

**ARTICLE XV
ACCESS MANAGEMENT**

Section 1501 Findings and Intent

Conditions along the major highways in Marquette County are changing with increasing development and traffic. Continued development along U.S. Highway 41/State Highway M-28 will further increase traffic volumes and introduce additional conflict points, which will erode traffic operations and increase potential for traffic crashes. Numerous published studies document the positive relationship between well-designed access management systems and traffic operations and safety. Those studies and the experiences of many other communities demonstrate that implementing standards on the number, placement, and design of access points (driveways and side street intersections) can preserve the capacity of the roadway and reduce the potential for crashes while preserving a good business environment and the existing investment in the highway.

The provisions of this Article are intended to promote safe and efficient travel within Humboldt Township; improve safety and reduce the potential for crashes; minimize disruptive and potentially hazardous traffic conflicts; ensure safe access by emergency vehicles; protect the substantial public investment in the highway and 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 Humboldt Township Master Plan and the U.S. Highway 41/State Highway M-28 Access Management Plan goals and objectives; ensure reasonable access to properties, although not always by the most direct access; and to coordinate access decisions with the Michigan Department of Transportation, the Marquette County Road Commission, and adjoining jurisdictions, as applicable.

To these ends, the following provisions apply:

1. Establish a Highway Overlay Zone to regulate access points along the highway.
2. Identify additional submittal information and review procedures required for parcels that front along U.S. Highway 41/State Highway M-28.
3. Require demonstration that new parcels are accessible and in compliance with the access standards of this Ordinance to ensure safe accessibility as required by the Land Division Act.
4. Restrict lots and parcels to a single access point except under certain circumstances.
5. Require longer frontages or wider minimum lot widths than are required in underlying zoning districts to help achieve access management spacing standards;
6. Require coordinated access among adjacent lands wherever feasible;
7. Improve situations where existing development along the highways does not conform to the standards and intent of this Ordinance.
8. Establish uniform standards to ensure fair and equal application.

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Section 1502 Applicability

The standards of this Section apply to all lots and parcels that abut the highway right-of-way of U.S. Highway 41/State Highway M-28 and such other lands that front on intersecting streets within three hundred fifty (350) feet of the U.S. Highway 41/State Highway M-28 right-of-way within Humboldt Township. This area is referred to as the Highway Overlay Zone.

The standards of this Article shall be applied by the Zoning Administrator and Planning Commission during site plan review, as is appropriate to the application. 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 VI (Site Plan Review) of the Zoning Ordinance. Humboldt Township shall coordinate its review of the access elements of a site plan with the appropriate road authority prior to making a decision on an application (see Section 1504). The approval of a 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 site plan as required under this Ordinance will be ignored, unless it is conditioned upon approval under this Ordinance.

These regulations apply in addition to, and simultaneously with, the other applicable regulations of the Zoning Ordinance. Permitted and Special Uses within the Highway Overlay Zone shall be as regulated in the underlying zoning district (as designated on the zoning map), and shall meet all the applicable requirements of that district, with the following additional provisions:

1. The number of access points is the fewest needed to allow motorists reasonable access to the site.
2. Access spacing from intersections and other driveways shall meet the standards within the Highway Overlay Zone, and the guidelines of the applicable road agency (MDOT) and/or the Marquette County Road Commission) and the recommendations of the Humboldt Township Master Plan, as appropriate.
3. Where an applicant shares access with adjacent uses, either now or in the future, any shared access and maintenance agreements must be recorded with the Marquette County Register of Deeds.
4. No building or structure, nor the enlargement of any building or structure, shall be erected unless the Highway Overlay Zone regulations applicable to the site are met and maintained in connection with such building, structure, or enlargement.
5. No land division, subdivision, or site condominium project for land within this Highway Overlay Zone shall be approved unless in compliance with the access spacing standards in this Article is demonstrated.
6. Any change in use on a site that does not meet the access standards of this Highway Overlay Zone, shall be required to submit an application for approval by the Planning

Section 1502 Applicability: Continued

Commission and submit information to the MDOT, and/or Marquette County Road Commission as appropriate, to determine if a new access permit is required. See Section 1511 below.

7. For building or parking lot expansions, changes in use, or site redevelopment that cannot meet the standards of this ordinance due to parcel size or configuration, the Planning Commission shall determine the extent of upgrades to bring the site into greater compliance with the access standards of this Highway Overlay Zone. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, characteristics of the affected land uses, recommendations within the Humboldt Township Master Plan, and any recommendations from the MDOT, and/or Marquette County Road Commission as appropriate. Required improvements may include removal, rearrangement, or redesign of driveways or other access.
8. Where conflict occurs between the standards of this Ordinance and other applicable ordinances, the more restrictive regulations shall apply.

