

DRAFT
Whitewater Township
Private Road Ordinance

Adopted:

The Township Board of Whitewater, Grand Traverse County, Michigan Ordains:

Section 1 Intent

Whitewater Township hereby finds that unobstructed, safe and continuous access to lots is necessary to promote the health, safety and welfare of the public through police and fire protection and ambulance service. Whitewater Township also finds that such access is necessary to ensure that such services can safely and quickly enter and exit private property at all times. Further the Township finds that clearly defined access and maintenance agreements for property owners served by private roads is vital.

Section 2 Definitions

Class A Road – A private access road serving five (5) or more lots meeting the criteria as specified in Section 6 of this Ordinance.

Class B Road – A private access road serving three (3) to four (4) lots and which meets the criteria as specified in Section 6 of this Ordinance.

Class C Road – A private access road serving two (2) lots and which meets the criteria as specified in Section 6 of this Ordinance.

Cul-De-Sac – The turn around at the end of a dead-end street.

Lot – A platted lot of record, a metes and bounds parcel or a site condominium unit.

Permit – A land use permit.

Private Road Easement – An access agreement between property owners for the purpose of passage.

Road Commission – The Grand Traverse County Road Commission.

Zoning Administrator – The Whitewater Township Zoning Administrator.

Section 3 General Requirements

- A. Every lot created after the adoption of this Ordinance shall either abut a road dedicated to the public or a private road which meets the requirements of this Ordinance

- B. No person shall construct, alter, or extend a private road without compliance with this Ordinance and obtaining a permit. A permit from the Grand Traverse County Road Commission may also be required.
- C. All private roads shall be centered within a permanent private road easement and shall allow for the installation of public and/or private utilities.
- D. The names of all private roads shall be approved Board.
- E. Specific house numbers shall be established in accordance with Grand Traverse County Ordinance #6.
- F. All lots which have been improved with a building prior to the date of adoption of this Ordinance shall comply with the provisions of this Ordinance, if the Township Board, by resolution, determines that such compliance is necessary to protect and promote the public health, safety and welfare.
- G. No private road application shall be approved if it creates or increases non-conformity on any other lot.

Section 4 Application for Permit: Requirements

Applications for permits shall be delivered to the Zoning Administrator and shall consist of the following information:

- A. For a Class A or Class B Road, the application shall include:
 - 1. A legal description of each lot to be served by the road, a legal description of the road, related utility and drainage easements, the private road easement and the names and addresses of all persons or parties owning interest in the lots and road.
 - 2. Plans, profile drawings, and cross sections of the proposed road showing all materials, grades, dimensions, and bearings in compliance with the standards set forth in Section 6. The plans shall be prepared by a registered land surveyor or civil engineer and shall bear the seal of the same.
 - 3. Existing and proposed topography at two (2) foot contour interval, soils and drainage characteristics of the affected area of the site.
 - 4. Location of existing buildings on the lots being served or intended to be served by the road as well as any existing buildings in or adjacent to the proposed road.
 - 5. A complete statement of all the terms and conditions of the proposed private road easement, including copies of all agreements or intended agreements regarding the maintenance and improvements of the roadway. Furthermore, said maintenance agreements of the private road easement shall be in a form that is recordable with the Grand Traverse County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the road pursuant to this Ordinance, including but not limited to, the responsibility of removing snow from the roadway.
 - 6. A permit from the Road Commission approving the approach to the public road, if applicable.

7. A fee as established by resolution of the Board to defray the costs of inspection, plan review, administration, and enforcement of this Ordinance.

B. For a Class C Road, the application shall include:

1. A survey showing the lots to be served by the road and the private road easement. The survey shall be prepared by a registered land surveyor and bear the seal of the same.
2. A plot plan shall be submitted which shows accurately the location of buildings and existing features in sufficient detail to depict drainage patterns, location map showing the nearest public cross roads, a north arrow, the proposed turn around and the proposed roadway materials, thickness and width in compliance with Section 6.
3. A complete statement of all the terms and conditions of the proposed private road easement, including copies of all agreements or intended agreements regarding the maintenance and improvements of the roadway. Furthermore, said maintenance agreements of the private road easement shall be in a form that is recordable with the Grand Traverse County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the road pursuant to this Ordinance, including but not limited to, the responsibility of removing snow from the roadway.
4. A permit from the Road Commission approving the approach to the public road, if applicable.
5. A fee as established by resolution of the Township Board to defray the costs of inspection, plan review, administration, and enforcement of this Ordinance.

Section 5 Permit Approval Procedure

- A. Class A and B Roads shall be subject to the Site Plan Review Process, Section 25 of the Whitewater Township Zoning Ordinance.
- B. Class C Roads shall be subject to review by the Zoning Administrator.

