

Article 7.11 M-24 Overlay District

7.11.01 Intent

The provisions set forth in this overlay district are intended to establish minimum requirements for access to property and other elements of site design to improve safety and enhance aesthetics along the M-24 corridor in the City of Lapeer. The purpose of these requirements are to:

- (a) Require greater front yard setbacks and landscaping, coordinated signage and site layout and design, and buffered parking to foster a planned character and to avoid a haphazard and sprawling appearance;
- (b) Recognize that the proliferation of direct access into properties, specifically high-traffic generating non-residential uses (such as a gas station, fast food restaurant, auto wash and similar uses), has long-term traffic flow consequences, as it creates traffic conflict areas due to a stream of slowing, stopping, turning, entering and exiting vehicles;
- (c) Provide for safe, efficient and continuous pedestrian accommodations along M-24 and between properties abutting M-24;
- (d) Minimize disruptive and potentially hazardous traffic conflict areas by reducing the frequency of direct access points to M-24; and to provide efficient spacing standards between access points and between access points and intersections to separate conflict areas;
- (e) Separate traffic conflict areas by requiring separation of direct access points to M-24, and by encouraging and requiring consolidation of existing direct access point when redevelopment is contemplated;
- (f) Require or encourage wherever possible coordinated/shared access among several developments or redevelopments;
- (g) Provide reasonable access to properties, though the access may not always be direct access; and,
- (h) Implement the recommendations of The Access Management Guidebook, produced by the Michigan Department of Transportation in October 2001; and the City of Lapeer Master Plan as it pertains to the M-24 corridor.

7.11.02 Applicability

The provisions set forth in this section shall apply to the whole of every existing and newly created parcel or property falling within 660 feet of the M-24 state highway centerline or which abuts the M-24 state highway right-of-way within the City of Lapeer. The regulations apply in addition to, and simultaneously with, other applicable regulations in the Zoning Ordinance. The regulations of this section shall be applied by the Department of Planning and Development and the Planning Commission during the site plan review or other applicable process. Where regulations of this section conflict with other applicable regulations of the Zoning Ordinance, the most stringent requirements shall apply.

7.11.03 Process Requirements

- (a) Parcels with access to the M-24 right-of-way shall be subject to access approval from the Michigan Department of Transportation. Parcels without direct frontage along the M-24 right-of-way, but falling within 660 feet of the M-24 right-of-way line, shall be subject to access approval from the City of Lapeer with coordination with the Michigan Department of Transportation. The City of Lapeer shall review the access elements of a site plan and as appropriate shall coordinate with the Michigan Department of Transportation prior to a final decision on a particular site plan or development application. The City shall not take action on an application without first consulting the Michigan Department of Transportation.
- (b) An applicant shall be required to secure applicable permits and other applicable approvals from the Michigan Department of Transportation and other entities in addition to receiving site plan and other applicable approvals from the City of Lapeer.
- (c) When site plan or other approval has been granted and an access permit issued by the Michigan Department of Transportation, said plan of access shall not be altered without a new application for access.
- (d) Failure to begin construction within 1 year of the approval date by the City shall void approval and a new application process is required.
- (e) The City of Lapeer may require a letter of credit, bond, or cash deposit in any reasonable sum for each approved access structure, including without limitation driveways, shared service drives, etc, to insure compliance with an approved application. Such insurance shall terminate and be returned to the applicant when the terms of approval have been met or when authorization is cancelled. The City of Lapeer Engineer shall determine the amount. This financial guarantee is not intended to duplicate the bond requirement of the Michigan Department of Transportation when applicable.
- (f) Except for shared driveways, existing driveways that do not conform to the requirements of this section shall be closed or modified to conform to this section when site plan approval is required by Section 7.18.02. Provided, if the Planning Commission determines that existing site constraints would make conformance to this section unreasonable or impossible, the Planning Commission shall determine the extent of upgrades to bring the site into greater compliance with the requirements of this section. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, any sight distance limitations, existing access configurations, site topography, natural features, external and internal site circulation, recommendations from the Michigan Department of Transportation, and others as deemed appropriate. Required improvements may include removal or reconfiguration of one or more existing access points and establishing cross access to a neighboring property.

