

ARTICLE 24
PRIVATE ROAD, SHARED PRIVATE DRIVEWAY AND
ACCESS EASEMENT STANDARDS

SECTION 24.00 INTENT AND PURPOSE

The standards of this Article provide for the design, construction and maintenance of private roads, shared private driveways, and access easements in order to ensure safe and efficient access to lot owners, motorists, and particularly emergency vehicles. The minimum width requirement provides sufficient room for public utility access as well.

Private roads and shared private driveways are to be maintained privately and shall not be maintained by public funds.

- A. Intent.** This Article establishes requirements and procedures for the review and construction of private roads, shared private driveways, and access easements. This section includes standards intended to accommodate private roads in particular instances where public roads may not be appropriate or desired or where they may not be accepted.
- B. Purpose and Basic Requirements.** A private road shall not be approved by the Township until it has been demonstrated by the applicant that the proposed private road will not be accepted by the Livingston County Road Commission as a public road. Tyrone Township discourages private roads due to long-term maintenance issues and concerns regarding the overall continuity of the Township's public road system. The Township encourages the use of existing private roads and shared private driveways for development, where possible, to reduce the need for additional curb cuts. The private road design and construction standards of this article are intended to match, as closely as possible, the minimum road standards of the Livingston County Road Commission.

The purpose of matching the County's standards is to allow for the public conversion of private roads which may be incorporated in the County's public road system in the future. Some standards, however, may be more restrictive than County and/or Michigan Department of Transportation standards. The standards herein are also intended to require owners with access to private roads to assume full liability and maintenance responsibilities for private roads. Shared private driveway and access easement standards are established to provide minimum design specifications consistent with sound planning and

engineering principles. The right of way requirements are enforced to ensure adequate room is provided or utilities to access the properties located along the private road or shared private driveway.

SECTION 24.01 DEFINITIONS

- A. Private Road Land Development.** A private road land development is created when property of record is divided into three or more parcels by action other than platting as defined by the Michigan Land Division Act, as amended, and primary access to the parcels is to be provided via a private road.
- B. Private Road.** A road owned and maintained by the owners of the property it serves. Private roads include roads within condominium or site condominium projects, office or industrial complexes, or land division developments. A private road may be used to provide public services such as utility easements, waste collection and emergency services. The definition of "private road" does not include drives serving multiple family senior housing projects or apartment complexes where internal private drives are the ongoing responsibility of the management and parking lot aisles or drives connecting parking lots to internal roads. For the purposes of the definitions within this Zoning Ordinance, private roads shall be considered "streets".
- C. Private Driveway.** Any vehicular access that provides access to one (1) dwelling unit, building or lot, or serving an essential public service structure.
- D. Shared Private Driveway.** A driveway that provides access to a maximum of four (4) single family lots, site condominium units or non-residential principal buildings, provided that it is not more than 1,200 feet in length. For the purposes of the definitions within this Zoning Ordinance, shared private driveways shall not be considered "streets".
- E. Access Easement.** An easement across private land granted to provide access to other land and that does not meet the definitions of a private road or shared private driveway.

SECTION 24.02 PRIVATE ROAD APPROVAL REQUIREMENTS

- A. Proof of County Rejection.** Prior to the Township's consideration of a proposed private road, the applicant must submit written documentation indicating that the Livingston County Road Commission will not accept the proposed road as part of the County's road network and specifying the County's reasons for rejection.

B. Approval Process. The private road development, including the proposed private road meeting the standards of this Article, must be submitted for either site plan approval as required by Article 23 or site condominium project review as required by Section 21.43. For land divisions requiring private road approval, the private road application shall be reviewed concurrently with the land division application. Additionally, the following submittal and approval requirements shall be met:

- 1. Sight Distance.** Confirmation that all sight-distances of the proposed private road complies with the standards of the Livingston County Road Commission.
- 2. Maintenance Agreement.** A private road maintenance agreement as required by paragraph 24.02.C. shall be provided as part of the application and considered for approval, approval with conditions, or denial together with the site plan or site condominium plan.
- 3. Construction Documentation.** Documentation/certification that the private road meets all Township private road construction specifications.
- 4. Public Hearing.** A public hearing shall be required for any private road proposed where the access easement or right-of-way would be within fifty (50) feet of the property line of an adjacent property. The public hearing shall be held prior to consideration of the site plan, site condominium plan, or land division by the Planning Commission. Notice by mail shall be provided to all lot or home owners within three hundred (300) feet of the easement boundaries as well as all occupants of structures within three hundred (300) feet of the easement boundaries. The notice shall generally describe the location of the proposed private road and provide the date and time of the public hearing. Notice by mail shall be deemed to have been given when deposited at the U.S. Post Office address of the respective property owner shown on the last assessment roll of the township. A notice shall appear in a newspaper of general circulation announcing the public hearing no less than fifteen (15) days nor more than sixty (60) days prior to the public hearing.

