

Resolution: 2009-08

CENTERVILLE TOWNSHIP

**DRIVEWAYS AND PRIVATE ROADS
ORDINANCE**

(Adopted – July 15, 2009)

CENTERVILLE TOWNSHIP DRIVEWAYS AND PRIVATE ROADS ORDINANCE

4.8 NAME

Driveways and Private Roads Ordinance.

4.8.1 PURPOSE

The purpose of this ordinance is to facilitate safe and efficient traffic movement and vehicular access in the Township. The standards in this ordinance are intended to protect the public health, safety, and welfare, to minimize congestion and potential for accidents, and to ensure year-round access to property under emergency conditions. The regulations and standards of this ordinance apply to all properties in the Township. The requirements and standards of this ordinance shall be applied in addition to the requirements of the Michigan Department of Transportation, Leelanau County Road Commission, Leelanau County Soil Erosion Office and other provisions of this ordinance.

4.8.2 GENERAL REQUIREMENTS

1. Approval under this ordinance shall be required prior to any and all of the following:
 - a. Construction of a new driveway;
 - b. Expansion or extension of an existing driveway;
 - c. Construction of a new private road;
 - d. Expansion or extension of an existing private road;
 - e. Creation or dedication of any non-public easement, right-of-way or access serving any land division or lot split.
 - f. Creation or dedication of any non-public easement, right-of-way or access serving any site condominium, plat or other group of residential or commercial units.
 - g. Construction or expansion of any land use along a private road which has been determined inadequate for passage of emergency vehicles under Section 4.8.19 of this ordinance.

2. A request for approval under this ordinance shall be considered a request for site plan approval under the Michigan Zoning Enabling Act. The decision on such a request shall be made using the procedures and standards in this ordinance. The decision shall be made by the official or body who decides the application for the underlying land use approval. Stand-alone requests related to driveways, creation or dedication of any non-public easement, right-of-way or access serving any land division or lot split shall be made by the zoning administrator. Stand-alone requests related to private roads shall be made by the Planning Commission. Requests for variances shall be decided by the Zoning Board of Appeals.

3. With the exception of variances, a request for approval under this ordinance will be granted if it meets the requirements of this ordinance, other applicable ordinances, and state and federal statutes; and if it will protect the public health, safety, and welfare, minimize congestion and potential for accidents, and ensure year-round access to property under emergency conditions.
4. The approving body or official may approve or deny a request under this ordinance. The approving body or official may impose conditions that are reasonably related to the intent, requirements and standards in this ordinance.

4.8.3 DRIVEWAYS

An access serving four or fewer residential units or lots, or a maximum of one commercial or industrial use, is a driveway. A driveway shall meet the following standards:

1. Culverts, if installed, shall be in line with and on the same grade as the road ditch.
2. Driveways within 20 feet of a public or private road shall be aligned to intersect perpendicular to the existing public or private road wherever practical, but in no case shall a driveway intersect with a public or private road at an angle greater than 110 degrees or less than 70 degrees.
3. No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten percent (1 foot vertical rise in 10 feet of horizontal distance).
4. The driveway shall meet clear vision standards of the Leelanau County Road Commission.
5. Residential driveways serving single family or two family dwellings shall be a minimum of 50 feet from the nearest right-of-way line of an intersecting road or street.
6. Vehicle ingress and egress points for commercial or industrial land uses shall not be closer than 100 feet to the intersection of any two public streets, or closer than 80 feet to an adjacent driveway within a Commercial or Industrial district.
7. All driveways leading to dwellings, garages, or accessory structures shall have a compacted gravel or paved surface, and shall be designed to minimize erosion.
8. Driveways constructed after the effective date of this Ordinance along major and minor thoroughfares shall align with existing or planned driveways, crossovers, turn lanes or other access features where reasonably feasible. The resulting alignment shall provide safe access and meet all requirements of this Ordinance, the Leelanau County Road Commission, and the Michigan Department of Transportation .
9. The location of new driveways shall conform with road improvement plans or corridor plans that have been adopted by the Township or Leelanau County Road Commission or Michigan Department of Transportation.
10. Each driveway must have a 20 foot right of way, a 12 foot clear zone and 12 foot width.

4.8.4 PLAN AND PROFILE

Plan and profile drawings of a proposed private road shall be prepared by a Professional Engineer in detail complete enough to be used as construction plans. The drawings shall show the proposed gradients of such roads and the location of drainage facilities and structures, along with any other pertinent information. The maximum grade permitted shall be 12%, although shallower grades are required, dependent on length, according to the following:

<u>Gradient Maximum Length</u>	
Over 8% to 10%	-- 900 feet
Over 10% to 12%	-- 300 feet

Sight distance and horizontal and vertical alignment shall be based on a minimum design speed of 20 miles per hour and shall be in accordance with the American Association of State Highway and Transportation Officials' (AASHTO) "Policy of Geometric Design of Highways and Streets," under the designation of "Recreational Roads". The maximum grade at intersections and turnaround areas shall be 2%. The minimum radius for turnaround areas shall be 60 feet. Vertical and horizontal curves shall be used at all changes in grade or direction.

4.8.5 CLEARING AND GRUBBING

All trees, stumps, brush and roots thereof shall be entirely removed from within the grading limits of a private road. All graded areas shall have topsoil replaced, be seeded, fertilized and mulched in accordance with Leelanau County Soil Conservation District Office recommendations.

4.8.6 GRADING

The presence of anything other than granular materials in sub-grade soil shall require undercutting and full width placement of a minimum of 12 inches of granular sub-base under a private road. All peat and mulch shall be removed from the sub-grade. The level of the finished sub-grade shall be at least 2 ½ feet above the water table.

4.8.7 DRAINAGE

1. A drainage plan, submitted on a topographic map with no larger than 5-foot contour intervals shall be submitted, indicating the manner in which surface drainage is to be disposed of.
2. Drainage ditches shall be constructed on each side of a private road in cut sections and in fill sections when required. Ditches shall be of sufficient depth to permit placing of future connecting driveway entrance culverts.
3. In no case shall runoff be diverted beyond the limits of the properties serviced by the road or the road itself onto adjacent property unless appropriate easements are obtained.
4. A crown of sufficient slope to insure drainage shall be obtained across the width of the traveled-way for either gravel- or bituminous-surfaced roads.
5. The drainage plan shall meet the requirements of the Leelanau County Soil Conservation District Office and the Leelanau County Drain Commissioner's Office.

4.8.8 LENGTH, WIDTH AND VERTICAL CLEARANCE

1. The recorded right-of-way, traveled way, shoulders, utility areas and cleared zones shall have the minimum dimensions shown below.

#Lots/Residences to be served	Traveled Way Width	Shoulder Width	Minimum Clear Zone	Utility Area (one side)	Recorded ROW Easement
All measurements in feet					
1 through 4	See section 4.8.3 <i>Driveway</i>				
5 through 10	16	2	20.	6.	30.
11 through 16	18	2	22	8	35
17 through 49	20	3	26	10	40
Access to public road, or 50 or more lots	22	5	32	10	50

Figure 1 - Private Access Road Dimensions

2. Minimum traveled way and/or minimum cleared zones may be reduced if required in writing by another governmental agency for environmental reasons.
3. The traveled way width must be set back from any properties not serviced by the road by at least 10 feet unless appropriate easements are obtained.
4. The maximum distance of a private access road shall be four thousand 4,000 feet as measured from a public road to the end of the farthest turn-around. If the distance is greater than 4,000 feet, or for a subdivision creating a total of 50 or more lots, one or more additional connections to a public road or to an adjacent private road of similar specifications are required.
5. Overhead clearances under bridges or tree branches shall be maintained at 14 feet over a twelve 12 foot width in order to allow free passage of large emergency vehicles.

4.8.9 GRAVEL OR BITUMINOUS BASE

A six-inch aggregate finish course of 23A processed road gravel (Michigan Department of Transportation Standard Specifications) shall be placed and compacted for gravel roads. Bituminous-surfaced roads require a compacted six-inch aggregate base course of 22A processed road gravel.

4.8.10 SHOULDERS

Shoulder material shall be compacted so as not to rut or displace under traffic. Shoulder design and ditch construction shall meet all other recommendations of the County Soil Conservation District and County Drain Commission Offices.

4.8.11 GUARDRAIL

Guardrails shall be required at fill sections where the embankment is greater than six feet in height and the fill slope is steeper than 1 on 3. The construction of 1 on 3 slopes is preferred over the use of guardrails and is required where practical. Where guardrails or posts are used, shoulders shall be constructed two feet wider than the standard without guardrails.

4.8.12 SURFACING

If hot mix asphalt (HMA) paving is used on a private access road, it shall be placed on at least six inches of compacted 22A aggregate. The HMA course shall be laid by an MDOT-qualified contractor at a rate of at least 200 pounds per square yard of Coarse Aggregate Top Course (CATC) (Leelanau County Road Commission special provisions) and may be applied in one course.

4.8.13 PRIVATE ROAD NAMES

Private roads shall be named and designed in the manner required by the Leelanau County Address Ordinance. The applicant shall place private road name signs at all intersections of the private road and any other private or public road.

