

ORDINANCE NO. 16-004
CITY OF ROMULUS
APPENDIX A – ZONING
AMENDMENT 1.225

AN ORDINANCE AMENDING SECTIONS 13.04, SIDEWALKS AND NON-MOTORIZED PATHWAYS AND 20.09, NONCONFORMING SITES of the CITY OF ROMULUS ZONING ORDINANCE TO AMEND REGULATIONS REGARDING SIDEWALKS AND NONCONFORMING SITES.

THE CITY OF ROMULUS ORDAINS:

I. Section 13.04 is amended to read as follows:

Section 13.04 Sidewalks and Non-motorized Pathways

- (a) **Intent.** The purpose of this section is to enhance the health, safety and welfare of the public by the development of a comprehensive non-motorized system to allow for improved access and recreation opportunities.
- (b) **Applicability.** Unless exempted pursuant to the Romulus Code of Ordinances or this Ordinance, sidewalks shall be required for any site plan, sketch plan, condominium or subdivision plat as follows:
- (1) Residential
- a. Sidewalks shall be installed along both sides of all streets and private roads or drives in subdivision plats, condominiums, and multiple-family developments.
 - b. Required sidewalks may be installed for a residential lot in a new residential subdivision or condominium after construction of the dwelling unit if the developer has posted a performance guarantee to cover the cost of all sidewalk installation. A certificate of occupancy for the dwelling shall not be issued until the required sidewalk is installed. Sidewalks for dwellings constructed on existing lots of record shall be installed where required by Section 11.01(a)(9) as follows:
 1. Developments in the R-1A and R-1B Districts shall provide five (5) foot wide concrete sidewalks as required by the City of Romulus Subdivision Ordinance and the City of Romulus Sidewalk Ordinance.
 2. The requirement to provide sidewalks, curbs, and gutters for subdivisions and site condominiums in the RE and RCO districts may be

waived by the Planning Commission subject to the approval of the City Engineer with a payment in lieu of construction towards the City sidewalk fund.

3. The requirement to provide sidewalks in front of dwellings on individual lots that are not part of a new subdivision in the RE and RCO districts may be waived by the Building and Safety Director where there are no existing sidewalks along the same block.

c. Sidewalks shall not be required for infill residential construction within an existing residential subdivision that was originally platted without sidewalks unless sidewalks have been subsequently installed along the frontage of fifty-percent (50%) or more of the lots.

(2) Sidewalks shall be installed for all uses along street frontages, as required by Chapter 52 of the Romulus Code of Ordinances.

(3) Sidewalks may be required in other locations, such as along drives and to connect sidewalks along streets to building entrances, as part of site plan review where the Planning Commission determines that they are needed for pedestrian safety or convenience.

(c) Non-motorized Pathways

(1) The Planning Commission may require non-motorized pathways including walking trails within open space areas of residential developments. Pathways shall be a minimum five (5) foot wide asphalt. Alternative pervious materials, such as crushed gravel or wooden boardwalks, may be permitted by the Planning Commission in areas with sensitive environmental features.

(2) Non-motorized pathways shall conform to State requirements and the City of Romulus Engineering Standards Manual.

(d) **Location.** Sidewalks shall be installed by the developer one (1) foot within the dedicated street right-of-way, private road access easement, or special easement where grades or other factors prevent placement within the right-of-way or access easement. Sidewalks shall be located to align with existing or future sidewalks on adjacent lots.

(e) **Construction Standards.** All sidewalks shall be concrete, at least five (5) feet wide and constructed to the specifications of the City of Romulus Engineering Standards Manual.

(f) **Crosswalks.** An inclined approach shall be required where sidewalks and bike paths intersect curbs for barrier free access to the sidewalk. Crosswalk pavement

markings and signs may be required at intersections. Crosswalks may also be required to connect sidewalks across parking lots.

