


# MEMORANDUM

TO: Victor Cardenas, Assistant City Manager

FROM: Thomas R. Schultz, Esq. 

RE: Bike Parking Facility Ordinance

DATE: July 11, 2013

<p><b>Mayor and Council:</b> Follow-up and revisions to the proposed bike parking ordinance per the recommendations received at the July 8<sup>th</sup> City Council meeting. Victor</p>
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Attached is a revised ordinance that attempts to incorporate the comments of various City Council members from first reading. The comments had generally to do with the requirement for covered spaces being potentially onerous and also the concern that the provisions for either deferral/land banking or for waiver were too stringent, which might require some applicants seeking complete relief from the requirement to have to go to the Zoning Board of Appeals in order to seek relief.

The changes (1) remove the reference to covered parking requirements for multiple-family units in the Bicycle Parking Space Requirement Table on page 2 [the requirement for the parking itself will remain in subsection 5]; (2) significantly increase the number of spaces that must be provided before the covered spaces are required (from 10 up to 20); (3) reduce the number of spaces that must be required from 50% to 25%; and (4) adds the ability to waive the covered parking entirely.

With regard to deferrals under the land banking provision, the requirement that there be at least two spaces at any location has been removed.

Finally, a new Section 8, relating to waivers generally, has been added at the end of the ordinance. It allows the Planning Commission (or the administration, for an administrative site plan approval) to waive the requirements to provide a bike parking facility. It includes some standards, but also states that retail and service uses that deal directly with customers, residential housing uses, and others that are open to the public generally, are not eligible for a waiver (though they would remain eligible for a deferral/land banking).

We look forward to discussing the proposed changes at the next Council meeting. If there are additional comments before then, we would be happy to hear those as well.

TRS:jah  
Attachment

cc: Maryanne Cornelius, City Clerk  
Charles Boulard, Community Development Director  
Barb McBeth, Deputy Community Development Director

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF NOVI

ORDINANCE NO. 13- 18 – 262

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AMENDING ARTICLE 25, GENERAL PROVISIONS, ADD NEW SECTION 2526, TO PROVIDE BICYCLE PARKING REQUIREMENTS AND TO PROVIDE BICYCLE PARKING AREA LAYOUT STANDARDS.

THE CITY OF NOVI ORDAINS:

**Part I.** That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 25, General Provisions, is hereby amended to add a new Section 2526 to read as follows:

**Sec. 2526. - Bicycle Parking Facility Requirements.**

The bicycle parking requirements of this section are intended to facilitate the use of bicycles as a means of transportation in the City of Novi consistent with the City of Novi Non-Motorized Master Plan, by requiring bicycle parking facilities to be provided for certain uses as specified in this section.

1. As used in this section, the following terms have the meanings indicated.
  - a. Bicycle Parking Space. An area meeting the parking space depth and width requirements in subsection 6 immediately adjacent to a bicycle rack that allows for the parking and locking of a bicycle to the rack in a secure manner.
  - b. Bicycle Parking Facility. An area of bicycle parking spaces and related maneuvering lane(s).
  - c. Covered Bicycle Parking Space. A bicycle parking space that is located under a roof, or an overhang or awning adjacent to a wall, or that is located entirely within a building.
  - d. Maneuvering lane. A four (4) feet wide area adjacent to bicycle parking spaces for maneuvering bicycles into a bicycle parking space.
  - e. Public Bicycle Route. A signed bicycle route, a bicycle lane on a public street, a pathway designed to accommodate bicycles, or in the absence of any of those, the closest public street adjacent to a use that may be lawfully used by a bicyclist travelling to or from that use.

2. Bicycle Parking Facilities General Requirements

At the time of erection of any new principal building or new parking lot, the enlargement of any principal building by ten percent (10%) or more of the existing gross floor area, or the enlargement of any automobile parking lot by ten percent (10%) or more of the number of existing parking spaces, a bicycle parking facility shall be required and be provided for as part of site plan review under section 2516 in accordance with the following requirements:

- a. Provide the minimum number of bicycle parking spaces by type of use as determined in accordance with the following Bicycle Parking Space Requirement Table. For those uses not specifically mentioned, the requirements for bicycle parking spaces shall be in accord with a use which the approving body considers is similar in type. When the number of required bicycle parking spaces results in a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) bicycle parking space.

**Bicycle Parking Space Requirement Table.**

Land Use	Minimum Number of Bicycle Parking Spaces
Auto wash (self-service or coin-operated), essential services, one-family residential, two-family residential, mobile home sites, shared elderly housing, and accessory buildings that do not add to the automobile parking requirements	None
Multiple-family residential, and housing for elderly (except shared elderly housing)	One (1) covered-bicycle parking space for each five (5) dwelling units-four (4) covered spaces minimum
K-12 public and private schools	Three (3) spaces per classroom, ten (10) spaces minimum
Retail (except as listed elsewhere in table), personal services, laundromats, restaurants (except fast food), microbreweries, brewpubs, billiard parlors, banks, business offices,	Five percent (5%) of required automobile spaces, minimum two (2) spaces

