

CHAPTER 27

PRIVATE ROADS

SECTION 27.1 DEFINITIONS. For purposes of this Chapter, the following words and phrases shall be defined as follows:

1. A “driveway” is an improved or unimproved path or road extending from a public or private road to a single lot, building, dwelling or structure, intended to provide ingress and egress primarily for the occupants thereof.
2. A “shared driveway” is a path or road extending from a public or private road to 2 lots, buildings, dwellings or structures, intended to provide ingress and egress primarily for the occupants thereof.
3. A “private road” is the entire length of any undedicated path, drive or road which is privately owned and maintained and which provides or is intended to provide the primary means of ingress and egress to 3 or more lots, dwellings, dwelling units or structures or combination thereof. Driveways providing access to a single building, dwelling or structure are not considered to be part of a private road.

Private-road provisions of this Chapter shall not apply to internal roads serving only one lot or parcel of land which has direct public or private street frontage and is under the control of one person, corporation, or association, and which is to be developed for uses subject to site plan review under this Ordinance. Such internal roads shall not provide the principal means of access to any abutting lot or parcel of land. Examples of access roads that may be exempted from the provisions of this chapter include those serving multi-family dwellings, nursing homes, hospitals, factories, schools, mobile-home parks, and shopping centers.

4. A “private-road easement” is an easement which is granted exclusively for private access to 3 or more lots, whether by grant of easement, private dedication, designation as a common area, or other means, and which contains a private road.
5. A “cul-de-sac” is the turn around at the end of a dead-end street.
6. An "existing-private road" is a private road which is used to provide access to existing lots, buildings or dwelling units as of September 26, 1990.
7. An "existing lot" is a lot which, as of September 26, 1990 meets at least one of the following conditions:
 - a. The lot consists of a parcel described by metes and bounds for which a deed has been recorded with the Kent County Register of Deeds, or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Kent County Register of Deeds;

- b. The lot has been assigned its own permanent parcel number by the Kent County Property Description and Mapping Department and is individually assessed and taxed on that basis; or
 - c. The lot consists of a "condominium unit" (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a "site-condominium" development for which a condominium master deed has been recorded with the Kent County Register of Deeds in accordance with the requirements of the Michigan Condominium Act (PA59 of 1978, as amended, MCLA 559.101 et seq.) and other applicable laws and ordinances.
8. An "existing building" or an "existing dwelling unit" is a building or dwelling unit for which a building permit has been issued by the Township as of the effective date of this Chapter (September 26, 1990).
 9. A "Speed bump" is a traffic management device involving the construction or placement of a raised surface anomaly on and across the pavement surface of a street or traffic lane for the purpose of lowering the speed of motor vehicles along specific street sections

SECTION 27.2 SHARED DRIVEWAYS: MINIMUM STANDARDS AND REQUIREMENTS APPLICABLE.

1. After the effective date of this Chapter (January 19, 2000), no shared driveway shall be constructed, extended, improved or relocated, nor shall an existing driveway be used or extended to provide access to a second lot, building or dwelling unit which was not existing and which was not provided access by the driveway as of the effective date of this Chapter, except in accordance with the minimum standards and requirements of this Chapter.
2. For a shared driveway existing as of January 19, 2000, which thereafter becomes a private road by extension or lot division, the existing portion of the shared driveway shall be improved to the private-road requirements stated in this Chapter.

SECTION 27.3 SHARED DRIVEWAYS: MINIMUM STANDARDS FOR DESIGN AND CONSTRUCTION.

1. The area in which the shared driveway is to be located shall have a minimum cleared width of 20 feet. The cleared width shall be maintained by those having legal right to use the shared driveway.
2. A shared driveway shall be located within an easement of not less than 20 feet wide.

3. Only one shared driveway shall be located within an easement.
4. The driving surface shall be at least 12 feet wide.
5. All shared gravel driveways shall be constructed on a base of stable soil and a minimum of 6 inches of MDOT 22A compacted road gravel on the top thereof.
6. The driving surface of the shared driveway shall be crowned or sloped to facilitate drainage.
7. The longitudinal slope of the driveway shall not exceed 15 percent unless a steeper driveway is specifically approved.
8. The driving surface of the driveway shall be adequately maintained by the property owner, or by those with a legal right to use the driveway.
9. When a shared driveway crosses a natural stream or drainage course, adequate provisions shall be included to maintain the surface water flow to the satisfaction of the Zoning Administrator and any other agency having jurisdiction thereof. The method used in crossing any natural stream, drainage course, or similar feature shall have a sufficient load capacity to safely support Fire Department equipment.
10. Except where the driveway crossed a natural stream or drainage course, the driveway shall be no closer than 25 feet from the stream or drainage course or other body of water.
11. The inside radius of a driveway curve shall be a minimum of 40 feet.
12. House numbers shall be visibly displayed at the intersection of the shared driveway and the public or private road.
13. The edge of the shared driveway shall be set back a minimum of 20 feet from any existing principal dwelling not served by the shared driveway. For shared driveways serving commercial and office uses, the Planning Commission may modify this setback requirement if such modification is needed to achieve safe and efficient traffic flow both on and off site.
14. A shared driveway which intersects a public or private road shall be a minimum of 60 feet from any other shared driveway, or a private or public road which is on the same side of the road. This distance shall be measured between centerlines.

