

CONTENTS OF ARTICLE 14

ACCESS MANAGEMENT REGULATIONS

SECTION	TITLE	PAGE
14.01: PURPOSE, INTENT AND APPLICATION		2
	TABLE I: Examples of Land Use Thresholds Based On Trip Generation Characteristics	5
14.02: ROADWAYS SUBJECT TO ACCESS MANAGEMENT REGULATIONS		6
14.03: DRIVEWAY AND RELATED ACCESS STANDARDS		6
	FIGURE 14-1: Clear Vision	8
	TABLE II: Consideration of an Additional Driveway	11
	TABLE III: Minimum Access Spacing Between Adjacent Access Points	13
	TABLE IV: Minimum Access Point Spacing	14
	FIGURE 14-2: Typical Configurations For Driveways	19
	FIGURE 14-3: Channelization Island Options For Controlling Turns	20
	TABLE V: Minimum Throat Length Requirement	21
	FIGURE 14-4: Deceleration Taper	22
	FIGURE 14-5: Low Volume Commercial or Residential Driveway Slopes	23
	TABLE VI: Minimum Directional Median Opening Spacing	25
14.04: SERVICE DRIVES AND OTHER SHARED ACCESS STANDARDS		25
	FIGURE 14-6: Service Drives and Other Shared Access Standards	30
14.05: TEMPORARY ACCESS PERMITS		31
14.06: NONCONFORMING DRIVEWAYS		31
14.07: INCENTIVES		32
14.08: WAIVERS AND VARIANCES		33
14.09: ONE ACCESS PER PARCEL		34

ARTICLE 14 ACCESS MANAGEMENT REGULATIONS

SECTION 14.01: PURPOSE, INTENT AND APPLICATION

- A. The purpose of this Article is to establish minimum regulations for access to property. Standards are established for new roads, driveways, shared access, parking lot cross access, and service roads. The standards of this Article are intended to promote safe and efficient travel within Marquette Township; minimize disruptive and potentially hazardous traffic conflicts; ensure safe access by emergency vehicles; protect the substantial public investment in the street system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow; separate traffic conflict areas by reducing the number of driveways; provide safe spacing standards between driveways, and between driveways and intersections; provide for shared access between abutting properties; implement the Marquette Township Comprehensive Development Plan and the US-41/M-28 Corridor and Access Management Plan recommendations; ensure reasonable access to properties, though not always by the most direct access; and to coordinate access decisions with the Michigan Department of Transportation and/or the Marquette County Road Commission, as applicable.
- B. The standards in this Article are based on extensive traffic analysis of this corridor by Marquette Township, the Marquette County Road Commission and the Michigan Department of Transportation (MDOT) as applicable. This analysis demonstrates that the combination of roadway design, traffic speeds, traffic volumes, traffic crashes and other characteristics necessitate special access standards. The standards in this Article apply only to all private and public land within one-thousand (1,000) feet of US-41/M-28 and which affronts the US-41/M-28 right-of-way or has its primary access directly to US-41/M-28, which is under the jurisdiction of the Marquette County Road Commission or the Michigan Department of Transportation (MDOT), and which is named as US-41/M-28, and as described below. The requirements and standards of this Article shall be applied in addition to, and where permissible shall supersede, the requirements of the Michigan Department of Transportation, Marquette County Road Commission, or other Articles of this Zoning Ordinance.
- C. The standards of this Article shall be applied by the Zoning Administrator and by the Planning Commission during their respective plot plan or site plan reviews, as is appropriate to the application. The Zoning Administrator and the Planning Commission shall make written findings of nonconformance, conformance, or conformance if certain conditions are met with the standards of this Article prior to disapproving or approving a site plan per the requirements of Article 18. Marquette Township shall coordinate its review of the access elements of a plot plan or site plan with the appropriate road authority prior to making a decision on an application (see D. below). The approval of a plot plan or site plan does not negate the responsibility of an applicant to subsequently secure driveway permits from the appropriate road authority, either the Marquette County Road Commission, or the Michigan Department of Transportation. Any driveway permit obtained by an applicant prior to review and approval of a plot plan or site plan that is required under this Ordinance will be ignored.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.01: PURPOSE, INTENT AND APPLICATION – (Cont.)

D. Neither the Zoning Administrator nor the Planning Commission shall take action on a request for a new road, driveway, shared access, or a service drive that connects to a public road without first consulting the Marquette County Road Commission or the Michigan Department of Transportation. To ensure coordination, applicants are required to submit a plot plan, site plan or a tentative preliminary plat concurrently to both Marquette Township, the Marquette County Road Commission, and the Michigan Department of Transportation as applicable. Complete applications shall be received at least ten (10) days before the Planning Commission meeting at which action is to be taken. If the initial review of the application by the Zoning Administrator reveals noncompliance with the standards of this Article, or if the proposed land use exceeds the traffic generation thresholds in Table I, then the Zoning Administrator shall require submittal of a traffic impact study as described below prior to consideration of the application by either the Zoning Administrator or the Planning Commission.

1. At a minimum the traffic study shall contain the following:

- a. Analysis of existing traffic conditions and/or site restrictions using current data.
- b. Projected trip generation at the subject site or along the subject service drive based on the most recent edition of the Institute of Transportation Engineers Trip Generation Manual. Marquette Township may approve use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in Michigan.
- c. Illustrations of current and projected turning movements at access points. Include identification of the impact of the development and its proposed access on the operation of the abutting streets. Capacity analysis shall be completed based on the most recent version of the Highway Capacity Manual published by the Transportation Research Board, and shall be provided in an appendix to the traffic impact study.
- d. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation systems for pedestrians, bicycles and transit users.
- e. Justification of need, including statements describing how the additional access will meet the intent of this Section, will be consistent with the US-41/M-28 Corridor Management Plan and the Marquette Township Comprehensive Plan, will not compromise public safety and will not reduce capacity or traffic operations along the roadway.
- f. Qualifications and documented experience of the author, describing experience in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or transportation planner with at least three (3) years of experience preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.01: PURPOSE, INTENT AND APPLICATION – (Cont.)

2. Marquette Township shall utilize its own traffic consultant to review the applicant's traffic impact study and plot or site plan, with the cost of the review being borne by the applicant per Section 25.13 FEES.
- E. Failure by the applicant to begin construction of an approved road, driveway, shared access, service drive or other access arrangement within twelve (12) months from the date of approval, shall void the approval and a new application is required.
- F. The Zoning Administrator or other authorized person shall inspect the driveway and any other required access elements as constructed for conformance with the standards of this Ordinance and any approval granted under it, prior to issuing an occupancy permit and/or a letter of acceptance per *ARTICLE 18:11 FINAL APPROVAL OF PROJECT*.
1. At the discretion of the Zoning Administrator, inspections to determine conformance with the requirements of this *ARTICLE 14* and of any approved site plan, driveway permit or other permit authorizing access to property may be contracted to a person or firm qualified to administer the provisions of this *ARTICLE 14*.
 2. Any inspection report prepared under contract shall be delivered to the Zoning Administrator, prior to any zoning approval permitting occupancy of the property. If the inspection report indicates nonconformance with this Ordinance, or with conditions imposed with site plan review or other discretionary review, no final occupancy approval shall be granted prior to changes being made and approved that demonstrate conformance with this Ordinance.
 3. Fees for such inspections shall be paid by the applicant according to a fee structure adopted by the governing body and shall be collected prior to the inspection. Fees shall not represent more than the actual cost of inspections, shall be based on an estimate of actual costs prior to inspection, and shall be collected in escrow prior to inspections being made. Any unused portion of an inspection fee shall be returned to the applicant. If actual inspection costs exceed the amount of the fee collected in escrow, the balance shall be collected prior to issuing the final approval for occupancy. Disputes on the costs of inspections may be resolved by an arbitrator mutually satisfactory to both parties.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.01: PURPOSE, INTENT AND APPLICATION – (Cont.)

**TABLE 1 : EXAMPLES OF LAND USE THRESHOLDS
BASED ON TRIP GENERATION CHARACTERISTICS**

LAND USE	≤ 100 PEAK-HOUR TRIPS	≤ 500 PEAK-HOUR TRIPS
Residential:		
Single-family	90 units	550 units
Apartments	150 units	890 units
Condominiums/Townhouses	180 units	1,260 units
Mobile Home Park	180 units	1,070 units
Shopping Center (GLA)*	6,000 SF	70,700 SF
Fast-Food Restaurant with Drive-In (GFA) **	3,000 SF	N/A
Gas with Convenience Store (Pumps)	7 pumps	N/A
Banks with Drive-In (GFA)**	2,000 SF	9,000 SF
General Office (GFA)**	67,000 SF	335,500 SF
Medical/Dentist Office (GFA)**	30,000 SF	N/A
Research and Development (GFA)**	71,000 SF	490,500 SF
Light Industrial (GFA)**	98,000 SF	463,000 SF
Manufacturing (GFA)**	145,500 SF	661,000 SF
<p>Rates/equations used to calculate the above thresholds are from <i>ITE Trip Generation</i>, 6th edition 1998 [7] for the p.m. peak hour of the adjacent street.</p> <p>* GLA = Gross Leaseable Area.</p> <p>** GFA = Gross Floor Area.</p>		

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.02: ROADWAYS SUBJECT TO ACCESS MANAGEMENT REGULATIONS

The access management regulations of this Article apply to all property according to the roadway classification of the abutting streets and roads with the names of US-41/M-28, and as described below.

