

Chapter 25, Driveways and Private Roads

SECTION 25.00 PURPOSE

The purpose of this Chapter is to provide minimum standards and specifications for private driveways and private roads constructed in Eureka Charter Township. It is recognized that such standards are necessary because of the need for road services adequate to provide year-round access by residents as well as access by fire, police, and other emergency services. It is further recognized that if roads are not constructed and maintained in accordance with certain minimum standards, such roads may pose a threat to the health, safety, and welfare of the residents located along the roadway and others who use the road. Therefore, it is the intent of this Chapter to provide safe passage and maneuverability of vehicles, support long-term use of roads through suitable construction, and promote construction that will protect against soil erosion and damage to lakes, streams, wetlands, and the natural environment.

SECTION 25.01 PRE-EXISTING/NON-CONFORMING DRIVEWAYS AND ROADS

Non-conforming private driveways or private roads lawfully in existence prior to the enactment of this Ordinance may continue without conforming to the requirements of this Ordinance, provided, however, that if such private road or access easement is to be expanded, constructed, or altered, including but not limited to the servicing of additional lots or commercial, industrial, or other units, then the entire driveway or road must be brought into compliance with the requirements of this Ordinance without regard to its pre-existing status.

SECTION 25.02 GENERAL REQUIREMENTS

The following standards shall apply to all land which is divided into parcels or lots:

- A. No driveway or private road shall be constructed or used within the Township unless it is in full compliance with the requirements of this Ordinance.
- B. No Certificate of Occupancy for any structure or building shall be issued by the Township unless the parcel or lot fronts on a private road, improved to the standards of this Ordinance, or on a public road. Each lot or parcel shall have road frontage equal to the minimum lot width specified by the applicable provisions of this Ordinance.
- C. Private driveways and private roads shall not be dedicated to the Township.
- D. Private driveways and private roads shall not be maintained by the Township except pursuant to a lawfully-established special assessment district.
- E. Prior to the construction of any private road or any driveway serving commercial, industrial, or agricultural facilities, plans shall be reviewed and approved by the Township Planning Commission and the Road Commission for Montcalm County.

SECTION 25.03 MINIMUM STANDARDS FOR DRIVEWAYS

Private driveways shall meet all of the following minimum standards:

- A. All trees and brush shall be cleared for a minimum width of 14 feet for the full length of the driveway.
- B. All topsoil, stumps, and unstable soil shall be removed and back-filled with engineered sand fill and compacted. The driveway shall be surfaced and maintained with gravel, crushed limestone, finely-crushed concrete, or similar material for a minimum width of 10 feet and a minimum depth of four inches for the full length of the driveway. At the garage entrance, an apron at least four feet in length shall be constructed of concrete, at least four inches deep, or asphalt, at least three inches deep, and at least as wide as the garage door(s).
- C. The surface of the driveway shall be properly drained so that water damage and frost heave will not impede access by emergency vehicles.
- D. The driveway shall provide a minimum centerline radius of 40 feet for all curves to ensure access by fire-fighting equipment. In addition, the driveway shall provide minimum clearance from trees and brush of 18 feet in all curved sections.
- E. No bridges shall be permitted as part of driveway construction unless they are certified by a registered engineer as capable of supporting a 30-ton fire truck.
- F. Any structures that span a driveway shall maintain not less than 14 feet vertical and horizontal clearance.
- G. A culvert, 12-inch minimum diameter and 24 feet in length, shall be provided where a driveway crosses the ditch centerline. A minimum of 18 feet shall be covered with gravel or similar material with an equal amount of uncovered culvert on each side.
- H. A private driveway shall serve only one property.
- I. Driveway openings shall be reviewed and approved by the Zoning Administrator and Road Commission for Montcalm County prior to their placement and shall be placed in such a location to maximize vehicular and pedestrian visibility and safety.

SECTION 25.04 PRIVATE ROAD CONSTRUCTION PERMIT

- A. No private road shall be constructed, extended, used or relocated unless a private road construction permit application has been received and approval obtained pursuant to this Chapter. Private road construction permits require special land use approval from the Planning Commission.
- B. Applications for a private road construction permit shall be submitted to the Eureka Charter Township Planning Commission for special land use review and approval. Materials to be submitted shall contain, at a minimum, the following information:
 - 1. A completed permit application form containing the name(s) of the owner(s) and any other parties having any legal interest in the proposed private road, the property on which it is to be constructed, and payment of any fees established by the Township Board.
 - 2. A legal description and survey of all properties to be served by the private road prepared by a Michigan registered and licensed land surveyor, together with a letter from the Township Zoning Administrator stating that all proposed parcels comply with the Township Zoning Ordinance.

