

CITY OF ALPENA

COUNCIL POLICY STATEMENT

GENERAL SUBJECT: RIGHT-OF-WAY USAGE CPS No.: 29

SPECIFIC SUBJECT: GUIDELINES FOR HARD Date Issued: \_\_\_\_\_

SURFACING OF LAWN AREA Effective Date: \_\_\_\_\_  
IN THE RIGHT-OF-WAY

Copies to: City Council, City Manager, City Attorney, Department Heads,  
DDA, File

STATEMENT OF POLICY:

I. Purpose: The purpose of this policy is to control activities of hard surfacing of lawn areas within the public right-of-way for landscaping purposes. This policy applies only to single family and two family residential areas, i.e., R-1, R-2, and R-T zoning districts.

II. Landscaping: The use of hard surface materials within the lawn extension shall be allowed for landscaping purposes subject to the following.

A. Hard surfacing materials shall be limited to paving bricks, landscaping tiles, landscaping blocks, or other hard surface materials specifically designed for landscaping purposes.

B. Hard surface materials under the section shall only be used for landscaping purposes and not in conjunction with vehicular parking. Correspondingly, the hard surfaced areas under this section shall not be configured in such a manner as to serve for vehicular parking. Hard surfacing of the lawn area located within the right-of-way shall be limited to no more than 10% of the total lawn extension area excluding the city sidewalk areas. In no case shall the total area to be hard surfaced exceed 50 square feet.

C. Any landscaping materials placed within the lawn area of the public right-of-way may be removed at the discretion of the city for lack of maintenance, a hindrance to safety, or where such removal is the result of activities occurring in the right-of-way which are in the public interest. Hard surfaced landscaping

materials so removed shall not be replaced by the city. Any salvageable materials may be left on-site by the city at the adjoining property owner's request, provided that proper assurance is given that the materials will be reinstalled or removed by the property owner in a timely manner. The property owner shall be responsible for any costs incurred by the city

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for materials which are removed as a result of improper maintenance or safety hazards.

III. Parking: The hard surfacing of lawn extension areas for parking purposes may be allowed under exceptional situations subject to the following.

A. Parking is prohibited on the street adjoining the front yard from April 1 to November 1 of each year.

B. There is no means of providing two parking spaces on site within a garage or yard area allowed by the Zoning Ordinance. For properties with only one head of household, there is no means of providing at least one potentially available parking space on site within a garage or allowable yard area. The location of fences, landscaping, outbuildings, etc., shall not be a factor when considering the availability of parking area.

C. A plot plan will be submitted to the Building Official for review. The plot plan will include property dimensions; size, location, and set back distances of structures; location of curb cuts, alleyways, and paved parking.

D. The parking area and driveway apron shall be surfaced with concrete, asphalt, or brick pavers.

E. Parking in the front yard (between the sidewalk and the house) as a use subject to special conditions will not be permitted.

F. A tree line shall be established within eight (8) feet of the front lot line at a rate of one tree for every fifteen (15) feet of frontage not to exceed three (3).

G. The distance between the edge of the sidewalk and the curb shall be at least ten (10) feet.

H. A sign shall be installed by the City at the applicant's expense, identifying that parking is permitted.

IV. General Requirements: The placement of any hard surface materials within the lawn extension area of the public right-of-way shall be in compliance with the following:

A. An application for a right-of-way permit will be submitted to

the City Engineering Department along with payment of the permit fee.

B. Upon satisfactory review of the application, the Engineering Department will issue a permit for hard surfacing of the lawn extension and conduct an inspection of the work upon its completion.

C. The hard surfaced area shall be constructed and maintained flush or a maximum 1/4" below the adjoining concrete surfaces so as not

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to create a potential trip hazard within the public right-of-way.

D. A uniform grade shall be provided from the back of the curb to the edge of sidewalk or a 1/4" per foot positive slope where no sidewalk exists, unless a different grade is established by the City Engineer.

E. In locations where either the sidewalk is in a deficient condition or no sidewalk exists, the property owner shall sign up for sidewalk repairs or installation with the City of Alpena prior to issuance of a permit to place any hard surfacing or any other change in the right-of-way.

F. The type of material and installation procedures used will be in accordance with city specifications as set forth by the City Engineer. Any hard surfaced materials placed in the right-of-way that do not comply with such specifications shall be removed at the applicant's expense.

G. It shall be the adjoining property owner's responsibility to maintain any materials placed in the right-of-way in good repair and in a clear, safe, and aesthetically pleasing condition. The property owner shall hold the city harmless from any injury or damage which may occur as a result of materials placed in the right-of-way by the adjoining property owner or their use thereof.

H. The placement of hard surfaced materials shall be in compliance with any other municipal policies, ordinances, or regulations relating to usage of the public right-of-way.

RS/MG

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