- A. Application of the access location and design standards of this Article requires identification of the functional classification of the street on which access is requested and then applying the appropriate spacing requirements. The streets and roads of Marquette Township are classified as follows and are as defined in *ARTICLE 2.02*.

DEFINITIONS:

1. Local Street;
 2. Collector;
 3. Minor Arterial;
 4. Major Arterial.
- B. All unclassified public streets are local streets principally providing access to single family residences. The functional classification of any street in Marquette Township not defined and so indicated as an arterial or collector shall be determined using the functional sheet classification defined by the AASHTO “Green Book”, *A Policy on Geometric Design of Highways and Streets*.

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS

All lots hereafter created and all structures hereafter created, altered or moved on property with frontage on or access to a public road or street that is subject to regulation per Section 13.02, shall conform with the following requirements:

- A. General Standards
1. Access Approval Required – No road, driveway, shared access, parking lot cross access, service road, or other access arrangement shall be established, reconstructed or removed without first meeting the requirements of this Section.
 2. Frontage on a Public Road or Street – Any lot created after the effective date of this Ordinance shall have frontage upon a public street right-of-way or private road or access easement recorded with the County Register of Deeds that meets the requirements of this Article. Contiguous properties under one ownership or consolidated for unified development will be considered one parcel for purposes of this Article.

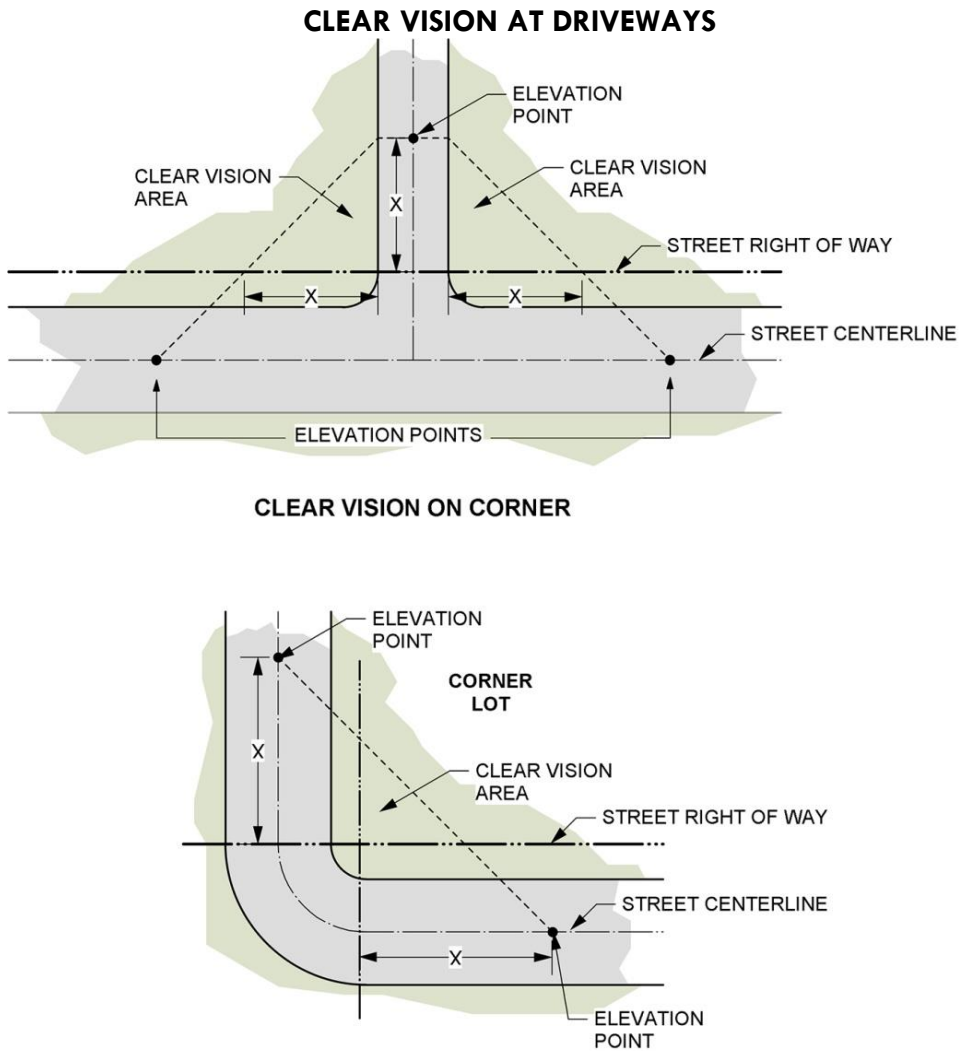
ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS - (Cont.)

3. Minimum Lot Width – Except for existing lots of record at the time of adoption of this Ordinance, all lots whose access taken from a major arterial, minor arterial or collector subject to this Section, shall not be less than three hundred (300) feet in width, unless served by shared access or a service drive that meets the requirements of Section 14.04, in which case minimum lot width may be reduced to the minimum lot width of the district in which the lot is located provided no direct access comes from the major arterial, minor arterial or collector subject to this Section.
4. Structure Setback – No structure other than signs, as allowed in Article 22, telephone poles and other utility structures that are not buildings, transfer stations or substations, shall be permitted within 25 feet of the roadway right-of-way.
5. Parking Setback and Landscaped Area – No parking or display of vehicles, goods or other materials for sale, shall be located within 20 feet of the roadway right-of-way. This setback shall be planted in grass, except small portions may contain four inch deep wood chips or ground cover or a combination. It shall be landscaped with small clusters of salt tolerant trees and shrubs suitable to the underlying soils unless per the specifications in *ARTICLE 21.06 DESIGN STANDARDS G.2.a*.
6. Clear Vision – All access points shall maintain clear vision in accordance with *ARTICLE 20.08 CLEAR VISION AREAS, FENCES, WALLS, AND SCREENS* and as illustrated in Figure 14-1.
7. Street Structures – No driveway shall interfere with municipal facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the abutting property owner.

SECTION 14.03: **DRIVEWAY AND RELATED ACCESS STANDARDS - (Cont.)**

FIGURE 14-1



B.

Access Location Standards

1. Access Point Approval – No access point shall connect to a public street or road, without first receiving approval of the location and cross-section specifications from the Marquette County Road Commission or the Michigan Department of Transportation. No access point shall connect to a private road unless approved by the Planning Commission and by the parties with an ownership interest in the private road.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

2. Factors on Location of Driveway Access – At a minimum, the following factors shall be considered by the Zoning Administrator or Planning Commission prior to making a decision on the location of a driveway or other access point:
 - a. The characteristics of the proposed land use;
 - b. The existing traffic flow conditions and the future traffic demand anticipated by the proposed development on the adjacent street system;
 - c. The location of the property;
 - d. The size 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 analysis, as determined by Marquette Township and applicable road agency. Such finding shall demonstrate traffic operations and safety along the public street would be improved (or at least not negatively affected), and not merely that another access point is desired for convenience;
 - g. The number and location of driveways on existing adjacent and opposite properties;
 - h. The location and functional classification of abutting streets or roads and the carrying capacity of nearby intersections;
 - i. The proper geometric design of driveways;
 - j. The spacing between opposite and adjacent driveways and from any nearby intersection;
 - k. The internal circulation between driveways and through parking areas;
 - l. The size, location and configuration of parking areas relative to the driveways; and
 - m. The speed of the adjacent roadway.
 - n. The Planning Commission may allow a driveway through a bufferyard, provided the site plan is in compliance with all other requirements of this ordinance. The driveway shall generally cross through the bufferyard approximately perpendicular to the bufferyard length and thereby prevent disruption of the majority of the bufferyard. The Planning Commission’s approval must be based on accomplishing access management objectives such as cross access to other properties, roads, or service drives. The Planning Commission may require landscaping, berms, or screening in addition to what is normally required to mitigate a weakened bufferyard.
3. Access Point Location – Each access point location shall conform with access management plans or corridor improvement plans that have been adopted by Marquette Township, the Marquette County Road Commission, and/or the Michigan Department of Transportation.
4. Access Points within Right-of-Way – Driveways including the radii but not including right-turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the applicable road agency and upon written certification from the adjacent land owner agreeing to such encroachment.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