7.11.04 Additional Submittal Information

Additional Submittal Information. In addition to the submittal information required for site plan review in Section 7.18.03, the following shall be provided with any application and illustrated on the site plan:

- (a) Existing access points within 500 feet of the subject property's boundaries on both sides of the M-24 frontage, and along both sides of any intersecting roads where access is proposed.
- (b) Dimensions between proposed and existing access points.
- (c) Where shared cross access is proposed or required, a shared access and maintenance agreement may be required for City review. It shall include provisions for maintenance, legal descriptions of easements, and other elements as may be required. Once approved, the agreement shall be recorded with the Lapeer County Register of Deeds.

7.11.05 General Access Management Standards

- (a) 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 one 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.
- (b) One driveway shall be permitted for each single-family residential lot. Other uses shall be subject to the regulations of this section.
- (c) For a parcel, lot, property or building site with frontage along M-24 exceeding 600 feet, or where the subject property has frontage on at least two streets, an additional driveway may be permitted, if warranted. The City Planning Staff and MDOT officials will jointly determine whether a traffic impact study should be submitted by the applicant demonstrating that conditions warrant an additional driveway and that all driveways meet spacing requirements. Where possible, second access points shall be located on a side street or service drive, or shared with adjacent uses.

7.11.06 Spacing Standards

- (a) A driveway shall be located a minimum of 600 feet from any expressway ramp.
- (b) Driveways shall meet the minimum required spacing standards listed below, based on posted speed limits along M-24, unless the Michigan Department of Transportation approves less based on the land use and restricted turns in the driveway design. The minimum spacing requirements are measured from the centerline of one driveway to the centerline of another driveway. For parcels or sites with insufficient road frontage to meet the standards below, one of the following shall be required:
 - (1) Construction of the driveway along a side street
 - (2) A shared driveway with an adjacent property
 - (3) Construction of a driveway along the property line farthest from the intersection
 - (4) A service drive as required Section 7.11.08
 - (5) The provisions of Section 7.11.03(f) may apply.

The Planning Commission may 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, per Section 7.11.11.

Table 7.11.1 Driveway Spacing Requirements	
Source: MDOT, Traffic & Safety Division	
Posted Speed Limit (mph)	Minimum Driveway Spacing (feet)
25	130
30	185
35	245
40	300
45	350
50 +	455

(c) Driveway separation from intersections shall be measured from the centerline of the driveway to the extended edge of the travel lane on the intersecting street, as follows. For parcels or sites with insufficient road frontage to meet the standards below, one of the following shall be required:

- (1) A shared driveway with an adjacent property
- (2) Construction of a driveway along the property line farthest from the intersection
- (3) A service drive as required in Section 7.11.08
- (4) The provisions of Section 7.11.03(f) may apply.

The Planning Commission may 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, per Section 7.11.11.

Table 7.11.2 Driveway Spacing Requirements from Street Intersections		
Location of Driveway	Min. Spacing for Full Movement Driveway (feet)	Min. Spacing for a Driveway Restricting Left-turns (feet)
Along Arterial or from another Intersecting Arterial	300	125
Along Arterial Intersecting a Collector or Local Street	200	125
Along a Collector	125	75
Along a Local Street or Private Road	75	50

(d) A driveway may not be permitted when offsets may result in left-turn conflicts, as determined by the Planning Commission and/or the Michigan Department of Transportation.

7.11.07 Access Design

(a) There shall be a minimum of 27 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 over 100 vehicles per peak hour (two-way traffic volume) and for all driveways controlled by a traffic signal, adequate throat length may be determined by a traffic impact study financed by the applicant and as approved by the Planning Commission.

- (b) Access design and construction standards shall conform to the requirements of the Michigan Department of Transportation and the City of Lapeer, as applicable.
- (c) A 5-foot to 10-foot wide pedestrian walkway shall be integrated into the site as appropriate, so as to provide a continuous and safe pedestrian linkage along M-24 and from M-24 to buildings. The Planning Commission shall determine the proper placement and design of the walkway feature. More than one walkway may be required per site.
- (d) The Planning Commission and/or the Michigan Department of Transportation shall retain the right to ensure adequate corner clearance and sight distance objectives as stated in Section 7.11.03(f) of this zoning ordinance or as determined best for the specific situation.

