

CITY WEST TEXT AMENDMENT – 8/15/23 DRAFT

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

ORDINANCE NO. 18.296

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, ORDINANCE 14-271, THE CITY OF NOVI ZONING ORDINANCE, AS AMENDED, AT ARTICLE 3.0 ZONING DISTRICTS, ADD SECTION 3.1.30 TO ESTABLISH THE CW – CITY WEST DISTRICT, SECTION 3.33 CITY WEST REQUIRED CONDITIONS, SECTION 3.34 CITY WEST MIXED USE DEVELOPMENT OPTION, RENUMBERING GENERAL EXCEPTIONS TO SECTION 3.35, AND TO AMEND ARTICLE 4.0 USE STANDARDS, SECTION 4.12 GROUP DAY CARE HOMES, DAY CARE CENTERS AND ADULT DAY CARE CENTERS, SECTION 4.24 DRY CLEANING ESTABLISHMENTS, SECTION 4.27 RETAIL BUSINESS OR SERVICE ESTABLISHMENTS, SECTION 4.28 HOTELS AND MOTELS, SECTION 4.35 MICROBREWERY AND BREWPUBS, SECTION 4.62 INSTRUCTIONAL CENTERS, AND SECTION 4.81 FINANCIAL INSTITUTIONS. ALL BEING DONE TO CREATE AND ADD REQUIREMENTS FOR THE CITY WEST (CW) DISTRICT. AMEND ARTICLE 2, SECTION 2.2 DEFINITIONS, TO ADD A DEFINITION FOR WORKFORCE HOUSING. AMEND ARTICLE 3.0 ZONING DISTRICTS, SECTION 3.1.15 EXO EXPOSITION OVERLAY DISTRICT AND 3.25 EXO OVERLAY DISTRICT REQUIRED CONDITIONS, TO CHANGE THE UNDERLYING ZONING OF THE EXO OVERLAY DISTRICT TO CITY WEST.

THE CITY OF NOVI ORDAINS:

Part I.

That the City of Novi Zoning Ordinance, as amended, Article 3.0, Zoning Districts, Section 3.1 Districts Established, is hereby amended to add a new district as number 30 CW City West District.

Part II.

That the City of Novi Zoning Ordinance, as amended, Article 3.0, Zoning Districts, Section 3.1 Districts Established, is hereby amended to add section 3.1.30 as follows:

3.1.30 CW City West District

A. Intent and General Provisions

1. Description of the District. The City West district permits a mix of uses, including amusement and entertainment uses, office, commercial, and multiple-family housing, that are appropriate within the context of the City West area. Key design concepts include multiple-story buildings that frame the internal street network, a corridor of buildings massed along Grand River Avenue, shared access and parking, a mix of uses including commercial and multi-family residential, and public gathering spaces. Buildings should have high-quality materials and allow for changing uses over time.

Development will be pedestrian-oriented, with a high degree of transparency on the ground level and functional, attractive outdoor amenities such as plazas and pocket parks with seating and lighting. Parking is placed to the side or rear of main buildings, preferably in parking structures, driveways are consolidated from the major thoroughfare, and on-street parking is permitted on secondary streets.

2. Intent. The intent of the City West district is to encourage high-quality and distinctive development that will complement and support nearby areas. The district will reflect an inviting and vibrant identity for this area of the City's Grand River Corridor while implementing land use planning and development techniques that result in a pleasing, compatible, visual presence. Assembly of small lots and long, narrow lots into larger development parcels is anticipated and encouraged to provide coordinated development with consolidated access points. Minimum lot and frontage thresholds are established for the mixed-use development option to further this objective. Shared parking is strongly encouraged, and vehicular and pedestrian connections between sites is expected.

The district allows a wide range of principal uses. In conjunction with different height, area, and bulk standards, this should increase development and re-development opportunities that will look demonstratively different than existing uses.

Additionally, some of the objectives of the district are intended to be accomplished or facilitated by the establishment of an optional development approval process, the Mixed-Use Development Option (MDO). Under this optional form of development:

- Mixing of uses is permitted, either vertically or horizontally.
- Building heights are greater than most traditional commercial districts in the city.
- Floor area ratios and densities are increased to allow economies of scale.
- Required setbacks are reduced to encourage a development pattern that frames the primary street frontage.

Under the MDO concept, a wider variety of retail, commercial, office, and residential uses and open spaces are permitted, to further the creation of a dynamic mix of compatible uses. As a trade-off for this greater flexibility, regulations regarding streetscape and landscape design, provisions for parking facilities, architectural and façade design, multi-family residential dwelling units, and setback standards are incorporated into the district, resulting in a mix of some form-based standards and more conventional guidance. See the City West Design Guide for examples of the development vision and guidelines for projects in this district. The MDO, if successfully implemented, should:

- Encourage the use of land in accordance with its character and surroundings;
- **Conserve natural resources and natural features;**
- Encourage innovation and creativity in land use planning;
- Enhance pedestrian and cycling activity within the district and to surrounding destinations;
- Provide enhanced housing, cultural, and recreational opportunities for the people of the City; and

- Bring about a greater compatibility of design and use between and among neighboring properties.

B. Principal Permitted Uses –

- Offices, including professional, medical (including labs and clinics)
- Municipal uses, such as post offices and similar governmental office buildings
- Day care centers (4.12.2)
- Financial institutions (4.81)
- Retail business or service establishments, including restaurants (4.27)
- Business schools and colleges or private schools operated for profit (4.27)
- Instructional Centers (4.62)
- Outdoor theaters, plazas, parks, public gathering places, farmers markets and like public facilities
- Art galleries, museums, and non-profit community centers
- Personal service establishments
- Private recreational facilities, indoor or outdoor
- Publicly owned and operated parks, pathways, and recreational facilities
- Transit station
- Brewpubs and Microbreweries (4.35)
- Outdoor restaurants (4.84)
- Principal uses similar to those listed above, as determined by the Planning Commission
- Off-street parking lots and structures (not to include vehicle storage)
- Accessory structures and uses customarily incidental to the above permitted uses, except drive-through windows (4.19)

C. Mixed-Use Development Option Permitted Uses –

- Any of the Principal Permitted Uses above
- Multiple-family residential
- Live/work units
- Hotels (4.28.1) – [North of Grand River Only](#)
- Business establishments which perform services on the premises
- Health and fitness clubs, public or private
- Dry Cleaning Establishments or Pick Up Stations (4.24)
- Other uses similar to the above uses subject to conditions noted
- Accessory structures and uses customarily incidental to the above permitted uses (4.19)

D. Special Land Uses

- Amusement and entertainment uses, including theaters, athletic and performing arts venues

- ii. Private clubs, organizations, cultural facilities, and lodge halls
- iii. Places of worship
- iv. Drive throughs, as an accessory to a permitted use (Sec. 5.3.11)

E. Development Standards

Lot size, Lot Coverage, Lot width:

See section 3.6.2.D

Open Space:

Minimum Gross Open Space: 15% (see Section 3.33.4.1.F)

Minimum Usable Open Space: 150 sq ft per dwelling unit

Building Setbacks

Minimum front yard setback: See Section 3.33.1.E

Minimum rear yard setback: See Section 3.33.1.E

Minimum side yard setback: See Section 3.33.1.E

Building Height

Minimum building height: ~~2 stories or~~ 20 feet

Maximum building height: ~~3-2~~ stories

Parking Lot Setbacks

Front yard setback: Front yard parking is not permitted, unless it is on-street, except as otherwise provided. See Section 3.33.1.E

Rear yard setback: 10 feet; If adjacent to existing residential zoning district a minimum of 50 feet is required

Side yard setback: 10 feet; If adjacent to existing residential zoning district a minimum of 50 feet is required

3.6.2 Applicability of Notes to District Standards

- City West Districts: D, M,

Part III.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, is amended to add a new Section 3.33, City West Required Conditions, as follows in its entirety:

3.33 City West District REQUIRED CONDITIONS

1. The following standards shall apply to all uses permitted in the district except as indicated otherwise in this ordinance, or where different or additional standards are either authorized or required for developments utilizing the Mixed-Use Development Option (MDO) in Section 3.34.

- A. Site Plans. Site plans shall be submitted for preliminary approval by the Planning Commission, in accordance with the provisions of this ordinance and other applicable ordinances in Section 6, unless the proposed plan qualifies for administrative review per Section 6.1.C.
- B. Nonconforming Uses and Buildings: A use or structure that is lawfully operating/existing as of the date this Section takes effect shall be considered a legal non-conforming use, so long as it remains otherwise lawful, subject to the following:
 - a. Such uses may be enlarged or increased by up to 10 percent of the existing total floor area, provided the resulting total floor area does not exceed the maximum floor area ratio of 0.275 as described below.
 - b. Any changes to the building or site at these locations that require site plan approval as described in Section 6.1 shall also require Planning Commission approval under the requirements of the Special Land Use permit approval provisions of that Section.
- C. Maximum floor area ratio (FAR): The maximum FAR (ratio of gross square feet of building area to gross land area of site, less prescribed right-of-way) shall be 0.275. Where an addition is proposed to an existing structure, the total resultant structure or combination of structures on-site shall be used in the calculations.
- D. Building and Parking Setbacks: Building and parking setback requirements, except as otherwise specified herein, shall be as noted in the table below, as measured from the future Right-of-Way line. These setback requirements may be reduced or increased by the approving body where strict adherence would serve no good purpose or where the overall intent of the district would be better served by allowing a lesser or greater setback, provided that:

- i. An increase or reduction of a setback will not impair the health, safety or general welfare of the city as related to the use of the premises or adjacent premise,
- ii. The increase or reduction of the setback along a common parcel line between two premises would result in a more desirable relationship between a proposed building and an existing building,
- iii. The increase or reduction of the setback would create a more desirable viewshed along the corridor, and
- iv. The adherence to the required setback would result in the establishment of non-usable land area that could create maintenance problems.

