

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 18.246

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AT ARTICLE 19, I-1 LIGHT INDUSTRIAL DISTRICT, IN ORDER TO PERMIT ACCESSORY BUILDINGS AND STRUCTURES AS PRINCIPAL PERMITTED USES IN LIMITED INSTANCES, TO REQUIRE A NOISE IMPACT STATEMENT INSTEAD OF A NOISE ANALYSIS FOR SOME USES, TO ALLOW MORE THAN ONE OUTDOOR STORAGE TANK WHERE NECESSARY AND TO ADDRESS MINOR INCONSISTENCIES IN THE ZONING ORDINANCE.

THE CITY OF NOVI ORDAINS:

**Part I.** That Article 19, I-1 Light Industrial District is hereby amended to read as follows:

**Article 19. I-1 Light Industrial District**

**Sec. 1900. Intent.** [Unchanged.]

**Sec. 1901 Principal Uses Permitted.**

[Unchanged.]

1. Office buildings, offices and office sales and service activities for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, steno graphic, drafting, sales and engineering, data processing and for activities related to laboratories research and development, corporate offices and headquarters and office support functions, such as conference rooms, dining facilities, photographic facilities and storage facilities.
2. Accessory buildings, structures and uses customarily incident to the above permitted uses.
3. – 4. [Unchanged.]
5. Medical offices, including laboratories and clinics.

**Sec. 1902. Principal Uses Permitted, Subject to Special Conditions When Abutting a Residential District.**

The following uses shall be permitted as principal uses permitted. However, when such uses abut a residential district, they shall be treated as special land uses subject to

approval by the Planning Commission in accordance with the additional requirements of Section 2516.2(c) for special land uses, and subject to the public hearing requirements set forth and regulated in Section 3006 of this Ordinance and shall provide a noise impact statement, unless provided below subject to the standards of Section 2519.10(c):

1. – 2. [Unchanged.]
3. Warehousing and wholesale establishments. A noise analysis is required subject to the standards of Section 2519.10(c).
4. The manufacture, compounding, processing, packaging or treatment of products such as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, but not including tool, die, gauge and machine shops. A noise analysis is required subject to the standards of Section 2519.10(c).
5. The manufacture, compounding, assembling or treatment of articles of merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns. A noise analysis is required subject to the standards of Section 2519.10(c).
6. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas. A noise analysis is required subject to the standards of Section 2519.10(c).
7. Manufacture of musical instruments, toys, novelties and metal or rubber stamps. A noise analysis is required subject to the standards of Section 2519.10(c).
8. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs. A noise analysis is required subject to the standards of Section 2519.10(c).
9. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like. A noise analysis is required subject to the standards of Section 2519.10(c).
10. – 11. [Unchanged.]
12. Laboratories Experimental, film or testing. A noise analysis is required subject to the standards of Section 2519.10(c).
13. – 14 [Unchanged.]

15. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than two thousand (2,000) square feet in size, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities.

16. Pet boarding facilities, subject to the following conditions:

- a. The facilities must be located in a building with the pet boarding being the only use.
- b. Up to 10% of the gross floor area may be used for accessory retail sales.
- c. Adequate traffic circulation shall be provided on the site to accommodate the frequent pick-ups and drop-offs of animals for the facility.
- d. Outdoor facilities, with the following restrictions:
  - (1) Any outdoor facilities shall not be closer than five-hundred (500) feet from the boundary of the adjacent residential zoning.
  - (2) Any outdoor facilities shall be located in the interior side yard or rear yard.
  - (3) A six (6) foot tall, solid, obscuring fence or wall shall completely enclose all outdoor facilities.
  - (4) The outdoor facilities shall not encroach into any required building setback.
  - (5) All animal waste shall be removed from the outdoor area daily and disposed of in a sanitary manner.
  - (6) Pets shall not be permitted to remain outdoors overnight.

17. Veterinary Hospitals or clinics, provided that

- a. All activities are conducted within a totally enclosed building.
- b. All buildings must be setback at least two-hundred (200) feet from any residential district.

18. Motion picture, television, radio and photographic production facilities, including sound stages and broadcasting studios, provided that all activities

are conducted within a totally enclosed building, with the exception of the following. A noise analysis is required subject to the standards of Section 2519.10(c).

- a. When not in use, production vehicles must be stored in the rear yard and adequately screened from all surrounding properties.
  - b. Communication antenna towers and poles are subject to the standards of Section 2508.1.
19. Other uses of a similar and no more objectionable character to the above uses. A noise analysis is required subject to the standards of Section 2519.10(c).
20. Accessory buildings, structures and uses customarily incident to any of the above permitted uses.

**Sec. 1903. Principal Uses Permitted in Locations Not Abutting a Residential District and Subject to Special Conditions.**

[Unchanged.]

1. [Unchanged.]

2. [Unchanged.]

3. [Unchanged.]

a. [Unchanged.]

(1) – (5) [Unchanged.]

(6) No more than one (1) curb cut shall be allowed to the major thoroughfare. Further, where deemed necessary by the Planning Commission, under the authority of Section 2516.2.3d, marginal access roads may be required pursuant to design standards at Section 1802.2, for said roads. Where marginal access roads are required, minimum front yard setback shall be measured from said road right-of-way or easement line.

