

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 18.303

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, ORDINANCE 14-271, THE CITY OF NOVI ZONING ORDINANCE, AS AMENDED, ARTICLE 7 ADMINISTRATION, APPEALS, AND ENFORCEMENT, SECTION 7.1 "NONCONFORMITIES" IN ORDER TO ALLOW EXPANSION OF NONCONFORMING USES, OR USES OF STRUCTURES AND LAND IN CERTAIN LIMITED CIRCUMSTANCES

THE CITY OF NOVI ORDAINS:

PART I. That Section 7.1, Nonconformities, Article 7, Administration, Appeals and Enforcement, of the City of Novi Zoning Ordinance is hereby amended to read as follows in its entirety:

Section 7.1 NONCONFORMITIES

1. Intent. It is the intent of this Ordinance to permit legal nonconforming lots, structures or uses to continue until they are removed but not to encourage their survival, in most situations.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures and uses of land and structures that were lawful before this Ordinance was passed or amended but would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, unless approved as provided in this Ordinance.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved, unless approved as provided in this Ordinance.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

The general intent of this Section notwithstanding, it is recognized that some preexisting nonconforming uses, or uses of structures and land, while not in conformance with the requirements of the zoning district in which located, are not detrimental to the surrounding uses, particularly where the activity or structure has been in use for many years and long accepted. An extension or expansion of such uses, or uses of structures and land, may, in some cases, not be detrimental to the surrounding uses. Thus, the Planning Commission has the discretion over whether to allow such extensions or expansions through a special land use approval, as set forth herein.

2. [unchanged]
3. Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
 - A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, unless approved as a special land use by Planning Commission, as provided herein;
 - B.-D. [unchanged]
4. [unchanged]
5. Nonconforming Uses of Structures and Land. If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - A. No existing structure devoted to a use not permitted by this Ordinance in the district in which is it located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located, unless approved as a special land use by Planning Commission, as provided herein.
 - B.-F. [unchanged]
6. [unchanged]
7. Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased, unless approved as a special land use by Planning Commission, as provided herein.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official

8.-10. [unchanged]

11. Special Land Use Approval for Nonconformities. As stated in the intent of this section of this Ordinance, there are appropriate circumstances where it may be reasonable to authorize restoration, reconstruction, or extension of nonconforming uses, or uses of structures

and land, as legal conditional uses after proper notification to surrounding property owners as described in Section 6.2 of this Ordinance for special land uses. Such authorizations are subject to special land use approval by the Planning Commission, which shall consider, in addition to standards in Section 6.2 (as applicable), the following factors in exercising its discretion:

- i. Any alteration or expansion of the use must meet the height, setback, parking, and other applicable requirements for the zoning district where the property is located, unless the Zoning Board of Appeals grants the necessary variances.
- ii. Additional traffic anticipated by an expansion or alteration shall not pose an undue burden on the surrounding neighborhood and uses.
- iii. The expansion or alteration shall not go beyond the limits of the parcel of property upon which such use existed at the time it became lawfully nonconforming.
- iv. The lighting, noise, vibration, odor and other possible impacts that may be generated shall not be increased beyond the levels that existed prior to the expansion and shall be in compliance with the performance standards of Section 5.14.
- v. Total added floor space shall not exceed fifty percent of the existing total floor area as measured in gross square feet. This percentage shall be based on the floor area originally in use when the use became lawfully nonconforming.
- vi. The expansion or alteration shall not hinder the future development of surrounding properties in accordance with the Master Plan.

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.

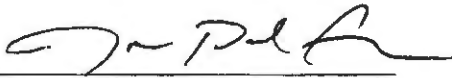
Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

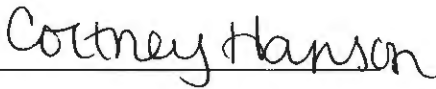
Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper 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 8 DAY OF JANUARY, 2024.



JUSTIN FISCHER, MAYOR



CORTNEY HANSON, CITY CLERK

Ayes: Fischer, Casey, Gurumurthy, Heintz, Smith, Staudt

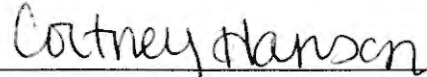
Nays: None

Abstentions: None

Absent: Thomas

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the 8th day of January, 2024.



Cortney Hanson, City Clerk

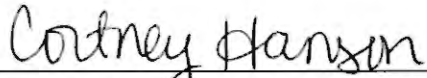
Adopted: 01/08/2024
Published: 02/01/2024
Effective: 02/06/2024

Certificate of Clerk

I hereby certify that the foregoing ordinance was published by posting a copy thereof at each of the following times and places within the City of Novi, on the 19th day of January, 2024.

1. Novi City Hall 45175 Ten Mile Road
2. Novi Library 45255 Ten Mile Road

I do further certify that on the 1st day of January, 2024 said Zoning Text Ordinance Amendment 18.303 was published in brief in the Novi News, a newspaper published and circulated in said City.



Cortney Hanson, City Clerk