

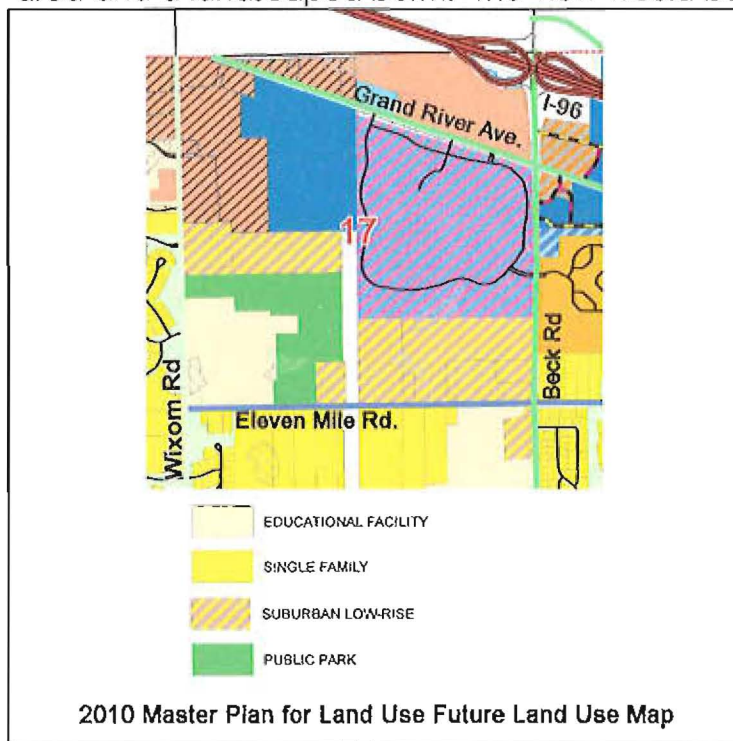
MEMORANDUM



TO: PLANNING COMMISSION
FROM: MARK SPENCER, AICP, PLANNER *Mark Spencer*
THROUGH: BARBARA MCBETH, AICP, DEPUTY DIRECTOR COMMUNITY DEVELOPMENT
SUBJECT: PROPOSED PLANNED SUBURBAN LOW-RISE OVERLAY DISTRICT
DATE: AUGUST 31, 2011

Introduction

The 2010 City of Novi Master Plan for Land Use includes a new future land use category, Suburban Low-Rise. The use area is defined as an area for suburban low-rise uses with a single-family residential character that will provide a transition between one-family dwellings and higher density uses. The Master Plan includes a set of goals, objectives and implementation strategies that promote the creation of a Planned Suburban Low-Rise, PSLR, "form-based" zoning district that permits attached single family and low-density multiple family residential, community service, human care, civic, educational, public recreation and office facilities and prohibits detached one-family residential, retail and personal service uses. A proposed set of "form-based" standards would regulate the residential look of the area. Viewed from the section line roads (Wixom, Eleven Mile and Beck Roads), a person would see buildings similar in height and design to detached single-family dwellings in the area and a landscaped berm. The view would be broken up by an occasional emergency



access driveway and parking lot lighting that would be visible until the landscaping matured. Entrances to the developments would be off of new local streets. Along the new local streets, a person would view sidewalks and bike paths, pedestrian amenities, pedestrian scaled lighting, and moderate size buildings with single-family dwelling architectural features. The buildings would be located close to the street and parking areas would be located behind the buildings and would be generally out of view. Limited size signage would identify the developments.

The area designated for planned suburban low-rise uses is located near Eleven Mile Road between Wixom and Beck Roads (see map to the left).

These areas are generally separated from detached one-family uses by section line roads and areas planned for public parks and educational uses.

After review of the proposed PSLR concepts with property owners in the area and the Planning Commission's Implementation Committee, Staff recommends the creation of a PSLR Overlay district where a set of PSLR uses would supersede the uses permitted in the underlying zoning district if the property owner elects to petition the City Council for approval of a PSLR Concept Plan and a PSLR Development Agreement. Approval of a Concept Plan would at a minimum, establish the location of utilities, drainage facilities, new streets, and pedestrian and bicycle facilities and amenities. The Plan could also propose the location of open space, parking, building and uses, and propose landscaping and façade elements. The Plan could depict proposed deviations (if any) from ordinance regulations and it could depict development phases if a project is proposed for phased construction. The PSLR Agreement would set the uses and terms of the rezoning and incorporate the PSLR Concept Plan.

Staff recommends that a Zoning Map amendment establishing the boundaries of the PSLR Overlay District be adopted at the same time as the adoption of the text amendment. Proposed sign ordinance amendments to address signage requirements in the PSLR Overlay District will follow at a later date.

PSLR Uses

The proposed Planned Suburban Low-Rise Overlay District would permit a large variety of moderate intensity land uses. These uses include the following:

- Attached single-family dwellings (townhouses which are technically defined as multiple family dwellings in the Zoning Ordinance);
- Low-rise multiple family dwellings;
- Independent and congregate elderly living facilities;
- Assisted living, convalescent and hospice care facilities;
- Live/work mixed use buildings;
- Day care centers;
- General offices;
- Medical offices, laboratories and clinics;
- Funeral homes and mortuaries;
- Religious centers and customary accessory uses;
- Public and private schools except "store front" type schools;
- Publicly owned recreational facilities;
- Community buildings or cultural facilities; and
- Mixed use buildings with two or more of the permitted uses.