4. [Unchanged.]

a. The minimum size of the site devoted entirely to such use shall be not less than five (5) acres.

b. – p. [Unchanged.]

5. [Unchanged.]

6. [Unchanged.]

7. [Unchanged.]

8. [Unchanged.]

9. [Unchanged.]

10. [Unchanged.]

11. [Unchanged.]

12. Accessory buildings, structures and uses customarily incident to any of the above permitted uses.

**Sec. 1904. Nonconforming Office, Commercial and I-1 Light Industrial Uses.**

[Unchanged.]

**Sec. 1905. Required Conditions.**

[Unchanged.]

1. a. [Unchanged.]

b. [Unchanged.]

(1) [Unchanged.]

(2) Outdoor placement of above-ground storage tanks of not more than a six hundred-gallon capacity per tank and accessory to an otherwise permitted use. Placement and use of the above-ground storage tanks shall be in compliance with the City's adopted fire prevention code and any State of Michigan regulations related to such use.

All such storage tanks must be enclosed or screened from public view. Such screening shall consist of a wall not less than one (1) foot higher than the height of the storage tank placed therein, which completely conceals the tank from public view. The inside dimensions of the enclosure shall be such as will permit adequate access to the tank, as well as completely enclose the tank so that it does not project outside of the enclosure.

Screening materials shall consist of masonry, consisting of those materials permitted under the exterior building wall material standards contained in Section 2520, herein, or reinforced concrete. Other materials may be used for the gate or doorway to the enclosure.

2. – 3. [Unchanged.]

4. [Unchanged.]

a. [Unchanged.]

b. [Unchanged.]

(1) [Unchanged.]

(2) All off-street parking and areas used for vehicular repair, delivery, loading/unloading and transport shall be not closer than one hundred (100) feet from the boundary of a residential district and effectively screened from view from said residential district by landscaping, walls or berms pursuant to the requirements of Section 1905.4.e. Notwithstanding the restriction of Section 2400, footnotes (h) and (i), the Planning Commission may permit front yard and side yard parking where necessary to maintain the separation required by this subsection.

c. – d. [Unchanged.]

e. For I-1 Districts, adjacent to any residential district, an earth berm and plantings are required, except that no additional berm shall be required along a street, road, highway or freeway that lies between said use and an abutting residential district. The requirements supersede standards at Secs. 2509, provided, however, that pursuant to Section 2509.3.a(7) the Planning Commission may waive or modify the requirements for an earth berm or obscuring wall when adjacent to a woodland. Woodland areas shall be of sufficient width and density to provide the visual and audio screening that the berm or wall would provide. Generally, berms shall be of a continuous undulating, serpentine form. They shall have a maximum slope ratio of three (3) feet horizontal to one (1) foot vertical. A flat horizontal area at the crest is required to be six (6) feet in width. Berms shall be no less than ten (10) feet in height. Opacity requirements are to be eighty (80) percent in winter and ninety (90) percent in summer within two (2) years after planting.

If existing trees are six (6) inches d.b.h. or greater, the berm may be designed in a natural format. The berm itself may be divided and formed on either side or continue around the existing trees. The plantings are to be primarily evergreen trees on the crest of the berm. These may be supplemented with shrubs that regenerate on

each side of the berm, (i.e. Red Twig Dogwood, Fragrant Sumac, Arrowood Viburnum). The berm shall be hydroseeded.

If there are no existing trees the berm is to be sodded and irrigated. The plantings are to be primarily evergreen trees with supplemental deciduous trees, shrubs and evergreen shrubs. The landscape screening method shall be developed to protect the needs of the adjacent residential area. The minimum sizes of all plants when planted are to be seven (7) feet in height for evergreen trees, three (3) inch caliper for deciduous trees, two (2) inch caliper for small deciduous trees, thirty (30) inch – thirty-six (36) inch for large deciduous shrubs, twenty four (24) inch – thirty (30) inch for small shrubs. Spacing to be in a triple spacing or equilateral triangle format. Evergreen trees shall be a minimum of ten (10) feet on center, deciduous trees thirty-five (35) feet O.C., small deciduous trees fifteen (15) feet O.C., large deciduous shrubs four (4) feet O.C., and small shrubs three (3) feet O.C. All plants are to be mulched with four (4) inch shredded hardwood bark.

f. [Unchanged.]

5. – 9. [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 Novi City Council this 7<sup>th</sup> day of February, 2011.

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David B. Landry, Mayor

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Maryanne Cornelius, City Clerk

### **Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the 7<sup>th</sup> day of February, 2011

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Maryanne Cornelius, City Clerk

Adopted: 02/07/2011  
Published: 02/17/2011  
Effective: 02/24/2011



CERTIFICATE OF CLERK

I hereby certify that the foregoing ordinance was published by posting a copy thereof at each of the following times and places within the City of Novi, on the 8<sup>th</sup> day of February, 2011.

- |    |                |                        |
|----|----------------|------------------------|
| 1. | Novi City Hall | 45175 W. Ten Mile Road |
|    | Novi Library   | 45245 W. Ten Mile Road |

I do further certify that on the 17<sup>th</sup> day of February, 2011 said Ordinance Amendment 18.246 was published in brief in the Novi News, a newspaper published and circulated in said City.

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Maryanne Cornelius, City Clerk