

**WHITEWATER TOWNSHIP
PRIVATE ROAD ORDINANCE
ORDINANCE NO. 32**

Adopted: September 16, 2003

An Ordinance to regulate the construction of Private Roads and to establish penalties.

**THE TOWNSHIP BOARD OF WHITEWATER, GRAND TRAVERSE COUNTY,
MICHIGAN ORDAINS:**

Section 1 NAME

This Ordinance shall be known and cited as the Whitewater Township Private Road Ordinance.

Section 2 DEFINITIONS

CUL-DE-SAC: A circular vehicular turn-around at the end of a private road or easement.

DRIVEWAY: A private way providing vehicular access from a public or private road to two or fewer lots for a residence or to a commercial or non-commercial establishment.

EASEMENT: A right in the owner of one parcel of land by reason of such ownership, to use the land of another for the purpose of ingress or egress.

PRIVATE DRIVE: Any access for vehicular traffic which is privately owned and maintained which provides access to two (2) or less lots or parcels

PRIVATE ROAD: Any road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to three (3) or more abutting properties.

ROAD FRONTAGE: The distance along a street line measured at the front of a lot.

ROAD/STREET: A public or private way for pedestrian and vehicular traffic, including avenue, lane, highway, or other way, excluding a driveway.

Section 3 PRIVATE ROAD STANDARDS

When private road development occurs in Whitewater Township and is not subject to the standards established under the Subdivision Control Act, P.A. 288 of 1967, MCLA 560.101 et seq., (as amended) and the requirements of the Whitewater Township Subdivision Control Ordinance, the following private road standards shall apply. No person, firm, or corporation shall divide land accessed by private roads without providing for permanent public or private easements that conform to the requirements below.

- A. All lots must have frontage on a public or private road and meet all Zoning Ordinance requirements. Such lots shall provide safe, road access for fire protection and emergency services. Any lot resulting from a land division shall comply with the road frontage requirements of the district in which it is located.
- B. All private roads shall be centered within a permanent right-of-way easement duly recorded with the Grand Traverse County Register of Deeds. Right-of-way easements shall be dedicated for ingress and egress and installation of public and private utilities and shall prevent any development that interferes with their use as access roads. All plans submitted for approval shall show the private road easement including a legal description, use restrictions, grades of the roads, and any drainage facilities and structures.
- C. The names of all private roads shall be approved by the Whitewater Township Board. Their numbering shall be consistent with the County address numbering system and County Road Commission requirements.
- D. There shall be a clear vision zone at all corners of intersecting roads that meet Grand Traverse County Road Commission standards.
- E. Unless otherwise specified in this Ordinance, the Whitewater Township Zoning Ordinance and the Whitewater Township Subdivision Control Ordinance, all private road easements shall be a minimum of 33 feet wide. The Township Zoning Administrator or Planning Commission may require additional width to the right-of-way easement to allow for road construction and maintenance where deemed necessary.
- F. A drainage plan shall be submitted on a topographic map, with a minimum of two-foot contour intervals, indicating the manner in which surface drainage is to be dispersed. In no case shall runoff from a private road be diverted beyond the limits of that private road onto adjacent roads or property unless appropriate drainage easements are provided.

