

**LONG LAKE TOWNSHIP
GRAND TRAVERSE COUNTY**

PRIVATE ROAD ORDINANCE

ORDINANCE # 49.

PRIVATE ROADS

1. **Private Roads Regulated.** It shall be unlawful to establish a new private road or to extend an existing private road except in conformance with this ordinance. The provisions of this Ordinance shall not apply to access roads or drives internal to any individual lot or parcel of land which has direct public street frontage access and is under the control of one person, firm, corporation, or association, provided that the access road does not provide access to any abutting lot or parcel of land.
2. **Private Road Permit.** An applicant for a private road permit shall submit a completed application therefore and the required fee to the Zoning Administrator.
 - (a) The application for a private road permit shall include the following information:
 - (1) Private road plans drawn at a scale of at least one (1) inch equals one hundred (100) feet and include plan preparation and revision dates, a graphical scale, north arrow, and a location map. The location map shall depict the proposed development site, section lines and numbers, and major roadways within two thousand (2,000) feet of the site.
 - (2) The applicant's name, address and telephone number and the property owner's name, address and telephone number, if different than that of the applicant.
 - (3) A survey of the property showing property line dimensions and bearings, and easements of record, and a written legal description.
 - (4) The seal of the responsible licensed professional engineer, land surveyor, or registered landscape architect that prepared the private road plans.
 - (5) A written statement which describes the reason for the development of a private road, pursuant to one or both of the criteria set forth in paragraph 3 of this Ordinance, if applicable.
 - (6) Location of natural features such as, but not limited to, woodlots, streams, floodplains, county drains, lakes, ponds, and existing topography at ten (10) foot intervals and the location of existing structures on the site and within one hundred (100) feet of the site.
 - (7) Location and dimensions of existing public right-of-way (including paving material), private roads, or access easements of record.

- (8) Location and dimensions of proposed rights-of-way, acceleration/deceleration lanes, driveways, traffic control measures, street lights and proposed street names.
 - (9) Location of existing and proposed utilities, water mains, well, fire hydrants, sewers, septic fields, storm drains, as well as any easements that exist or are proposed to be established for the installation, repair, or maintenance of utilities.
 - (10) Location and dimension of drains, dry wells, catch basins, retention and/or detention areas, sumps, and other facilities designed to collect, store or transport stormwater as well as point of discharge.
 - (11) Roadway cross-sections and slope including sub-base and paving materials.
 - (12) A graphic depiction and legal description of all parcels of land which shall have legal access to the proposed private road.
- (b) Private roads proposed to serve uses permitted by right pursuant to the Zoning Ordinance located on parcels created by legal land division shall be reviewed and approved or denied by the Zoning Administrator with the advice and support of the Township Attorney, Engineer and Planner, and the terms of Paragraph 3 of this ordinance shall not apply. Private roads to serve land uses requiring Planning Commission and/or Township Board review and approval pursuant to the terms of the Zoning Ordinance shall not be approved by the Zoning Administrator, unless and until any such other approvals have been granted. The Zoning Administrator shall review the application and advise the applicant within thirty (30) days of submittal of any additional information needed and whether Planning Commission or Township Board review of the land uses to be served by the private road will be required. The Zoning Administrator, Township Attorney, Township Planner and Township Engineer shall review an application for a private road permit for compliance with the terms of this ordinance, the Township Zoning Ordinance, and all applicable standards and regulations, and the Township Master Plan. The Zoning Administrator shall seek the review and approval of the Grand Traverse Rural Fire Department for all applicable regulations, including compliance with requirements for turnarounds. The Zoning Administrator shall also seek the review and comment of the Grand Traverse County Drain Commissioner Soil Erosion Sedimentation Control Office for all private road permit applications. All fees and charges associated with the review and inspection of private road applications and construction shall be paid in advance by the applicant pursuant to a fee schedule and policy established and updated from time to time by the Township Board. (As amended August 10, 2006 per Ordinance #91)
- (c) The Zoning Administrator may approve, approve with conditions or deny the application, based on the terms of this ordinance.
- (d) An applicant for a private road permit may appeal a decision of the Zoning Administrator under this ordinance to the Township Board.

