

ORDINANCE NUMBER 04-08
AN ORDINANCE TO MONITOR DRIVEWAYS.

THE VILLAGE OF MORLEY ORDAINS:

SECTION 1. PURPOSE..

A) Driveways, much like intersecting streets, create points of conflict with through traffic. Thus, driveways can interfere with the intended function of the roadway to move traffic safely and efficiently. The potential impacts generated by driveway traffic are dependent on a number of factors, including the number of vehicles using the driveway, driveway placement and design, the number of lanes in the roadway, and the traffic volumes on the roadway. A driveway serving a large commercial center can be viewed much like a major intersecting street, while a single-family residential driveway has a much less detrimental effect. To reduce the negative impacts created by driveway operations, the standards outlined in this ordinance are intended to:

- 1) Identify driveway design criteria that promote safe and efficient ingress and egress at driveways;
- 2) Reduce the number of driveways and intersections, and reduce the number of poorly aligned driveways;
- 3) Reduce the frequency of conflicts or the area of conflict at some or all driveways by limiting or preventing certain maneuvers;
- 4) Reduce both the frequency and severity of conflicts by providing separate paths and storage areas for turning vehicles and queues;
- 5) Acknowledge that substantial public funds have been invested to develop a network to move traffic safely and efficiently; and
- 6) Recognize that property owners have an inherent right to access public roadways, although reasonable access may be indirect in some instances.

B) The following standards provide basic principals for access design and control of arterial and major collector roadways. The standards will address most design concerns. Engineering judgment, however, will be required on a case-by-case basis when special circumstances arise.

SECTION 2. DEFINITIONS.

General definitions. Words used in this ordinance and contained in this section shall have the meanings as defined in this section.

Applicant – The property owner or the property owner’s authorized legal agent who is applying for a permit to connect a driveway as defined by Section 1 of Act 200 of the Public Acts of 1969, as amended.

Arterial and major collector driveways – Those roadways that are defined as such in the Village of Morley.

Buffer area (curb lawn) – An area of the public right-of-way that is adjacent to a roadway and serves as a physical barrier to vehicular travel between road traffic and activity on the private property.

Circle Driveway – A private drive, one-way driveway which enters and leaves private property at two points within the same frontage.

Clear Vision Area – Land acquired or used by and in accordance with standard practices of the agency having jurisdiction over the road for the purpose of maintaining unobstructed vision.

SECTION 3. DRIVEWAY STANDARDS DEFINITIONS.

Commercial Driveway – A driveway serving a commercial establishment, industry, government, or educational institution, hospital, church, multifamily residential building, mobile home park, and all other facilities not included in the definitions for residential field, or utility structure driveways.

Controlled Access – A road right-of-way in which owners or occupants of abutting lands, and other persons, have no legal right to access those abutting lands except at such point only, and in such manner as determined by Village.

Directional Driveway – A driveway system designed so that traffic leaving the road is separated from and does not conflict with traffic entering the road. (Turning movements into and from the property is restricted.)

Divided Driveway – A driveway so designed that traffic entering the driveway is separated by a traffic island from the traffic leaving the driveway.

Driveway Offset – The minimum distance between two commercial driveways on the opposite sides of the roadway.

Field Driveway – Any driveway serving a farm yard, cultivated or uncultivated field, timberland or undeveloped land not used for industrial, commercial, or residential purposes or any temporary driveway serving such properties which may be used for industrial, commercial, or residential purposes provided such temporary driveway has been approved by the planning commission. In determining whether to approve a temporary driveway, the planning commission shall consider whether such temporary driveway will be used in connection with a permitted use of the property it will serve and whether such temporary driveway and the related use will have a negative adverse effect on adjoining property owners. Temporary as used in this definition shall be a period no longer than five consecutive one-year periods as approved by the planning commission followed by a minimum period of non-use equal to the preceding period of use.

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Frontage – The private lot line that abuts the road right(s)-of-way.

Intersection Sight Distance – The distance that an oncoming vehicle is visible to a driver stopped at a crossroad or driveway.

Owner's Engineer – The professional engineer registered in the State of Michigan who is employed by the property owner to prepare plans and supervise construction.

Property Owner – A person, firm, association, partnership, corporation, or combination of any of these, or any other party having an interest in the land involved.

Residential Driveway – A driveway serving a private single family or two family dwelling.

Right-Of-Way Frontage – That portion of the road right-of-way that abuts the frontage of a parcel.

Right-of-Way Line – The boundary between private property and the public lands under the legal control of the agency having jurisdiction over a road.

Temporary Approach – A point of access that will be used for a particular purpose for a specified short period of time, not to exceed one year. After said period of time, either a permanent approach permit must be acquired and the approach built, or the approach must be removed and the right-of-way restored to its original condition.

