

## ARTICLE XVI

### “AM” ACCESS MANAGEMENT OVERLAY ZONING DISTRICT

#### Section 16.1 Description and Purpose

This “AM” Access Management Overlay Zoning District is intended to assure safe traffic operations along M-37 Highway within the Township. Provisions of this overlay zoning district are designed to minimize potential traffic conflicts, reduce likelihood of fatal, personal injury and property damage accidents; reduce the number of direct points of access to the highway; require shared access among adjoining landowners; provide for effective spacing standards between access points; assure uniform treatment among all landowners; preserve the traffic carrying capacity of the M-37 Highway; and implement recommendations contained in the “Access Management Guidebook”, as amended from time to time, issued by the Michigan Department of Transportation [MDOT].

#### Section 16.2 Applicability

The provisions of this Article shall apply to the whole of existing lots or parcels of record, new land divisions and to existing buildings and structures in which occupancy changes from residential use to non-residential use. All lands falling within 300 feet of the M-37 Highway right-of-way or lands beyond 300 feet from which direct access to the M-37 Highway is proposed shall be subject to requirements of this Article. The provisions of this Article shall apply in addition to and concurrent with provisions of the underlying zoning district and other applicable provisions of this Ordinance.

#### Section 16.3 Definitions of Words and Phrases used in this Article

The following words and phrases, as defined, shall be used in conjunction with standards set forth in this Article:

- 1) **Access**: A way or means of approach to provide vehicular or pedestrian entry or exit to a property from an abutting property, access easement, or a public roadway.
- 2) **Access Management**: The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.
- 3) **Access Point**: The connection of a driveway, shared driveway, private road, public road or frontage road at the right-of-way line to a road.
- 4) **Acceleration Lane**: A speed-changing lane, including taper, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge through traffic, and not slow down moving traffic.
- 5) **Conflict Point**: An area where intersecting traffic merges, diverges, or crosses.

- 6) **Connected Parking Lot:** Two or more parking lots that are connected by cross access drive allowed via recorded reciprocal access easement.
- 7) **Corner Clearance:** Corner clearance refers to the distance between an intersection and the first point of ingress and egress to a corner property.
- 8) **Corridor Overlay Zone:** A zoning district that provides special requirements that apply to property in addition to those of the underlying district regulations along portions of a public roadway.
- 9) **Curb Cut:** A curb cut is a physical break, or end, in a curb to make way for a vehicular driveway or pedestrian walkway.
- 10) **Deceleration Lane:** A speed-changing lane, including taper, for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or to execute a slow speed turn without slowing through traffic.
- 11) **Direct Access:** Any entrance or exit used by vehicular traffic to or from land or buildings that is connected to M-37 or main road.
- 12) **Driveway:** Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.
- 13) **Driveway Offset:** The distance between the inside edges of two driveways on opposite sides of an undivided highway.
- 14) **Driveway Spacing:** The distance between driveways as measured from the centerline of one driveway to the centerline of the second driveway along the same side of the street or road.
- 15) **Driveway Width:** The narrowest width of a driveway measured perpendicular to the centerline of the driveway.
- 16) **Frontage Road:** (access drive, service road): A drive designed to provide shared access to specific access points along the arterial roadway to one or more developments within the corridor. A service road is generally parallel to the arterial road along either the front or rear of a site, but may be perpendicular or have another alignment. Service roads may be in front of, or along the rear of, buildings fronting M-37.
- 17) **Median Opening:** A gap in a median provided for crossing and turning traffic.
- 18) **Overlay Zone:** Access standards that apply to lots along highway M-37. All proposed land uses within the defined corridor(s) are reviewed to ensure consistency with the access standards, as well as with all requirements of the underlying zone.
- 19) **Reasonable Access:** The minimum number of access connections, direct or indirect, necessary to provide safe access to and from a public road.
- 20) **Reciprocal Access Easement:** A recorded easement between two or more properties allowing vehicles access to the easement area by users of properties on which the easement applies.
- 21) **Shared Driveway:** A driveway connecting two or more contiguous properties to the public road system based on a recorded reciprocal access easement.