- G. Permits from the Grand Traverse County Drain Commission and Soil Erosion Departments shall be obtained prior to the construction of any private road in Whitewater Township.
- H. A private road/easement serving 2 or fewer lots, parcels, or condominium units shall be considered a private driveway and shall not be subject to the requirements of this section.
- I. A private road serving or intended to serve 3 to 6 lots, parcels, or condominium units shall meet the following design standards. Such roads shall have:
1. A right-of-way easement at least 33 feet wide.
 2. A granular soil base of not less than twelve inches in depth. The top six inches in depth shall be, at minimum, road grade processed gravel.
 3. The roadbed shall be 16 feet wide with two-foot grass shoulders on each side.
 4. Adequate culverts where necessary.
 5. Grades not exceeding seven percent. If the road is paved, with proper drainage, a road grade up to nine percent may be permitted.
 6. A 35-foot radius for cul-de-sacs or 60-foot hammerhead turnaround.
- J. A private road serving or intended to serve 7 and 12 lots, parcels, or condominium units shall meet the design standards in Item I. of this section, except that:
1. The right-of-way easement shall be at least 50 feet wide.
 2. The roadbed shall be 18 feet wide with two-foot grass shoulders on each side.
 3. A 35-foot radius for cul-de-sacs.
- K. A private road serving or intended to serve 13 to 25 lots, parcels, or condominium units, shall meet shall meet the design standards in Item I. of this section, except that:
1. The right-of-way easement shall be at least 66 feet wide.
 2. The roadbed shall be 18 feet wide with two-foot grass shoulders on each side.
- L. If more than 25 lots or units have access to a private road, the road shall be reviewed by Whitewater Township to determine if Grand Traverse County road specifications are needed. A second means of access meeting the requirements of this Ordinance (either a public road or an approved private road) shall be provided.

Section 4 PRIVATE ROAD APPROVAL PROCEDURE

- A. The applicant shall submit to the Zoning Administrator and or other official (s) designated by the governing body, in accordance with this Ordinance a general property development plan. (*see standards and submittal requirements on the Township parcel division application form*) Prior to review the applicant shall provide a minimum of one (1) copy of:
1. Engineered road construction plans by a licensed civil engineer
 2. Drainage plans
 3. A road maintenance agreement and deed restrictions signed by the applicant/owner, providing for:

- (a) An equitable method of apportioning the costs of maintenance and improvements to current and future users including a method for reapportioning costs for improvements and maintenance to the road in the event that land divisions occur on the road.
- (b) A notice that no public funds of Whitewater Township are to be used to initially build and thereafter repair or maintain the private road.
- (c) A provision that the owners of any and all of the property using the road shall refrain from blocking, prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners.
- (d). A letter from a licensed /certified engineer stating that the road has been built to Whitewater Township Private Road Ordinance specifications.

- B. Construction permits from the Grand Traverse County Road Commission are required for connection to county roads. Permits are required from the Grand Traverse County Soil Erosion Control Officer under the Soil Erosion and Sedimentation Control Act, P.A. 347 of 1974, MCLA 282.101 et seq., when applicable. No zoning permits shall be issued on any private road until such county permits have been granted and copies submitted to the Whitewater Township Zoning Administrator.

Section 5 ROAD IDENTIFICATION

All private roads shall be designated as such, have a name approved by the Whitewater Township Board, and a sign that meets county sign standards. The sign shall be erected by the property owner and must be approved by the Grand Traverse County Road Commission.

Section 6 FEES AND COSTS

The applicant shall pay an application fee established by the Whitewater Township Board. Before final approval, the cost involved in the review of plans and the cost of inspections of the private road and drainage shall be paid for by the applicant/developer.

Section 7 EXCEPTION/APPEALS

The applicant shall pay an application fee established by the Whitewater Township Board for any exception request or appeal.

Any person or entity aggrieved by the decision of the zoning administrator or designee(s) may, within 30 days of said decision, appeal the decision to the Whitewater Township Board.

The Township Board may grant an exception from the provisions of this ordinance with recommendation from the township Planning Commission on a finding that undue hardship may result from strict compliance with specific provisions or requirements of the ordinance or that application of such provisions or requirements of the ordinance is impracticable. The Planning Commission shall only recommend exceptions that it deems necessary to or desirable for the public interest.

Section 8 PENALTIES

- A. Any person, firm or corporation who shall violate or assist in the violation of any provision of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment in the County Jail for a period not exceeding Ninety-three (93) days or both such fine and imprisonment. Every day that such violation shall continue shall constitute a separate and distinct violation under the provisions of this Ordinance.
- B. Any criminal prosecution hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of. Violations of the provisions of this Ordinance are hereby declared to be a nuisance per se. The Township Board may institute proceedings in an appropriate court to enjoin, abate, and remove said nuisance.

Section 9 VALIDITY

Should any Section, clause, or provision of the Ordinance be declared by a court to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part found to be invalid.

Section 10 EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after publication.