(g) **Payment in Lieu.** The Planning Commission or ARC may allow a payment in lieu of sidewalk construction under the following conditions:

- (1) A road right of way exists, but there is no road physically constructed at the time of site plan approval or planned to be constructed in conjunction with the development.
- (2) The property is adjacent to a freeway or grade separation and pedestrian traffic would not be encountered.
- (3) Within a proposed industrial subdivision, sidewalks could be provided on one (1) side only or eliminated on interior roads.
- (4) There are no other sidewalks within ½ mile of the property.
- (5) The site is nonconforming and payment in lieu of sidewalk construction is in accordance with the provisions of Section 20.09(c)(3).

II. *Section 20.09 is amended to read as follows:*

Section 20.09 Nonconforming Sites

(a) **Intent.** The purpose of this Section is to encourage improvements to existing sites in the City that were developed before the site design standards of this Ordinance were established or amended. It is recognized that certain sites are nonconforming with the current paving, lighting, landscaping and other non-safety related site development requirements. This Section is intended to:

- (1) Allow for reasonable re-use, maintenance and improvements to these sites that will gradually improve compliance with these requirements.
- (2) Permit a proportionate amount of improvements to nonconforming sites relative to the amount of expansion or improvement proposed to the use or building.
- (3) Allow the needed flexibility in the regulations to encourage gradual site improvements and increased compliance with the intent of the zoning ordinance requirements.

(b) **Required Reviews**

- (1) This Section provides for the conditions under which reoccupancy, improvement and modification to nonconforming sites may occur. It does

not replace other reviews and requirements contained elsewhere in this Ordinance. Therefore, where reoccupancy, improvements and modifications are proposed to nonconforming sites, they shall be subject to review according to Section 17.02, Activities Requiring Site Plan Review.

- (2) A reasonable timeline and associated performance guarantee as determined by the City for completion of site improvements to a nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of this Ordinance.

(c) **Standards for Review.** Applications to reoccupy, improve or modify nonconforming sites shall be conducted by the board or official designated in Section 17.02. Such activity may only be permitted if the following standards are met:

(1) **General Standards:**

- a. Expansions to nonconforming structures or buildings comply with Section 20.02 Nonconforming Structures and Buildings.
- b. Changes to nonconforming uses comply with Section 20.03 Nonconforming Uses.
- c. The applicant is proposing reasonable site improvements to the overall site in relation to the scale and construction cost of any proposed building improvements or expansion.
- d. The applicant has addressed safety related site issues on the overall site. The proposed site improvements shall resolve public safety deficiencies, including building and fire code violations, emergency access and pedestrian/vehicle conflicts.
- e. The improvements or minor expansion will not increase noncompliance with other site requirements.

(2) **Driveways.** Driveways that do not conform to the access standards of Section 14.06 shall be removed or redesigned to the greatest extent possible. Where required to maintain reasonable access to sites, waivers of those standards may be permitted by the reviewing board or official. Waivers may be permitted after consideration of the Waiver of Access Standards and Waiver Criteria listed in Section 14.06.

(3) **Sidewalks.**

- a. Whenever any expansion to the building, parking lot, loading area,

storage area, or site is proposed that is greater than fifty percent (50%) of the existing building, parking lot, loading area, storage area, or site, then sidewalks shall be installed along the total site frontage, as required by Section 13.04.

- b. If the expansion to a building, parking lot, loading area, storage area, or site is proposed that is less than fifty percent (50%) of the existing, a payment will be made into the sidewalk fund equal to the same percentage the expansion is to the total cost of the sidewalk as determined by the city engineer. For example, if there is a 25% expansion to the building and 10% increase to the loading area, 35% of the total cost of sidewalks for the site will be paid into the City sidewalk escrow account by the property owner.

(4) **Parking, Loading, Storage.** Existing parking, loading and storage areas must be in good condition, and as part of any reoccupancy or expansion, improvements necessary to provide a safe durable surface shall be as determined by the Building and Safety Director. Parking, loading and storage areas that are nonconforming in terms of required number of parking or loading spaces, dimensions, surface materials, landscaping, setbacks, lighting or other requirement of this Ordinance, shall be brought into full compliance with this Ordinance as follows, noting that where full compliance is not possible due to existing site conditions, a variance may be requested.