Section 1503 One Access Per Parcel

1. 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 of less than six hundred (600) feet with right-of-way on U.S. Highway 41/State Highway M-28 shall be entitled to one (1) driveway or road access per parcel from said public road or highway, unless hereafter shared access or alternative access is provided to that parcel.
 - a. 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.
 - b. 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 developed 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.
2. Parent parcels with more than six hundred (600) feet of frontage on a public road or highway shall also meet the requirements of a. and b. 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

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Section 1503 One Access Per Parcel: Continued

engineer determines to the satisfaction of the Planning Commission that topographic conditions on the site, curvature on the road, or sight distance limitations demonstrate an additional driveway within a lesser distance is safer or the nature of the land use to be served requires an additional driveway for improved safety. See also Section 1518 (2).

Section 1504 Applications

1. Applications for driveway or access approval shall be made on a form prescribed by and available at the Michigan Department of Transportation and Marquette County Road Commission as applicable. A copy of the completed form submitted to the applicable road authority shall be submitted to the Zoning Administrator as well.
2. Applications for all uses requiring site plan review shall meet the submittal, review and approval requirements of Article VI in addition to those of this Section (1504). In addition:
 - a. Applications are strongly encouraged to rely on the following sources for access designs, the National Access Management Manual, TRB, 2003; National Cooperative Highway Research Program (NCHRP), “Access Management Guidelines to Activity Centers” Report 348, “Impacts of Access Management Techniques” Report 420; and the AASHTO (American Association of State Highway and Transportation Officials) “Green Book” A Policy on Geometric Design of Highways and Streets. The following techniques are addressed in these guidebooks and are strongly encouraged to be used when designing access:
 - 1) Not more than one driveway access per abutting road
 - 2) Shared driveways
 - 3) Service drives: front and/or rear
 - 4) Parking lot connections with adjacent property
 - 5) Other appropriate designs to limit access points on an arterial or collector.
 - b. As applicable, applications shall be accompanied by an escrow fee for professional review per the requirements of Section 1108.

Section 1504 Applications: Continued

- c. In addition to the information required in Article VI, the information listed below shall also be submitted for any lot or parcel within the Highway Overlay Zone accompanied by clear, scaled drawings (minimum of 1" = 20') showing the following items:
- 1) Existing access points. Existing access points within 250 feet on either side of the U.S. Highway 41/State Highway M-28 frontage, and along both sides of any adjoining roads, shall be shown on the site plan, aerial photographs or on a plan sheet.
 - 2) Surface type and dimensions shall be provided for all existing and proposed driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs), intersecting streets, and all curb radii within the site.
 - 3) The site plan shall illustrate the route and dimensioned turning movements of any passenger vehicles as well as expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing of vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.
 - 4) Size and arrangement of parking stalls and aisles.
 - 5) The applicant shall submit evidence indicating that the sight distance, driveway spacing and drainage requirements of the Michigan Department of Transportation or Marquette County Road Commission are met.
 - 6) Dimensions between proposed and existing access points on both sides of the highway or road (and median cross-overs if applicable now or known in the future).
 - 7) Design dimensions and justification for any alternative or innovative access design such as frontage roads, rear access or service drives, or parking lot cross-access.
 - 8) Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval. Once approved, this agreement shall be recorded with the County Register of Deeds.
 - 9) Show all existing and proposed landscaping, signs, and other structures or treatments within and adjacent to the right-of-way.

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Section 1504 Applications: Continued

- 10) Dumpsters or other garbage containers.
- 11) The location of all proposed snow storage from parking lots which must not interfere with clear sight distance when turning into or out of a site, or safely moving within a site.
- 12) Traffic impact study meeting the requirements of Section 1521 where applicable.

Section 1505 Review and Approval Process

The following process shall be completed to obtain access approval:

1. An Access Application meeting the requirements of Section 1504 above shall be submitted to the Zoning Administrator on the same day it was submitted to the Michigan Department of Transportation and/or the Marquette County Road Commission, as applicable.
2. The completed application must be received by the Zoning Administrator at least 30 days prior to the Planning Commission meeting where the application will be reviewed.
3. The applicant, the Zoning Administrator and representatives of the Marquette County Road Commission, the Michigan Department of Transportation, and the Planning Commission may meet prior to the Planning Commission meeting to review the application and proposed access design.
4. If the Planning Commission considers the application first, it shall recommend approval conditioned upon approval of the applicable road authority, or it shall recommend denial based on nonconformance with this Ordinance, or if necessary, table action and request additional information. The action of the Planning Commission shall be immediately transmitted to the applicable road authority.
5. It is expected that if the Michigan Department of Transportation and/or the Marquette County Road Commission, as applicable, review the application first, each entity will immediately send its decision on the application to the Planning Commission for their consideration. One of three actions may result;
 - a. If the Planning Commission and the Michigan Department of Transportation, and the Road Commission, as applicable, approve the application as submitted, the access application shall be approved.

