

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KIRSTEN MELLEME, PLANNER
THROUGH: BARBARA MCBETH, AICP, CITY PLANNER
SUBJECT: SET PUBLIC HEARING FOR TEXT AMENDMENT 18.279
DATE: SEPTEMBER 30, 2016

Attached you will find a proposed ordinance amendment addressing mixed-use development requirements in the TC (Town Center) and TC-1 (Town Center-1) district. These include the maximum length of building, building orientation, yard setback restrictions, dwelling units per acre by unit, number of rooms and area of parcel, building setbacks, mixed-uses on the same floor, and reduced mixed-use minimum. The current ordinance states that multiple-housing dwelling units in TC and TC-1 shall meet the requirements of the RM-1 (Low-Density Multiple-Family) district. In many instances, the characteristics of the low-density, multiple-family district are contrary to the intent of the TC and TC-1 district, which strives for a pedestrian-oriented, mixed-use downtown. The proposed amendments would align the requirements with the intent of the area.

Staff has proposed this amendment in response to new developments anticipated in the Main Street area. The proposed amendment would promote a pedestrian-oriented, mixed-use development that would accommodate the density proposed in the 2016 Master Plan for Land Use.

Maximum Length of Building (Sec. 3.8.2.C)

The maximum horizontal length of one building or group of buildings attached together by architectural feature shall not exceed 180 feet. Unless it contains common space for 50 people and is setback 3 feet for each foot in excess. Maximum length is then 360 feet.

This requirement is unattainable in the Main Street area because the preference is to have the buildings at the property line with no setbacks. The development shall provide visual interest that breaks up the appearance of one long building. Staff recommends elimination of this requirement for TC and TC-1 and addition of language under the residential dwellings use standards.

Building Orientation (Sec. 3.8.2.D)

Where any multiple dwelling structure and/or accessory structure is located along an outer perimeter property line said structure shall be oriented at a minimum 45 degrees to said property line.

This requirement goes directly against the Main Street area intent of creating development with zero setback fronting onto Main Street. By requiring a 45 degree angle, it makes the development of mixed-use building impossible and contrary to a pedestrian-oriented, mixed-use downtown. Staff recommends elimination of this requirement for TC and TC-1.

Yard Setback Restrictions (Sec. 3.8.2.E)

Within any required front, side, or rear yard setback from any property line not more than 30 percent of any yard shall be used for off-street parking, maneuvering lanes, service drives, or loading areas.

This requirement limits the ability to place parking, dumpsters, and loading areas within the rear yard of a development where it is screened from public view in a Main Street development. Staff recommends elimination of this requirement for TC and TC-1.

Number of rooms based on area of parcel & Maximum density by unit (Sec. 4.82.2)

In multiple-family developments within a mixed-use development the total number of rooms shall not have more than the area of the parcel in square feet, divided by 800. Table 4.82.2 Residential Guidelines for Development limit the DUA by type of unit.

These two standards relate to the maximum dwelling units per area restrictions. Staff suggests allowing City Council to modify this requirement for developments in the TC and TC-1 district that are over 5 acres, subject to a number of standards that will ensure the intent of the TC and TC-1 district is met.

Building setbacks (Sec. 4.82.2)

Building setback to any property line shall be thirty (30) feet, except where adjacent to single family residential property, in which case the setback shall be seventy-five (75) feet.

This requirement conflicts with the standards set in the required conditions in the TC and TC-1 District Required Conditions in 3.27.1.C and should be removed.

Mixed-Uses on the Same Floor (Sec. 4.82.3 & Sec. 3.27.1.M)

Business/Office Uses on the same floor as Residential (Sec. 4.82.3): Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on the same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes.

Combining of Use Groups within a Single Structure (Sec. 3.27.1.M): No commercial or office shall be located on the same floor as residential use, and no floor may be used for commercial or office purposes which is located above a floor used for residential purposes.

The intent of this requirement is to minimize the disruption of having different types of uses on the same floor and to prohibit private residential areas open access by the public. However, if a development wishes to have external entrances that do not share a common hallway or lobby with a business or office use then the intent is met by this distinction. Staff recommends adding this standard to the ordinance.

Reduced Mixed-Use Minimum (Sec. 4.25)

To qualify as a "mixed-use development," a project must meet the following requirements: (1) each use shall comprise of at least 10 percent in the GE district or 20 percent in the TC and TC-1 districts of either net site area or total gross floor area of all buildings.

The intent of this requirement is to provide a minimum standard for a mixed-use development. Staff recommends aligning the GE, TC, and TC-1 minimum requirements for each type of use in a mixed-use development to be a minimum of 10 percent.

Parking Standards

The parking standards for the Town Center districts are also under review. The Main Street Area Shared Parking Agreement is under review by the private property owners, as well. It has been suggested that the parking standards for the Town Center districts be potentially reduced to allow for a more dense, walkable downtown.

Set Public Hearing

The Planning Commission is asked to review the proposed amendments, and if acceptable, to set a Public Hearing. At that time, the Planning Commission may make a recommendation to the City Council, who will ultimately approve or deny the amendment and may propose alterations as well. The attached staff version of the proposed amendment is subject to review and changes by City staff and/or the City Attorney's Office. Any questions please contact Kirsten Mellem at 248-347-0484 or kmellem@cityofnovi.org.