4.8.14. PRIVATE ROAD ALIGNMENT

Private roads shall intersect with all other roads as closely to 90 degrees as practical, and in no case at less than 80 degrees. Where the proposed continuation of an access road at an intersection is not in safe alignment with the opposing road, it must not intersect the crossroad closer than 175 feet from the opposite road, as measured from the centerline of each road. The end of any private road must provide for turn-around of large vehicles, with a loop, a cul-de-sac, a wye or a rectangular area of sufficient length, width and radius to accommodate a 40-foot-long single-unit vehicle such as a fire truck.

4.8.15 ACCESS ACROSS OTHER PROPERTY

This Ordinance applies to the entire length of a private road, even if it crosses property owned by others.

4.8.16 MATERIALS

All materials incorporated in the work shall meet the specifications called for, or be approved by, a Professional Engineer.

4.8.17 MAINTENANCE AGREEMENT

An application for approval of a driveway serving more than one (1) property or a private road shall include a proposed maintenance agreement. The maintenance agreement shall be in recordable form and shall bind all future owners of property along the private road or the extension of the private road, as applicable. Neither the division of lots nor the construction of the private road shall occur until the maintenance agreement has been approved and has been recorded with the Register of Deeds. At a minimum, the maintenance agreement shall include these requirements:

1. All decisions about improvements and maintenance are to be approved by a majority vote of property owners served by the private road.
2. The owner of each property served by the road shall be responsible for payment of costs apportioned to his or her property.
3. Other owners of property served by the road have the right to bring an action against any delinquent property owner to foreclose a lien or otherwise collect sums owed.
4. The owners of property served by the road are responsible to maintain the road and drainage easement in compliance with this ordinance.
5. The road shall be maintained year-round.

4.8.18 TRAFFIC SIGNS, SPEED LIMITS AND NON-MOTORIZED USES

1. The approving body or official may require stop, yield or other traffic signs as a condition of approval, as necessary to fulfill the intent and requirements of this ordinance, and to protect public safety and welfare, including the safety and welfare of pedestrians and non-motorized users.
2. The approving body or official may require speed limits, including the posting of speed limit signs as a condition of approval, as necessary to fulfill the intent and requirements of this ordinance, and to protect public safety and welfare, including the safety and welfare of pedestrians and non-motorized users.
3. The approving body or official may require bike lanes or non-motorized trails as a condition of approval, as necessary to fulfill the intent and requirements of this ordinance, and to protect public safety and welfare, including the safety and welfare of pedestrians and non-motorized users.

4.8.19 NON-CONFORMING PRIVATE ROADS

Existing private roads at the time this ordinance becomes effective that do not meet all design requirements may continue to be used provided that the safety features necessary for passage of emergency vehicles are met prior to the issuing of any new land use permit for property to be served by the road. Verification of safety adequacy by the Township Fire Chief, or designee, is required in such cases before land use permits are issued. If the Fire Chief or designee determines the road is not adequate for passage of emergency vehicles, approval of a site plan for necessary upgrades is required. Any required upgrades shall be made in the entire stretch of private road between the property where the land use permit is issued and the public road. Any applicant for a land use permit who claims hardship as a result of this provision may request a variance under Section 4.8.21.

4.8.20 ENFORCEMENT

1. A violation of this ordinance is a civil infraction. If the Township requests that a person correct a violation, each day that the violation is not corrected is a separate infraction.
2. A violation of this ordinance is also a nuisance per se. The Township may bring an action for injunctive relief to correct the violation, as well as to seek any other relief that is appropriate under the circumstances.
3. The remedies in this section are cumulative.

4.8.21 VARIANCES

1. A person may apply to the Zoning Board of Appeals (ZBA) for a variance from one or more requirements of this ordinance.
2. A variance may only be granted upon a finding that at least one of the two following conditions have been met:
 - a. A variance or exemption is required in order to comply with conflicting a County or State law, ordinance or regulation.
 - b. A practical difficulty will result from the strict application of the requirement.
3. In addition to the findings in (2), in order to grant a variance the ZBA must also find that all of the following are met:
 - a. The variance will not be detrimental to the public health, safety or welfare;
 - b. The variance will not be injurious to other property;
 - c. The variance will not nullify the intent this ordinance or the Master Plan.
4. The ZBA may impose any and all conditions on the granting of a variance that are reasonably related to the intent, requirements and standards in this ordinance.

4.8.22. EFFECTIVE DATE

This ordinance shall take effect as provided in the Michigan Zoning Enabling Act.

CENTERVILLE TOWNSHIP

By: *Leonard Kelenski*
Leonard Kelenski, Supervisor

Date: 7-15-2009

TOWNSHIP CLERK CERTIFICATE

The undersigned, Clerk of the Township of Centerville, certifies that this ordinance was adopted by the Township Board on the July 15, 2009; it was published in the Leelanau Enterprise on July 30, 2009; and a copy was filed with the Leelanau County Clerk's Office on July 30, 2009.

By: *David D. Wurm*
David D. Wurm, Clerk

Date: July 24, 2009