C. Road Maintenance. A private road maintenance agreement shall satisfy the following and be provided to the Township for review and approval:

- 1. Recordable Agreement.** Road maintenance agreements, as approved by the Township, shall be recorded with the Livingston County Register of Deeds, with a copy of such registration filed with the Township Clerk.

- 2. Certification.** The developer shall provide each buyer of property served, all or in part, by a private road, with certification that such private roads are not maintained by public funds. Such certification shall include a legally executed road maintenance agreement between all property owners that details, in part, that all road maintenance is the responsibility of the property owners served by the private road and is not the responsibility of Tyrone Township or the Livingston County Road Commission.

- D. Land Use Permit.** After approval of the site plan or site condominium project, the Zoning Administrator shall issue a land use permit for private road construction. Prior to the issuance of the land use permit, the developer shall be required to post a financial guarantee, consistent with the provisions of Section 23.16. The Zoning Administrator shall also confirm that the applicant has submitted a copy of the recorded Maintenance Agreement with the Township Clerk prior to issuing a permit.

- E. Inspections.** During and upon completion of the private road construction, inspections shall be made by the Township Engineer or an appointed representative according to a schedule developed between the Engineer and developer prior to the start of construction. Any inspection fees charged by the Township Engineer are the obligation of the developer. All elements of the private road construction shall be inspected by the Township Engineer and shall be included in the final report and certification required under (F) below. Other agencies such as the Livingston County Road Commission, the Drain Commissioner and the MDEQ may also be involved in the inspection process, depending on the location and construction parameters of the project.

- F. Land use Permits, Legal Descriptions and Certification.** Land use permits for any dwelling or building on any parcel served by the private road shall not be issued until the developer's licensed engineer certifies to the Zoning Administrator that the private road was constructed according to the specifications issued by the Township. The developer's engineer shall certify in writing, with copies of inspection reports that the private road, drainage improvements and all other utility improvements have been constructed according to the private road standards and in conformance with the approved site plan. Final certification does not relieve the applicant from compliance with the requirements of Section 24.03. It shall also be the responsibility of the developer's engineer to assure accurate preparation of all legal descriptions related to the development of the private road, and all lots and all easements associated with the private road.

- G. Expiration of Approval.** A developer shall start and complete all land development and private road construction, in accordance with the approved site plan or site condominium plan on file, within one (1) year from the date of approval. A one year extension may be granted when requested by the developer in writing prior to the expiration date if, in the opinion of the Planning Commission, a finding that conditions or circumstances so warrant.
- H. Drainage.** Storm water runoff from a private road shall be controlled consistent with the requirements of the Livingston County Drain Commissioner and the MDEQ. Uncontrolled storm water shall not drain directly onto adjacent property or onto a public road. Appropriate permits must be obtained from the Livingston County Drain Commissioner, the MDEQ and other appropriate governmental agencies prior to initiation of any work on a private road. Storm water drainage into regulated wetlands shall only be permitted subject to issuance of a permit from the MDEQ. Use of storm water management in accordance with sound drainage engineering practices shall be required.
- I. Design Standards.** Private roads shall meet all design and construction requirements of Section 24.03 of this Article and all applicable Livingston County Road Commission requirements. If there is a conflict between the standards of this Ordinance and the requirements of the Road Commission, the higher standard, as determined by the Planning Commission, shall apply.
- J. Utility Easements.** Easements for all public utilities shall be granted before sales of property commence. The Township will review the easement for overall configuration and use but will not verify the accuracy of the legal description submitted for the easement. Easements for public utilities running to the properties along the private road should be located within the boundaries of the private road easement.
- K. Review Process.** A private road proposal shall be submitted for review in accordance with the Site Plan Review procedures described in Article 23. The Township Planning Commission and Township Board may require advice and consultation from professional planning, engineering, or other experts. When such professional expertise is required during the review of a proposal in accordance with these provisions, the applicant shall be responsible for reimbursing the Township for all costs associated with the expert's advice and consultation.