- 22) **Technical Advisory Group** [TAG]: A group representing all local governments having frontage on M-37 Highway within Barry County as well as the Barry County Planning Commission, Road Commission and Michigan Department of Transportation [MDOT]. The TAG is charged with reviewing all changes in direct access and new access to the M-37 highway and making specific recommendations to the Township Planning Commission and to MDOT.

**Section 16.4 Application Review, Coordination and Approval Process**

- A. To ensure coordination among agencies, landowners or agents are required to submit a site plan or a tentative preliminary plat to the M-37 Corridor Technical Advisory Group [TAG] prior to filing with the Township and the Michigan Department of Transportation. Once an application is deemed to be complete, the TAG shall provide review comments and recommendations to the Township Planning Commission, as soon as possible.
- B. The Planning Commission shall not take action on a request for land development requiring access to M-37 without first having received comments from the TAG. It is anticipated that terms of permit approval will be mutually agreed upon before issuance. Upon agreement, the Planning Commission shall have authority to grant approval, denial, approval with conditions, or may request additional information from the applicant. Reasons for approval, denial, or approval with conditions from the Township shall be in writing.
- C. When plan approval has been granted by the Township Planning Commission and an access permit has been issued by MDOT, the location and design of the access shall not be altered. If access location is altered from that approved, a new application and review process is required.
- D. Failure to begin construction of a new or modified access within 12 months of the approval date by the Planning Commission shall void approval and a new application process is required.
- E. The Township may require an irrevocable letter of credit, or cash deposit in any sum not to exceed \$5,000 for each such access point to insure compliance with the approved application. Such surety shall be returned to the applicant when the terms of approval have been met or when approval becomes void due to lapse of time.
- F. For building or parking lot expansions, and changes in land use, the Planning Commission shall determine the extent of upgrades to bring the site in greater compliance with the access standards. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, sight distance limitations, site topography, natural features, impacts and external and internal site circulation, distance to nearby access points, recommendations from the TAG and MDOT, and other sources as deemed appropriate. Required

improvements may include removal, consolidation or reconfiguration of existing access points.

### **Section 16.5 Site Plan Requirements and Review Criteria**

For the purposes of assuring safe driveway or cross-street location and design for access to highway M-37, the following site plan requirements are in effect:

For new driveways serving single-family or two-family dwellings and for access to croplands, MDOT shall have exclusive jurisdiction and such uses shall not be required to meet site plan content or review criteria herein.

For all other uses of lands, new building construction or addition to an existing building having or requiring direct access to highway M-37, the following site plan content is required:

On a scaled drawing not more than 100 feet to one inch, depict the following information:

- (a) Zoning and existing land use of abutting parcels.
- (b) Location and size of all existing and proposed structures.
- (c) Size and arrangement of parking spaces and lots.
- (d) Proposed driveway placement.
- (e) Existing and proposed property lines.
- (f) Right-of-way lines and right of way width.
- (g) All intersecting driveways within 500 feet of the subject property.
- (h) Existing public or private road access points within 500 feet of applicant's property on either side of M-37.
- (i) Type of surface and dimensions of driveways.
- (j) Proposed inside and outside turning radii, intersecting angle, throat length, length of any deceleration and acceleration lanes, profile and pavement markings.
- (k) Existing and proposed landscaping, signs, sidewalks, and other structures or treatments adjacent to the right of way.
- (l) Location of dumpsters or other trash containers.
- (m) Route and dimensional turning movements of any truck traffic, tankers, delivery vehicles, and waste receptacle vehicles that may be expected.

The Planning Commission will consider the following facts when deliberating a decision on a driveway or other access points to highway M-37.

- (a) The characteristics of the proposed land use.
- (b) The existing traffic flow conditions and projected trip generation by the proposed development on M-37 and connecting streets, if any.
- (c) The size of the property.
- (d) The location of the property.
- (e) The orientation of structures on the site.

- (f) The minimum number of driveways or other access points needed to accommodate anticipated traffic based on a traffic impact study as approved by the Planning Commission and MDOT.
- (g) The number and location of driveways on adjacent and opposite properties.
- (h) The land use of adjacent properties.
- (i) The location and functional classification of abutting roadways and the carrying capacity of nearby intersections.
- (j) The internal circulation between driveways and through parking areas.
- (k) The speed limit on M-37 at the location of the subject property
- (l) The horizontal and vertical geometrics of M-37.
- (m) The adequacy of sight distance along M-37, the driveways, or side street.
- (n) Corner clearance standards, if a corner parcel.
- (o) Consideration of rear access for present or future use.
- (p) Need for present or future frontage road including provision of necessary reciprocal access easement.