The District would not permit the following higher intensity commercial uses:

- Personal services;
- Retail sales (except as an ancillary use to a photography, art or craft studio located in a Live/work building);
- Restaurants;
- Hotels/motels;
- Repair shops;

- Private recreation and fitness facilities;
- Theaters; drive through facilities;
- Financial institutions; and
- Private clubs.

The PSLR Development Agreement could limit or eliminate any of the underlying district uses, including detached single-family residential.

"Form Based Requirements"

The scale and character of the permitted uses would be controlled with a set of "form based" provisions that include site layout, internal road and building façade requirements. These provisions include the following:

- A 50-foot wide buffer with a landscape berm along section line roads to soften the view from these roads and provide additional buffer from any nearby one-family residential developments;
- Buildings will only front and have access to local streets to help maintain a one-family residential look along the section line roads;
- Buildings will be setback a minimum of 30 feet from the road right-of-way or easement and a maximum of 75 feet to promote a one-family residential look and make the buildings more pedestrian and bicycle friendly.
- Buildings will have a maximum footprint of 25%, a maximum building length and width of 180 feet, and a maximum building height of 2 ½ stories and 35 feet. Also, the site will be limited to a maximum impervious surfaces footprint of 65%. These restrictions will limit the scale of any development to help maintain a transitional scale of development between the neighboring one-family homes and the higher intensity developments to the north;
- Buildings will have façade shifts at least every 50 feet, doors placed at least every 60 feet, single family residential design features, gabled or hip roofs, single family residential siding materials, and truck unloading facilities will be in rear of the building and screened to promote a single family residential look along the local streets; and
- Streets will include pedestrian and bicycle facilities with pedestrian streetscape amenities and pedestrian scale lighting to make the area pedestrian and bicycle friendly.

Conclusion

The adoption of the proposed PLSR Overlay District text and the proposed Zoning Map amendment, will fulfill the Master Plan for Land Use's implementation strategy to create a Planned Suburban Low-Rise form-based zoning district. The new Overlay District would permit an expanded set of moderate intensity development opportunities that could benefit the City as a whole while at the same time protecting the values of the neighboring detached single-family home neighborhoods by limiting the scale and maintaining a residential character to any new development. Moderate scale and intensity development could increase City tax revenues beyond that which would occur if the properties were developed as currently zoned for detached single-family and general industrial uses. Moderate density residential development could also increase the demand for retail, office

and industrial floor space in the City and increase housing options that could help attract more young families and seniors to the City.

At this time, the Planning Staff recommends that the Planning Commission set a public hearing for October 5, 2011 to consider and make a recommendation to City Council on the proposed text amendment to create the PSLR Overlay District and the proposed Zoning Map amendment to create the boundaries of the PSLR Overlay District

If you have any questions on this matter, please feel free to contact me at 248-347-0475 or mspencer@cityofnovi.org.

**2010 Master Plan for Land Use
Excerpts**

EXCERPTS from the City of Novi 2010 Master Plan for Land Use

Suburban Low Rise

This land use is designated for suburban low rise uses including attached single family residential, multiple family residential, institutional and office uses when developed under a set of use and design guidelines to keep the residential character of the area and minimize the effect that the transitional uses would have on nearby single family residential properties.

GOAL: Provide for planned development areas that provide a transition between high intensity office, industrial and commercial uses and one-family residential uses.

Objective: Provide for form-based, low-rise, suburban development options to promote the development of key areas that can provide a transition from higher intensity office and retail uses to one-family residential developments that include access, design and uses standards that promote a residential character to the streetscape and provide increased economic value.

Implementation Strategy: Create a Planned Suburban Low-Rise form-based zoning district that permits attached single family and low-density multiple family residential, community service, human care, civic, educational, public recreation and office facilities. This new district will provide a transition area from higher intensity commercial, office or industrial areas to one-family residential uses. This district would be located where the natural and built environment provides defined borders to provide separation from one-family residential area. Detached one-family residential uses would not be permitted in this district. The district would be designed to reduce traffic, environmental and visual impacts while providing higher intensity use than detached one-family districts while maintaining a residential character.

GOAL: Create, preserve and enhance quality residential areas in the City.

Objective: Attract new residents to the City by providing a full range of quality housing opportunities that meet the housing needs of all demographic groups including but not limited to singles, couples, first time home buyers, families and the elderly.

Implementation Strategy: Continue to provide land area for new residential development

Implementation Strategy: Consider ordinance changes to permit limited size attached accessory dwelling units with single family homes.