SECTION 24.03 PRIVATE ROAD DESIGN STANDARDS

Private roads shall be constructed according to the following standards. The Planning Commission may recommend approval of a modified road standard in a particular application where it can be demonstrated that the modified standard meets safety and sound engineering requirements. Modifications to these design standards shall be considered and recommended for approval or denial by the Planning Commission. The Township Board shall consider the recommendation of the Planning Commission and take final action on the request for a modified design standard.

It shall generally be the policy of the Township to encourage maximum joint utilization of private roads in order to minimize construction of new private roads and to reduce access points on major roads. Consistent with that intention, the Planning Commission and Township Board shall discourage development of new roads within two hundred and fifty (250) feet of an existing road or shared driveway where the existing road or driveway could be used to provide access to the lots intended to be served by the new access route.

- A. Road Design.** The minimum right-of-way width shall be sixty-six (66) feet. Additional private road design standards, unless otherwise modified in this Article, shall meet the, street base, pavement width, surface, slope, drainage system and all other standards of the most current adopted Livingston County Road Commission design standards for public roads, with the exception of bituminous surfacing where not required below. The design of private roads shall be approved by the Township.
- B. Drainage.** Private roads shall be designed and constructed in relation to land contours and other natural or man-made features to provide efficient storm water drainage. A drainage bypass culvert may be required where a private road intersects with a public road. Other drainage improvements shall be required as determined necessary by the site drainage patterns and be consistent with established Township policy, the requirements of the Livingston County Drain Commissioner and sound engineering practices.
- C. Sight-Distance.** Private roads shall be designed and constructed in relation to land contours and other natural or man-made features to provide safe and adequate ingress and egress by driveway access for each parcel. An intersection of a private road with a public or private road shall meet the current sight-distance requirements of the Livingston County Road Commission. The sight-distance requirements imposed on a site or private road shall be maintained for the life of the private road in order to better ensure safe movement of traffic at the intersection.

If the area to be maintained in order to meet the sight distance requirement extends onto adjacent property, then easements shall be secured for the purposes of clearing and maintaining the area for compliance with this requirement. If easements cannot be secured, the access point must be relocated. Provisions for maintenance of areas required for sight distance shall be included in the private road maintenance agreement (see Section 24.02.C).

- D. Connection to Existing Roads.** If a road of an existing, abutting development or subdivision terminates at the boundaries of the proposed development, the proposed private road shall connect to this road. Where circumstances warrant, such as natural barriers, pre-existing man-made barriers, or those other factors that may affect the health, safety, and welfare of the residents in the opinion of the Township, this requirement may be waived after review and recommendation by the Planning Commission.
- E. Layout of Roads; Continuous Circuit of Travel.** The layout of private roads shall generally provide a continuous circuit of travel, both within a particular development and between developments on adjacent parcels. Multiple points of access shall be provided in order to limit the number of households dependent on a single ingress and egress point.

Where a development abuts open, undeveloped land, stub streets or easements shall be provided that extend to the property line for future connection. Where natural barriers or adjacent land uses limit the possibility of such a connection, the Planning Commission may recommend a cul-de-sac design that meets these specifications, provided that a right-of-way is reserved extending from the end of the cul-de-sac to the development boundary in a manner acceptable to the Township. This requirement may be waived by the Planning Commission or Township Board if future connections are highly unlikely.

- F. Reduced Width to Preserve Natural Features.** The minimum pavement width for a private road may be reduced to not less than twenty two (22) feet of lane width where the Planning Commission determines that the reduced width will preserve significant natural features and there is no alternative design that will preserve the natural features and meet the regular width standard.
- G. Maximum Length and Units, Single Access Point.** Maximum length of a private road with a single access point shall be one thousand, two hundred (1,200) feet. This measurement shall be from the right-of-way of the public road at the intersection with the private road to the minimum front building line of the furthest parcel with access to the public road via that single access point. This shall include parcels located on shared private driveways or other private roads that branch off of the private road and are accessed via this single access point.

The maximum length requirement may be extended upon the recommendation of the Planning Commission and the approval of the Township Board. Private roads that exceed the one thousand, two hundred (1,200) foot maximum length shall be required to install a dry hydrant system. The system shall be subject to the approval of the Township engineer and fire department with jurisdiction.

