

**POSSIBLE AMENDMENTS TO “PRIVATE STREETS” PROVISIONS OF THE LAND  
SUBDIVISION REGULATIONS**

(For Discussion Only)

**Note:** Possible text additions shown in underlined red text

6-8(1) PRIVATE STREETS - Private streets may be permitted by the Planning Commission. Subdivision plans containing private streets shall conform to the same design standards as subdivision plans utilizing public streets and shall conform to all other subdivision regulations, unless different requirements are listed in the following:

(1) NO DISRUPTION TO THROUGH MOVEMENT - Private streets may be permitted only if they meet the definition of "local" streets; if they provide absolutely no present or future impediment to necessary through traffic movement in the general area; and if adjoining properties in the general area already have, or are capable of providing, a proper, efficient and safe street system that will in no way depend upon the private streets.

(2) RIGHT-OF-WAY AND SETBACK - Private street rights-of-way and building setback lines shall be shown on the plat and shall meet at least the minimum requirements of these Subdivision Regulations and the Zoning Ordinance as required for public streets to assure conformance if such streets are ever accepted for public dedication at a later date.

(3) STREET IMPROVEMENT STANDARDS - Any permitted private street also shall conform to the design and improvement standards for public streets. All private street improvements (excepting only the final course of asphalt, as noted below) shall be constructed in compliance with the approved improvement plan before the final subdivision plan is recorded. For the final course of asphalt only, the developer shall be permitted to post a surety in favor of the final maintenance association responsible for the private street, as provided in Article 4 of these Subdivision Regulations, and shall note such requirement on the final plat of the property. The developer shall be required to submit an affidavit to the Division of Planning, attesting that the surety for the private street has been properly posted prior to recording the final record plan.

(4) MAINTENANCE RESPONSIBILITY - A homeowners' association or other mechanism which provides for equitable common responsibility for private street maintenance and repair shall be required to be established by the developer. The developer's responsibility to create such a mechanism shall be noted on the final plat of the subdivision. A requirement that each property owner be individually responsible for maintenance and repair of the portion of the street abutting the lot shall not be considered as acceptable for fulfilling the requirements of this section.

(5) DEMARCATION OF END OF PUBLIC RIGHT-OF-WAY – The developer shall be required to install a permanent sign denoting “end of public maintenance” at each location where a private street intersects or otherwise abuts a public street. Such sign shall conform to design and material standards promulgated by the Division of Traffic Engineering.