3.33.1.E. Setback Requirements for CW Districts

Arterials (Grand River, Beck)	Minimum (feet)	Maximum (feet)
Building - Front	20	65
Building - Exterior side ¹	20	65
Parking ⁴	20	None
Nonresidential collectors and local streets	Minimum (feet)	Maximum (feet)
Building – Front	10	20
Building - Exterior Side ¹	0	none
Parking (rear and side yard) ⁴	10	none
Private Drives, Aisles & Shared Access Drives	Minimum (feet)	Maximum (feet)
Building – Front	10	none
Building - Exterior Side ¹	10	none
Parking (rear and side yard) ⁴	10	none
I-96 Highway ROW	Minimum (feet)	Maximum (feet)
Building ¹	75	none
Parking ⁴	30	none
Adjacent to Single Family	Minimum (feet)	Maximum (feet)
Building – Non-residential use	100	none
Building - Residential use	2 feet per each foot of building height 100	none
Parking (rear and side yard) ⁴	50-75 feet	none

Notes to Table

1. Rear and interior side yard building setbacks are not prescribed, except as noted or as necessary to meet landscaping or other requirements, or where the Planning Commission or City Council determines buildings or parking require additional distance for safety, protection of natural features, or to enhance compatibility.
2. Distance Between Buildings: Buildings with a front-to-front relationship shall have a minimum separation of forty (40) feet. Buildings with a front-to-rear or front-to-side relationship shall have a minimum separation of thirty (30) feet. All other buildings shall have a minimum separation of twenty (20) feet, or thirty (30) feet for buildings sixty (60) feet or more in height, unless otherwise provided for in these district regulations.
3. The front yard setback shall be increased at intersections where necessary to obtain the appropriate clear vision area. Clear vision area shall comply with standards set forth in Section 5.9, Corner Clearance, or any more restrictive standards adopted by the Road Commission for Oakland County (RCOC).
4. Parking Setbacks.
 - a. Front yard off-street parking is generally not permitted as it detracts from the intent to create a pedestrian-oriented district. If parking in the front yard is determined to be essential to the site layout and uses, it shall be limited to one bay of parking and observe a minimum of a 10-foot setback with greenbelt. Surface parking lots shall be screened from all major thoroughfares by: (1) a two and one-half (2.5) foot ornamental brick or stone wall with intermittent landscaped breaks; or (2) semi-transparent screening such as brick pilaster with metal decorative fence in order to maintain attractive streetscapes as approved by the City's Landscape Architect. Landscaping, 12 - 36 inches in height, along the street side of walls or fences shall be provided.
 - b. Side yard parking adjacent to a front yard shall be setback from the front façade of the building by a minimum of five (5) feet. See illustration in Section 3.11.6.A. Screening as described above is required.
 - c. Off-street parking areas may be located within the exterior side yard along arterial roads if the primary building is oriented to front on a non-residential collector or local street. If parking is located in a side yard, the minimum setback of at least twenty (20) feet is required from the right-of-way line of any major thoroughfare, presently existing or as planned by the Road Commission for Oakland County or the City of Novi Master Plan.
 - ~~d. Parking may front on shared private access road easements and similar private internal streets.~~
 - ~~e.d. Parking adjacent to a single family residential district shall have a minimum setback of 50 feet from that district.~~ Off-street parking areas adjacent to a single-family district shall be screened with a 5-foot wall or landscaped berm.

- F. Height. Buildings shall be a minimum of ~~two stories~~ 20 feet ~~(or equivalent height)~~ with quality architectural design~~}~~ and a maximum of ~~three~~ two stories, except as otherwise provided under the MDO. Uncovered roof seating areas for restaurant uses may be permitted by the Planning Commission upon a demonstration by the applicant that such seating would not jeopardize public safety and/or privacy of adjoining uses and would not result in any other adverse consequences to the surrounding area, and particularly to residential uses.
- G. Pedestrian Development Amenities. Proposed developments, through innovative planning, design, and architecture, shall create a significant pedestrian orientation in keeping with the intent and purpose of the district and shall take into consideration the City West Design Guide recommendations. There shall be a system of pedestrian connections within and between all developments to enable pedestrians to safely and conveniently access nearby destinations. Benches, plazas, landscaping and other features to create attractive micro-destinations are required. Stubbed sidewalk connections to undeveloped adjacent parcels shall be provided at suitable locations.
- H. Sidewalks and Bicycle Facilities. Sidewalks with a minimum width of 6 feet are required abutting any street or internal road, and shall be placed at least 5 feet from the curb where street trees are required. Along major thoroughfares sidewalks shall be 8 to 10 feet wide as shown in the Active Mobility Plan. Sidewalks are also required between vehicular parking areas and building facades with pedestrian entrances. ~~There shall be a system of pedestrian connections within and between all developments and between all buildings within a single development to enable pedestrians to safely access buildings and adjacent developments.~~ Bicycle parking shall meet or exceed the standards set forth in Section 5.16, and bike paths shall be provided in accordance with the Active Mobility Plan.
- I. Open Space. A minimum of fifteen (15) percent of the gross site area of a commercial or mixed-use development shall be devoted to publicly accessible, permanently landscaped usable open spaces and pedestrian plaza areas (such as internal walkways, linear or pocket parks, plazas, or other space for gathering accessible to occupants and invitees). Small strips of landscaped area, landscaped end islands in parking lots, and similar areas that are less than ~~twenty~~ (20) feet wide shall not be counted toward the required open space on the site. All landscaped open spaces and pedestrian plaza areas shall be maintained by the owners of the development it serves.

Up to 50 percent of the required open space may consist of areas that are regulated by City of Novi woodland and/or wetland ordinances if they are permanently protected by conservation easements. Wherever open spaces shall

be created or preserved, they shall be physically connected, when possible, to adjacent open space areas. Amenity spaces and trails adjacent to preserved areas are encouraged provided care is taken to ensure the construction and use of such amenities do not negatively impact the natural features.

Usable open spaces required for multi-family development units may count toward the 15 percent requirement if the spaces are publicly accessible (e.g., not private patios, roof decks, balconies, fitness rooms and clubhouses) and part of an integrated development plan. ~~All landscaped open spaces and pedestrian plaza areas shall be maintained by the owners of the development it serves. Usable open spaces must be clearly designed for active or passive recreational or leisure use and have a minimum dimension of ten feet in every direction. Open space intended to serve all the units of a project shall be accessible and convenient to all units. Private open space shall be accessible and convenient to the units intended to be served. Active recreational facilities for children in appropriate projects are encouraged, and shall be a minimum of 250 square feet.~~

- J. Facades. All sites in the City West districts are subject to Region 1 standards of Section 5.15. In addition, all exterior walls of any main or accessory building shall be composed of the same or complementary architectural building facade materials as others on the site. Exterior building facades shall be primarily of brick or stone, which may be augmented by materials complementary to brick or stone. When renovations, alterations, or additions are made to an existing building within the City West district, the exterior building facades of the entire building shall be brought into compliance with this subsection.

Architectural design and facade material are to be complementary to existing or proposed buildings within the site and the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.

- K. Parking, Loading, Landscaping, Lighting, etc. All sites must comply with Article 5, Site Standards, regarding all applicable requirements, including off-street parking, signs, landscaping, exterior lighting, and ~~obscuring screens/buffers/walls where abutting a single family district,~~ as those standards relate to uses permitted in the City West district, except as otherwise stated. Notwithstanding the above, loading and unloading may be in a side or rear yard, and shall be located as to be inconspicuous and properly screened. The approving body may modify the size requirement for a loading area, an alternate location, or approve a shared loading area between buildings, when the applicant provides ample justification that the uses proposed will be adequately served.

In those areas where on-street parking is permitted, off-street parking requirements may be reduced by the number of on-street parking spaces adjacent to a use. Parking requirements may be reduced when the approving body determines that given parking areas serve dual functions by providing parking capacity for separate uses which have peak parking demand periods which do not overlap. The applicant shall submit a Shared Parking Study based on requirements set forth in Section 5.2.7 to provide justification for the request. Applicant shall also provide information on cross-access and maintenance agreements.

In those instances when a parking structure, underground parking or municipal parking lot is constructed pursuant to a special assessment district, a parking exempt district shall be created for that area served by the improvement and assessed for its cost.

- L. Vehicular Access. Vehicular access to a development site shall be designed to provide safe and efficient distribution of traffic to and from the site and should form a logical street network connecting to adjacent parcels in the district where appropriate. Access design that results in an undue intensification of traffic congestion shall be prohibited. Multiple curb cuts onto major arterials is discouraged.
- M. Street and Roadway Rights-of-Way. Nonresidential collector and local streets within the City West district shall provide rights-of-way and road cross sections consistent with the City's Design and Construction Standards. Additional rights-of-way area shall be provided where boulevards, squares or traffic circles are created. [The local street network shall be designed to accommodate motorized and non-motorized users.](#)
- N. Storm Water Detention. The use of underground and shared storm water facilities meeting all relevant standards should be used to the extent feasible to achieve permitted densities while protecting existing natural resources.

Part IV.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, is amended to add a new Section 3.34, Mixed Use Development Option for the City West District, as follows in its entirety:

3.34 Mixed Use Development Option (MDO) for the City West District

1. Intent and General Application. The MDO expands the number and kind of uses permitted in the district. In addition to permitting quality residential development and facilitating mixed-use developments, including multiple-family residential, office, and commercial uses, this optional form of development allows for increased building height—up to 110 ft—and increased floor area ratios (FAR), as well as the opportunity

to deviate from height, area, and bulk standards provided the deviations benefit the development and are considered in context with the surrounding area.

