

CHAPTER 13

PRIVATE ROAD STANDARDS & PROCEDURES

SECTION 13.01 ACCESS REQUIREMENTS

All parcels of land which are not part of a recorded plat shall have access to a dedicated public street or access to a private road as described herein.

SECTION 13.02 REQUIRED APPROVAL

No person shall commence construction of a private road within the Township without prior approval by the Township Board. Applications for approval shall conform to the rules of procedure as promulgated by the Planning Commission and as adopted by the Township. A construction permit for a private road as approved by the Township Board shall be valid for a period of not more than two years. The developer of a private road shall be responsible for maintenance of the private road in front of all unsold lots or where a maintenance agreement is in effect. The developer is also responsible for policing all parcels that remain unsold of all dumping and trash.

SECTION 13.03 STANDARDS

- A. All private roads shall be built to Branch County Road Commission standards.
 - 1. All private roads shall be a minimum of sixty-six (66) feet in width and shall be created by an easement for purposes of ingress and egress for all abutting lots which must use the private road for those purposes.
 - 2. Plans shall show all existing and proposed grades, the location of all existing and proposed drainage facilities and structures and any other physical conditions existing adjacent to the subject private road.
 - 3. The angle of intersecting streets shall be between sixty-five (65) degrees and ninety (90) degrees. Minimum radius at intersections shall be thirty (30) feet measured along the parcel boundaries.
 - 4. There shall be a minimum of fifty (50) feet of flat gradient along the center line profile of the new private road from the center line of the public road before entering into a vertical curve.

Butler Township Zoning Ordinance

5. An aggregate surface twenty-two (22) feet wide shall be constructed upon prepared sub-grade in accordance with the provisions of this ordinance. Topsoil shall be stripped and stockpiled outside the 66' right-of-way easement and spread in the ditches and on the slopes at the completion of the project.
 6. Drainage ditches shall be constructed on each side of the proposed private road in cut sections and fill sections where required to a minimum depth of two feet and deeper where necessary at intersections to permit culverts to be installed. Either concrete or 12 gauge corrugated metal pipe shall be used at intersections and at driveway entrances. Minimum inside diameter of a crossroad culvert shall be fifteen (15) inches and a minimum inside diameter for a driveway culvert of twelve (12) inches with a minimum length of twenty-two (22) feet. Sodding, planting, rip-rap, top soil, seeding or other measures of erosion control shall be used where required. In areas of critical drainage or under the jurisdiction of the County Drain Office, the County Drain Commissioner will specify the culvert size and length.
 7. Private roads which are cul-de-sacs shall have a maximum length of six hundred feet measured from center-lines of intersections along the centerline to the furthest point of the cul-de-sac. Exceptions may be made where unusual topographic conditions exist or where land configurations require a maximum length extension to otherwise meet the purposes of this Ordinance.
 8. Minimum turning radius and pavement width at cul-de-sac terminus shall meet Branch County Road Commission standards.
- B. The applicant shall submit at least two proposed names for a private road to the Township Board. All proposed street names shall meet Branch County 911 Central Dispatch requirements and shall not be similar to or cause confusion with existing named roads.
- C. The applicant shall submit a drawing of said private road, as well as a letter of intent stating general specifications for said private road, including total proposed length. In no event shall any private road be extended beyond the length as shown on said drawings and letter of intent.
- D. For any parcel of land not fronting on an established public road, an easement for the construction and maintenance of various public utilities including natural gas, electric telephone, sewer, water, storm sewer, or similar improvement shall be provided. No building permit shall be granted for any parcel fronting on the private road until such easement has been provided by the applicant.

SECTION 13.04 DEED RESTRICTIONS

Butler Township Zoning Ordinance

- A. Prior to the approval of the proposed private road, the applicant shall submit to the Township a set of deed restrictions in a form acceptable to the Township which shall provide for the creation of the private road easement and the creation of a homeowners association whose members shall be the property owners abutting said road. The association shall be responsible for the upkeep and maintenance of said road. No more than one association shall be responsible for any one private road. The Township shall be given the authority to assess the parcels of owners who become delinquent in the payment of their portion of the maintenance and up-keep costs and fees expended by the Township relating to this assessment. Said restrictions shall be recorded prior to the completion of the road.