With an approved dry hydrant system, there is no maximum length for the private road. However, the maximum number of units that may be accessed by a private road with a single access point shall be thirty (30). The 30-unit limitation is based on the standards of the International Fire Code. However, if the roadway design, circulation conditions, anticipated traffic circulation, or other site conditions warrant a reduction of the maximum units in order to protect the health, safety, and welfare of the residents of the development and Tyrone Township, the maximum may be reduced to 24 units. The 24-unit limitation is based on the recommendations of the Institute of Traffic Engineers. The total number of units shall be inclusive of all units on the private road or road system using the same single access point.

If a second access point from the development is provided, then there shall be no limit on the number of units or the length of the private road.

- H. **Turnaround.** Any private road with a single means of access shall include a turning circle with a forty-five (45) foot radius or a fifty-five (55) foot radius if a center landscaped island is included, to provide a continuous loop layout. A larger turning circle may be required for commercial and industrial private roads.
- I. **Intersection Design Standards.** Private roads that intersect with existing or proposed private roads or public street rights-of-way should intersect at a ninety (90) degree angle. Where constrained by environmental features, the Township Engineer may allow a reduced angle of intersection but in no case shall the angle be less than seventy (70) degrees.
- J. **Intersection Offsets from Public Streets.** Proposed private roads or entrances to a development shall align directly across from, or be offset at least two hundred fifty (250) feet from, public streets or private road intersections on the opposite side of the street, measured centerline to centerline. This standard may be reduced if approved by the Livingston County Road Commission.
- K. **Minimum Offsets for Private Roads.** Private roads shall:
 - 1. Align directly across from other private roads or shared private driveways
or

2. Be offset in accordance with Livingston County Road Commission requirements or
 3. In the event no such County Road Commission requirements are in effect for the proposed private road, it shall be offset at least one-hundred and fifty (150) feet measured from centerline to centerline.
- L. Vertical Clearance.** In order to provide adequate access for emergency vehicles, fifteen (15) feet of overhead tree clearance shall be provided within the width of the pavement.
- M. Signs.** Regulatory signs shall be positioned and installed in accordance with the Michigan Manual of Uniform Traffic Control Devices on all private roads where such private roads intersect public streets. All other signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street name signs shall be provided at all intersections. Private street name signs shall contrast in terms of color with public street name signs, and shall clearly indicate the private road is private.
- N. Street Names.** The name for a private road shall be approved by the Planning Commission with the concurrence of the Post Office, local fire services, and the Livingston County Road Commission to assist emergency services.
- O. Compliance with AASHTO Standards.** Where no specific standard is provided in this Section, private road design plans shall meet the design criteria outlined in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets." Minimum horizontal and vertical curve radii and stopping distances shall be determined using design standards in this AASHTO manual to provide minimum safe sight-distances, provided that the minimum horizontal curve shall be two-hundred and thirty (230) feet in radius.
- P. Extension of Conforming Private Roads.** A conforming private road may be extended to serve additional existing lots or additional new lots. The private road must meet the standards set forth in Section 24.02 and 24.03. A Traffic Impact Study may be required if the vehicular trips from the proposed new development on the extension of the private road meet the thresholds listed in Table 23.1. If the extension to the existing private road network requires an amendment to the bylaws of the respective homeowner or condominium association, the Township must approve the amendment. The cost of the private road extension and the Traffic Impact Study shall be borne by the applicant.

- Q. Structures and Setbacks.** Private roads shall be considered streets, and yards fronting on private roads shall be considered front yards for setback and other regulatory purposes. Any new structure proposed after approval of the private road shall satisfy the appropriate setback standards for the zoning district and shall have access to the private road only and not be permitted access to the public road. Existing structures with setbacks that are not in compliance with the Zoning Ordinance shall be permitted to remain as legal nonconforming structures, in accordance with the provisions of Section 26.03.
- R. Adjacent Properties.** When a private road is located along a property line, any new structure expansion, or addition proposed after approval of the private road shall satisfy the appropriate setback standards for the zoning district. Existing structures on adjacent properties with setbacks that are not in compliance with the Zoning Ordinance shall be permitted to remain as legal nonconforming structures, in accordance with the provisions of Section 26.03.

New lots developed on adjacent properties are encouraged to utilize existing private roads where feasible. The developer or owner of the newly developed lot(s) shall petition the owner(s) of the private road(s) located on the adjacent property to request a forum to discuss and negotiated access to, and use of, the existing private road(s). If a stub street is provided (generally perpendicular to the property line) on either the subject property or the adjacent property, access shall be provided per the standards in Section 24.03.E above.