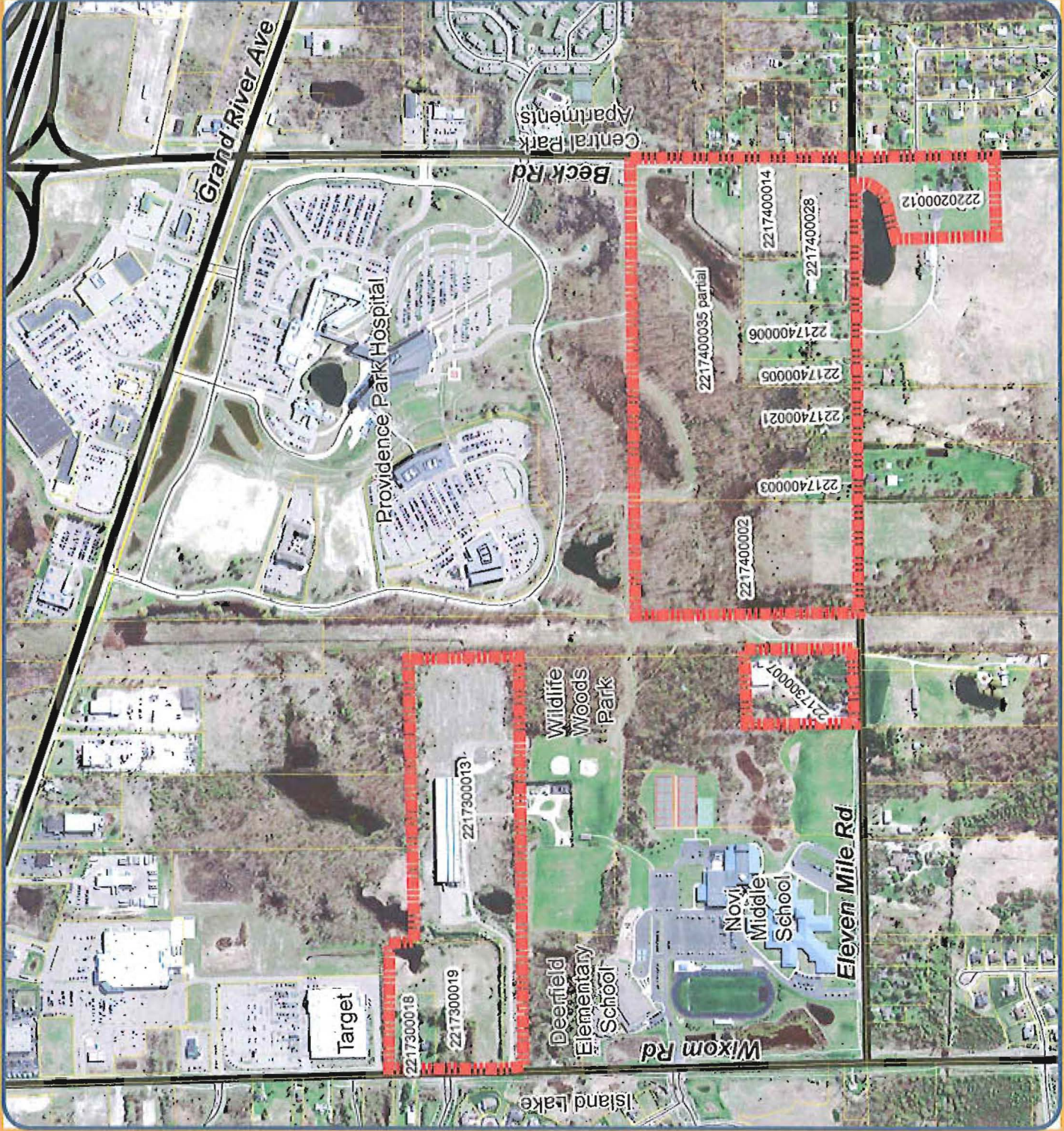
Implementation Strategy: Continue to research and implement programs to promote the development of innovative housing styles including lofts and mixed use developments.

Implementation Strategy: Consider ordinance changes to permit smaller single family homes and expanded opportunities for attached single family homes. walkable and bikeable residential developments that are connected to the City's non-motorized transportation system where possible.

**Rezoning 18.700
Suburban Low-Rise Overlay District
Location Map**

Rezoning 18.700 Planned Suburban Low-Rise Overlay District

Location Map and Air Photography



Map Legend

Tax Parcels

-  Tax Parcels
-  Proposed PSLR Overlay
-  Section Line/Major Roads
-  Local Roads



City of Novi
 Planning Division
 Community Development Dept.
 45175 W Ten Mile Rd
 Novi, MI 48375
 cityofnovi.org

Map Author: Mark Spencer
 Date: 8/31/11
 Project: Rezoning 18.700 PSLR Overlay location
 Version #: 1.0

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was amended to meet National Map Accuracy Standards and use the most recent accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

**Proposed Planned Suburban Low-Rise Overlay District
Clean Version**

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

ORDINANCE NO. 11- 18 – 253

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ADDING ARTICLE 23B, PSLR, PLANNED SUBURBAN LOW-RISE OVERLAY DISTRICT; AND TO AMEND ARTICLE 24, SCHEDULE OF REGULATIONS, SECTION 2400 HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT, TO ADD REQUIREMENTS FOR THE PSLR OVERLAY DISTRICT.

