

TOWNSHIP OF ARCADIA
PRIVATE ROAD ORDINANCE AMENDMENT
Ordinance No. 407

An Ordinance to amend Section 1 of the Arcadia Township Private Road Ordinance 404 to allow up to three dwellings to share the same private drive.

THE TOWNSHIP OF ARCADIA ORDAINS:

The following section of the Private Road Ordinance No.404 is hereby amended to provide as follows:

SECTION 1. PRIVATE ROADS and PRIVATE DRIVES

- A. This ordinance regulates the review, approval, design, construction, inspection, and maintenance of private roads within Arcadia Township.
- B. Within Arcadia Township, no lot or parcel of property may be sold that does not front upon a public road, an approved private road, will be combined with a parcel that has such frontage, or is on a private drive as permitted in Subsection C below.
- C. A private drive may be utilized in lieu of frontage on a public or private road, for residential parcels of five (5) or more acres provided the following conditions are met:
 - 1. The private drive connects directly onto a public road.
 - 2. The private drive is located on a legally valid and recorded easement which is attached to the residential lot or parcel.
 - 3. The width of the easement on which the private drive is located is at least sixty-six (66) feet.
 - 4. The private drive does not serve more than two dwellings which do not have frontage on a public road or approved private road. One dwelling which does have such road frontage may also utilize the private drive.
 - 5. A maintenance agreement shall be provided to the Township for approval and shall be recorded prior to issuing a private road permit.
 - 6. No more than one driveway easement shall be allowed per three hundred (300) feet of public road frontage.
 - 7. The private drive shall be constructed to the standards in the Driveway Ordinance No. 405.

- D. No lot or parcel of property served by a private road or private drive may be sold and building permits shall not be issued for any structure located on any private road until there is full compliance with the provisions of this ordinance, the actual road construction has been inspected and approved by the Township, and a maintenance agreement for the private road has been recorded.
- E. The former Private Road Ordinance Amendment No. 406, adopted on September 11, 2001, is hereby repealed.

SECTION 2. DEFINITIONS

Private Driveway shall mean any piece of privately owned and maintained property which is used for access by vehicular traffic to a single parcel of private property but is not open or normally used by the public.

Private Road, shall mean a privately owned and maintained road, allowing access to more than one residence or place of business, which is normally open to the public and upon which persons other than the owners located thereon may also travel. The erection of such signs as "Residents Only", or the like shall not be deemed to remove any roadway from the requirements of this Ordinance where said roadway is deemed to come within this Ordinance by the Arcadia Township Zoning Administrator or his designee.

Road, shall mean a thoroughfare which affords vehicular traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley or private driveway.

SECTION 3. PROHIBITIONS

- A. Construction of Private Roads, no persons shall construct a private road within the Township of Arcadia except in accordance with the requirements and standards of this Ordinance.
- B. Sale of Parcels of Land, no person shall divide or sell any parcel of land within the Township of Arcadia unless said parcel of land fronts upon a public street which is dedicated to the public, unless said parcel of land fronts upon a private road which meets the standards as herein set forth, unless said parcel of land is serviced by a private drive which meets the standards as herein set forth, or unless said contract, deed or other conveyance of sale contains the following language:

"This parcel is not a buildable site for the reason that said parcel does not front on an acceptable ingress and egress in accordance with the standards as set forth by the Zoning Ordinance and Private Road Ordinance of the Township of Arcadia".

- C. Building Permits, no building permit shall be issued by the authorized agent of Arcadia Township or any official therein, or any other official of the Township of Arcadia for any structure unless said structure fronts on a private road which meets the standards as herein set forth, or unless said parcel of land is serviced by a private drive which meets the standards as herein set forth. Nothing in this section shall be deemed to waive any of the frontage, depth, or like requirements as set forth in the Arcadia Township Zoning Ordinance.

