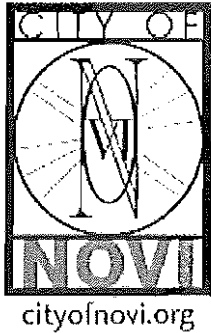


MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, PLANNER *Kaplan*
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT
SUBJECT: TEXT AMENDMENT 18.250
DATE: JUNE 6, 2011

Attached you will find an ordinance amendment that the Community Development Department has proposed in response to recent inquiries from area property owners. The amendment proposes adding veterinary clinics as a special land use in the NCC (Non-Center Commercial District), B-1 (Local Business District), B-2 (Community Business District) and TC and TC-1 (Town Center Districts). All clinics would be required to be setback at least 200 feet from an abutting residential district and a noise impact statement would be required.

Staff has recently received a number of inquiries from veterinary clinics wanting to locate within the City of Novi on properties within the aforementioned zoning districts. Currently veterinary clinics are permitted as a special land use in the B-3 (General Business) District, as a special land use (when adjacent to residential) in the I-1 (Light Industrial) District and as a principal permitted use in the I-2 (General Industrial) District.

The Planning Commission is asked to hold the public hearing for Text Amendment 18.248 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. 11- 18 – 250

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AT ARTICLE 9, NCC NON-CENTER COMMERCIAL DISTRICT, SECTION 902, PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS, AT ARTICLE 13, B-1 LOCAL BUSINESS DISTRICT, SECTION 1302 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS, AT ARTICLE 14, B-2 COMMUNITY BUSINESS DISTRICT, SECTION 1402, PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS AND AT ARTICLE 16 TC AND TC-1 TOWN CENTER DISTRICTS, SECTION 1602 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS; IN ORDER TO ADD VETERINARY CLINICS AS A SPECIAL LAND USE.

THE CITY OF NOVI ORDAINS:

Part I.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 9, NCC Non-Center Commercial District, is hereby amended to read as follows:

ARTICLE 9. NCC NON-CENTER COMMERCIAL DISTRICT

Section 900 – Section 901. [Unchanged.]

Section 902. Principal Permitted Uses Subject to Special Conditions

The following uses shall be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use and subject to the additional requirements of Section 2516.2(c) for special land uses. There shall be held a public hearing by the Planning Commission in accordance with the requirements set forth and regulated in Section 3006 of this Ordinance:

1. - 5. [Unchanged.]
6. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building and provided further that all buildings are set back at least two-hundred (200) feet from abutting residential districts on the same side of the street. A noise impact statement is required subject to the standards of Section 2519.10(c).

Section 903. Required Conditions. [Unchanged.]

Part II.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 13, B-1 Local Business District, is hereby amended to read as follows:

ARTICLE 13. B-1 LOCAL BUSINESS DISTRICT

Section 1300 – Section 1301. [Unchanged.]

Section 1302. Principal Permitted Uses Subject to Special Conditions

The following uses shall be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use and subject to the additional requirements of Section 2516.2(c) for special land uses. There shall be held a public hearing by the Planning Commission in accordance with the requirements set forth and regulated in Section 3006 of this Ordinance:

1. - 2. [Unchanged.]
3. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building and provided further that all buildings are set back at least two-hundred (200) feet from abutting residential districts on the same side of the street. A noise impact statement is required subject to the standards of Section 2519.10(c).

Section 1303. Required Conditions. [Unchanged.]

Part III.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 14, B-2 Community Business District, is hereby amended to read as follows:

ARTICLE 14. B-2 COMMUNITY BUSINESS DISTRICT

Section 1400 – Section 1401. [Unchanged.]

Section 1402. Principal Permitted Uses Subject to Special Conditions

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to approval by the Planning Commission in accordance with the public hearing requirements set forth and regulated in Section 3006 of this Ordinance:

1. - 2. [Unchanged.]
3. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building and provided further that all buildings are set back at least two-hundred (200) feet from abutting residential districts on the same side of the street. A noise impact statement is required subject to the standards of Section 2519.10(c).

Section 1403. Required Conditions. [Unchanged.]

Part IV.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 16, TC and TC-1 Town Center Districts, is hereby amended to read as follows:

ARTICLE 16. TC AND TC-1 TOWN CENTER DISTRICTS

Section 1600 – Section 1601. [Unchanged.]

Section 1602. Principal Permitted Uses Subject to Special Conditions

The following uses shall be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use and subject to the additional requirements of Section 2516.2(c) for special land uses. There shall be held a public hearing by the Planning Commission in accordance with the requirements set forth and regulated in Section 3006 of this Ordinance. Notwithstanding the

restrictions for outdoor sales found in Section 1601.1.a and 1601.2.a(1), limited outdoor sales may be permitted ~~as follows~~ as noted below.

1. - 2. [Unchanged.]
3. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building and provided further that all buildings are set back at least two-hundred (200) feet from abutting residential districts on the same side of the street. A noise impact statement is required subject to the standards of Section 2519.10(c).

Section 1603. Schedule of Regulations/Required Conditions. [Unchanged.]

PART V.

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 VI.

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 VII.

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 VIII.

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 _____, 2011.