5. Backing-up from Parking or Loading Area Onto a Public Street or Service Drive – Driveway access to arterials shall not be permitted for any parking or loading areas that require backing maneuvers in a public street or road right-of-way. Driveway access to collector streets, local streets, or service drives for commercial, office, industrial, or multifamily developments shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way or onto a public or private service drive.
 6. Relationship to Lot Line – No part of a driveway shall be located closer than 15 feet from a lot line unless it is a common or shared driveway as provided in Section 14.03.F. or unless the driveway is crossing a lot line to gain access to a right-of-way or another parking lot or property. This separation is intended to help control stormwater runoff, permit snow storage on site, and provide adequate area for any necessary on-site landscaping.
 7. Existing Driveways – Except for shared driveways, existing driveways that do not comply with the requirements of this Article shall be closed when an application for a change of use requiring a zoning compliance permit or a site plan requiring approval under *ARTICLE 18* Site Plan Review is submitted and once approval of a new means of access under this Article is granted. A closed driveway shall be graded and landscaped to conform with adjacent land and any curb cut shall be filled in with curb and gutter per the standards of the applicable road authority. See also Section 14.06.
 8. Intersection Sight Distance – Driveways shall be located so as not to interfere with safe intersection sight distance as determined by the appropriate road authority.
 9. Adequate Corner Clearance – Driveways shall be located so as not to interfere with safe traffic operations at an intersection as determined by Table IV as long as that distance is beyond any clear vision area owned by a road authority.
 10. Traffic Signals – Access points on arterial and collector streets may be required to be signalized in order to provide safe and efficient traffic flow. Any signal shall meet the spacing requirements of the applicable road authority. A development may be responsible for all or part of any right-of-way, design, hardware, and construction costs of a traffic signal if it is determined that the signal is warranted by the traffic generated from the development. The procedures for signal installation and the percent of financial participation required of the development in the installation of the signal shall be in accordance with criteria of the road authority with jurisdiction.
- C. Number of Driveways Permitted
1. Access for an individual parcel, lot, or building site or for contiguous parcels, lots or building sites under the same ownership shall consist of either a single two-way driveway or a paired system wherein one driveway is designed, and appropriately marked, to accommodate ingress traffic and the other egress traffic.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

2. One driveway shall be permitted for each single and two-family residential lot or parcel.
3. A temporary access permit may be issued for field entrances per Section 13.05 for cultivated land, timber land, or undeveloped land, as well as for uses at which no one resides or works such as cellular towers, water wells, pumping stations, utility transformers, billboards, and similar uses. Field-entrance and utility-structure driveways will be reviewed on a case-by-case basis. The review shall take into account the proximity of the adjacent driveways and intersecting streets, as well as traffic volumes along the roadway.
4. For a parcel, lot, or building site with frontage exceeding 600 feet, or where a parcel, lot, or building site has frontage on at least two streets, an additional driveway may be allowed, provided that a traffic impact study is submitted by the applicant showing that conditions warrant an additional driveway and that all driveways meet the spacing requirements.
5. Certain developments generate enough traffic to warrant consideration of an additional driveway to reduce delays for exiting motorists. Where possible, these second access points should be located on a side street or service drive, or shared with adjacent uses, or designed for right-turn-in, right-turn-out only movements and shall meet the spacing requirements of this ordinance. In order to be considered for a second driveway on an arterial or collector street combined approach volumes (entering and exiting) of a proposed development shall exceed 100 directional trips during the peak hour of traffic and a traffic impact study shall be performed. Uses where a second driveway could be considered are influenced by the trip generation characteristics of the uses and the volumes of the adjacent roadway. Table II lists land uses which may warrant consideration of an additional driveway. (Note: Where the development has access to a signalized arterial or collector, the approach volume of driveway traffic should be double that of unsignalized locations to warrant consideration of a second access. See Section 14.03.D.1.a.

TABLE 2

Development That May Warrant Consideration of an Additional Driveway
• Multiple family development with over 250 units
• A grocery store of over 50,000 square feet (GFA)
• A shopping center with over 80,000 square feet (GFA)
• A hotel or motel with over 400 rooms
• Industrial developments with over 300,000 square feet (GFA) or 350 employees (although a secondary entrance for trucks should be allowed)

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

Development That May Warrant Consideration of an Additional Driveway
• Warehouses of over 750,000 square feet (GFA) or 350 employees
• A mobile home park with over 300 units
• General office building of 150,000 square feet (GFA) or 500 employees
• Medical office building of 60,000 square feet (GFA) or 200 employees
• Fast food restaurant of over 8,000 square feet (GFA)
• Sit down restaurant of over 20,000 square feet (GFA)

6. When alternatives to a single, two-way driveway are necessary to provide reasonable driveway access to property fronting on an arterial street, and shared access or a service drive are not a viable option, the following progression of alternatives should be used:
- a. One (1) standard, two-way driveway;
 - b. Additional ingress/egress lanes on one (1) standard, two-way driveway;
 - c. Two (2), one-way driveways;
 - d. Additional ingress/egress lanes on two (2), one-way driveways;
 - e. Additional driveway(s) on an abutting street with a lower functional classification;
 - f. Additional driveway on arterial street.

NOTE: Restricted turns and roadway modifications will be considered in conjunction with alternative driveway designs.

D. Access Point Spacing Standards

1. Separation from Other Driveways –

- a. The minimum spacing between unsignalized driveways and other access points shall be determined based upon posted speed limits along the parcel frontage unless the appropriate road authority approves less based on the land use and restricted turns in the driveway design or because of the location of other existing driveways. The minimum spacings indicated below are measured from the centerline of one driveway to the centerline of another driveway

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

For sites with insufficient road frontage to meet the table below, the Zoning Administrator or Planning Commission shall require one of the following: construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection, or a service drive as described in Section 14.04. The Planning Commission may grant temporary access approval (see Section 14.05) until such time that minimum spacing requirements can be met, or alternative access meeting the requirements of this ordinance is approved.

TABLE 3

Posted Speed Limit (MPH)	Minimum Access Spacing (in feet) Between Adjacent Access Points
25	130
30	185
35	245
40	300
45	350
50	455
55	565

NOTE: The values in Table III are considered minimums based on the distances required to avoid conflicts between vehicles turning right or left from adjacent driveways.

- b. In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum driveway spacing 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 requirements of this ordinance is approved. Such modifications shall be of the minimum amount necessary, but in no case shall driveway spacing of less than 75 feet be permitted by the Planning Commission.
2. Access Point Separation from Intersections – All one and two-family driveways shall be separated from the nearest right-of-way of an intersecting street by at least 50 feet. Driveways for all other land uses shall be separated from the nearest right-of-way of an intersecting street according to Table IV below:

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

- a. Access point spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the travel lane on the intersecting street.
- b. The minimum distance between an access point and an intersecting street shall be based on the following:

TABLE 4: Minimum Access Point Spacing from Street and Other Intersections*

Location of Access Point	Minimum Spacing for a Full Movement Driveway or other Access Point	Minimum Spacing for a Driveway Restricting Left-turns (channelized for right-turn-in and right-turn-out only)
Along Arterial or from Expressway ramps	600 feet	600 feet
Along Arterial or from Railroad crossings	Contact MDOT for a site specific determination	Contact MDOT for a site specific determination
Along Arterial or from Bridges	100 feet	100 feet
Along Arterial or from Median openings	75 feet	75 feet
Along Arterial or from another Intersecting Arterial	300 feet	125 feet
Along Arterial Intersecting a Collector or Local Street	200 feet	125 feet
Along a Collector	125 feet	75 feet
Along a Local Street or Private Road	75 feet	50 feet

* *Regional Arterials, Arterials and Collectors are as classified in the Marquette Township Comprehensive Plan (or on Figure 14.2 in this Ordinance).*

- c. If the amount of lot frontage is not sufficient to meet the above criterion, the driveway shall be constructed along the property line farthest from the intersection to encourage future shared use, and/or a frontage road or rear service drive shall be developed as described in Section 14.04.
- d. For parcels on which an alternative means of access (shared driveway, frontage road, service drive or connected parking lots) is not feasible due to parcel size or existing adjacent development, the Planning Commission may allow a non-channelized, full movement driveway provided that:

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

1. The driveway is spaced no closer to the intersection than the minimum spacing allowed for a right-turn-in, right-turn-out driveway; and
2. A traffic study conducted by a registered traffic engineer shows a right-turn-in, right-turn-out driveway does not provide reasonable access or desired safety; and
3. A traffic study, conducted by a registered traffic engineer, provides substantial justification that the driveway operation will not create safety problems at the adjacent intersection.

3. Access Alignment –

In order to prevent left-turn conflicts, two-way driveways shall not be across from an expressway ramp and shall be either;

- a. Offset in accordance with the minimum spacing standards in Table IV or,
- b. Perpendicular to the existing public street or an approved private road and shall line up with the existing or planned driveways on the opposite side of the road wherever facing lots are not separated by a median, unless doing so in a particular case is substantially demonstrated by a registered traffic engineer to be unsafe.

E. Driveway Design and Construction Standards

1. Driveway or Throat Width –

- a. No single or two-family driveway shall have a width less than nine (9) feet nor more than sixteen (16) feet at the public road right-of-way. The driveway opening, including flares, shall not be more than 1.5 times the width of the driveway at the right-of-way line.
- b. The typical commercial driveway design shall include one ingress lane and one egress lane with a combined maximum throat width of thirty (30) feet, measured from face to face of curb (see Figure 14-2a).
- c. Where exit traffic volumes are expected to exceed 100 directional trips per peak hour, or in areas where congestion along the arterial may create significant delays, as determined by the Planning Commission, two exit lanes shall be required. The total width of such a driveway shall be between 37 and 39 feet, with one 15 foot wide ingress lane and two 11-12 foot wide egress lanes (see Figure 14-2b).