SECTION 27.4 REVIEW AND APPROVAL OF SHARED DRIVEWAY PLAN.

1. Prior to constructing, extending, improving or relocating a shared driveway, or using or extending an existing driveway to provide access to a second lot, building, or dwelling unit, which was not existing and which was not provided access by the driveway of the effective date of this Chapter (January 19, 2000), a plan for the shared driveway shall be submitted to

the Township Fire Chief and to the Zoning Administrator to determine compliance with the standards and requirements of this Chapter.

A shared driveway which is part of a Planned Unit Development, Site Condominium, Subdivision or other land development proposal requiring approval by the Planning Commission may be approved by the Planning Commission subject to the shared driveway regulations of this Ordinance and approval by the Township Engineer and Fire Chief.

2. The plan for the shared driveway shall accurately show the location, route, dimensions, design and grade of the shared driveway; the relation of the shared driveway to adjacent or intersecting public or private roads and other shared driveways; existing, or proposed curb cuts; the lots, buildings or dwelling units, existing and proposed, which will be provided access by the shared driveway; the location of any drainage courses, lakes, streams or other natural bodies of water within the shared-driveway easement and within 100 feet of the easement.
3. If the Township Fire Chief, Township Engineer, and the Zoning Administrator or the Planning Commission determine that the shared driveway meets the standards and requirements of this Chapter, then the plan shall be approved and the shared driveway may be constructed, extended, improved or relocated in accordance with the approved plan.

SECTION 27.5 SHARED DRIVEWAYS: ISSUANCE OF BUILDING PERMITS. A building permit for a building or dwelling to be served by a shared driveway shall not be issued unless the applicant for the building permit provides the Township Building Inspector with (1) proof of lawful access over the shared driveway to the lot, parcel or building site; (2) an approved plan for the shared driveway; and (3) a driveway permit for the shared driveway issued by the Kent County Road Commission, as applicable.

SECTION 27.6 PRIVATE ROADS: MINIMUM STANDARDS AND REQUIREMENTS APPLICABLE. After the effective date of this Chapter (September 26, 1990), no private road shall be constructed, extended, improved or relocated, nor shall an existing private road be used or extended to provide access to a lot, building or dwelling unit which was not existing and which was not provided access by the private road as of the effective date of this Chapter, except in accordance with the minimum standards and requirements of this Chapter.

SECTION 27.7 PRIVATE ROADS: MINIMUM STANDARDS FOR DESIGN AND CONSTRUCTION.

1. A private road shall be located within a private road easement. The easement shall be at least 40 feet wide at all points.
2. If determined necessary by the Fire Chief, the Site Plan Review Committee or Planning Commission for maneuvering emergency vehicles or other public safety purposes, a private road or segment of a private road which terminates in a cul-de-sac or dead-end shall be provided with an easement with a minimum radius of 50 feet at the terminal end of the private road. Within this turnaround easement, an area with a minimum radius of 40 feet

shall be paved. A larger paved area may be required if an island is located within the turnaround. In the event that severe topography, mature trees or other similar significant natural feature prevents the reasonable installation of the turnaround, the approving body may allow some other turnaround design to enable emergency vehicles to maneuver.

3. All private roads shall be constructed on a base of at least six inches of MDOT 22A grade road gravel with a minimum of a 12 inch sand sub-base and a minimum roadway surface of 3 ½ inches of asphalt.
4. A private road which serves at least 3 but not more than 20 residential lots, or dwelling units, shall have a minimum pavement width of 22 feet inclusive of curbs measured back to back. This includes cul-de-sacs which are connected to a larger private road system.
5. Any portion of a private road which serves more than 20 residential lots, or dwelling units, shall have a minimum pavement width of 26 feet inclusive of curbs measured back to back. This includes cul-de-sacs which are connected to a larger private road system.
6. A private road which serves commercial or office lots or buildings shall have a minimum pavement width of 30 feet inclusive of curbs measured back to back.
7. A 3-foot wide road shoulder shall be provided along each side of the paved surface of a private road and around the circumference of the paved surface of any required turn-around area unless asphalt or concrete curbing is provided.
8. A private road, or interconnected private and public road system, or any combination of public and/or private roads shall not serve more than 75 residential lots, site condominium units, or dwelling units, unless a secondary means of egress is provided for the entire property served. This secondary access shall meet the minimum standards of this Chapter.
9. A private road shall not exceed a grade of 10 percent; provided that within 30 feet of the intersection of a private road with any other private road or with any public right-of-way, a private road shall not exceed a grade of 4 percent.
10. A private road shall be constructed in a manner determined adequate by the Township Engineer to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure, or example) must be approved by the Township Engineer and must comply with applicable state and local requirements. The Fire Chief shall also approve the crossing structure to ensure fire truck access.
11. A private road shall be given a street name that is not the same or similar

to any other street name in the County as determined by the Kent County Road Commission. A readily visible street sign bearing the name given the private road shall be erected and maintained at the intersection of the private road with another private road or a public right-of-way.

