

City Council

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ORDINANCE NO. 2020-11

**AN ORDINANCE AMENDING THE CITY'S ZONING ORDINANCE REGARDING
PEDESTRIAN SIDEWALKS AND BIKE PARKING**

THE CITY OF CADILLAC ORDAINS:

Section 1.

The City hereby amends section 46-658 of the City's Zoning Ordinance to add pedestrian sidewalk and motorized and bicycle parking requirements. As amended, the section, in its entirety, shall read as follows:

46-658. Requirements - Off-Street Parking, Pedestrian Sidewalk, and Motorized and Bicycle Parking.

There shall be provided in all zoning districts at the time of erection or enlargement of any main building or structure, automobile off-street parking with adequate access to all spaces. However, this shall not apply to the B-2 zone, or commercial uses in any zone which abut off-street public parking located within the B-2 zone, except subsections (4) and (10) shall remain applicable. For select uses, there shall also be provided facilities for the parking of non-motorized bicycles, including uses in the B-2 zone. Bicycle parking requirements are detailed under Section 46-674 of this Ordinance. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

(1) Off-street parking spaces may be located within any non-required yard and within the required rear yard setback unless otherwise provided in this Chapter.

(2) Required parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

(3) Parking for single family residential uses shall consist of a parking strip, bay, driveway, garage or combination thereof and required parking shall be located on the premises to be served, and shall be exempt from other provisions of this section, and Section 46-660.

(4) Any area once designated as required off-street parking shall not be changed to any other use or to an amount less than the required for a similar new building or use, unless and until equal facilities are provided elsewhere.

(5) Two or more buildings or uses may collectively provide the required parking, in which case the number of spaces shall not be less than the sum of the requirements for the several individual uses computed separately. In the instance of dual function of off-street parking, where operation hours of buildings do not overlap, the Board of Appeals may grant an exception.

(6) Off-street parking areas shall be provided with a suitable, visually aesthetic buffer. This buffer may be the required setback, or may be a continuous, visually obscuring, 30" high masonry wall that conforms with the City's fence ordinance. Between these extremes, the buffer may consist of berm (Section 46-663(4)) landscape foliage, fences, screens, or green areas as approved by the Zoning Administrator, such that the lesser the distance between the parking area and the property line, the greater the intensity of the buffer. Where a non-residential parking area is developed adjacent to a residential district, it must be provided with a minimum set back of ten feet or an equivalent buffer as described above.

(7) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

(8) In all cases where a wall extends to an alley which is a means of access to an off-street parking area,, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.

(9) (a) Access to off-street parking areas shall be provided from a collector street only, or by consent of the Planning Commission, may be provided from streets other than collectors (but with immediate access to a collector) when the Board finds a substantial improvement in traffic safety will be achieved by reducing the number of driveways onto a collector street.

(b) However, at no time shall access proceed through a single family zone or be provided by way of a noncollector street to a collector street when the noncollector street is abutted by single family residential zone(s) between the access and the collector site.

(c) Also, at no time shall a curb cut providing access be nearer than twenty-five feet from an abutting single family zone on the same side of the street or directly across the street from a single family zone.

(10) Establishments providing overnight lodging accommodations must provide at least one reserved off-street parking space per bedroom.

(11) The outside storage or parking (except for loading and unloading) of commercial vehicles or equipment is prohibited on City streets or in the front yards of residentially zoned property. An exception are commercial vehicles with a length of 21 feet overall, or less, and a height of 11 feet, or less.

(12) Sidewalks for Pedestrian Circulation and Access.

All business, services, and multiple family developments possessing four or more dwelling units, in all zone districts, shall provide a private sidewalk system (pedestrian access and

circulation feature) for the safe and convenient movement of pedestrians from the principal parking area to the primary access door serving customers, clients, patrons, employees, and/or residents; a public sidewalk along any street right-of-way; and, a private sidewalk system from the primary access door to the public sidewalk system. These requirements shall also apply to industrial uses, provided, however, in cases where no adjoining right-of-way contains an existing public sidewalk, industrial uses shall not be required to provide public sidewalks nor a private sidewalk system from the primary access door to the public sidewalk system.

Private sidewalks shall:

(a) Consist of a hard surface composition such as concrete, brick pavers, or asphalt designed to safely accommodate the movement of pedestrians throughout the year.

(b) Maintain a minimum width of five (5) feet throughout their length.

(c) Insofar as feasible and practicable shall be positioned so as to provide for the convenient and prompt movement of pedestrians traveling from vehicular parking areas to the use served by said parking and to the public sidewalks. Unnecessary lengthy and circuitous routing shall be avoided.

(d) Be designed and located to limit potential conflicts between pedestrians using the sidewalks and nearby motorized traffic.

(e) For purposes of public safety, shall be well-lighted throughout their length.

(f) The overall design and construction of the sidewalk system shall harmonize with the design and construction of the use served. In the event the sidewalk system is positioned in the downtown (B-2 District), the design and construction shall harmonize with the planned character of the downtown.