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

- d. For access systems which include a pair of one-way driveways, each driveway shall be a minimum of sixteen (16) feet wide, measured perpendicularly (see Figure 14-2c).
- e. As an alternative to (d) above, the driveway may be designed with a fully curbed median dividing the ingress and egress driveways, with a maximum median width of ten feet. The radii forming the edges on the median shall be designed to accommodate the largest vehicle that will normally use the driveway. Where median or boulevard driveways are located across the street from each other, the left-turn egress lanes shall be aligned directly across from one another to minimize left-turn conflicts (see Figure 14-2d). Boulevard driveways should not be constructed at existing or future traffic signal locations unless there is a left-turn lane where the boulevard meets the road right-of-way. Ground or monument signs shall not be permitted in boulevards if they would block motorist vision or otherwise create an unsafe condition. The Planning Commission may require landscaping on the portion of the boulevard outside the public right-of-way. Such landscaping shall use salt tolerant species.

2. Restricted Access Driveways –

Left and right-turn movements on and off roadways typically have the greatest impact on traffic flow and crash frequency. Therefore, where driveways are to be located in a segment defined in adopted corridor or other plans or studies as having a high crash rate or significant traffic congestion/delays, or where left-turn access is available through alternative means of access, the Zoning Administrator or Planning Commission may require driveway design and signing which discourages certain turning movements. Where driveways are intended to control specific left and/or right-turn ingress and egress, the designs shown in Figure 14-3 shall apply. Similar designs shall be accepted, provided that they are approved by the Michigan Department of Transportation and/or the Marquette County Road Commission, if applicable.

3. Throat Length or Vehicle Stacking/Storage Space –

There shall be a minimum of twenty (20) feet of throat length for entering and exiting vehicles at the intersection of a driveway and pavement of the public road or service drive as measured from the pavement edge. For driveways serving between one-hundred (100) and four-hundred (400) vehicles in the peak hour (two-way traffic volumes) the driveways shall provide at least sixty (60) feet of throat length. For driveways serving over four-hundred (400) vehicles per peak hour (two-way traffic volume) and for all driveways controlled by a traffic signal, adequate throat length shall be determined by a traffic impact study. In areas where significant pedestrian/bicycle travel is expected, the ingress and egress lanes should be separated by a 4-10 feet wide median with pedestrian refuge area. In the absence of adequate traffic volume data, application of the commonly used values in Table V is appropriate.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

4. Construction Standards –

a. Curb radii:

1. Driveways shall be designed with minimum 25 foot radii where primarily passenger vehicle traffic is expected.
2. For sites where truck traffic is expected, the driveways shall be designed with minimum 30 foot radii unless a traffic analysis by a qualified traffic engineer reveals another radii is more appropriate for the vehicles expected to use the driveway.

b. Deceleration lanes and tapers:

1. Where it can be demonstrated that driveway volumes are expected to exceed 100 peak hour directional trips per hour, a right-turn taper, deceleration lane and/or left-turn bypass lane may be required.
2. Where site frontage allows and a right-turn lane is warranted, a taper between 50 and 225 feet may be required. See example in Figure 14-4a.
3. Where the amount of frontage precludes the construction of a deceleration lane and taper combination entirely within the property lines of a parcel, a request shall be made to the adjacent owner of the parcel to allow the installation of a right-turn bay and taper which extends beyond the property line. If permission cannot be obtained from the adjacent property owner for an extension onto that parcel, a taper of at least 75 feet shall be constructed as shown in Figure 14-4b.
4. A continuous right-turn lane, as shown in Figure 14-4c may be required where driveway spacing requirements restrict the use of consecutive turn bays and tapers, and a traffic engineer concludes it can be constructed without being used as a through lane.
5. For driveways located along streets without an exclusive left-turn lane, a bypass lane may be required. Such a lane shall be designed to the standards in the Michigan Department of Transportation, Traffic and Safety Notes #7.7 and as shown in Figure 14-4d.

c. Acceleration lanes

1. Generally, acceleration lanes are not permitted. However, where site frontage allows and large semi-trucks and other slow moving vehicles routinely access an arterial, an acceleration lane may be required in consultation with the applicable road authority.

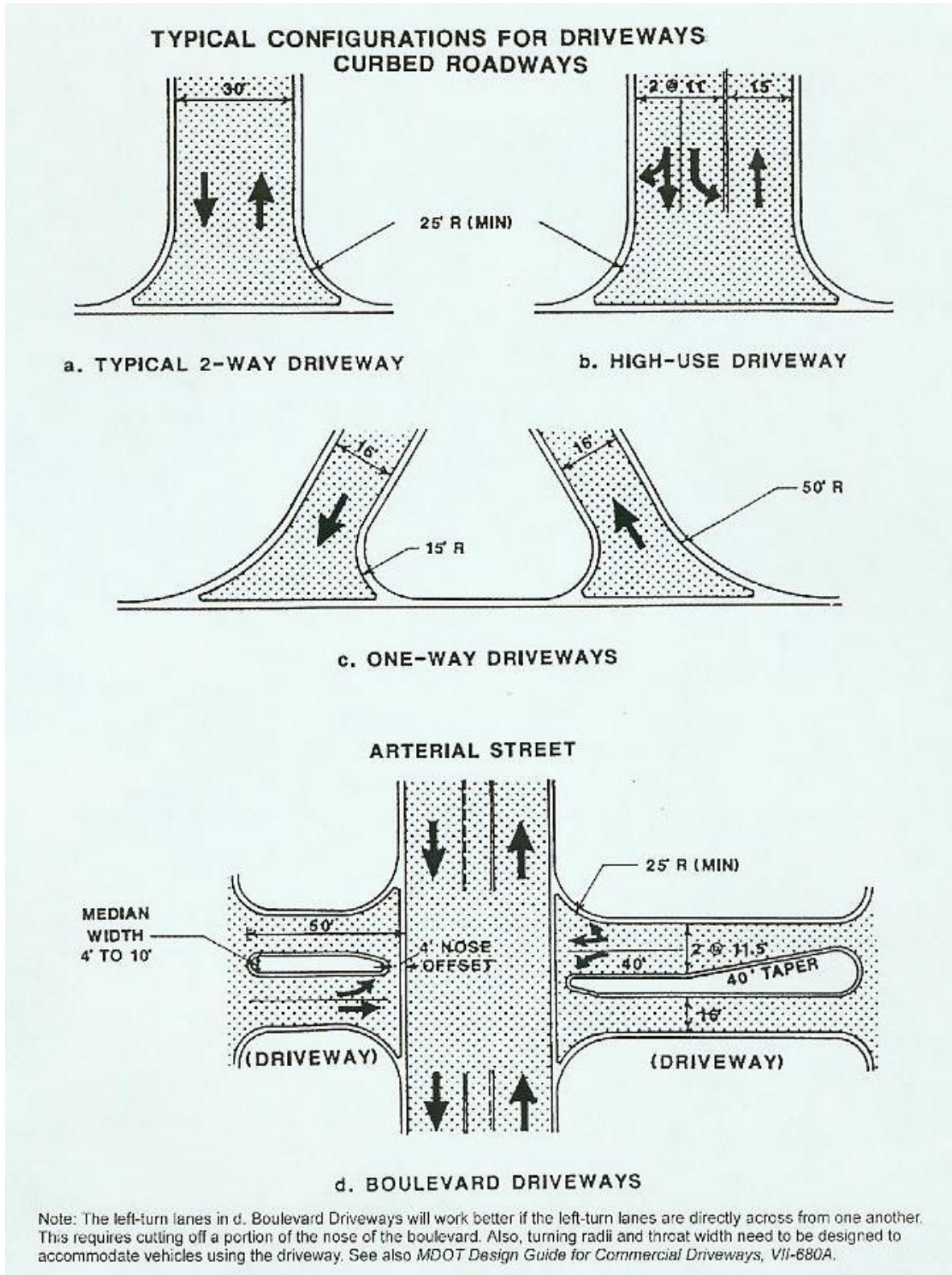
ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

2. The acceleration lane shall be designed by a traffic engineer to meet the needs of vehicles using it, topography, sight distance and other relevant factors.
 3. Driveways shall not be permitted within an acceleration lane.
- d. Grades and drainage
1. Driveways shall be constructed such that the grade for the 25 feet nearest the pavement edge or shoulder does not exceed 1.5% (one and one-half foot vertical rise in one-hundred feet of horizontal distance) wherever feasible. Where not feasible, grades shall conform with Figure 14-5.
 2. Vertical curves, with a minimum length of 15 feet shall be provided on driveway approaches at a change in grade of 4% or more.
 3. Driveways shall be constructed such that drainage from impervious areas located outside of the public right-of-way, which are determined to be in excess of existing drainage from these areas shall not be discharged into the roadway drainage system absent the approval of the responsible agency. Storm drains, or culverts, if required shall be of a size adequate to carry the anticipated storm flow and be constructed and installed pursuant to the specifications of the responsible road authority.