The granting of a Mixed-Use Development Option application requires review and recommendation by the Planning Commission and approval of the City Council, under the process contemplated in MCL 125.3503. As part of the review and appeal process, and in light of the potential additional uses and flexible building standards, the development may be subject to certain conditions, and will have to demonstrate conformance with the Design Guide adopted by the City as part of this ordinance.

For purposes of this Section 3.34, the “City West North” area shall be that part of the district north of Grand River Avenue, and the “City West South” shall be that part of the District south of Grand River Avenue.

2. Uses permitted subject to approval of a Mixed-Use Development Option
 - A. For developments utilizing the Mixed-Use Development Option (MDO) the uses listed under Section 3.1.30.B, C, and D will be permitted, with a minimum combination of two distinct use classifications. Multiple-family residential dwellings, including senior, age-qualified, or independent housing, may be proposed as a stand-alone use.
 - B. MDO Projects with a single use may be considered for density reserved for mixed-use projects if there is a clearly designed relationship between complementary uses, including direct pedestrian connections and building entrances located within 300 feet measured along the pedestrian route.
3. Eligibility Criteria
 - A. MDO projects shall require the applicant to demonstrate that each particular use (or single use, as applicable), as well as the quantity and location of such use(s), would result in a reasonable and mutually supportive mix of uses on the site, and a compatibility of uses in harmony with the surrounding area and other nearby areas of the City, as intended in this Article.
 - B. Minimum acreage for a project is five (5) acres, unless varied by City Council approval with a demonstration by the applicant that the proposed development on less land meets the standards of Section 3.34, and subsections 3.33.1 and 3.33.3, and that the proposed development exemplifies the intent of this Article as stated in Section 3.1.30.A and the Design Guide.
 - C. Minimum public road frontage is three hundred (300) feet unless varied by City Council.
4. General Approval Standards
 - A. As part of the application and review for site plan approval, the applicant for the MDO must demonstrate the following:
 - i. The project will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved by a traditional development.

- ii. Relative to a development otherwise permissible as a Principal Permitted Use under [Section 3.1.30.B](#), the proposed type and density of development shall not result in an unreasonable increase in the use of public services, facilities and utilities, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants.
- iii. The layout of the site is designed to minimize the negative impact on existing natural features, including woodlands and wetland areas. Where buffers to adjacent uses are required, preserving existing natural features is a preferable strategy to replacement and mitigation if appropriate visual and audible screening can be achieved.
- iv. Based upon the proposed uses, layout and design of the overall project, the proposed building facade treatment, the proposed landscaping treatment and the proposed [signage amenities](#), the MDO project will result in a material enhancement to the area of the City in which it is situated.
- v. The proposed development will not have a materially adverse impact upon the Master Plan for Land Use of the City and will be consistent with the intent and spirit of this Section.
- vi. Each proposed use in the development, as well as the size and location of such use, will result in and contribute to a reasonable and mutually supportive mix of uses on the site, and/or a compatibility of uses in harmony with the surrounding area and other nearby areas of the City.
- vii. The land area proposed for development represents a cohesive and logical consolidation of parcels to allow a coordinated project to be brought forward.
- viii. The proposed development will be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership and/or control, upon completion of one or more phases or upon 1) due notice to the City Clerk, 2) appropriate and customary approval by other City officials and 3) financial guarantees for completion of improvements.

5. Project Design Standards. The following project design standards shall apply to MDO projects:

- A. General Design Standards. The following design standards shall apply to all projects:
 - i. Permitted non-residential uses may be allowed in combination with other permitted non-residential or residential uses, based upon a layout and integrated plan approved as part of the site plan.
 - ii. The design standards for non-residential uses shall be based upon the regulations in this Ordinance applicable to the corresponding uses, provided that modified design standards may be approved by the City Council based upon a demonstration by the applicant of the following, and the findings of Section 3.34.7.A.i.d:
 - a. The proposed uses will complement and support the intent of the City West district, the convention center and other established uses within this area of the City.

- b. The project has shown that design coordination and connection with adjacent property, developed or not, has been accomplished;
 - c. An attractive street-level environment has been achieved that focuses on the pedestrian experience and provides public space amenities;
 - d. Vehicular safety provisions and controls have been applied particularly with regard to access to major thoroughfares; and
 - e. Aesthetic quality is improved in terms of design, exterior materials and landscaping, including internal compatibility within the development as well as its relationship to surrounding properties to accommodate future development.
 - f. Preservation of natural features is achieved.
- iii. There is underground installation of utilities, including electricity and telecommunications facilities, as found necessary or appropriate by the approving body.
 - iv. In order to provide efficient circulation and reduce driveways and curb cuts along Grand River Avenue, all development sites fronting Grand River Avenue shall be constructed to maximize traffic safety. Toward this end, to the extent feasible internal access drive networks shall be established and utilized as local streets. The shared access drives shall be privately owned and maintained, have a cross-section meeting the City's local street standards, and shall be governed by a cross-access agreement that provides for public access at all times and shall be recorded with the Oakland County Register of Deeds after review and approval by the City Attorney.

The shared access drive shall be a minimum of twenty-eight (28) feet wide (from back of curb) and shall be placed within a thirty-six-foot (36) (minimum) private easement. Parallel parking may be permitted along said shared access drive provided an access aisle of 26 feet is maintained. The local street network shall be designed to accommodate motorized and non-motorized users.

The City Council may waive the requirement for a shared access drive where it is not feasible to extend it to another property due to 1) environmental limitations, 2) incompatible adjacent development, 3) shallow lots, or 4) other unique site features.
 - v. The City Council shall resolve ambiguities in the interpretation of applicable regulations using the Zoning Ordinance, Master Plan, the Design Guide, and the intent of this Article and other City standards or policies as a guide.
- B. Bonus height. Buildings in an MDO project may exceed the height stated in the Development Standards, except those buildings located within 200-300 feet of a single-family district, subject to the following:
- i. Bonus height may be granted under the following circumstances:

- a. If underground or structured parking is provided, the maximum height of the building may be increased up to 2 additional floors (1 story per 125 spaces provided);
 - b. If dedicated Open Space or preservation of natural areas is provided in excess of 25 percent of the total site area, the maximum height of the building may be increased an additional story.
 - c. The provision and use of energy and water efficient design, water conservation, reuse and preservation of resources, and sustainable lifestyle solutions such as electric vehicle charging or integration of solar arrays. Applicants shall provide a narrative explaining how sustainability elements will be incorporated and quantify the impacts of those strategies. For qualifying for Gold or Platinum LEED (Leadership in Energy and Environmental Design) certification, or equivalent for green building strategies, the maximum height of the building may be increased an additional floor (up to 1 story).
 - d. Providing 15 percent or more residential units targeted for workforce housing as defined in Section 2 (1 story bonus).
- ii. Building height, including bonuses earned, shall not exceed one hundred fifteen (115) feet or 8 stories, whichever is less, in the City West North area or ~~70-55~~ feet or ~~5-4~~ stories, whichever is less, in the City West South area.
 - iii. Buildings utilizing this subsection shall be designed to minimize their impact on surrounding existing uses and roadways, including, but not limited to, building design elements such as variation in building materials, mitigation of exterior and interior building lighting, and utilization of building relief strategies (including step-backs of higher stories).
 - iv. For all buildings utilizing bonus height strategies above, the City Council, following a recommendation by the Planning Commission, shall make a finding that the additional height will complement and be compatible with the vision for the district with respect to the size, height, area, and configuration of adjacent or surrounding parcels and structures and any other relevant characteristics and interest. The City Council shall determine whether the architectural design of the buildings provides adequate building relief to minimize the mass and height of the building and will not have a negative impact on the goal of creating a cohesive, walkable district.
6. Required Site Development Conditions for MDO projects
- A. The required conditions listed within Section 3.33 must be met except as otherwise permitted within this Section 3.34

- B. The following standards are required for residential-only buildings, either as a component in a mixed-use or a single-use development:
- i. All residential structures shall have a minimum of two (2) stories or equivalent height.
 - ii. The minimum distance between townhouse buildings shall be twenty (20) feet. No more than eight (8) attached townhouse units in a single building.
 - iii. The minimum distance between multifamily buildings shall be one-half (1/2) the height of the taller building.
 - iv. The length/depth of a building shall not exceed four (4) times the height of the building.
 - v. Private community swimming pools and similar private amenities shall not require additional parking spaces except for barrier free spaces.
 - vi. Off-street parking shall not be placed within ten (10) feet of any wall of a dwelling structure. Units that have garages may be permitted parking on garage aprons if parking space dimensions are met without encroaching on sidewalks.
 - vii. Landscaping for residential-only buildings (See Section 5.5 for definitions):
 - a. Multi-family Unit Trees: 1.5 trees per first floor unit
 - b. Multi-family Unit Shrubs: 2 shrubs per first floor unit
 - c. Interior Street Trees: 1 canopy tree per 50 linear feet (less driveway widths)
 - viii. Parking requirements:
 - a. Studio and 1-bedroom units: 1 space per unit
 - b. 2+ bedroom units: 2 spaces per unit
- C. The following additional site development conditions shall apply to all MDO projects:
- i. Commercial and office uses may occupy any number of total floors within a building used for residential uses. No commercial or office use shall be located on the same floor as residential use, unless it is considered a live work unit, and no floor may be used for commercial or office purposes which is located above a floor used for residential purposes.
 - ii. All trash receptacles and trash collection areas shall be screened from view and shall not be placed within ten (10) feet of any wall of a dwelling structure which contains openings involving living areas.
 - iii. HVAC units that are not placed on the roof of a structure must be located away from openings to dwellings, including windows, and must be screened from view.
 - iv. Buildings may be permitted to have parking on the ground level of the building. The parking inside the building must be aesthetically and effectively screened from view through architectural design, landscaping, or other means, from adjacent drives, walkways and buildings, and particularly from the street level view.
- D. The following densities/intensities shall be permitted based on mixed-use or single-use developments:

E. Landscape Standards at Major Thoroughfares

Table 3.34.6.D Development Density/Intensity – Based on Net Site Area

	Residential Only	Mixed-Use Developments	Mixed-Use Developments
A. Maximum Density ¹		Single Use Building	Multi-Use Building
City West North	20 du/ac	25 du/ac	30 du/ac
City West South	10 du/ac	15 du/ac	20 du/ac
B. Floor Area Ratio ¹			
City West North		2.0 FAR	2.5 FAR
City West South		1.0 FAR	1.5 FAR
C. Maximum Building Height ²			
City West North	65 feet	65 feet	65 feet
City West South	45-35 feet	55-45 feet	55-45 feet
D. Minimum Building Height ²			
City West North	35 feet	40 feet	40 feet
City West South	25 feet	25 feet	35 feet

Notes to Table

1. For all development, density/intensity shall be calculated for the net site area of the development.
2. All structures within ~~100-200~~ feet of a one-family residential district shall be limited to 35 feet in height. Any structure more than ~~100-200~~ feet but less than ~~two hundred (200-300)~~ feet of a one-family residential district shall be limited to a maximum of ~~forty (40)-45~~ feet or three stories. In all other locations building height may be exceeded with bonus height as described in subsection 3.34.5.B.
3. Buildings with a front-to-front relationship shall have a minimum separation of ~~forty (40)-40~~ feet. Buildings with a front-to-rear or front-to-side relationship shall have a minimum separation of ~~thirty (30)-30~~ feet. All other interior buildings shall have a minimum separation of ~~twenty (20)-20~~ feet, or ~~thirty (30)-30~~ feet for buildings ~~sixty (60)-60~~ feet or more in height.
 - i. Greenbelt: A landscape planting buffer is required to improve the appearance from the right-of-way, including screening off-site parking and drive areas.
 - a. Greenbelt that is adjacent to on-site drive or parking shall be a minimum of 10-feet in width, with a brick wall 3 feet in height to provide screening, and small plantings on the street side. The wall should be placed 3 feet from the curb. Trees should be planted within 4-foot gaps between wall sections.
 - b. Greenbelt that is not adjacent to parking or drive shall be a minimum of 20 feet in width. No screening wall is required.
 - c. The following greenbelt landscaping is required: 1 canopy tree per 30 feet or 1.5 subcanopy trees per 30 feet (less drive width). Trees to be evenly spaced.

F. Landscape Requirements for Mixed-Use and Commercial Buildings are shown in Table 3.34.6.F below:

Table 3.34.6.F Landscaping Requirements for Mixed Use/Commercial Buildings	
Location	Minimum Requirement
i. Interior Drives	
Street trees	1 canopy tree per 75 feet ¹ on both sides, spaced not closer than 25 feet
Minimum greenspace/tree	200 sf or silva cells (or comparable alternative) with 1,000 ft ³
ii. Foundation Landscaping	
Sidewalk 12 ft or wider	15% of building frontage, 2-3 feet depth
Sidewalk less than 12 ft	None
iii. Open Space	
Paved gathering areas	5% landscaped, including movable planters
Outdoor dining areas	60% of periphery landscaped with permanent planting beds or movable planters
Primarily unpaved areas	1 canopy tree + 1 subcanopy tree + 10 shrubs per 5,000 sf of area
Landscaping feature	1 per 10,000 sf of open space in the development
iv. Parking	
Surface Lots	200 sf & 1 canopy tree per 10 spaces, 15 space contiguous limit
Parking Structures	35% of building frontage (trellis or planted walls can meet requirement)
Notes to Table	
1. Measured along linear foot of street/drive, less driveway widths. See Figure 5.5.3.B.ii 2. Buffers are not required between developments within the district, but may be desirable in some circumstances to enhance compatibility between different uses.	

5. Review and approval process for all MDO projects

A. Preliminary Application and Review

- i. Pre-Application Submittal. Before formal submittal of a MDO plan, the applicant shall apply for and attend a pre-application meeting with the Plan Review Center, and other appropriate officials deemed necessary by the City Planner. Prior to the meeting, the applicant shall provide to the Plan Review Center a conceptual site plan and brief narrative of how the development meets or

exceeds the standards of this ordinance and furthers the vision for the district. The Plan Review Center will provide initial comments on the plans.

ii. Preliminary MDO Application.

- a. An application to develop under the MDO shall be made to the Planning Commission for its review and recommendation to City Council. The application shall be filed concurrently with a fully documented Preliminary Site Plan. The Preliminary Site Plan shall be completed in accordance with the review requirements as set forth and regulated in the City's Site Plan and Development Manual and Section 6.1. The MDO plan shall include the information required in [subsection 3.34.7.C](#).
- b. In those instances where it is necessary to request rezoning in order to effectuate a MDO plan, an application to rezone shall be made to the Planning Commission for its review and recommendation to the City Council. The application for rezoning shall be completed in accordance with the City's Site Plan & Development Manual.
- c. The Planning Commission may proceed simultaneously with review and recommendation on applications for rezoning, MDO plan and Preliminary Site Plan approval, along with any associated permit reviews.

iii. Planning Commission Review. Upon receipt of an application for preliminary site plan, the application shall be reviewed by the Plan Review Center and referred to the Planning Commission for preliminary review. Following preliminary review, the Planning Commission shall set a public hearing date for review of the application. Notice of the public hearing shall be given and the hearing held as provided by the Zoning Enabling Act, at which a review shall be conducted. Following such review, the Planning Commission shall provide its report and recommendation to the City Council. In making its recommendation to the City Council, the Planning Commission shall consider:

- (1) Consistency with the Master Plan;
- (2) Innovative planning and design excellence;
- (3) Relationship to adjacent land uses, design form and layout;
- (4) Compliance with this Ordinance, including subsections 3.33 and 3.34;
- (5) Adherence to the City West Design Guide;
- (5) Benefits to the community such as publicly accessible parks and open areas, and public facilities.
- (6) Pedestrian and vehicular safety provisions.
- (7) Aesthetic beauty in terms of design, exterior materials, landscaping, and natural features, including internal compatibility within the development as well as its relationship to surrounding properties, ~~and~~
- (8) Provisions for the future users of the project.
- (9) Impacts to existing natural features.**
- ~~(9)10~~ The standards of Section 6.1.2.C for Special Land Uses.

iv. City Council Approval. The City Council shall review the Preliminary Site Plan with regard to the Planning Commission's recommendation and the review requirements and conditions set forth in Section 3.34.4.A. The City Council shall

determine whether the proposed plan meets the conditions as set forth in Section 3.33 and 3.34, and the standards of [Section 6.1.2.C](#).

- a. As part of its approval of the Preliminary Site Plan, the Council is authorized to impose conditions that are reasonably related to the purposes of this section and that will:
 - Insure public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity,
 - **Protect the natural environment and conserve natural resources and energy,**
 - Insuring compatibility with adjacent uses of land, and
 - Promote the use of land in a socially and economically desirable manner.

All conditions imposed shall be made a part of the record of the approved Mixed Use Development Option.

- b. Deviations From Density, Area, Bulk, Yard, and Dimensional Requirements.
As part of approval of a Preliminary Site Plan, the City Council shall be authorized to grant deviations from the strict terms of the zoning ordinance governing density, area, bulk, yard, and dimensional requirements applicable to the property; provided, however, that such authorization to grant deviations shall be conditioned upon the Council finding:
 1. That each zoning ordinance provision from which a deviation is sought would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest;
 2. That approving the proposed deviation would be compatible with the existing and planned uses in the surrounding area;
 3. **That the proposed deviation would not be detrimental to the natural features and resources of the affected property and surrounding area, or would enhance or preserve such natural features and resources;**
 4. That the proposed deviation would not be injurious to the safety or convenience of vehicular or pedestrian traffic; and
 5. That the proposed deviation would not cause an adverse fiscal or financial impact on the City's ability to provide services and facilities to the property or to the public as a whole.
- c. In determining whether to grant any such deviation, the Council shall be authorized to attach reasonable conditions to the Site Plan that will:
 1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity,
 2. **Protect the natural environment and conserving natural resources and energy,**
 3. Insure compatibility with adjacent use of land, and

4. Promote the use of land in a socially and economically desirable manner.

All conditions imposed shall be made a part of the record of the approval of the Site Plan.

- B. Approved Preliminary Site Plan. Once the Preliminary Site Plan has been approved by City Council, no development shall take place therein nor use made of any part thereof except in accordance with the approved plan or in accordance with an approved amendment thereto. Once approval of the Preliminary Site Plan is granted, the applicant shall proceed with development of the Final Site Plan.
- C. Final Site Plan approval. A Final Site Plan shall be prepared and submitted by the applicant for approval. Review and approval shall be administrative unless the City Council requests that the Final Site Plan be submitted to it for review. The Final Site Plan shall:
 - i. Conform with the Preliminary Site Plan and meet the conditions as set forth in the Council's approval.
 - ii. Contain all the requirements as set forth in Section 6.1 of this Ordinance and the requirements as set forth in the City's Site Plan and Development Manual.
 - iii. The dedication of public rights-of-way or planned public open spaces, where proposed on the site plan or as may be otherwise required, shall have been made.
 - iv. In residential use areas, any proffered open space has been irrevocably committed to be retained as open space for park, recreation and related uses, and that all such lands meet the requirements of the City.
 - v. Where applicable, road easements or rights-of-way have been provided.
- D. Site Plan Revisions. Revisions to an approved Preliminary Site Plan or Final Site Plan shall require re-submittal of plan revisions to the City for review. Such revisions shall be resubmitted to the Planning Commission and City Council for review and approval, except those revisions permitted to be reviewed administratively under Section 6.1.1.C. Revisions requiring Planning Commission and City Council review shall include physical changes to the exterior building wall façade materials or layout alterations that will significantly change the appearance of a building or site, as determined by the City Planner. The Planning Commission and City Council, in making a review of a revised site plan, shall find that any such revisions forwarded to them for review and approval, meet all the minimum requirements of this Section, including general intent.
- E. Phasing: Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase, considered

together with other completed phases, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned mixed use development and the residents and property in the surrounding area. Plans shall clearly illustrate what is to be included in each phase. The Council may require performance guarantees in accordance with Chapter 26.5 to ensure that permanent facades are constructed. In developments which include residential and non-residential uses, phasing shall be consistent with the following:

- i. At least thirty (30) percent of all proposed residential units and non-residential floor area shall be constructed no later than concurrent with the first phase of construction.
- ii. At least an additional thirty (30) percent of all proposed residential units and twenty (20) percent of non-residential floor area shall be constructed no later than concurrent with any second phase construction; and
- iii. The balance of all proposed residential units shall be constructed no later than concurrent with any third phase of construction. For purposes of implementing the residential/non-residential phasing requirements set forth above, the percentages shall be reasonable approximations, as determined in the discretion of the City Council, and such percentages may be substantially modified should the City Council determine in its discretion that the applicant has presented adequate and effective assurances that both residential and non-residential component(s) of the development shall be completed within a specified period.