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Section 1505 Review and Approval Process: Continued

- b. If both the Planning Commission and the Michigan Department of Transportation and the Road Commission, as applicable, deny the application, the application shall not be approved.
 - c. If either the Planning Commission, Michigan Department of Transportation, or Road Commission, as applicable, requests additional information, approval with conditions, or does not concur in approval or denial, there shall be a joint meeting of the Zoning Administrator, a representative of the Planning Commission and staff of the Michigan Department of Transportation and/or the Marquette County Road Commission, as applicable, and the applicants. The purpose of this meeting will be to review the application to obtain concurrence between the Planning Commission and the applicable road authority(ies) regarding approval or denial and the terms and conditions of any permit approval.
6. No application will be considered approved, nor will any permit be considered valid unless all the above-mentioned agencies, as applicable, have indicated approval unless approval by any of the above-mentioned agencies would clearly violate adopted regulations of the agency. In this case, the application shall be denied by that agency and the requested driveway(s) shall not be constructed. Conditions may be imposed by the Planning Commission to ensure conformance with the terms of any driveway permit approved by a road authority.

Section 1506 Record of Application

The Zoning Administrator shall keep a record of each application that has been submitted, including the disposition of each one. This record shall be a public record.

Section 1507 Period of Approval

Approval of an application remains valid for a period of one year from the date it was authorized. If authorized construction, including any required rear service road or frontage road, is not initiated by the end of one (1) year, the authorization is automatically null and void. Any additional approvals that have been granted by the Planning Commission or the Zoning Board of Appeals, such as Special Use Permits or variances, also expire at the end of one year.

Section 1508 Renewal

An approval may be extended for a period not to exceed one-year. The extension must be requested in writing by the applicant before the expiration of the initial approval. The Zoning Administrator may approve extension of an authorization provided there are no deviations from the original approval present on the site or plan, and there are no violations of applicable ordinances and no development on abutting property has occurred with a driveway location that

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Section 1508 Renewal: Continued

creates an unsafe condition. If there is any deviation or cause for question, the Zoning Administrator shall consult a representative of the Michigan Department of Transportation and/ or the Marquette County Road Commission, as applicable, for input.

Section 1509 Re-issuance Requires New Application

Re-issuance of an authorization that has expired requires a new Access Application form to be filled out, fee paid, and processed independently of previous action. See Section 1505, step 1.

Section 1510 Maintenance

The applicant shall assume all responsibility for all maintenance of driveway approaches from the right-of-way line to the edge of the traveled roadway.

Section 1511 Change of Use Also May Require New Driveway

When a building permit is sought for the reconstruction, rehabilitation, or expansion of an existing site or a zoning or occupancy certificate is sought for use or change of use for any land, buildings, or structures, all of the existing, as well as proposed driveway approaches and parking facilities shall comply, or be brought into compliance, with all design standards as required by the Michigan Department of Transportation and/or the Marquette County Road Commission as applicable, and as set forth in this Ordinance prior to the issuance of a Zoning Permit, and pursuant to the procedures of this section.

Section 1512 Changes Require New Application

Where authorization has been granted for entrances to a parking facility, said facility shall not be altered or the plan of operation changed until a revised Access Application has been submitted and approved as specified in Section 1505.

Section 1513 Closing of Driveways

Application to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all nonconforming or unused entrances and approaches to the same site at the expense of the property owner, unless some other arrangement is agreed to by the road authority responsible for the road in question.

Section 1514 Inspection

The Zoning Administrator shall inspect the driveway and any other required access elements during construction and following construction for conformance with the approved application prior to allowing occupancy. The Zoning Administrator may consult with MDOT and/or the County

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Section 1514 Inspection: Continued

Road Commission as applicable, prior to making a determination of conformance or nonconformance with an approved application.

Section 1515 Performance Bond

Humboldt Township may require a performance bond or cash deposit in any sum not to exceed \$5,000 for each such driveway approach or entrance to insure compliance with an approved application. Such bond shall terminate and the deposit be returned to the applicant when the terms of the approval have been met or when the authorization is canceled or terminated.

Section 1516 Reserved for Future Use

Section 1517 Lot Width and Setbacks

1. Minimum Lot Width - Except for existing lots of record, all lots fronting on U.S. Highway 41/State Highway M-28 subject to this Article, 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 1518 (9, 10, or 11), in which case minimum lot width may be reduced to not less than one hundred (100) feet in width if a deed restriction is approved and recorded with the County Register of Deeds demonstrating an effective method for long term maintenance of the shared access, service drive and/or parking lot cross-access.
2. Structure Setback – See Section 401
3. Parking Setback and Landscaped Area - No parking or display of vehicles, goods, or other materials for sale, shall be located within fifty (50) feet of the roadway right-of-way. This setback shall be planted in grass and landscaped with small clusters of salt tolerant trees and shrubs suitable to the underlying soils unless another design is approved under the landscape provisions of Article IV.