THE CITY OF NOVI ORDAINS:

Part I. That Article 23B, PSLR, Planned Suburban Low-Rise Overlay District is added to read as follows:

ARTICLE 23B. PSLR, PLANNED SUBURBAN LOW-RISE OVERLAY DISTRICT

Sec. 2300B. Intent

The intent of the PSLR, Planned Suburban Low-Rise Overlay District, is to promote the development of high-quality uses, such as low-density multiple family residential, office, quasi-public, civic, educational, and public recreation facilities that can serve as transitional areas between lower-intensity detached one-family residential and higher-intensity office and retail uses while protecting the character of neighboring areas by encouraging high-quality development with single-family residential design features that will promote a residential character to the streetscape. Uses not contemplated in the district include personal services, retail sales (except as an ancillary use to a photography, art or craft studio located in a live-work unit), restaurants, hotels, motels, repair shops, private recreation and fitness facilities, theaters, drive-through facilities, financial institutions and private clubs.

Sec. 2301B. Definitions

The following definitions shall apply in the interpretation of this Article.

PLANNED SUBURBAN LOW-RISE (PSLR) OVERLAY DISTRICT CONCEPT PLAN

A plan prepared by a licensed professional, for development of the property that is described in the PSLR Overlay Development Agreement Application that shows the location of natural features, existing improvements and proposed infrastructure and may show the general location of buildings, structures, other improvements, phasing and ordinance deviations on, and in some cases adjacent to, the property in the Petition, to be used as the guiding or general plan for the development of the area described in the PSLR Overlay Development Agreement. The PSLR Concept Plan shall be made a part of the PSLR Overlay Development Agreement.

PLANNED SUBURBAN LOW-RISE (PSLR) OVERLAY DISTRICT DEVELOPMENT AGREEMENT

An agreement between the City and the property owner(s) of the land depicted in the PSLR Overlay Development Agreement Application that incorporates the PSLR Overlay District Concept Plan and specifies the terms and provisions upon which City Council approval is based and the uses that will be contemplated.

Section 2302B. Principal Uses Permitted

In areas identified on the zoning map for PSLR, Planned Suburban Low-Rise Overlay, all Principal Uses Permitted and Principal Uses Permitted Subject to Special Conditions in the underlying zoning district shall continue to be permitted as regulated in the underlying zoning district.

Section 2303B. Additional Overlay Uses Permitted Subject to Required Conditions

The following additional uses shall be permitted in areas identified on the zoning map for PSLR, Planned Suburban Low-Rise Overlay, subject to the conditions, restrictions and requirements listed in Sections 2304B, 2305B, 2306B:

1. Low-rise multiple-family residential uses, up to a maximum of 7.3 dwelling units per gross acre, excluding existing road rights-of-way.
2. Independent and congregate elderly living facilities, as defined by Section 201.
3. Assisted living facilities, convalescent homes, and hospice care facilities.
4. Live/work units – Dwelling units providing for living and working areas, subject to the following restrictions:
 - a. Units must contain at least one bedroom, one bathroom, and kitchen facilities;
 - b. Minimum floor area per live/work unit shall be seven hundred fifty (750) square feet.
 - c. In addition to residential uses the following uses shall be permitted:
 - i. Photography, art, craft, music and similar studios.
 - ii. Professional offices of architects, engineers, lawyers, accountants of other similar professionals.
 - d. Employees shall be limited to residents of the live/work unit and up to two (2) additional employees.
 - e. Maximum 7.3 dwelling units per gross acre excluding existing road rights-of-way.
5. Day care centers and adult day care centers, subject to the standards provided in Section 1102.4 except that the vehicle access, setback and façade requirements shall not apply.
6. General office uses for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, drafting or sales.
7. Medical offices, including laboratories and clinics.
8. Non-profit community buildings and cultural facilities established primarily to provide services to the community, such as, but not limited to, museums, senior centers, performing arts centers, indoor recreation centers.
9. Mixed-use buildings with two (2) or more of the above permitted uses.
10. Uses similar to those listed above, as determined by the City Council.
11. Accessory buildings, structures and uses customarily incidental to the above uses, subject to the following:

- a. Accessory buildings and structures shall be located in the rear yard or interior side yard.
- b. Accessory buildings shall be constructed of the same materials as the principal building(s), and shall not exceed 25% of the floor space of the principal building.

Sec. 2304B. General Overlay Use Requirements

The Planned Suburban Low-Rise (PSLR) Overlay District uses listed in Section 2303B shall only be permitted on land subject to an approved PSLR Overlay Development Agreement between the City of Novi and the property owner(s). The City Council, following a public hearing held by the Planning Commission and in receipt of a recommendation from the Planning Commission, may approve a PSLR Overlay Development Agreement together with a PSLR Overlay Concept Plan setting forth the uses and improvements authorized and the terms and conditions upon which they are authorized.

An Applicant, in seeking approval of a PSLR Overlay Development Agreement, shall submit to the City an Application with a proposed PSLR Overlay Concept Plan. The following items shall be included with the Application.