8. Plan Information

A. MDO Preliminary site plans shall include the following:

- i. All requirements listed in the City's Preliminary Site Plan Checklist
- ii. Statement of intent of proposed use(s) of land and any phasing of the project, including anticipated completion dates.
- iii. Evidence of market need for the use(s) and economic feasibility of the project.
- iv. Qualifications of applicant/developer including information of past projects, size, location, type etc.
- v. A Contextual plan sheet with the general layout and all uses within 300 feet of the property lines to demonstrate the proposed project in context with the surroundings.
- vi. Existing and proposed right-of-way width of all adjoining and internal roads, and layout of all internal roads and drives.

- vii. A traffic study, prepared in accordance with the City's Site Plan and Development Manual requirements, shall be submitted, unless such requirement is waived by the Plan Review Center during pre-application conference.
- viii. Proposed acceleration, deceleration, and passing lanes.
- ix. All parking areas and number of spaces by size and any requests for shared parking reductions. The City may permit the use of a flexible shared parking formula if a Shared Parking Study is submitted and accepted by the City Council, after review and recommendation by the Planning Commission and City's traffic consultant.
- x. The size and location of areas to be preserved as open and recreational space and intended programming of those spaces.
- xi. Density calculations, number and types of units (if applicable), and floor area per habitable space for each use proposed.
- xii. Fair representation of each type of use, square footage or acreage allocated to each use, locations of each principal structure and use in the development, setbacks, typical layout and elevation for each type of use.
- xiii. Specification of each deviation from the applicable ordinance regulations which will be sought to be approved, and the safeguards, features and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulations from which a deviation is being sought.
- xiv. Community Impact Statement for all projects, including impact on City services, fiscal impact analysis addressing anticipated costs and revenues to City and school district, unless such requirement is waived by the Plan Review Center during pre-application conference.
- xv. If phasing is proposed, a plan showing what improvements will be constructed in each phase, with a description of the anticipated timing of construction.

B. Final site plans shall include the following:

- i. All requirements specified in the City's Final Site Plan Checklist and Application.
- ii. List all deviations from Ordinance standards granted by City Council and any conditions imposed.
- iii. If phasing is proposed, provide detailed plans that show what will be constructed/installed by the completion of each phase to verify that each phase, considered together with previous completed phases, shall be capable of meeting ordinance requirements on its own as

described in Section 3.34.7.E, including utilities, parking, end of pavement, landscaping, amenities, lighting, signage, any mechanisms designed to reduce noise, and visual screening features. Required Engineering and Landscape Cost estimates shall also be broken down by phases.

9. Performance Guarantees. The applicant shall comply with the requirements for performance guarantees contained in Chapter 26.5 of the Code of Ordinances, as amended.

Part V.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, is amended to renumber Section 3.33, General Exceptions to Section 3.35.

Part VI.

That the City of Novi Zoning Ordinance, as amended, Article 4, "Use Standards," Section 4.12 "Group Day Care Homes, Day Care Centers, and Adult Day Care Centers" is amended to read as follows:

Section 4.12 Group Day Care Homes, Day Care Centers, and Adult Day Care Centers

1. [unchanged]
2. Day care centers and adult day care centers are a permitted use in the B-2, B-3, OST, TC, TC-1, CW districts and EXO Overlay district and a special land use in the OS-1, OSC, and PSLR districts, all subject to the following:
 - A. In the B-2, B-3, OST, OS-1, OSC, TC, TC-1, CW, PSLR districts and EXO Overlay district:
 - i. Outdoor recreation areas shall be provided, consisting of at least one -hundred fifty (150) square feet for each person cared for, with a minimum total area of three-thousand five hundred (3,500) square feet. All such outdoor recreation areas shall be fenced with self-closing gates. The recreation area may extend into an exterior side yard up to twenty-five (25) percent of the distance between the building facade and the property line.
 - ii. The hours of operation shall be limited to the period between 6 a.m. and 7 p.m. for those facilities abutting residential zoning districts.
 - iii. Facilities shall be located either within a permitted office, or commercial structure, or in a freestanding building on a site coordinated with surrounding development (i.e., traffic flow, parking

access, drop off areas, architecture and relationship to other buildings).

- iv. Screening and landscaping of outdoor recreation areas, recreation area fences and parking lots shall comply with Section 5.5.
- v. Off-street parking shall comply with Section 5.2.12. and Section 5.3.

B. [unchanged]

3. [unchanged]

Part VII.

That the City of Novi Zoning Ordinance, as amended, Article 4, "Use Standards," Section 4.24 "Dry Cleaning Establishments or Pick Up Stations," is hereby amended to read as follows:

Section 4.24 Dry Cleaning Establishments or Pick Up Stations

In the B-1, B-2, B-3, CW and TC districts, dry cleaning establishments, or pick-up stations, dealing directly with the consumer are a permitted use. Central dry cleaning plants serving more than one retail outlet shall be prohibited.

Part VIII.

That the City of Novi Zoning Ordinance, as amended, Article 4, "Use Standards," Section 4.27, "Retail Business and Service Establishments," is hereby amended to read as follows:

4.27 Retail Business or Service Establishments

- 1. In the B-2, B-3, CW, TC and TC-1 districts, all retail business or service establishments are permitted as follows:
 - A. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
 - B. Any service establishment of an office, showroom or workshop nature of a decorator, dressmaker, tailor, bridal shop, art gallery, interior designer or similar establishment that requires a retail adjunct.
 - C. Restaurants (sit down), banquet facilities or other places serving food or beverage, except those having the character of a drive-in or having a drive-through window.
 - D. Theaters, assembly halls, concert halls, museums or similar places of assembly when conducted completely within enclosed buildings.
 - E. Business schools and colleges or private schools operated for profit.
- 2. In the FS district, retail establishments to serve the needs of the highway travelers, including such facilities as, but not limited to, gift shops and restaurants, not including drive-ins are permitted uses.

Part IX.

That the City of Novi Zoning Ordinance, as amended, Article 4, “Use Standards,” Section 4.28 “Hotels, Motels, and Transient Lodging Facilities,” is hereby amended to read as follows:

Section 4.28 Hotels and Motels

1. In the B-2 and CW district, hotels and motels are a permitted use provided the site does not abut a residential district.
2. (Unchanged)
3. (Unchanged)
4. (Unchanged)
5. All hotels and motels in all districts, shall provide a minimum of 30 square feet of usable open space for each room subject to the following conditions:
 - A. Usable open space shall include an unobstructed portion of a site which has a minimum dimension of ten feet in any direction, is landscaped and developed for active and passive recreational use, and is conveniently located and accessible;
 - B. The usable open space may include amenities such as pavers, benches and other landscape design elements with pervious surface materials. All such areas shall be for the benefit of the hotel patrons;
 - C. For TC, TC-1, CW, and PD-2 districts, the usable open space required per this section can be counted towards the minimum usable open space requirements for respective district standards;
 - D. The usable open space shall not be counted toward any minimum landscaping or other open space requirements of the Zoning Ordinance and required parking setback area;
6. (Unchanged)

Part X.

That the City of Novi Zoning Ordinance, as amended, Article 4, “Use Standards,” Section 4.35 “Microbreweries and Brewpubs,” is hereby amended to read as follows:

Section 4.35 Microbreweries and Brewpubs

Microbreweries and brewpubs are permitted uses in the B-3 and CW districts and special land uses in the RC, TC, and TC-1 districts subject to the following conditions:

1. Microbreweries and brewpubs
 - A. In the B-3, CW, RC, TC and TC-1 districts:
 - i-iv. (Unchanged)
 - B. (unchanged)
2. (unchanged)
3. (unchanged)

Part XI.

That the City of Novi Zoning Ordinance, as amended, Article 4, “Use Standards,” Section 4.62 “Instructional Centers,” is hereby amended to read as follows:

Section 4.62 Instructional Centers

In the CW and NCC districts, instructional centers, such as schools for dance, music, language, arts, or general education are a permitted use subject to the following:

1. The center must comply with all applicable state laws and licensing requirements.
2. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

In the OS-1 district, instructional centers are permitted uses provided that such facilities do not exceed two-thousand (2,000) square feet in size. However, when such uses exceed two-thousand (2,000) square feet, they shall be treated as special land uses subject to approval by the Planning Commission in accordance with the additional requirements of Section 6.1.2.C for special land uses, and subject to the public hearing requirements set forth and regulated in Section 6.2 of this Ordinance. All instructional centers shall comply with the following conditions:

1. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
2. Multiple tenants with square footage less than 2,000 square feet shall be allowed in a single building.

Part XII.