Section 1518 Access Management Standards

No road, driveway, shared access, parking lot cross-access, service road, or other access arrangement to all lots and parcels within the Highway Overlay Zone shall be established, reconstructed or removed without first meeting the requirements of this Section.

1. Each lot/parcel with frontage on highways U.S. 41/State M-28 shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. As noted in Sections 1502 and 1503, land divisions shall not be permitted that may prevent compliance with the access location standards of this Highway Overlay Zone.

Section 1518 Access Management Standards: Continued

2. When alternatives to a single, two-way driveway are necessary to provide reasonable driveway access to property fronting on U.S. Highway 41/State Highway M-28, 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 an arterial street.

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

3. Driveways and new intersecting streets shall provide the following spacing from other access points along the same side of the public street (measured from centerline to centerline of each access point), based on the posted speed limit along the public street segment, unless the appropriate road authority approves less based on the land use characteristics, lot size, and/or restricted turns in the driveway design.

Posted Speed Limit	Along U.S.-41/M-28*	Along Other Intersecting Arterials	Along Other Intersecting Major Streets (not major arterials)
35 mph or less	245 ft.	245 ft.	150 ft.
40 mph	300 ft.	300 ft.	185 ft.
45 mph	350 ft.	350 ft.	230 ft.
50 mph	455 ft.	455 ft.	275 ft.
55 mph	455 ft.	455 ft.	350 ft.

* Unless greater spacing is required by MDOT

4. Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
5. Driveways and new intersecting streets shall be aligned with driveways on the oppo-

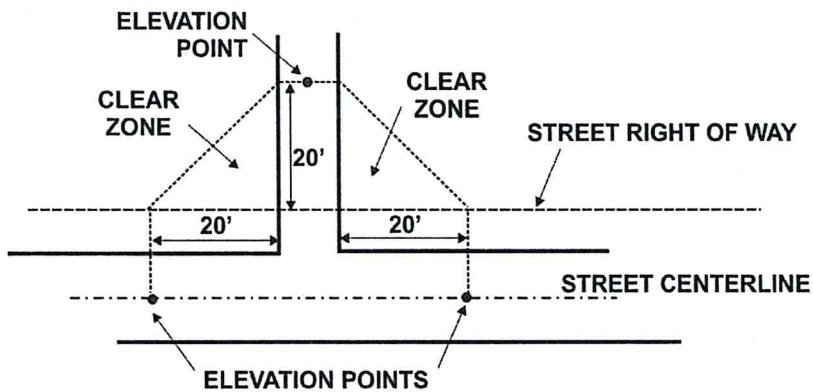
Section 1518 Access Management Standards: Continued

- site side of the street or offset a minimum of 250 feet, centerline to centerline wherever feasible. The Planning Commission may reduce this to not less than 150 feet where each of the opposing access points generates less than 50 trips (inbound and outbound) during the peak hour of the public street or where sight distance limitations exist, or shall rely on the best option identified by MDOT or Marquette County Road Commission, as appropriate.
6. Minimum spacing of driveways from intersections shall be 300 feet on U.S. Highway 41/State Highway M-28, and 200 feet along all other public streets (measured from pavement edge to pavement edge) unless MDOT or Marquette County Road Commission, as appropriate, authorizes a lesser spacing.
 7. Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Planning Commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.
 8.
 - a. 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 1518 (3) above, a shared driveway may be the only access design allowed. 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.
 - b. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the site plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. This may require posting of a performance guarantee to cover the cost of removing the temporary driveway if the applicant or then owner does not remove the temporary driveway once a permanent driveway is established.
 9. **Parking Lot Connections or Parking Lot Cross-Access:** 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 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.

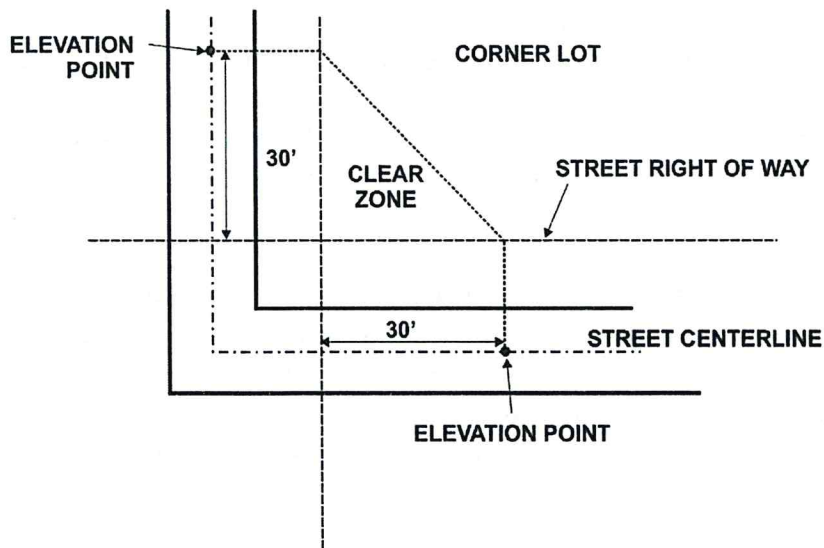
Section 1518 Access Management Standards: Continued

- 10. 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.
- 11. Access points shall be located to provide safe sight distance, as determined by the applicable road agency.
- 12. All access points shall maintain clear vision as illustrated in Figures 1 and 2 (below).

