

**ARTICLE XIX**  
**PRIVATE ROAD STANDARDS**

Entire Article added by Amendment 03-004 effective September 4, 2003

**SECTION 19.1 INTENT**

To provide standards and guidelines for private accesses to residential lots or units as provided for under this Article.

**SECTION 19.2 PROJECTS REGULATED**

**A. APPLICABILITY**

This article shall be applicable to all accesses – whether they are easements, ways, private drives, common areas, or otherwise – by which more than two (2) residential lots or units are shared by common access. Please note that Leelanau County will not assign or recognize a private road name unless there are five (5) residences on the road.

**B. LIMITATIONS**

In as much as absolute convenience and safety are unobtainable at any cost and as the Township's primary legal interests in Private Roads are:

1. To determine that road frontage requirements for lots meet zoning requirements and for assigning fiscal responsibility for maintenance and other purposes; and
2. To make as certain as possible that properties can be serviced at least from the road by fire and other emergency equipment.

**SECTION 19.3 STANDARDS**

**A. SUBMITTAL REQUIREMENTS** - The following will be required for Private Road applications, to be made on Township form:

1. Private Road Plans: This will include plan and profile drawings of the proposed private access road prepared by the Applicant's Engineer or Surveyor in detail complete enough to be used as construction plans. Profile plans are not required where no grade exceeds 5% and the number of lots served is four (4) or fewer. The drawings shall show the proposed gradients of such roads and the location of drainage facilities and structures, along with any other pertinent information.
2. Survey and legal description of private road.

3. Maintenance Agreement: Road maintenance agreement and deed restrictions satisfactory to the Suttons Bay Township attorney, signed by applicant/owner. Providing for:
- Method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
  - A workable method of apportioning the costs of maintenance and improvements to current and future users.
  - A notice that if repairs and maintenance are not made within six months of the date of official notice from the Township, Suttons Bay Township may bring the road up to the design standards of this ordinance and assess owners of parcels on the private road for the cost of all improvements, plus an administrative fee in the amount of 25 percent of total costs.
  - A notice that no public funds of Suttons Bay Township are to be used to initially build, thereafter repair, or maintain the private road.
  - Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
  - A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, vendors, tradespersons, delivery persons, and others bound to or returning from any of the properties having a need to use the road.

**B. SIGHT DISTANCE AND HORIZONTAL AND VERTICAL ALIGNMENT**

Sight distance and horizontal and vertical alignment shall be based on a minimum design speed of fifteen (15) miles per hour and shall be in accordance with the American Association of State Highway and Transportation Officials' (AASHTO) "Policy of Geometric Design and Highways and Streets," under the designation of "Recreational Roads."

PROPOSED GRADE	LIMITATIONS
Up to and including 6%	NO limit
> 6% to 8%	A. Must be paved B. No limit on length or curve
> 8% to 10%	A. 1000 foot maximum length B. Minimum horizontal curve radius of 100'
> 10% to 12%	A. Maximum 500' length of vertical tangent B. Minimum horizontal curve radius of 275'
No grade above 12% will be accepted.	

- The maximum grade at the stopping side of an intersection shall be two percent (2%).
- Turn-a-round areas shall have a maximum grade of 3%.
- The minimum radius for turn-a-round areas shall be fifty (50) feet.
- Vertical and horizontal curves shall be used at all changes in grade or direction.

**C. DESIGN STANDARDS**

Unless otherwise designated in this Article, Private Road workmanship and materials shall be designed to Leelanau County Road Commission Standards for Subdivision Streets. These design standards include clearing, grubbing, grading, materials, structures, pavement, guardrail, restoration, etc. The Engineer may propose equal or preferred materials on the Road Plans.

**D. DRAINAGE**

Unless waived by the township, a drainage plan submitted on a topographic map with no larger than two (2) foot contour intervals shall be submitted, indicating the manner in which surface drainage is to be disposed of. In no case shall runoff from a subdivision be diverted due to construction beyond the limits of that subdivision onto adjacent property unless appropriate easements are provided. A crown of sufficient slope to insure drainage shall be provided across the width of the traveled-way for either gravel or bituminous surfaced roads. The plan shall meet the requirements of the Leelanau Conservation District and the Leelanau County Drain Commissioner's Office.

**E. LENGTH, WIDTH, AND VERTICAL CLEARANCE**

The right-of-way (ROW), preserved by recorded easements, the traveled way, shoulders, utility areas and cleared zones are to be minimally dimensioned as shown below, depending on the number of lots served.