The Planning Commission may require a frontage road or common rear drive in any situation where shared access is deemed desirable. This will be especially true for uses of land and buildings expected to be significant traffic generators and in all cases where the use will exceed 1,000 vehicle trips daily.

The Planning Commission may require a traffic impact study be provided by the applicant for any land use expected to generate more than 100 vehicle trips during peak hour or 1,000 vehicles trips daily; and in situations where modification to access standards herein is requested.

### **Section 16.6 Driveway Regulations**

For all uses of land or buildings on properties having or seeking direct access to highway M-37, the following regulations shall apply:

- A. Each lot or parcel of land is allowed no more than one driveway onto M-37, unless minimum spacing requirements can be met.
- B. Land Divisions of 5 or more parcels, subdivision, site condominium, apartment and manufactured home community shall have one access point onto highway M-37, and no building, lot or parcel in such development shall have direct access to highway M-37.
- C. For all commercial or industrial uses of land or buildings, accommodation for shared access shall be made with abutting properties if those lands are zoned for or planned for similar land use. Provisions for a frontage road or shared rear access drive are required.
- D. Any parking facility that is not subject to a reciprocal access easement shall be limited to one access point or driveway to highway M-37.
- E. Any easement required for shared or joint access shall, after approval by the Planning Commission, be recorded with the Barry County Register of Deeds and shall bind all successors in title for each parcel of land benefiting from the shared access.

- F. All driveways, frontage roads, rear service driveways and other forms of shared access shall be paved. Openings onto M-37 shall be designed and built in accordance with standards of MDOT and this Ordinance.
- G. Driveways serving single or two-family dwellings shall have a width at the right of way line of no less than 12 feet and no more than 16 feet.
- H. For all uses, except one and two-family dwellings, there shall be a minimum of 30 feet of driveway throat at the right of way line of M-37. For driveways serving more than 100 vehicles an hour (two-way traffic volumes), throat width shall be at least 60 feet. When more than one parcel is served by a driveway, throat width shall be at least 60 feet.
- I. All driveways shall be setback a minimum of 40 feet from all important natural features, such as a water body, wetland or stand of trees.
- J. Frontage roads or service drives shall be no less than 24 feet wide. Frontage roads shall be set back a minimum of 20 feet from any right of way line. Where this cannot reasonably be accomplished, as determined by the Planning Commission, then the Planning Commission may require another form of unified internal circulation, such as a rear access drive.
- K. Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential out lots, the access shall be located to ensure the adjacent site(s) can also meet the access location requirements in the future or provisions for a cross-access easement and shared driveway shall be required. Appendix 2 provides a Sample Reciprocal Access Easement document.
- L. No driveway shall obstruct public facilities such as street lights, traffic signal poles, fire hydrants, crosswalks, utility poles, drainage systems, or other compulsory street structures.
- M. Minimum driveway spacing standards for un-signalized driveways in specific speed zones are the following:
  - 1) 35 mph or less – 245 feet
  - 2) 40 mph – 300 feet
  - 3) 45 mph – 350 feet
  - 4) Greater than 45 mph – 455 feet
- N. New driveways shall be at least 230 feet from stop sign intersections and 450 feet from signalized intersections, measured from pavement edge to pavement edge.
- O. Residential developments with 15 or more building sites or dwellings shall have shared access and shall have acceleration and deceleration lanes as required by MDOT. Commercial and industrial developments with more than 5,000 square feet of interior space shall comply with the same standards.
- P. Access points shall be aligned with driveways on the opposite side of the highway or offset the distance indicated below, measured centerline to centerline. The Planning Commission may reduce this with input from MDOT to not less than 150 feet where the offsets are aligned so they do not create left-turn conflicts:
  - 1) 35 Mph or less – 425 feet