That the City of Novi Zoning Ordinance, as amended, Article 4, “Use Standards,” Section 4.81 “Financial Institutions,” is hereby amended to read as follows:

Section 4.81 Financial Institutions

In the CW, TC and TC-1 districts, financial institutions are a permitted use, provided that such institutions shall not have drive-thru teller or ATM facilities as the principal use of the premises.

Part XIII.

That the City of Novi Zoning Ordinance, as amended, Article 2, Definitions, Section 2.2. Definitions, is hereby amended to include the following definitions:

Section 2.2 Definitions

Workforce Housing: A residential unit for sale or for rent with combined annual rental costs or combined annual mortgage loan debt service, property taxes, and required insurance that do not exceed thirty percent (30%) of the gross annual income of a household earning between sixty percent (60%) and one hundred and forty percent (140%) of the area median income, as defined annually by the United States Department of Housing and Urban Development.

Part XIV.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section

3.1.15 EXO Exposition Overlay District, is hereby amended to read as follows:

Section 3.1.15 EXO Exposition Overlay District

A. Intent

The EXO, Exposition Overlay district is designed to accommodate the development of a planned exposition, convention, and conference facility, including exhibit halls; display floor area; meeting rooms; conference rooms; eating and lodging facilities; banquet, concession, and catering uses; museums; theaters; recreational facilities; space for school and civic affairs; warehousing accessory to principal uses; and off-street parking and loading/unloading space, all for the purpose of supporting the growing high-tech business base within the city and regional demand for an exposition facility.

The EXO Exposition Overlay district is intended to encourage the development of an exposition, conference, and convention facility that is located near the ~~City's Town Center (TC)~~ City West (CW) district as shown on the Master Plan for Land Use, has visual exposure to the I-96 freeway (whether directly or in combination with other property), is accessible from a major thoroughfare, and has adequate site area. Taking into consideration the need to limit the overall impact of the use, and the need to have sufficient population support for the use, in no event is it the intent to have the EXO Overlay District encompass more than 55 contiguous acres, or to have more than one EXO Overlay district until the population of the City exceeds 100,000. The EXO district is intended to be utilized exclusively in connection with the ~~OST Planned Office Service Technology district~~ CW City West district as the underlying zoning district. The EXO district is not intended to be adjacent to residential districts. To permit quality design and sound economic value for the City, any exposition, conference, and convention facility should have unified architectural and functional design and provide an overall master plan for all phases for the complete development. The district contemplates the existence of a principal exposition, conference, or convention facility as part of the development before, or at least coincidental with, permitted "secondary" overlay uses. It is not the intent of this district to authorize the establishment of a new area within the City for an independent commercial center or district. Rather, it is the intent of this district to recognize the special need and character of a planned exposition, convention, and conference facility, and to make provision for this special need and character in an appropriate location.

B. Principal Permitted Uses

~~[existing content all removed]~~

See the underlying zoning district CW City West for Principal Permitted uses, standards and regulations (Section 3.1.30)

C. Special Land Use (EXO overlay uses)

The following uses are permitted as part of an EXO Overlay subject to Section ~~3.33~~ [3.19](#), Section ~~3.34~~ [3.20](#), and Section 3.25: The supplemental conditions of Section 3.25 shall govern in the event of a conflict.

- i. Exposition, conference, and convention facilities

The following uses, when part of a development that includes a use described in subsection C above:

- ~~ii. Hotels and motels~~
- ~~iii. Museums~~
- ~~iv. Theaters~~
- ~~v. Places of worship~~
- ~~vi. Restaurants (sit down but not fast food sit down)~~
- vii. Indoor and outdoor recreational facilities
- viii. Retail sale of products or services
- ix. Onsite support retail uses
- x. Outside exhibits, fairs, entertainment and festivals
- xi. [Surface parking lots](#)

D. Development Standards

Lot Size

Minimum lot area: See section 3.25

Minimum lot width: Not specified

Lot Coverage

Maximum FAR: 0.5 FAR

Setbacks

Minimum front yard setback: 50 ft or height of building*

Minimum rear yard setback: 50 ft or height of building*

Minimum side yard setback: 50 ft or height of building*

Building Height

Maximum building height: 65 ft or 5 stories, whichever is less

Floor area

Minimum floor area: See Section 3.25

Parking setbacks

Minimum front yard setback: 20 ft

Minimum rear yard setback: 20 ft

Minimum side yard setback: 20 ft

Notes

For additions to the above requirements, refer to Section 3.6.2 Notes to District Standards: E, M, P, and Q

See Selected references below for applicability

*See section 3.25.2.F for further regulations

Selected references

3. Zoning Districts

~~–OST Retail Service Overlay~~

~~–OST District Regulations and Required Conditions~~

~~- [CW City West](#)~~

~~- [MDO Mixed-Use Development Option](#)~~

- EXO Overlay District Requirements

Subsections 4-7. [unchanged]

Part XV.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.25 EXO Exposition Overlay District required conditions, is hereby amended to read as follows:

Section 3.25 EXO Overlay district required conditions

1. EXO Overlay required conditions

A. [unchanged]

B. An EXO Overlay district shall satisfy all of the following in order to qualify for approval:

i.-iv. [unchanged]

v. The zoning classification of the entire EXO Overlay district shall be ~~OST,~~
~~Planned Office Service Technology CW, City West district.~~

vi. [unchanged]

2. Supplemental Required Conditions for Overlay Uses. In the event of construction of building(s) for overlay uses permitted under Section 3.1.15.C, the following supplemental required conditions shall apply:

A.-K. [unchanged]

L. Approval Process

i. Approval of an EXO Overlay district shall require the approval of a Zoning Ordinance amendment to amend the Zoning Map by the City Council, in the exercise of its legislative discretion, following a public hearing held by, and receipt of a recommendation from, the Planning Commission. An applicant seeking approval of an EXO Overlay district rezoning shall submit a rezoning petition to the City. If approved, the amendment shall place, or overlay, the EXO Overlay district over the underlying CW or OST district relative to the property which is the subject of the amendment.

ii.-iii. [unchanged]

PART XVI. 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 XVII. 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 XVIII. 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 XIX. 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 _____, 2023.

ROBERT J. GATT, MAYOR

CORTNEY HANSON, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent:

DRAFT

**ZONING ORDINANCE SECTION 5.5
EXCERPT OF LANDSCAPING STANDARDS**

minimize paved areas and other run-off areas, and to maximize the areas devoted to attractively designed and well-maintained landscapes.

2. Landscape Plan Required. A landscape plan shall be submitted for:

- any new commercial or residential development
- any addition to an existing building that is equal to or greater than a 25% percent increase in the overall square footage of the building or 400 square feet, whichever is less.
- Any increase to an existing parking lot of 10 spaces or more (or equivalent area), or 10% of the existing paved area, whichever is less.

With the exception of Section 5.5.3.F, Individual (Non-Subdivision/Non-Site Condominium) Single-Family Street Tree Requirements, an owner of a single-family home-site shall not be required to comply with the provisions of this section.

All landscape plans shall be prepared in accordance with the requirements of this Ordinance and the requirements of the City of Novi "Landscape Design Manual," as adopted by the City Council by resolution and which may similarly be amended by Council resolution from time to time.

General Landscape Notes:

- For all numerical calculations, round the required square feet or number of plants to the nearest whole number
- Trees are to be located at least 10 feet away from utility structures including catch basins and manholes, and should be at least 5 feet away from underground utility lines whenever possible.
- Plantings may be in formal or informal arrangements

3. Landscape Requirements.

A. Residential Adjacent to Non-Residential

- i. Intent. To make provision for a visual buffer strip in each zoning and use classification when a non-residential use abuts or is adjacent to any residential zoning district.
- ii. Requirements for Obscuring Landscaped Earth Berms and Walls. In all locations where non-residential uses abut or are adjacent to any residential district (RA, R-1, R-2, R-3, R-4, RT, RM-1, RM-2, MH and any TC district where developed for residential purposes), an obscuring landscaped earth berm and plantings, as described, shall be proposed, installed and maintained in connection with any development or use identified below. *See below.*

Use Abutting Residential	Required Berm or Wall Height
New Multi-family residential or Mobile Home adjacent to SF residential	6 ft. to 8 ft. high
Parking	4 ft. 6 in. to 6 ft. high
Special Land Use (churches, schools, nursery schools, day care centers, uses where special land use approval is required)	4 ft. 6 in. to 6 ft. high
Office Service/Tech, R&D	4 ft. 6 in. to 6 ft. high
Commercial	6 ft. to 8 ft. high
EXPO, EXO district	8 ft. to 10 ft. high
Conference	8 ft. to 10 ft. high
Freeway Service	8 ft. to 10 ft. high
Town Center (Non-residential use) ¹	6 ft. high wall
Industrial (I-1 and I-2 districts)	10-15 ft. ht. berm, 6 ft. crest width, 80% winter/90% summer opacity (See Section 3.14.5.C and E)
Auto Wash, Drive-In Restaurants, Service Stations, and Planned Commercial Centers and Regional Shopping Centers	10 ft. to 15 ft. high wall or landscaped berm with 6 foot wide crest
Hospital-Ambulance and Delivery Areas	6 ft. high
Utility Buildings, Stations, and/or Substations	6 ft. high

1: Applies when residential sections of TC or TC-1 abut non-residential uses within the same development or other adjacent TC or TC-1 developments' non-residential sections.