**Figure 1
CLEAR VISION AT DRIVEWAYS**



**Figure 2
CLEAR VISION ON CORNER**



Section 1518 Access Management Standards: Continued

13. Throat width and throat length of driveways shall be as required by the road authority and this Ordinance. The driveway design shall safely accommodate the needs of pedestrians and bicyclists.
14. Grades and drainage:
 - a. 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 requirements of the applicable road authority.
 - b. 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 without 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.
15. 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(s) as required by Humboldt Township as part of the site plan review process and approved by the Michigan Department of Transportation and the 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.
16. No driveway shall interfere with municipal facilities such as street lights 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 any new or proposed such driveways shall be at the expense of the property owner with the problem driveway.

Section 1519 Nonconforming Driveways

1. Driveways that do not conform to the regulations in this Article, and were constructed before the effective date of this Article, shall be considered legal nonconforming driveways. Existing driveways previously granted a temporary access permit by MDOT

Section 1519 Nonconforming Driveways: Continued

or the Marquette County Road Commission are legal nonconforming driveways until such time as the temporary access permit expires.

2. 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 a 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.
3. Legal nonconforming driveways may remain in use until such time as the use of the driveway or property is changed or expanded in number of vehicle trips per day or in the type of vehicles using the driveway (such as many more trucks) in such a way that impact the design of the driveway. At this time, the driveway shall be required to conform to all aspects of the Ordinance.
4. Driveways that do not conform to the regulations in this Ordinance and were constructed after adoption of this Ordinance shall be considered illegal nonconforming driveways.
5. 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 be borne by the property owner.
6. 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 1520 Waivers and Variances of Requirements

1. Any applicant for access approval under the provisions of Article XV may apply for a waiver of standards in Section 1518 if the applicant cannot meet one or more of the standards according to the procedures provided below:
 - a. For waivers on properties involving land uses with less than 500 vehicle trips per day based on rates published in the Trip Generation Manual of the Institute of Transportation Engineers: Where the standards in Section 1518 cannot be met, suitable alternatives that substantially achieve the intent of the Section may be accepted by the Zoning Administrator, provided that all of the following apply:
 - 1) The use has insufficient size to meet the dimensional standards.

Section 1520 Waivers and Variances of Requirements: Continued

- 2) Adjacent development renders adherence to these standards economically unfeasible.
 - 3) There is no other reasonable access due to topographic or other considerations.
 - 4) The standards in Section 1518 shall be applied to the maximum extent feasible.
 - 5) The responsible road authority agrees a waiver is warranted.
- b. For waivers on properties involving land uses with more than 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 Planning Commission shall have the authority to waive or otherwise modify the standards of Section 1518 following an analysis of suitable alternatives that substantially achieve the intent of this Section, provided all of the following apply:
- 1) Access via a shared driveway or front or rear service drive is not possible due to the presence of existing buildings or topographic conditions.
 - 2) 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.
 - 3) The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
 - 4) The proposed location and design is supported by the County Road Commission and/or the Michigan Department of Transportation, as applicable, as an acceptable design under the circumstances.
2. Variance Standards: The following standards shall apply when the Zoning Board of Appeals considers a request for a variance from the standards of Section 1518.
- a. The granting of a variance shall not be considered until a waiver under Section 1520 (1) above has been considered and rejected.
 - b. 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)

Section 1520 Waivers and Variances of Requirements: Continued

that make strict application of the provisions of Section 1518 impractical. This shall include proof that:

- 1) indirect or restricted access cannot be obtained; and,
 - 2) no reasonable engineering or construction solution can be applied to mitigate the condition; and,
 - 3) no reasonable alternative access is available from a road with a lower functional classification than the primary road; and,
 - 4) without the variance, there is no reasonable access to the site and the responsible road authority agrees.
- c. The Zoning Board of Appeals shall make a finding that the applicant for a variance met their burden of proof above, that a variance is consistent with the intent and purpose of Section 1518, and is the minimum necessary to provide reasonable access.
- d. 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 1521 Traffic Impact Study

- A. If the proposed land use exceeds the traffic generation thresholds below, then the Zoning Administrator may require submittal of a traffic impact study at the expense of the applicant, as described below prior to consideration of the application or site plan by either the Zoning Administrator or the Planning Commission. At their discretion, the Planning Commission may accept a traffic impact study prepared for another public agency. A traffic impact study shall be provided for the following developments unless waived by the Planning Commission following consultation with the Michigan Dept. of Transportation or County Road Commission, as applicable:
1. For any residential development of more than twenty (20) dwelling units, or any office, commercial, industrial or mixed use development, with a building over 50,000 square feet, or
 2. When permitted uses could generate either a thirty percent (30%) increase in average daily traffic, or at least one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven-hundred fifty (750) trips in an average day.

