



## CITY of NOVI CITY COUNCIL

Agenda Item D  
July 31, 2017

**SUBJECT:** Approval of Zoning Ordinance Text Amendment 18.284 to amend the City of Novi Zoning Ordinance at Article 3, "Zoning Districts" Section 3.20, OST Required Conditions and Section 3.14, I-1 Required Conditions, to allow outdoor placement of above-ground storage tanks; and at Article 3, "Zoning Districts" Section 3.18 OSC Required Conditions to allow Outdoor Displays in connection with a permitted general hospital use. **SECOND READING**

**SUBMITTING DEPARTMENT:** Community Development Department – Planning *Baub*

**CITY MANAGER APPROVAL:** *[Signature]*

### **BACKGROUND INFORMATION:**

The attached ordinance amendments will allow for Outdoor Displays in connection with a permitted General Hospital use in the OSC, Office Service Commercial District, and to modify the standards for the placement of above ground storage tanks in the I-1, Light Industrial Zoning District and in the OST, Office Service Technology District. Both text amendments were previously approved by the City Council in 2014. It was brought to staff's attention that these amendments were inadvertently excluded from the Clearzoning Ordinance reformatting, and the same language previously approved is going through the process to reinstate the ordinance language. No changes from previously approved language are proposed at this time.

### **Text Amendment to allow Outdoor Displays in connection with a permitted General Hospital use**

The proposed amendment modifies the existing section "Sec. 3.18: OSC District Required conditions" that prohibits outdoor storage and display in order to allow limited display areas for use by donors in recognition of a donation of money, goods or services (e .g., art, vehicles, or the like). This ordinance applies only to a permitted general hospital use located in the OSC, Office Service Commercial District.

The proposed ordinance would now allow review of the display area as a temporary special land use. This is a process that is already in place in Ordinance Section 7.6 for certain temporary land uses, which allows review and approval by the Building Official upon receipt of an application and a plan demonstrating certain conditions regarding the nature and compatibility of the proposed temporary use.

The following conditions are included in the proposed ordinance language:

- Limitation on the number of display pads to no more than two, with a maximum size of 20 feet by 15 feet, and items displayed shall not occupy more than an 18 foot by 9 foot area;
- Displayed items must be compatible with the use of the general hospital campus and the existing building and improvements;

- Maintenance of corner sight clearance areas;
- Compliance with outdoor lighting standards;
- Limitation on signage provided (no greater than 2 square feet in area);
- Hard-surface material to be used for the display pads – concrete, asphalt or pavers;
- Administrative approval of the site plan for the location of the pads; and
- Display pads shall be set back a minimum of 150 feet from a major thoroughfare.

The proposed ordinance language related to the temporary use will now read:

*Outdoor storage and display shall be prohibited except that in conjunction with a permitted general hospital use that is otherwise in compliance with this Article, a display area for use by donors in recognition of a donation of money, goods or services (e.g., art, vehicles, or the like) may be permitted by a temporary special land use permit and permit extensions granted by the Building Official as provided in Section 76.2.b, subject to the conditions in Section 7.6.3 and this section. An application for a temporary special land use permit shall identify the donor, type of item(s) to be displayed, and confirm that those item(s) are owned by the donor, with supplemental or amended applications allowed and required for any changes in the type of item(s) to be displayed.*

This modification to the ordinance will allow the Building Official to confirm the donor, type of item to be displayed, and to review subsequent applications when changes are proposed to the types of items to be displayed.

At the February 8, 2017 Planning Commission meeting to set the public hearing the members asked for clarification on whether a billboard vehicle would be allowed on the display pad. A billboard vehicle would not be permitted, the text amendment states that only "one sign shall be permitted to be located on the display of no greater than two (2) square feet in area. All other signs as defined in Chapter 28 of the City Code are prohibited."

#### **Text Amendment to allow outdoor placement of Above Ground Storage Tanks**

As a result of requests by several land owners and occupants in the Office Service Technology District, staff and the City Attorney's Office prepared a text amendment to address concerns of those land owners. The Zoning Ordinance allows outdoor placement of storage tanks in I-1, Light Industrial district subject to certain conditions. The proposed ordinance will allow outdoor placement of above ground storage tanks in the OST District as well as the Light Industrial District with the same "Required Conditions" as currently set forth in Article 3, I-1, Light Industrial district, Section 3.14, with three principal modifications to the ordinance standards:

- Removal of the 600 gallon maximum size limit per storage tank.
- Location of tanks in non-required rear or interior side yard that does not abut residential districts.
- Allow screening wall materials to be consistent with the exterior building wall materials as permitted for the primary building, instead of allowing only masonry materials for the screen wall.

The attached strike-through versions provide additional details on the changes proposed.

### **Public Hearing and Recommendation to City Council**

The Planning Commission held the required public hearing on March 8 for the ordinance amendments and recommended favorable consideration to the City Council. The City Council is asked to consider the ordinance amendments for a Second Reading.

City Council approved the First Reading of the Ordinance Amendment on July 10, 2017 and had no comments.

**RECOMMENDED ACTION:** Approval of Zoning Ordinance Text Amendment 18.284 to amend the City of Novi Zoning Ordinance at Article 3, "Zoning Districts" Section 3.20, OST Required Conditions and Section 3.14, I-1 Required Conditions, to allow outdoor placement of above-ground storage tanks; and at Article 3, "Zoning Districts" Section 3.18 OSC Required Conditions to allow Outdoor Displays in connection with a permitted general hospital use.

### **SECOND READING**

**TEXT AMENDMENT 18.284**  
**STRIKE THRU VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 17 – 18 – 284

AN ORDINANCE TO AMEND THE CITY OF NOVI ZONING ORDINANCE AT THE FOLLOWING LOCATIONS: ARTICLE 3, "ZONING DISTRICTS" SECTION 3.20, OST REQUIRED CONDITIONS;" AND ARTICLE 3, "ZONING DISTRICTS" SECTION 3.14, I-1 REQUIRED CONDITIONS;" TO ALLOW OUTDOOR PLACEMENT OF ABOVE GROUND STORAGE TANK AND ARTICLE 3, "ZONING DISTRICTS" SECTION 3.18, "OSC REQUIRED CONDITIONS;" TO ALLOW OUTDOOR DISPLAYS IN CONNECTION WITH A PERMITTED GENERAL HOSPITAL USE.

THE CITY OF NOVI ORDAINS:

Part I.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts Section 3.14, is hereby amended to read as follows:

All uses within the I-1 district shall be subject to the Site Plan Review Requirements as set forth in Section 6.1 and must comply with the following required conditions:

1. Uses which may take place within or outside of a completely enclosed building:
  - A. [unchanged]
  - B. The following uses may be conducted outside of a completely enclosed building:
    - i. [unchanged]
    - ~~ii. Outdoor placement of above ground storage tanks of not more than a six hundred gallon capacity per tank and accessory to an otherwise permitted use. Placement and use of the aboveground storage tanks shall be in compliance with the City's adopted fire prevention code and any State of Michigan regulations related to such 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 5.15, herein, or reinforced concrete. Other materials may be used for the gate or doorway to the enclosure.~~
    - ii. Outdoor placement of above-ground storage tanks as follows:
      - a. Shall be accessory to an otherwise permitted use.
      - b. Shall be located in a non-required rear or interior side yard that does not abut a residential district.
      - c. Shall be in compliance with the city's adopted fire prevention code and any applicable State of Michigan and federal regulations related to such use.
      - d. Shall be enclosed and screened from public view as follows:

- (1) 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.
- (2) 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.
- (3) Screening materials shall match the primary building on the site, or consist of materials that complement the primary building as permitted under the exterior building wall material standards contained in Section 5.5, herein, or reinforced concrete. Other materials may be used for the gate or doorway to the enclosure.

**Part II.**

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts Section 3.20, is hereby amended to read as follows:

1. OST District General Regulations

A. [unchanged]

2. OST District Required Conditions

A. [unchanged]

B. [unchanged]

C. [unchanged]

D. The outdoor storage of goods or materials shall be prohibited, unless otherwise permitted in this section.

E. Outdoor placement of above-ground storage tanks as follows:

a. Shall be accessory to an otherwise permitted use.

b. Shall be located in a non-required rear or interior side yard that does not abut a residential district.

c. Shall be in compliance with the city's adopted fire prevention code and any applicable State of Michigan and federal regulations related to such use.

d. Shall be enclosed and screened from public view as follows:

i. 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.

ii. 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.

iii. Screening materials shall match the primary building on the site, or consist of materials that complement the primary building as permitted under the exterior building wall material standards contained in Section 5.5, herein, or reinforced concrete. Other materials may be used for the gate or doorway to the enclosure.

Part III.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts Section 3.18, is hereby amended to read as follows:

To promote the most desirable use of land in the OSC district in accordance with a well-conceived plan, to provide stability of commercial development, to strengthen the economic base of the City, to protect the character and pattern of desirable development, to conserve the value of land and buildings, and to protect the City's tax revenue, the following specified conditions shall be met by all uses precedent to location in an OSC district:

1. [unchanged]

2. They shall be located within a completely enclosed building except for outdoor restaurant seating, off-street parking and public open space or park areas. Outdoor storage and display shall be prohibited, except that in conjunction with a permitted general hospital use that is otherwise in compliance with this Article, a display area for use by donors in recognition of a donation of money, goods or services (e.g., art, vehicles, or the like) may be permitted by a temporary special land use permit and permit extensions granted by the Building Official as provided in Section 76.2.b. subject to the conditions in Section 7.6.3 and this section. An application for a temporary special land use permit shall identify the donor, type of item(s) to be displayed, and confirm that those item(s) are owned by the donor, with supplemental or amended applications allowed and required for any changes in the type of item(s) to be displayed.

