

OSHTEMO CHARTER TOWNSHIP  
KALAMAZOO COUNTY, MICHIGAN

**NOTICE OF ORDINANCE SUBMITTAL**

TO: THE RESIDENTS AND PROPERTY OWNERS OF OSHTEMO CHARTER TOWNSHIP,  
KALAMAZOO COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the proposed Ordinances have been submitted to the Township Board of the Oshtemo Charter Township, which, if adopted, would provide, in summary, as follows:

**TRANSPORTATION AND MOBILITY ORDINANCE NO. 667**  
THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

**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 Charter Township Act 359 of the Public Acts of 1947, as amended.

Section 1.03. Purpose and Intent.

A. 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 maintenance of the Township transportation network.

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.

#### 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.

B. Private Agreements. This Ordinance is not intended to revoke or repeal any easement, covenant or other private agreement; Provided 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.

### 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.

2. The particular shall control the general.

3. In case of any difference of meaning between the text and any caption 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 set forth more fully in the Ordinance.

5. Any reference to Ordinance, shall mean Ordinance 667 of the Township Code.

6. Terms not defined in this Ordinance shall be given their ordinary and common meaning.

Section 2.02. Definitions more fully set forth in the Ordinance.

**ACCESS MANAGEMENT.**  
**ALLEY.**  
**BIKEWAY.**  
**COMPLETE STREETS.**  
**COUNTY DRAIN COMMISSION.**  
**COUNTY ROAD COMMISSION.**  
**CUL-DE-SAC STREET.**  
**DEAD-END, PERMANENT.**  
**FRONTAGE ROAD.**  
**LOT.**  
**MULTIPLE-FAMILY DEVELOPMENT.**  
**PATHWAY.**  
**PRIMARY AND SECONDARY STREET.**  
**PRIVATE DRIVEWAY.**  
**PRIVATE SHARED DRIVEWAY.**  
**PRIVATE STREET.**  
**ROAD AUTHORITY.**  
**SERVICE DRIVE.**  
**SIDEWALK.**  
**STREET.**  
**STREETSCAPE.**  
**STREET FRONTAGE.**  
**STREET FURNISHINGS.**  
**STREET AREAS.**  
**STREET CLASSIFICATIONS.**  
**STREET CONTEXT.**  
**TRAFFIC CALMING.**  
**TRAFFIC CALMING MEASURES.**  
**RIGHT-OF-WAY (ROW).**  
**USERS.**

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.

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.

E. A half-width right-of-way shall be provided on parcels fronting an Arterial or Collector Street where additional development is anticipated.

F. 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.

1. A private Collector Street shall have a recorded easement permitting passage by the public within the right-of-way.

2. All private streets shall have a recorded permanent easement for the entire length and width of the street. The minimum width shall comply with Table 8.07

3. 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.

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.

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.

F. Any extension of a street, or planned extension, shall retain the name of the existing street.

G. 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.
- 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.

#### Section 3.06. Street Signs.

Signs identifying the intersection of a public and private street shall be paid for, posted, and thereafter maintained.

#### 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.
- B. Public streets. A clear vision area shall be maintained at all intersections.
- 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 are more fully set forth in the Ordinance.
- 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.
- E. Responsibility. Where any street intersection will involve earth banks or existing vegetation, the property owner shall clear such ground and/or vegetation.

#### 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, as more fully set forth in the Ordinance.

#### 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 grown and will be more fully applied as set forth in the Ordinance.

### 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.

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.

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.

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; or
3. Place additional strains on infrastructure or public services.

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;
- b. Fund the needed infrastructure or service improvements pursuant to a written agreement;
- c. Contribute to a fund to be used by the Township to address the infrastructure.

ARTICLE 4 – COMPLETE STREETS:

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.

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.

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 meet the standards set forth in Section 4.02 of the Ordinance.

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;
- B. Streets and blocks arranged to allow for comfortable walking distances;
- 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.

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, and ensure network reliability.

#### 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.

#### Section 5.03. Blocks.

Requirements. The Block requirements for the Oshtemo Township’s street network are more fully set forth in Section 5.03 of the Ordinance.



#### Section 5.04. Street Intersections.

- A. Streets shall intersect as nearly as possible to 90 degrees and in no case less than 80 degrees.
- B. Not more than two streets can intersect at any one point.
- C. A street at an intersection not in alignment with the existing street, it must not intersect such cross street closer than 200 feet from such opposite existing street.
- D. Concrete curbing will be installed throughout the entirety of an intersection within the public right-of-way or private street easement.

#### Section 5.05. Connections.

- A. When a Collector or Local Street will link different land ownerships to a different street, public or private, 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.
- C. Frontage streets, service drives, private shared driveways, and public or private streets shall connect to existing outlots in adjacent developments.
- D. Where adjoining areas are undeveloped, 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 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.
- B. A dead-end public right-of-way or private street easement in excess of 660 feet in length, shall be prohibited except upon recommendation from the Public Works Department.
- C. A cul-de-sac turnaround will be provided at the end of a permanent dead-end street or a temporary dead-end street.
- D. Where a public or private street easement not intended to extend beyond the boundaries of the subdivision/site condominium 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.

## 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.

### 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 redesigning the closing, relocation, or reduction 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.
- F. Condo Projects. Condominium developments and all associated units shall be serviced by an interior transportation network.
- 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 of ten (10) feet.
- C. Approach shall be installed in conjunction with approved curb cuts and access management requirements.
- D. Administrative Departures. A second driveway may be permitted under the provisions of Section 6.03 as more fully set forth in the Ordinance.

### 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.

- B. Right of Way. Thirty (30) feet of right-of-way shall be preserved for the shared driveway.
- C. Minimum Width. Shared private driveway shall have a minimum width of sixteen (16) feet.
- D. Location. The shared private driveway shall be constructed along a joint property line.
- E. Construction. An engineered drawing shall be prepared for the review of the Public Works Director.
- F. Connections. Vehicular connections between parking lots and vacant sites for future development shall be provided.
- G. Administrative Departures. A second shared private driveway may be permitted in accordance with Section 6.03.D.

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.
- 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.
- C. Primary Access. Where property has frontage or access on more than one roadway, access shall be provided from the lesser traveled street.
- D. Arterials. New access points on Arterials is to be minimized.
- E. 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.
- G. Parking Facilities. Adequate ingress and egress to a parking facility shall be provided by clearly defined driveways.
- H. 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.

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, see Table 6.07A Required Driveway Spacing Distances.

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 or offset a minimum of 180 ft.

D. Crashes. Where accidents and congestion occur, due to left turn movements, should be designed to discourage left turn ingress and/or egress.

E. Intersections. Minimum spacing of access points from intersections, shall comply with Township Public Works and Road Authority standards, see Table 6.07E Required Driveway Spacing from Intersections.

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.

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.

#### 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.

B. Gated Access. All gates blocking access to a private road shall have an access code determined by the fire department.

### ARTICLE 7 – INTERNAL CIRCULATION:

#### Section 7.01. Purpose and Intent.

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.

#### 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.

#### 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 set forth in Section 7.03 B as more fully set forth in the Ordinance.

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.

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.

#### 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.

2. The Reviewing Body may require a frontage road or rear service drive where such facilities can provide access to signalized locations and the number of driveways may be minimized.

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.

C. Alignment. The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions.

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.

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.

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.

2. Delineation. Curbing, signage, islands, or some other means to guide the route of through traffic shall be provided.

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.

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.

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 conditions set forth in Section 7.04 as more fully set forth in the Ordinance.

#### 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.

B. Circulation Routes. Parking lots shall provide well-defined circulation routes for vehicles.

C. Traffic Control Devices. Standard traffic control signs and devices shall be used to direct traffic.

D. Orientation. Parking bays shall be perpendicular to the land uses they serve to the maximum extent feasible.

E. Landscape Islands. Landscape islands with raised curbs shall be used to define parking lot entrances.

F. Points of Conflict. The lot layout shall address the interrelation of pedestrian, vehicular and bicycle circulation.

G. User Needs. Layout and design shall anticipate the needs of users and provide continuity between vehicular circulation, parking, pedestrian and bicycle circulation.

H. Pavement. All vehicle circulation and off-street parking areas will be surfaced with asphalt.

I. Trucks. Truck access and circulation routes shall be designed to minimize potential traffic and noise conflicts with adjacent sites.

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.

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.

B. Accessible Walkways. Pedestrian walkways shall be provided to connect off-street surface parking areas and public non-motorized facilities.

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.

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.

F. Protected. Dedicated sidewalks shall be raised above the surface of the parking lot, or, if at the same level as the parking lot or the walkway.

G. 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.

H. Additional. Each surface parking area that has fifty (50) or more parking spaces, shall have at least one (1) pedestrian walkway to 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.

B. Where transit shelters are provided, they shall be placed in highly visible and well lighted.

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.

B. Connection to Front Door. A pedestrian-accessible walkway shall be available between the outdoor bicycle parking area and the primary building entrance.

C. Bike Racks. Designs of bicycle racks, docks, posts, and lockers are encouraged to be decorative, unique, and appropriate to the surrounding area.

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.

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.

Oshtemo Township is committed to ensuring the transportation system which serves its residents, businesses, and visitors operates safely and efficiently.

#### Section 8.02. Context Zones.

A. For the purposes of this Streets 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 shall be public.

2. Collectors provide a connection between Arterials and Local Streets.

3. Local Streets provide direct property access to homes, businesses, parking, loading, or other service areas of a site.

#### 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 follow the provisions set forth in Section 8.05B as more fully set forth in the Ordinance.

#### 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.

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.

C. Authorization. Private streets shall not be constructed, extended or relocated without express written approval by the Public Works Director and Planning Director.



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.

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.

#### 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.

C. Local Streets. An engineered drawing shall be prepared for the review of the Public Works Director that includes information on anticipated traffic types and volumes and adjacent land uses.

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. See table 8.07 Required Private Streets Standards.

#### 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.

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%).

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.

3. The minimum grade for any concrete curb and gutter street shall be 0.75%.

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, used to ensure that travel speeds remain slow.

C. Relationships. The interplay of the private street to other properties, facilities, buildings, and even door entries is important for a successful built environment.

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 the provisions of Section 8.08 as more fully set forth in the Ordinance.

#### 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.

B. Applicability. Streetscape improvements shall be applicable to all private street construction or reconstruction projects (non-maintenance).

C. The design of the storm water management should seek to be comparable in function and appearance to common natural drainage systems.

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 provisions of Section 8.09 E are more fully set forth in the Ordinance.

F. Soil. Topsoil per Table 8.07 Streetscape Planting Requirements shall be used for tree installation.

G. 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.

H. 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.

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 as more fully set forth in the Ordinance.

#### 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.

D. Sidewalks at Driveway Crossings. The appearance of the sidewalk shall be maintained across the driveway to indicate that the area traversed.

E. Shared Use Path. A twelve (12)-foot shared-use path per Township's 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.

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.

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.

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.

### Section 9.02. Fees.

The Township shall, by resolution of the Township Board, adopt a fee schedule for Private Street Permits.

#### 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 to follow the provisions of Section 9.03 D and is more fully set forth in the Ordinance.

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 provisions of Section 9.03 E and is more fully set forth in the Ordinance.

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 Master Plan and the intent of this Ordinance.

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.

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.

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; or

2. The private street has been nearly completed 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; 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.

#### Section 9.04. Inspections.

A. All required improvements shall be inspected by the Public Works Director.

B. The applicant's engineer shall certify before the final inspection that the required improvements were made in accordance with this Article.

C. Upon completion of construction of the leveling course the Public Works Director shall make a final inspection.

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.

#### 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) as more fully set forth in the Ordinance.

B. Snow Removal. The property owners shall be responsible for plowing snow when there is two or more inches of accumulation.

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) 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 set forth in Section 9.06 have been met.

B. The Planning Commission may attach reasonable conditions in granting any.

C. If construction has not commenced within two (2) years from the date that a deviation was granted, then the deviation shall be null and void.

#### 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 in sufficient detail to indicate the nature and necessity of the request, and a scaled drawing, if appropriate.

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. Streets Ordinance. The proposed Departure is consistent with the purpose and intent of the Ordinance.

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 provisions of Section 9.08 are more fully set forth in the 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.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Ordinances has been posted at Oshtemo Township Hall located at 7275 West Main Street, Kalamazoo, Michigan 49009, and on the Township's web page, [www.oshtemo.org](http://www.oshtemo.org).

PLEASE TAKE FURTHER NOTICE that said Ordinances will be considered for adoption by the Township Board at its regular meeting to be held at Township Hall on February 20, 2024, commencing at 7:15 p.m.

Oshtemo Charter Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities. Individuals with disabilities requiring auxiliary aids should contact the Township by phone, or in writing, at least seven (7) days prior to the scheduled meeting date.

All interested parties are invited to be present at the aforesaid meeting to participate in discussion of these Ordinances.

DUSTY FARMER, Clerk  
Oshtemo Charter Township  
7275 West Main Street  
Kalamazoo, MI 49009