3. A legal description and survey of the proposed private road easement prepared by a Michigan registered and licensed land surveyor.
4. Ten copies and a PDF of a scaled drawing, prepared by a Michigan registered and licensed engineer, showing the following:
 - a. The exterior boundaries of the lot(s) or parcel(s) on which the private road will be constructed;
 - b. Existing and proposed structures, roads, drives, drains, and other significant physical features on the property;
 - c. Engineering plans for the proposed road in compliance with the Road Commission for Montcalm County Standards, Guidelines, and Policies for Private Roads.
 - d. Construction plans including a drawing of typical cross-sections, layout, grade, elevation, dimensions, and design of the private road right-of-way and roadway, including the proposed ingress and egress from the adjoining public street/road;
 - e. A stormwater management plan for water runoff from the private road and drainage layout;
 - f. The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable, to be located within the private road easement or within 20 feet either side thereof. Copies of the documents describing and granting such easements shall be submitted with the application;
 - g. The proposed layout and location of all lots to be served by the proposed private road;
 - h. The location of any other existing or proposed buildings or structures within 100 feet of the private road right-of-way;
 - i. The location of any lakes, streams, wetlands, drains, septic systems, or private sewer systems within 100 feet of the private road right-of-way;
 - j. The location of all existing buildings or structures to be served by the private road.
5. A private road maintenance agreement acceptable to and approved by the Township Attorney that shall:
 - a. Detail construction, maintenance, snow plowing, and repair duties;
 - b. Establish proportionate cost-sharing;
 - c. Designate responsibilities of current and future owners of benefit properties, including the authority to apportion, collect, and secure said construction, maintenance, and repairs;
 - d. Contain a provision for noninterference, so owners of lots cannot prohibit, restrict, limit, or interfere with normal ingress/egress or other uses of the private road;
 - e. Contain a provision that all owners of lots with an interest in the private road shall indemnify the Township from any liability whatsoever arising from the purchasing, planning, constructing, inspecting, repairing, maintaining, using, and dedicating of the private road. A letter from the Township attorney may accompany this document indicating that the agreement

complies with this Ordinance; and

- f. Be executed and recorded with the Montcalm County Register of Deeds before the private road is constructed and also provided to each lot purchaser.
- C. The permit application, drawings, and other required information shall be forwarded to the Planning Commission, upon review by the Zoning Administrator, to determine compliance with the standards of this chapter and the Site Plan Review standards of Section 4.04. The Planning Commission shall conduct a public hearing with notice provided pursuant to Section 29.03 of this Ordinance.
- D. The Planning Commission shall review the application and may consult with the Township Zoning Administrator, Fire Chief, Attorney, Engineer, Planner, and others deemed necessary.
- E. The Planning Commission shall approve or deny a permit for the private road within a reasonable time after receiving all requested information from the applicant and all desired recommendations (e.g. from Planner, Fire Chief, Attorney, etc.).
- F. If the Planning Commission finds that the application meets the requirements of this Chapter, Chapter 19, and the review site plan standards of Section 4.04, it shall approve the private road and direct the Zoning Administrator to issue a permit for the construction of the private road. This permit shall be signed by the Zoning Administrator and contain the date of approval and any conditions imposed by the Planning Commission.
- G. Two (2) copies of the private road plans shall be stamped for approval; one (1) copy shall be kept by the applicant, and one (1) by the Township. A permit for a private road does not authorize the construction of any building on any lot accessed by the private road. The permit is valid for a period of one (1) year from the date of approval. If the construction of the private road has not commenced before this date, the permit shall expire, and a new permit shall be required following the same procedure.

SECTION 25.05 MINIMUM STANDARDS FOR PRIVATE ROADS

All private roads shall be constructed in accordance with the Road Commission for Montcalm County Standards, Guidelines, and Policies for Private Roads and shall comply with all requirements of the Montcalm County Drain Commissioner, EGLE, any other state or local requirements, and shall meet the following minimum standards:

- A. Private roads shall not require paving unless the road serves four (4) or more parcels. However, all private roads shall meet all other requirements as identified in the Road Commission for Montcalm County Standards, Guidelines, and Policies for Private Roads.
- B. After review and approval by the Planning Commission, proposed construction specifications shall be submitted to the Montcalm County Official for review and approval prior to the issuance of a Private Road Construction Permit. The Building Official may refer construction specifications to the Township Engineer prior to approval.

- C. The Township may condition the issuance of a private road construction permit on the submission and Township approval of an application for land division, lot line adjustment, subdivision approval, or site condominium approval.
- D. All private roads shall be designated by name, subject to the approval of the Township Planning Commission and the Road Commission for Montcalm County, and consistent with the standards of the Montcalm County Addressing Ordinance. Street signs shall be installed in accordance with the standards and approval of the Montcalm County Addressing Ordinance. Signs marked "Private Road" shall be erected and maintained by the proprietor at the entrance to all private roads of the development. The proprietor shall furnish and erect street name and stop signs at all intersections with both public and private roads. The design of all signs shall be the same as those used by the Road Commission for Montcalm County for similar purposes.
- E. The applicant's engineer, or the Road Commission for Montcalm County's field engineer, shall certify (and supply the written certification to the Township) that they have personally supervised and inspected all construction, that drainage facilities have been installed, that all roads have been built in accordance with approved plans and specifications. If necessary, the Township Engineer may supervise and inspect the construction of the private road to ensure that drainage facilities have been installed, that all roads have been built in accordance with approved plans and specifications.