

**CITY OF CEDAR SPRINGS
CITY COUNCIL
Kent County, Michigan**

Councilmember _____ supported by Councilmember _____, moved the adoption of the following ordinance:

ORDINANCE NO. 211

AN ORDINANCE TO AMEND Chapter 40- ZONING OF THE CITY CODE OF ORDINANCES

THE CITY OF CEDAR SPRINGS ORDAINS:

Section 1. Amendment to Modify Chapter 40-Zoning. That the Code of Ordinances of the City of Cedar Springs is amended to add to Sec. 40-4, delete Sec. 40-577(f)(7), delete Sec. 40-408(m), and delete Sec. 40-516(d) and to modify Sec. 40-513(c)(4), modify Sec. 40-440, and modify Sec. 40-520 and to read in its entirety as follows:

Add:

Sec 40-4-Definitions E-J

Frontage means the length of a single continuous front lot line

Delete:

Sec. 40-577(f)(7) Any lot on which such use is conducted shall have at least 300 feet of frontage.

Sec. 40-408(m) Except for landscaping and necessary drives or walks, the required front yard shall remain clear and shall not be used for parking, loading, or accessory structures.

Sec. 40-516(d) Other land uses. The required off-street parking shall be located within the side or rear yard on each site or in parking lots conveniently located and readily accessible to each site. Each parking space must meet the minimum area requirements and meet any other engineering standards deemed necessary by the planning commission.

Modify the following to read as follows:

Section 40-513(c)(4) All off-street parking lots shall be set back a minimum of 10 feet from each front lot line and minimum of five feet from the rear and side lot lines.

The Planning Commission may permit parking aisles or vehicle maneuvering areas only to encroach within the required parking lot setback but may require additional screening or landscaping within the setback area.

Where a required nonresidential parking lot abuts a residential district, a greenbelt shall be provided along the residential lot line in accordance with the requirements of Section 40-447(d) herein.

Sec. 40-440. - Frontage Requirements

- a) On streets less than 66 feet in width, the required front yard shall be increased by one-half the difference between the width of the street and 66 feet.
- b) All lots created after the effective date of the Ordinance shall have frontage on a public or private street in accordance with the lot width requirements of the zoning district in which it is located.
- c) The Planning Commission may permit a lot to be created which does not have any or only has some frontage on a public or private street if the proposed use of such lot is subject to the site plan review procedures of Section 40-48.

The Planning Commission shall consider the following criteria and standards in determining whether to allow such lot to be created as part of the site plan review approval process:

- 1) Whether the proposed lot has vehicle access to the public road system by virtue of a recorded easement or other legal instrument which ensures continued access;
 - 2) Whether the proposed access to the lot will be sufficiently constructed and located so as to be capable of safely accommodating projected vehicle traffic to and from the lot as well as safely accommodating emergency vehicles;
 - 3) Whether the creation of the lot will result in the need for variances both on and off the proposed lot in order to accommodate the proposed use of the lot;
 - 4) Whether the proposed lot and the proposed use meets all other applicable requirements of the Zoning Ordinance including but not limited to minimum lot width, lot area and building setbacks;
 - 5) Whether the creation of the proposed lot will result in difficulties in achieving the orderly development of nearby lands;
 - 6) Whether the creation of the proposed lot will create difficulties in serving the proposed lot or nearby lots with public utilities.
 - 7) In allowing a lot to be created with no street frontage the Planning Commission shall designate the front lot line for building setback purposes.
- d) On a corner lot, each lot line which abuts a public or private street is a front lot line and the required front yard setback from each front lot line shall be met, **subject to Sec. 40-443**. The owner shall elect, and so designate in his application for a permit, which of the remaining two lot lines shall be the side lot line and which the rear lot line. For a corner lot with three front lot lines, the remaining lot line shall be a rear lot line.

Sec. 40-520 Access Requirements

a) **Applicability** - The standards and regulations of this section shall apply to those portions of 17 Mile Road, White Creek Avenue and Northland Drive which lie within the boundaries of the City of Cedar Springs, Muskegon Street and those portions of Main Street outside the B-2, Central Business District and other streets as may be deemed applicable by the Planning Commission.

