

**FIRST READING AND NOTICE OF HEARING
CITY OF PORTAGE, MICHIGAN
NOTICE**

TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND ALL OTHER INTERESTED PERSONS.

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Section 42-112, Definitions; Section 42-221 and 222, RM-1, Multi-Family Residential District; Section 42-520 through 42-523, Off-Street Parking and Loading; of Article 4, Zoning, Chapter 42, Land Developing Regulations, of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on September 20, 2016, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on October 18, 2016, at 7:30 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed ordinance amendments are summarized as follows:

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. Definitions, shall be amended to add the following definitions:

Senior adult housing: Independent living units that include retirement communities and age-restricted housing projects without full centralized kitchen facilities and may include minimal safety-related on-site services.

Congregate care facility: A semi-independent living facility that provides centralized amenities such as dining, housekeeping, transportation, care-giving and organized social/recreational activities.

Assisted living facility: A combination of housing, personalized supportive services and health care designed to meet the individual needs of persons who need help with the activities of daily living, but do not need the skilled medical care provided in a convalescent/nursing home.

Sec. 42-221. Principal Permitted Uses

In an RM-1 and RM-2 multifamily residential district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

- A. through S. No change.
- T. Senior Adult Housing Facility.
- U. Personal service establishments, including barbershops, beauty shops and health salons, accessory to the uses permitted in this section.
- V. Accessory buildings and uses, in accordance with the provisions of Section 42-121.

Sec. 42-222. Special Land Uses

The following uses may be allowed in a multi-family residential district (RM-1 and RM-2), subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

- A. Congregate care, assisted living, and convalescent homes.
 - 1. The minimum floor area per dwelling unit requirements specified in Section 42-350(A), Schedule of Regulations, and number of units per acre specified in Section 42-350(B)(7) Footnotes to Schedule of Regulations, shall not apply to assisted living and convalescent care facilities.
 - 2. The minimum lot area shall be equal to the area required for the main building plus 1,500 square feet of lot area per resident bed.
- B. Adult foster care large group homes.
 - 1. The site shall be so located as to have one property line abutting a major or collector thoroughfare as designated on the major thoroughfare plan. All ingress to and egress from the site shall be directly onto such major thoroughfare or marginal access service drive thereof. The planning commission may allow access from a local street when it finds that no adverse effects on the surrounding area would result.
 - 2. The parking area shall be screened in accordance with Section 42-572, Parking Lot and Building Landscaping.

C. Accessory uses designed primarily to benefit residents of multifamily dwellings, housing for the elderly or convalescent homes provided they are located entirely in an RM-1 and/or an RM-2 district.

D. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education.

Division 6, Subdivision 1, Off-Street Parking and Loading, shall be amended as follows:

Sec. 42-520. General Requirements

- A. No change.
- B. No change.
- C.
 - 1. Off-street parking for a nonresidential use shall not be allowed in a residential district.
 - 2. Off-street parking shall be on the same zoning lot it is intended to serve, except as provided below.
 - 3. Subject to Planning Commission review and approval, an off-street parking lot is not required to be located on the same zoning lot it is intended to serve only if such off-street parking meets all of the following criteria:
 - a. The off-street parking lot shall be located within 500 feet of the public entrance of the main building it serves.
 - b. A minimum four foot wide paved sidewalk from the parking lot to the building entrance is available for pedestrian use.
 - c. The off-street parking lot shall not be on the opposite side of a major or minor arterial roadway (as defined in the Comprehensive Plan) unless access to a signalized intersection with a crosswalk or refuge island is available for pedestrians. The walking distance from the parking lot to the main building entrance by way of the signalized intersection shall not exceed 750 feet.
 - d. The amount of off-site parking shall be limited to no more than 25% of the minimum Zoning Code requirement.
 - e. A parking agreement must be executed between property owners of the affected parcels and recorded with the Kalamazoo County Register of Deeds.
- D. through G. No change.
- H. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited

I. For those uses not specifically mentioned in this section, the requirements for off-street parking facilities shall be in accordance with a use that the Director considers similar in type. Should the Director determine that review by the Planning Commission is necessary due to unique or unusual circumstances, the Director may, with 10-day written notice to the applicant, refer this matter to the Commission. In addition, a person aggrieved by a final decision of the Director may file an appeal with the Planning Commission specifying the grounds thereof within 30 days of receiving notice of the Director's decision.

J. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, a fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

K. For the purpose of computing the number of parking spaces required, the definition of floor area, usable (UFA) set forth in Section 42-112, Definitions, shall govern.

L. Barrier-free parking shall be provided and constructed in accordance with the general rules of the state construction code commission.

M. Deferred parking. No Change.

N. Maximum parking requirement.

- 1. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces totaling more than an amount equal to 25% greater than the minimum parking space requirements, as determined by Section 42-523, Schedule of off-street parking requirements, except as may be approved by the planning commission.

2. In granting additional parking spaces, the Planning Commission shall determine such parking will be necessary to accommodate the use on a typical day, based on documented evidence provided by the property owner or applicant.

3. This subsection shall apply only to those parking lots that require a minimum of 100 parking spaces as required in Section 42-523, Schedule of off-street parking requirements.

O. Reduction in parking requirements.

1. The minimum parking spaces as required in Section 42-523, Schedule of off-street parking requirements, shall apply, unless the applicant demonstrates by clear and convincing evidence, that there are substantial reasons for a reduction of no more than 25% of the required parking due to the existence of a combination of the following:

- a. The use requires less off-street parking than the minimum required based on the nature and character of the use, considering the unique, specialized operations causing the level of customer traffic or actual vehicular counts to be lower than those expected of the same or similar use contained in Section 42-523, Schedule of off-street parking requirements.
- b. Shared parking by multiple uses where there will be a high proportion of multipurpose visits or uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses.
- c. Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers which are of sufficient density and intensity. The site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
- d. Availability of other forms of travel such as the distance from a designated Metro Transit bus stop and the location of bike routes. The Planning Commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops, or bicycle parking facilities.
- e. Any other reason which, in the Planning Commission's determination, would provide a substantial reason for a reduction in the minimum parking requirements.

2. The Planning Commission shall not grant a reduction in the minimum parking requirements if it determines that the lower demand for parking will or may be temporary in nature.

3. The Planning Commission may also consider City policies regarding local traffic circulation, as well as all aspects of the City's Comprehensive Plan.

4. Before relief is granted by the Planning Commission, the applicant shall demonstrate either of the following:

- a. The use involved is not specifically included in the minimum parking space requirements of Sec. 42-523, Schedule of off-street parking requirements, or
- b. If the use involved is included in Sec. 42-523, then it possesses such specialized and unique characteristics causing it to be substantially different from the use so included in Sec. 42-523.

5. The Planning Commission may also require a parking study, conducted by a qualified transportation planner, traffic engineer, or other qualified individual that demonstrates a reduction in the number of parking spaces would be appropriate and not detrimental to the safety and welfare of the subject property or adjacent properties. The "Average Peak Period Parking Demand" for the applicable land use as defined in the latest edition of the Institute of Traffic Engineers Parking Generation handbook should be considered in the review of the study.

6. An applicant who desires relief from the minimum requirement of parking spaces shall file a request with the Planning Commission specifying the grounds thereof in accordance with this section. The Planning Commission may decide the request during site plan review or at such other time as determined by the Director or the Planning Commission. The Director shall transmit to the Planning Commission all the materials constituting the record needed to make its decision as well as a recommendation. If a request for relief under this section is heard at the same time as a site plan, or any other approval, the procedures, standards and requirements for each shall be satisfied.

7. The Planning Commission shall hold a public hearing in accordance with the requirements of MCL 125.3101, et seq., (The Zoning Enabling Act) to consider an applicant's request for relief to reduce minimum parking requirements.

8. In granting relief under this section, the Planning Commission may place reasonable conditions in conjunction with the decision to protect the health, safety and welfare of City residents as well as the traveling public to ensure adequate traffic circulation, to protect the residents and land owners immediately adjacent to the proposed land use activity and to assure that the reduction of the minimum parking requirements will not result in overcrowding, traffic hazards or other consequences which may arise from the relief granted or from the possibility of inadequate parking spaces.

Sec. 42-521. - Design, construction and maintenance of parking areas.

A. Whenever the off-street parking requirements of this article require the building of an off-street parking facility, or where P-1 vehicular parking districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the standards and regulations of this section and Chapter 66, Article 3, Access Management.

B. through H. No change.

I. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphalted or concrete surfacing in accordance with specifications approved by the director of transportation and utilities. Parking areas shall be surfaced within one year of the date the permit is issued. All off-street parking areas shall maintain a safe, clean and durable surface reasonably free of significant holes, upheavals or cracks and shall be repaired in a timely manner upon notification by the Department of Community Development.

J. No change.

K. No change.

L. Consistent with the City of Portage Comprehensive Plan and Complete Streets Policy, as amended, new or reconstructed off-street parking lots should incorporate the following:

- 1. Low impact parking lot design alternatives such as rain gardens, bio-swales, pervious pavement, charging stations for electric vehicles and other green/sustainable techniques.
- 2. Pedestrian connection from the public sidewalk to the main building entrance.
- 3. Bicycle racks that accommodate a minimum of four bicycles.

Sec. 42-522. - Loading Facilities

A. No change.

B. Except as otherwise required in Section 42-522 (E), below, off-street loading spaces shall be provided in commercial and industrial districts in the rear yard in the ratio of at least one space per each establishment and shall be provided in addition to any required off-street parking area. If the adjacent land area is zoned residential or designated for residential use in the planned development, the loading area may be located in the rear or side yard.

C. No change.

D. No change.

E. Off-street loading and unloading space in an industrial district may be provided in either the side or rear and/or outside of the required front yard, provided that it is separate from fire lanes, maneuvering lanes and parking areas and does not obstruct the flow of traffic in the parking area.

F. No change.

G. No change.

Sec. 42-523. - Schedule of off-street parking requirements (See attached schedule):

Dated: October 3, 2016
James Hudson, City Clerk