Section 1521 Traffic Impact Study: Continued

3. Such other development that may pose traffic problems in the opinion of the Planning Commission.
- B. At a minimum the traffic impact study shall be in accordance with accepted principles as described in the handbook Evaluating Traffic Impact Studies, a Recommended Practice for Michigan, developed by the MDOT and other Michigan transportation agencies and contain the following:
1. A narrative summary including the applicant and all project owners, the project name, a location map, size and type of development, project phasing, analysis of existing traffic conditions and/or site restrictions using current data transportation system inventory, peak hour volumes at present and projected, number of lanes, roadway cross section, intersection traffic, signal progression, and related information on present and future conditions. The capacity analysis software should be the same for each project, such as using HCS 2000 or a later version.
 2. Projected trip generation at the subject site or along the subject service drive, if any, based on the most recent edition of the Institute of Transportation Engineers Trip Generation manual. Humboldt 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.
 3. 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.
 4. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles and transit users.
 5. Justification of need, including statements describing how any additional access (more than one driveway location) will improve safety on the site and will be consistent with the Master Plan, and will not reduce capacity or traffic operations along the roadway.
 7. Qualifications and documented experience of the author of the Traffic Impact Study, 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 five (5) 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 XV – Access Management

Section 1521 Traffic Impact Study: Continued

- C. Humboldt Township may utilize its own traffic consultant to review the applicant's traffic impact study, with the cost of the review being borne by the applicant per Section 411.

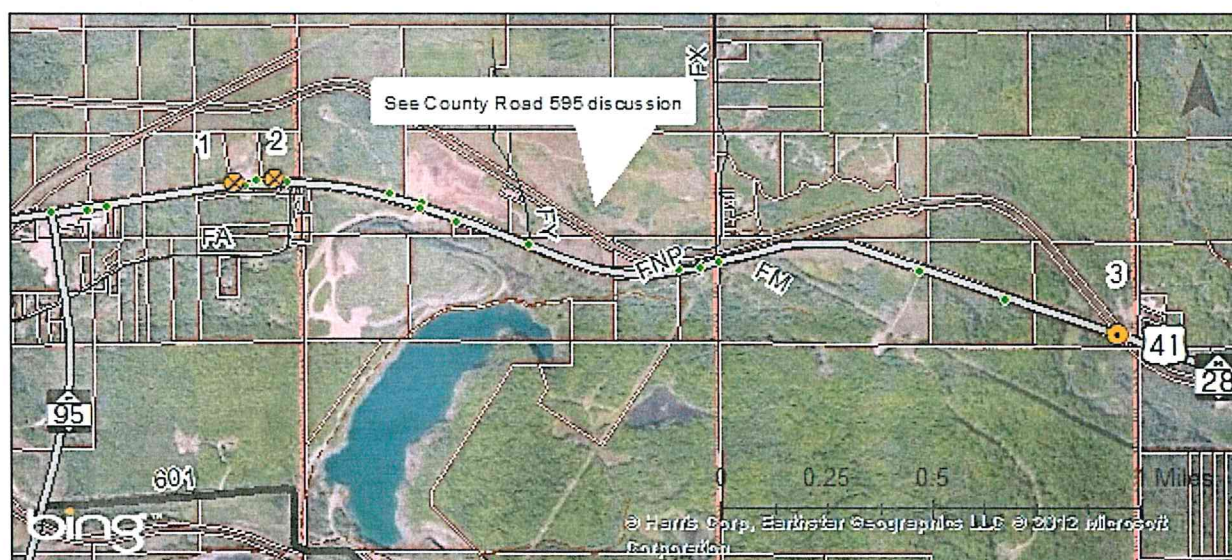
Access Management - Addendum

HUMBOLDT TOWNSHIP

A 2.7 mile stretch of US-41/M-28 was added to the existing corridor access management study area in 2012. As a result, an addendum to the recently updated US-41/M-28 Comprehensive Corridor & Access Management Plan has been prepared to include information about the new stretch of the study area.

The study area now extends an additional 2.7 miles in Humboldt Township from the western Ely Township boundary to the intersection of M-95. This area is the most rural part of the corridor study area and has only 20 existing points of access (green dots in Figure 1). Parcels adjacent to the highway right-of-way are predominately large in size creating an ideal situation for preventative access management techniques. Wetlands on both the north and south side of the highway also limit the development potential of the area.