- 1. A PSLR Overlay Concept Plan, prepared by a professional engineer, landscape architect or architect registered in the State of Michigan, that includes the following minimum components:
 - a. Legal description and a graphical depiction of the dimensions;
 - b. Existing zoning of the property and all adjacent properties;
 - c. Location of existing flood plains, lakes, waterways and wetlands and a conceptual plan depicting the proposed impact upon these features and any proposed mitigation of such impacts;
 - d. Location of City of Novi regulated woodlands as well as a conceptual plan depicting the proposed impact upon regulated woodlands and proposed mitigation (if any);
 - e. Existing and proposed rights-of-way and pavement width of all adjoining and internal roads, and a layout of all proposed roads and drives including acceleration, deceleration, and passing lanes;
 - f. Bicycle and pedestrian facilities plan;
 - g. Conceptual storm water management plan;
 - h. Conceptual utility plan;
 - i. Building, parking and wetland setback requirements;

and may contain the following optional components (when applicable):

 - j. Parking plan;
 - k. Building size, use, type, footprint and location;
 - l. Residential density calculations, number and types of units;
 - m. Open space/recreation plan;
 - n. Conceptual streetscape and landscaping plan;
 - o. Graphic depiction of each deviation from the applicable ordinance regulations which will be sought to be approved; and
 - p. Phasing plan.

2. A Community Impact Statement when the petition area is ten (10) acres or larger.
3. A Traffic Impact Study as required in the Site Plan Development Manual or as required for a rezoning.
4. Proposed ordinance deviations with supporting narrative(s).

As part of the approval of a PSLR Overlay Concept Plan and PSLR Overlay Development Agreement, departures from compliance with the standards in this Article and other articles of the Zoning Ordinance may be authorized on the condition that there are specific, identified features or planning mechanisms deemed beneficial to the City by the City Council which are designed into the project for the purpose of achieving the objectives for the District. Any deviations from the requirements of Section 2305B shall require the Applicant to provide substitute safeguards for each regulation for which there is noncompliance, in whole or in part, in the PSLR Overlay Concept Plan.

Sec. 2305B. Required PSLR Overlay Use Standards/Conditions for uses permitted subject to special conditions.

The following standards and requirements shall apply to all uses permitted in Section 2303B in the PSLR Overlay District and shall be incorporated into all PSLR Overlay Concept Plans and Site Plans:

1. Site Standards.
 - a. Buildings shall front either on a dedicated non-section line public street or an approved private drive. An approved private drive is defined as a non-dedicated street constructed in accordance with the City of Novi Design and Construction Standards for private roads or streets and in accordance with specifications for site plan approval as referred to in this Ordinance.
 - b. Buildings shall meet the following setback requirements:
 - Front yard or exterior side yard adjacent to roads and drives (other than planned or existing section line road rights-of-way) - minimum of thirty (30) feet and a maximum of seventy-five (75) feet.
 - Exterior side yard adjacent to planned or existing section line road right-of-way - minimum of 50 feet.
 - Other interior side and rear yards - minimum of 30 feet.
 - Other buildings - minimum of thirty (30) feet. Corner-to-corner relationships shall be a minimum of fifteen (15) feet.
 - c. All buildings, parking lots and loading areas shall be separated from all existing or planned section line road rights-of-way as defined in Chapter 11 - Design and Construction Standards by a fifty (50) foot wide landscape buffer containing an undulating, three (3) to five (5) foot tall landscaped berm. Such berm(s) and plantings shall be as provided in the landscaping standards of Section 2509.3.
 - d. Parking spaces for all uses in the District, except for townhouse style multiple-family dwellings that provide private garages for each dwelling unit, shall meet the following requirements:
 - Off-street parking shall be located only in the rear yard or interior side yard.

- Off-street parking shall be screened from the view from adjacent streets by a three (3) to five (5) foot undulating landscape berm as provided in the landscaping standards of Section 2509.3.
 - Parking spaces and access aisles shall be a minimum of fifteen (15) feet from all buildings, except as provided in residential driveways.
 - Parking lots and access aisles shall meet the following setback requirements:
 - Front yard parking is not permitted, except that parking spaces for townhouse developments shall be permitted in the front yard setback when the parking area is also a driveway access to a parking garage contained within the unit.
 - Exterior side yard adjacent to a section line road – minimum of 50 feet.
 - Exterior side yard adjacent to a local street – minimum of 30 feet.
 - Interior side yards adjacent to single family residential districts – minimum of 30 feet.
 - Interior side yards not adjacent to a single family residential district – minimum of 15 feet.
- e. Multiple-family residential developments shall provide open space recreation areas that meet the following requirements:
- Each dwelling unit shall have a minimum of two-hundred (200) square feet of private open space adjacent to and accessible directly from the dwelling unit. This open space may include covered porches, patios and balconies.
 - All residential developments shall provide common open space areas, enhanced with play structures, furniture, and landscaping as central to the project as possible.
 - Active recreation areas shall be provided in all residential developments, with at least fifty percent of the open space area provided to be designed for active recreation.
 - Active recreation area shall consist of a minimum of ten percent (10%) of the site area.
- f. Off-street parking shall be provided as required in Section 2505 and Section 2506 of this Ordinance.
- g. The maximum overall horizontal length of any one building or group of buildings attached together over any portion of a common party wall, or other architectural feature which attaches buildings together, shall not exceed one hundred eighty (180) feet. The overall horizontal length requirement may be modified by the City Council if the following conditions are met:
- The building includes common areas with a minimum capacity of fifty (50) persons for recreation, dining or social activities; and
 - The building is setback an additional one (1) foot for every three (3) feet of building length in excess of 180 feet from all property lines abutting a residential district. In no case shall the building length exceed three hundred and sixty (360) feet.
- h. Landscaping throughout the site shall be provided as set forth and regulated in Section 2509 of this Ordinance. All sites shall include

streetscape amenities such as but not limited to benches, pedestrian plazas, etc.