- B. The applicant shall also submit to the Township, a document in a form sufficient for recording with the county Register of Deeds stating that in no event shall the association, the individual homeowners, the applicant or their heirs or assigns hold the Township liable for the costs of road signs, traffic control signs, maintenance, lighting or snow removal.

- C. Road Maintenance Agreement: Owners of private roads may petition the Township Board for permission to enter into a maintenance agreement, with authority given to the Township Board to assess the parcels of owners who become delinquent in the payment of their portion of the maintenance and upkeep costs as provided in this Ordinance by submitting to the Township Board the following:
 - 1. A petition, executed by 100% of the owners of said private road, requesting that the Township be given the authority to make the assessments provided for herein.

 - 2. A set of proposed deed restrictions or in the alternative, a proposed maintenance agreement, in a form acceptable to the Township Board and in a form sufficient for recording with the Branch County Register of Deeds, executed by 100% of the owners of the private road which shall provide for the maintenance and upkeep of the private road and which shall also give the Township Board the authority to make the assessments provided in this Ordinance. In the event of ownership by joint tenants, tenants-in-common, or tenants by the entireties, signatures of all those with an ownership interest in the private road shall be required. The maintenance agreement or deed restrictions shall be considered covenants running with the land.

 - 3. One hundred percent (100%) of the owners of the private road shall also submit to the Township a document, in a form sufficient for recording with the County Register of Deeds, stating that in no event shall the association, the individual owners, or their heirs or assigns hold the Township liable for the costs of road signs, traffic control signs, lighting, maintenance or snow removal. The Township Board shall have the discretion to accept or reject any request to assume partial or total responsibility for the making of the assessments provided for herein. If the Board accepts the request, the proposed deed restrictions and/or maintenance agreement shall be executed

Butler Township Zoning Ordinance

forthwith and recorded in the office of the County Register of Deeds, prior to the making of any assessments by the Township. The term “owners of private road” shall be construed to mean those properties that either abut or front said private road.

4. Preparation of Plans and Legal Descriptions: All drawings, legal descriptions and private road specifications shall be prepared and sealed by a registered civil engineer and/or registered land surveyor.
5. Conditions for Issuing of Permit:
 - a. Except as provided in this Ordinance, no building permits shall be issued for parcels abutting private roads until the Branch County Road Commission has reported to the Township Board that said private road meets the standards provided herein.
 - b. Building permits may be issued (prior to the required reports) by the Building Inspector when any or all of the following conditions are satisfied, and subject to the subbase being installed within the private road easement and upon approval by the County Road Commission.
 - (1) The subject parcel also abuts a dedicated public, county road and,
 - i. Construction permits have been obtained by the applicant for the building permit from Branch County Road Commission for the construction of an entrance from the subject parcel onto the County right-of- way;
 - ii. The applicant's plans provide that no other parcel shall have access permitted through said entrance to the County right-of-way unless the driveway is improved to the standards contained herein.
 - (2) The building permit applicant supplies a performance bond guaranteeing the completion of the private road according to the standards provided herein. The surety bond, to be executed by a surety company authorized to do business in the State of Michigan shall be in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder.
 - (3) In fixing the amount of such surety bond, the Township Board shall take into account the size of the proposed private road, the current prevailing costs of completing the road upon default of the applicant,

Butler Township Zoning Ordinance

the estimated expense to compel the applicant to comply with the terms of this ordinance by court order or such other conditions and facts as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. In the alternative, the Township Board may accept a cash bond to be held by the Township under the terms of a written agreement between the applicant and the Township.

- c. Notwithstanding the provisions of this Ordinance, certificates of occupancy will not be issued until the Township Engineer has reported the completion of the road as provided for in this Ordinance.