(g) So as to assure its continued readiness for use and the safe movement of pedestrians, sidewalks shall be reasonably maintained throughout the year including removal of snow, ice, and debris and the repair of breaks and other trip hazards.

(h) Shall meet or exceed the Sidewalk Engineering Design Standards of the City of Cadillac.

(i) Abutting properties may share a private sidewalk system, or portion thereof, pursuant to the required connection to a public sidewalk system provided the design and construction standards of this ordinance are met and that a written agreement between the owners of the abutting properties is executed establishing liability, design and construction, and maintenance responsibilities for the shared sidewalk. The agreement shall be subject to review and approval by the City Attorney and shall be recorded with the Wexford County Registrar of Deeds prior to construction of the sidewalk. A copy of the recorded instrument shall be provided to the city at no cost.

Section 2.

The City hereby adds a section 46-674 to the City's Zoning Ordinance to read, in its entirety, as follows:

Sec. 46-674. - Bicycle Parking Requirements

(a) **Purpose** - The purpose of these regulations is to require secure and adequate parking for bicycles thereby promoting alternative transportation opportunities as desired by the city's residents and guests, reducing motorized vehicular traffic congestion and air pollution, and serving to implement the non-motorized transportation elements of the Cadillac Master Plan and the Cadillac City/Cadillac Area Public Schools Recreation Plan. Bicycle parking shall be provided for new facilities and additions to existing facilities. Bicycle parking as prescribed hereafter shall be provided for land uses occupying buildings, or portions thereof, which are constructed, established, wholly reconstructed, or moved onto a new lot or parcel after the effective date of the bicycle parking requirements, or of a subsequent rezoning or other amendment thereto establishing or increasing bicycle parking for such land uses, except to the extent that existing bicycle parking exceeds such requirements for any existing buildings. The required amount of new bicycle parking shall be based on the cumulative increase in floor area, or other applicable unit of measurement prescribed hereafter, after said effective date.

(b) **Multiple uses on a single lot or parcel** - Whenever a single lot or parcel contains different activities with the same bicycle requirement, the overall requirement shall be based on the sum of all such activities, and the minimum size prescribed hereafter for which any bicycle parking is required shall be deemed to be exceeded for all such activities if it is exceeded by their sum. Whenever a single lot or parcel contains activities with different bicycle parking requirements, the overall requirement shall be the sum of the requirements for each activity calculated separately; provided, however, that the minimum size prescribed hereafter for which any bicycle parking is required shall be deemed to be exceeded on said lot or parcel for all activities for which the same or a smaller minimum size, expressed in the same unit of measurement, is prescribed, if said minimum size is exceeded by the sum of all such activities on the lot or parcel.

(c) **Standards for Required Bicycle Parking**

(1) **Bicycle Parking.** Bicycle parking shall consist of a bicycle rack or racks and is meant to accommodate visitors, customers, messengers, and others using bicycles for transportation purposes.

(2) **Specific Use** - All bicycle parking facilities shall be dedicated for the exclusive use of bicycle parking.

(3) **Area Compatibility** - The location and design of required bicycle parking shall be of a quality, character and color that harmonize with adjoining land uses. Required bicycle parking shall be incorporated whenever possible into building design or street furniture.

(4) **Location** - Bicycle parking shall be placed within fifty (50) feet of a public entrance to the building or commercial use being served by said parking and should be in a well trafficked location visible from the entrance. Where applicable and possible bicycle

parking should be placed within view of storefront windows. When a public entrance fronts a public sidewalk, public alley, or public parking lot on which bicycle parking is proposed for placement, the installer shall obtain an encroachment permit from the City to install the bicycle parking in the public right-of-way. In the event the right-of-way falls under the jurisdiction of the Michigan Department of Transportation (MDOT), the installer shall obtain an encroachment permit from the MDOT to install the bicycle parking in said right-of-way and submit copy to the city.

(5) **Locking Device and Supports** - All required bicycle parking spaces shall be designed to provide a stable position for the bicycle with an ability to easily lock the frame of the bicycle to the rack with either a u-lock or cable lock.

(6) **Anchoring** - Bicycle parking facilities shall be securely anchored so they cannot be easily removed and shall be of sufficient strength and design to resist vandalism and theft.

(7) **Parking Space Size** - A bicycle parking space shall be at least two and a half (2.5) feet in width by six (6) feet in length to allow sufficient space between parked bicycles.

(8) **Vertical Obstructions** - Racks shall be located with at least thirty (30) inches in all directions from any vertical obstruction, including but not limited to, other racks, walls, light poles, and landscaping.

(9) **Maneuvering Space** - A minimum four (4) foot wide aisle of unobstructed space behind all required bicycle parking shall be provided to allow for adequate bicycle maneuvering.