- 2) 40 mph – 525 feet
  - 3) 45 mph – 630 feet
  - 4) Greater than 45 mph – 750 feet
- Q. Whenever a proposed direct access point cannot comply with the standards above, access shall be via a shared driveway, service drive, rear access or side street access.
- R. The following developments may warrant the consideration of an additional driveway. The Planning Commission shall decide if such developments generate enough traffic for an additional driveway.
1. Multiple-family development with over 200 dwelling units.
  2. Grocery store of over 30,000 square feet.
  3. Shopping center with over 40,000 square feet.
  4. Hotel/motel with over 200 rooms.
  5. Industrial developments with over 300,000 square feet or 350 employees.
  6. Warehouses of over 750,000 square feet or 350 employees.
  7. Manufactured home community with over 200 dwelling units.
  8. General office building of 150,000 square feet or 500 employees.
  9. Fast food restaurant with 6,000 square feet or more.
  10. Sit down restaurant of over 20,000 square feet.
  11. Others as deemed appropriate by the Planning Commission with MDOT input.
- S. To assure compliance with access standards herein, land divisions shall not be permitted that cannot comply.
- T. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service, and a written agreement is recorded with the land that the temporary access will be removed by the applicant, when the alternative access system becomes available.
- U. With the redevelopment of existing sites where it is not possible to develop separate service drives, the Planning Commission may instead require a drive connecting parking lots and a reciprocal access easement.
- V. In the review of a site redevelopment plan, the Planning Commission shall cause a copy of such plan to be reviewed and comments provided by TAG and MDOT regarding the existing access system. If deemed necessary to improve public safety and the objectives of this ordinance, existing points of access may be required to be redesigned or closed based on input of TAG and MDOT to the Planning Commission.

## **Section 16.7 General Standards**

### **A. Landscape Standards**

Site landscaping shall conform to requirements of Article XXV of this Ordinance.

**B. Sign Regulations**

Site signage shall conform to requirements of Article XXIV of this Ordinance.

**C. Parking Regulations**

In addition to requirements of this “AM” Overlay Zoning District, parking requirements of Article XXIII of this Ordinance shall apply.

**D. Visibility and Site Distance Regulations**

No structure, landscape materials or earth berm shall be placed within the highway M-37 right of way nor within any clear vision area within said right-of-way or as elsewhere regulated in this Ordinance.

**E. Safety Paths**

All land development within the Joint Planning Area having frontage on highway M-37 shall provide a 5 ft. wide sidewalk or a 10 ft. wide safety path along the M-37 frontage. The pedestrian facility shall be located one foot outside the highway right-of-way.

The safety path installation shall serve as a pedestrian facility along the entire length of highway M-37 through Barry County.

If located outside the highway right-of-way, a pedestrian facility easement shall be created and recorded in favor of the Michigan Department of Transportation.

**Section 16.8 Variances**

Due to the focus of highway access management within this overlay district, the Planning Commission is authorized to consider variations from standards in this Article as an element of site plan review. This authority applies only to spacing and design of access points. Any other topic from which a variance is requested shall be considered by the Zoning Board of Appeals as follows:

- A. Where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum driveways standards, the Planning Commission shall have the authority to modify the driveway spacing requirements or grant temporary access approval until such time that minimum spacing requirements can be met or alternative access meeting the standards of this overlay district. The Planning Commission shall consult with MDOT before granting any variation.
- B. In the case of expansion, alteration, or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit installation of a frontage road or service drive in accordance with the aforementioned standards, the Planning Commission shall have the authority to require alternative cross access between adjacent parking areas through the interconnection of main circulation aisles or internal drives.
- C. Any applicant for access approval has the right to apply for deviation from standards herein. Applicants for a variance must provide proof of practical

difficulties unique to the parcel (e.g., steep slopes, wetlands, an odd parcel shape or narrow frontage) that make strict application of the provisions of this overlay ordinance impractical. This shall include proof that:

1. Indirect or restricted access cannot be obtained.
2. Without the variance, there is no reasonable access to the property.
3. No reasonable engineering design option or construction techniques is available to mitigate the condition creating the practical difficulty.
4. No other public road or private road can be reasonably accessed.
5. The condition creating the practical difficulty is not the result of actions by the applicant or agent therefore.
6. The variance will preserve the public safety and general welfare.

For any variance from this Article granted by the Planning Commission, the Planning Commission shall make specific findings of fact and conclusions regarding C-1 through C-6 above.

**Sections 16.9 – 16.99** *[Reserved]*