SECTION 4. CONVEYANCE OF INTEREST IN LAND ABUTTING PRIVATE ROAD

At the time of the conveyance of any interest in any parcel that abuts a private road, which conveyance shall be deemed to include the acceptance of an offer to purchase, the grantor of such interest shall advise the grantee that said parcel abuts a private road, and that the maintenance, care, and other responsibilities concerning said private road rest with the abutting land owners and are not the responsibility of the Township of Arcadia, the County of Lapeer, or the State of Michigan.

SECTION 5. PERMIT REQUIRED

No construction shall begin on any private road until a permit has been issued by the authorized agent of Arcadia Township following compliance with such requirements as set forth in this Ordinance.

SECTION 6. APPLICATION REQUIREMENTS

Application for the construction of new, extended or upgraded private roads shall include the following:

- A. A completed Private Road Application Form.
- B. A true accurate survey, including both a drawing to scale and full legal description of the parent parcel, all parcels which would result from the proposed division of the parent parcel, and the private road easement for ingress, egress, road drainage, and public utility purposes. The survey shall include the following:
 - 1. All adjoining property within one hundred (100) feet of the parent parcel or parent tract, including features.
 - 2. All dimensions of existing and proposed property lines and easements.
 - 3. Location of all existing buildings, wetlands, lakes, streams, ponds, drives, public and private roads, easements, wells and septic fields, including setbacks from all property lines.
 - 4. Wetland delineation shall not be required unless said private road shall infringe on existing wetland boundaries.

5. The size (in square feet and acres) of each resulting parcel.
 6. The proposed location and type of access to each resulting parcel.
 7. Setbacks from property lines to all proposed buildings.
- C. Engineering plans of the proposed roadway construction.
 - D. A copy of the roadway maintenance agreement that will be recorded with the deed or land contract for each lot or parcel to be served by the private road.
 - E. Application fee and Township Engineer review fee, as established by resolution of the Township Board.

SECTION 7. ROADWAY DESCRIPTION AND MAINTENANCE AGREEMENT

- A. All private roads shall have a minimum right-of-way easement of sixty-six (66) feet in width for ingress-egress, drainage, and public utilities.
- B. All private roads shall have a minimum private easement for public utilities of twelve (12) feet adjacent to said ingress-egress easement.
- C. All private roads shall have appropriate width easements for drainage purposes.
- D. The legal description of the roadway easement shall be recorded as a part of the deed or land contract for every parcel of property to which it provides access.
- E. A legal description describing the land being served by and having access to said private road shall be included with the maintenance agreements.
- F. A Private Road Maintenance Agreement, in a form approved by the Arcadia Township Board, shall be recorded as part of the deed or land contract for every parcel of property to which the road provides access. The Maintenance Agreement shall be binding on all parties and shall guarantee a financial mechanism for and actual, regular maintenance of the private road by all benefiting property owners. Neither Arcadia Township nor the Lapeer County Road Commission have any responsibility or legal authority to maintain private roads.

SECTION 8. STANDARDS FOR CONSTRUCTION PLANS

The design and construction of all private roads shall be in conformance with the following design standards. Overall site plan drawn to a minimum scale of 1" = 100' and plan and profile of proposed private road drawn to a minimum scale of 1' = 50' and prepared by a Professional Civil Engineer or Professional Land Surveyor shall be submitted to the Township which demonstrate conformance with the specifications of this Ordinance and shall include the following:

- A. A legal description of the entire parcel(s), all proposed divisions (splits), all proposed utility easements, and the proposed road easement.
- B. A minimum private road easement width of sixty-six (66) feet.
- C. All dead-end roads shall terminate in a cul-de-sac turn-around with a minimum diameter of one hundred fifty (150) feet with a minimum radius of fifty-four (54) feet for the roadway surface.
- D. Soil borings shall be taken by an independent testing laboratory or qualified professional at intervals not to exceed five hundred (500) feet. Additional borings may be required where the USDA Soil Survey of Lapeer County or on-site inspection indicates unstable soil may be present.
- E. The applicant shall remove all unsuitable soil including muck, peat, and marl as well as brush, trees, tree stumps, and similar materials from the area between the ditch centerlines. These areas shall then be backfilled with the suitable material to provide a stable subgrade for roadway construction.
- F. A cross-section of the road showing the proposed aggregate surfacing, granular subbase, and the shoulder and swale profile in conformance with the attached Arcadia Township Private Road Typical Cross Section minimum standards.
- G. The plans shall show existing and proposed grades and the location of all existing and proposed drainage facilities and structures. Elevations shall be based on USGS datum.
- H. The intersection of roads shall be as close to ninety (90) degrees as possible with a variation of no more than ten (10) degrees.
- I. Road grades shall not exceed six percent (6%) or be less than four-tenths percent (0.4%) unless a waiver is approved by the Township Board upon the review and recommendation of the Township's consulting engineers. At the intersection of two roadways, however, the maximum grade shall be three percent (3%) for a distance of one hundred (100) feet from the point of intersection.
- J. The minimum centerline radius for all private roads shall be designed in accordance with AASHTO design requirements for thirty-five (35) mph.
- K. Sight distances at intersections shall equal current Lapeer County Road Commission guidelines.
- L. The applicant shall obtain a soil erosion control permit from Lapeer County and shall install and maintain all erosion devices throughout the construction period. All soil erosion control measures shall be shown on the construction plans.

- M. The Township's consulting Engineer shall review the plans and the consulting Engineer shall inspect construction of all private roads. The cost of the plan review and construction inspections shall be paid for the applicant.
- N. Construction permits from the Lapeer County Road Commission are required for connections to the county roads.
- O. All private roads created hereunder shall be named, with said name to be approved by the Lapeer County Road Commission. All required name signs and signposts shall be erected in accordance with standards and specifications of the Lapeer County Road Commission at the expense of the applicant.
- P. Private road signing shall be provided in accordance with the Michigan Manual of Uniform Traffic Control Devices (MMUTCD) and maintenance of said signs shall be the responsibility of the association.
- Q. All required permits and inspection fees shall be provided to the Township prior to construction.
- R. There shall be a minimum of one hundred twenty (120) feet of road frontage measured along the right-of-way for all parcels of property to be located on a private road cul-de-sac.
- S. The private road engineering plans shall include a schedule showing driveway culvert sizes and the method used to determine driveway culvert sizes for each proposed lot, in conformance with applicable standards of the Lapeer County Road Commission. In no instance shall any driveway culvert be smaller than twelve (12) inches in diameter and twenty-four (24) feet in length.
- T. All parcels abutting the private road shall access the private road exclusively.
- U. The proposed site shall be limited to a storm water discharge rate equal to the pre-developed discharge rate. Whenever the fully developed storm discharge rate exceeds the pre-developed discharge rate, a detention system designed to accommodate runoff from a 10-year storm event, or a retention system designed to accommodate runoff from a 100-year event shall be provided on-site. Storm water run-off calculations shall be shown on the construction plans.

SECTION 9. REVIEW AND APPROVAL PROCEDURES

Ten (10) copies of the complete application, plans, proposed maintenance agreement and the layout of all proposed lots or parcels to be served by the private road, shall be submitted to the Township Clerk. The complete application, including all necessary submittals and attachments, must be submitted at least thirty (30) days prior to a regular meeting of the Planning Commission to be placed on the agenda. The Township Clerk shall forward the complete application packet to the Planning Commission and Township Engineer. The Planning Commission shall review the application at their next regularly scheduled meeting following submittal of a complete application.