SECTION 24.04 NONCONFORMING ROADS

- A. Intent.** The Township recognizes there exists private roads, service roads and access easements which were lawful prior to the adoption of this section, but are now inconsistent with the standards of this ordinance. Such roads are declared by this section to be legal nonconforming private roads or easements. The intent of this ordinance with respect to nonconforming roads and the development of land with access to such roads is as follows:
1. Permit legal nonconforming private roads to continue to exist and undergo routine maintenance for safety purposes;
 2. To provide for maintenance of the LCRC sight distance requirements through brush mowing and clearing as necessary;
 3. Disallow expanded use of legal nonconforming private roads in a condition which does not meet the design standards of this ordinance; and

4. Private roads shall be upgraded to meet the design standards of this ordinance when additional lots are added to be served by the private road.

The Planning Commission may recommend approval of a modified standard for a nonconforming private road in a particular application where it can be demonstrated that the modified standard meets safety and sound engineering requirements. Modifications to these design standards shall be considered and recommended for approval or denial by the Planning Commission. The Township Board shall consider the recommendation of the Planning Commission and take final action on the request for a modified design standard. The modification, if granted, shall be based on a practical difficulty associated with the request, such as but not limited to pre-existing development, natural features and topography, or protection of the health, safety, and welfare of Township residents.

B. Development of Land with Access to Nonconforming Private Roads. The Township recognizes that there exist private roads that are inconsistent with the standards herein which were lawfully adopted on September 21, 2004 as a part of the Tyrone Township Zoning Ordinance and amended, effective April 30, 2008. Such private roads are considered by this section to be legal nonconforming private roads to continue and undergo routine maintenance for safety purposes. Furthermore, these private roads may continue to be used as follows:

1. **Existing Lots of Record.** The development of existing lots or parcels of record with access to legal nonconforming private roads shall be permitted.
2. **Lot Splits and Unpaved Nonconforming Private Roads.** Any proposed lot splits with access to a legal nonconforming private road may be permitted only if the entire private road meets the applicable current LCRC standards for public roads, except the requirement for bituminous pavement, unless otherwise modified in this Article by Tyrone Township. However, the proposed lot split(s) may not cause the number of units served by a private road with a single access point to exceed the maximum number of units provided in Section 24.03.G. If this is desired, an additional access point to the public road system is required.

The private road shall be inspected by the Township Engineer to determine compliance with these LCRC standards and the improvements necessary to achieve compliance. The inspection and plans for bringing the private road into compliance, if necessary, shall be provided prior to

approval. The cost of the inspection as well as the improvement of the existing private road shall be borne by the applicant. If the private road is nonconforming because it does not have a maintenance agreement, an agreement shall be prepared in compliance with Section 24.02.C.

3. **Expansion or extension of a Nonconforming Private Road.** A nonconforming private road shall not be expanded or extended until an inspection of the condition of the existing nonconforming private road has been made by the Township Engineer. An expansion or extension of a nonconforming private road shall be considered to occur when length or units are added to a private road.

The Township Engineer shall prepare a report containing a description of the current condition of the private road, its compliance with the applicable current LCRC standards for public roads, except the requirement for bituminous pavement, and the work necessary to bring the private road into compliance with those standards. This expansion or extension, or the addition of a shared private driveway or new private road branching off of the nonconforming private road, shall not cause a private roadway to exceed the maximum limits stipulated in Section 24.03.G. The inspection and plans for bringing the entire private road into compliance, if necessary, shall be provided prior to approval. The cost of the inspection as well as the improvement of the existing private road shall be borne by the applicant. If the private road is nonconforming because it does not have a maintenance agreement, an agreement shall be prepared in compliance with Section 24.02.C.

The expansion or extension also must comply with the conditions set forth in Section 24.03. The Planning Commission may recommend and the Township Board may waive some of these standards at its discretion, provided the private road meets Livingston County Road Commission standards for public roads, except the requirement for bituminous pavement.

4. **Compliance with AASHTO Standards.** Where no specific standard is provided in this Section, design plans for nonconforming private roads shall meet the design criteria outlined in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets."