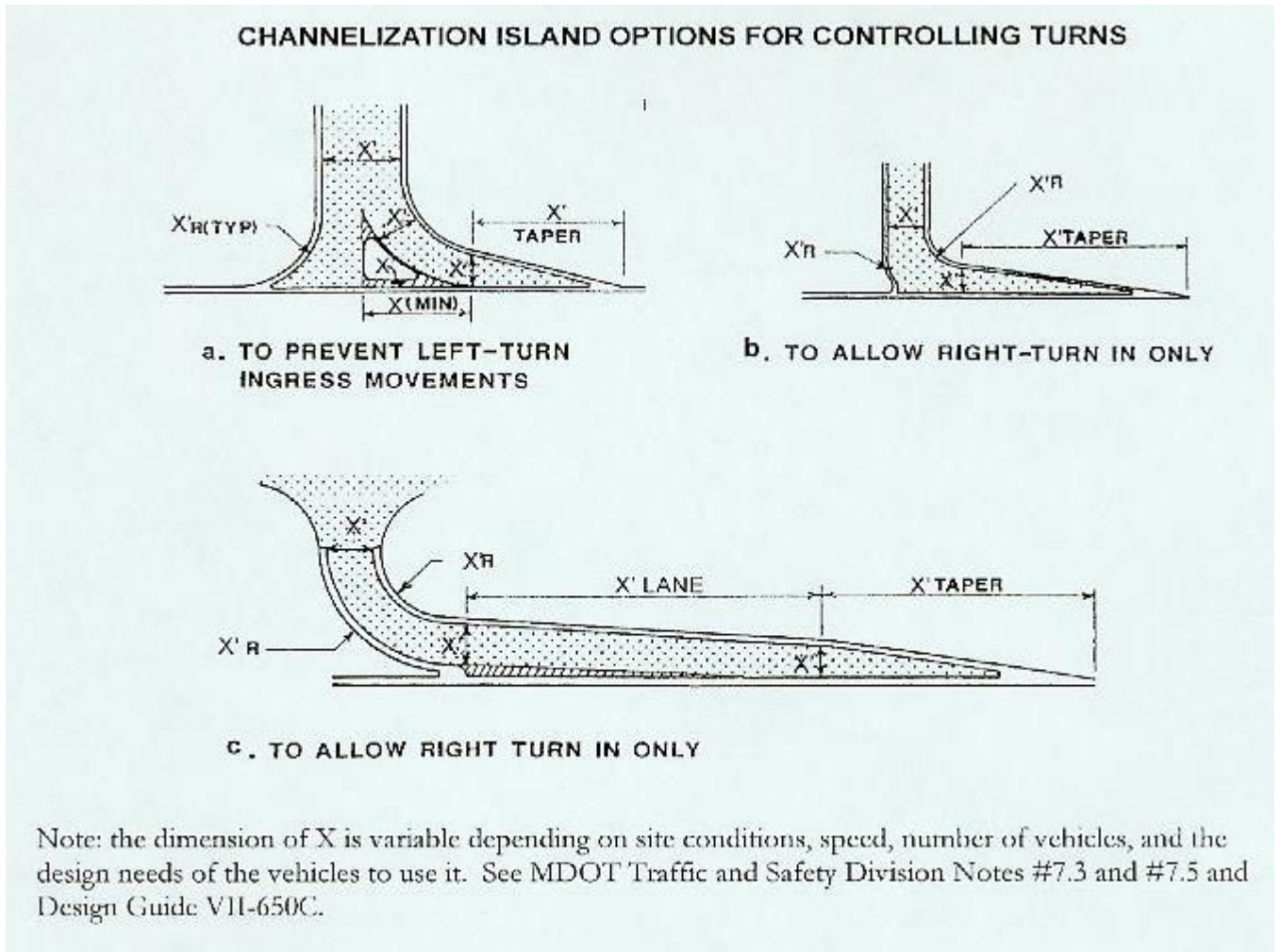
SECTION 14.03: **DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)**

FIGURE 14-2



SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

FIGURE 14-3



ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

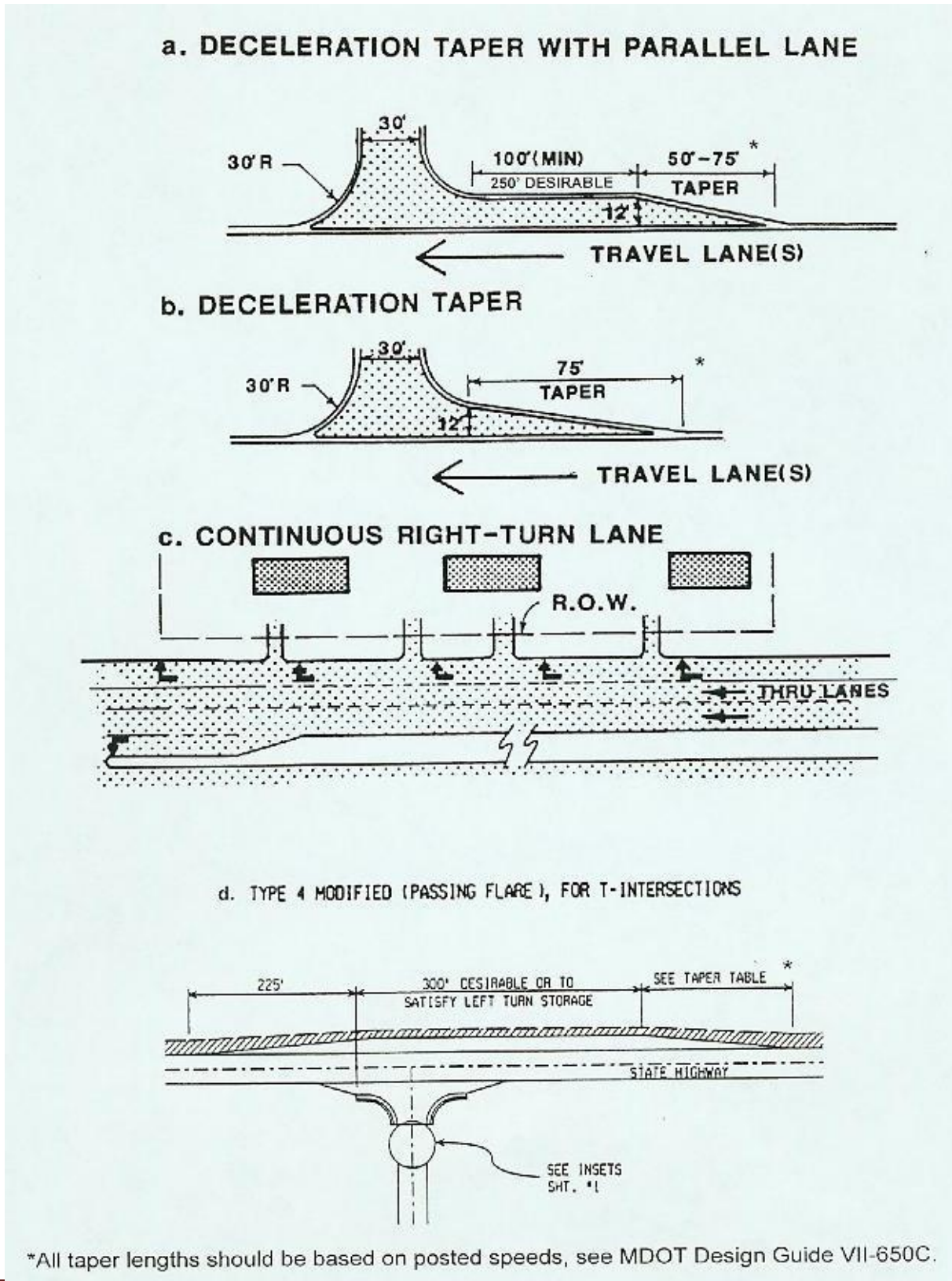
SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

TABLE 5: Minimum Throat Length Requirement

Land Use	Building Site	Minimum Throat Length (Feet)	
		Collector	Arterial
Apartments	<100 Units	25	50
	100-200 Units	50	75
	>200 Units	75	125
Office	<50,000 Sq ft	25	50
	50,001 – 100,000 Sq ft	25	75
	100,001 – 200,000 Sq ft	50	100
	200,001 – 500,000 Sq ft	100	150
	<500,000 Sq ft	125	250
	<30,000 Sq ft	25	50
	>30,000 Sq ft	25	75
	<250,000 Sq ft	25	50
Shopping Center	250,001 – 500,000 Sq ft	50	75
	500,000 – 750,000 Sq ft	75	200
	>750,000 Sq ft	125	250
	<20,000 Sq ft	50	75
Supermarket	>20,000 Sq ft	75	125
	<15,000 Sq ft	25	50
Restaurant	>15,000 Sq ft	25	75
	<2,000 Sq ft	25	75
Drive-in Restaurant	>2,000 Sq ft	50	100
	<150 Rooms	25	75
Motel	>150 Rooms	25	100
	<100,000 Sq ft	25	50
Light Industrial	100,001 – 500,000 Sq ft	50	100
	>500,000 Sq ft	50	200

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

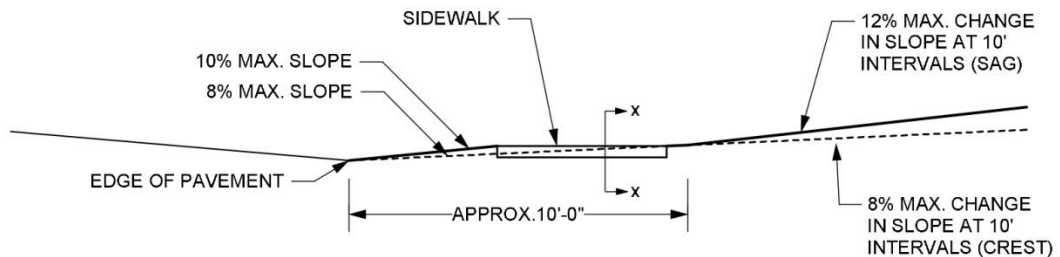
FIGURE 14-4



ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

FIGURE 14-5



WHEN THE DISTANCE BETWEEN THE SIDEWALK AND EDGE OF PAVEMENT IS 5 FT. OR LESS, TILT SIDEWALK TO 1/2"/FT. SLOPE OR MATCH DRIVEWAY APPROACH GRADE.