- i. Outdoor lighting of parking lots, access drives, and pedestrian and bicycle facilities, shall meet the requirements of Section 2511 and the following additional special conditions:
 - i. The height of light fixtures shall not exceed twenty (20) feet.
 - ii. All fixtures shall have a cut-off angle of ninety (90) degrees or less.
 - iii. No direct light source shall be visible at any property line abutting a section line road right-of-way at ground level.
 - iv. Maximum illumination at the property line shall not exceed one-half (½) foot-candle.

2. Circulation Standards.

All uses that include the construction of a new building shall be designed, to the extent possible, with access drives connected only to non-section line roads. Emergency access routes normally closed with an emergency access gate may be connected to section line roads when no other practical location is available:

- a. New public or private local streets shall be designed to provide public access connections to neighboring properties at location(s) acceptable to the City.
- b. New streets shall include public pedestrian and bicycle facilities, as follows:
 - i. All new streets shall be designed as bicycle/pedestrian focused corridors as outlined in the City of Novi Non-Motorized Master Plan and include design features that will result in motorists naturally driving at speeds of 30 mph or less.
 - ii. All buildings and active recreation open space areas shall be connected to the City's existing or proposed bicycle and pedestrian facilities.
 - iii. Where existing non-motorized facilities do not exist on adjacent neighboring properties, facilities shall be stubbed to the property line.

3. Building Design Standards

All buildings shall meet the following requirements:

- a. Maximum building height shall be thirty-five feet or two and one-half (2 ½) stories.
- b. All buildings shall be constructed with a "single-family residential character" and include the following design features, unless the Planning Commission, upon recommendation from the City's façade review consultant, determines that the feature(s) does not add to the residential character of the building:

Building Footprint/Shape

Buildings shall include façade variations with shifts in the plane of walls, set backs, step-backs, reveals, overhangs, and details in order to create variations in a building's façade and shall include the following footprint features:

- Offsets in the façade plane shall be provided at least every fifty (50) feet, with a minimum offset of four (4) feet.

- All front and rear building elevations shall have ground floor pedestrian entrance doors spaced no more than every sixty (60) feet.
- All pedestrian entrance doors shall be recessed from the building plane by at least four (4) feet or shall be located under a covered porch that has a minimum width of at least six (6) feet and a depth of at least four (4) feet.

Roofs

All building roofs shall meet the following requirements:

- Roofs shall be designed with gable and/or hip roof lines. Attached accessory structures for utility boxes and HVAC or with a similar function may be of an alternative roof design provided it is less than ten percent (10%) of the total roof area as viewed in each elevation of the façade plan.
- Roof designs shall include multiple dormers and/or gable roof features to limit the amount of roofing material visible on any façade elevation to a maximum of seventy percent (70%) of any elevation above the eave or gutter line of the roof.
- Roof designs shall include a minimum of a one (1) foot roof overhang, be designed with gutters and downspouts to prevent sheet flow of water from the roof, and have a minimum roof pitch of 6:12.
- All roofs shall be of a shingle or tile design and of fiberglass, asphalt, wood, slate, ceramic tiles, or metal.
- Notwithstanding the above, solar collectors may replace any portion of a roof.

Windows

- All windows shall be of a multiple pane or divided light design. The maximum pane or undivided light size shall not exceed six (6) square feet.
- Windows shall not exceed fifteen (15) feet in width and shall be separated from another window by at least two (2) feet.
- Windows shall be framed with window trim such as shutters or decorative moldings.

Façade Materials

All building façades shall include a variety of siding textures and colors, and be of materials typically found on single-family residential homes in Novi and shall not exceed the maximum allowable percentages as listed for Façade Region 1 in Section 2520, except that there shall be no use of flat metal panels, standing seam metal, spandrel glass, display glass, EIFS, granite, marble or 'C' brick.

The City Council may permit building designs that do not meet the above requirements if it makes a finding, following recommendation from the City's consulting architect, that the proposed façade meets the intent of this section and has a "single-family residential character"

and is in general compliance with the approved PSLR Overlay Development Agreement and PSLR Overlay Concept Plan.

Section 2306B. PSLR Development Agreement Application Review and Approval.

PSLR Development Agreement Applications are subject to review and approval as provided in this Section.