- C. Existing Lot or Parcel.** For the purposes of determining whether a lot along a private road or access easement qualifies as an “existing lot or parcel” as used in this section, at least one of the following conditions must have existed at the time this section was adopted.
1. The lot consists of a “condominium unit” for which a master deed had been recorded with the Livingston County Register of Deeds in accordance with the requirements of the Michigan Condominium Act and other applicable laws and ordinances.
 2. The lot consists of a parcel that was described by metes and bounds as recorded by a deed or as a land contract, and registered with the Livingston County Register of Deeds.
 3. The lot had been assigned a unique parcel number by the Township Assessor and was individually assessed and taxed on that basis.
- D. Repair and Maintenance.** Legal nonconforming private roads shall be permitted to be maintained for safety purposes in accordance with the following provisions:
1. Routine maintenance for safety purposes shall be permitted without requiring the legal nonconforming private road be brought into conformance with the requirements of this Ordinance.
 2. Replacement of the private road or paving of a previously unpaved nonconforming private road shall require bringing the private road into conformance with the requirements of this Ordinance.

SECTION 24.05 SHARED PRIVATE DRIVEWAY AND ACCESS EASEMENT APPROVAL REQUIREMENTS

- A. Approval Process.** The shared private driveway and/or access easement development, including the proposed shared private driveway or access easement meeting the standards of this Article, must be submitted for either site plan approval as required by Article 23 or site condominium project review as required by Section 21.43. For land division applications requiring shared private driveway approval, shared private driveway applications shall be reviewed concurrently with land division applications. Additionally, the following submittal and approval requirements shall be met:

1. **Sight Distance.** Confirmation that all sight-distances of the proposed shared private driveway complies with the standards of the Livingston County Road Commission.
 2. **Maintenance Agreement.** A shared private driveway or access easement maintenance agreement as required by paragraph 24.05.B shall be provided as part of the application and considered for approval, approval with conditions, or denial together with the site plan or site condominium plan.
 3. **Public Hearing.** A public hearing shall be required for any shared private driveway or access easement proposed where the easement will be within fifty (50) feet of the property line of an adjacent property. The public hearing shall be held prior to consideration of the site plan, site condominium plan, or land division by the Planning Commission. Notice by mail shall be provided to all lot or home owners within three hundred (300) feet of the easement boundaries and to all occupants of structures located within three hundred (300) feet of the easement boundary. The notice shall generally describe the location of the proposed shared private driveway or access easement and provide the date and time of the public hearing. Notice by mail shall be deemed to have been given when deposited at the U.S. Post Office address of the respective property owner shown on the last assessment roll of the Township. A notice shall appear in a newspaper of general circulation announcing the public hearing no less than fifteen (15) days nor more than sixty (60) days prior to the public hearing.
- B. Shared Private Driveway or Access Easement Maintenance.** A shared private driveway or access easement maintenance agreement shall be provided to the Township for review and approval:
1. **Recordable Agreement.** Maintenance agreements, as approved by the Township, shall be in a recordable format ready to be recorded with the Livingston County Register of Deeds, with a copy of such registration filed with the Township Clerk.
 2. **Certification.** The developer shall provide each buyer of property served, all or in part, by a shared private driveway or access easement, with a statement that such shared private driveway or easement is not maintained by public funds. Such certification shall include a legally executed easement agreement and a maintenance agreement between the property owners responsible for the maintenance of the shared private driveway.

- 3. Conformance with Private Roads.** The maintenance agreement shall be in conformance with the standards in Section 24.02.C
- C. Land Use Permit.** After approval of the site plan, the Zoning Administrator shall issue a land use permit for shared private driveway or access easement construction. Prior to the issuance of the land use permit, the developer shall be required to post a financial guarantee, consistent with the provisions of Section 23.16. The Zoning Administrator shall also confirm that the applicant has submitted a copy of the recorded Maintenance Agreement with the Township Clerk prior to issuing a permit.
- D. Inspections.** During and upon completion of the shared private driveway or access easement construction, inspections shall be made by the Township Engineer or an appointed representative according to a schedule developed between the Engineer and developer prior to the start of construction. Any inspection fees charged by the Township Engineer are the obligation of the developer. All elements of the shared private driveway construction shall be inspected by the Township Engineer and shall be included in the final report and certification required under (E) below. Other agencies such as the Livingston County Road Commission, the Drain Commissioner and the MDEQ may also be involved in the inspection process, depending on the location and construction parameters of the project.
- E. Land use Permits, Legal Descriptions and Certification.** Land use permits for any dwelling or building on any parcel served by the shared private driveway or access easement shall not be issued until the developer's licensed engineer certifies to the Zoning Administrator that the shared private driveway or access easement was constructed according to the specifications approved by the Township. The developer's engineer shall certify in writing, with copies of inspection reports that the shared private driveway, drainage improvements and all other utility improvements have been constructed according to the shared private driveway or access easement standards and in conformance with the approved site plan. Final certification does not relieve the applicant from compliance with the requirements of this article. It shall also be the responsibility of the developer's engineer to assure accurate preparation of all legal descriptions related to the development of the shared private driveway or access easement, and all lots and all easements associated with the shared private driveway or access easement.
- F. Expiration of Approval.** A developer shall start and complete all land development and shared private driveway construction, in accordance with the approved site plan or site condominium plan on file, within one (1) year from the date of approval. A one year extension may be granted when requested by the

developer in writing prior to the expiration date if, in the opinion of the Planning Commission, a finding that conditions or circumstances so warrant.

- G. Drainage.** Storm water runoff from a shared private driveway or access easement shall be controlled consistent with the requirements of the Livingston County Drain Commissioner and the MDEQ. Uncontrolled storm water shall not drain directly onto adjacent property or onto a public road. Appropriate permits must be obtained from the Livingston County Drain Commissioner, the MDEQ and other appropriate governmental agencies prior to initiation of any work on a shared private driveway or access easement. Storm water drainage into regulated wetlands shall only be permitted subject to issuance of a permit from the MDEQ. Use of storm water management in accordance with sound drainage engineering practices shall be required.
- H. Design Standards.** Shared private driveways or access easements shall meet all design and construction requirements of Section 24.06 of this Article and all applicable Livingston County Road Commission requirements. The shared private driveway and utility easements shall meet the Livingston County standards for public roads except the requirement for bituminous pavement as modified in this Article by Tyrone Township. If there is a conflict between the standards of this Ordinance and the requirements of the Livingston County Road Commission, the Road Commission Standards shall apply.
- I. Utility Easements.** Easements for all public utilities shall be granted before sales of property commence. The Township will review the easement for overall configuration and use but will not verify the accuracy of the legal description submitted for the easement. Easements for public utilities running to the properties along the shared private driveway should be located within the boundaries of the shared private driveway easement.
- J. Review Process.** A shared private driveway or access easement site plan proposal shall be submitted for review in accordance with this procedure. At minimum, the information indicated below must be submitted with or indicated on the site plan. In the event the Township Planning Commission determines additional information is necessary to complete their review of the plan, a complete site plan with additional information specified in Section 23.02 may be required. The Township Planning Commission and Township Board may require advice and consultation from professional planning, engineering, or other experts. When such professional expertise is required during the review of proposal in accordance with these provisions, the applicant shall be responsible for reimbursing the Township for all costs associated with the expert's advice and consultation.

1. Date; North Arrow and Scale. The scale shall be not less than one inch equals twenty feet (1" = 20') for property under three (3) acres, and at least one inch equals one hundred feet (100') for sites three (3) acres or more. For sites greater than three (3) acres, site plan details at a scale of not less than one inch equals twenty feet (1" = 20') may be required.
2. Locations and dimensions of all property lines.
3. Location and dimensions of existing and proposed drives, sidewalks, and curb openings.
4. Location and construction details of the proposed shared private driveway or access easement including:
 - a. Radii of proposed curves and turns.
 - b. Width and depth of the proposed finished surface.
 - c. Width and depth of proposed base.
 - d. Specification of the materials to be used for the base and finished surface.
 - e. A cross-section detail of the proposed shared private driveway or access easement construction indicating the construction materials.
5. Vehicular and pedestrian circulation within and adjacent to the site.
6. Size and location of existing and proposed utilities and easements.
7. Location map.
8. Location, width, and type of surface for all roads, driveways, alleys, or easements within fifty (50) feet of the site.
9. Distance from the proposed shared private driveway or access easement to all required open space, buildings, lot lines, and other built elements within fifty (50) feet of the site.
10. Existing and proposed drainage facilities on or within one-hundred (100) feet of the site. The locations and sizes of all such facilities must be described.
11. Existing and proposed topographic information shall be prepared and provided for review.
12. Wetland locations on or within fifty (50) feet of the site.

SECTION 24.06 SHARED PRIVATE DRIVEWAY AND ACCESS EASEMENT DESIGN STANDARDS

Shared private driveways and access easements as defined in this article shall be constructed according to the following standards. The Planning Commission may recommend approval of a modified shared private driveway or access easement design standard in a particular application where it can be demonstrated that the modified standard meets safety and sound engineering requirements. Modifications to these design standards shall be considered and recommended for approval or denial by the Planning Commission.