7.11.08 Service Drives

Service drives are strongly encouraged and in some cases may be required. The following provisions shall apply.

- (a) A front or rear service drive may be required. The service road 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. In considering the most appropriate location and alignment for a service road, the Planning Commission shall consider the setbacks of existing and/or proposed structures and anticipated traffic flow.
- (b) A minimum of 5 feet of landscaping/snow storage area shall be reserved along both sides of a service drive. The Planning Commission may adjust this standard, provided it finds adequate provision for snow storage and green space.
- (c) Service drive access shall be set back at least 30 feet from an intersection of a public or private street right-of-way and the access drive to the parcel. The service drive may curve and be parallel with the public street and be located no less than 15 feet from the public or private street right-of-way. The service drive shall not be established within a public right-of-way, unless dedicated to and accepted by the applicable public agency. A service drive shall be used for circulation and not as parking, loading or unloading.

See illustration on page 11-7 for an example of a service drive layout.

7.11.09 Shared Driveways

- (a) Shared driveways are strongly encouraged and may be required.
- (b) In cases where access is restricted by the minimum spacing requirements of Section 7.11.06, a shared driveway may be the only access option permitted.
- (c) The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows for traffic to travel across one parcel to another or otherwise access the public street.

7.11.10 Parking Lot Connections

A parking lot connection or the provision of a parking lot connection, where feasible, shall be provided in the following situations:

- (a) A proposed parking lot adjacent to an existing parking lot
- (b) A proposed parking lot adjacent to vacant land
- (c) Change to an existing parking lot adjacent to an existing parking lot
- (d) Change to an existing parking lot where adjacent to vacant land.

Where a parking lot connection is required, a written cross access easement signed by both landowners and recorded with the Lapeer County Register of Deeds shall be presented as evidence of the parking lot connection prior to the issuance of any final zoning approval.

7.11.11 Temporary Access Permits

An applicant for site plan or other approval that cannot meet the access standards of this section and has no alternative means of reasonable access to the public road system, as determined by the Planning Commission, 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 the requirements of this section shall be met.

7.11.12 Landscaping

For all uses subject to the regulations of this section, for every 100 feet of road frontage, as measured from the outside property line, not including landscaping within parking areas, front yard areas shall be landscaped to meet the following minimum requirements: 3 canopy (deciduous) trees, 2 evergreen trees, 2 landscape trees, 5 shrubs, and 100 square feet of garden bed, which shall include any combination of flowering annuals and perennials, ornamental grasses, and green annuals and perennials. Additionally, the following standards shall be met:

- (a) This minimum front yard landscaping shall be planted between the parking area and the road right-of-way. If there is no front yard parking or open space available within which to plant, the Planning Commission may allow the minimum landscaping to be planted anywhere within the front or side yard area.
- (b) An underground irrigation system shall be installed for planting areas greater than 500 square feet in area. All planting areas shall be regularly maintained; dead or diseased landscape material shall be replaced within one growing season.
- (c) Where an applicant's property is a fraction of 100 feet or a fraction of a multiple of 100 feet, the property's measurement shall be rounded up to comply with the minimum planting requirements.
- (d) The Planning Commission may lessen the landscaping requirements if site conditions are unreasonable to the regulations provided in this subsection, or may impose additional conditions on landscaping to the approval of a site plan to respond to a site's unique physical characteristics.
- (e) Plantings shall have a minimum ground clearance of 7 feet when planted within 10 feet of M-24, an access drive or service drive, and shall meet the following requirements:

Table 7.11.3 Minimum Plant Sizes		
Plant Material	Minimum Diameter at Breast Height	Minimum Height
Canopy (Deciduous) Tree	2.5 inches	8 feet
Landscape Tree	2 inches	6 feet
Evergreen Tree	--	6 feet
Small and Large Shrubs	--	30 inches

The following graphic displays a landscaping scenario and does not replace the narrative requirements of the M-24 Overlay District, it is meant as an illustrative example.