Section 6 Specifications for Private Roads

Each roadway shall conform to the following specifications:

Description – Class A Road	Minimum Standard
Average Daily Traffic Volume (ADT)	10 vehicles per single family detached dwelling; 7.5 vehicles per day per each attached dwelling unit
Design Speed	20 MPH
Stopping sight Distance	125 feet
Vertical Alignment	0.5% minimum 10.0% maximum
Horizontal Alignment	100 foot minimum radius
Right of Way Width	With ditches: 60 feet, 100 feet diameter at cul-de-sacs;

	With curb and gutter: 50 feet, 100 feet diameter at cul-de-sacs
Roadway Width	ADT less than 250: 18 feet ADT over 250: 20 feet
Shoulder Width	Shoulders not required with curb and gutter ADT less than 250: 2 feet (each side) ADT greater than 250: 4 feet (each side)
Cul-de-Sacs	66 foot diameter minimum Islands permitted
Intersection Offsets	Private road intersections shall be directly aligned with other roads, or offset at least 250 feet (centerline to centerline)
Road Surface	7 inches compacted thickness of 21AA, 22A or 23A gravel Paved Surface: 3 inches of bituminous surface, placed in two courses over 7 inch gravel base or 6 inches concrete
Sub-Base	6 inches of compacted Class II sand.
Drainage	Shall satisfy the Grand Traverse County Drain Commission
Erosion Control/Restoration	All areas disturbed by construction must be topsoiled, seeded and mulched. Steep slopes may require sod or riprap. Temporary erosion control measures must be utilized.
Traffic Control Devices	Provide stop signs and street signs at entrance and interior intersections.
Grand Traverse County Road Commission Approval	If the private road intersects a County road, a permit for the approach must be obtained from the Road Commission prior to Township review. A copy of the permit shall be attached with the application.

Description – Class B Road	Minimum Standard
Right of Way Width	50 feet, 100 feet diameter at cul-de-sacs
Roadway Width	18 feet
Shoulder Width	Shoulders not required with curb and gutter 2 feet (each side)
Cul-de-Sacs	66 foot diameter minimum Islands permitted
Intersection Offsets	Private road intersections shall be directly aligned with other roads, or offset at least 250 feet (from centerline to centerline)
Road Surface	7 inches compacted thickness of 21AA,

	22A or 23A gravel Paved Surface: 3 inches of bituminous surface, placed in two courses over 7 inch gravel base or 6 inches concrete
Sub-Base	6 inches of compacted Class II sand.
Erosion Control/Restoration	All areas disturbed by construction must be topsoiled, seeded and mulched. Steep slopes may require sod or riprap. Temporary erosion control measures must be utilized.
Grand Traverse County Road Commission Approval	If the private road intersects a County road, a permit for the approach must be obtained from the Road Commission prior to Township review. A copy of the permit shall be attached with the application.

Description – Class C Road	Minimum Standard
Right of Way Width	33 feet (Cul-de-Sac ?????)
Roadway Width	10 feet
Shoulder Width	Shoulders not required with curb and gutter 2 feet (each side)
Cul-de-Sacs	???? Islands permitted?
Intersection Offsets	Private road intersections shall be directly aligned with other roads, or offset at least 200 feet (from centerline to centerline)
Road Surface	7 inches compacted thickness of 21AA, 22A or 23A gravel Paved Surface: 3 inches of bituminous surface, placed in two courses over 7 inch gravel base or 6 inches concrete
Sub-Base	6 inches of compacted Class II sand.
Erosion Control/Restoration	All areas disturbed by construction must be topsoiled, seeded and mulched. Steep slopes may require sod or riprap. Temporary erosion control measures must be utilized.
Grand Traverse County Road Commission Approval	If the private road intersects a County road, a permit for the approach must be obtained from the Road Commission prior to Township review. A copy of the permit shall be attached with the application.

Section 7 Variances

Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance the Township Board, or its designee, shall have the power to vary or modify the application of the provisions of this Ordinance so that the intent and purpose of the ordinance is observed, public safety secured and substantial justice done. The Township Board, or its designee, may attach reasonable conditions in approving any variance from any provision. The breach of any condition or the failure of any applicant to comply with conditions shall void the variance.

In order for a variance to be granted, evidence must be presented at a public hearing that all of the following conditions exist:

1. Exceptional or extraordinary circumstances exist in relation to the proposed private road such as exceptional topographical or physical conditions.
2. The exceptional or extraordinary circumstances relating to the private road are not the result of any act or omission by the applicant or his predecessors in title.
3. Strict compliance with the regulations of this Ordinance will unreasonably prevent the applicant from developing the property intended to be served by the private road or it will render conformity with the regulations of this Ordinance unreasonably burdensome.
4. The requested variance will not cause an adverse impact on the development of surrounding property, property values or the use and enjoyment of property in the immediate area.
5. Health, safety and welfare will not be compromised.
6. The requested variance is the minimum variance necessary for the reasonable construction of the private road and for the development of the property intended to be served by the private road.

Further, in the event that a variance is granted under this Section, said variance and any conditions, if applicable, shall be recorded with the Grand Traverse County Register of Deeds by the seller and/or proprietor.

Section 8 Consequences of Noncompliance

Any parcel created in noncompliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this Ordinance shall subject the violator to the penalties and enforcement actions set forth in Section 9 of this Ordinance, and may otherwise be provided by law.

Section 9 Penalties and Enforcement

Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the County Jail not to exceed 90 days or by both such fine and imprisonment.

Section 10 Severability

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part of portion thereof.

Section 11 Repeal

All ordinances or parts of ordinance in conflict with this Ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Township Zoning Ordinance, the Township Subdivision Control Ordinance, or the Grand Traverse County Building Code.

Section 12 Effective Date

This Ordinance shall take effect 30 days following its publication after adoption.