- (e) No land use permit shall be issued pursuant to Article 17 of the Zoning Ordinance for any land use proposed to be located on a private road until the private road has been constructed and the construction has been certified by an engineer licensed to practice in Michigan as meeting the requirements of this ordinance and the applicable Standards and Specifications for Subdivisions and Other Development Projects with Public and Private Roads as promulgated by the Grand Traverse County Road Commission. The applicant shall provide a set of field as-built plans sealed by said engineer prior to the issuance of any land use permit for development to be served by the private road. (As amended August 10, 2006 per Ordinance #91)
3. **Approval Standards.** To determine the necessity for the private road, the Zoning Administrator shall apply the following standards in the review of the application for a permit for a private road to serve a site condominium, subdivision or any land use requiring the review and approval of the Planning Commission or Township Board. The applicant must demonstrate a compelling reason for the development of such a private road, pursuant to one or both of the following criteria:
- (a) The Grand Traverse County Road Commission has refused to accept jurisdiction for a properly constructed public road substantially equivalent to the private road proposed. The applicant shall provide documented evidence of such refusal. The maximization of development density or the reduction of development costs shall not be deemed compelling reasons for approval of a private road.
 - (b) A public road constructed to required standards will result in the loss or degradation of important natural features that may be preserved and protected through the use of a private road. The applicant shall provide a detailed inventory of the specific features that would be lost through the construction of a public road and a specific description of how the proposed private road will preserve such features.
4. **Construction Standards.** Except as provided in paragraph 9 below, private roads shall be constructed in accord with the Standards and Specifications for Subdivisions and Other Development Projects with Public and Private Roads as promulgated by the Grand Traverse County Road Commission, or similar successor regulations. The construction of private roads shall be certified by an engineer licensed to practice in Michigan as meeting said Standards and Specifications as set forth therein. The following are minimum acceptable standards and the Township may require a private road to meet higher standards, if necessary to protect the interests of the citizens of the Township.
- (a) Easement: The private road shall be located within a sixty-six (66) foot wide easement, properly recorded with the Grand Traverse County Register of Deeds.
 - (b) The centerline of the private road easement shall be located along a property line between two or more contiguous parcels all of which shall have access to the proposed private road. Alternatively, a private road easement may be located within a single parcel such that both sides of the private road may be established

as legal lots or condominium units under the terms of the Zoning Ordinance. Private road easements shall be established and located such that no non-conforming conditions or dimensions are created upon the property to be served by the proposed private road or on any adjoining parcel.

- (c) All private roads shall intersect with a public road. The overall length of a single access private road as measured along the centerline thereof shall not exceed two thousand six hundred forty (2,640) feet. All single access private roads shall be provided with a cul-de-sac constructed in accord with the Standards and Specifications for Subdivisions and Other Development Projects with Public and Private Roads as promulgated by the Grand Traverse County Road Commission, or similar successor regulations.
- (d) A private road which is to serve eight (8) or more residential lots, or condominium units shall be provided with a paved surface. A private road which will serve fewer than eight (8) residential lots, shall consist of at least six (6) inches of aggregate base meeting MDOT 22-A specifications. Other construction specifications, such as depth of subbase, slopes, thickness and quality of bituminous mixture and requirements for drainage and/or valley gutters shall be based on the Standards and Specifications for Subdivisions and Other Development Projects with Public and Private Roads as promulgated by the Grand Traverse County Road Commission, or similar successor regulations and may be modified with the approval of the Zoning Administrator or the Township Engineer. For private roads serving eight (8) or more residential lots, the pavement width, pavement surface, and subbase shall be constructed in conformance with the Standards and Specifications for Subdivisions and Other Development Projects with Public and Private Roads as promulgated by the Grand Traverse County Road Commission, or similar successor regulations. Provided that, upon the recommendation of the Zoning Administrator, the Township Board may grant a temporary waiver of the pavement requirement set forth in this subparagraph for a proposed private road that would intersect with an unpaved public road.
- (e) In the event a private road approved under the terms of this ordinance and serving fewer than eight (8) residential parcels or condominium units is to be extended to serve eight (8) or more parcels, the entire length of the existing and extended private road shall be provided with a paved surface, in accord with subparagraph 4 (d) hereof.
- (f) In no event shall a new, single access private road serve more than thirty-five (35) residential lots or condominium units. A single access private road in existence on September 13, 2000 may not be extended if the result will be to provide access to more than thirty-five (35) residential lots or condominium units along the combined length of the existing and proposed extension of the private road.