12. A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road.
13. The edge of the private road pavement shall be set back a minimum of 35 feet from any existing principal dwelling not served by the private road. For private roads serving commercial and office uses, the Planning Commission may modify this setback requirement if such modification is needed to achieve safe and efficient traffic flow both on and off site.
14. Speed bumps shall be spaced no less than 300 feet apart and must be designed to provide for proper street surface drainage. Speed bumps must have a 14-foot long vertical cross-section, measured in the direction of traffic flow. Each speed bump shall have a parabolic curve with a maximum height of 3-inches at the mid-point.
15. In order to facilitate access to adjoining properties when appropriate, reserve strips may be required by the Planning Commission between the terminus of a private road and the property's boundary. The reserve strip shall be illustrated on the private road plans. In considering whether to require a reserve strip, the Planning Commission shall consider the following factors:
 - a. Whether cross-access across adjoining properties would improve traffic circulation in both developments.
 - b. Whether or not it is practical to align the private roads.
 - c. The relative size and intensity of the adjoining developments, and
 - d. Whether or not there is an existing second means of access for the development.

SECTION 27.8 REVIEW AND APPROVAL OF PRIVATE ROAD PLAN.

1. Prior to constructing, extending, improving or relocating a private road, or using or extending an existing private road to provide access to a lot, building, or dwelling unit, which was not existing and which was not provided access by the private road as of the effective date of this Chapter, a plan for the private road shall be submitted to the Township Fire Chief and to the Site Plan Review Committee of the Planning Commission to determine compliance with the standards and requirements of this Chapter.

A private road which is part of a Planned Unit Development, Site Condominium, Subdivision or other land development proposal requiring approval by the Planning Commission may be approved by the Planning Commission subject to the private road regulations of this Ordinance and approval by the Township Engineer and Fire Chief.

2. The plan for the private road shall be prepared and sealed by a registered engineer or surveyor and shall show the location, route, dimensions, design and grade of the private road; the relation of the private road to adjacent or intersecting public or private roads; existing, or proposed curb cuts; the lots, buildings or dwelling units, existing and proposed, which will be provided access by the private road; the location of public utilities within the private road easement and within 20 feet of the easement; the location of any drainage courses, lakes, streams or other natural bodies of water within the private road easement and within 100 feet of the easement; and the street name and location of street signs.
3. Provision shall be made to insure the continued repair and maintenance of the private road, and financing of the costs thereof by the property owners benefiting from the private road. This shall be accomplished through the use of a recorded agreement between the parties in interest in the private street, or through a restrictive covenant, which shall run with the land. This recorded agreement shall ensure that easements are provided for access for emergency and other public vehicles and for installation of public utilities. The agreement shall also contain a statement that no public funds of Grand Rapids Charter Township shall be used to build, repair or maintain the private road. A copy of the agreement or restrictive covenant shall be provided to the Township as a condition to approval of the plan for the private road.
4. If the Township Fire Chief, Township Engineer, and the Site Plan Review Committee or the Planning Commission determine that the private road meets the standards and requirements of this Chapter, then the plan shall be approved and the private road may be constructed, extended, improved or relocated in accordance with the approved plan.

SECTION 27.9 PRIVATE ROADS: ISSUANCE OF BUILDING PERMITS.

1. A building permit for a building or dwelling to be served by a private road shall not be issued unless the applicant for the building permit provides the Township Building Inspector with (1) proof of lawful access over the private road to the lot, parcel or building site; (2) an approved plan for the private road and a copy of the signed and recorded agreement or restrictive covenant as provided by Section 27.8; and (3) a driveway permit for the private road issued by the Kent County Road Commission, as applicable.
2. Drawings of the private road as it has been constructed shall be certified by the registered professional engineer who prepared the plans and shall be provided to the Zoning Administrator before a Certificate of Occupancy is issued or the applicant shall provide a bond or irrevocable letter of credit in

an amount determined by the Township to insure completion of the drawings as well as the completion of the private road if necessary.

SECTION 27.10 APPLICATION TO EXISTING PRIVATE ROADS. Except with regard to the requirements under Sections 27.3(12) and (13) regarding street names, street signs and house numbers, this Chapter shall not apply to an existing private road which provides access solely to existing lots, buildings, or dwelling units.