Land Use	Minimum Number of Bicycle Parking Spaces
industrial, research and development, and warehouses	
Shopping centers, places of assembly (theaters, auditoriums, stadiums, arenas), indoor or outdoor recreation facilities (unless specifically listed), colleges and business schools, and places of worship	Five percent (5%) of required automobile spaces, minimum eight (8) spaces
Community centers, libraries, museums, public swimming pools, private recreation facilities accessory to a residential development, and public parks	Ten percent (10%) of required or provided automobile parking spaces, minimum eight (8) spaces
Pet boarding, mini warehouse, mortuary, fueling station, nursery, greenhouse, day care centers, automatic car wash, recreational or motor vehicle sales, recreational or motor vehicle service centers, motels, furniture stores, appliance stores, household equipment repair shops, and showrooms of a plumber, decorator, electrician, or similar trade	Two (2) spaces
Warehouse, lumber and building material stores with over 75,000 square feet, golf courses, private clubs, banquet halls, conference centers, exposition facilities, fast food restaurants, and hotels	Four (4) spaces
Medical offices, hospitals, congregate elderly housing, assisted living convallescent care, and nursing homes	One (1) space for each 20 employees on the maximum shift, minimum two (2) spaces

- b. Off-street bicycle parking facilities may be located in any yard subject to meeting the parking setback requirements of Section 2400, the

Schedule of Regulations, including the pertaining footnotes. The site plan approval may allow bicycle parking facilities in the required front yard parking setback when the location is between a public bicycle route and the principal building, and no waiver of any landscape requirement in Section 2509 will be required.

- c. Bicycle parking facilities shall be located on the parcel that the bicycle parking serves, and if all non-zoning ordinance City permits and approvals are obtained, may be approved within the road right-of-way adjacent to the principal building(s) in a location that would be similar to the location of street trees, street furniture or pedestrian amenities, and located so pedestrian and bicycle travel on non-motorized facilities in the road right-of-way would not be compromised.
- d. Bicycle parking facilities shall be located along the principal building entrance approach line and be clearly visible and easily accessible from the approach and building entrance being served.
- e. Bicycle parking facilities shall be no greater than 120 feet from the entrance being served or the nearest automobile parking space to that entrance.
- f. When four (4) or more bicycle parking spaces are required for a building with multiple public entrances served by automobile parking, the site plan approval may require the spaces in increments of two (2) to be provided in multiple bicycle parking facilities to serve more than one (1) of those entrances.
- g. Minimum required bicycle parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere.

### 3. Deferrals/Landbanking.

Upon the written request and satisfactory showing by the applicant that complying with the bicycle parking requirements in this section is not necessary to serve actual bicycle parking needs for the proposed use, or in the case of covered spaces, is not practical, the Planning Commission or administrative site plan approval for the activity requiring the provision of bicycle parking spaces may allow deferral of actual installation of some or all of the required bicycle parking facility by including on the site plan an area designated as landbanked bicycle parking facilities(s) for future construction in accordance with the

requirements at the time of site plan approval, subject to the following requirements:

~~ea. Deferral of actual construction by landbanking shall only be allowed for the number of required spaces in excess of two (2).~~

eb. An area approved for landbanked bicycle parking facilities shall be maintained in compliance with the approved site plan and may not be used for any other purposes.

ec. Upon any change in use or occupancy of a site where a landbanked bicycle parking facility has been approved, and no more than once per year, the Community Development Department may conduct a review to determine if installation of a landbanked bicycle parking facility is necessary to serve actual bicycle parking needs at the site. Upon determining such a necessity, the Department shall notify the property owner of the determination and basis for it, and of a time within which the installation is to be completed.

ed. A property owner may install some or all of a landbanked bicycle parking facility at any time after providing written notice to the Community Development Department and obtaining all required permits.

4. Automobile Parking Space Reduction Bonus.

When the required number of automobile parking spaces exceeds twenty (20) spaces, the number of required automobile parking spaces may be reduced by one (1) space for every ten (10) uncovered bicycle parking spaces provided and by one (1) space for every five (5) covered bicycle parking spaces provided, up to a maximum of ten percent (10%) of the required automobile parking spaces.

5. Covered Bicycle Parking Space Requirement.

~~Unless waived or modified as provided in subsection 6e, when the required number of 20 or more bicycle parking spaces are required exceeds ten (ten) parking spaces, fifty (twenty five) percent (25%) of the bicycle parking spaces shall be covered bicycle parking spaces.~~

6. Bicycle Parking Facility Layout, Location and Design Standards.

Bicycle parking area(s) shall be laid out, constructed and maintained in accordance with the following standards and regulations:

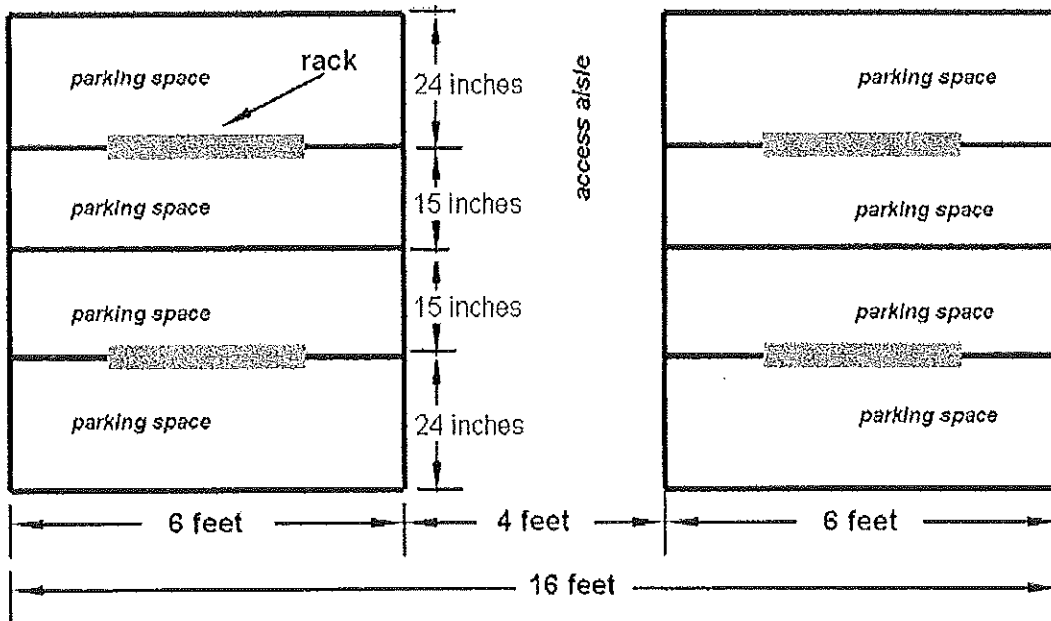
- a. Plans for the layout of bicycle parking facilities shall be in accord with the following minimum requirements:

<u>Bicycle Parking</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space depth</u>	<u>Parking Space width</u>	<u>Total Width Of One Tier Of Spaces Plus Maneuvering Lane</u>	<u>Total Width Of Two Tiers Of Spaces Plus Maneuvering Lane</u>
<u>0° (parallel) to 90°</u>	<u>Four (4) feet</u>	<u>Two (2) feet single 2.5 feet double</u>	<u>Six (6) feet</u>	<u>Ten (10) feet</u>	<u>Sixteen (16) feet</u>

- b. All bicycle parking spaces shall be paved and adjacent to a bicycle rack of the inverted "U" design, that is solid, cannot be easily removed with common tools, provides at least two contact points for a bicycle, is at least three (3) feet in height, and permits the locking of a bicycle through the frame and one wheel with a standard U-Lock or cable in an upright position. The rack shall be securely anchored in concrete or asphalt. Alternative installations and designs may be considered if the proposed rack design functions similar to the inverted "U" design.
- c. All bicycle parking facilities shall be accessible from adjacent street(s) and pathway(s) via a paved route that has a minimum width of six (6) feet.
- d. All bicycle parking facilities shall be separated from automobile parking spaces and access aisles by a raised curb, landscape area, sidewalk, or other method that complies with all city ordinances.
- e. Upon the written request of an applicant, the Planning Commission or administrative site plan approval for an activity requiring the provision of bicycle parking spaces may ~~allow a waiver or modification of~~ the bicycle parking facility layout, location, and design requirements in this subsection 6, covered bicycle parking space requirements in subsection 5, and/or the landscaping requirements in Section 2509, upon a satisfactory showing by the applicant ~~that of a practical difficulty with complying with the requirement an alternative layout, location and design is necessary due to site constraints or other factors, and that the applicant's proposed plan and will adequately serve the needs of the site to service and~~ the bicycling public.

7. Bicycle Parking Lot Layout Illustration.

## Bicycle Parking Layout Illustration



8. Waivers.

- a. Subject to and as provided in this subsection 8, the Planning Commission or administrative site plan approval may waive the requirement to provide a bicycle parking facility.
- b. Retail and service uses dealing directly with customers, residential housing uses, and other uses that are open to and regularly visited by the general public are not eligible for a waiver of the requirement to provide a bicycle parking facility but are eligible for landbanking deferral under subsection 3.
- c. Waivers may be granted on the written request and satisfactory showing by the site plan applicant that a bicycle parking facility is not necessary to serve actual bicycle parking needs of employees and customers, or is inconsistent with the use for which site plan approval is required.



d. A waiver shall be limited to the use disclosed and for which site plan approval was requested and granted, but may be requested, approved and continued for a new use as part of a change of use site plan review and approval upon the same showing as required in subsection 8c.

e. A waiver shall be limited to the building or parking lot erection or enlargement for which is was granted, shall not be binding on or apply to a future building or parking lot erection or enlargement for which a bicycle parking facility is required by subsection 2, but may be requested and approved for continuation as provided in this subsection 8.

## **PART II.**

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

## **PART III.**

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

## **PART IV.**

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

## **PART V.**

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

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI,  
OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Robert J. GATT, MAYOR

\_\_\_\_\_  
MARYANNE CORNELIUS, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent: