

**LOWELL CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 03-2022Z

At a regular meeting of the Township Board for Lowell Charter Township held at the Township Offices on June 20, 2022, Township Board Member Thompson made a motion, seconded by Township Board Member Anderson to adopt this Zoning Ordinance amendment:

**AN ORDINANCE TO AMEND THE LOWELL CHARTER TOWNSHIP ZONING ORDINANCE
BY ADDING SECTION 4.47, SHARED DRIVEWAYS**

THE CHARTER TOWNSHIP OF LOWELL ORDAINS:

ARTICLE 1. Section 4.47 of the Lowell Charter Township Zoning Ordinance, Shared Driveways, is hereby **ADDED** to read as follows:

SEC. 4.47 SHARED DRIVEWAYS

- a) For purposes of this Section 4.47, a shared driveway is a driveway which provides vehicle access from a public street to only two lots.
- b) A shared driveway is allowed in all zoning districts subject to the approval of the Zoning Administrator.
- c) Each lot served by the shared driveway shall comply with the minimum road frontage and lot area requirements of the zoning district in which the lots are located.
- d) That portion of the shared driveway outside of the road right of way shall have a minimum width of 20 feet but need not be paved.
- e) A permit must be obtained from the Kent County Road Commission for the shared driveway and a copy of the permit provided to the Zoning Administrator before the Zoning Administrator approves the shared driveway.
- f) Prior to the approval of the shared driveway by the Zoning Administrator, the applicant(s) and/or owner(s) of the proposed shared driveway shall provide to the Zoning Administrator a recorded driveway maintenance agreement, access easement agreement, and/or deed restrictions which shall provide for the perpetual private (non-public) maintenance of the shared driveway and/or easements to a necessary and reasonable standard to serve the parties having an interest in the shared driveway. These documents shall include provisions for the following as applicable:
 - (1) A method of financing the maintenance of the shared driveway and/or easements in order to keep the driveway in a safe and usable condition.
 - (2) A method of apportioning the costs of maintenance and improvements and an enforcement mechanism to ensure that such maintenance and improvements are carried out.

- (3) A notification that no public funds of the Charter Township of Lowell will be used to build, repair, or maintain the shared driveway.
- (4) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary and easements for public and private utilities.
- (5) Each of the owners of property utilizing the shared driveway shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners and ensuring that the property owners shall have a mechanism provided to enforce these rights. Normal ingress and egress and use shall include use by family, guests, invites, tradesmen, and others bound to or returning from any of the properties having a right to use the street.

ARTICLE 2. Severability. Should any portion of this Ordinance /ordinance amendment be declared by a court of competent jurisdiction to be invalid or unconstitutional, that shall not affect the balance of this Ordinance/ordinance amendment, which shall remain in full force and effect.

ARTICLE 3. Effective Date. This Ordinance/ordinance amendment shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Hale, Anderson, Benedict, Blough, Burt, Thompson
NAYS: None
ABSENT: Vanderziel
ABSTAIN: None

ORDINANCE DECLARED ADOPTED



Monica Burt, Township Clerk

INTRODUCED: **May 16, 2022**
ADOPTED: **June 20, 2022**
EFFECTIVE: **July 13, 2022**

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Charter Township of Lowell at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Monica Burt, Township Clerk