (10) feet in height. Opacity requirements are to be eighty (80) percent in winter and ninety (90) percent in summer within two (2) years after planting.

If existing trees are six (6) inches d.b.h. or greater, the berm may be designed in a natural format. The berm itself may be divided and formed on either side or continue around the existing trees. The plantings are to be primarily evergreen trees on the crest of the berm. These may be supplemented with shrubs that regenerate on each side of the berm, (i.e. Red Twig Dogwood, Fragrant Sumac, Arrowood Viburnum). The berm shall be hydroseeded.

If there are no existing trees the berm is to be sodded and irrigated. The plantings are to be primarily evergreen trees with supplemental deciduous trees, shrubs and evergreen shrubs. The landscape screening method shall be developed to protect the needs of the adjacent residential area. The minimum sizes of all plants when planted are to be seven (7) feet in height for evergreen trees, three (3) inch caliper for deciduous trees, two (2) inch caliper for small deciduous trees, thirty (30) inch – thirty-six (36) inch for large deciduous shrubs, twenty four (24) inch – thirty (30) inch for small shrubs. Spacing to be in a triple spacing or equilateral triangle format. Evergreen trees shall be a minimum of ten (10) feet on center, deciduous trees thirty-five (35) feet O.C., small deciduous trees fifteen (15) feet O.C., large deciduous shrubs four (4) feet O.C., and small shrubs three (3) feet O.C. All plants are to be mulched with four (4) inch shredded hardwood bark.

f. [Unchanged.]

5. – 9. [Unchanged.]

~~10. All uses listed in Section 1902 require the submission of a noise analysis subject to the standards of Section 2519.10(c).~~

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 _____, 2010.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**IMPLEMENTATION COMMITTEE
MEETING MINUTES – EXCERPT
NOVEMBER 10, 2010**



IMPLEMENTATION COMMITTEE
City of Novi Planning Commission
NOVEMBER 10, 2010 at 6:00 p.m.
Novi Civic Center – Mayor's Conference Room
45175 W. Ten Mile, Novi, MI 48375
(248) 347-0475

Members: Cassis, Gutman, Meyer, Pehrson
Staff Support: Kristen Kapelanski

Roll Call

Present: Members Cassis, Meyer (Chair), Pehrson and Gutman

Also Present: Kristen Kapelanski, Planner; Barbara McBeth, Community Development Department Deputy Director

Approval of Agenda

Moved by Member Gutman, seconded by Member Pehrson:

Motion to approve the Agenda.

Member Cassis added a discussion of the signage in the Novi Town Center to the end of the agenda.

Member Gutman and Member Pehrson agreed to the amendment.

VOICE VOTE ON AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER PEHRSON:

Motion to approve the Agenda with Member Cassis's suggested amendment. Motion carried 4-0.

Discussion Items

4. Miscellaneous Amendments to the I-1 Light Industrial District

Discussion of various proposed amendments to the I-1 Light Industrial District to address inconsistencies in the ordinance and update the provisions for accessory buildings and outdoor storage tanks in the I-1 District.

Planner Kapelanski reviewed the proposed amendment with Committee members.

Deputy Director McBeth added staff would add something to the amendment to ensure outdoor storage tanks in the I-1 District would remain accessory to a principal permitted use and could not become a primary use themselves.

Chair Meyer thought a limit on the number of overall outdoor storage tanks would be helpful.