1. Pre-Application Conference. Prior to submittal of a PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan, the Applicant shall apply for and attend a Pre-Application Conference with the Planning Division, and other appropriate officials deemed necessary by the Planning Division. Prior to the meeting, the Applicant shall provide to the Planning Division a brief narrative of how the development meets or exceeds the standards of this ordinance.
2. Planning Commission Review. After the Pre-Application Conference and upon receipt of PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan submittal, the Application shall be referred to the Planning Commission. The Planning Commission shall hold a public hearing and provide its report and recommendation to the City Council with regard to the PSLR Overlay Development Agreement Application and the PSLR Overlay Concept Plan. In making its recommendation to the City Council, the Planning Commission shall evaluate the PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan for eligibility and compliance with the above requirements, conditions and requirements and with the following:
 - a. The PSLR Overlay Development Agreement and PSLR Overlay Concept Plan will result in a recognizable and substantial benefit to the ultimate users of the project and to the community.
 - b. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed type and density of use(s) will not result in an unreasonable increase in the use of public services, facilities and utilities, and will not place an unreasonable burden upon the subject property, surrounding land, nearby property owners and occupants, or the natural environment.
 - c. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed development will not cause a negative impact upon surrounding properties.
 - d. The proposed development will be consistent with the goals and objectives of the City of Novi Master Plan, and will be consistent with the requirements of this Article.
3. City Council Review. The City Council, after review of the Planning Commission's recommendation, consideration of the input received at the public hearing, and review of other information relative to the PSLR

Overlay Development Agreement Application and PSLR Overlay Concept Plan, may take one of two actions:

- a. Indicate its tentative approval of the PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan, and direct the City Administration and City Attorney to cause to be prepared, for review and approval by the City Council, a PSLR Overlay Development Agreement; or
- b. Deny the proposed PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan.

If the PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan are denied, the City Council shall make findings with regard to the standards set forth in this Article.

If tentative approval is offered, following preparation of a proposed PSLR Overlay Development Agreement, the City Council shall make a final determination with regard to the Application. The City Council may deny the PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan or may approve the PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan. The City Council shall make findings with regard to the criteria established in this Article.

4. PSLR Overlay Development Agreement. The approved PSLR Overlay Development Agreement, including the PSLR Overlay Concept Plan, shall be executed by the City and the Applicant and be recorded in the office of the Oakland County Register of Deeds. Final approval of the PSLR Overlay Development Agreement and PSLR Overlay Concept Plan shall be effective upon recording. Physical development of the site shall be in accordance with the approved PSLR Overlay Development Agreement and PSLR Overlay Concept Plan and shall not be commenced until after a Final Site Plan is approved for any site within the area depicted in the PSLR Overlay Development Agreement.
5. Amendments. Amendments to the approved PSLR Overlay Development Agreement Application and the PSLR Overlay Concept Plan shall follow the same procedure as would a new PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan.

Section 2307B. Review and Approval of Site Plans.

Submission of a site plan for a development permitted within the PSLR Overlay District may be made after City Council approval of the PSLR Overlay Development Agreement and PSLR Overlay Concept Plan.

- a. Preliminary site plans shall be reviewed and approved by the Planning Commission.
- b. Final Site Plans may be reviewed and approved administratively unless the Planning Commission directs otherwise at the time of Preliminary Site Plan approval.
- c. Site plans meeting the requirements for administrative review in Section 2516.1.c shall be reviewed and approved administratively.

- d. No building permit shall be issued for any building or structure within the petition area until a Final Site Plan for the project has been approved. Site plans shall be reviewed in accordance with the requirements of Section 2516 and Article 23B of this Ordinance and for general compliance with the approved PSLR Overlay Development Agreement and PSLR Overlay Concept Plan.

Part II. That **ARTICLE 24 SCHEDULE OF REGULATIONS** is amended to read as follows:

ARTICLE 24 SCHEDULE OF REGULATIONS

Section 2400 Schedule limiting height, bulk, density and area by zoning district.

RA to GE requirements in table – [unchanged]

		Minimum Zoning Lot Size for Each Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)			Minimum Pkg. Setback*, ** (Per Lot in Feet)			Open Space Area	Maximum % of Lot Area Covered (By All Buildings)
		Area in Sq. Ft. or Ac.	Width in Feet	Stories	Feet	Front	Each Side	Rear	Front	Each Side	Rear		
PSLR	Planned Suburban Low-Rise Overlay uses (Sec. 2303B)	(g)	(g)	2 1/2	35	See Sec. 2305B							25%

Table footnotes – [unchanged]

Balance of Article – [unchanged]

PART III.

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 IV.

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 V.

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 VI.

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.

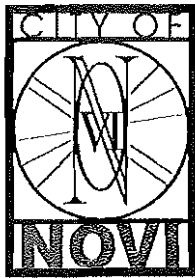
MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2011.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**CORRESPONDENCE WITH
KARL WIZINSKI
SEPTEMBER 1, 2011**



September 1, 2011

Mr. Karl Wizinski
26850 Wixom Rd
Novi, Michigan 48374

Dear Mr. Wizinski,

Thank you for meeting with City Manager Clay Pearson and me last week to express your concerns and ask some questions about the proposed Planned Suburban Low Rise District. Here are some clarifications and explanations in response to your comments and questions.

Is the proposed Suburban Low Rise a Zoning District or an Overlay District?

It is an overlay district. There were two ways to approach designing the district after the master plan designation. One was to establish a new zoning classification with a new list of permitted uses and appropriate regulations. Under this approach, the City would create the text of the district and then the rezoning/map amendments for each parcel in the master plan area would come later. The other approach was the establishment of the overlay district, which would keep the underlying uses intact but add new uses consistent with the master plan discussion. Under this approach, the City would create the text for the additional uses, including appropriate regulations, and also at the same time undertake the map amendment to designate which properties qualify. The current draft takes the latter approach for several reasons.