Utility Structure Driveway – Any driveway serving a structure or utility installation, such as a pump house or substation, which operates automatically and requires only occasional access.

SECTION 4 DESIGN DEFINITIONS.

Intersection Angle – The clockwise angle from the road edge of pavement or road center line, if unpaved, to the driveway reference line, which is the edge or center line of the driveway.

Driveway Width – The distance between driveway edges of pavement (or edges of the gravel surface, if applicable), measured at the point where the edges of the driveway become parallel.

Entering Radius – The radius of the driveway-edge curve on the right side of a vehicle entering the applicant's property.

Exiting Radius – The radius of the driveway-edge curve on the right side of a vehicle exiting the applicant's property.

Curb Ending – The length of the height transition of the driveway curb from ground level to full curb height along an uncurbed road.

Right-Turn Lane Length – The length of auxiliary lane (deceleration lane) preceding the driveway to accommodate the applicant's property, not including taper.

Right-Turn Lane Width – The width of the auxiliary lane measured from the edge of the adjacent through lane to the outside edge of the pavement.

Entering Taper – The length of the diagonal pavement widening preceding the driveway or right-turn lane.

Exiting Taper – The length of the diagonal pavement widening following the driveway.

Entrance Drive Width – The width of the portion of a divided or a directional driveway which has been designated or intended for the use of a vehicle entering the applicant's property.

Island Width – The edge-to-edge distance between the entrance drive and exit drive.

Island Length – The distance between the most extreme end points of the island, measured parallel to the entrance drive.

Nose Offset – The distance between the edge of the through lane pavement and the median island of a divided or a directional driveway.

Curb Cut – The length of the opening along the road curb for a straight-sided (90 degree) driveway.

Passing-Lane Approach – The length of the auxiliary lane constructed on the opposite side of the road preceding the driveway to accommodate through traffic passing the left-turn traffic entering the applicant's property.

Passing-Lane Departing Length – The length of the auxiliary lane constructed in the opposite side of the road following the driveway to accommodate through traffic passing the left-turn traffic entering the applicant's property.

Passing-Lane Width – The width of the auxiliary passing lane, measured from the outside edge of the normal through lane to the outside edge of the passing lane.

Passing-Lane Approaching Taper – The length of the diagonal pavement widening preceding the passing lane.

Passing-Lane Departing Taper – The length of the diagonal pavement widening following the passing lane.

SECTION 5 DRIVEWAY / CURB-CUT PERMIT REQUIRED.

The construction of any new driveway or the creation of any new curb-cut shall require that a permit be obtained from the Street Administrator.

When a curb-cut permit is issued, existing curb cuts that are no longer in use shall be filled in with curb and gutter pursuant to Village standards. Curb and gutter shall be installed together as one unit.

The Street Administrator with Council approval, may waive or vary this curbing requirement where unique circumstances exist.

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SECTION 6 DRIVEWAY LOCATION STANDARDS.

- A) Purpose – Driveway spacing simplifies driving by reducing the amount of information a driver must process and react to. Locating a driveway away from the operational area of a signalized intersection decreases the potential for congestion and accidents for both through traffic and vehicles using the driveway. Adequate spacing between driveways and un-signalized roadways or other driveways can reduce confusion. Inadequate spacing requires drivers to watch for ingress and egress traffic at several points, while simultaneously trying to control their vehicle and monitor other traffic ahead of and behind them.
- B) Commercial Driveways:
- 1) Driveways shall be located so as to limit undue interference with the free movement of road traffic, to provide the required sight distance, and to provide the most favorable driveway grade.
 - 2) Driveways, including the radii, but not including right-turn lanes, passing-lanes, and tapers, shall be located entirely within the applicant’s right-of-way frontage. This right-of-way frontage is determined by projecting the lot lines to the edge of pavement of the road. Encroachment of curb and radii on adjacent right-of-way frontage shall be permitted only upon written certifications from the adjacent property owner(s) (agreeing to such encroachment) and/or when the Village has determined that such encroachment is necessary to preserve safe roadway conditions.
 - 3) Driveways shall not be constructed along the acceleration or deceleration lanes and tapers connecting to interchange ramp terminals.
 - 4) Minimum spacing requirements between a proposed driveway and an adjacent intersection shall be those listed in Tables 9.1 and 9.2. Spacing requirements will vary depending on the roadway classification (see Figure 9.1) and intersection control. The spacing measurements in Table 9.1 and 9.2 are from the center line of the proposed driveway to the near right-of-way line of the intersecting street.
 - 5) In those cases where an intersection setback for a driveway cannot be met, the planning commission may require that the drive be constructed on an alternative street, or be provided through a shared driveway which meets the applicable intersection setback. Where no other alternatives exist, the planning commission may allow construction of the drive along the lot line farthest from the intersection.
 - 6) Driveway spacing requirements (distance between two driveways) shall be determined based upon posted speed limits. The driveway spacing indicated in Table 9.3 are measured from the center line to center line. The planning commission may reduce the spacing distance requirements in Table 9.3, but in no case will the spacing be less than 80% of those figures.
 - 7) For lots or parcels existing prior to the adoption of this ordinance, one driveway may be permitted for each separately owned parcel with less than 100 feet of frontage, provided that the parcel is wide enough for the minimum driveway width, plus the required radii. Where parcel size insufficient, a shared driveway or other means of access may be required.

TABLE 9.1 – Minimum driveway spacing between commercial driveways and adjacent street intersections along regional arterials.

Intersecting Street Classification	Minimum Distance to Full Movement Driveway	Minimum Distance to Channelized Driveway (Right In, Right Out)
Arterial	250 feet	100 feet
Signalized non-arterial	125 feet	75 feet
Other street	100 feet	75 feet

TABLE 9.2 – Minimum driveway spacing between commercial driveways and adjacent street intersections along other than regional arterials.

Roadway Classification	Minimum Distance to Full Movement Driveway	Minimum Distance to Channelized Driveway (Right In, Right Out)
Arterial	200 feet	100 feet
Signalized, non-arterial	100 feet	75 feet
Other street	75 feet	75 feet

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- 8) Additional driveways may be permitted for commercial property as follows:
 - a) One additional driveway may be allowed for a site with continuous frontage of 300 feet or more if no other access opportunities are available; or
 - b) Two additional driveways may be allowed for a site with continuous frontage of 600 feet or more if no other access opportunities are available.
- 9) Additional access such as that outlined above may be allowed if the applicant provides justification based upon standard traffic engineering criteria that encompass analyses of trip generation, distribution, and level of service. The Village has the final decision regardless of conclusions drawn from these analyses.
- 10) Two commercial driveways may be permitted, in lieu of the above, to serve as a one-way circle drive if the frontage is 125 feet or more.

TABLE 9.3 – Driveway Spacing Requirements

Posted Speed (MPH)	Driveway Spacing (In feet)
25	145
30	185
35	245
40	300
45	350

- 11) To reduce left-turn conflicts, new driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways should be offset a minimum of 150 feet from those on the opposite side of the roadway. Longer offsets may be required depending on the expected, inbound left-turn volumes of the driveways.
- 12) In the case of expansion, alteration or redesign of an existing development, where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum driveway spacing standards, the Village may modify the driveway spacing requirements. Such modifications shall be of the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than 70 feet (center line to center line).
- 13) They may need to consolidate their driveways by using either a joint driveway system or a frontage road. All frontage roads are to be placed on private property outside of the right-of-way. Easements from participating property owners must be submitted to the Village.
- 14) Requirements for minimum, corner or intersection sight distance for all road approaches shall be in accordance with American Association of State Highway and Transportation Officials (AASHTO) guidelines defined in Chapter 9 of A Policy on Geometric Design of Highways and Streets, 1984, as amended. Where special circumstances are present (frontage limitations, etc.), the minimum sight distance may be reduced to those shown in Table 9.4. Intersection sight distance will be measured 15 feet from the edge of pavement on paved roads. The eye height will be assumed to be 3.5 feet and the object height will be 3.5 feet if the above-reduced values are used.

TABLE 9.4 – Minimum intersect or corner sight distances under special circumstances.

Posted Speed (MPH)	Driveway Spacing (In feet)
25	145
30	185
35	245
40	300
45	350

- 15) All traffic signage and pavement markings at the proposed commercial driveway shall conform to the current Michigan Manual of Uniform Traffic Control Devices.
- C) Residential, utility, and field driveways.
- 1) One residential driveway shall be permitted for each platted lot or for unplatted residential property with less than 100 feet of frontage.
 - 2) One additional residential driveway may be permitted along a local street for residential property with more than 120 feet of frontage.
 - 3) In lieu of the above, two residential driveways may be permitted on the same property to serve as a one-way circle driveway if the frontage of the property is 100 feet or more along a local street.

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- 4) Field entrance and utility structure driveways will be reviewed on a case-by-case basis. The Village review will take into the proximity of the adjacent driveways and intersecting streets, as well as traffic volumes along the roadway.
- 5) Residential driveways shall be setback a minimum distance of 25 feet from any street intersection, measured from the closest point of the driveway approach to the closest right-of-way line of the intersecting street.

SECTION 7 DESIGN STANDARDS.

The design features described herein shall be used by the applicant designing proposed driveways or driveway systems. These standard dimensions shall be used, unless the Village determines that conditions require a deviation or the applicant can demonstrate cause for deviation. The Village reserves the right to determine whether this deviation shall be granted. In addition, based upon anticipated traffic volumes on the driveway(s) and the roadway, type of traffic to use the driveway, type of development, and other safety and operational considerations, the Village may request changes or specify particular dimensions to ensure safe operations. Design dimensions for widths in the following figures are from edge of pavement to edge of pavement. They do not include curb or gutter.

A) Commercial Driveways.

- 1) All commercial driveways shall be paved in their entirety, using either concrete or asphalt.
- 2) All commercial driveways shall be constructed with concrete curb and gutter along the entire required entry and exit radii for the driveway.
- 3) Two-way, undivided commercial driveways shall be designed to accommodate at least one lane of traffic in each direction. A divided commercial driveway shall have a curbed island (with concrete curb and gutter), separating the entrance drive and exit drive. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the island shall be 180 square feet.
- 4) The applicant is strongly encouraged to consider the benefits of auxiliary right-turn deceleration lanes and left-turn passing lanes. These additional lanes, located at the driveway, will enhance the accessibility, safety, and the image of the proposed development. Traffic volumes may warrant the prohibition of left-turns at driveways on two-way two-lane roads without passing lanes.
- 5) Under certain special conditions, a proposed driveway may fall within or be adjacent to a roadway width transition area (i.e. 2 lanes to 3 lanes). The Village may require the commercial right-turn lane and tapers and passing lane(s) to be built in a specific manner. That configuration shall not be used unless specifically approved by the Village, and will normally be specified under the following conditions:
 - a) The centerline of the proposed driveway is located within 250 feet of the end of the taper to the widening at a main road (mile type) intersection.
 - b) The main road intersection is painted for (or expected to be painted for) three-lane operation.
 - c) The main road is 40 feet or less in width.
 - d) Based upon warrants discussed in section 9-5.A.5, a standard right-turn lane and a passing lane would be required to serve the driveway turning movements.
- 7) The dimensions of one-way commercial driveway systems shall conform to those given by the Village.
- 8) Directional commercial driveways are considered to be special cases, and each such driveway shall be designated individually. Directional driveways shall be designed to facilitate the desired turning movements and to discourage prohibited movement. Radii shall be, as approved by the Village, based on the intersecting angle and the turning path of the largest vehicle that will normally use the driveway.
- 9) Clear vision areas (triangular in shape) shall be maintained on both sides of all commercial drives. A clear vision area shall be determined using the following:
 - a) The point of intersection of the side line of a driveway projected to the roadway edge of pavement, and
 - b) Two points, 25 feet in distance from that point of intersection. One shall be measured outward from the driveway along the edge of pavement. The other shall be measured along the side driveway line leading onto the subject property.

B) Residential, Utility, and Field Driveways.

- 1) All residential and utility driveways shall be paved in their entirety, using either concrete or asphalt.
- 2) Field driveways shall only be required to be paved from the roadway edge of pavement to the roadway right-of-way line.
- 3) All residential, utility, and field driveways shall be constructed with concrete curb and gutter along the entire required entry and exit radii for the driveway if this portion of the driveway is to be paved with

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asphalt. Concrete curb and gutter shall not be required if this portion of the driveway is to be paved with concrete.

- 4) The dimensions of a residential driveway shall conform to those given by the Village.
- 5) Field entrances may be permitted for cultivated land, timberland, or undeveloped land. The dimensions of a field entrance and of a utility structure driveway shall conform to those given by the Village.
- 6) Clear vision areas (triangular in shape) shall be maintained on both sides of all residential, utility, and field drives. A clear vision area shall be determined using the following three points:
 - a) The point of intersection of the side line of a driveway projected to the roadway edge of pavement, and
 - b) Two points, 15 feet in distance from that point of intersection. One shall be measured outward from the driveway along the edge of pavement. The other shall be measured along the side driveway line.

SECTION 8 COST AND PENALTIES.

- A) Permit will cost \$5.00.
- B) Failure to procure a driveway permit before construction will cost \$15.
- C) Failure to procure a driveway permit during construction could be a fine of up to \$1,000.00 and/or 30 days in jail.
- D) Failure to procure a permit by end of construction could be a fine of up to \$100 each day after the driveway construction has been completed until a permit is obtained.

This ordinance shall take effect on the day of publication.

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT ARE HEREBY REPEALED.

I hereby certify to the adoption of this ordinance at the September 8, 2008 regular board meeting and cause the same to be published as required by law. Yeas: 5 Nays: 0 Absent: 2 Ordinance declared adopted.

Shannon Kelley, Village Clerk

Shannon Kelley

Henrynd Petersen, Village President

X *[Signature]*

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