

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. 667

Adopted: 2/20/2024

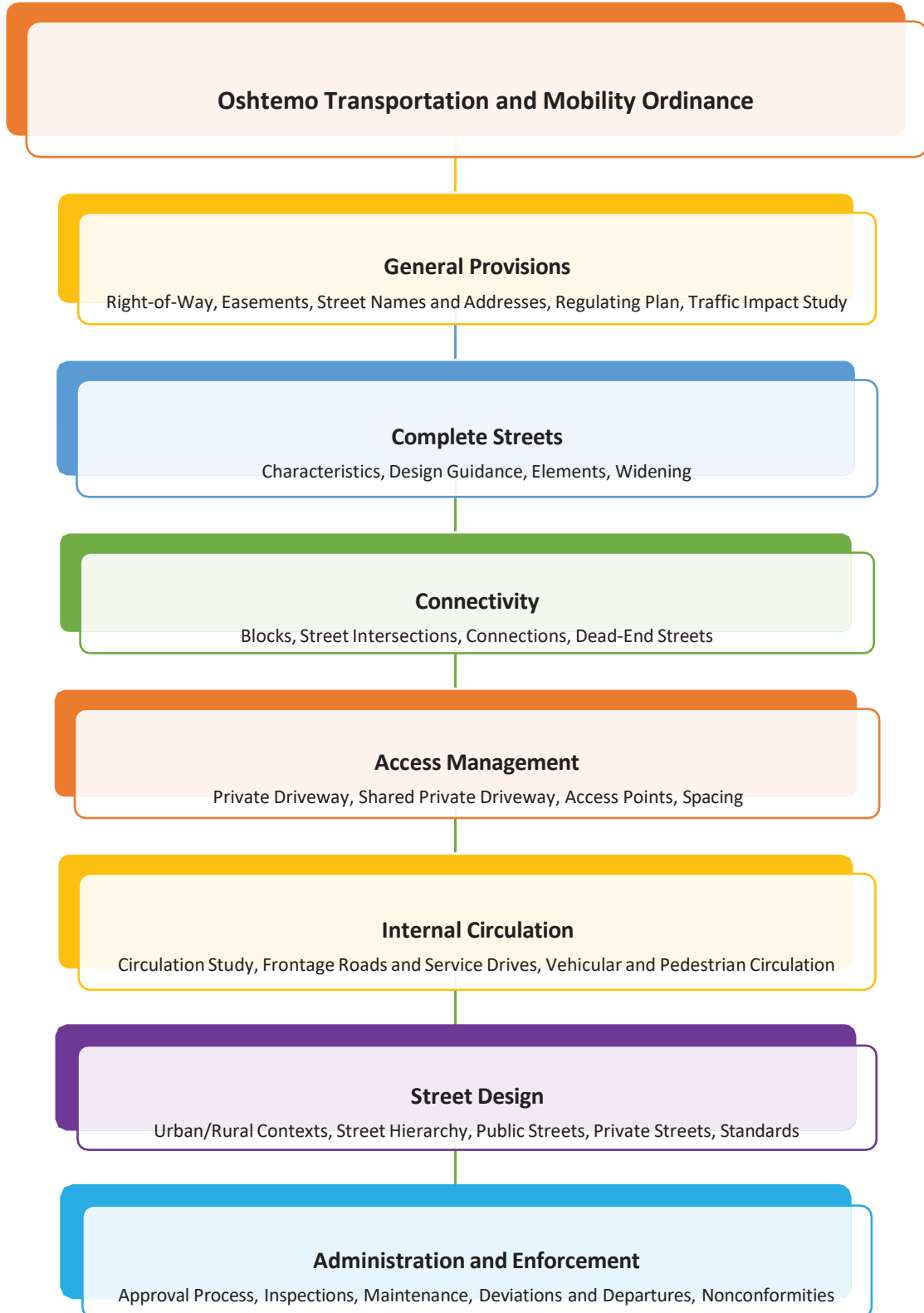
Effective: 2/27/2024

**TRANSPORTATION AND MOBILITY ORDINANCE NO. 667**

THE CHARTER TOWNSHIP OF OSHTEMO

KALAMAZOO COUNTY, MICHIGAN

ORDAINS:



# OSHTEMO CHARTER TOWNSHIP TRANSPORTATION AND MOBILITY ORDINANCE

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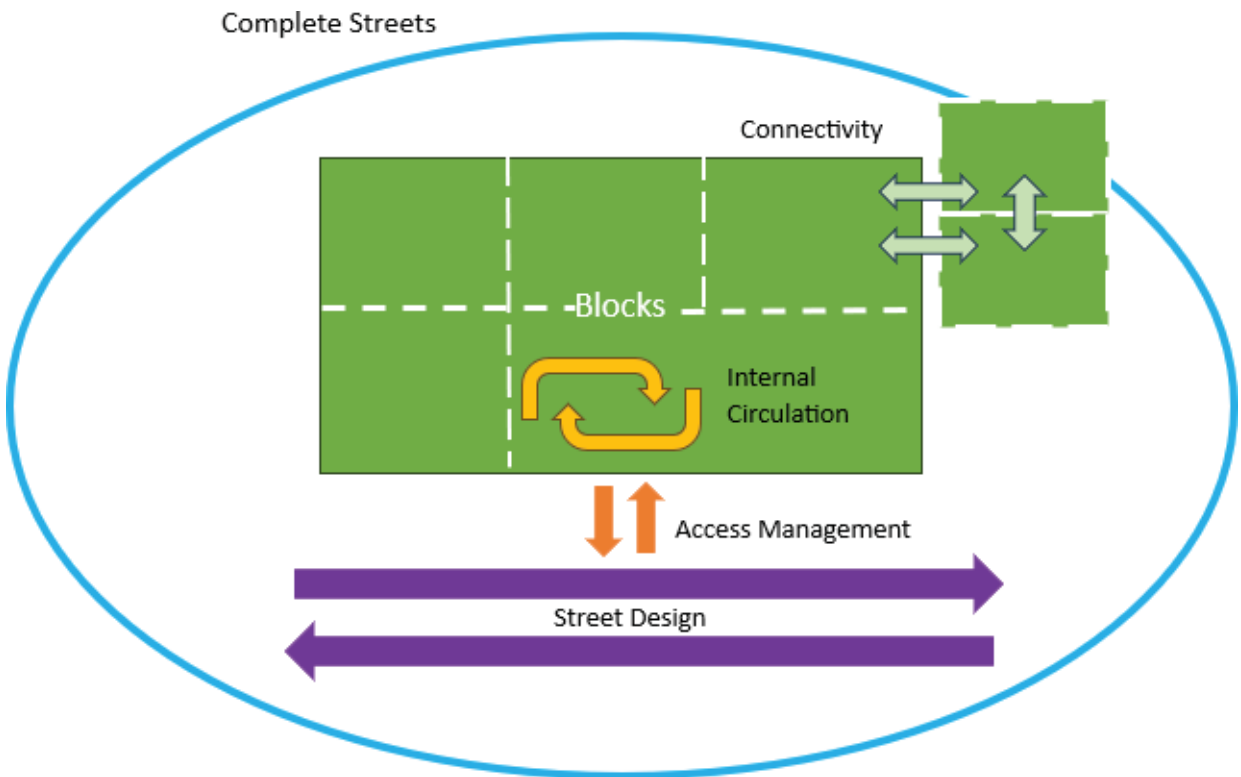
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**ORGANIZING CONCEPT**



## ARTICLE 1 – TITLE, PURPOSE, AND SCOPE

### Section 1.01. Title.

This Ordinance shall be known as the "Transportation and Mobility Ordinance" of Oshtemo Charter Township, Michigan.

### Section 1.02. Authority.

This Ordinance is enacted pursuant to the authority granted by the Michigan Zoning Enabling Act 110 of the Public Acts of 2006, as amended.

### Section 1.03. Purpose and Intent.

- A. In addition to promoting the purposes provided in the Zoning Enabling Act, this Ordinance is necessary to promote the public health, safety, and general welfare of Oshtemo Township as well as to implement the themes, policies and goals contained in officially adopted plans, including the Oshtemo Township Master Plan, Go! Green Oshtemo Plan, Access Management Plan, and Complete Streets Policy.
- B. Oshtemo Township will seek to enhance the safety, access, convenience, and comfort for all users of all ages and abilities through the planning, design, operation, enforcement, and maintenance of the transportation network. To that end, the intent of this Ordinance is to:
  - 1. Expand an interconnected network of facilities accommodating each mode of travel consistent with the goals identified in the adopted Comprehensive Master Plan and other related planning documents.
  - 2. Eliminate traffic-related serious injuries and fatalities in keeping with Vision Zero for all people in our community to advance the public's interest in its health, safety, and welfare.
  - 3. Provide transportation options that are available, affordable, and reliable for all people to meet their daily travel needs regardless of age, ability, race, ethnicity, or economic status.
  - 4. Recognize that all streets are not the same: streets vary by type and intensity of adjacent land uses (context), number of travel lanes, posted speed limits, traffic volumes, available right-of-way, and other characteristics such as topography, soil types, and vegetation.
  - 5. Respect the fabric of the community by acknowledging and designing a transportation system best suited for urban and rural contexts, and the residential and commercial nature of uses, which co-exist with streets rights-of-way and street operations.
  - 6. Improve bicycle and pedestrian movement to reduce reliance on personal vehicle use, provide for improved circulation between and within development sites, create a transit-supportive environment, increase modal choice, and promote transportation options to reduce Vehicle Miles Traveled (VMT) and related vehicle emissions.
  - 7. Acknowledge the significant cost of "grey" infrastructure (streets and pipes) and the need to optimize the transportation system by avoiding the construction of unnecessarily over-sized streets and encouraging the use of "green" infrastructure (trees and vegetation) as a method to manage stormwater, manage travel speed, and extend the life of street assets.
  - 8. Facilitate economic development for the purposes of sustaining and increasing tax revenue to support the maintenance and operations of public facilities and increasing property values.

9. Improve public health outcomes and recreational opportunities by promoting and enabling walking, bicycling, and other forms of active transportation to contribute reductions in childhood and adult obesity.
10. Practice responsible land development practices that will sustain Oshtemo Township's high quality of life over time by anticipating growth, appropriately sizing infrastructure, and considering the needs of all people in our community, particularly those who are elderly, young, disabled, of limited financial means, ineligible to possess a driver's license, or otherwise choose not to drive and/or own an automobile.
11. Provide for partnerships that establish clear, fair, and efficient development methods for applicants, residents, and community partners.

#### Section 1.04. Effective Date.

This Ordinance shall take effect and be in force on and after February 6, 2024.

#### Section 1.05. Applicability.

- A. This Ordinance will be used with all planning, design, funding, and approval involving any street construction, reconstruction, resurface, major repair or alteration, or right-of-way acquisition project.
- B. This Ordinance applies to all activities within public or private rights-of-way.
- C. This Ordinance is applicable to all land located within the Township. Mobility and the transportation system affects all properties, every building, structures, and uses.
- D. No street or road, or portion thereof, shall hereafter be designed, constructed, altered, maintained, or used except in conformity with this Ordinance unless otherwise preempted by a recognized Road Authority.

#### Section 1.06. Relationship to Adopted Plans.

The administration, enforcement and amendment of this Ordinance shall be consistent with the Township Comprehensive Master Plan, Go! Green Oshtemo Plan, Access Management Plan, Complete Streets Policy, and any adopted Area Specific Plans, and other plans that may be adopted by the Reviewing Body related to the future development of the Township. In the event this Ordinance becomes inconsistent with those plans, then this Ordinance shall be amended within a reasonable time to become or remain consistent.

#### Section 1.07. Relationship to Other Laws and Agreements.

- A. *Other Public Laws, Ordinances, Regulations or Permits.* This Ordinance is intended to complement other municipal, state, and federal regulations that affect streets, street operations, connectivity, asset management, and land use. Unless otherwise noted in this Ordinance, where conditions, standards or requirements imposed by any provision of this Ordinance are more restrictive than comparable provisions imposed by other regulations, the provisions of this Ordinance shall govern.
- B. *Private Agreements.* This Ordinance is not intended to revoke or repeal any easement, covenant or other private agreement; provided, however, that where this Ordinance imposes a greater restriction or requirement, the provisions of this Ordinance shall control. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but any covenant or restriction shall

not be used to justify a lack of compliance with this Ordinance. The Township shall not be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

- C. *Township Authority.* Oshtemo Charter Township is granted broad police power under Article 7, Section 29 of the 1963 Michigan Constitution. Oshtemo Township contributes to road funding, and while it does not have direct control over public road classification or maintenance, it retains its police authority over the road right-of-way, having adopted the Uniform Traffic Code. It is important for transportation to be planned in a manner that is complementary to, and within the context of, existing and planned land uses in the Township and in consideration of the Township's Complete Streets philosophy.

## ARTICLE 2 - DEFINITIONS

### Section 2.01. Rules of Construction and Organization.

- A. The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Ordinance, except where the context clearly indicates a different meaning.
- B. Rules of Construction: The following rules of construction apply to this Ordinance:
  1. The language of this Ordinance shall be read literally. Regulations are no more or less stringent than stated.
  2. The particular shall control the general. For terms used in this Ordinance, the use of a general or similar term shall not be taken to be the same as the use of any other specific term.
  3. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
  4. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunctions "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:
    - a. "And" indicates that the connected items, conditions, provisions, or events apply.
    - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
    - c. "Either ... or" indicates that the connected items, conditions, provisions, or events apply singly but not in combination.
  5. Any reference to Ordinance, Article, or Section shall mean Ordinance, Article, or Section of Ordinance 667 of the Township Code, Transportation and Mobility Ordinance, unless otherwise specified.
  6. Terms not defined in this Ordinance shall be given their ordinary and common meaning. Where not otherwise evident, terms shall have the meaning given in the latest edition of Merriam Webster's Collegiate Dictionary.

### Section 2.02. Definitions.

**ACCESS MANAGEMENT.** A technique to optimize land access and/or minimize traffic movement conflicts by reducing the number of access points, typically driveways, along major streets. Shared drives and the use of service roads or alleys, are characteristic access management methods.

**ALLEY.** A dedicated public or private way affording a secondary means of access to abutting property, not intended for general traffic circulation. See **Service Drive**.

**BIKEWAY.** "Bikeway" means a facility that explicitly provides for bicycle travel. A bikeway may vary from a completely separated facility to simple signed streets as follows: (a) "Shared-use path" (Class I Bikeway) is a facility for the exclusive use of bicycles, pedestrians and children's non-motorized vehicles separated from motor vehicle traffic except at bike crossings. (b) "Bike lane" (Class II Bikeway) is a marked lane contiguous to a travel lane within a roadway for the exclusive or semi-exclusive operation of bicycles in the same direction as the adjacent travel lane. The bike lane is physically separated from motor vehicle traffic by painted lines, pavement coloration, curbing, parked vehicles or



other barriers. (c) "Bike route" (Class III Bikeway) utilizes existing streets and roads. No separation of motor vehicle and bicycle traffic is provided as only signs are present to indicate the course of the bike route.

**COMPLETE STREETS.** Streets that meet the needs of all types of users – motorists, pedestrians (including those with disabilities), bicyclists, transit vehicles and users, freight haulers, emergency responders, and people of all ages and abilities. See the Township’s Complete Streets Policy.

**COUNTY DRAIN COMMISSION.** The Drain Commission of Kalamazoo County, Michigan.

**COUNTY ROAD COMMISSION.** The Road Commission of Kalamazoo County (RCKC), Michigan.

**CUL-DE-SAC STREET.** A short minor street having one end permanently terminated by a vehicular turnaround.

**DEAD-END, PERMANENT.** A permanent dead-end street is defined as one which is not reasonably anticipated to be extended.

**FRONTAGE ROAD.** A public or private drive which generally parallels an arterial or collector public street between the right-of-way and the front setback line, linking two or more properties. See also **Service Drive** and **Private Street**.

**LOT.** A single unit or division of land contained in a platted subdivision, whether it be numbered, lettered, or otherwise designated, which has frontage on a public or private street or road.

**MULTIPLE-FAMILY DEVELOPMENT.** A building containing five or more separate dwelling units.

**PATHWAY.** An off-road shared-use, non-motorized path, with paved surface, separate from the public road (though sometimes in the public right-of-way).

**PRIMARY AND SECONDARY STREET.** Where two (2) or more streets are compared for relative rank or importance, the primary arterial is the street with the higher vehicle traffic counts.

**PRIVATE DRIVEWAY.** Any piece of privately owned and maintained property which is used for vehicular ingress and egress but is not open or normally used by the public. Intended to serve no more than one improved lot, parcel, or principal building of a residential or non-residential property.

**PRIVATE SHARED DRIVEWAY.** A privately owned and maintained drive, or any improved or unimproved easement, serving four (4) or fewer dwelling: dwelling units; lots or parcels; or places of business or principal buildings that are each less than 10,000 square feet in size, and which is not normally used by the public.

**PRIVATE STREET.** A privately owned and maintained drive, street, road, or any improved or unimproved easement, not dedicated to the Road Authority as a public road, which provides access to five (5) or more dwelling units, places of business, lots, parcels, or principal buildings, and is normally open to the public and upon which persons other than the owners located thereon may also travel. Private roads include roads within site condominium projects and those within office or industrial complexes. See also **Frontage Road** and **Service Drive**.

**ROAD AUTHORITY.** Public entity having assigned jurisdiction over specified roads in Oshtemo Township, consisting of either the Michigan Department of Transportation (MDOT), Road Commission of Kalamazoo County (RCKC), City of Kalamazoo, or other Act 51 agency.

**SERVICE DRIVE.** A public or private drive which is located generally behind buildings which have frontage along an arterial or collector street linking two or more properties, including additional lots behind those fronting the arterial street. See also **Frontage Road, Private Street, and Alley.**

**SIDEWALK.** A paved concrete surface that is designed, constructed, and designated for pedestrian travel.

**STREET.** An existing or planned public or private right-of-way that is designed, dedicated, or used for the movement of people and goods, the provision of services, and providing access to abutting properties. The term street includes avenue, boulevard, circle, court, cul-de-sac, drive, place, road, or any other similar term.

**STREETSCAPE.** The various components that make up the street, both in the right-of-way and on private property including pavement, shoulders, gutters, sidewalks, permitted signs, parking spaces, landscaping and street trees, streetlights, etc.

**STREET FRONTAGE.** The distance that a lot line adjoins a public or private street from one (1) lot line intersecting the street to the furthest lot line intersecting the same street.

**STREET FURNISHINGS.** Elements within the Streetscape. Outdoor amenities, including but not limited to tables, chairs, umbrellas, landscape pots, wait stations, valet stations, bicycle racks, planters, benches, bus shelters, kiosks, waste receptacles and other similar items that help to define pedestrian use areas.

**STREET AREAS.** Streets consist of three areas: the travel way area, the parking area, and the pedestrian area.

1. **TRAVEL WAY AREA.** Accommodates vehicles and consists of vehicle travel lanes, bike lanes, turn lanes and medians (if provided).
2. **PARKING AREA.** Consists of vehicle parking lanes, and potentially of public transit elements. Transit facilities would be accommodated by replacing some parking spaces with bus bulbouts.
3. **PEDESTRIAN AREA.** The area between the back of curb and the outside edge of the right-of-way or road easement, although the pedestrian area may extend into an easement on private property depending on the width of the right-of-way and existing conditions. The pedestrian area is separated into three subareas:
  - a. The edge area is the space adjacent to and including the curb. The minimum width of the edge area should be two and one-half feet to allow for door swings and snow storage. Along Local Roads and Collectors, it may be landscaped.
  - b. The walkway/furnishings area accommodates street trees, planters, street furniture, outdoor dining, and the clear and unobstructed pedestrian walkway.
  - c. The frontage area is the portion of the walkway at the boundary between the right-of-way and private property. This is the area of the sidewalk that is closest to the building. The frontage area accommodates door openings, window shoppers, and display.

**STREET CLASSIFICATIONS.** A hierarchy of street types that describes the Township’s transportation network, which consists of both existing, new, and planned streets, to provide the public with a connected and efficient circulation system. Functional classification defines the role that a particular roadway plays in serving the flow of vehicular traffic through the network. Roadways are assigned to one of several possible functional classifications within a hierarchy, according to the character of travel service each roadway provides.

1. **ARTERIALS.** A major street of significant continuity, which is intended to serve higher volumes of traffic for both the Township and the region, and which forms the basis around which the circulation system is designed. Typical traffic volumes are more than 10,000 vehicles per day. Arterials in Oshtemo Township include, but are not limited to, West Main, Stadium Drive, KL Avenue, South Ninth Street, Parkview Ave, and Drake Road (north of Parkview).
2. **COLLECTORS.** A street that provides shorter distance movements within the Township, collects traffic from Local Streets and connects them with Arterials. Major collectors distribute and channel trips between locals and arterials, have fewer access points, and may have more travel lanes and higher speed limits. Examples of Major Collectors include streets such as North 9<sup>th</sup> and 10<sup>th</sup> Streets (M-43 to H Avenue), South 6<sup>th</sup> Street (South of Stadium Drive), and West Michigan Drive (Venture Drive to Drake Road). Minor Collectors typically have greater access and lower speeds such as Quail Run Drive and Lodge Lane.
3. **LOCAL STREETS.** Streets that provide direct access to homes, businesses, parking, and other land uses abutting the street right-of-way and serve short travel distances. Most subdivision streets fall in the Local Street classification.

**STREET CONTEXT.** The general land use characteristics, development patterns, access points and connectivity which infer usage of the street by certain transportation modes and users, thereby influencing street facility design. Urban and rural areas have fundamentally different characteristics. The use of context to determine street design criteria is consistent with national best practices and direction, including the 2018 American Association of State Highway and Transportation Officials (AASHTO) Greenbook and the National Cooperative Highway Research Program (NCHRP) Report 855: An Expanded Functional Classification System for Highways and Streets.

1. **URBAN.** A street surrounded by heavy residential, mixed-use, and/or commercial development that serves a wide spectrum of modes and users - oftentimes highly pedestrianized and transit-supportive while also experiencing high vehicular demands. These areas generally include curb and sidewalk sections, often with building fronts adjacent to or near the back of sidewalk. Frequent intersections, crosswalks, street trees, and on-street parking are usually present and operations more closely resemble that of Local Streets.
2. **RURAL.** Small concentrations of developed areas are immediately surrounded by agricultural lands, woodlands, wetlands, and other natural areas with infrequent curb cuts. There tends to be moderate to high posted speeds on streets as a result and few traffic signals. Due to lacking density, travel is more auto-oriented.
3. **RESIDENTIAL.** A street that serves residences and provides an important link for pedestrians and bicyclists in neighborhoods. Construction trucks, Over-the-Road (OTR) trucking, and other heavy vehicle traffic may be restricted.

4. **COMMERCIAL.** A street that serves mostly non-residential uses including retail, office, and industrial businesses as well as institutional uses such as hospitals or churches. In an urban setting, mixed-use buildings with residential above retail or offices may be present.

**TRAFFIC CALMING.** The combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized street users to achieve the objectives of slower vehicle travel speeds, reduced collision frequency and severity, reduced cut-through traffic, increased safety and the perception of safety, and enhancing the street environment.

**TRAFFIC CALMING MEASURES.** There are four main types of physical measures used to calm traffic: vertical deflections (speed humps and tables, raised pedestrian crossings), horizontal shifts (chicane, realigned intersections, roundabouts), roadway narrowing (on-street parking, road diets, bump outs), and closures (diagonal diverters, partial or whole closures, medians).

**RIGHT-OF-WAY (ROW).** An area owned or maintained by Oshtemo Charter Township, Kalamazoo County, State of Michigan, federal government, public utility, railroad, or private concern for the placement on, below, or above of utilities or facilities for the passage of vehicles or pedestrians, including roads, streets, pedestrian walkways, utilities, or railroads.

**USERS.** Legal users of the roadways and public right-of-way, including pedestrians, bicyclists, motor vehicle drivers, public transportation riders and drivers, and people of all ages and abilities including children, youth, families, older adults, and individuals with disabilities.

#### Section 2.03. Measurements.

- A. All measures are taken along the street centerline.
- B. Driveway spacing is measured from centerline to centerline of each driveway at the point it crosses the street right-of-way line.
- C. Driveway width measurements shall be made at the point of access where it crosses the right-of-way line.
- D. A cul-de-sac will be measured from the nearest point to the property line.
- E. The distance of a block face shall be the length of the street creating the side of the block between two adjacent intersections.

## ARTICLE 3 - GENERAL PROVISIONS

### Section 3.01. Applicability.

*All Streets.* Standards and requirements for Complete Streets, connectivity, access management, internal circulation, and other street design standards in this Ordinance shall apply to all public and private streets within Oshtemo Township unless indicated otherwise. Such provisions are considered necessary to construct and improve transportation facilities that address safety for all modes, advance self-enforcing design to prioritize vulnerable road users and the general health and well-being of the public, facilitate an efficient road network that balances accessibility and mobility needs, minimize environmental impacts, reduces our carbon footprint, and respects the existing built environment while anticipating future settlement patterns necessary to accommodate Oshtemo Township's growth.

### Section 3.02. Right-of-Way.

- A. Road right-of-way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
- B. Easements shall be provided for the entire width and length for all utilities and services as may be necessary to provide all public services to the lots which benefit from the public or private road.
- C. Road right-of-way to be publicly dedicated for public streets will meet the requirements of the Road Commission of Kalamazoo County. Private street right-of-way requirements are found in Article 6, Section 6.06 of this Ordinance.
- D. All Arterial and Collector rights-of-way within or abutting plats hereafter recorded, shall provide a 50-foot half-width right-of-way. The other half of the Arterial or Collector street shall be platted with a private easement within such property or tract, or as identified in the Regulating Plan, per Section 3.08. A lesser half-width size may be granted by the Township Public Works Director if the request aligns with the Regulating Plan and the requirements of this Ordinance.
- E. A half-width right-of-way shall be provided on parcels fronting an Arterial or Collector street where additional development is anticipated, the creation of blocks and/or intersections would be beneficial for public safety, or the specific placement of an access location furthers desired access management goals.
- E. *Administrative Departure.* The Public Works Director may waive minimum driveway spacing requirements to gain proper alignment of existing or planned cross-connectors.

### Section 3.03. Easements.

- A. A private Collector Street shall have a recorded easement permitting passage by the public within the right-of-way, in accordance with the intended function of the street type.
- B. All private streets shall have a recorded permanent easement for the entire length and width of the street, including the frontage on a public road. The easement shall expressly permit public and private utilities and services as necessary to provide all public services to the lots that benefit from the private road. The minimum width shall comply with Table 8.07.
- C. The minimum easement radius shall be of such size that is able to encompass emergency vehicle turn-around.

#### Section 3.04. Street Names.

- A. The Township has the authority to assign street names. Except in Part B of this Section, Township staff will refer to the 'Kalamazoo County Street Naming and Addressing Policy, Procedures and Guidelines' and appropriate review procedures and workflow to name streets.
- B. A developer/applicant may propose street names for any proposed streets within a new development as part of the initial application process to establish a subdivision or site condominium.
- C. A letter of approval for street names shall be obtained from the Kalamazoo County Department of Planning and Community Development or appropriate agency, whether proposed by Township staff or a developer/applicant.
- D. Street names shall be finalized prior to final approval of a proposed subdivision or site condominium.
- E. Street names shall be sufficiently different in sound and spelling from other road names in the Township so as not to cause confusion. A street or road name duplicating one already used in Kalamazoo County is prohibited.
- F. Any extension of a street, or planned extension, shall retain the name of the existing street.
- G. All new streets shall be named as follows: Streets with predominant north-south directions shall be named, "Street;" streets with predominant east-west directions shall be named, "Avenue;" meandering streets shall be named, "Drive," "Lane," "Path," "Road" or "Trail," etc., and cul-de-sacs shall be named, "Circle," "Court," "Way" or "Place," etc.

#### Section 3.05. Street Addresses.

- A. The Oshtemo Township Planning Department will assign all street addresses.
- B. Township staff will refer to the 'Kalamazoo County Street Naming and Addressing Policy, Procedures and Guidelines' and appropriate review procedures and workflow to addressing streets.
- C. A letter of approval for street addresses shall be obtained from the Kalamazoo County Department of Planning and Community Development
- D. Corner lots will be assigned two addresses, one for each street, the final address for the corner lot will be the direction that the front of the building faces.

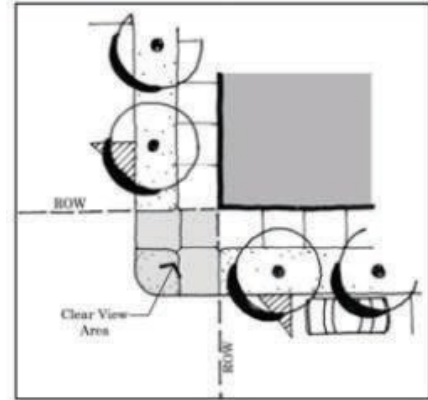
#### Section 3.06. Street Signs.

Signs identifying the intersection of a public and private street shall be paid for, posted, and thereafter maintained by the homeowner's association, condominium association, or other assigned party responsible for maintaining the private street. Intersection signs shall include stop signs on private streets and identifiable street name signs.

#### Section 3.07. Clear Vision Area.

- A. *Requirement.* Clear vision areas are required in locations where an unobstructed view of approaching traffic is necessary for the safety of pedestrians, bicyclists and drivers. A clear vision area is typically, but not exclusively, a triangular area at the intersection of two (2) streets, or a street and a driveway; however, clear vision areas may be required at other locations.

B. *Public streets.* A clear vision area shall be maintained at all intersections. Nothing shall be located to cause a hazard to vehicular or pedestrian traffic by depriving the pedestrian or driver of a clear and unobstructed view of approaching, intersecting, or merging traffic. The clear vision standards of the Road Authority shall be satisfied where streets or drives intersect with public streets.



C. *Private Streets.* At the intersection of two (2) streets or the intersection of a private street and a driveway, the required clear vision area shall be established as follows:

1. *Street Corners.* For streets, twenty (20) feet along each lot line starting at the intersection of the lot lines, and connected by a straight line to form a triangular area. In the case of a rounded corner, the measurement shall be taken from the intersection of the front lot lines extended.
2. *Driveways.* For driveways, ten (10) feet along the lot line and the driveway starting at the intersection of the lot line and the closest edge of the driveway and connected by a straight line to form a triangular area.
3. *Landscaping.* No plantings, signs, fences, walls, or other structures exceeding thirty (30) inches in height shall be established or maintained in clear vision areas.
4. *New Buildings or Structures.* The Public Works Director may require alterations in the height or location of a new building or structure where there would be a substantial impact to ensure an adequate clear vision area for driveways and streets. The limitation shall only be required for that portion of the building or structure necessary to provide an adequate clear vision area.

D. *Administrative Departure.* A new building or structure may be located within a clear vision area on a private street, provided the Public Works Director concurs with the findings of an independent engineering study provided by the applicant that demonstrates that siting of the new building or structure allows proper stopping sight distance as defined in *A Policy on Geometric Design of Highways and Streets*, as amended, by the American Association of State Highway and Transportation Officials (AASHTO).

E. *Responsibility.* Where any street intersection will involve earth banks or existing vegetation inside any lot or building site corner that would create a traffic hazard by limiting visibility, the property owner shall clear such ground and/or vegetation (including trees) in connection with the grading of the public or private right-of-way to the extent deemed necessary by the appropriate Road Authority.

### Section 3.08. Regulating Plan.

A. *Purpose and Intent.* Oshtemo Township has an adopted Master Plan, comprised of multiple sub-area plans and documents which serve as its Regulating Plan. The Regulating Plan defines the location of planned future streets to ensure that the existing street network does not become overwhelmed from additional development that would cause excessive street widening, congestion, delay, and be counterproductive to creating a walkable community that is safe for vulnerable road users. The identification of future streets will ensure improved traffic flow, an enhanced street network,



alternative traffic routing, access for emergency services, and comprehensive access management.

1. Streets should be developed consistent with the locations shown on the Regulating Plan. The exact location of streets on a particular site may be varied from those shown on the Regulating Plan to account for site-specific factors such as natural or man-made features provided that the general layout and number of streets and connection points for the continuation of streets on adjacent parcels are consistent with the Regulating Plan.
2. Additional streets that are not shown on the Regulating Plan may be developed or required by the Township as necessary to create the required block system, facilitate extension(s) of existing roads in a logical manner, and to distribute vehicular and pedestrian traffic.
3. To provide access to properties in conjunction with higher density development, a secondary street network may be developed to distribute traffic. The Regulating Plan will illustrate the street hierarchy and road purposes.
4. Local streets may be removed with the approval of the Reviewing Body provided the proposed development plan continues to maintain the required block system and meets other required standards. Any variations to the location or layout of streets as shown on the Regulating Plan shall require the approval of the Reviewing Body.
5. No land split or permit will be issued for, and no building or structure, or part thereof, shall be erected on any land located within proposed future street right-of-way. The Planning Commission may authorize the granting of a permit for the erection of a building or structure, or part thereof, within the defined area of the proposed public way, upon appeal by the owner of any affected land. Such appeal may be granted, based upon the following findings:
  - a. The entire property of the appellant, located in whole or in part within the lines of such street or public way, cannot yield a reasonable return to the owner unless the permit is granted; and,
  - b. Balancing the interest of the Township in preserving the integrity of the Regulating Plan, and the interest of the owner of the property in the use and benefits of his property, the granting of the permit is required by considerations of justice and equity.
  - c. An alternative plan has been provided, that is demonstrably feasible and identifies any potential benefits and challenges associated with the different approach. The alternative will solve the reasons that necessitated the deviation from the Regulating Plan and describe why the new route is either equal or superior to the originally planned street.
  - d. Before taking any such action, the Reviewing Body shall hold a public hearing, following not less than ten days' prior notice to the appellant by mail at the address specified by the appellant in his petition. The Reviewing Body shall have the power to specify the exact location, alignment, land area, and other details and conditions to be altered or permitted.

#### Section 3.09. Traffic Impact Study.

- A. *Intent.* The intent of conducting a traffic impact study is to understand the potential impact of a proposed development project on the surrounding transportation network, which may include but is not limited to public roads, private roads, frontage/service drives, truck routes, emergency routes, State and County roads, non-motorized network(s), and public transit. Information gleaned from the



impact study is to assist in determining what, if any, mitigation measures may be necessary to support mobility within the Township and to better understand the choices the Planning Commission, Township staff, and Township Board may need to make as the community continues to develop and grow.

- B. *Applicability.* A Traffic Impact Study (TIS) will be required under one or more of the following circumstances:
1. A development project is 20-acres or greater in size;
  2. More than 100 housing units are proposed;
  3. More than 100 directional trips in a peak hour will be generated;
  4. A proposed use will generate 500-749 driveway trips per day or 50-99 peak-hour, peak-direction driveway trips.
  5. A drive-through use will generate more than 20 cars per hour;
  6. A permanent assembly use will host 150 people or more for events;
  7. A secondary access point is requested; or
  8. At the discretion of the Public Works Director for circumstances that resemble similar situations to the above given the characteristics of the proposed use, surrounding context, and/or anticipated types of traffic.
- C. *Review.* The TIS shall meet the requirements of the Road Authority's guidelines for Traffic Impact Studies and Assessments Evaluating Traffic Impact Studies and be conducted by a licensed professional traffic operations engineer.
- D. *Scope.* Prior to commencing a TIS, the Public Works Director or Township-designated Traffic Engineer, in consultation with the Michigan Department of Transportation and Road Commission of Kalamazoo County, will coordinate with the applicant/developer to develop an understanding of the scope of work. Contents may include, but not be limited to, study area limits, existing and proposed traffic volumes, and crash data. Expectations for inputs of forecasted trips and volumes, which may include other approved and pending developments, will be defined. The TIS shall consider the highest proposed use for each designated area within the development site plan. Development that is proximate to a major intersection or interchange shall also include movements into and/or through the intersection or interchange.
- E. *Planning Commission.* Formal review and approval from the Road Authority shall be provided to the Township prior to the formal Planning Commission review of a project request.
- F. *Level of Service.* Declines in the Level of Service (LOS) within the right-of-way shall be reasonably mitigated by proposed solutions during site design phase. LOS is typically defined as a qualitative measure describing operational conditions for vehicular traffic; described in terms of such factors as speed and travel time, traffic interruptions, convenience, and safety. The Township's Complete Streets approach expands LOS to include "Quality" of service to include the LOS experienced by all users and all modes, not only that of motor vehicles. Slow traffic speeds, for example, may equate to a high-quality environment for pedestrians but may cause delays for cars – presenting as two different LOS scores. Service levels are given letter designations, from A to F, with LOS A representing the best operating conditions and LOS F the worst.
1. A decline in vehicular LOS may be acceptable if improvement(s) to the non-motorized network is the direct cause and improved pedestrian LOS can be shown.

2. Required operational changes and/or other mitigation measures shall be part of the MDOT and RCKC permit approval process.
3. Mitigation efforts may be broken into phases tied directly to the corresponding phases of the comprehensive development plan. Phases must be clearly outlined at the required submittal stage. Preliminary designs shall be required.
4. If the required traffic improvements identified within the TIS are already planned as part of an adopted comprehensive plan to be implemented by MDOT, the Kalamazoo County Road Commission, the Kalamazoo Area Transportation Study (KATS) or the Township, some or all of the mitigation requirements may be deferred or coordinated within a reasonable timeline. Any deferments or coordination shall require the support of the Public Works Director or representative. Short term or temporary efforts may be required to ensure the safety of the public during the deferment period. If the required mitigation efforts increase the scope of the already planned improvements by the local agency, the increase in cost to modify the plans and construct the improvements shall be collected from the applicant. A memorandum of understanding shall be executed and recorded.
5. The Township will work with the developer/applicant in good faith effort to seek solutions and the necessary approvals. This does not imply any financial commitment on the Township's part.

#### Section 3.10. Infrastructure and Service Needs.

- A. *Purpose and Intent.* The purpose of this Section is to permit development projects the ability to proceed at a faster pace than current Township resources are capable of constructing, installing, modifying, or improving existing infrastructure and/or service capacities to accommodate the development project. The project may itself be the sole reason for the infrastructure and service needs, or it may contribute to a heightened demand for infrastructure and services which are nearing or already at capacity. Inadequately sized infrastructure or insufficient service to the development project would result in one (1) or more declining levels of traffic safety, roadway capacity, reduced Level of Service (LOS) or water, sewer, energy, communications or other utility service reductions in the system. It is the intent of this Section to allow for development while ensuring that the project site and all customers that use and rely upon sufficient infrastructure and services within the community are properly accommodated.
- B. *Basis for Project Denial.* The inability of the Township to provide or enhance the available level of infrastructure or services to accommodate the development project may serve as the basis to deny a project request due to insufficient or increasingly insufficient infrastructure capacity if the project were to be constructed. Project denial due to insufficient infrastructure or services is not a desired outcome as development and redevelopment projects often improve the economic capacity of the community by increasing tax revenue, raising property values, and providing employment opportunities. Alternatives to improve infrastructure and/or service insufficiency are preferable to project denial. In these cases, the Township may offer an alternative to project denial by accepting the offer of voluntary support by the project's owners to undertake or contribute towards the cost of providing the needed infrastructure or service changes for future conditions created or contributed to as a result of the development project.
- C. *Alternatives to Advance.* In general, infrastructure or service changes are quantifiable in terms of capacity and cost. Needed changes may require study, planning, design, phasing or other efforts before being undertaken. In these situations, the Reviewing Body could, by contract with the

project's owners, accept contributions to fund the work. The Reviewing Body would set aside the funds for use only to address the particular infrastructure and/or service changes associated with the development project. For example, when area streets and intersections are or will be functioning at low levels, undertaking or funding street and intersection improvements may be appropriate. Sometimes, however, street and intersection improvements may not be practical or may be insufficient to address the concerns. Due to topography, the impracticality of acquiring needed additional right-of-way, area-wide traffic patterns, jurisdictional issues or other limitations, different approaches such as non-motorized improvements, transit service extensions, remote parking, or other approaches may be the only feasible and reasonable alternatives to ameliorate anticipated infrastructure and service burdens imposed by the development upon the public. A particular project may provide the necessary impetus for these alternative approaches, particularly in relation to public health and safety, while itself providing insufficient support or justification. However, together with reasonably foreseeable additional projects, it may form the basis for addressing the need by these approaches.

- D. *Existing and Future Conditions Evaluation.* If known to the Township, the applicant or property owner will be informed of any inadequately sized infrastructure or insufficient services within the proposed project area that currently exists or that will be created or contributed to by the proposed development project. The Township will provide a basis for the determination that a development project, either by itself or in conjunction with other reasonably foreseeable projects, will:
1. Overload infrastructure or municipal services;
  2. Measurably degrade the level of infrastructure or public services to levels that adversely affect public health, safety or quality of life; or
  3. Place additional strains on infrastructure or public services that already are at levels that adversely affect public health, safety or quality of life.
- E. *Alternatives Evaluation.* The applicant may be encouraged to propose particular designs or improvements, cost estimates and other related information to recommend or identify changes on the project site, in the immediate project area or in locations which would assist in supporting the necessary infrastructure or services to sustain the development.
- F. *Determination.* Upon review of the alternatives to support the needed infrastructure and/or services to support the development project, the applicant may:
1. Appeal a determination made by Township staff to the Reviewing Body.
  2. Discontinue the project.
  3. Redesign the project to address the concerns.
  4. If it is acceptable to all Township and other governmental officials of competent jurisdiction, agree to:
    - a. Undertake and construct the needed infrastructure improvements according to plans and specifications approved and overseen by the Township or applicable jurisdiction;
    - b. Fund the needed infrastructure or service improvements pursuant to a written agreement approved by the Reviewing Body with the amount of the payment determined based on the actual costs of the improvements;

- c. Contribute to a fund to be used by the Township to address the infrastructure or service concerns pursuant to a written agreement approved by the Reviewing Body with the amount of that contribution determined based on what the Reviewing Body reasonably determines to be the applicant's proportionate share of the reasonably anticipated costs of the improvements.

## ARTICLE 4 – COMPLETE STREETS

### Section 4.01. Purpose and Intent.

The purpose of this Article is to establish mobility and circulation standards that give equal treatment to all modes of travel. Improving connectivity between the current and future network of sidewalks, bike lanes, shared use paths, public transit routes, and roadways is important to ensure that Oshtemo Township serves all residents, regardless of age, ability, or income. A well-connected and well-designed network will provide safe access for all users, allow reasonable access to properties, promote healthy living, maintain and/or increase the capacity and efficiency of the roadway network, ensure safe access for emergency vehicles, and reduce negative environmental impacts. It is important that a well-connected network include safe and convenient transitions from one mode of transportation to another and from one jurisdiction to another.

### Section 4.02. Applicability.

- A. *Implementation.* The Township shall endeavor to make complete streets practices a routine part of design, strive to make every street project accessible for all users, and coordinate efforts with other agencies and jurisdictions to achieve complete streets. The Township shall work in partnership with the Kalamazoo County Road Commission and Michigan Department of Transportation to facilitate implementation of Complete Streets to the extent feasible, pursuant to this Ordinance.
- B. *Applicability.* Any project involving the construction, reconstruction, capacity enhancement, or preservation of a roadway, bridge, public parking facility, or other transportation right-of-way within the Township, are subject to these provisions, except as provided in Part C of this section. All street projects requiring funding and/or approval by the Township Board shall:
  - 1. Evaluate the effect of the proposed project on safe travel by all users.
  - 2. Identify measures to mitigate potential adverse impacts on travel. Vehicular level of service is not considered to be the only measure for which mitigation would be required, quality of service for pedestrians and other non-motorized users is also important.
  - 3. Achieve implementation of Complete Street infrastructure to the extent feasible.
- C. *Exclusions.* Infrastructure that supports a Complete Streets approach may be excluded upon agreement of the Township Board and the applicable Road Authority, subject to each agency's powers and duties, where documentation and data indicate that:
  - 1. An affected roadway prohibits a specified user by law, in which case a greater effort shall be made to accommodate those specified users elsewhere.
  - 2. An alternative route, such as a multi-use trail in the immediate vicinity provides an option for non-motorized transportation.
  - 3. A wide shared-shoulder designed to accommodate both bicycle and pedestrian use is available in the street right-of-way.
  - 4. There is insufficient right-of-way to accommodate an improvement at the time. The Township should attempt to acquire the right-of-way to accommodate the Complete Street element.
  - 5. The activities, such as spot repair or crack seal, are ordinary maintenance activities designed to keep assets in serviceable condition, which meet MDOT's ADA upgrade exceptions.

6. Inclusion of new facilities would be inappropriate when associated with capital preventive maintenance projects such as thin overlays (less than 1.5- inch), micro-seals, and chip seals.
7. Safety projects which are funded only for specific safety features identified by crash patterns, due to the funding parameters of the program.
8. The cost would be excessively disproportionate to the need or probable future use over the long term as documented in the adopted Future Use Plan, or other present and/or anticipated market conditions, indicating an absence of existing or future need (e.g. sparse population).
9. Implementation of Complete Streets infrastructure is not possible due to physical constraints imposed by the project area, such as topography, historic building placement, etc.
10. There will be an adverse impact on existing environmental resources such as wetlands, floodplains, creeks, or historic structures, or the presence of an environmental resource will add significant cost of a project.

#### Section 4.03. Characteristics.

Streets will be capable of accommodating multiple modes of transportation and will facilitate the creation of a public realm designed primarily for people, characterized by:

- A. Pedestrian-friendly design that places a high priority on walking, bicycling, and use of public transit;
- B. Streets and blocks arranged to allow for comfortable walking distances, to disperse traffic and to reduce the length of vehicle trips;
- C. A connection to, and enhancement of, the existing street network;
- D. A recognition of the role of buildings and landscaping that contributes to the physical definition of streets as civic places, and
- E. Residential and business uses that have convenient access to existing and future shared use paths and transit stops, where applicable.

#### Section 4.04. Design Guidance.

The design guidelines promulgated in State standards and guidelines, or as may be required by the funding source, shall be referred to and considered in the construction, rehabilitation, and maintenance of non-motorized transportation facilities and private streets in the Township. Such sources include, but are not limited to, the Michigan Manual on Uniform Traffic Control Devices (MMUTCD), MDOT Best Design Practices for Walking and Bicycling in Michigan, MDOT Bicycle and Pedestrian Resources for Transportation Professionals (2016), National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide (2014), AASHTO Guide for the Development of Bicycle Facilities (2012), NACTO Urban Street Design Guide (2013), NACTO Transit Street Design Guide (2014), Federal Highway Administration (FHWA) Separated Bike Lane Planning and Design Guide (2015), FHWA Small Town and Rural Multimodal Networks (2016), NACTO Designing for All Ages and Abilities (2017), and FHWA Bikeway Selection Guide (2019).

#### Section 4.05. Elements in Regulating Plan.

The Regulating Plan of the Township's Comprehensive Master Plan and the Non-Motorized Facilities Plan will include recognized and appropriate Complete Streets elements for implementation into the

Township's street and non-motorized trail network. Transportation improvements will include facilities and other amenities that are recognized as contributing to Complete Streets, which may include, but not necessarily limited to, one or more of the following:

- A. Sidewalks (new construction, gap construction, repair or replacement, and Americans with Disabilities Act (ADA) improvements).
- B. Pedestrian refuge islands or crosswalk improvements.
- C. Traffic calming measures.
- D. Traffic safety improvements.
- E. Street and/or sidewalk lighting.
- F. Multi-use trails.
- G. Accessibility improvements consistent with the ADA, particularly around transit.
- H. Metro Transit stop improvements.
- I. Bicycle facilities, including designated bike lanes, separated facilities, and widened travel lanes.

Section 4.06. Reserved.

## ARTICLE 5 – CONNECTIVITY

### Section 5.01. Purpose and Intent.

The arrangement of streets shall be interconnected with each other and with streets on abutting properties in a systematic grid pattern. Street connectivity and continuity is necessary to circulate traffic, provide emergency service access, ensure network reliability and redundancy, develop a logical system to facilitate the movement of all transportation system modes and users, and sustainably and efficiently manage uses of land and the provision of utilities and public services. Connectivity, for the purposes of this Ordinance, refers to structure of the transportation network of Oshtemo Township consisting of blocks, intersections, and connecting points.

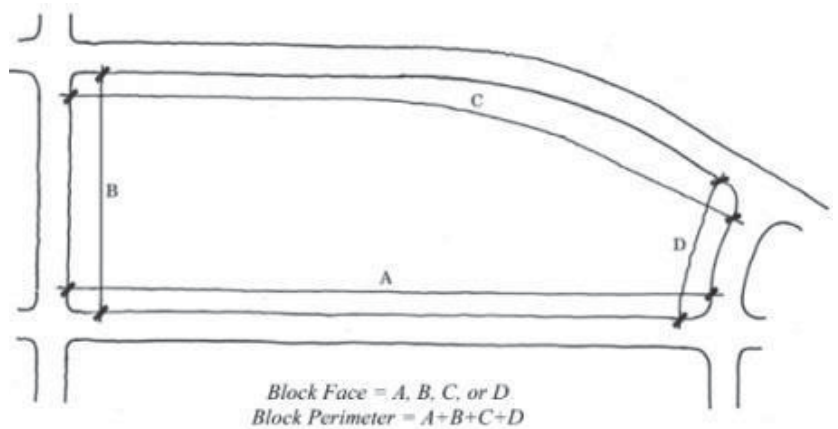
### Section 5.02. Applicability.

Development shall occur using a combination of both the existing street network and new streets added to establish an improved circulation system. Streets may be public or private and be established in a manner consistent with the Township's Master Plan, Access Management Plan, and Regulating Plan. Where existing streets are being improved, these standards along with the other standards overseeing such road development shall guide the design of the improvements.

### Section 5.03. Blocks.

*Requirements.* The following requirements shall apply to ensure that Oshtemo Township's street network develops as an interconnected network of streets.

- A. The street network shall be laid out in defined blocks to connect with one another.
- B. Where adjoining areas are not subdivided, the arrangement of streets shall be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.
- C. A minimum of one stub street shall be provided for each 660 feet or fraction thereof along such property lines.
- D. No block perimeter, measured along the block face at the public right-of-way or private road easement, shall exceed 2,400 feet.
- E. Blocks should be designed so that at the terminus of street intersections, street alignment, or the curvature of a street produces "terminal vistas" of civic buildings, public art, play fields, meadows, wetlands, or other notable structures or natural features.
- F. Privately-held reserve strips controlling access to streets shall be prohibited.





#### Section 5.04. Street Intersections.

- A. Streets shall intersect as nearly as possible to 90 degrees and in no case less than 80 degrees. Curved streets, intersecting with primary roads, will have a tangent section of centerline 50 feet in length, measured from the right-of-way line of the primary road.
- B. Not more than two streets can intersect at any one point unless specifically approved by the Township in cases of a traffic circle or roundabout.
- C. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect such cross street closer than 200 feet from such opposite existing street, as measured from the centerline of said streets.
- D. Concrete curbing will be installed throughout the entirety of an intersection within the public right-of-way or private street easement. Curb cuts and sidewalk ramps shall be integral to the construction of the concrete curb.

#### Section 5.05. Connections.

- A. When a Collector or Local street will link different land ownerships or different public streets, either currently or in the future, it shall, regardless of whether it is public or private, be constructed and dedicated as a public street or, if approved by the Township, it may be a private street located upon a right-of-way or easement granted to the Township for public ingress and egress.
- B. Private roads shall not interconnect with the public street network in a manner that will preclude the logical, orderly, and efficient development of the overall public street network. In making such a determination, consideration shall be given to the circulation pattern and traffic volumes on nearby public streets, existing and proposed land uses in the general area, trend of development, and the recommendations contained within the Oshtemo Charter Township Comprehensive Master Plan, Regulating Plan, and other plans by Road Authorities, as applicable.
- C. Frontage streets, service drives, private shared driveways, and public or private streets shall connect to existing outlots in adjacent developments and shall provide outlots or other provisions for future connections to adjacent land that is presently undeveloped. This may necessitate the upgrading of a private shared driveway to a private street, per the process described in Article 9 of this Ordinance.
- D. Where adjoining areas are undeveloped and the street must temporarily dead-end, the right-of-way shall be extended to the property line to make provision for the future projection of street.
- E. Failure for a development to properly connect to logical street connections (public and/or private) may be detrimental to the mobility network and/or emergency response needs and can be the basis for project denial.

#### Section 5.06. Dead-End Streets.

- A. A permanent dead-end street shall only be permitted where the topography of the area, lakes, streams, other natural features or existing adjacent development of the area causes practical difficulties or extreme hardship in connection and can be granted without creating any safety concerns. A supportive recommendation from the Public Works Department shall be required in order to be considered by the Reviewing Body. The applicant shall clearly provide evidence of hardship to be considered.

- B. A dead-end public right-of-way or private street easement (whether temporary or permanent) in excess of 660 feet in length, as measured from the nearest public right-of-way or private street easement to the dead-end street, shall be prohibited except upon recommendation from the Public Works Department and approval from the Reviewing Body for the reasons cited in 5.05.A., and an extension can be granted without creating a safety hazard.
- C. A cul-de-sac turnaround will be provided at the end of a permanent dead-end street or a temporary dead-end street (and associated temporary right-of-way). The Township may require an easement or a reservation of easement to accommodate drainage facilities, pedestrian access, or utilities.
- D. Where a public right-of-way or private street easement is not intended to extend beyond the boundaries of the subdivision/site condominium and its continuation is not required by the Township for access to adjoining properties, its terminus shall be at least 50 feet from such boundary.
- E. *Administrative Departure.* The Public Works Director may find a hammerhead “T” or a continuous loop layout acceptable to terminate a private dead-end street where public or private utilities are unaffected and sufficient space is provided for vehicle maneuvering.

## ARTICLE 6 – ACCESS MANAGEMENT

### Section 6.01. Purpose and Intent.

Access management techniques increase traffic safety by directing traffic to appropriate turning locations, reduce accident frequency and/or severity, provide reasonable access, help maximize road capacity, lessen congestion, encourage orderly development, and protect non-motorized users by limiting driveway crossings. These regulations are based on considerable research in Michigan and nationally and were prepared concurrent with guidelines promoted by the Michigan Department of Transportation (MDOT). The major elements of access management are driveway design (geometrics), limited number of driveways, driveway spacing, shared access, and side street access. This Article addresses the point where private property accesses a public or private road.

### Section 6.02. General.

- A. *Access Management Plan.* The Oshtemo Charter Township Access Management Plan, as amended, should be referenced in conjunction with the provisions of this Ordinance. Where there is a conflict between the two, the provisions of this Ordinance shall apply.
- B. *Nonconforming Driveways.* In the case of expansion, alteration or redesign of an existing development where existing driveways do not comply with the requirements of this Ordinance, the closing, relocation, or redesign of the driveway may be required.
- C. *Access Agreement.* A copy of a written and recorded agreement for shared access between two or more property owners shall be provided to the Township.
- D. *Drainage.* Driveways shall be constructed such that drainage is channeled away from the street right-of-way.
- E. *Driveway Approvals.* A Driveway Permit shall be obtained prior to connecting a driveway to any public or private street. Driveways associated with site plan reviews per Article 64 of the Zoning Ordinance shall follow the Township's site plan review process. An access determination letter from the corresponding road agency shall be provided to the Township prior to the formal consideration of the project by the Reviewing Body.
- F. *Condo Projects.* Condominium developments and all associated units shall be serviced by an interior transportation network. Individual units shall not have direct access to an arterial or collector street, and must be served by a public or private local street, service drive, frontage road, or private shared driveway.
- G. *Greater Authority.* The appropriate Road Authority may require a more restrictive standard than contained herein.

### Section 6.03. Private Driveway.

- A. *One Premises.* A private driveway may serve only one premises, parcel, unit, or lot.
- B. *Minimum Width.* The improved surface of the driveway shall have a total minimum width of ten (10) feet.
- C. *Approach.* Driveway approaches shall only be installed in conjunction with approved curb cuts and access management spacing requirements.
- D. *Administrative Departures.* A second driveway may be permitted under the following circumstances.

1. Where a development has access to a signalized location, the approach volume of the driveway traffic should be double that shown for unsignalized locations to demonstrate consideration of a second access location. Traffic warrants shall be based on trip generation calculations.
2. For developments that can demonstrate their combined driveway approach volumes (entering and existing) will exceed 3,000 during an average day (or will be used by 300 vehicle during the peak hour of traffic for either street or the use), and lacking access to a secondary street, a second driveway may be allowed along the major street provided that the additional driveway can meet the spacing requirements.

#### Section 6.04. Shared Private Driveway.

- A. *Number.* One (1) shared private driveway is allowed for four (4) or fewer: dwelling units; lots or parcels; or places of business or principal buildings that are each less than 10,000 square feet in size. An “eyebrow” access is allowed as a shared private driveway. See also frontage road and service street.
- B. *Right of Way.* Thirty (30) feet of right-of-way shall be preserved for the shared driveway, with easements granted to all parties for access.
- C. *Minimum Width.* The improved surface of the shared private driveway shall have a total minimum width of sixteen (16) feet.
- D. *Location.* The shared private driveway shall be constructed along a joint property line and/or a written easement is provided which allows traffic to travel across parcels for access.
- E. *Construction.* An engineered drawing shall be prepared for the review of the Public Works Director that includes information on anticipated vehicle types, traffic volumes, adjacent land uses, stopping locations, cross section(s), material specifications, and other pertinent information that would assist in determining if the plans as proposed will reasonably ensure a durable, long-lasting shared private driveway.
- F. *Connections.* Vehicular connections between parking lots and vacant sites for future development should be included in project design where practicable.
- G. *Administrative Departures.* A second shared private driveway may be permitted in accordance with Section 6.03.D, a second shared private driveway may be permitted under the following circumstances.
  1. Where a development has access to a signalized location, the approach volume of the driveway traffic should be double that shown for unsignalized locations to warrant consideration of a second access location. Warrants shall be based on trip generation calculations.
  2. For developments that can demonstrate that their combined driveway approach volumes (entering and existing) will exceed 3,000 during an average day (or will be used by 300 vehicle during the peak hour of traffic for either street or the use), and lacking access to a secondary street, a second driveway may be allowed along the major street provided that the additional driveway can meet the spacing requirements.

#### Section 6.05. Reserved.

#### Section 6.06. Access Points.

- A. *Number.* The number of access points shall be limited to the minimum needed to provide reasonable access. Access points shall be designed and located to minimize conflicts with traffic operations along the street and be placed as far from intersections as practical. Land divisions shall not be permitted that may prevent compliance with the access location standards of this Article.
- B. *Adjoining lands.* Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential out lots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future. Site development shall be done to provide for future cross-access to adjacent lots. A cross access connection or cross-access easement may be required as part of development approval. *See also Section 3.02.*
- C. *Primary Access.* Where property has frontage or access on more than one roadway, access shall be provided from the lesser traveled street. Where spacing requirements can be met, high traffic volumes will be generated, or the subject side street is inappropriate for non-residential traffic, access onto the main roadway will be considered.
- D. *Arterials.* New access points on Arterials is to be minimized, with internal circulation patterns designed to channelize traffic flow via adjacent streets, frontage streets, or service roads, with dedicated access points and signalized intersections that function as gateways.
- E. *25 residential units or less.* A private road cul-de-sac that has only one point of connection to a public road, or another private road may provide vehicular access to a maximum of 25 dwelling units.
- F. *Second Access and/or Emergency Access.* Any private street that will serve land uses generating a combined daily volume of traffic of 3,000 trips per day or more or exceeds a length of 1,500 feet shall have at least two means of direct access to public roads. The second means of access may be used for emergency access purposes only with approval from the Reviewing Body. Each access shall be built and maintained to the standards required for private streets.
- G. *Parking Facilities.* Adequate ingress and egress to a parking facility shall be provided by clearly defined driveways. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can reasonably absorb inbound traffic during a normal peak traffic period.
- H. *Interference with Public Facilities.* No access point shall interfere with municipal facilities such as streetlights, traffic signal poles, signs, fire hydrants, crosswalks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Township is authorized to order the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the adjoining property owner.

#### Section 6.07. Spacing.

- A. *Access points.* All spacing of access points on an Arterial or Collector shall comply with appropriate Road Authority standards and the provisions of this Article. Spacing will be based on posted speed limits along the property frontage in accordance with Table 6.07.A.

Posted Speed Limit (MPH)	Driveway Spacing (feet)
30	125
35	150
40	185
45	230
50	275
55 or more	350

- B. *Street Alignment.* Where possible, the approaches of side roads from opposite sides of a through road shall be in direct alignment.
- C. *Driveway Alignment.* Driveways shall be aligned with those from opposite sides of the street. Where this is not possible, driveways shall be offset a minimum of 150 feet, measured from centerline to centerline, to minimize left turn conflicts.
- D. *Crashes.* In areas where accidents and congestion due to left turn movements have created a demonstrated crash pattern where public health and safety are at risk, designs to discourage left turn ingress and/or egress may be considered by the Public Works Director or Road Authority.
- E. *Intersections.* Minimum spacing of access points from intersections shall comply with Township Public Works and Road Authority standards. Spacing shall be subject to the schedule outlined in Table 6.07.E. Distance is measured from the nearest edge of the driveway throat to the nearest edge of the intersection.

	Intersecting Street	Full Movement Driveway (feet)	Channelized for right-in/ right-out turn only (feet)
<b>Driveways Along Arterials</b>			
	Arterial	250	100
	Signalized Non-Arterial	125	75
	Other Street	100	75
<b>Driveways Along Side Streets Intersecting Arterials</b>			
	Arterial	200	100
	Signalized Non-Arterial	100	75
	Other Street	75	75

- F. *Administrative Departures.*
  1. If the amount of street frontage is insufficient to meet these criteria, the driveway shall be constructed adjacent to the property line furthest from the intersection. Prior to granting the Departure, it shall be demonstrated that attempts were made by the property owner to secure an easement, shared access agreement, and/or relocate and create a shared drive between two parcels to avoid establishing an additional driveway.
  2. Street and driveway spacing requirements may be reduced by the Public Works Director where alignment of streets or drives would provide a greater safety benefit.

3. An interim drive location may be granted where shared access is not presently available. The preferred drive location must be identified on an Township-approved plan, preserved by a recorded easement or other acceptable method, and a statement provided that connections to future adjacent developments may be required.

Section 6.08. Emergency Access.

- A. *Access and Occupancy.* The private street shall be readily accessible to and usable by emergency vehicles in all weather. An occupancy permit required for a dwelling or other building, the primary access to which is to be provided by a private street, shall not be issued until the private street has been constructed with sufficient width, surface, and grade to ensure the safe passage and maneuverability of emergency service vehicles.
- B. *Gated Access.* All gates blocking access to a private road shall have an access code determined by the fire department and be equipped with a keyed switch which will keep the gate open. The keyed switch must use a Knox Box Key.

## ARTICLE 7 – INTERNAL CIRCULATION

### Section 7.01. Purpose and Intent.

As the Township continues to grow and develop, and large parcels are subdivided into smaller lots, it is within the public interest to ensure that development patterns are accomplished in an orderly and logical way, the function of internal circulation systems work well so as not to overburden the public road network, travel movements are predictable and consistent, and the road hierarchy works as intended. The large scale of modern development patterns requires purposeful intent to provide dignified and safe pathways for those who are young, elderly, physically unable, cannot afford to own, or simply choose not to drive a car, if Oshtemo Township is to provide a high quality of life for all residents.

### Section 7.02. Applicability.

Internal circulation systems are a component of the Township's street network. It is for this reason that frontage roads and service drives are classified as private Local streets, akin to alleys. Internal site circulation directs a resident, patron, guest, employee, and others literally to the front door of a commercial business, place of assembly, multi-family residential building, mixed-use complex, or other use or structure. All attached single-family and multiple family residential, non-residential, and mixed-use developments shall comply with the following requirements.

### Section 7.03. Circulation Study.

- A. *Intent.* The intent of conducting a circulation study is to understand existing and/or future site operations and the ability of the public to travel to, from, and through any given location safely and efficiently, and how a location interacts with adjoining land uses, structures, and mobility infrastructure within a given context.
- B. *Criteria.* The internal circulation system of existing or proposed development may be reviewed by the Public Works Director or Township-designated Traffic Engineer under one of the following circumstances:
  1. Site plan submittal or an amendment thereto;
  2. Addition of a new driveway or access point;
  3. Increase in the intensity of a land use on the site or on a connecting site with shared access;
  4. When a new or amended cross-access agreement is enacted;
  5. Parking lot repaving/resurfacing; or
  6. Where a concern has been expressed by law enforcement, transit authority, Road Authority, or other entity responsible for public safety associated with vehicular operations.
- C. *Scope.* Prior to commencing an evaluation, the Public Works Director or Township-designated Traffic Engineer, shall coordinate with the applicant/developer to develop an understanding of the scope of work. The scope shall consider the safety of all users (motorists, pedestrians, transit riders, bicyclists, persons with disabilities) and their ability to travel to/from the front door of the use or structure being served by the parking lot, frontage road, service drive, or other connecting component on the site to nearby uses and buildings, public or private right-of-way, and abutting properties. Direct routes, particularly for non-motorized users, shall be considered.



- D. *Improvements.* The Public Works Director, upon reviewing the results of the circulation study, shall determine if improvements or modifications are needed to improve the internal circulation system; items may include but not be limited to: parking lot restriping, delineators, fencing, curbing, etc. to delineate pedestrian walking areas; the installation of permanent signage, refuge areas/islands, sidewalks, or curb ramps; assignment of a left-hand turn-lane or reconfiguration of lanes; and the addition or relocation of a bus stop or shelter, etc.

#### Section 7.04. Frontage Roads and Service Drives.

A. *Applicability.*

1. In areas where frontage roads or service drives exist, access to individual properties shall be provided by these drives rather than direct access with cross-access agreements provided between properties.
2. The Reviewing Body may require a frontage road or rear service drive where such facilities can provide access to signalized locations, the number of driveways may be minimized, as a means to ensure that traffic is able to move efficiently or provide a greater degree of safe ingress and egress.

- B. *Placement.* Frontage roads and service drives shall be set back as far as reasonably possible from the intersection of the access driveway with the public or private street. A minimum distance that equals the required front yard (setback) or the major road setback, whichever is a greater distance from the right-of-way, shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum fifty (50) feet of throat depth provided at the access point. The Reviewing Body may extend throat length if modeled vehicle queues necessitate expansion.

- C. *Alignment.* The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s).

- D. *Building Arrangement.* Each building or group of buildings used for non-residential purposes, and its parking or service area, shall be physically separated from public streets by a greenbelt, curb, or other suitable barrier against unchanneled motor vehicle access or egress, except for access ways authorized herein.

- E. *Construction and Design.* Frontage roads and service drives shall be constructed and designed in accordance with private road standards for Urban Collector or Urban Local streets, as determined by the Public Works Director and Planning Director based upon the anticipated amount of traffic and its characteristics and in accordance with Article 8 Street Design.

1. *Streetscape.* Major drive aisles and entry drives within and between significant developments and their parking facilities may be required by the Reviewing Body to be treated similarly as public roadways in terms of streetscape. Similar street trees and light fixtures shall be located on those routes designated to carry traffic in, out, and between large development areas and parking lots. This shall be included as part of the landscape plan.
2. *Delineation.* Curbing, signage, islands, or some other means to guide the route of through traffic shall be provided. If a non-conforming situation exists, it shall be remedied when any area abutting the drive location experiences heavy maintenance or reconstruction over the course of the life of the parking lot.
3. *Driveway Spacing.* Minimum driveway spacing standards shall not apply to frontage roads and service drives.

4. *Parking.* Parking may be allowed along a frontage road or service road so long as it is designed to meet on-street parking standards for urban collector streets.
  5. *Administrative Departure.* In the case of expansion, alteration, or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit installation of a frontage road or service drive in accordance with this Ordinance, the Reviewing Body may allow alternative cross access between adjacent parking areas through the inter-connection of main circulation aisles.
- F. *Temporary Direct Access.* In cases where a frontage road or service drive will be used for access, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the property owner, when the alternative access system becomes available.
1. The Township may require posting of a financial performance guarantee to ensure compliance.
  2. If the Township approves a provisional access, the developer shall provide an adequate surety bond or other guarantee deemed acceptable to the Township in an amount sufficient to cover construction costs associated with the closing of the provisional road access.
  3. The site plan shall show the proposed layout of the site when the provisional access drive is removed.
- G. *Administrative Departure.* The Planning Department may reduce required lot size and road frontage requirements by up to ten (10) percent under one of the following conditions:
1. A driveway is established to serve two or more parcels, and where such parcels are not served by any other access point.
  2. When a frontage road or service drive is created that serves two or more parcels.
  3. Evidence of a binding cross-access or shared parking agreement regarding two or properties is provided.

#### Section 7.05. Vehicular Circulation.

- A. *Access.* Unobstructed vehicular access to and from a public street will be provided for all off-street parking spaces. Vehicular access shall be provided in such manner as to protect the safety of persons using such access or traveling in the public or private street from which such access is obtained and in such manner as to protect the traffic-carrying capacity of the public or private street from which such access is obtained.
- B. *Circulation Routes.* Parking lots shall provide well-defined circulation routes for vehicles, bicycles and pedestrians.
- C. *Traffic Control Devices.* Standard traffic control signs and devices shall be used to direct traffic where necessary within a parking lot.
- D. *Orientation.* Parking bays shall be perpendicular to the land uses they serve to the maximum extent feasible. Large parking lots shall include walkways that are located in places that are logical and convenient for pedestrians in accordance with Section 7.06.

- E. *Landscape Islands.* To the maximum extent feasible, landscape islands with raised curbs shall be used to define parking lot entrances, the ends of all parking aisles and the location and pattern of primary internal access drives, and to provide pedestrian refuge areas and walkways.
- F. *Points of Conflict.* The lot layout shall specifically address the interrelation of pedestrian, vehicular and bicycle circulation in order to provide continuous, direct pedestrian access with a minimum of driveway and drive aisle crossings.
- G. *User Needs.* Layout and design shall anticipate the needs of users and provide continuity between vehicular circulation, parking, pedestrian and bicycle circulation. Pedestrian drop-off areas shall be provided where needed, especially for land uses that serve children or the elderly.
- H. *Pavement.* All vehicle circulation and off-street parking areas will be surfaced with asphalt or concrete.
- I. *Trucks.* Truck access and circulation routes shall be designed to minimize potential traffic and noise conflicts with adjacent sites, walkways between sidewalks and principal building entrances, and internal circulation routes.
- J. *Drive-Through.* Queuing and a by-pass lane shall be provided for drive-through establishments described in Table 7.05.J. Minimum Queuing Standards.
  1. Each queuing space shall be a minimum of ten feet by 20 feet, clearly defined and designed so as not to conflict or interfere with other traffic using the site.
  2. Queuing shall be measured from the front of the stopped vehicle located at the point of service to the rear of the queuing lane.
  3. A by-pass lane a minimum of ten (10) feet wide shall be provided before or around the point of service, unless the bypass lane also doubles as the fire lane and in that case then the lane width shall be twelve (12) feet wide
  4. Where queuing interrupts access on a public road, the Public Works Director is authorized to require the rerouting of traffic to a service drive or frontage road.

<b>Table 7.05.J Minimum Queuing Standards</b>		
<b>Drive-Through Use</b>	<b>Number of Spaces</b>	<b>Required By-Pass</b>
Financial institution	3	No
Restaurant, low-volume (less than 10/hour)	3	No
Restaurant, higher-volume	7	Yes
Carwash, automatic	5	No
Carwash, self-service	3	Yes
General retail	4	Yes

- K. *Administrative Departure.* A by-pass lane may not be required if the queuing lane is adjacent to a vehicular use area which functions as a by-pass lane.

Section 7.06. Pedestrian Circulation.

- A. *Purpose.* Pedestrian access shall be required for all sites to improve the health, safety and welfare of the public by providing clear pedestrian pathways at perimeter and internal site locations to

reduce pedestrian and vehicular conflicts, improve accessibility for persons with disabilities, and establish a multi-modal environment that is supportive of walking, biking and transit use. These requirements are also intended to promote healthier lifestyles by encouraging walking and bicycling over the use of a private vehicle for many daily activities, and to provide the means by which residents and visitor can be more engaged with their neighbors, coworkers, and fellow visitors.

- B. *Accessible Walkways.* Continuous pedestrian walkways shall be provided to connect off-street surface parking areas and public non-motorized facilities identified in the Oshtemo Township Go! Green Plan with the primary entrances of main buildings. To the maximum extent feasible, pedestrians and vehicles shall be separated through the provision of a sidewalk or walkway.
- C. *Network Connections.* At least one (1) pedestrian walkway with a minimum width of five (5) feet shall be provided from the internal pedestrian walkway network to the public sidewalk or trail system. In the case of corner lots, connections shall be made to the sidewalks of both streets. Where trails exist or are planned, paths or sidewalks shall connect building entries to the trail system. Where connections are provided to adjacent properties, non-motorized facilities shall connect.
- D. *Design.* The required walkway(s) must be at least five (5) feet wide, shall not be within a driving aisle, and, where possible, shall be within a landscaped island area running perpendicular and/or parallel to the primary building façade, depending on the parking lot orientation. If parking spaces are adjacent to a sidewalk, the sidewalk must be at least seven (7) feet to allow for vehicular overhang.
- E. *Protected.* Dedicated sidewalks shall be raised above the surface of the parking lot, or, if at the same level as the parking lot, the walkway shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt. Where the walkway is not protected by a 6' concrete curb, then pinned wheel stops shall be provided.
- F. *Identifiers.* To minimize potential hazards and enhance safety, in addition to a change in materials other tactics should be employed such as clearly marked striping, tactile alerts, landscaping, bollards, lighting and other means to clearly delineate pedestrian areas.
- G. *Additional.* Each surface parking area that has fifty (50) or more parking spaces or has any parking spaces more than three hundred fifty (350) feet from the front façade of the main building, shall have at least one (1) pedestrian walkway or sidewalk allowing pedestrians to pass from the row of parking furthest from the main building façade to the primary building entrance.

#### Section 7.07. Transit Access and Amenities.

- A. *Transit Stops.* Where public transit service is available or planned, convenient access to transit stops shall be provided by means of public or private sidewalks or walkways. Any provided seating shall not obstruct a public sidewalk.
- B. Where transit shelters are provided, they shall be placed in highly visible and well lighted locations for purposes of safety, subject to review by Metro.
- C. *Landscaping.* Landscape and/or plaza areas are encouraged at transit stops.

Section 7.08. Bicycle Facilities.

- A. *Bicycle Parking.* Bicycle parking shall be within fifty (50) feet of the nearest publicly accessible building entrance, in well-lit areas clearly visible from the front door, and on the same lot as the use being served. Facilities may be indoors or outdoors. If indoors, access shall be available to the public during business hours, at a minimum.
  - 1. Bicycle parking and access facilities may be placed in vehicle parking areas but shall not take the place of a required vehicle parking space or conflict with internal parking aisles.
  - 2. A minimum of five (5) bike parking spaces shall be provided.
- B. *Connection to Front Door.* A pedestrian-accessible walkway shall be available between the outdoor bicycle parking area and the primary building entrance. Public sidewalks may be used to meet this requirement. An aisle width of at least five (5) feet shall be provided adjacent to any bicycle parking facilities to allow for maneuvering.
- C. *Bike Racks.* Designs of bicycle racks, docks, posts, and lockers are encouraged to be decorative, unique, and appropriate to the surrounding area or related to the use being served, and shall be maintained in good repair. They will allow a bicycle to be locked to a structure, attached to the pavement, building, or other permanent structure, with two (2) points of contact to an individual bicycle frame.
- D. *Administrative Departure.* Required bicycle parking may be reduced by an Administrative Departure when it is demonstrated that the level of bicycle activity at that location warrants a different amount. In no case shall fewer than two (2) spaces be provided.

## ARTICLE 8 – STREET DESIGN

### Section 8.01. Purpose and Intent.

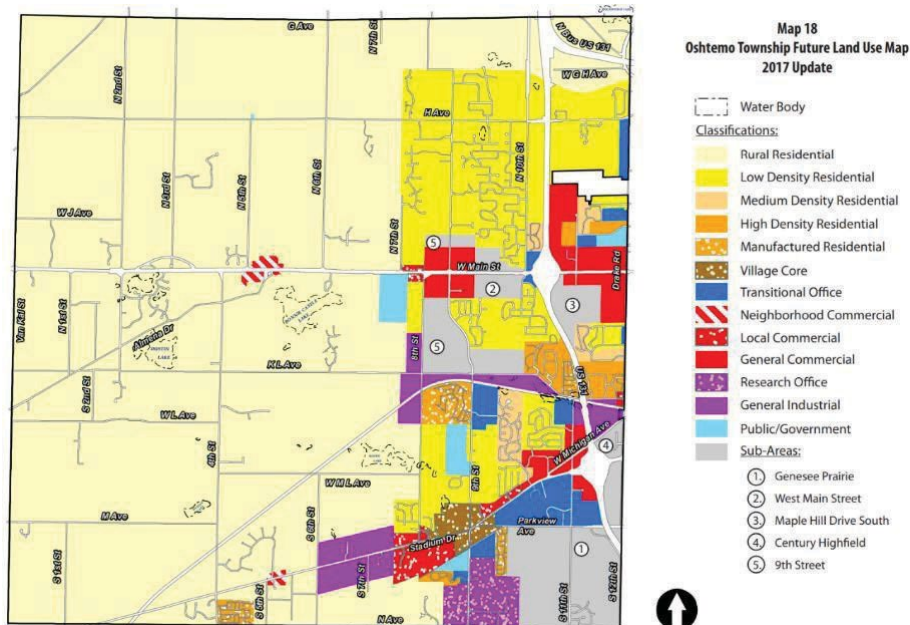
Land use and transportation are inextricably linked. Land uses generate the need for travel and connectivity, and their arrangement dictates travel choices. Compact settings, with a variety of proximate land uses connected by streets that accommodate a variety of modes, will have a higher portion of trips made by walking, biking, or transit. Areas with more dispersed settlement patterns require longer trips and are more auto-dependent. The need to consider context in transportation design has long been recognized. The AASHTO “Green Book” includes two place types, rural and urban.

Street design best practices acknowledge that many factors influence travel speed, crashes, and how a street can support, or conflict, with a community’s vision – affecting economic development, quality of place, and even residents’ physical activity. The Federal Highway Administration has developed “Proven Safety Countermeasures” to reduce roadway fatalities and serious injuries. These strategies support self-regulating design, an approach focused on managing speed, which in turn improves safety. Tactics include reducing street width, carefully setting design speed, road diets, pavement markings and signs, street trees and landscaping, and other tactics that manage driver behavior and street operations.

Oshtemo Township is committed to ensuring the transportation system which serves its residents, businesses, and visitors operates safely and efficiently. Due to the dramatic contrast in the Township’s character from rural residential to intense commercial and residential at the edge of the City of Kalamazoo, we must consider context in street design. In addition, streets serve a variety of different purposes. Street classification allows for a clearer definition of street hierarchy and different modal types that should be considered in design.

### Section 8.02. Context Zones.

- A. For the purposes of this Ordinance, there are two (2) context zones: “Urban” and “Rural”.  
The Urban context zone is comprised of all portions of the Township that are not classified as “Rural Residential” on the Oshtemo Township 2017 Future Land Use Map. All other lands identified as “Rural Residential” on the Future Land Use Map are in the Rural context zone.



- B. All streets shall meet the design requirements of this Ordinance within the Urban or Rural context zone as assigned, except as noted in Section 8.04.A.

#### Section 8.03. Types of Streets.

- A. The street network shall consist of three main types of streets: Arterial, Collector, and Local.
  1. Arterials are the basis around which the circulation system is designed. Arterials are main streets with through movements. Delivery trucks, personal vehicles, transit, pedestrians, and bicyclists use Arterials. All Arterials shall be public.
  2. Collectors provide a connection between Arterials and Local Streets, carrying traffic with trips ending in a specific commercial or residential areas. Collectors may intersect with any street type. All modes of travel use Collectors to get to their destination. Collectors shall be public, unless the criteria in Section 8.07.B. is met.
  3. Local Streets provide direct property access to homes, businesses, parking, loading, or other service areas of a site. Local Streets may intersect with any street type, but most often Collectors. Intended to be slow-moving streets where the presence of pedestrians and bicyclists are expected. Local Streets may be public or private.

#### Section 8.04. Reserved.

#### Section 8.05. Public Streets.

- A. A public street under Road Authority jurisdiction shall follow the design requirements of that Road Authority (see Table 8.05 Public Streets Standards).
- B. Upon receipt of a developer's preliminary conceptual plan, the Planning Director will ask if a public street is desired. If the answer is in the affirmative, then staff will determine if the project is in the Urban context zone. If it is, then Township staff shall do the following:
  1. Evaluate whether the conceptual plan and design requirements of the Road Authority align with Urban context characteristics, advance the stated purpose and intent of this Ordinance and its provisions and support self-enforcing design. If it is determined that Road Authority standards support the Township's desired outcomes, then no further action is required and the standard process continues.
  2. If the Road Authority's default design requirements do not support the Urban context then, with the consent of the developer, the Public Works Director in partnership with the developer will seek design exceptions in accordance with the Road Authority's rules for those items that would advance the Intents of this Ordinance, the Oshtemo Township Comprehensive Master Plan, and Go! Green Oshtemo Plan. RCKC fees associated with design exception review process will be at the Township's expense.
  3. A report will be prepared at the conclusion of the design exception process by the Public Works Director and transmitted to the Township Board. The report shall contain information concerning the requested design exception(s), associated costs, whether exceptions were granted or denied, and if denied, the justification for denial.



**Table 8.05 Public Streets Standards**

		Urban				Rural		
RCKC Designation		Commercial	Commercial	Commercial or Residential	Commercial or Residential	County Primary	County Primary	County Local
National Functional Class		Arterial	DDA	Collector	Local	Arterial	Collector	Local
Parameters	ROW width	100'	66'	66'	66'	100'	100'	66'
	ROW w/boulevard	120'	n/a	120'	100 – 120'	120'	120'	100 - 120'
	Cul de sac ROW	140'	140'	140'	140'	140'	140'	140'
	Target speed (mph)	25 – 55 mph	25 – 35 mph		25 – 55 mph	35– 55	35 – 55	25 – 35
	Drainage	curb & gutter	curb & gutter	curb & gutter	c & g or valley	ditches	ditches	ditches
Street	Lane width w/valley gutter	n/a			12'	n/a	n/a	12'
	Valley gutter	n/a			2'	n/a	n/a	2'
	Shoulder	2'				3' paved, 3' gravel'		1' paved, 2' gravel
	Lane width w/curb	16'				n/a		
	Curb and pan	2'				n/a		
	Vehicle lane width	11'-18'			11' – 16'	11'	11'	11'
	Cul de sac radius	50'				50'		
Green Infrastr.	Median/Blvd	-	10'-16''	-	10'-16'	-	-	11'6''
	Minimum parkway	10'	w/ sidewalk	6'	6'	12'	10'	6'
	Tree placement	n/a	6' from curb	n/a				
	Tree spacing	n/a						
Non-Motorized	Bike lanes	not allowed						
	Shared use path	8'-12'	n/a	12'		12'		
	Sidewalk placement	1' from ROW or 6.5' off back of curb in DDA				1' from ROW		
	Sidewalk width	6'	14'	6'	5'	5'		
	Mid-block crossing	n/a				n/a		
Streetscape	On-street parking	n/a	8'	n/a				
	Decorative crosswalk	n/a	red brick paint	n/a				
	Traffic calming	n/a						
	Street furniture	n/a	6' from curb	n/a				
	Outdoor dining	n/a						
	Curb extensions	n/a	allowed	n/a				
	Decorative lighting	n/a	6' from curb	n/a				
	Street art	n/a						
n/a - not applicable or not allowed by Road Authority								



Section 8.06. Private Streets.

- A. *Purpose and Intent.* The purpose of this section is to provide access to residential, nonresidential, and site condominium developments, and as tracts of land are divided, sold, and transferred. The Township has determined it is in the best interest of the public health, safety, and welfare to regulate the design, construction, improvement, extension, relocation, maintenance, and use of private streets to ensure they provide for the safe passage and maneuverability of emergency vehicles and multiple public and private users; and that such streets are constructed of suitable materials to maximize their durability. Private streets may also help preserve safe and efficient traffic movement by providing reasonable access to public roadways.
- B. *Applicability.* Private streets shall be permitted where there is limited or no opportunity or potential to establish a public street or plat the land, or where the design requirements for creating a public street are particularly incompatible and do not advance the vision and goals of the Oshtemo Township Master Plan and Regulating Plan. The provisions of this Article shall apply to:
1. All private streets designated or constructed on and after the effective date of this Ordinance.
  2. Where access is provided to five (5) or more existing or proposed dwelling units, places of business, lots, parcels, or principal buildings, and/or generate 500 trips per day. In commercial areas this may be a service drive or frontage road.
  3. An existing private street, including the portion thereof existing prior to the adoption of this Ordinance, when it is extended by an increase in its length, or if lots or parcels of land with access to the existing private street are added.
- C. *Authorization.* Private streets shall not be constructed, extended or relocated without express written approval by the Public Works Director and Planning Director as deemed necessary attesting that the proposed private street complies with all Township standards (see also Article 9 Administration and Enforcement). If approved as a private street, the Township shall have no obligation or liability for the private street or maintenance thereof.
- D. *Township Agreement.* All improvements installed or constructed as required under the terms of this Ordinance shall be made and maintained at the expense of the property owner(s) or developer. The Township may enter into an agreement with the owner/developer of the private street that would also benefit the public and the Township for reasons of additional access, connectivity, and mobility.
- E. *Street Frontage.* All lots and parcels of land with access to a private street shall have frontage on the approved private street right-of-way equal to the minimum lot width requirement of the Zone District in which the lot is located.
1. A parcel with frontage on both a private and public street shall be considered a corner lot.
  2. The driveways for corner lots shall be constructed on the private road, except in the case of an existing lot or structure or where topography, such as wetlands or steep slopes make such access unfeasible or where prohibited by the Road Commission of Kalamazoo County.

## Section 8.07. Private Streets Standards.

- A. *Purpose and Intent.* Private streets offer an alternative to public street design standards . It is the intent of these regulations to offer a greater variety of design choices, provide safe facilities for all road users as appropriate, and allow opportunities for placemaking to encourage economic investment.
- B. *Collector Streets.* A private Collector street shall meet the pavement design requirements of RCKC for public streets (base, asphalt mix, etc.) but may be designed in accordance with the standards provided in Table 8.07. for private streets if an easement is provided to the Township which grants public access within the private street right-of-way to ensure the intended function of the Collector is as represented in exchange for the additional design flexibility offered by these standards.
- C. *Local Streets.* An engineered drawing shall be prepared for the review of the Public Works Director for a private Local street that includes information on anticipated traffic types and volumes, adjacent land uses, and other pertinent information that shall assist in determining if the pavement plans as proposed meet professional standards and will reasonably ensure a durable private street.
- D. *Radii.* Turning radii shall be determined based on Fire Department standards.
- E. *Design Standards.* A private street shall follow the design requirements of this Ordinance, particularly Table 8.07 Required Private Streets Standards. However, the Public Works Director is granted the authority to exercise engineering judgement when appropriate to determine the best design approach for unique situations through the Administrative Departure process.

Oshtemo Township Designation		Urban			Rural			Section
		Collector - Commercial	Collector – Residential and Local - Commercial	Local - Residential	Collector - Commercial	Collector - Residential	Local	
Parameters	ROW width	66'	66'	50'	66'	66'	50'	
	ROW w/boulevard	100'	80'	66'	100'	80'	66'	
	Cul de sac ROW	60'	50'		60'	50'		
	Target speed	30 mph	25 mph	20 mph	35 mph		25 mph	
	Drainage	curb & gutter		gutter or ditch	gutter or ditch		ditch	
	Grade	Up to 6%		Up to 8%	Up to 7%		Up to 10%	Section 8.08
Street	Vehicle lane width	10'-11'		9'-10'	11'	10'-11'	9'-10'	
	Curb and pan	18"		12-18"	18"		12-18"	
	Valley gutter	n/a	n/a	2'	2'	2'	2'	
	Shoulder	n/a	n/a	n/a	3'		2'	
	Cul-de-sac radius	40'		30'	50'		40'	
Green Infrastr.	Median	10'	8'	6'	12'	10'	6'	
	Min. parkway	6'		6'	8'		6'	
	Tree placement	3' from back of curb			3'		3'	Section 8.09
	Tree spacing	25'-40'			25'-40'			
Non-Motorized	Bike lanes	6'		n/a	6'		n/a	
	Shared use path	12'			12'			
	Sidewalk placement	Both sides, w/parkway (may be back of curb)			w/parkway		w/parkway	Section 8.10
	Sidewalk width	6'-14'	6'	5'	5'			
	Mid-block crossing	allowed		allowed	allowed		allowed	
Streetscape	On-street parking	allowed		allowed	allowed		allowed	
	Decorative crosswalk	allowed		allowed	allowed	-	allowed	
	Traffic calming	allowed		allowed	-	-	allowed	
	Outdoor seating	allowed		-	-	-	-	
	Curb extensions	allowed		allowed	-	-	allowed	
	Decorative lighting	allowed		allowed	-	-	allowed	
	Street art	allowed		allowed	-	-	-	

Section 8.08 Grading for Private Streets.

- A. *Limits.* It is desirable to work with the land to preserve natural features and slopes rather than cause extensive grading during the development process, while still ensuring safe travel and property access.
1. The grade of private streets shall be related appropriately to the original topography but shall not exceed a maximum grade of six percent (6%), unless otherwise granted an exception under Part D of this Section.
  2. Any proposed street approaching an existing or proposed street shall be constructed with the approach profile grade between 0% and 2% for a minimum 50 feet in length, as measured from the edge of the through street. For proposed road grades of 6% to 7%, the 0% to 2% approach profile grade length shall be a minimum 100 feet in length.

3. The minimum grade for any concrete curb and gutter street shall be 0.75%. The minimum grade for any HMA valley gutter street shall be 1.00%.
  4. A cul-de-sac turnaround shall be constructed to ensure a minimum grade of 1.25% along the flow line of the gutter.
- B. *Curves.* Private streets may curve to provide traffic calming measures so long as road width and other self-enforcing design techniques are used to ensure that travel speeds remain slow.
1. Ability to maintain the street for snow plowing, trash removal, deliveries, and access for emergencies services must be demonstrated during the design process.
  2. Horizontal and vertical curve alignment shall be equal to the highest standard that is compatible with topographical details and reasonable ROW width. Vertical curve K Values for sags and crests shall be designed according to AASHTO.
- C. *Relationships.* The interplay of the private street to other properties, facilities, buildings, and even door entries is important for a successful built environment.
1. Site grading shall not preclude the ability to align with abutting properties for service roads, non-motorized facilities, or other aspects to facilitate the continued growth and development of the community.
  2. All streets shall be arranged to locate as many lots or building sites as possible at, or above, the grades of the streets. Lots or building sites with grades lower than the street may be allowed provided adequate drainage is demonstrated.
  3. Top of curb height shall be below the finished floor grade of a building with a maximum 2% grade running from the finished floor to the top of curb where a building is located twenty (20) feet or less from the back of curb.
- D. *Administrative Departure.* Notwithstanding the preceding, the Public Works Director may allow a maximum grade of up to ten percent (10%) for a private street if it is reasonably determined that such increased grade meets all of the following standards:
1. The private street will be safe;
  2. The increased grade will not hinder the ability of firefighting equipment, ambulances and other emergency vehicles and personnel to reach all portions of the development;
  3. The private road has a maximum grade of four percent (4%) for a minimum distance of thirty (30) feet from its intersection with a public right-of-way or another private road; and
  4. The developer demonstrates that automobile traffic will be able to easily and safely go up and down the grade at all times of the year, including when ice and snow are present.

#### Section 8.09. Green Infrastructure.

- A. *Purpose and Intent.* Streetscape improvements are intended to mitigate the effect of the built environment on the natural environment and to support a healthy environment for people. Street trees, in particular, provide shade and visual relief, improve air quality, contribute to noise reduction, calm vehicular traffic, reduce stormwater effects, and improve property values.
- B. *Applicability.* Streetscape improvements shall be applicable to all private street construction or reconstruction projects (non-maintenance), development projects requiring a building permit,

and/or where sidewalks or other facilities in the right-of-way are to be installed or replaced. Installation of streetscape improvements, particularly street trees, is highly encourage in the public right-of-way.

- C. The design of the storm water management and drainage facilities should seek to be comparable in function and appearance to common natural drainage systems and runoff patterns, including wetlands. The private street shall be constructed with such storm water drainage easements, storm water runoff, culverts, and drainage contours necessary to ensure adequate drainage and runoff.
- D. All areas disturbed by the construction of the private road shall be provided with topsoil, seeded with perennial grass and protected against erosion.
- E. *Green Infrastructure.* The following rules shall apply.
  1. At least one (1) small tree shall be planted for each twenty-five (25) feet of lot frontage or any fraction over twenty-five (25) feet. As an alternative, one (1) medium or large tree may be planted for each thirty-five (35) feet of lot frontage or for any fraction of forty (40) feet.
  2. Clustering of ornamental, medium, or large trees is permitted when utility conflicts or required clear vision areas prevent compliance with minimum spacing requirements.
  3. In addition to the required plantings within the right-of-way, the remainder of the tree lawn shall be landscaped with grass, ground cover, shrubs, and other organic landscape materials.
  4. A minimum 6-foot-wide parkway (tree lawn) shall be provided on Collector and Local streets. A minimum 10-foot-wide parkway will be provided on those properties fronting Arterial streets.
  5. Street trees located along the same street frontage shall be aligned in a consistent row along the street.
  6. Where space permits, cul-de-sacs shall be designed with a central island where vegetation can be preserved/established.
  7. Parking lots adjacent to street rights-of-way shall provide shrubs at a ratio of 1.5 shrubs for every one (1) parking space. Shrubs that reach a mature height of at least three (3) feet shall be utilized and they shall be in groupings spaced at least three (3) feet on center to screen the parking lot from the right-of-way.
- D. *Soil.* Topsoil per Table 8.07 Streetscape Planting Requirements shall be used for tree installation.

<b>Plant Material</b>		<b>Minimum Plant Size</b>	<b>Spacing on Center (ft.)</b>	<b>Soil Volume (cu. ft.)</b>
Canopy/Shade Trees	Small	1.5 in caliper	25 ft.	250
	Medium	2.5 in caliper	35 ft.	500
	Large	2.5 in caliper	45 ft.	750
Ornamental Trees		2.0 in caliper	15 ft.	200
Evergreen Trees		5.0 ft height	15 ft.	200
Shrubs		3.0 ft height	3 ft.	N/A

- E. *Root Barrier.* Root barriers shall be installed within areas where there is less than seven (7) feet between the back of curb and the sidewalk to prevent root penetration and destruction of curbs and sidewalks.
- F. *Maintenance and Replacement by Property Owner.*
  - 1. The property owner shall be required to maintain street trees for two (2) years after the trees are planted and replace any tree which fails to survive or does not exhibit normal growth characteristics of health and vigor, as determined by the Planning Director. The two (2) year period after the approval of the Planning Director shall begin at each planting and shall recommence as trees are replaced.
  - 2. All street trees must be maintained with a minimum clearance height of 15 feet to the first branch at maturity.
- G. *Administrative Departures.* An Administrative Departure that reduces, modifies, or eliminates landscape improvements may be granted where:
  - 1. The tree lawn is too narrow or is otherwise not conducive to the planting of trees or other streetscape improvements; or
  - 2. If there are trees growing along but not within the right-of-way which are intended to be preserved and comply with the intent of these regulations; or
  - 3. The affected area is small in comparison to the overall project, which generally complies with the regulations of this Article, and the modification does not materially impair the public realm.

#### Section 8.10. Non-Motorized Facilities.

- A. Unless a specific facility type is otherwise identified in the Go! Green Oshtemo Plan, sidewalks are required on all streets in on both sides of the street.
- B. Sidewalks will be a minimum of six (6) feet wide on Arterials and Urban Commercial Connectors and five (5) feet wide on residential or lower volume Local streets, and meet all Federal ADA requirements.
- C. *Slopes.* Non-motorized facilities shall be aligned horizontally and vertically with existing facilities on adjacent properties. and designed to maintain the existing direction and flow of storm water and to avoid damming or flooding
- D. *Sidewalks at Driveway Crossings.* The appearance of the sidewalk shall be maintained across the driveway to indicate that the area traversed by a vehicle remains a part of the pedestrian zone and that pedestrians have the right-of-way. The driveway shall retain the elevation of the sidewalk.
- E. *Shared Use Path.* A twelve (12)-foot shared-use path, reflective of locations identified in the Regulating Plan contained in the Oshtemo Township Comprehensive Master Plan and the Non-Motorized Facilities Plan, shall be installed within Arterial corridors and Collector streets.
- F. *Residential Development.* Sidewalks not less than five feet in width shall be included within the dedicated non-pavement portion of the right-of-way on both sides of all roads within a plat, subdivision, site condominium, or multi-family development.

- G. *Internal Connectivity.* Internal circulation within a development will provide for a clear and continuous path for use by residents.
- H. *External Connectivity.* Non-motorized connections shall be made to the broader community. Connections will be provided to adjoining neighborhoods, transit stops, and commercial nodes. Stub connections will be provided in locations that would allow for future locations based on the probable layout of abutting development due to natural features, typical lot sizes, etc.
- I. *Petition.* Existing residential neighborhoods without sidewalks, and for which public sidewalks are not planned under the Township Master Plan, may petition for sidewalks to be built within the neighborhood.
  1. The residents of the neighborhood shall be responsible for initiating the petition and, if successful, present the petition to the Reviewing Body for approval.
  2. Upon Reviewing Body approval, the streets of the neighborhood will be added to the list of streets to receive sidewalks and the sidewalks will be built at Township expense according to the Township's Prioritization Policy.
  3. Residents can petition to establish a special assessment district to pay for the sidewalk.
- J. *Board Action.* The Township Board may determine it is appropriate to require or initiate action that would result in the installation of non-motorized facilities.
  1. Within commercial and industrial areas, non-motorized facilities deemed necessary may be installed upon the motion of the Board in accordance with Michigan law with or without the establishment of a special assessment district.
  2. The Township, on the motion of the Board, may, at its expense, proceed with sidewalk improvements to fill gaps in the existing sidewalk system as redevelopment and infill development occurs.
  3. The Board may, concurrent with capital improvement projects, construct the sidewalks, other non-motorized facilities, and other appropriate safety improvements along primary pedestrian routes to schools, parks, or other activity destinations upon motion of the Board at the Township's expense. The Township will host public meetings to obtain resident input before committing to the Complete Street elements with the capital improvement projects.
- K. *Administrative Departure.*
  1. The width and location requirements may be adjusted upon finding that another location would be more appropriate because of the location of utilities, existing landscaping or trees, the location of connecting sidewalks or pathways on adjacent parcels, or other site considerations.
  2. In the Rural context zone, a widened minimum five (5)-foot shoulder may substitute for sidewalks on Local streets if there will be twenty-five (25) homes or less connected to the street.

## ARTICLE 9 – ADMINISTRATION AND ENFORCEMENT FOR PRIVATE STREETS

### Section 9.01. Administration and Interpretation.

The Public Works Director and Planning Director will jointly perform or assign the following responsibilities and authorities:

- A. Administer the street standards;
- B. Interpret the provisions of the street standards;
- C. Modify the street standards where special conditions indicate that such modification will best meet the purpose and intent of this Ordinance and provide an adequate and safe street for all users. If there is a conflict between this Ordinance and the individual requirements, the Public Works Director and Planning Director shall determine which requirements control. Should the Public Works Director and Planning Director differ in their opinions, then the Township Supervisor shall make the final determination.

### Section 9.02. Fees.

The Township shall, by resolution of the Township Board, adopt a fee schedule for Private Street Permits. The fees shall be imposed to cover Township administrative costs, as well as engineering review, field inspection, planning review, and legal and other professional services. The Township may also require escrow fees for field inspections. The balance of any escrow amount shall be refunded to the applicant upon final approval. Should the Township's costs exceed the fees submitted and/or the escrow amount, the applicant shall be responsible for payment of such amounts prior to the issuance of the certificate of completion.

### Section 9.03. Approval Process.

- A. *Commencement.* No construction shall be commenced on a street (or extension or addition thereto) until and unless all approvals under this Ordinance and any other applicable ordinance sections have been obtained from the Township through the Site Plan Review process as described in Article 65 of the Zoning Ordinance.
- B. *Authority.* Only the Township shall have the authority to approve or deny applications for permits for private street construction. Permits issued by other governmental entities shall not serve as a substitute.
- C. *Existing Private Streets and Permits.* A Private Street Permit shall not be required for the issuance of a building permit for a principal dwelling on an existing lot or site condominium unit which derives its access from a private street existing as of the effective date of this Ordinance.
- D. *Process.* Upon receiving plan approval, the applicant may file for a permit for the private street's construction. At such time, the following must be submitted to the Township Clerk:
  - 1. The applicant shall deposit with the Township Treasurer a sum of money, bank letter of credit or certified check in the amount sufficient to guarantee that the applicant shall perform the terms and conditions of the permit, including the payment of required fees. Upon issuance of certificate of completion any unused portion of the deposit shall be refunded to the applicant.
  - 2. Proof that the Road Authority and Drain Commission have reviewed the plan. Proof can be in the form of a letter or permit.



3. Proof that an agreement, outlined in Part E, regarding the interconnection, access rights, maintenance and improvements of the right-of-way, has been recorded with the Kalamazoo County Register of Deeds.
- E. *Agreement.* An agreement regarding the interconnection, access rights, maintenance and improvements of the right-of-way and roadway shall be submitted to the Township for review. It shall be in a form that allows it to be recorded with the Kalamazoo County Register of Deeds. Such agreement shall address the following:
1. The agreement shall run with the land and specifically address the liability and responsibility of the parties to said agreement to maintain the private street pursuant to the specifications of this Article. This shall include but is not limited to provisions for annual maintenance, snow removal, and the eventual repair or reconstruction of the street.
  2. The agreement shall include rules regarding voting rights and the responsibilities of parties to the agreement in relation to road maintenance and improvements.
  3. The agreement shall include detailed legal descriptions of the private street and all properties allowed to use the road.
  4. A method of initiating and financing such road and/or easements improvements in order to keep the road in a reasonably good and usable condition.
  5. A workable method of apportioning the costs of maintenance and improvements; including that required by an extension of the private street.
  6. Easements to the public for purposes of public and private utilities, emergency and other public vehicles for whatever public services are necessary.
  7. A notice that no public funds of Oshtemo Charter Township are to be used to build, repair, or maintain the private street, including road cuts, curbs and gutters that may be required at the entry of the private road onto a public street.
  8. A requirement that all future amendments to the maintenance agreement, easement agreement, master deed and/or deed restrictions shall be provided to the Township and recorded with the Kalamazoo County Register of Deeds.
  9. Parcel numbers and legal descriptions of all parcels that have legal access to the private road easement.
  10. The agreement shall state that "the private street system may be connected to future public or private street networks when stub streets are shown on the approved plan for private roads."
  11. The following statement shall be included in any deed or other instrument of conveyance recorded for any lots or other parcels of land served by a private street: "This property does not abut or front upon a public street. If a public street does not abut or serve the property, the street abutting or serving the property is a private street, and it is therefore not maintained by the Road Commission of Kalamazoo County or Oshtemo Charter Township."
  12. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified in this Ordinance and assess owners of parcels on the private street for the improvements, plus an administrative fee in the amount of 20% of the total cost for the improvements.

13. A provision that the owners of any and all of the properties using the street shall not prohibit, restrict, limit, or in any manner interfere with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the street.
- F. *Review Standards.* Township staff and/or consultants shall review the plans and agreements to assure that the request is in keeping with construction standards of this and other Township ordinances, the Township Comprehensive Master Plan, the intent of this Ordinance, compliance with curb cuts and potential connections, street names, and other applicable provisions. The following review standards shall be applied:
    1. The private street will be safe for traffic and pedestrians and advances the Township's priority of Complete Streets.
    2. The proposed development will not adversely affect adjacent uses of properties and shall be designed, constructed and maintained in a manner harmonious with the character of adjacent properties and the surrounding area.
    3. The private street will not place demands upon public services and facilities in excess of their current capacities.
  - G. *Issuance.* Upon receipt of the required funds and information, the Township Clerk shall issue the permit pursuant to the terms established by the Approving Body's resolution.
  - H. *Permit Duration.* A permit for private street construction shall be valid for a period of one year, or such longer period as determined by the Approving Body, from the date of issuance of the required improvements. If the improvements have not been completed within the allotted time frame, then the permit shall be null and void and of no force and effect and all deposits shall be forfeited to Oshtemo Charter Township.
  - I. *Final Drawings.* Upon completion of construction of a private street (or addition or modification thereof), at least one complete set of record construction drawings signed by a licensed engineer in the State of Michigan shall be submitted to the Township indicating that construction of the private street was observed and found to be generally in compliance with the approved plans and other Township approvals. These drawings shall indicate any changes to the original private street plans previously approved by the Township, the correct location, size, etc. of both preexisting and new utilities shall also be specified.
  - J. *Building Permits.* A building permit shall not be issued for any building or structure that derives its access from a private street that is subject to this Ordinance unless one of the following has occurred:
    1. A Private Street Permit has been issued by the Township and the street has been fully completed in accordance with the approved permit; or
    2. The private street has been nearly completed in accordance with the approved permit with the exception of the wearing course of a depth deemed suitable by the Public Works Director, and the applicant has provided the Township with a performance guarantee, cash, or irrevocable letter of credit as described in Part 3, below; or
    3. The applicant for the building permit or owner(s) of the private street right-of-way have provided the Township with cash or irrevocable letter of credit in an amount determined by the Reviewing Body to insure construction of the private street in accordance with the approved

private street permit within one (1) year from the issuance of the building permit. The letter of credit shall contain a provision that the Township shall have the right to access the letter of credit if such letter is not renewed 30 days before the expiration date of the letter.

#### Section 9.04. Inspections.

- A. All required improvements shall be inspected by the Public Works Director or assignee at various stages of construction as part of the Private Street Permit.
- B. The applicant's engineer shall certify to the Public Works Director, before the final inspection and report thereon are made, that the required improvements were made in accordance with this Article and all approved plans.
- C. Upon completion of construction of the leveling course the Public Works Director shall make a final inspection and shall report the results of the final inspection to the Zoning Administrator in writing. Upon favorable recommendation from the Public Works Director, the Zoning Administrator shall issue a tentative certificate of completion.
- D. No building permit shall be issued for any lot fronting on a private road unless a tentative certificate of completion has been issued by the Township.
- E. Upon completion of construction of the wearing course, the Public Works Director shall make a final inspection and shall report the results of the final inspection to the Township Clerk in writing. Upon favorable recommendation from the Public Works Director, the Township Clerk shall issue a final certificate of completion.

#### Section 9.05. Maintenance.

- A. *Responsibilities.* A private street shall be continuously maintained in a manner that it does not constitute a danger to public health, safety, and welfare. All costs associated with the repair of a private street shall be the responsibility of the individuals and/or the property owners association(s) comprised of land owners served by the street. Maintenance activities shall include, but not be limited to:
  - 1. Road surfaces are to be graded and graveled or paved to assure vehicle transit at all times of the year. Private graveled roads are only allowed when created off of a public graveled in the Rural context zone.
  - 2. Drainage facilities shall be maintained to be open and freely draining.
  - 3. A clear, unobstructed envelope shall be maintained at a minimum height of at least fourteen (14) feet above the entire minimum required road surface.
  - 4. Road signs, pavement markings, and traffic control signs, etc. shall be maintained and replaced by the owners/s of the private road.
  - 5. If repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified in this Ordinance and assess owners of parcels on the private street for the improvements, plus an administrative fee in the amount of 20% of the total cost for the improvements.
- B. *Snow Removal.* The individuals and/or the property owners association(s) comprised of land owners served by the street shall be responsible for plowing snow when there is two or more inches of

accumulation. The private street shall be kept free of ice so that firefighting and emergency vehicles can access all portions of the private street at all times.

1. Snow and ice must be removed from any sidewalk adjacent to a lot or parcel owned by the landowners within 24 hours after the ice and/or snow has formed or fallen.
2. Snow and ice shall be removed from the entire constructed width and length of the sidewalk.
3. Failure to comply can result in a municipal civil infraction citation and any associated costs or fines.

C. *Agreement.* The developer, individuals, and/or the property owners association(s) comprised of land owners served by the street shall produce enforceable documents that the Township may call upon at its option. These documents shall provide that, if the private street is not maintained to the requirements of this Section, all owners shall be deemed to have consented to a special assessment district being created by the Township to maintain or upgrade the private street. The agreement shall also provide that, alternately, the Reviewing Body, at its discretion, can improve and maintain the private street so that it meets the requirements of this Section, and the Township can charge owners for the reasonable costs thereof, and such costs shall be secured by either placing a property lien or by placing the costs thereof on the tax roll.

#### Section 9.06. Deviations.

- A. When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, such as topographical and other physical characteristics that cause unusual difficulty, the Planning Commission shall have the power to vary or modify the application of the provisions of this Ordinance when it finds that two (2) or more of the following criteria apply:
1. A proposed private road extension or improvement is of a very modest scale affecting not more than three (3) parcels such that full compliance with construction, design and development standards of this Ordinance would be inordinately burdensome as to be unwarranted.
  2. Construction of a new private street or the extension or improvement of an existing private road in conformance with the standards of this Section would result in severe degradation to important natural features that may be preserved and protected with a lessening of the standards. Provided that a safe alternative design will still result from such reduced standards.
  3. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formation of a general regulation for such conditions or situations.
  4. That by reason of exceptional narrowness in width, breadth, length or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary situations or conditions of the land, or of property immediately adjoining the property in question the literal enforcement of the requirements of this Ordinance would involve practical difficulties or would cause undue hardship.
  5. That authorizing such a variance would not be of substantial detriment to adjacent property and would not materially impair the intent and purposes of this Ordinance or the public interest. The possibility of increased financial return shall not of itself be deemed sufficient cause for authorizing a variance.

6. That practical difficulties or unnecessary hardships would occur if the strict letter of this Ordinance is observed, provided that public safety is secured.
  7. The granting of such waiver will not adversely affect the purpose or intent of the Oshtemo Comprehensive Master Plan or the provisions of this Ordinance.
- B. The Planning Commission may attach reasonable conditions in granting any deviation from any provision of this Article, and the breach of any conditions or the failure of any applicant to comply with the conditions shall void the deviation.
- C. If construction of the road has not commenced within two (2) years from the date that a deviation was granted, then the deviation shall be null and void. The Planning Commission may grant a longer time frame and may grant an extension when so requested by the applicant.

#### Section 9.07. Administrative Departures.

- A. *Purpose.* Administrative Departures are provided to permit access and/or the development of lots or properties that generally fall within the requirements of this Ordinance, but, due to minor site characteristics or other related conditions, a limited degree of flexibility to meet the spirit and purpose of this Ordinance is appropriate.
- B. It is not intended to be a general waiver or lessening of regulations. Rather, the procedure permits a site-specific plan that is equal to or better than the strict application of a design standard. It is not intended as a substitute for a variance or as a means for relief from requirements of this Ordinance.
- C. *Applicability.* Only those Administrative Departures that are specifically noted may be requested and approved.
- D. *Application Procedure.* Requests for Administrative Departures shall be submitted with the applicable application and shall include the following:
1. Information and materials, as listed in the application form, in sufficient detail to indicate the nature and necessity of the request, and a scaled drawing, if appropriate. Requested Administrative Departures shall be separately listed and clearly noted on the proposed plan.
  2. The applicable fee established by resolution of the Approving Body.
- E. *Review Standards.* The Public Works Director and the Planning Director shall consider whether the proposed alternative meets the following standards.
1. *Transportation and Mobility Ordinance.* The proposed Departure is consistent with the purpose and intent of the Ordinance, Article, and Section, and the specific requirements and conditions of the Administrative Departure approval criteria,
  2. *Area.* The proposed Departure will be compatible with adjacent properties and the neighborhood,
  3. *Environment.* The proposed Departure will retain as many natural features of the landscape as possible and/or cause lesser intrusion into the landscape,
  4. *Public Facilities.* The proposed Departure will not place a burden on existing infrastructure and services, and
  5. *Other.* The Departure request is necessitated by a condition of the site or structure, and not as a means to reduce costs or inconvenience.

- F. *Decision.* The Public Works Director may approve, approve with conditions, or deny the request. If the Public Works Director determines that the extent of the requested Departure(s) requires additional community review and input, the Engineer may refer the application to the Planning Commission for a public hearing. The fee for the Administrative Departure shall then be applied to the costs of application to the Planning Commission.
- G. *Prior to Other Approval.* Decisions on Administrative Departures shall be made prior to consideration of other approvals required by this Ordinance.
- H. *Appeal.* A decision regarding an Administrative Departure may be appealed to the Zoning Board of Appeals. Individual conditions imposed as part of an Administrative Departure approval cannot be separately appealed.

#### Section 9.08. Nonconforming Situations.

Private roads, legally constructed prior to the adoption of this Article may continue in use subject to the following:

- A. No such road shall be enlarged or extended unless the entire road is brought into compliance with the standards of this Ordinance.
- B. No additional lots or home sites shall be created which are accessed by a nonconforming private road unless the entire road is brought into compliance with the standards of this Ordinance.
- C. Lots lawfully created prior to the adoption of this Ordinance, which are accessed by a nonconforming private road may be used in accordance with the requirements of the Zoning Ordinance.

#### Section 9.09. Violation and Penalties.

Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for a period not to exceed 90 days or by both such fine and imprisonment. Any access which is used in violation of the terms of this Article may be abated, restrained, enjoined, and prohibited upon the commencement of an appropriate action in the Circuit Court.

#### Section 9.10. Repeal.

This Ordinance repeals the Oshtemo Charter Townships Moratorium on Private Roads and Private Streets, Ordinance Nos. 650, 651, 661, 662, and will take effect upon publication after adoption in accordance with State law.