- iii. Exceptions. Obscuring landscaped berms and walls are not required to separate identically zoned uses or where uses are separated by a street, road, highway, freeway or railroad.
- iv. Placement. The berm or wall is required to be on the property seeking approval. The berm may be placed upon the adjacent residential property in order to provide continuity with an adjoining berm. In that case, a recorded permanent easement and a maintenance agreement in a form acceptable to the City Attorney will be required from the adjacent property owner.
- v. Berm Requirements. The obscuring berm requirements are as follows:

- a. The berm height shall be measured as follows:
- (1) The berm height, as specified in the Residential Adjacent to Non-Residential Berm Requirement Chart (Table 5.5.3.A.ii), shall be analyzed from the following locations, and the final measurement of the berm shall be made from that location which results in the maximum screening:
 - [i] The first floor elevations of the closest adjacent principal structures;
 - [ii] The first floor elevations of the uses requiring screening;
 - [iii] The elevations of the parking lots closest to the property line when only the parking area requires screening; or
 - [iv] The elevation of the nearest property line.

Where a range of height is stated for a use on the Chart, the basic berm height shall be deemed to be the lower measurement, with approving body of the City having the discretion to increase the height up to the higher measurement based upon an application of the following considerations on the non-residential property: intensity of use; noise generation customarily associated with the use; height and aesthetic appearance of buildings and structures; topography; distance of buildings, structures and activities from the common property line; and the extent of disharmony with the adjoining residential use as a result of other considerations.

- (2) The site plan shall include the first floor elevation of the nearest principal structures of the adjacent site's property lines.
- (3) Where the applicant demonstrates, and the Planning Commission finds, that practical difficulties would result from the strict application of berm height standards, as required herein, the Planning Commission may reduce the height of the berm, or eliminate the berm, and may approve an alternate plan which includes landscape treatment or a wall (subject to Section 5.5.3.A.vi below), or a combination of the two, provided that the approved alternate plan achieves adequate noise attenuation and obscuring screening. The Planning Commission may also reduce the height of the berm, or eliminate the berm, where it determines that an alternative design utilizing landscaping or other materials, including a wall subject to Section 5.5.3.A.vi below, provides adequate and effective noise attenuation and screening, or where such alternative design provides

a substantial aesthetic or site design benefit while still providing for noise attenuation and screening to the extent reasonably practicable. The intent of this section is not to encourage and allow elimination or reduction of berm height for the sake of convenience or cost savings, but rather to allow reasonable development while achieving design excellence not otherwise possible under these requirements.

- b. The berm shall be natural in appearance and have overlapping and undulating changes in elevation, both horizontally and vertically, without compromising the minimum height requirement and/or intent of the berm. Where a range of height is stated on the Chart for a use, and the approving body determines berm height based upon the criteria specified in subparagraph v.(a), above, the height of the undulations on the berm shall be determined by the approving body as part of site plan approval, taking into consideration the location of improvements and activities to be screened, and the criteria in sub-paragraph v.(a), above.
- c. The obscuring berm shall have no greater than a maximum slope of 33 percent. (3 feet of horizontal plane for each 1 foot of vertical height.) More gradual slopes are strongly encouraged.
- d. Plants shall be specified for any "no mow" areas.
- e. The crest of the obscuring berm shall have a nearly flat horizontal area of at least five (5) feet in width, unless otherwise specified in the previous Berm Requirement Chart.
- f. The required earth berm shall be located at the lot line, except where such location would interfere with underground utilities or drainage.
- g. Where an existing or proposed parking or vehicular use area abuts an existing berm or wall or other durable landscape barrier on an abutting property, said existing landscaping may be used to satisfy the landscape requirements of this part of Section 5.5, provided that it meets all applicable noise attenuation and obscuring screening standards of this Section, and provided that the existing berm, wall, or other durable landscape barrier is required to be maintained consistent with the terms of this section of the ordinance and consistent with the approved site plan. Where the existing berm, wall, or other durable landscape barrier is not otherwise required to be maintained in connection with the adjacent property, the applicant shall be responsible for such maintenance and shall obtain and record a permanent easement and maintenance agreement from the adjoining property owner in a form approved by the City Attorney, making provision for such maintenance.

- h. Where a property has already been lawfully developed for one of the uses listed in the Residential Adjacent to Non-Residential Berm Requirement Chart (Table 5.5.3.A.ii), adjacent residential property which subsequently develops shall provide and maintain the necessary berm.
 - i. See Landscape Design Manual for additional requirements.
- vi. Wall Requirements.
 - a. Freestanding walls shall have all exterior sides constructed of face brick or stone with a suitable cap, and the interior constructed of masonry or reinforced concrete. The Planning Commission may consider materials of equal durability and aesthetic quality.
 - b. Walls shall be designed to resist the pressure of the retained material, including live, dead and environmental loads to which they may be subject. Foundations shall be designed to prevent movement due to frost action and a suitable drainage system shall be provided to assure stability. Walls that are 4 feet or greater in height shall be designed and sealed by a professional design or structural engineer. Walls shall not cause flooding or impound water at any time and are subject to Final Site Plan review. (See Design and Construction Standards, Chapter 11, Novi Code of Ordinances).
 - c. All other obscuring conditions of this subsection and the Landscape Design Manual must be met.
 - d. Timber, boulder, and interlocking concrete masonry unit (CMU) retaining walls are permitted as alternatives to poured-in-place retaining walls for the purpose of terracing, with the provision that they meet commonly accepted practices for construction and reinforcement as required.
- vii. Waiver of Landscaped Berm or Wall for Preservation of Wooded Area.

- a. The retained wooded area will provide effective screening consistent with the opacity for visual screening requirements of this Ordinance and intent of this Section.
- b. The retained wooded area shall be of a depth and height equal to or greater than the screening requirement being waived.
- c. The failure to retain the wooded area will have a negative impact on the preservation of woodlands within the City of Novi.
- d. The retained wooded area has been inspected and evaluated by the City relative to the health and desirability of the existing plant material.
- e. The Planning Commission may require, during construction phases, as a condition to the waiver, additional and/or modified plantings and/or the erection of a temporary chain link fence within or adjacent to the preserved wooded area to meet the opacity requirements and/or other objectives of this Section, and, in the event all or part of the retained wooded area is removed, destroyed, diminished, or altered in any manner such that it no longer provides the screening required under this Section, the berm or wall shall be installed at the applicant's (or its successor's) expense or additional screening material may be required by the City to be installed and maintained at the applicant's (or its successor's) expense in order to achieve the screening objective under this Section.

B. Adjacent to Public Rights-of-Way

- i. Intent. The intent of the landscape planting buffer requirements along public rights-of-way is to improve the appearance of the rights-of-way including screening off-street parking and vehicular use areas of property abutting public rights-of-way.
- ii. Requirements. Landscape plantings shall be installed and maintained adjacent to existing or proposed public rights-of-way according to the standards set forth on the Right-of-Way Landscape Screening Requirements Chart (Table 5.5.3.B.ii.F), and as otherwise established in this ordinance, including the individual zoning district, and in the Landscape Design Manual.
 - 1. There shall be provided adjacent to the abutting right-of-way or private road a landscape area of sufficient width to accommodate a required berm as indicated in the Right-of-Way Landscape Screening Requirements Chart, except in those use districts or development options that require a greater greenbelt, or except as otherwise provided in the TC and TC-1 districts.

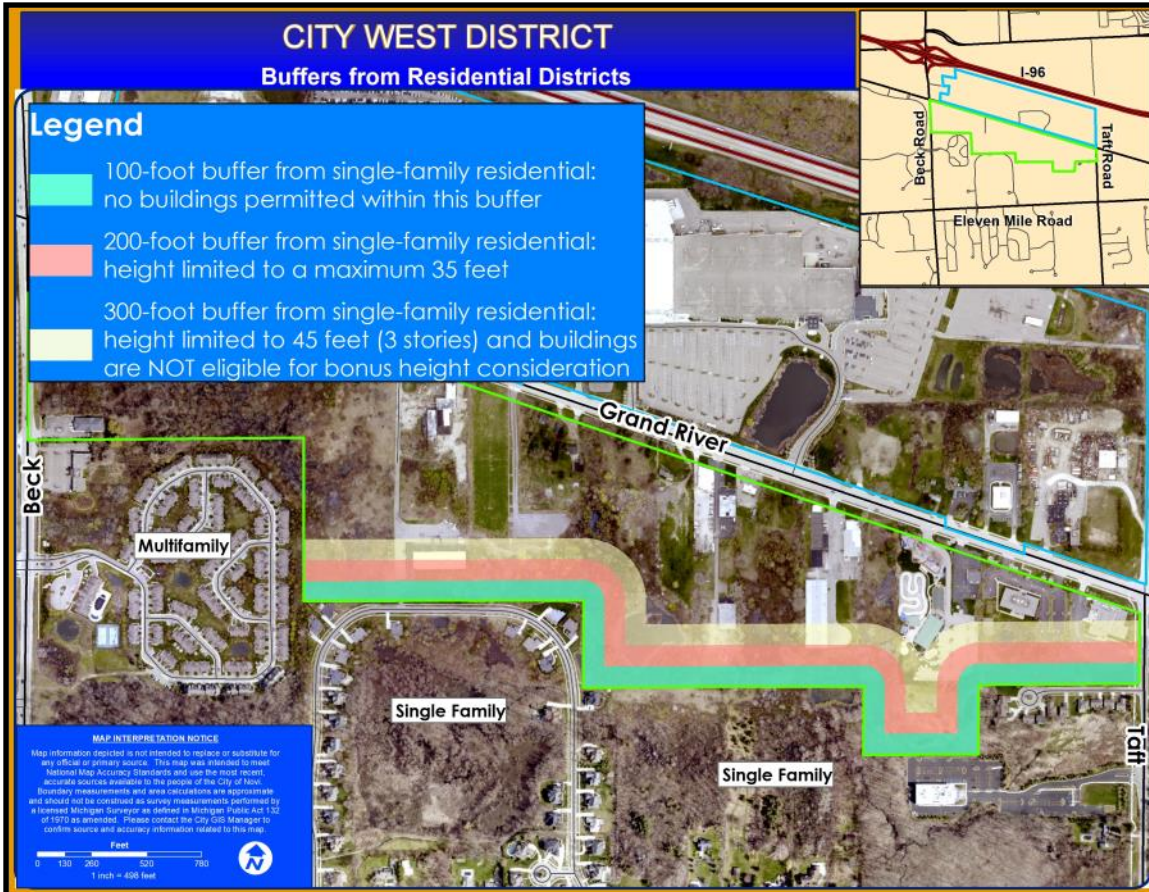
CITY WEST DESIGN GUIDE
EXCERPT PAGES TO REFLECT REVISIONS TO SETBACKS AND HEIGHT

D. Form Based Design/Inspiration Images

D.2 — Density Transition from Residential Districts

The City West District, while intended to be one of the most high-density districts in the City, shall provide a more moderate transition where it abuts Single-Family Residential Districts in City West South as portrayed in [Figure D10](#) below.