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 16 - 18 - 279

AN ORDINANCE TO AMEND THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 4, USE STANDARDS, SECTION 4.82, RESIDENTIAL DWELLINGS, ARTICLE 4, USE STANDARDS, SECTION 4.25, MIXED-USE DEVELOPMENTS, AND ARTICLE 3, ZONING DISTRICTS, SECTION 3.27, TC AND TC-1 DISTRICT REQUIRED CONDITIONS; IN ORDER TO RECONCILE THE STANDARDS FOR MULTIPLE-FAMILY USES IN MIXED-USE DEVELOPMENTS IN THE TC-1 DISTRICT.

THE CITY OF NOVI ORDAINS:

PART I

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.8.2, RM-1 and RM-2 General Regulations, is hereby amended to read as follows:

4.82 RESIDENTIAL DWELLINGS IN TC AND TC-1

1. [Unchanged.]
2. Multiple-housing dwelling units and attached single family units (i.e., cluster housing duplex, townhouse) shall meet the requirements of the RM-1 district and/or cluster housing option as modified herein. The requirements of Section 3.8.2.C, D, E, and H shall not apply to developments proposed in the TC and TC-1 District.
 - a. In a multiple-family development within the TC and TC-1 districts the total number of rooms (not including kitchen, dining and sanitary facilities) shall not have more than the area of the parcel in square feet, divided by a factor of one-thousand two-hundred (1,200). If such multiple housing is within a mixed-use development, the total number of rooms shall not be more than the area of the parcel in square feet, divided by a factor of eight-hundred (800). All public utilities must be available.

The total number of rooms noted above may be altered where strict adherence would serve no good purpose or where the overall intent of the TC and TC-1 district would be better served by allowing an increase in total number of rooms, provided the total rooms shall not exceed more than two times the number of rooms otherwise allowed, with a finding that the conditions listed in subparts i. through ii. herein are found to exist. Such reduction may be made by the Planning Commission for developments on parcels of less than five acres in area. For any development on parcels of five acres or more, such reduction may only be made by the City Council:

- i. That an increase in total number of rooms will not cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal, and police and fire protection to serve existing and planned uses in the area;
- ii. That an increase in total number of rooms is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood; and

- b. In a mixed-use development, an applicant shall be required to provide, as part of site plan approval for a development, conceptual floor plan layouts for each dwelling unit to establish the maximum number of rooms permitted per building. After the maximum rooms per building has been established, an applicant may modify the individual unit floor plans, provided that the maximum rooms and maximum percentage of each type of dwelling unit are not exceeded for the development.
 - c. The minimum distance between buildings shall be ten (10) feet.
 - d. ~~Building setback to any property line shall be thirty (30) feet, except where adjacent to single family residential property, in which case the setback shall be seventy five (75) feet.~~ Driveways, parking and walls may be within the setback as long as a ten (10) foot green belt area is placed between the property line and any improvement.
 - e. Off-street parking shall not be placed within ten (10) feet to any wall of a dwelling structure which contains openings involving living areas, and no closer than five (5) feet to any wall that does not contain such openings. Units which have garages may be permitted parking on garage aprons. No off-street parking, maneuvering lanes, service drives or loading areas shall be located closer than ten (10) feet from any street right-of-way and five (5) feet from any other property line, except where adjacent to single-family residential property, in which case such facilities shall be no closer than thirty (30) feet from the property line.
 - f. ~~The maximum horizontal length of one building or group of buildings attached together by architectural feature shall not exceed 180 feet. This standard may be modified in the opinion of the City's Façade Consultant that the variation in the buildings mass or façade elevation meets the intent of the district.~~
3. Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. ~~This standard may be modified where the residential use has an external entrance, not shared by another business or residence.~~ Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential use.
 4. ~~All buildings fronting onto a publicly dedicated roadway shall have a non-residential uses on the first floor.~~
- 5.4. [Unchanged.]
- 6.5. [Unchanged.]

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.27, TC and TC-1 District Required Conditions, is hereby amended to read as follows:

4.25 MIXED-USE DEVELOPMENTS

1. Each use shall comprise at of least ten (10) percent in the GE district, ~~or twenty (20) percent in the TC-1, and TC-2 districts~~ of either
 - A. the net site area or
 - B. the total gross floor area of all buildings and not be considered accessory to another principal use.

2. [Unchanged.]
3. [Unchanged.]

That the City of Novi Zoning Ordinance, as amended, Article 4, Use Standards, Section 4.25, Mixed-Use Developments, is hereby amended to read as follows:

3.27 TC AND TC-1 DISTRICT REQUIRED CONDITIONS

1. The following standards shall apply to all uses permitted in the TC and TC-1 districts:
 - A. [Unchanged.]
 - B. [Unchanged.]
 - C. [Unchanged.]
 - D. [Unchanged.]
 - E. [Unchanged.]
 - F. [Unchanged.]
 - G. [Unchanged.]
 - H. [Unchanged.]
 - I. [Unchanged.]
 - J. [Unchanged.]
 - K. [Unchanged.]
 - L. [Unchanged.]

 - M. Combining of Use Groups within a Single Structure. Commercial and office uses may occupy any number of total floors within a building used for residential uses, subject to the restriction contained within Section 3.27.2.B. No commercial or office shall be located on the same floor as residential use, and no floor may be used for commercial or office purposes which is located above a floor used for residential purposes. **This standard may be modified where the residential use has an external entrance, not shared by another business or residence.**

 - N. [Unchanged.]
2. [Unchanged.]

PART II

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV

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

PART V

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2016.

ROBERT J. GATT, MAYOR

CORTNEY HANSON, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent: