

CHAPTER 22 PRIVATE STREETS & DRIVEWAYS

SECTION 22.10 INTENT

The intent of this chapter is to ensure that newly-created lots have safe and efficient year-round permanent vehicle access and utilities to protect the health, safety, and welfare of the public. Safe conditions are preserved by ensuring that private streets and driveways are constructed and maintained to support year-round traffic and also emergency vehicles, including but not limited to fire, police, ambulance, delivery, and utility service vehicles. The procedures, standards, and specifications established in this chapter are provided to ensure fair and consistent application to meet this intent.

SECTION 22.20 APPLICABILITY

A. GENERAL

No private street or driveway shall be constructed, extended, used, or upgraded unless approved by the Township in accordance with this chapter.

B. DRIVEWAY COMPLETION

A private driveway must also be approved and installed in accordance with this chapter before the building official issues a certificate of occupancy for a new dwelling.

C. LAND DIVISIONS TO BE SERVED BY PRIVATE STREETS

1. **Compliance.** Compliance with the easement requirements of this chapter will allow applicants to satisfy the accessibility requirements of the Michigan Land Division Act (Act 288 of 1967, as amended) and the frontage requirements of Section 3.30 F of this Ordinance.
2. **Approval.** A land division involving a private street to satisfy frontage and access requirements shall not be approved without prior Township approval of an easement and a private street in accordance with this chapter.
3. **Permitting.** Building permits may be issued for structures on lawful lots accessed by private streets resulting from land division approvals; however, a private street shall be constructed, inspected, and approved in accordance with the requirements for a Zoning Permit- Certification of Site Compliance prior to the issuance of a certificate of occupancy for any building or structure on the lot accessed by a private street (Section 25.40 C.4).

D. PLATTED SUBDIVISIONS AND CONDOMINIUMS TO BE SERVED BY PRIVATE STREETS

1. **Compliance.** Compliance with this chapter will allow applicants to satisfy the frontage requirements of Section 3.30 F of this Ordinance for platted subdivisions and condominium developments.
2. **Permitting.** A final plat, final site condominium plan, or final condominium project plan involving a private street for access shall not be approved without Township approval, construction, and close-out of a private street in accordance with the requirements for a Zoning Permit- Certification of Site Compliance (Section 25.40 C.4).

E. LAWFUL NONCONFORMING PRIVATE STREETS AND DRIVEWAYS

See Section 33.70.

SECTION 22.30 GENERAL REQUIREMENTS

A. FIRE DEPARTMENT INSPECTIONS

All private streets and private driveways approved in accordance with this chapter are subject to periodic inspection by the Fire Department having jurisdiction to ensure that surfaces and conditions are fully maintained in conformance with this chapter.

B. GATES

All gates blocking access to buildings, a private driveway, or a private street must have an access code given by the Fire Department and be equipped with a keyed switch that will keep the gate open. The keyed switch must use a Knox Box Key with a key within it. Gates shall have a minimum opening of 12 feet or the width of the roadway, whichever is greater.

C. ADDRESSING AND SIGNAGE

1. **Address Numbering.** Address numbering shall be based on the private street and not the public road. Addressing shall be approved by the Kent County Road Commission.
2. **Display.** Principal buildings shall display an address number in a manner so that the number is readily visible from the private street. Principal buildings served by a private driveway extending from a public road shall display an address number in a manner so that the number is readily visible from the public road. Address identification shall comply with the current Fire Code.

D. ENTRANCE LOCATION AND DESIGN

The spacing, geometric design, and surface requirements for all private street and private driveway entrances within the public right-of-way are subject to the current “Rules to Regulate Work Driveways, Banners and Parades Upon and Over Public Highways,” as amended, as adopted by the Kent County Road Commission (KCRC).

E. PERFORMANCE GUARANTEE

1. **Conditional Approval.** The Planning Commission may, as a condition of the private street construction permit application approval process, require the applicant(s) to post a cash bond, a bank letter of credit, or other security in accordance with Section 25.80 in order to ensure compliance with the requirements of this section.
2. **Amount.** The amount of the bond or security submitted, if required, shall be equal to the total estimated cost for completing construction of the private street as approved by the Township Board.
3. **Release.** The bond, escrow, or unspent portions thereof will be returned to the applicant(s) by the Township Board upon completion of the private street to the standards required in this section.

F. DRIVEWAY ACCESS TO PRIVATE STREETS

If a lot has frontage on a public street and a private street, driveway access to the lot shall be from the private street.

SECTION 22.40 RESIDENTIAL PRIVATE DRIVEWAYS

A. PERMITTING

1. **Zoning Permit.** A zoning permit is required for all driveways as part of the building plan review or as a separate application if no building is involved.
2. **Sketch.** A driveway sketch prepared to scale shall be provided to the township to demonstrate compliance with the requirements of this chapter, in addition to a driveway permit containing an approved street address issued by the Kent County Road Commission, as applicable.

B. GENERAL REQUIREMENTS

1. **Single Lot.** A driveway shall only serve one (1) lot.
2. **All-Weather Surface.** The driveway must support sustained vehicle use and allow for easy all-weather emergency vehicle access.
3. **Connection to Streets.** On a corner lot at the intersection of a public road private street, a private driveway shall connect to the private street, and the lot shall not have direct access onto the public street.
4. **Turn-Outs.** If the surface width of the driveway is less than 20 feet, tapered turn-outs at a ratio of one (1) per 300 feet shall be provided. Turn-outs (travel plus bypass lanes) shall be no less than 20 feet wide by 40 feet long (excluding tapers). Driveway throats and intersections may satisfy turn-out requirements if properly spaced and sized.
5. **Fire Truck Maneuverability.**
 - a. An improved area having dimensions adequate for maneuvering and also the turn-around of firefighting apparatus shall be available in a location acceptable to the Fire Official.
 - b. Minimum Curve and Turn Radius. Curves on driveways must be traversable by fire equipment to a point within 50 feet of a structure. Curve radius shall be not less than 48 feet and 11 inches (48'11").
 - c. All driveways shall meet the requirements of the fire code.
6. **Drainage.**
 - a. Driveways shall be crowned and/or sloped to facilitate drainage.
 - b. Swales or ditches shall be designed to comply with the requirements of Chapter 40, Art. III of the Gaines Charter Township Code of Ordinances and State of Michigan environmental regulations, as applicable. Excavation, grading, and restoration must all comply with Kent County soil erosion permitting requirements.

C. SPECIFIC DESIGN REQUIREMENTS

TABLE 22.40 C: DRIVEWAY DIMENSIONAL REQUIREMENTS	
Requirement	Residential Private Driveway
Minimum Surface Width	10 feet if less than 250 feet and 12 feet if 250 feet and greater
Maximum Grade	6% but 4% within 30 feet of the street
Minimum Vertical Clearance	14 feet
Minimum Horizontal Clearance	15 feet except where turnouts require a greater width

SECTION 22.50 COMMERCIAL DRIVEWAYS

A. PERMITTING

Commercial driveways and commercial shared driveways are subject to site plan review in accordance with Chapter 26.

B. GENERAL REQUIREMENTS

1. **Access Management.** Commercial driveways and commercial shared driveways are subject to access management requirements in Section 21.40.
2. **Design.** Commercial driveways are subject to the dimensional requirements of drive aisles in accordance with Section 20.40.
3. **Setbacks.** Building setback requirements are not applied to commercial driveways, shared commercial driveways, or commercial driveway easements.
4. **Frontage.** Commercial driveways and commercial shared driveways shall not be used to meet frontage requirements of Section 3.30 F.
5. **Easement.** Commercial driveways serving as cross-access and shared commercial driveways are subject to the easement requirements of this chapter. Easements shall be sufficient in width to include the entire drive surface and drainage.

SECTION 22.60 PRIVATE STREET REQUIREMENTS AND DESIGN

A. PERMITTING

Private streets shall not be created, installed, or extended without site plan approval. See Chapter 26 Site Plan Review for the review of major private streets. See Section 25.40 Administrative Review for the review of minor private streets.

B. GENERAL REQUIREMENTS

1. **Maintenance.** Private Streets shall be kept in reasonable repair and maintained at all times and shall be regularly snowplowed during snow conditions.
2. **Additional Lots Served by Minor Private Streets.** No more than the maximum number of residential lots may be served by a minor private street unless upgraded to comply with major private street requirements.
3. **Signage.** Signage naming the private street meeting Kent County Road Commission standards shall be installed and maintained at all times where a private street intersects with any public road. Also, a stop sign shall be installed and maintained at all times where a private street meets a public road.
4. **No Obstruction.** A person or persons shall not erect, construct, place, or maintain any speed control bumps, fences, gates, chains, bars, pipes, wood, or metal horses or any other type of obstruction on any private street designed to limit access or control vehicular speed.
5. **Planned Unit Developments.** If the private street is proposed as part of a Planned Unit Development (PUD) project, the provisions of this section regarding private street standards may be modified for the PUD project by the Planning Commission at its sole discretion for good cause shown.

6. Drainage and Soil Erosion.

- a. Street design shall comply with the Township's Stormwater Ordinance.
- b. Increases in stormwater run-off shall be mitigated when the total area of the impervious surface of the private street exceeds one (1) acre.
- c. Existing drainage patterns shall not be altered or changed.
- d. Cross culverts shall be provided where necessary to maintain the existing drainage patterns and shall be a minimum of 12 inches in diameter.
- e. All culverts and storm sewer systems shall be designed by a licensed engineer to pass a 10-year design storm without surcharging.
- f. All culverts and storm sewers must be constructed with premium joints and with the structural strength to support a fire truck and shall be maintained in a good working and clear condition at all times.
- g. Excavation, grading, and restoration work must comply with Kent County soil erosion permitting requirements. All disturbed areas must be restored with a thick stand of grass.

C. SPECIFIC DESIGN REQUIREMENTS

TABLE 22.60 C: STREET REQUIREMENTS		
Requirement	Residential Minor Private Street	Major Private Street
Maximum Lots Served	4 lots	No limit as long as compliant with current Fire Code
Minimum Easement Width	66 ft.	66 ft.
Minimum Surface Width	16 ft. plus 2 ft. wide gravel shoulders on each side	26 ft. plus 2 ft. of valley gutter on each side
Minimum Vertical Clearance	14 ft.	14 ft.
Minimum Horizontal Clearance	15 ft. from edge of surface material on both sides	8 ft. from edge of surface material on both sides
Intersections	See Section 21.40 Access Management	
Minimum Cul-De-Sac Radius	48 ft. 11 in. unless a wider radius is required by the Kent County Road Commission Requirements and Specifications for Plat Development or Fire Department	
Paved Surface	Private streets shall be paved with asphalt in accordance with the Kent County Road Commission Requirements and Specifications for Plat Development	
Other	For cross section, cul-de-sac, horizontal curve centerline radius, sub-surface and surface material and minimum thickness, intersections, and grade see the current edition of the Kent County Road Commission Requirements and Specifications for Plat Development	

SECTION 22.70 MAINTENANCE REQUIREMENTS

A. MAINTENANCE AGREEMENT

A recorded easement maintenance agreement or master deed (as approved by the Township) is required to guarantee the perpetual private maintenance, upkeep, and snowplowing of a private street. These documents shall be approved by the Township and be recorded prior to the issuance of zoning and building permits for any lot served by the private street and shall contain all of the following provisions:

1. **Financing.** A method of initiating and financing the maintenance and snowplowing of the private street and other improvements within the easement so that they are kept in a passable and safe condition year-round.
2. **Cost Sharing.** Provisions apportioning the costs of maintenance and improvements as follows:
 - a. **Original Users.** The method by which the original users will apportion the costs of construction, maintenance, and improvements.
 - b. **Subsequent Users.** The method for apportioning to subsequent users a proportionate share of the maintenance costs and costs of improvements, whether the subsequent users are a result of: (1) extension of the private street beyond its initial length, or (2) connection to another private street, or (3) division of property that is to be served by the private street.
3. **Township Authority.** A notice that if repairs and maintenance are not made, the Township Board may upgrade the private street to the design standards specified in this chapter and assess all owners of property served by the private street for the improvements, plus an administrative fee in the amount of five (5) percent of the total cost of the improvements.
4. **No Public Expenditures.** A notice that no public funds of the Township are to be used to build, repair, snowplow, or maintain the private street or associated improvements.
5. **Hold Harmless.** A provision stating that the Township will be held harmless by the lot owners for any personal or property damage claims or liabilities arising from accidents occurring on or in connection with the private street.
6. **Easement.** Easements to the public for purposes of utilities, emergency, and other public vehicles, for whatever public services are necessary.
7. **Legal Access.** A provision indicating that the owners of any and all of the property using the private street shall refrain from prohibiting, restricting, limiting, or in any manner interfering 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, utility personnel, delivery vehicles, invitees, tradesmen, emergency vehicles, and others bound to or returning from any of the properties having a right to use the private street.
8. **Legal Requirements.** Any other provision required by the Township Attorney.

B. EXTENSION OF EXISTING PRIVATE STREETS

Prior to the extension of a private street which does not have a recorded legally enforceable or complete easement, master deed, and/or easement maintenance agreement conforming to this Section, the owners of all lots shall submit an easement and easement maintenance agreement or master deed (or amendments thereto) for review and approval by the Township and shall be executed by all lot owners along the street and recorded before such extension occurs.

C. ADDITION OF LOT(S) TO EXISTING PRIVATE STREETS

The owner of any lot added to a private street shall be responsible for its proportionate share of maintenance as required by an approved easement maintenance agreement or amendment thereto.

D. APPROVAL

Every new and amended easement maintenance agreement or master deed must be approved by the Township Attorney before execution and recording.

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