A. A maximum of two display pad areas no greater than 20' x 15' in size in connection with the general hospital use are allowed, with displayed items to not occupy more than a 18' x 9' area of a display pad so as to allow a 3 feet wide perimeter along the sides for pedestrian access.

B. The displayed items must be compatible with the use of the general hospital campus and the existing building and improvements located thereon.

C. Required corner clearances shall be provided at all intersections and drive aisles.

D. Lighting shall comply with the requirements of Section 5.7. Exterior Lighting.

E. One sign shall be permitted to be located on the display of no greater than two (2) square feet in area. All other signs as defined in Chapter 28 of the City Code are prohibited.

F. Display pads shall be required and shall be constructed of concrete, asphalt pavers, or other similar hard-surface material approved by the Department of Community Development. The location and materials for display pads shall be subject to administrative site plan approval pursuant to Section 5.15 of this ordinance.

G. Display pads shall be set back a minimum of 150 feet from a major thoroughfare.

**Part IV.**

**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 V.**

**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 VI.**

**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 VII.**

**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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
ROBERT J. GATT, MAYOR

\_\_\_\_\_  
CORTNEY HANSON, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent:



**TEXT AMENDMENT 18.284  
CLEAN VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 17 – 18 – 284

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**THE CITY OF NOVI ORDAINS:**

**Part I.**

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts Section 3.14, is hereby amended to read as follows:

All uses within the I-1 district shall be subject to the Site Plan Review Requirements as set forth in Section 6.1 and must comply with the following required conditions:

1. Uses which may take place within or outside of a completely enclosed building:
  - A. [unchanged]
  - B. The following uses may be conducted outside of a completely enclosed building:
    - i. [unchanged]
    - ii. Outdoor placement of above-ground storage tanks as follows:
      - a. Shall be accessory to an otherwise permitted use.
      - b. Shall be located in a non-required rear or interior side yard that does not abut a residential district.
      - c. Shall be in compliance with the city's adopted fire prevention code and any applicable State of Michigan and federal regulations related to such use.
      - d. Shall be enclosed and screened from public view as follows:
        - (1) 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.
        - (2) 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.
        - (3) Screening materials shall match the primary building on the site, or consist of materials that complement the primary building as permitted under the exterior building wall material standards contained in Section 5.5, herein, or reinforced concrete. Other materials may be used for the gate or doorway to the enclosure.

## **Part II.**

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts Section 3.20, is hereby amended to read as follows:

1. OST District General Regulations
  - A. [unchanged]
2. OST District Required Conditions
  - A. [unchanged]
  - B. [unchanged]
  - C. [unchanged]
  - D. The outdoor storage of goods or materials shall be prohibited, unless otherwise permitted in this section
  - E. Outdoor placement of above-ground storage tanks as follows:
    - a. Shall be accessory to an otherwise permitted use.
    - b. Shall be located in a non-required rear or interior side yard that does not abut a residential district.
    - c. Shall be in compliance with the city's adopted fire prevention code and any applicable State of Michigan and federal regulations related to such use.
    - d. Shall be enclosed and screened from public view as follows:
      - i. 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.
      - ii. 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.
      - iii. Screening materials shall match the primary building on the site, or consist of materials that complement the primary building as permitted under the exterior building wall material standards contained in Section 5.5, herein, or reinforced concrete. Other materials may be used for the gate or doorway to the enclosure.

## **Part III.**

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts Section 3.18, is hereby amended to read as follows:

To promote the most desirable use of land in the OSC district in accordance with a well-conceived plan, to provide stability of commercial development, to strengthen the economic base of the City, to protect the character and pattern of desirable development, to conserve the value of land and buildings, and to protect the City's tax revenue, the following specified conditions shall be met by all uses precedent to location in an OSC district:

1. [unchanged]
2. They shall be located within a completely enclosed building except for outdoor restaurant seating, off-street parking and public open space or park areas. Outdoor storage and display shall be prohibited, except that in conjunction with a permitted general hospital use that is otherwise in compliance with this Article, a display area for use by donors in recognition of a donation of money, goods or services (e.g., art,

vehicles, or the like) may be permitted by a temporary special land use permit and permit extensions granted by the Building Official as provided in Section 76.2.b. subject to the conditions in Section 7.6.3 and this section. An application for a temporary special land use permit shall identify the donor, type of item(s) to be displayed, and confirm that those item(s) are owned by the donor, with supplemental or amended applications allowed and required for any changes in the type of item(s) to be displayed.