SECTION 10. INSPECTION AND APPROVAL

- A. All construction shall conform to the plans approved by the Township. All inspections will be based upon the approved plan. Construction not according to the approved plan and/or not inspected according to the Township's requirements may not be approved.
- B. At least one week prior to the start of construction, the applicant shall schedule a pre-job meeting between the owner/contractor and the Township Engineer to discuss the scheduling, inspections and conduct of the work.
- C. Inspections shall be made:
 - 1. Upon completion of stripping operations.
 - 2. Upon completion of clay grade and ditch excavation.
 - 3. Upon completion of the sand sub-base.
 - 4. Upon completion of the aggregate base.
 - 5. During and following completion of each course of paving.
 - 6. After completion of fine grading, topsoil, seeding and mulching. Seeding and mulching shall be done in accordance with MDOT roadside specifications.
- D. The contractor shall notify the Township Engineer forty-eight (48) hours before the conclusion of each step in the road construction so that the required inspections can be completed without delay to the contractor. The applicant is responsible for ensuring that all required inspections are requested and scheduled.
- E. The applicant shall provide weigh slips which certify the weight and class of material used for subbase and aggregate used for the road and should surfaces.
- F. Inspections will be certified by the Township Engineer so that a complete record of the private road construction can be made available to the Lapeer County Road Commission in the event that the private road owners choose to upgrade and/or dedicate the road to the County as a public road, if possible.

SECTION 11. PERFORMANCE BOND

The applicant shall file with the Township Treasurer prior to any construction a cash deposit, certified check, or irrevocable bank letter of credit to the Township sufficient to cover twenty-five percent (25%) of the total cost of the required improvements. A total project cost estimate signed and sealed by a Professional Surveyor or Professional Engineer shall be submitted with the performance bond prior to any construction. When the work is completed, inspected, and approved by the Township, the entire bond will be released to the applicant.

SECTION 12. EXTENDING EXISTING PRIVATE ROADS

In those cases where the applicant wishes to extend an existing private road, such extension shall be granted only if the existing private road is brought into compliance with the standards in this Ordinance. All standards in this Ordinance shall apply to both the proposed extension and the existing private road. Further, such applicant shall obtain consents from all those persons who own any interest in the existing right of way or have the right of access to their property therefrom, which consent shall be in writing and shall be filed with the Township along with the filing of the application for permit hereunder. Such consent shall provide:

- A. That the consenting party consents to the extension of the roadway pursuant to the application, and
- B. That the consenting party consents to the upgrading of their existing roadway to the standards as set forth herein, and where applicable, will agree to deed such easements or right-of-way as are necessary to the requirements of this Ordinance. The Township Board shall not vary this requirement as it concerns consents.

SECTION 13. EXISTING PRIVATE ROADS NOT MEETING STANDARDS OF ORDINANCE

- A. In those instances where a property division is being sought for a lot or parcel which has access to an existing private road, which does not meet the standards of this Ordinance, said private road shall be improved in conformance with the standards of this Ordinance prior to approval of property divisions or issuance of any building permits.
- B. The applicant may request a waiver of this requirement from the Township Board who may, after review and recommendation by the Township engineering and planning consultants, and findings of unique circumstances and practical difficulties, grant a partial or complete waiver of this requirement. The Township Board shall not grant any waivers from this provision where the applicant is creating new lots or parcels by division or one or more of the existing lots or parcels of record.

SECTION 14. DEDICATION

All rights-of-way shall be dedicated to the adjoining property owner who gains access of said right-of-way. If a parcel adjoining said right-of-way is not to be served by said right-of-way, then the landowner dedicating such right-of-way shall specifically provide for that exclusion and said adjoining property owner shall not share in the ownership of the right-of-way.

SECTION 15. VALIDITY

This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is to be adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section subsection, phrase, sentence, and clause thereof irrespective of the fact that any one or more part, sections, subsections, phrases, sentences, or clauses be declared invalid.

SECTION 16. RELATIONSHIP TO OTHER LAWS AND ORIDNANCES

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by governmental authority through legislation, rule, or regulations, the more restrictive regulations or those which impose higher standards shall govern.

SECTION 17. REPEAL OF CONFLICTING ORDINANCES

The previous Private Road Ordinances 401 and 402 are hereby repealed in its entirety. 404 combined with this ordinance starting at Section 2 - Definitions, 07/21/2021.



407 Private Roads
Diagram.pdf