- e. Surface and Curb Construction – Commercial and all other nonresidential driveways shall be constructed of a permanent asphalt or concrete material sufficient to provide the bearing capacity needed to carry the anticipated traffic loads as determined by the appropriate road authority unless the road authority approves use of another material. Where a driveway connects with a curbed road, it shall be paved and curbed from the edge of pavement to either the right-of-way line or point of curvature of the radius returns. All soil erosion and sedimentation requirements shall be met.
- f. Directional Signs and Pavement Markings – In order to ensure smooth traffic circulation on the site, direction signs and pavement markings shall be installed at the driveway(s) in a clearly visible location as required by Marquette Township as part of the site plan review process and approved by the Michigan Department of Transportation and Marquette County Road Commission (as appropriate), and shall be maintained on a permanent basis by the property owner. Directional signs and pavement markings shall conform to the standards in the Michigan Manual of Uniform Traffic Control Devices.

F. Shared Access

Shared access is strongly encouraged and in some cases may be required. When required, one or more of the following options, and the standards of Section 14.04 apply.

1. Shared Driveways: Sharing or joint use of a driveway by two or more property owners shall be encouraged. In cases where access is restricted by the spacing requirements of Section 14.03.D. “*Access Point Spacing Standards*”, a shared driveway may be the only access design allowed.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another, and/or access the public street.

2. Frontage Roads: In cases where a frontage road exists, is recommended either in Marquette Township's Comprehensive Plan or in an adopted corridor study, and/or is proposed in an approved site plan for an adjoining lot or parcel, access shall be provided via such frontage road, rather than by direct connection to the abutting arterial street.
3. Rear Service Drives: Rear service drives shall be encouraged, especially for locations where connection to a side street is available. In addition to access along the rear service drive, direct connection(s) to the arterial street may be allowed, provided that the driveways meet the requirements of Section 13.03.C. "*Number of Driveways*", and 14.03.D. "*Access Point Spacing Standards*."

G. Parking Lot Connections

Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where physically feasible, as determined by the Zoning Administrator or Planning Commission. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection. A written access easement signed by both landowners shall be presented as evidence of the parking lot connection prior to the issuance of any final zoning approval.

H. Access Easements

Shared driveways, cross access driveways, connected parking lots, and service drives shall be recorded as an access easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities should be recorded with the deed.

I. Medians and Median Openings

1. The type, location and length of medians on public roads shall be determined by the entity having jurisdiction over such roads. This determination will be made in consultation with the Zoning Administrator or Planning Commission and will be based on existing and projected traffic conditions; the type, size, and extent of existing and projected development and traffic generated by development; traffic control needs; and other factors.
2. The minimum spacing between median openings shall be shown in Table VI:

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

TABLE 6: MINIMUM DIRECTIONAL MEDIAN OPENING SPACING

Location	Directional Crossover Spacing
Urban	660 feet
Rural	1,320 feet

See MDOT Traffic and Safety Division, *Directional Median Crossovers, #11.4 and Geometric Design Guide VII-670*.

3. Median openings intended to serve development must meet or exceed the minimum median opening spacing standards and must also be justified by a traffic impact analysis approved by the entity having jurisdiction over such roads, in consultation with the Zoning Administrator or Planning Commission. The cost for preparation of the traffic impact analysis and construction of the median opening or openings, including installation and operation of signals and other improvements where warranted, shall be borne by the applicant.

SECTION 14.04: SERVICE DRIVES AND OTHER SHARED ACCESS STANDARDS

- A. The use of shared access, parking lot connections and service drives, in conjunction with driveway spacing, is intended to preserve traffic flow along major thoroughfares and minimize traffic conflicts, while retaining reasonable access to the property. Where noted above, or where the Zoning Administrator or Planning Commission determines that restricting new access points or reducing the number of existing access points may have a beneficial impact on traffic operations and safety while preserving the property owner’s right to reasonable access, then access from a side street, a shared driveway, a parking lot connection, or service drive connecting two or more properties or uses may be required instead of more direct connection to the arterial or collector street. However, where traffic safety would be improved, and the driveway spacing requirements of this ordinance can be met, then direct connection to the arterial or collector street may be allowed in addition to a required service drive.
 1. In particular, shared access, service drives or at least a connection between abutting land uses may be required in the following cases:
 - a. Where the driveway spacing standards of this section can not be met.
 - b. Where recommended in the US-41/M-28 Corridor Management Plan and/or other corridor or sub-area master plans or the Comprehensive Plan or Marquette Township.
 - c. When the driveway could potentially interfere with traffic operations at an existing or planned traffic signal location.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.04: SERVICE DRIVES AND OTHER SHARED ACCESS STANDARDS – (Cont.)

- d. The site is along a collector or arterial with high traffic volumes, or along segments experiencing congestion or a relatively high number of crashes.
 - e. The property frontage has limited sight distance.
 - f. The fire (or emergency services) department recommends a second means of emergency access.
2. In areas where frontage roads or rear service drives are recommended, but adjacent properties have not yet developed, the site shall be designed to accommodate a future road/facility designed according to the standards of this Section. The Planning Commission may approve temporary access points where a continuous service drive is not yet available and a performance bond or escrow is accepted to assure elimination of temporary access when the service road is constructed. (See Section 14.05 *Temporary Access Permits*).
- B. Notwithstanding the requirements of the Marquette Township Land Division Ordinance, the standards for all service drives shall be as follows:
1. Site Plan Review – The Planning Commission shall review and approve all service drives to ensure safe and adequate continuity of the service drive between contiguous parcels as part of the site plan review process.
 2. Front and Rear Service Drives – A front or rear service drive may be established on property which abuts only one public road. The design of a service road shall conform with national design guidelines such as those identified in the National Access Management Manual by TRB, the AASHTO “Green Book”, and National Cooperative Highway Research Program (NCHRP), “Access Management Guidelines to Activity Centers” Report 348 and “Impacts of Access Management Techniques” Report 420.
 3. Location – Service roads shall generally be parallel to the front property line and may be located either in front of, or behind, principal buildings and may be placed in required yards, but outside of bufferyards. However the Planning Commission may allow a service road through a bufferyard, provided the site plan is in compliance with all other requirements of this ordinance. The service road shall generally cross through the bufferyard approximately perpendicular to the bufferyard length and thereby prevent disruption of the majority of the bufferyard. The Planning Commission’s approval must be based on accomplishing access management objectives such as cross access to other properties, road, or service drives. The Planning Commission may require landscaping, berms, or screening in addition to what is normally required to mitigate a weakened bufferyard. In considering the most appropriate alignment for a service road, the Zoning Administrator or Planning Commission shall consider the setbacks of existing and/or proposed buildings and anticipated traffic flow for the site.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.04: SERVICE DRIVES AND OTHER SHARED ACCESS STANDARDS – (Cont.)

4. **Width and Construction Materials** – A service drive shall be within an access easement permitting traffic circulation between properties. The easement shall be recorded with the County Register of Deeds. This easement shall be at least forty (40) feet wide. A service drive shall have a minimum pavement width of 36 feet, measured face to face of curb with an approach width of 39 feet at intersections. The service drive shall be constructed of a paved surface material that is resistant to erosion and shall meet Marquette County Road Commission or MDOT standards for base and thickness of asphalt or concrete, unless Marquette Township has more restrictive standards or because the service drive will have very limited use and the Township permits a lesser standard.
5. **Snow Storage and Landscaping Area** – A minimum of fifteen (15) feet of snow storage/landscaping area shall be reserved along both sides of the service drive. Frontage roads shall have a minimum setback of 30 feet from the right-of-way, with a minimum of 60 feet of storage at the intersection for entering and exiting vehicles as measured from the pavement edge (See Figure 14-6a).
6. **Distance from Intersection on Service Drives** – Frontage road and service drive intersections at the collector or arterial street shall be designed according to the same minimum standards as described for driveways in Section 14.03.D.2.
7. **Driveway Entrance** – The Zoning Administrator or Planning Commission shall approve the location of all accesses to the service drive, based on the driveway spacing standards of this Article. Access to the service drive shall be located so that there is no undue interference with the free movement of service drive and emergency vehicle traffic, where there is a safe sight distance, and where there is a safe driveway grade as established by the applicable road authority.
8. **Driveway Radii** – All driveway radii shall be concrete curbs and conform with the requirements of Section 14.03.E.4.
9. **Acceleration Lanes and Tapers** – The design of the driveway, acceleration, deceleration or taper shall conform with the requirements of Section 14.03.E.4.
10. **Elevation** – The elevation of a service drive shall be uniform or gently sloping between adjacent properties.
11. **Service Drive Maintenance** – No service drive shall be established on existing public right-of-way. The service drive shall be a public street (if dedicated to and accepted by the public), or a private road maintained by the adjoining property owners it serves who shall enter into a formal agreement for the joint maintenance of the service drive.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.04: SERVICE DRIVES AND OTHER SHARED ACCESS STANDARDS – (Cont.)