First, it takes away the need for any individual property owner to have to initiate a rezoning of its property. Rezoning applications can be complicated and expensive—from gathering property descriptions and traffic and environmental reviews to the more mundane things like the cost of rezoning signs, notices and publication. Under the overlay approach, the City does all these things.

Second, it avoids making any existing uses non-conforming. There are currently several existing single-family residential uses in the affected areas. Changing the zoning to the new district while the existing use is present would be problematic because the proposed Suburban Low Rise Concept does not contemplate development of new detached single-family housing.

Finally, the overlay concept allows the City to authorize the significant added uses while retaining some needed control as to the ultimate development.

As is clear from the staff reports and the various meeting minutes of the Master Plan Committee, this Planned Suburban Low Rise Idea was always intended to be accomplished through some form of development "option"—whether a PRO or an overlay or whatever. That invariably

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means an ordinance that sets up discretionary standards for review and application by the City, a plan of some kind, a public hearing process, and an agreement to make sure the City gets what it bargains for by allowing the different uses. That is the usual and typical "trade-off" in a flexible zoning process for allowing the additional uses and density.

How can I use my property under the proposed Ordinance?

The existing underlying uses continue to be permitted. In the case of parcels 50-22-17-300-018 and 019, this includes any of the uses in the R-1, One Family Residential Zoning District. The overlay allows various other uses—more dense and more intense—subject to going through the public hearing and review process. The additional uses that are allowed under the proposed PSLR ordinance include attached single family dwellings, low-rise multiple family dwellings, independent and congregate elderly living facilities, assisted living facilities, live/work mixed use buildings, day care centers, general and medical offices, funeral homes, religious centers, public and private schools and public and community buildings and parks.

There was some question as to why this overlay district couldn't operate more like the EXO Overlay District—i.e., more of a site plan review than a PRO or special land use, complete with a public hearing process, etc. The EXO Overlay involved a single large development of a single character—an exposition facility accompanying uses, all on what was known to be an aggregated parcel. Here, by contrast, the parcels may not be combined, may be developed by a number of property owners, and may have any number of different—and unrelated—uses. In order for the PSLR district to function as intended in the Master Plan, development of the various properties and parcels must be coordinated to allow limited access points and internal circulation for motorized and pedestrian traffic.

What will I need to do to secure approval for the Suburban Low Rise density and uses?

The PSLR overlay ordinance contemplates a 2-step development process:

Step 1 is the adoption of a concept plan and approval of a development agreement. This is where the City can possibly grant some ordinance deviations if they have some public benefit.

At a minimum you would need to submit a PSLR Overlay application and concept plan and obtain City Council approval, as follows:

- 1) Pre-Application Conference with staff and consultants.
- 2) Planning Commission Review and Public Hearing for recommendation to the City Council of the following:
 - a) PSLR Overlay Development Agreement Application
 - b) PSLR Overlay Concept Plan submittal.
- 3) City Council Review:
 - a) Tentative approval of the PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan.

- b) City/applicant prepares PSLR Overlay Development Agreement
- c) Final approval PSLR Overlay Development Agreement and PSLR Overlay Concept Plan.

A typical concept plan would include:

- Overall property boundaries
- Location of existing and proposed non-motorized transportation system, roadways and access drives, and conceptual layout of public utilities, including connections to neighboring properties
- Conceptual storm water management plan
- Location of setbacks and landscape buffers
- Water bodies and regulated floodplain, woodland and wetland areas and the proposed impacts on these features and proposed mitigation of the impacts.
- Plans would need to be prepared by a licensed design professional.

As an option, the Concept Plan could contain additional details, if desired by the applicant (i.e., building, parking, open space, landscaping, phasing, etc.).

Step 2 is the more typical site plan review procedure, in which the City is mainly looking to see if the plans comply with the concept plan, the agreement, and the zoning ordinance. You would submit a site plan with all of the other typical details that the City needs to see for any actual development.

Note that the conceptual plan (Step 1) can be very detailed or somewhat general. How detailed it is will guide what's in the development agreement. It will also guide how much discretion the City has in approving the site plan (Step 2). The less detail the applicant presents at the time of conceptual plan approval, the greater the likelihood that the agreement will reserve to the City the right to make discretionary decisions at the time of site plan review.

What if I submit and receive approval for a Suburban Low Rise Overlay and then a purchaser wants to develop the property in a different manner? Will we be locked in to a single configuration for the site?

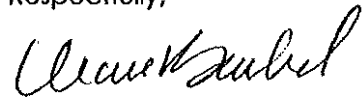
No, the options would be as follows:

- Return to the City Council for approval of a revised PSLR Overlay concept plan and development agreement.
- Seek City Council approval to revoke the PSLR Overlay Concept Plan and development agreement.

In sum, the proposed ordinance does set up an overlay district instead of creating a whole new zoning classification, which avoids creating non-conformities. While the process might seem cumbersome at first blush, it is in fact consistent with what the Planning Commission was told to expect, and, more importantly, it is the format that gives the most flexibility—to the property owner and the City—in terms of development uses.

Should you have any further questions or need for information, or if I can be of assistance, please let me know. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read "Charles Boulard". The signature is fluid and cursive, with the first name "Charles" being more prominent than the last name "Boulard".

Charles Boulard
Community Development Director
cc: file