- a. **Expansion.** The nonconforming parking, loading or storage area is expanded by an area that is fifty percent (50%) or more of the original area.
- b. **Reconstruction.** Twenty-five percent (25%) or more of the surface area of the parking, loading or storage area is reconstructed (existing pavement removed and replaced).
- c. **Reoccupancy.** Whenever reoccupancy is proposed, or the parking, loading or storage area is not proposed to be expanded or reconstructed beyond the percentages noted in (1) and (2) above, then any necessary repairs shall be made to the existing parking lot, loading area or storage area pavement, as determined by the Building and Safety Director.

(5) **Screening.** Whenever reoccupancy or façade improvement is proposed, or any expansion to the building, parking, loading areas, storage areas or site, then required screening shall be provided as follows.

- a. Where existing screening walls, enclosures, fences, etc. are in disrepair,

they shall be improved to a sturdy and attractive condition.

- b. **Waste Receptacles.** An enclosure shall be provided for any existing dumpster or new waste receptacle in accordance with Section 13.06. Landscaping shall be included per Section 13.02
- c. **Outdoor Storage.** Screening for any existing nonconforming outdoor storage shall be provided as described in Section 11.17(b). All outdoor storage areas shall be screened from adjacent residential uses as required in Section 13.02.

(6) **Landscaping.** Sites that are nonconforming by reason of landscaping required by this Ordinance, either by required area, materials, or other requirement of this Ordinance, shall be brought into compliance with this Ordinance under the following conditions:

- a. Whenever the size of the site, building, parking, loading or outdoor storage is expanded by an area that is fifty percent (50%) or more of the original area, all landscaping on the site shall be brought into compliance with this Ordinance.
- b. If the expansion to a building, parking lot, loading area, storage area, or site is proposed that is less than fifty percent (50%) of the existing, the applicant shall bring the site toward conformity at twice the rate of building, parking lot, loading area, storage area or site expansions (for example, a five percent (5%) building expansion will provide at least ten percent (10%) of the required landscaping).;
- c. Whenever twenty-five percent (25%) or more of the surface area of the landscaped area is reconstructed (existing materials and ground cover removed and replaced) the reconstructed portion of the landscaped area shall be brought into compliance with this Ordinance.

(7) **Lighting.** To the greatest extent reasonable, lighting should be brought into compliance with Section 13.05. At a minimum, existing lighting must be shielded to prevent off-site glare.

(8) **Building Materials.** Building expansions are subject to the standards of Section 13.01(k).

(9) **Signs.** Nonconforming signs shall be reviewed pursuant to Section 48-8 of the Romulus Sign Ordinance.

ADOPTED, APPROVED, AND PASSED by the City Council of the City of Romulus this 9th day of May, 2016.



LEROY BURCROFF, Mayor



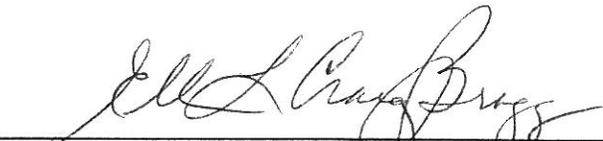
ELLEN L. CRAIG- BRAGG, CMC, City Clerk

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council of the City of Romulus at a regular Council Meeting held in the City Council Room in said City on the 9th day of May, 2016.



ELLEN L. CRAIG-BRAGG, CMC, City Clerk

I further certify that the foregoing was published in The Eagle, a newspaper of general circulation in the City of Romulus, on the 2nd day of June, 2016.



ELLEN L. CRAIG-BRAGG, CMC, City Clerk

Within forty-five (45) days after publication of any ordinance duly passed by the Council, a petition may be presented to the Council protesting against such ordinance continuing in effect. Said petition shall contain the text of such ordinance and shall be signed by not less than six percent (6%) of the registered electors registered at the last preceding election at which a Mayor of the City was elected. Said ordinance shall thereupon and thereby be suspended from operation and the Council shall immediately reconsider such ordinance.

Introduced: May 2, 2016
Adopted: May 9, 2016
Published/Effective: June 2, 2016