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- B. The displayed items must be compatible with the use of the general hospital campus and the existing building and improvements located thereon.
- C. Required corner clearances shall be provided at all intersections and drive aisles.
- D. Lighting shall comply with the requirements of Section 5.7. Exterior Lighting.
- E. One sign shall be permitted to be located on the display of no greater than two (2) square feet in area. All other signs as defined in Chapter 28 of the City Code are prohibited.
- F. Display pads shall be required and shall be constructed of concrete, asphalt pavers, or other similar hard-surface material approved by the Department of Community Development. The location and materials for display pads shall be subject to administrative site plan approval pursuant to Section 5.15 of this ordinance.
- G. Display pads shall be set back a minimum of 150 feet from a major thoroughfare.

#### **Part IV.**

**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 V.**

**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 VI.**

**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 VII.**

**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 \_\_\_\_\_, 2017.

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ROBERT J. GATT, MAYOR

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CORTNEY HANSON, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent:

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CHAIRPERSON PEHRSON: Committee

reports?

The City Planner report.

Ms. McBeth.

MS. MCBETH: Thank you. Good

evening.

I just wanted to report that at the February 27th City Council meeting, City Council approved the first reading of the zoning map amendment for the property that's located at the southwest corner of Twelve Mile and Taft Road. That was a rezoning from RA (residential acreage) to OST (planned office service technology.) We expect that will go back for a second meeting soon.

CHAIRPERSON PEHRSON: Very good.

MS. MCBETH: Thank you.

CHAIRPERSON PEHRSON: Under our first public hearing, it's a Text Amendment 18.284 for outdoor display and above ground storage tanks. That's a public hearing for the consideration of Text Amendment 18.284 to allow outdoor display in the OSC, Office Service Commercial District, and to allow above ground storage tanks in the OST, Planned Office

1 Service Technology District.

2 Kirsten.

3 MS. MELLEEM: Good evening.

4 So the proposed ordinance  
5 amendment address two previously approved text  
6 amendments from 2014 that were inadvertently excluded  
7 from the Clearzoning Ordinance reformatting, and is  
8 therefore going through the process to reinstate the  
9 ordinance language.

10 The first one is to allow  
11 Outdoor Display in connection with a permitted General  
12 Hospital use, making it a temporary special land use  
13 reviewed by the Building Official. At the February 8,  
14 2017 Planning Commission meeting to set the public  
15 hearing the members asked for clarification on whether  
16 a billboard vehicle would be allowed on the display  
17 pad. A billboard vehicle would not be permitted, the  
18 text amendment states that only "one sign shall be  
19 permitted to be located on the display of no greater  
20 than two square feet in area. All other signs as  
21 defined in Chapter 28 of the City Code are  
22 prohibited."

23 The second item is to allow

1 outdoor placement of above ground storage tanks in OST  
2 with the same conditions as required in I-1 with three  
3 modifications proposed. The three modifications are  
4 removal of the size limit per storage tank, limiting  
5 the location of tanks, and allowing the screening wall  
6 material to match the primary building materials.

7 There were no additional changes  
8 from the previously approved language currently  
9 proposed.

10 The Planning Commission is asked  
11 tonight to hold the required public hearing and make a  
12 recommendation to the City Council, who will  
13 ultimately approve or deny the amendment, and may  
14 propose alterations as well. Staff is available to  
15 answer any questions you may have regarding the  
16 proposed amendment.

17 CHAIRPERSON PEHRSON: Thank you.

18 I'll open it up to the audience  
19 for their participation.

20 Seeing no one, we'll close the  
21 audience participation.

22 Any memos or letters?

23 MR. GRECO: No memos, letters or



1 correspondence.

2 CHAIRPERSON PEHRSON: Then we'll  
3 close the audience participation and turn it over to  
4 the Planning Commission for their consideration.

5 Member Greco.

6 MR. GRECO: I'd like to make a  
7 motion to recommend approval to the City Council of  
8 Text Amendment 18.284, outdoor display and above  
9 ground storage tanks.

10 MR. LYNCH: Second.

11 CHAIRPERSON PEHRSON: There's a  
12 motion by Member Greco, second by Member Lynch.

13 Any other comments?

14 Kristen, call the roll.

15 MS. MELLEEM: Member Anthony?

16 MR. ANTHONY: Yes.

17 MS. MELLEEM: Chair Pehrson?

18 CHAIRMAN PEHRSON: Yes.

19 MS. MELLEEM: Member Greco?

20 MR. GRECO: Yes.

21 MS. MELLEEM: Member Lynch?

22 MR. LYNCH: Yes.

23 MS. MELLEEM: Motion passes four to