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. 11- 18 – 250

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Part II.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 13, B-1 Local Business District, is hereby amended to read as follows:

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Section 1300 – Section 1301. [Unchanged.]

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Section 1303. Required Conditions. [Unchanged.]

Part III.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 14, B-2 Community Business District, is hereby amended to read as follows:

ARTICLE 14. B-2 COMMUNITY BUSINESS DISTRICT

Section 1400 – Section 1401. [Unchanged.]

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ARTICLE 16. TC AND TC-1 TOWN CENTER DISTRICTS

Section 1600 – Section 1601. [Unchanged.]

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PART VI.

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 VII.

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 VIII.

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.

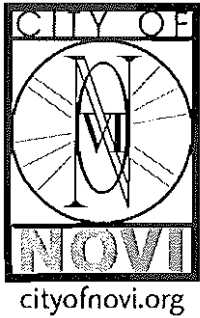
MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2011.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nayes:
Abstentions:
Absent:

**PLANNING COMMISSION ACTION SUMMARY
EXCERPT – MAY 18, 2011**



PLANNING COMMISSION ACTION SUMMARY

CITY OF NOVI
Regular Meeting

May 18, 2011 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Baratta, Member Cassis, Member Greco, Member Gutman, Member Larson (arrived at 7:01pm.), Member Meyer, Chair Pehrson, Member Prince

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Ben Croy, City Engineer; Kristin Kolb, City Attorney

Absent: Member Lynch (excused)

APPROVAL OF AGENDA

Motion to approve the May 18, 2011 Planning Commission agenda. *Motion carried 8-0.*

MATTERS FOR CONSIDERATION

1. SET PUBLIC HEARING FOR JUNE 15, 2011 FOR ZONING ORDINANCE TEXT AMENDMENT 18.250 TO MODIFY THE ORDINANCE STANDARDS FOR VETERINARY CLINICS.

In the matter of Zoning Ordinance Text Amendment 18.250 to modify the Ordinance Standards for Veterinary Clinics, motion to set a Public Hearing for June 15, 2011. *Motion carried 8-0.*

IMPLEMENTATION COMMITTEE COMMENTS



IMPLEMENTATION COMMITTEE
City of Novi Planning Commission
APRIL 27, 2011 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 Meyer (Chair), Pehrson and Gutman

Absent: Member Cassis (excused)

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

Approval of Agenda

Moved by Member Pehrson, seconded by Member Gutman:

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

Motion to approve the Agenda. Motion carried 3-0.

Audience Participation and Correspondence

Two audience members elected to reserve their comments until the specific amendments they were interested in were discussed. Chair Meyer agreed.

Discussion Items

1. Veterinary Clinics as a Special Land Use in NCC, B-1, B-2 and TC and TC-1

Discussion of possible ordinance amendment to allow veterinary clinics as a Principal Use Permitted Subject to Special Conditions in the NCC, B-1, B-2 and TC and TC-1 Districts subject to specific requirements.

Planner Kapelanski reviewed the proposed amendment with Committee members.

Chair Meyer asked if anyone from the audience wanted to comment on the proposed amendment.

Frank Jonna indicated he was specifically interested in having this use added to the B-2 District as he had a potential tenant interested in a B-2 property. Mr. Jonna went on to describe how his shopping center could incorporate such a use.

Member Pehrson had no objections to the amendment and noted he was glad to see the requirement for the additional setback along adjacent residential properties.

Member Gutman had no objections to the amendment.

Chair Meyer had no objections to the amendment and noted the submittal of a noise impact statement would be an important component in the Planning Commission's review.

Kapelanski, Kristen

From: Mark [REDACTED]
Sent: Wednesday, April 27, 2011 6:18 PM
To: McBeth, Barb; Kapelanski, Kristen
Subject: Fwd: Next week's Planning Commission meeting - NEW LOCATION!

Ladies

From Victor regarding Implementation Committee if you could include this in your notes.

Thanks

Warmest Regards,

Mark

Cell: [REDACTED]

Email: [REDACTED]

Sent from my iPhone

Begin forwarded message:

From: Victor cassis <[REDACTED]>
Date: April 22, 2011 19:47:53 EDT
To: Mark's Yahoo <[REDACTED]>
Subject: Re: Next week's Planning Commission meeting - NEW LOCATION!

Dear Mark And Kristen

Fri. night 4/22

Due to a sudden decision I will be going out of town till Wed. eve. 9 P.M. unfortunately I cannot attend both Implementation and Planning Commission meetings .

Kristen : I think with regard to the special land use of Veterinary Clinics , I will be opposed to allowing it in these new districts. I think we need to allow them in Light Industrial Dist. I am concerned and have observed how customers of Clinics take their dogs and walk it outside after they leave the clinic in order to relieve itself . It is unsightly and not the kind of image we want to convey . Also neighbors might have to clean after them. Just because we had inquiries does not mean we have to do it. Mind you I love dogs. In fact I have told people I love to come back as a dog in America in my next life.

Kristen, please read this to my colleagues. Best regards and happy holidays.
Vic Cassis

--- On Thu, 4/21/11, Mark's Yahoo <[REDACTED]> wrote:

05/11/2011