Figure 1- Access Locations, Humboldt Township 2011



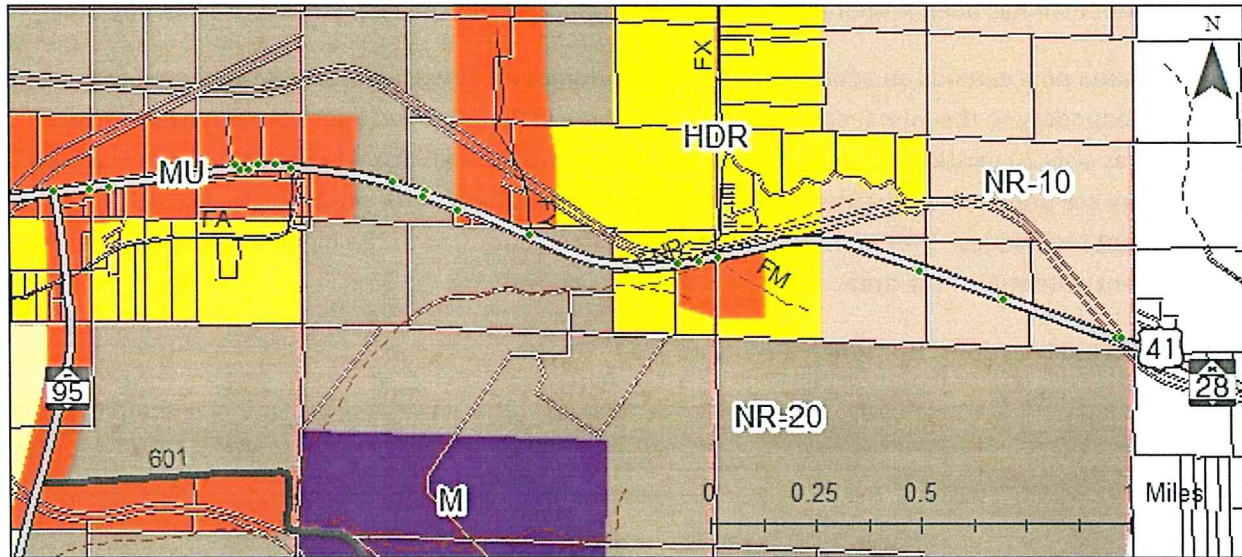
Access points are represented by green dots.

Despite its rural character and natural limitations, Humboldt Township is experiencing development. Currently, the former Humboldt mill is undergoing clean-up and renovation and will become an ore processing facility owned by Rio Tinto. The company is projecting approximately 500 employees at this location and intends for the processing facility to serve mining operations throughout the region.

Although the facility is not located directly in the corridor study area, employees and truck traffic will use the highway. It is likely that new businesses will establish close to the mill and possibly additional

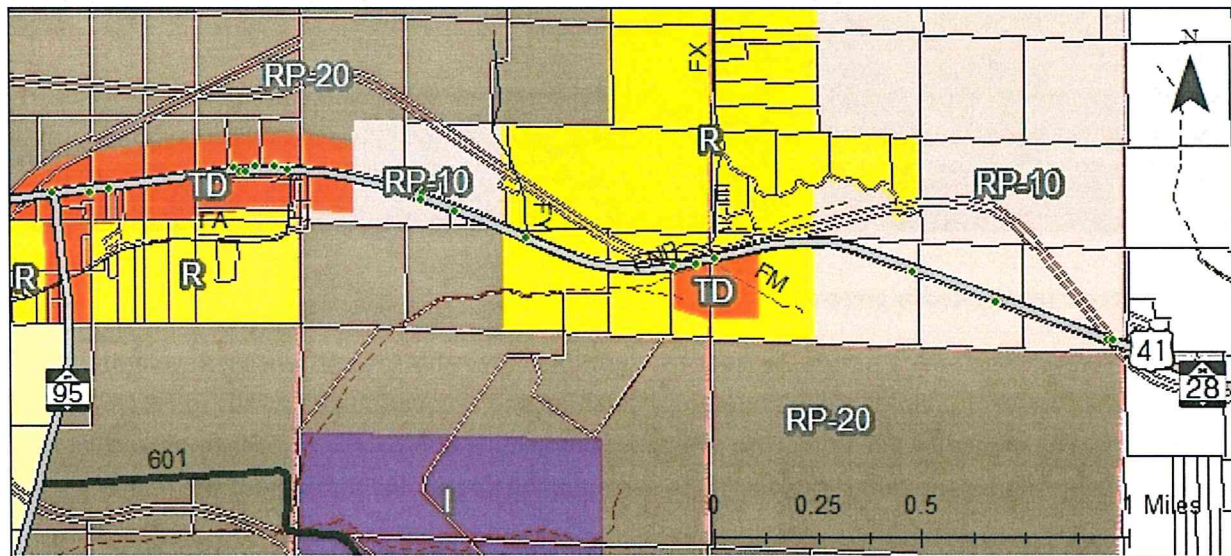
housing will be constructed. Based on the recently adopted future land use map, the township is planning for mixed-use and high density residential development along the corridor (See Figure 2).