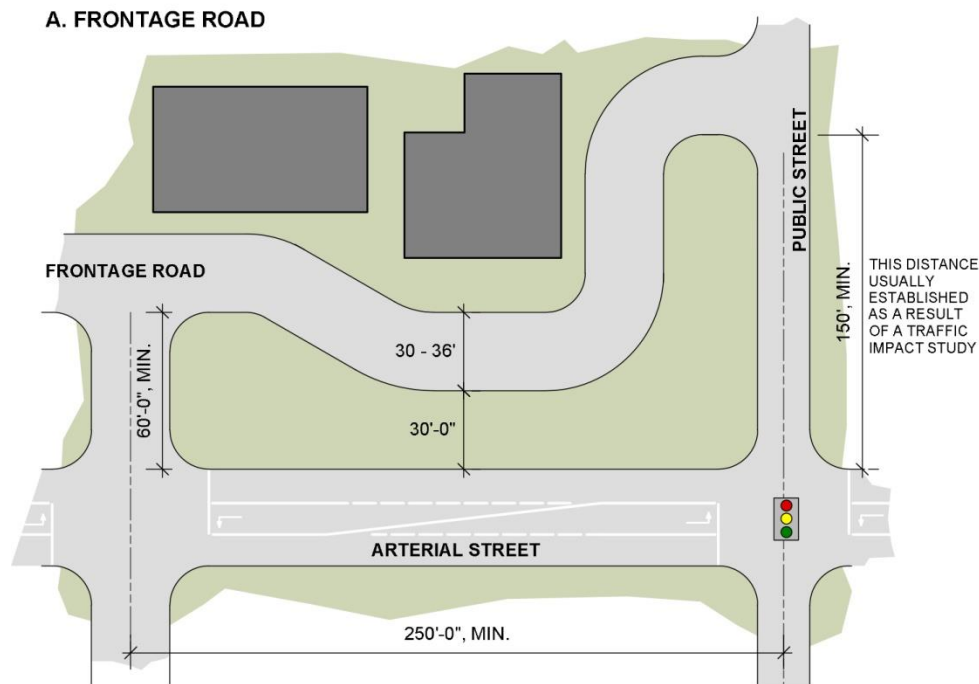
1. The agreement shall also specify who is responsible for enforcing speed limits, parking and related vehicular activity on the service drive. This agreement shall be approved by the Marquette Township attorney and recorded with the deed for each property it serves by the County Register of Deeds. If the service drive is a private road, the local government shall reserve the right to make repairs or improvements to the service drive and charge back the cost directly or by special assessment to the benefiting landowners if they fail to properly maintain a service drive.
2. Landscaping – Landscaping along the service drive shall conform with the requirements of Section 19.04 *Bufferyards*, Section 19.05 *Additional Bufferyard Regulations*, Section 19.06 *Required Open Space*, Section 21.06 *Design Standards*, and as allowed by this Article 14. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners association.
3. Parking Areas – All separate parking areas (i.e. *those that do not use joint parking cross access*) shall have no more than one (1) access point or driveway to the service drive.
4. Parking – The service road is intended to be used exclusively for circulation, not as a parking, loading or unloading aisle. Parking shall be prohibited along two-way frontage roads and service drives that are constructed at the minimum width. One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be demonstrated through traffic studies that on-street parking will not significantly affect the capacity, safety or operation of the frontage road or service drive. Perpendicular or angle parking along either side of a designated frontage road or service drive is prohibited. The Zoning Administrator or Planning Commission may require the posting of “no parking” signs along the service road. As a condition to site plan approval, the Zoning Administrator or Planning Commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road. Temporary parking permitted within the service drive shall be in excess of the minimum required under Article 21, *Off-Street Parking Requirements*.
5. Directional Signs and Pavement Markings – Pavement markings may be required to help promote safety and efficient circulation. The property owner shall be required to maintain all pavement markings. All directional signs and pavement markings along the service drive shall conform with the current *Michigan Manual of Uniform Traffic Control Devices*.
6. Assumed Width of Pre-existing Service Drives – Where a service drive in existence prior to the effective date of this provision has no recorded width, the width will be considered to be 66 feet for the purposes of establishing setbacks and measured an equal distance from the midpoint of the road surface.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.04: SERVICE DRIVES AND OTHER SHARED ACCESS STANDARDS – (Cont.)

7. Pedestrian and Bicycle Access – Separate, safe access for pedestrians and bicycles shall be provided on a sidewalk or paved path that generally parallels the service drive unless alternate and comparable facilities are approved by the Zoning Administrator or Planning Commission.
8. Number of Lots or Dwellings Served – No more than twenty-five (25) lots or dwelling units may gain access from a service drive to a single public street.
9. Service Drive Signs – All new public and private service drives shall have a designated name on a sign meeting the standards on file in the office of the Zoning Administrator.
10. In the case of expansion, alteration or redesign of 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 Zoning Administrator or Planning Commission shall have the authority to allow and/or require alternative cross access between adjacent parking areas through the interconnection of main circulation aisles. Under these conditions, the aisles serving the parking stalls shall be aligned perpendicularly to the access aisle, as shown in Figure 14-6c, with islands, curbing and/or signage to further delineate the edges of the route to be used by through traffic.

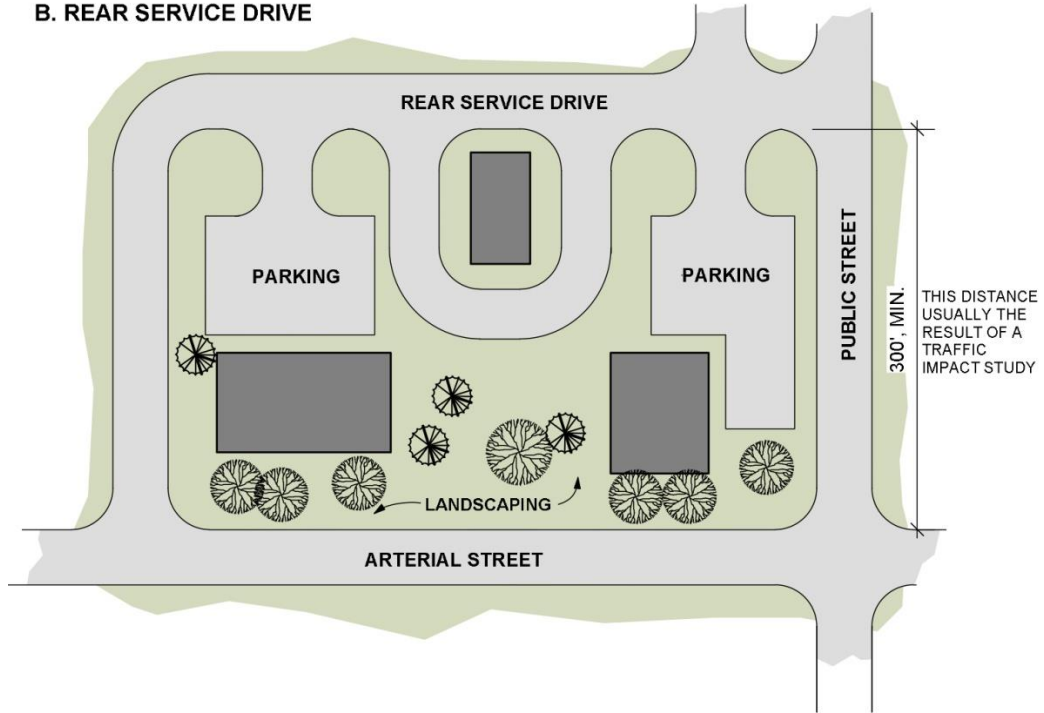
FIGURE 14-6



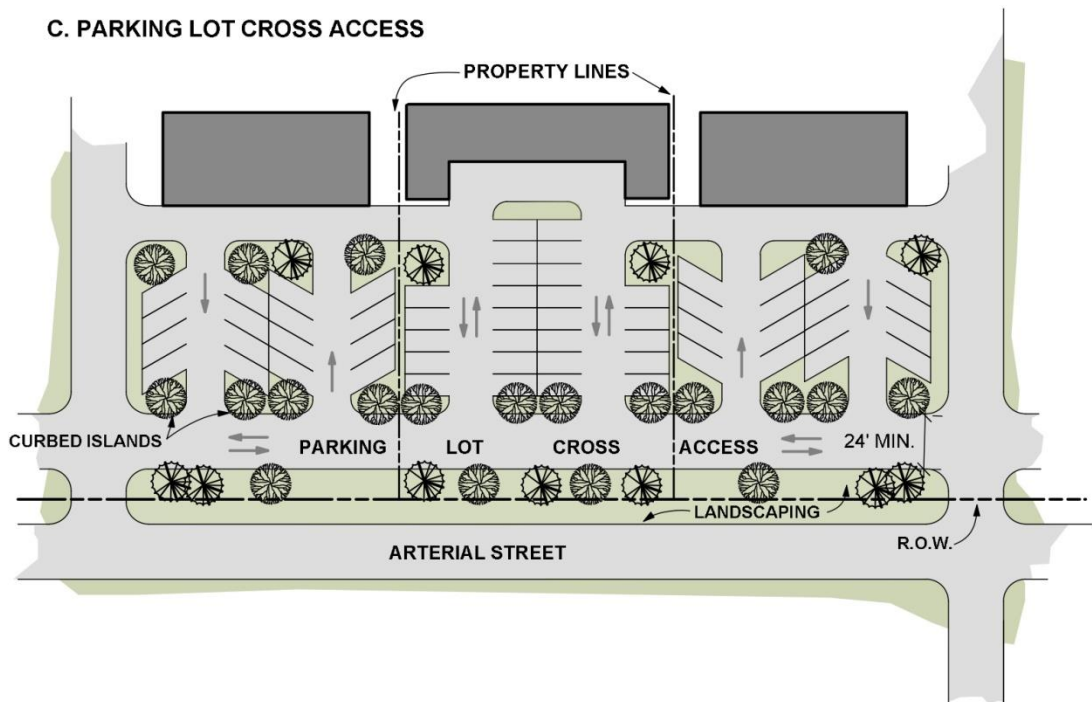
SECTION 14.04: SERVICE DRIVES AND OTHER SHARED ACCESS STANDARDS – (Cont.)