(10) **Circulation Impact** - Bicycle parking facilities shall not impede pedestrian or vehicular circulation. Bicycle parking racks located on sidewalks shall maintain a minimum of five (5.0) feet of unobstructed pedestrian right-of-way outside the bicycle parking space.

(11) **Protection from Damage by Motorized Vehicles** - Bicycle parking facilities within auto parking facilities shall be protected from damage by cars by a physical barrier such as curbs, wheel stops, poles, bollards, or other similar features capable of preventing automobiles from entering the bicycle facility.

(12) **Lighting** - Bicycle parking facilities shall be located in highly visible well-lighted areas

(d) **Joint Parking Agreements** - Joint bicycle agreements are permitted and encouraged. Bicycle parking falling under a joint parking agreement shall be designed and constructed according to the standards of this ordinance. Whenever any required bicycle parking is proposed to be provided on a lot other than the lot containing the activity served, the owners of both lots shall prepare and execute to the satisfaction of the City Attorney, and file with the Wexford County Registrar of Deeds, an agreement guaranteeing that such facilities will be maintained and reserved for the activity served, for the duration of said activity.

(e) Minimum Number of Required Bicycle Parking Spaces

(1) Calculation Rules

a. Fractional Counts - If after calculating the number of required bicycle parking spaces a quotient is obtained containing a fraction of one-half ($\frac{1}{2}$) or more, an additional space shall be required; if such fraction is less than one-half ($\frac{1}{2}$), it may be disregarded.

b. Employees - When the bicycle parking requirement is based on number of employees, the number of spaces shall be based on the average number of working persons on the lot or parcel during the largest shift of the peak season.

c. Seats/Pews - When the bicycle parking requirement is based on the number of seats, as in the case of pews or similar facilities, each twenty (20) inches shall be counted as one seat.

(f) Required Bicycle Parking

The following minimum amounts of bicycle parking are required and shall be developed and maintained pursuant to the provisions of this Chapter:

Activity/Use	Bicycle Parking Requirement
Residential Activities	
One-Family Dwelling	No spaces required.
Two-Family Dwelling/Duplex	No spaces required.
Multiple-Family Dwelling (Three or More Units)	One space per each 10 dwelling units evenly spaced among the apartment buildings.
Rooming/Boarding House	No spaces required.
Other	Zoning Administrator Determination Sec. 46-674,(i)
Civic Activities	
Churches, temples, and synagogues.	1 space for each 60 fixed seats, or one space for each 5,000 square feet of floor area, whichever is greater. Minimum requirement is 2 spaces.
Administrative/Municipal Offices/Libraries/Museums	1 space for each 20,000 square feet of floor area. Minimum requirement is 4 spaces.
Hospitals	1 space for each 40,000 square feet of floor area. Minimum requirement is 4 spaces.
Public parochial and private elementary, junior high and high schools.	1 space per each 20 students of planned capacity. Minimum requirement is 4 spaces.
Other	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.
Commercial Activities	
Retail	1 space for each 5,000 square feet of floor area. Minimum requirement is 2 spaces.
Offices	1 space for each 5,000 square feet of floor area. Minimum requirement is 2 spaces.
Restaurants/Bars	1 space for each 5,000 square feet of floor area.

	Minimum requirement is 2 spaces.
Other	1 space for each 5,000 square feet of floor area. Minimum requirement is 2 spaces.
Industrial Activities	
Any industrial activity as specified as a permitted or special use in the Industrial Districts employing 10 or more people on any shift.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.

(g) **Automobile Parking Credit.** The total number of required off-street automobile parking spaces may be reduced at the ratio of one automobile space for each four (4) bicycle spaces provided. The total number of required off-street automobile parking spaces cannot be reduced by more than five percent (5%).

(h) **Credit for Bicycle Racks in Public Locations** - The calculation of bicycle parking may include existing racks owned and maintained by the city that are in the public right-of-way and are within fifty (50) feet of the main entrance of the use seeking credit provided the Zoning Administrator determines that the location and number of racks in the public right-of-way are sufficient to meet the needs of said use without harm to the public in general.

(i) **Zoning Administrator Determination** - In the case of activities for which the Zoning Administrator is required to prescribe a number of bicycle parking spaces or for which this section is not clear or does not prescribe a number of spaces, the Zoning Administrator shall base his/her determination on factors such as the proposed use of the lot or parcel, the number of customers or employees, the nature of operation of the site, and the availability of bicycle parking spaces under public ownership. Any such determination shall be subject to appeal pursuant to the administrative appeal procedures of this ordinance.

Section 3.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

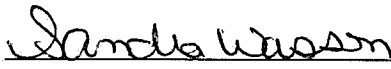
Section 4.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

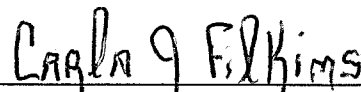
Section 5.

This Ordinance shall take effect twenty (20) days after its adoption.

Approved this 7th day of December, 2020.



Sandra Wasson, Clerk



Carla J. Filkins, Mayor