- 5. **Maintenance Agreements:** A Maintenance Agreement shall bind the owners of all lots, parcels and condominium units with access to the private road, including their successors

and assigns. A draft copy of the proposed Maintenance Agreement shall be submitted with the private road permit application for the review of the Township Attorney. The Maintenance Agreement must include the following minimum information.

- (a) Restrictive Covenant: A restrictive covenant shall be included in the Maintenance Agreement establishing the responsibility for maintaining the private road on all lots and parcels to be serviced by the private Road. Such restrictive covenant shall further provide that all owners of property with access to a private road shall refrain from prohibiting or restricting in any manner normal ingress and egress and use by any of the other owners, their family, guests, delivery and emergency vehicles or other invitees. It shall further grant to Long Lake Township an easement for the purpose of providing for the installation, operation, inspection, maintenance or removal of any public or private utility systems. The agreement shall grant to Long Lake Township the right, but not the obligation to inspect and repair said private road, at the expense of the owners of property served by the private road. The Township shall have the sole discretion whether to create a special assessment district under the agreement. If the Township elects to repair a private road, the agreement shall provide for the establishment of a special assessment district to defray all costs incurred in repairing the private road. The agreement shall provide that all current and future owners agree that they are waiving all rights to challenge all aspects of the special assessment district. In addition, the owners and all future owners agree that the private road agreement shall be deemed a petition or an adjunct to a petition by the property owners for a special assessment district, if such a petition is legally required.
- (b) Co-Owner Association: A provision for an incorporated association of co-owners along the proposed private road, which shall be responsible to collect fees and to build and maintain the private road or roads.
- (c) Financing: A feasible and practical method for financing the repair, improvement, maintenance and extension of the private road in compliance with this ordinance. This shall include a feasible and practical method for financing the pavement of the entire length of a private road which formerly served fewer than eight (8) parcels and is to be extended to serve eight (8) or more residential lots or condominium units. The maintenance agreement shall include an explicit clause advising all current and future parties to said agreement that Long Lake Township is not obligated to perform regular inspections of the easement area or provide repairs or maintenance to the private road and that Long Lake Township is not responsible for the legality or enforcement of the maintenance agreement.
- (d) In the event the Township has granted a temporary waiver of the paving requirement pursuant to paragraph 4(d) hereof, the Maintenance Agreement shall provide that the temporary waiver shall terminate at such time as the adjoining public road is paved. The maintenance agreement, deed restrictions, master deed and easement agreements shall provide for such future paving and incorporate a feasible mechanism satisfactory to the Township Attorney to assure completion of the required paving. Nothing in a private road maintenance agreement shall be

construed to require the establishment of a special assessment district to finance any improvements, maintenance or extension of a private road, except in conformance with the customary procedures of the Township.

6. **No Public Repair or Maintenance.** Neither Long Lake Township nor the Grand Traverse County Road Commission shall be obligated to perform regular inspections of the easement area or provide necessary repairs or maintenance, including snow removal, for the private road. Long Lake Township is not responsible for the legality or enforcement of the maintenance agreement.
7. **Road Name.** The road name shall be approved by the Grand Traverse County Equalization Department and the Township Board. Lot address numbers shall be assigned based on the private road, not the adjoining public road and parcel addresses shall be required to be clearly posted in a visible location at each lot driveway. At the expense of the applicant, a road name sign, approved by the Grand Traverse County Road Commission shall be placed at the intersections of the private road and public or private roads.
8. **Preexisting Roads:** Any extension of a private road established on or before September 13, 2000, shall meet all of the requirements of this ordinance.
9. **Waivers.** If, in the judgment of the Township Board, the implementation of a private road in accord with the Standards and Specifications for Subdivisions and Other Development Projects with Public and Private Roads as promulgated by the Grand Traverse County Road Commission, or similar successor regulations, will result in the loss or degradation of important natural features, upon the recommendation of the Zoning Administrator, the Township Board may approve a waiver of the strict application of such standards for a private road. An applicant for such a waiver shall identify the specific features that would be lost or degraded through the use of said Standards and alternative methodologies considered to mitigate such loss or degradation. The Zoning Administrator shall consult with the Grand Traverse County Rural Fire Department and may consult with experts as needed to evaluate such a request and the cost of such consultation shall be borne by the applicant.

Date: _____ . By: _____

Karen Rosa, Supervisor

Date: _____ . By: _____

Carol Hoffman, Clerk

Effective Date: September 13, 2000

(As amended Ord. #91 - Effective Date: September 18, 2006)