Type or Class	Number of lots/residents to be served	Traveled Way Width	Shoulder Width (both side)	Recorded ROW Easement	Type of Surface Required	Type of Turn-a-round
ALL MEASUREMENTS IN FEET						
I	Up to 8	18	1	40**	Gravel or better*	"T" Type
II	9 through 24	20	2	40	Gravel or better*	Cul-de-Sac
III	More than 25	22	3	66	Bituminous	Cul-de-Sac
Note: There may be more than one classification of private roads within a development, however an individual road must maintain the same classification throughout its length.						
*Roads greater than 6% must be paved. **The required right-of-way of Class I roads may be reduced to 30 feet by the Zoning Administrator if drainage and utilities are accommodated within the easement or separate easements.						

See Figure 1 for illustration of private road dimensions.

F. SHOULDERS

Shoulder material shall be of a type that when compacted will not rut or displace under traffic, and shoulder design and ditch construction shall adequately drain water away from the roadway, while preventing erosion.

G. SIGNS

At a minimum a stop sign must be placed at the intersecting county roads. The applicant shall furnish and erect private road name signs at all intersections within the subdivision and entrances thereto. Road name signs must be in conformance with the Leelanau County Address Ordinance. Please note that Leelanau County will not assign or recognize a private road name unless the road serves more than five (5) residences.

H. PRIVATE ROAD ACCESS ALIGNMENT

1. Private Access Roads should intersect with each other or with public roads at ninety (90) degrees or closely thereto and in no case less than seventy (70) degrees.
2. Where the proposed continuation of an access road at an intersection is not in good alignment with the opposing road, it must not intersect the crossroad closer than one hundred seventy-five (175) feet from such opposite existing road, as measured from the centerline of said roads.
3. For the end of any private access road, the design must provide a turn-a-round for large vehicles, such as a fire truck. See Figure 2. Other types of turn-a-rounds may be used if approved by the Township.

**SECTION 19.4 REQUIREMENT OF PRIVATE ROAD AGREEMENT AND NOTICE**

Prior to the sale of any units within the project the developer shall record with the Leelanau County Register of Deeds office the following notices against all lands served by the access:

- A. "Access to the lots or residential units within the following described property will not be maintained by the Leelanau County Road Commission." [Set forth a legal description of the entire subdivision property perimeter.]

- B. The Township is not responsible nor shall the township be obligated in any manner to perform regular inspections of this private road or to provide necessary repairs or maintenance.
- C. A copy of the recorded notice shall be given to the zoning administrator before approval of the final plat (if applicable) or, in any event, before the conveyance of any lot or unit within the subdivision.
- D. Notice of Easement - All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following: "This parcel of land has private road access across a permanent \_\_\_\_\_ (insert size of easement) foot easement which is a matter of record and a part of the deed. This notice is to make the purchaser aware that this parcel of land has egress and ingress over this easement only. Neither the County nor the Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Michigan P.A. 134 of 1972, as amended.)"

**SECTION 19.5      EXISTING NON-CONFORMING PRIVATE ACCESS ROADS**

Roads existing and used as private access roads at the time this Article becomes effective, and which do not meet all the design requirements specified herein, may continue to be used, provided that the safety features necessary for passage of emergency vehicles, such as minimum traveled way width of 12 feet and overhead clearance of 14 feet, are met prior to the issuance of land use permits to those lots or parcels to be served by the private access road.

Roads existing and used as private access roads at the time this Article becomes effective, and which do not meet all the design requirements specified herein, must meet the requirements of this Article if they are to be used to access additional lots created from the effective date of this Article.

**SECTION 19.6      ADMINISTRATION AND VARIANCES**

The Zoning Administrator shall review all private access road construction plans to determine conformity with this Ordinance. Any applications for approval to the Ordinance shall be submitted to the Administrator along with the applicable fee. Variances shall only be considered and approved by the ZBA provided:

- A. The proposed variance does not result in reduced safety, durability, drainage, erosion control, or the all-weather access aspects of the project; and,
- B. If deemed necessary by the Suttons Bay Township Board, the applicant deposits with the request for variance, sufficient funds estimated to cover the cost to the Township of retaining a civil engineer to review the variance request, submit opinions thereon to the Township Board and draft conditions for approval. The minimum fee shall be as established by the Township Board and the administrator shall determine the amount of deposit, based in the estimated review of cost, if greater than the minimum.

**SECTION 19.7 CONSTRUCTION & CERTIFICATION**

- A. Private Roads shall be constructed in accordance with the approved plans. Revisions must be approved by the Township.
- B. Upon completion, the construction of the Private Road must be certified in writing by an Engineer. Roads not required to have Engineering drawings under Section 15.3.A.2 may be certified by the Owner or their Agent.
- C. Certification must be received prior to issuance of any Land Use permits for lots on the Private Road, unless a financial guarantee is on file to ensure completion of the road.
- D. Zoning Administrator shall review the road upon receipt of the Certification to verify compliance.