Figure 2- Future Land Use, Humboldt Township 2012



MU- Mixed Use HDR- High Density Residential NR- Natural Resources M- Mining

Figure 3- Zoning Districts, Humboldt Township 2012



TD- Town Development R- Residential RP- Resource Production I- Industrial

County Road 595

The Marquette County Road Commission has submitted a permit application to regulating authorities for the construction of County Road 595, a 22 mile road to access the northwest portion of Marquette County. The 22 mile proposed road would terminate at US-41/M-28 in Humboldt Township along the stretch of corridor in Section 2 (in proximity to County Road FY and Wolf Lake Road). The expected date of permit approval/denial is October 2012. If the road is constructed, it will be used by trucks for exporting natural resources such as timber and minerals. As Figure 1-3, The Transportation Lifecycle, p. 1-4 of the plan, points out, increased accessibility leads to increased land value and land use change. This leads to increased traffic generation and traffic conflict which deteriorate the quality of traffic flow. Maintaining proper access spacing distance from the intersection as well constructing acceleration, deceleration, and turning lanes are preventative measures that will preserve quality traffic flow in this area.

Railroad Crossing

As part of the repurposing of the former Humboldt Mill, a previously abandoned rail line is proposed to be reestablished in the Township. The rail line crosses US-41/M-28 approximately 700 feet west of the US-41/M-28 and M-95 intersection. The former rail line intersected the highway corridor at an obtuse angle. Redevelopment plans should include signing and signal measures to alert motorists and possible realignment of the intersection.

Access Issue/Opportunity Table

The list represents a collection of issues, ranging from pedestrian oriented concerns, driveway closures, intersection improvements, and aesthetic concerns. Refer to Figure 1 for the location of the concern.

Map ID	Issue / Opportunity
1	Close the west driveway of the "Grand Slam" establishment.
2	Close the driveway of the vacant parcel directly east of the "Grand Slam" establishment. The two parcels can have one shared access.
3	Realign recreational trail crossing to be perpendicular to the highway to improve vision at intersection.

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TOWNSHIP OF HUMBOLDT
NOTICE OF ZONING ORDINANCE AMENDMENT ADOPTION
AND SUMMARY OF ORDINANCE # 09-08-14

ADOPTED ON THE 8TH OF SEPTEMBER, 2014. A COPY OF THE ORDINANCE IS AVAILABLE FOR INSPECTION OR PURCHASE AT THE OFFICE OF THE TOWNSHIP CLERK OF THE TOWNSHIP OF HUMBOLDT, 244 COUNTY RD. FAF, CHAMPION, MICHIGAN 49814 DURING REGULARLY POSTED OFFICE HOURS.

Summary of Regulatory Effect: The amendment adds and revises some definitions, adds and revises numerous permitted and conditional uses in all districts, adds a number of conditional use regulations, deletes the unused AP-20 district, amends the schedule of regulations, adds a number of general regulations, incorporates the private road requirements, sign regulations with added provision for animation of signs, and site plan review requirements, provides for open space preservation via residential & recreational clustering, incorporates condominium development and non-conforming use and structures regulations, provides for administration and enforcement, the zoning board of appeals, interpretation, severability, no vested rights, penalties, effective date, and planning commission authorities, adds a new article for general exceptions, adds a new article regarding amendments and rezoning, and adds a new article regarding access management along U.S. 41/M-28. Finally, the existing zoning map is also updated.

EFFECTIVE DATE: Pursuant to Section 401 of Public Act 110 of 2006, as amended, the provisions of this Ordinance shall take effect upon the expiration of seven days after publication.

AVAILABILITY: A copy of the adopted zoning ordinance text amendment is available for inspection or purchase at the Humboldt Township Hall, 244 County Rd. FAF, Champion, Michigan 49814, during regular office hours.

ADOPTION: Made and passed by the Township Board of Trustees of the Township of Humboldt, Marquette County, Michigan, on this 8th of September, 2014, A.D.

1. Date of Public Hearing: July 28th, 2014
2. Date of Adoption by Township Board: September 8th, 2014
3. Date of Publication: September 11th, 2014
4. Date and Time Ordinance Shall Take Effect: September 18th, 2014, 2014; at 12 noon.

Publish September 11, 2014

Jill Rankinen, Township Clerk

10-02-2014

**TOWNSHIP OF
HUMBOLDT
NOTICE OF ZONING
ORDINANCE
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