AGENDA 9a
DATE 6-18-2019

4814 Henry Street Norton Shores, Michigan 49441 www.nortonshores.org

June 7, 2019

Council Meeting of June 18, 2019
Subject: Adoption of Ordinance – Private Roads

The Honorable Mayor
and
Members of the City Council

Ladies and Gentlemen:

At the June 4, 2019 council meeting, an amendment was introduced to Chapter 38 of the Code of Ordinances, Section 134, regarding private roads and driveways. Specifically, the amendment would provide an avenue for developers to reduce the width of private roads to a minimum paved width of 22-feet providing that parking is prohibited and it would also allow the right-of-way to be reduced to as narrow as 40-feet.

If the Council desires, the ordinance amendment may be adopted at the June 18, 2019 City Council meeting.

Respectfully submitted,

Mark C. Meyers
City Administrator

GAB/sr

CITY OF NORTON SHORES
COUNTY OF MUSKEGON
STATE OF MICHIGAN

AN ORDINANCE TO AMEND ARTICLE IV OF CHAPTER 38
OF THE CODE OF ORDINANCES PERTAING TO PRIVATE ROADS

Ordinance No. _____

The City of Norton Shores ordains:

Section 1. That Subsection (b) of Section 38-134 captioned "Private roadway regulations" of Article IV captioned "Private Roads and Private Driveways" of Chapter 38 captioned "Street, Sidewalks and Rights-of-Way" of the Code of Ordinances for the City of Norton Shores is hereby amended to read as follows:

(b) Private Road Rights-of-Way and Traveled Surface: Any private road established in accordance with the provisions of this article shall comply with the following minimum requirements. All plans shall be submitted to the planning commission and approved by the city council.

(1) A private road right-of-way shall be a minimum of 66 feet in width, however, the city council and planning commission shall have the discretion to reduce the required right-of-way to a minimum of 40 feet providing a positive drainage system is installed.

(2) Except as noted in (3) below, the surface of all private roads shall have a minimum clear, passable and paved width of 27 feet for the entire length of the road. For the purpose of this section, the term "clear, passable" shall mean that the area is cleared of all brush, shrubs, trees, roots or other debris, and that it is level enough to permit a vehicle to travel within that area. If the private road services more than three single-family lots, it is also subject to the provisions of subsection (d) of this section.

(3) The city council and planning commission may provide for flexibility in the width of the traveled surface, however, the traveled surface shall be a minimum of 22 feet. The city council and planning commission may exercise discretion in the traveled surface width when a reduced private road meets one (1) or more of the following objectives:

a. To calm traffic;
b. To complement the neighborhood aesthetic;
c. To promote pedestrian friendliness through the addition of a dedicated sidewalk.

(4) Private roads with a traveled surface of less than 27 feet shall prohibit on-street parking. Language shall be included within the private road written agreement stating on-street parking shall be prohibited.

(5) Private roads with a traveled surface of less than 27 feet shall include a curbed edge.

(6) If a sidewalk is to be included with the private roadway, the minimum width shall be four (4) feet.

Section 2. That Subsection (d) of Section 38-134 captioned "Private roadway regulations" of Article IV captioned "Private Roads and Private Driveways" of Chapter 38 captioned "Street, Sidewalks and Rights-of-Way" of the Code of Ordinances for the City of Norton Shores is hereby amended to read as follows:

(d) All roads servicing more than three (3) lots shall be designed and built to meet or exceed the specifications and requirements of the city. In the event that such specifications and requirements are revised, changed or altered, then any private road which services more than three (3) lots shall be designed and built to meet or exceed the specifications and requirements which are in effect at the time of construction. The plans and specifications shall be developed, inspected and approved by a civil engineering firm which is acceptable to the city, and the cost of such inspection and approval of the plan shall be paid by the developer.

Section 3. That Subsection (e) of Section 38-134 captioned "Private roadway regulations" of Article IV captioned "Private Roads and Private Driveways" of Chapter 38 captioned "Street, Sidewalks and Rights-of-Way" of the Code of Ordinances for the City of Norton Shores is hereby amended to read as follows:

(e) All private roads shall be reviewed by the public works director prior to the issuance of a building permit. The purpose of the review is to assure that the private road will comply with the requirements of this article and that the development of the private road will not impose or adversely impact the public's interest. A person who desires to install a private road shall apply to the director of public works for review of the proposed private road, and shall pay the fee which is established for such review by the resolution of the city council as adopted and established from time to time. The director of public works shall consider the following matters, at a minimum:

(1) The number of lots served by the private road and how they are affected by the private road;

(2) The number of additional single-family or duplex residential lots to be developed;

(3) The length of the road and whether it meets the specifications of this article;

(4) Impact of the road on wetlands and/or dunes or other environmentally sensitive lands;

(5) The execution of a written agreement to govern maintenance responsibilities including snow removal; such agreement must include a mechanism to share costs among the lot owners; and

(6) A statement signed by the developer or owner that if the city is requested by the adjoining property owners to accept jurisdiction over the right-of-way, the developer or owner will bring the road up to current city standards and transfer that fee interest in the right-of-way consistent with the requirements adopted by the city council.

Section 4. That Subsection (f) of Section 38-134 captioned "Private roadway regulations" of Article IV captioned "Private Roads and Private Driveways" of Chapter 38 captioned "Street, Sidewalks and Rights-of-Way" of the Code of Ordinances for the City of Norton Shores is hereby repealed.

Section 5. Severability. Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue in full force and effect.

Section 6. Ordinance Repeal. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 7. Effective Date. This ordinance shall be effective upon adoption and publication.

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Shelly Stibitz, City Clerk

Introduced: June 4, 2019

Adopted:

Published:

Effective:

city of Norton Shores

Internal Memo

May 17, 2019

TO: Mark Meyers, City Administrator

FROM: Gerald Bartoszek, Public Works Director GAB

SUBJECT: Private Road Ordinance Amendment

The developer of the Lake Fran property has requested that the City consider amending the ordinance on private roads. Their request is made on the basis of their desire to reduce pavement widths in their effort to develop a more quaint, community feel to their development as opposed to a subdivision style development. The current ordinance requires that a private road be constructed to City public road standards including the amount of right-of-way with a pavement width of 27 feet. The requested amendment will allow the right-of-way to be reduced to a minimum of 40 feet in width with a minimum paved width of 22 feet providing on-street parking is prohibited.

Attached is proposed amendment language as well as the current ordinance for comparison. The proposed amendment was reviewed by the Public Works and Fire Departments and both departments find the change to be acceptable.

I am requesting this proposed ordinance amendment be added to the May 28th Work Session for discussion with the City Council.

Sec. 38-134. - Private roadway regulations.

(a) The right-of-way of the private road shall remain in the ownership of the association or developer proposing the right-of-way and the legal description for the right-of-way shall not include any of the adjacent lots. It is the intent of this section that ownership of a lot not encumber the right-of-way.

(b) The private road right-of-way shall be a minimum of 66 feet in width, or 50 feet if curbed with storm sewer in place.

(c) If developments of more than 30 single-family residential lots have access by a single private road, then the private road must have not less than two separate accesses from a public right-of-way. The accesses shall be at least 300 feet from each other, measured from the nearest right-of-way.

(d) The surface of all private roads shall have a minimum clear, passable and paved width of 27 feet for the entire length of the road. For the purpose of this section, the term "clear and passable area" shall mean that the area is cleared of all brush, shrubs, trees, roots or other debris, and that it is level enough to permit a vehicle to travel within that area; the term "improved area" shall mean a surface which meets or exceeds the current standards (at the time of construction) for the city. If the private road services more than three single-family lots, it is also subject to the provisions of subsection (e) of this section.

(e) All roads servicing more than three lots shall be designed and built to meet or exceed the specifications and requirements of the city. In the event that such specifications and requirements are revised, changed or altered, then any private road which services more than three lots shall be designed and built to meet or exceed the specifications and requirements which are in effect at the time of construction. The plans and specifications shall be developed, inspected and approved by a civil engineering firm which is acceptable to the city, and the cost of such inspection and approval of the plan shall be paid by the developer.

(f) All private roads shall be reviewed by the public works director prior to the issuance of a building permit. The purpose of the review is to assure that the private road will comply with the requirements of this article and that the development of the private road will not impose or adversely impact the public's interest. A person who desires to install a private road shall apply to the director of public works for review of the proposed private road, and shall pay the fee which is established for such review by the resolution of the city council as adopted and established from time to time. The director of public works shall consider the following matters, at a minimum:

(1) The number of lots served by the private road and how they are affected by the private road;

(2) The number of additional single-family or duplex residential lots to be developed;

(3) The length of the road and whether it meets the specifications of this article;

(4) Impact of the road on wetlands and/or dunes or other environmentally sensitive lands;

(5) The execution of a written agreement to govern maintenance responsibilities including snow removal; such agreement must include a mechanism to share costs among the lot owners; and

(6) A statement signed by the developer or owner that if the city is requested by the adjoining property owners to accept jurisdiction over the right-of-way, the developer or owner will transfer that fee interest in the right-of-way consistent with the requirements adopted by the city council.

(Code 1975, § 18-115; Ord. No. 674, § 2, 3-15-2005)