

**MEMORANDUM**

**DATE:** September 21, 2001  
**TO:** Nicole Fleck-Tooze, Public Works & Utilities Department  
**FROM:** Ray Hill, Planning Department *Ray*  
**SUBJECT:** City Council inquiry on private roadways  
**COPY:** Kathleen A. Sellman, Director of Planning  
file

The following is when and where the Subdivision and Zoning Ordinances permit private roadways:

**From the Land Subdivision Ordinance Section 26.23.140 Lots:**

(g) Every lot shall front upon and have access to a public street, except:

- (1) Lots located in the AG, AGR, R-1, R-2, R-3, R-4, R-5, and R-6 zoning districts may front upon and take access to a private roadway if said lots are located within an approved community unit plan under Chapter 27.65 or a planned unit development under Chapter 27.60 of the Lincoln Municipal Code;
- (2) Lots located in other zoning districts may front upon and take access to a private roadway if said private roadway has been approved either in connection with a use permit under the provisions of Title 27 or with a subdivision of property in conformance with all the requirements of this title.

**From the Zoning Ordinance Section 27.70.040 Lots Fronting Upon Private Roadways:**

Lots located in the AG, AGR, R-1, R-2, R-3, R-4, R-5, and R-6 zoning districts may front upon and take access to a private roadway if said lots are located within an approved community unit plan under Chapter 27.65 of this title. Lots located in other zoning districts may front upon and take access to a private roadway if said private roadway has been approved either in connection with a use permit under the provisions of this title or with a subdivision of property in conformance with all of the requirements of Title 26 of the Lincoln Municipal Code. All such lots shall also comply with all of the requirements of this title as applicable.

The majority of the private roadways are located in community unit plans and use permits. One of the advantages of private roadways is the reduced front yard set backs. Another advantage is angular parking is permitted along the roadway. Many of the private roadways appear to be driving aisles in parking lots. Some appear to be public streets.

Private roadways are distinguished from public streets by the color of the street name sign. Public street name signs are green with white lettering while private roadway street name signs are blue with white lettering.

Attached are maps showing some developments with private roadways.

Should you have questions please contact me @ 441-6371.

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**Lincoln-Lancaster County Planning Department**

PUBLIC WORKS AND  
UTILITIES DEPARTMENT



MEMORANDUM

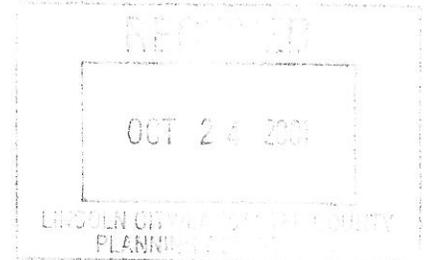
Date: October 23, 2001

To: City Council

From: Nicole Fleck-Tooze 

Subject: *Private Roadways*

cc: Mayor Wesely  
Allan Abbott, Roger Figard, Dennis Bartels - Public Works &  
Utilities Department  
Dana Roper, Rick Peo - Law Department  
Kathleen Sellman, Ray Hill - Planning Department  
Chief Casady - Police Department



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This memorandum is in response to concerns that have been raised by the City Council regarding standards and maintenance for private roadways. The attached memorandums respond to three specific areas of concern:

- 1) When/where private roadways are allowed and where they are typically used (*see attached memo from Ray Hill, Planning Dept.*);
- 2) The difference between standards for public streets and private roadways, and the review of requests for waivers (*see attached memo from Dennis Bartels, Public Works & Utilities*);
- 3) Maintenance responsibility and enforcement issues (*Rick Peo, Law Dept.*).

***Enforcement of Traffic Ordinances***

In addition to the attached information, Chief Casady has indicated that the Police Department does not support the use of private roadways because *the City's traffic ordinances (including speeding ordinances) do not apply to private streets*, with two exceptions: 1) leaving the scene of an accident, and 2) drunk driving.

***Potential Solutions to Issues Identified***

Several possible solutions are identified below that could be explored to address the issues raised in the attached materials:

- 1) Revise City ordinances to **eliminate the use of private roadways**;
- 2) **Revise the design standards for private roadways** so that they meet the same standards as public streets;
- 3) Revise City ordinances to provide for further discretion by the City Council on the allowance of private roadways - for example, **adopt stricter standards by which to determine when a private roadway is allowed**, or require public streets as a standard and allow private roadways only as a waiver from that standard when certain criteria are met;
- 4) Provide for **City inspection of private roadway construction**.

Please feel free to contact me at 441-6173 if you would like further explanation or additional information. Furthermore, we would be glad to schedule a briefing for the Council on this issue if there is a need for some discussion.