[Figure D10](#): map of buffers from residential districts and associated conditions in City West



[Figure D10](#): Main Street Village, pictured to the right, is an example of low-rise multi-family that could be built between 100 and 200 feet away from single family residential



D. Form Based Design/Inspiration Images

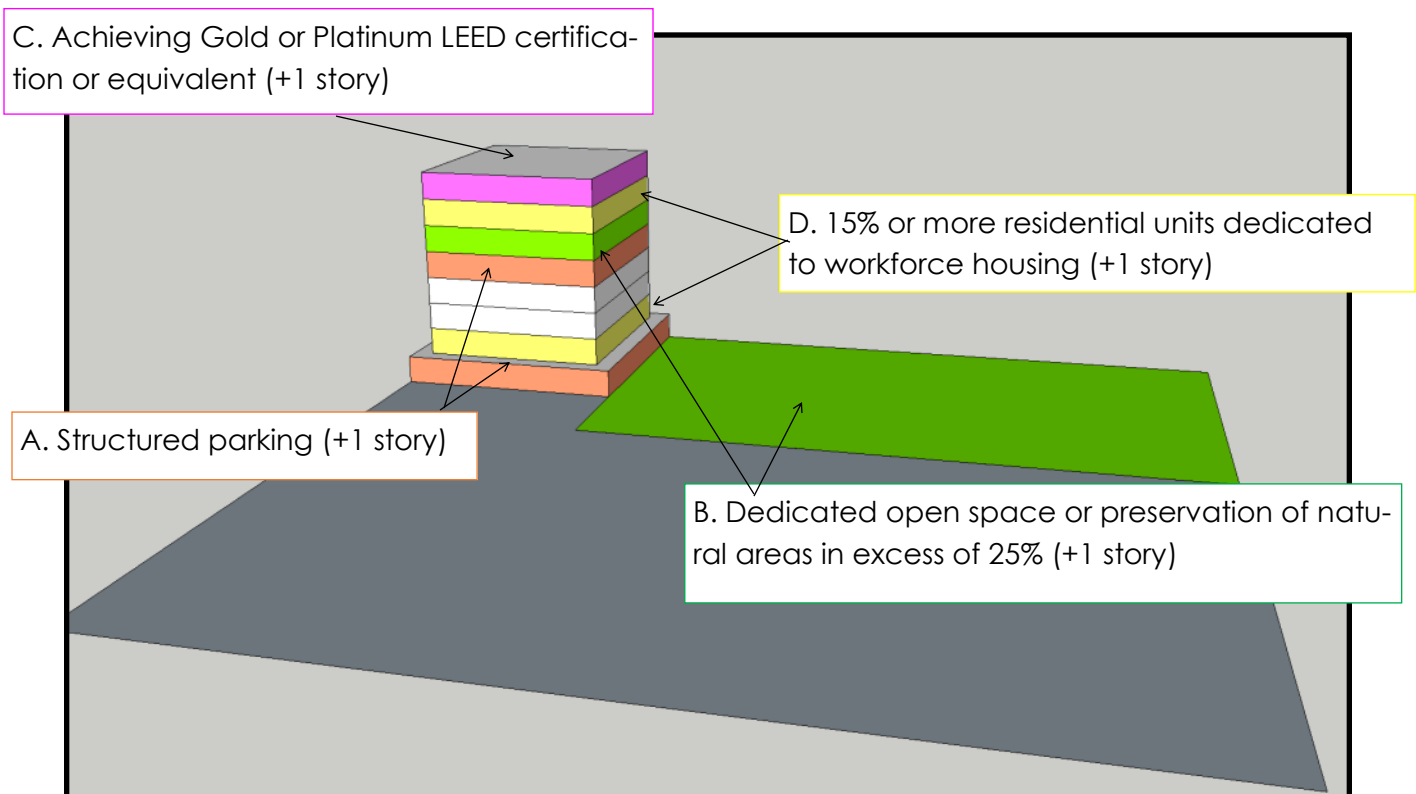
D.3 — Bonus Height

Within the City West District the minimum building height is 2 stories and the maximum building height is 3 stories. With the Mixed Use Development Option, the maximum height for the City West North area is 5 stories and the maximum height for the City West South area is 4 stories, but that **may be exceeded if bonus height conditions are met**.

Maximum building height in the north area may not exceed one-hundred fifteen (115) feet or 8 stories, whichever is less, and in the south area no building shall exceed 55 feet or 4 stories, whichever is less.

The following model in [Figure D11](#) shows examples of how to achieve greater building height through qualifying for the bonus height conditions as described in 3.34.5.B.

Figure D11: bonus height model



- A. Underground **or** structured parking (up to 2 additional floors—1 story per 125 spaces)
- B. Providing 25% of the total site area as open space; the image above shows the open space consolidated in one location but this does not have to be the case
- C. Applicants shall provide a narrative explaining how sustainability elements have been incorporated and quantify the impacts of those strategies
- D. As described in section 3.34.5.B; the illustration above shows a floor dedicated to workforce housing in yellow and then an additional floor in yellow depicting the bonus story granted for satisfying this condition

D. Form Based Design/Inspiration Images

D.3 — Bonus Height

Figure D12 below shows minimum and maximum heights allowed in City West.

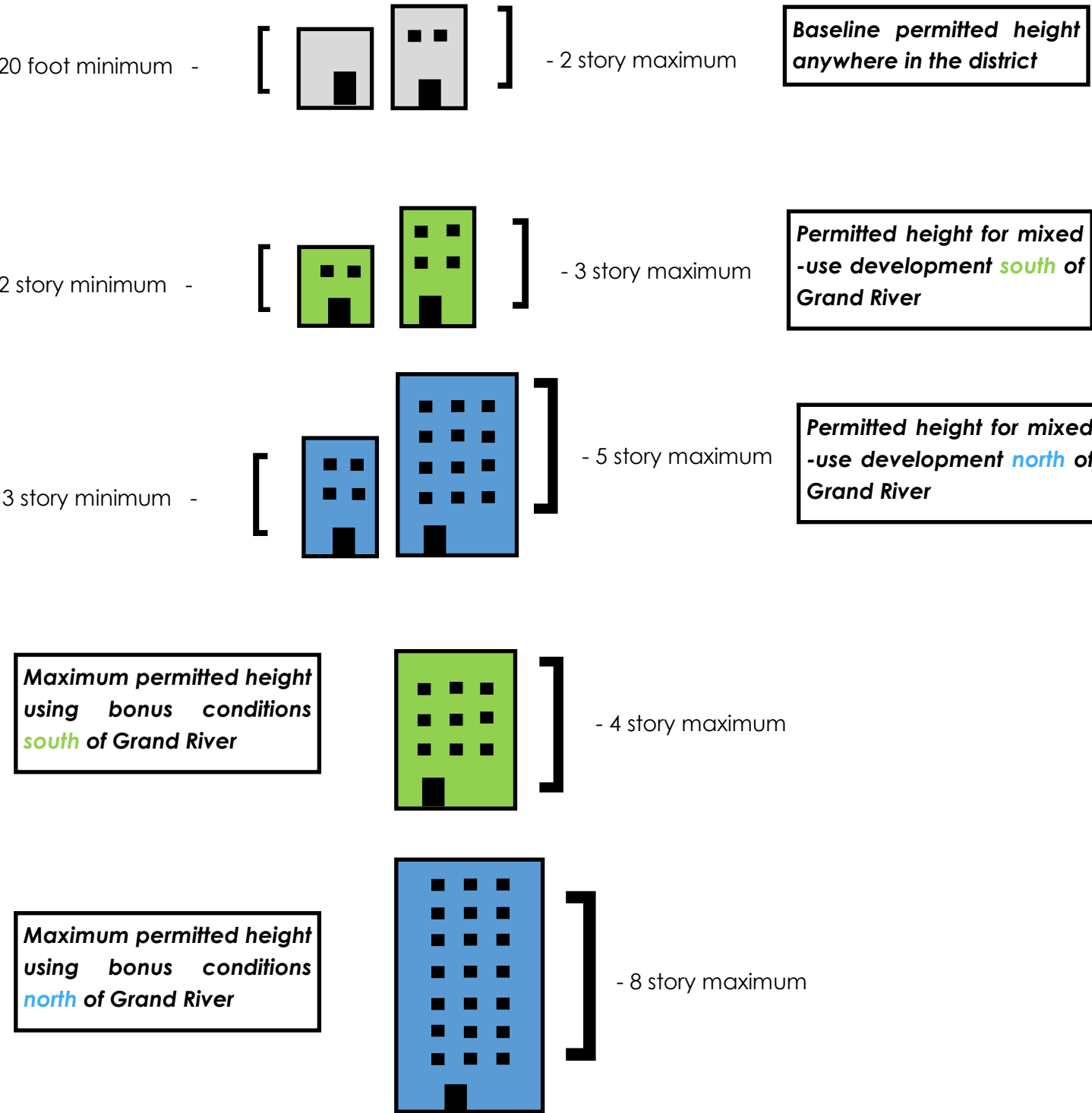


Figure D12: guide to allowable heights in City West