

## **Section 13.4 Private Roads**

**A. Private Roads Permitted:** Private roads are permitted provided such roads comply with the regulations and standards of this Ordinance and the site plan approving body determines that the road is not necessary as a public road to ensure appropriate continuity of the existing or planned public road network or to ensure any other interest in providing public road access to the area under question.

**B. Private Road Zoning Permit Required:** No private road, including a new private road or a private road existing on the effective date of this Ordinance, shall be constructed, extended, altered, improved, or relocated unless a zoning permit has been issued for such construction by the Zoning Administrator, after approval by the designated site plan approval body. No permit is required for routine maintenance of existing roads such as road patching, resurfacing, and regrading of road surfaces. No use of a private road shall occur prior to the issuance of a zoning permit signifying that the private road has been constructed according to the approved application.

**C. Application for a Zoning Permit for a Private Road:** Application for a private road shall require site plan approval according to Article 14. Approval of such application shall result in the issuance of a zoning permit authorizing construction of such road. In addition to the data required by Article 14 for site plan approval, the following information shall also be provided to the Township:

1. Development Plan: A general property development plan identifying the following:
  - a. Project description, in both narrative and map form, including the location of the proposed private road easement and location of proposed lots to gain access from said private road.
  - b. The legal description of the proposed private road easement.
  - c. Construction plans and drawings illustrating the proposed design and construction features of the proposed road and easement, including existing and proposed elevation contours within all areas to be disturbed or altered by construction. Proposed traffic control measures (including signs) and proposed road names shall also be indicated.
2. Easement Agreement: A private road easement agreement shall be signed by the applicant/owner(s) and recorded with the Township Clerk and County Register of Deeds, providing for:
  - a. Easements to the public for purposes of emergency and other public vehicles, and easements for utilities.
  - b. A provision that the owners of any and all of the property using the private road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
  - c. A provision that substantially conforms to the following:

"This lot has private road access across a permanent easement which is a matter of record and a part of the deed. This notice is to make any purchaser aware that this lot has egress and ingress over this easement only. Huron County and Lake Township have no responsibility for the maintenance, snowplowing or upkeep of any improvement across this easement, except as may be provided by an established special assessment district. Maintenance and snowplowing are the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public road access."

- d. The Township shall approve the Easement Agreement before its execution and recording.
3. **Maintenance Agreement:** A private road maintenance agreement shall be provided to be signed by the applicant/owner(s) and recorded with the County Register of Deeds, providing for:
    - a. A method of initiating and financing such road in order to keep the private road up to properly engineered specifications and free of snow, debris or other conditions that would interfere with free and safe movement along the road.
    - b. A workable method of apportioning the costs of maintenance and improvements to current and future owners.
    - c. A notice specifying that the proposed development may be subject to the establishment of a special assessment district by the Township Board, as provided by law, to ensure continued and adequate maintenance and snowplowing of the private road in the event the necessary maintenance and snowplowing is not undertaken by the property owners that are served by such road, and that no public funds of the Township shall be used to build, repair, or maintain or snowplow the private road except through such an assessment district.
  - d. The Township shall approve the Maintenance Agreement before it is signed and recorded.

**D. Use of Private Road:** Upon completion of the construction of a private road as authorized by an approved site plan and zoning permit, no construction shall be initiated nor shall any zoning permit be granted for any dwelling, other building or structure, or use of a lot that relies upon such private road for access until the designated site plan approval body grants final approval for use of the private road. The site plan approval body shall grant such final approval when all of the following conditions have been met:

1. The applicant's civil engineer, registered in the State of Michigan, shall certify in writing that the required improvements were made in accordance with this Article and Ordinance and all approved plans.
2. The Township's engineer has completed a review of the private road and has submitted a report documenting the extent to which the required improvements were made in accordance with this Article and Ordinance and all approved plans.
3. The Township Clerk has received copies of the approved private road Easement Agreement and Maintenance Agreement recorded with the County Register of Deeds.
4. The Township Clerk has received an agreement from the applicant that indemnifies and holds harmless the Township and its representatives from any and all claims of personal injury and property damage arising from the use of the private road.
5. The Township Clerk has received payment from the applicant for all costs incurred by the Township in association with the verification of the constructed private road's compliance with this Ordinance.

**E. Design Standards and Waivers:** Private roads shall be constructed according to the standards of the Huron County Road Commission, according to the type and volume of traffic intended for the private road, except that the site plan approving body may consider and accept alternative design standards that an applicant may propose and, upon finding such alternatives provide equal or greater structural stability and longevity and do not undermine the public health, safety and welfare, may approve such alternatives. Sufficient engineering data shall be submitted to substantiate proposed alternatives and their merits. However, in no case shall an alternative design feature be approved that does not comply with all of the following minimum standards:

1. Easement Width and Surface Width:
  - a. A private road shall be within a private road easement of a minimum width of sixty-six (66) feet. The minimum sixty-six (66) foot easement width shall extend along the full length of the private road including where it intersects with any other road.
  - b. A private road shall have a minimum drivable surface width of twenty (20) feet except that in the case of a private road serving no more than three (3) lots or dwelling units, the private road shall have a minimum drivable surface width of sixteen (16) feet and may be further reduced to twelve (12) feet where the shared driveway does not exceed three hundred (300) feet in length.
2. Dead-End Roads: Private roads that terminate at a dead-end shall include a turnaround with a minimum forty-five (45') foot radius or, in the case where a center island is provided, the minimum radius shall be fifty-five (55') feet.
3. Maximum Road Length: The maximum length of a private road segment or combination of segments that serves as a single means of access to two (2) or more lots, principal buildings and/or dwelling units, shall be one thousand (1,000) feet and such road shall not serve more than twenty (20) lots and/or dwelling units.
4. Intersection Angles: Private roads shall intersect with other private and public roads at a ninety degree (90°) angle. Where constrained by environmental features, the site plan approving body may allow a reduced angle of intersection but in no case shall the angle be less than seventy-five degrees (75°).
5. Intersection Offsets:
  - a. Except as otherwise provided by subsection (b), private roads shall align directly across from or be offset a minimum of two hundred fifty (250) feet from any other public or private road intersection on the opposite side of the road, measured centerline to centerline. This restriction may be reduced no greater than thirty percent (30%) but only after the receipt of a determination from the Township Engineer that such reduction is reasonable based on the specific conditions and the public health, safety and welfare shall not be unreasonably undermined.
  - b. A private road serving no more than three (3) lots or dwelling units shall align directly across from or be offset a minimum of one hundred (100) feet from any public or private road intersection on the opposite side of the road, measured centerline to centerline.
6. Road Surface: A private road that serves no more than eight (8) lots or dwelling units may be constructed of a minimum eight (8) inches of compacted MDOT 23A gravel in place of required asphalt or concrete surfacing.
7. Grades/Slopes:
  - a. Except as otherwise provided by subsection (b), private roads shall have a minimum two and one-half (2.5) percent cross slope from the road centerline to and across any shoulder. No linear segment of a private road shall exceed a grade of seven (7) percent except that in no case shall the slope exceed two percent (2%) percent within sixty (60) feet of an intersection, as measured from the intersecting road easement/right-of-way lines.
  - b. In the case of a private road serving no more than three (3) lots or dwelling units, no linear segment of the private road shall exceed a slope of twelve (12) percent except that in no case shall the slope exceed five percent (5%) percent within sixty (60) feet of an intersection, as measured from the intersecting road easement/right-of-way lines..

8. Elevation: The entire surface of a private road shall be a minimum of three (3) inches above the seasonally high water table.
9. Vertical Clearance: Fifteen (15) feet of overhead clearance shall be provided within the width of the road surface.
10. Turning Radii: Horizontal turning radii shall not be less than two hundred fifty (250) feet except that the site plan approving body may reduce this minimum radius to no less than one hundred fifty (150) feet where such reduction would minimize alteration of important natural features such as rolling terrain or mature tree stands, or where the width of the lot cannot accommodate a wider radii, provided such reduction is found to adequately accommodate anticipated traffic speeds.
11. Storm Water Management: Private roads shall be designed to effectively and efficiently remove water run-off from the road surface, prohibit road water runoff onto adjacent properties, and provide for suitable soil erosion and sedimentation control measures during and after road construction. The design and construction of road crossings, including the use of bridges and/or culverts, shall comply with the most current requirements of the County Drain Commissioner and Michigan Department of Environment, Great Lakes, and Energy. See also Section 12.4.
12. Configuration and Public Roads: A private road shall not interconnect with a public road network in a manner that will preclude the logical extension of the public road to facilitate the logical, orderly and efficient development of the overall public road system. Factors to be considered in making this determination shall include the circulation pattern and traffic volumes on nearby public roads, existing and proposed land use in the general area, policies part of the Master Plan, and any long-term road improvement and construction plans of the County Road Commission and Michigan Department of Transportation.
13. Road Names and Signs: All private roads shall be posted with clearly visible road names. Road name and other signs shall comply with County Road Commission regulations and shall clearly indicate the road is private. All signs within the private road easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices. Road signs shall be provided at all intersections. All private road names shall be subject to Township approval to ensure no duplication of road names or other road names that may create confusion for emergency services.

#### **F. Existing Nonconforming Private Roads**

1. Maintenance and Existing Lots: Private roads which were lawful prior to the adoption of this Ordinance or amendment thereto, but that are inconsistent with the standards herein, may continue and undergo routine maintenance. The erection of new dwellings or other principal buildings on existing lots which front along such private road is permitted and does not require the issuance of a private road permit. For the purpose of this subsection (1), a lot shall be construed as an "existing lot" if the lot was lawfully created prior to the effective date of this Ordinance and meets one (1) or more of the following conditions:
  - a. The lot is an approved condominium unit recorded with the County Register of Deeds in accordance with the requirements of the Michigan Condominium Act and other applicable laws and ordinances.
  - b. The lot was described by metes and bounds as recorded by a deed or land contract, and registered with the County Register of Deeds.
  - c. The lot was a lawful platted lot.
2. Extensions and Additional Lots and Dwelling Units:

- a. No private road that was lawful prior to the adoption of this Ordinance or amendment thereto, but that does not meet the standards herein, may be extended in length or be subject to an increase in the number of dwelling units or lots through the partitioning or dividing of land along such road or road extension.