All uses along such roadways for which site plan review is required, and only such uses, shall be subject to these standards and regulations. These regulations shall not apply to single family and two-family dwelling units. In addition to meeting the standards and regulations of this section, approvals may also be required from the Michigan Department of Transportation and the Kent County Road Commission.

b) **General Access Requirements**

(1) **Authority** - The Planning Commission shall have the authority to require a frontage road or rear service drive for contiguous parcels, to limit the number of driveways for a site, to require that parking lots on contiguous parcels be connected, that driveways for contiguous parcels be shared, that opposite driveways be directly aligned and that specific turning movements be restricted or prohibited. In determining whether the above or other access control measures are necessary, the following criteria shall be considered:

- a. The type and location of commercial uses on the site and adjacent to the site.
- b. The location, size and design of existing and proposed parking areas.
- c. The existing and projected traffic volume on the roadway and adjacent roadways.
- d. Compatibility between adjacent land uses and likelihood of change or expansion.
- e. Number of parcels involved, location of lot lines and amount of road frontage.
- f. Topography and site distance along adjacent roadways and on the site.
- g. Distance from intersections
- h. Location of driveways opposite the site.
- i. Width of roadway and number of lanes.
- j. Environmental limitations (steep slopes, water, or vegetation).
- k. Sufficient building setback.
- l. Recommendation of the Cedar Springs Master Plan.

c) **Modifications** - The Planning Commission shall have the authority to increase, decrease or otherwise modify the terms and conditions of this Section where there are

practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Section. In considering whether to modify the requirements of this section the Planning Commission shall consider the criteria contained in Section 40-520(b) (1). The Commission may impose reasonable conditions in the modification of the requirement in order to ensure the public safety and achieve the intent of this Section.

d) Driveways- Driveways shall be located as follows:

- 1) Each lot may be permitted one driveway provided the spacing requirements of this section can be achieved.
- 2) One additional driveway may be permitted on parcels with lot widths exceeding 500 feet.
- 3) Additional driveways may be permitted by the Planning Commission for any site providing the spacing and alignment criteria listed in subsection (e)(2) of this section are met, and a traffic impact study is completed which justifies an additional driveway.
- 4) The Planning Commission may permit two one-way driveways or a boulevard driveway rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function of the drives can be demonstrated.
- 5) The applicant shall submit evidence indicating that the sight distance requirements of the Michigan Department of Transportation (MDOT) or Kent County Road Commission, as appropriate, are met.

e) Spacing and alignment. The spacing and alignment requirements are as follows:

- 1) Minimum driveway spacing requirements for driveways on the same side of the street shall be determined based on posted speed limits along the parcel frontage as follows:

Posted Speed (miles per hour)	Minimum Driveway Spacing* (in feet)
30	125
35	150
40	185
45	230
50	275
55 or over	350

*As measured from the centerline of each driveway.

- 2) Driveways shall be aligned with driveways on the opposite side of the street or offset a minimum of 150 feet, centerline to centerline. Driveways located on the streets noted on Section 40-520(a) shall be located a minimum of 100 feet from the intersection of a private street or local public street measured from near pavement edge of the street to near pavement edge of the driveway throat.

- 3) A driveway located on a public street or private street which intersects a street noted in Section 40-520-(a) shall be located a minimum of 75 feet from such street measured from near pavement edge of the street to near pavement edge of the driveway throat.
 - 4) The Planning Commission may require greater spacing if traffic or pedestrian safety, traffic circulation, or site conditions warrant a greater distance between driveways.
- f) *Alternative access*- For parcels which do not meet the driveway spacing requirements of this Section the Planning Commission shall require one or more of the following alternative access measures.
- 1) Temporary direct access may be granted if adjoining parcels are undeveloped which would later allow for access via a frontage road, shared driveway or a parking lot cross connection. Approval of a temporary driveway permit by the Planning Commission shall specify the future means and location of the permanent access, as well as when such access will be provided. The property owner shall record a temporary access agreement noting these items as well as a statement that the temporary driveway will be closed at no cost to the City at such time as access becomes available through the development of adjoining properties.
 - 2) **Shared Driveways:** Sharing or joint use of a driveway by two or more property owners may be required. 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.
 - 3) **Frontage Roads:** In cases where a frontage road exists, is recommended in the City Master Plan 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 adjoining street.
 - 4) **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 possible, as determined by the Planning Commission. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection. In either case the property owner shall record a document agreeing to allow for the vehicular connection the adjacent property and to keep the access open at all times
 - 5) **Rear Service Drives:** Rear service drives may be required, 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.

g) Design of Frontage Roads & Rear Service Drives.

- 1) Frontage roads and rear service drives shall have minimum width of 24 feet and shall be paved with asphalt or concrete.
- 2) 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.

Section 2. Severability and Repealer. If any portion of this Ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3. Effective Date. This ordinance shall take effect upon its publication in The Cedar Springs Post, a newspaper of general circulation in the City of Cedar Springs, consistent with state law and the City Charter.

YEAS: Councilmembers: _____

NAYS: Councilmembers: _____

ABSENT: Councilmembers: _____

ABSTAIN: Councilmembers: _____

Ordinance No. 211 declared adopted

Dated _____, 2018

Rebecca Johnson, City Clerk

CERTIFICATION

I certify that this is a true and complete copy of a resolution adopted by the City Council of the City of Cedar Springs at a Regular Meeting held _____, 2018 and that public notice of the meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: _____, 2018

Rebecca Johnson, City Clerk