FIGURE 14-6

B. REAR SERVICE DRIVE



C. PARKING LOT CROSS ACCESS



ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.05: TEMPORARY ACCESS PERMITS

- A. A temporary access permit may be conditionally issued to a property included in an adopted corridor or access management plan that programs road improvements and installation of service drives and shared driveways that would eliminate the need for the temporary driveway.
- B. Conditions may be included in the temporary access permit including but not limited to, a limitation on development intensity on the site until adjoining parcels develop which can provide a shared driveway, shared access via a service drive, and/or cross parking lot connection consistent with the requirements of Section 14.04.
- C. A temporary access permit shall expire when the use of the site for which the temporary access permit was granted has ceased for twelve (12) months or more, or the use of the site or the driveway has changed such that the use of the driveway has increased from its initial use level at least 10 percent.
- D. A site plan for property that cannot meet the access requirements of Section 14.04 and has no alternative means of reasonable access to the public road system may be issued a temporary access permit. When adjoining parcels develop which can provide a shared driveway, shared access via a service drive or a cross parking lot connection, the temporary access permit shall be rescinded and an application for an access permit consistent with requirements of Section 14.04 shall be required.

SECTION 14.06: NONCONFORMING DRIVEWAYS

- A. Driveways that do not conform to the regulations in this Article, and were legally constructed before the effective date of this Article, shall be considered legal nonconforming driveways and shall be allowed to remain provided the use of the property continues in the same manner and to the same extent as existed when it became nonconforming. Existing driveways granted a temporary access permit are legal nonconforming driveways until such time as the temporary access permit expires.
- B. Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on the approved site plan, or plot plan, for a period of twelve (12) months or more. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this Article.
- C. When the owner of a property with an existing, nonconforming driveway or driveways, applies for a permit to upgrade or change the use of the property, the Zoning Administrator or Planning commission will determine whether it is necessary and appropriate to retrofit the existing driveway or driveways.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.06: NONCONFORMING DRIVEWAYS – (Cont.)

1. The property owner may be required to establish a retrofit plan. The objectives of the retrofit plan will be to minimize the traffic and safety impacts of development by bringing the number, spacing, location, and design of driveways into conformance with the standards and requirements of this Article to the extent possible without imposing unnecessary hardship on the property owner. The retrofit plan may include:
 - a. Elimination of driveways,
 - b. Realignment or relocation of driveways,
 - c. Provision of shared driveways and/or cross parking lot connection,
 - d. Access by means of a service drive,
 - e. Restriction of vehicle movements (e.g. elimination of left-turns in and out),
 - f. Relocation of parking,
 - g. Traffic demand management (e.g. a reduction in peak hour trips),
 - h. Signalization, or
 - i. Such other changes as may enhance traffic safety.
 2. The requirements of the retrofit plan shall be incorporated as conditions to the permit for the change or upgrade of use and the property owner shall be responsible for the retrofit.
- D. Driveways that do not conform to the regulations in this Ordinance and have been constructed after the adoption of this Ordinance, shall be considered illegal nonconforming driveways.
- E. Illegal nonconforming driveways are a violation of this Ordinance. The property owner shall be issued a violation notice which may include closing off the driveway until any nonconforming aspects of the driveway are corrected. Driveways constructed in illegal locations shall be immediately closed upon detection and all evidence of the driveway removed from the right-of-way and site on which it is located. The costs of such removal shall borne by the property owner.
- F. Nothing in this Ordinance shall prohibit the repair, improvement, or modernization of lawful nonconforming driveways, provided it is done consistent with the requirements of this Article.

SECTION 14.07: INCENTIVES

- A. In order to ensure the safe and efficient movement of traffic along a road and between the road and properties abutting the road, shared driveways, service roads, and interconnected parking lots are encouraged.
- B. The Planning Commission reserves the authority to determine, in its discretion, the adequacy of the access management amenities to be accepted and the particular incentive to be provided to a property owner.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.08: WAIVERS AND VARIANCES

- A. Any applicant for access approval under the provisions of this Section may apply for a waiver of standards in Section 14.03 if the applicant cannot meet one or more of the standards according to the procedures provided below:
1. For waivers on properties involving land uses with less than five-hundred (500) vehicle trips per day based on rates published in the *Trip Generation Manual* of the Institute of Transportation Engineers: Where the standards in this Section cannot be met, suitable alternatives, documented by a registered traffic engineer and substantially achieving the intent of the Section may be accepted by the Zoning Administrator or Planning Commission, provided that all of the following apply:
 - a. The use has insufficient size to meet the dimensional standards.
 - b. Adjacent development renders adherence to these standards economically unfeasible.
 - c. There is no other reasonable access due to topographic or other considerations.
 - d. The standards in this Section shall be applied to the maximum extent feasible.
 2. For waivers on properties involving land uses with more than five hundred (500) vehicle trips per day based on rates published in the *Trip Generation Manual* of the Institute of Transportation Engineers: During site plan review the Zoning Administrator or Planning Commission shall have the authority to waive or otherwise modify the standards of Section 14.03 following an analysis of suitable alternatives documented by a registered traffic engineer and substantially achieving the intent of this Section, provided all of the following apply:
 - a. Access via a shared driveway or front or rear service drive is not possible due to the presence of existing buildings or topographic conditions.
 - b. Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
 - c. The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
 - d. The proposed location and design is supported by the Marquette County Road Commission and/or the Michigan Department of Transportation, as applicable, as an acceptable design under the circumstances.
 3. Single family homes and duplexes with shared access on an individual lot of record may be considered for a waiver without providing documentation by a registered traffic engineer as otherwise required in Subsection 14.08.A.1.
- B. Variance Standards: The following standards shall apply when the Zoning Board of Appeals considers a request for a variance from the standards of this Section.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.08: WAIVERS AND VARIANCES – (Cont.)

1. The granting of a variance shall not be considered until a waiver under Section 14.08.A. or a temporary access permit under Section 14.05 has been considered and rejected.
2. Applicants for a variance must provide proof of practical difficulties unique to the parcel (such as wetlands, steep slopes, an odd parcel shape or narrow frontage, or location relative to other buildings, driveways or an intersection or interchange) that make strict application of the provisions of this Section impractical. This shall include proof that:
 - a. Indirect or restricted access cannot be obtained; and,
 - b. No reasonable engineering or construction solution can be applied to mitigate the condition; and,
 - c. No reasonable alternative access is available from a road with a lower functional classification than the primary road; and,
 - d. Without the variance, there is no reasonable access to the site.
3. The Zoning Board of Appeals shall make a finding that the applicant for a variance met their burden of proof under Section 14.08.A. above, that a variance is consistent with the intent and purpose of this Section, and is the minimum necessary to provide reasonable access.
4. Under no circumstances shall a variance be granted unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an unnecessary hardship on the applicant. No variance shall be granted where such hardship is self-created.

SECTION 14.09: ONE ACCESS PER PARCEL

- A. All land in a parcel or lot having a single tax code number, as of the effective date of the amendment adding this provision to the Ordinance (hereafter referred to as “the parent parcel”), that shares a lot line for less than six hundred (600) feet with right-of-way on US-41/M-28 or on the following county primary roads Wright St, 492, and 550 shall be entitled to one (1) driveway or road access per parcel from said public road or highway.
 1. All subsequent land divisions of a parent parcel, shall not increase the number of driveways or road accesses beyond those entitled to the parent parcel on the effective date of this amendment.
 2. Parcels subsequently divided from the parent parcel, either by metes and bounds descriptions, or as a plat under the applicable provisions of the Land Division Act, Public Act 288 of 1967, as amended, or as a condominium project in accord with the Condominium Act, Public Act 59 of 1978, as amended, shall have access by a platted subdivision road, by another public road, by an approved private road, frontage road or rear service drive.

SECTION 14.09: ONE ACCESS PER PARCEL – (Cont.)

- B. Parent parcels with more than six hundred (600) feet of frontage on a public road or highway shall also meet the requirements of Section 14.09.A. above, except that whether subsequently divided or not, they are entitled to not more than one driveway for each six hundred (600) feet of public road frontage thereafter, unless a registered traffic engineer determines that topographic conditions on the site, curvature on the road, or sight distance limitations demonstrate a second driveway within a lesser distance is safer or the nature of the land use to be served requires a second driveway for safety.