The Township Board shall consider the recommendation of the Planning Commission and take final action on the request for a modified shared private driveway design standard. It shall generally be the policy of the Township to encourage maximum joint utilization of shared private driveways to reduce access points on existing roads. Consistent with that intention, the Planning Commission and Township Board shall discourage development of a shared driveway within two hundred and fifty (250) feet of an existing road or shared driveway where the existing road or shared driveway could be used to provide access to the lots intended to be served by the new access route.

- A. Design of Shared Private Driveways.** A shared private driveway shall be designed and constructed consistent with the standards adopted herein and by the Livingston County Road Commission standards for public roads except the requirement for bituminous pavement as modified in this Article by Tyrone Township. In the event of conflict between standards, the higher standard, as determined by the Planning Commission, shall prevail. The design of a shared private driveway shall be subject to approval by the Township. When the developer of a proposed shared private driveway owns an additional access point for a lot along the adjacent public or private road, the additional access point shall be removed and the lot shall be accessed from the shared private driveway. This standard may be waived where it is determined that the access point does not have a negative impact on traffic or safety along the main road and that compliance would be a burden to the site, the resources on it, its configuration, and/or the property owners.
- B. Drainage.** Shared private driveways shall be designed and constructed in relation to existing land contours and other natural or man-made features to assist in providing controlled drainage for the shared private driveway in accordance with Township and County requirements. A drainage bypass culvert may be required where a shared private driveway intersects with a road. All other drainage improvements shall be required as determined necessary by the site drainage patterns and be consistent with established Township policy, the requirements of the Livingston County Road Commission and Drain Commissioner, and sound engineering practices.

- C. Sight-Distance.** Shared private driveways shall be designed and constructed in relation to existing land contours and other natural or man-made features to provide safe and adequate vision for drivers using a shared private driveway access. A shared private driveway intersection with a road shall meet the sight-distance requirements of the Livingston County Road Commission for driveways and road approaches. Other traffic safety improvements shall be required as determined necessary to be consistent with established Township policy, the requirements of the Livingston County Road Commission, and sound planning and engineering practices.

If the area to be maintained in order to meet the sight distance requirement extends onto adjacent property, then easements shall be secured for the purposes of clearing and maintaining the area for compliance with this requirement. If easements cannot be secured, the access point will have to be relocated. Provisions for maintenance of areas required for sight-distance shall be included in the shared private driveway and access easement maintenance agreement (see Section 24.05.B).

- D. Minimum Easement Width.** The minimum width of the easement for a shared private driveway shall be sixty-six (66) feet.
- E. Minimum Finished Surface Width.** The finished, load-bearing surface of a shared private driveway shall be not less than twenty (20) feet in width. Subject to the Township's approval, a shared private driveway may have a finished, load-bearing surface of not less than sixteen feet in width, plus two (2) load-bearing shoulders, each two (2) feet wide. Those shared private driveways served by hydrants shall have a finished, load-bearing surface of not less than twenty-six (26) feet. This width may be reduced to twenty (20) feet at the discretion of the Planning Commission provided that bump-outs, which are a minimum of twenty-six (26) feet in width, are provided at least once every 300 feet.
- F. Shared Private Driveway Construction Materials.** The surface of a shared private driveway shall be constructed on a base of not less than six (6) inches of road gravel. The base shall be laid after removal of all unsuitable soil. Unsuitable soil shall be replaced with road gravel or other material as may be specified by the Township Engineer. The Township Engineer may also specify the installation of soil stabilization devices, sub-base, or underlying fabric and drainage facilities to better assure the long-term life of the shared private driveway.
- G. Maximum Length and Units.** Maximum length of a shared private driveway shall be one thousand, two hundred (1,200) feet with a maximum of four (4) lots or dwelling units served by the shared private driveway. The maximum length requirement may be extended upon the recommendation of the Planning

Commission and the approval of the Township Board. Shared private driveways that exceed the one thousand, two hundred (1,200) foot maximum length shall be required to install a dry hydrant system. The system shall be subject to the approval of the Township engineer and fire department with jurisdiction.

- H. **Turnarounds.** Any shared private driveway serving more than three (3) lots or dwelling units shall include a circular cul-de-sac turnaround or a “T” turnaround. The Planning Commission shall determine the type of turnaround required. Cul-de-sacs and “T” turnarounds shall be in accordance with these standards and LCRC geometric design requirements. This requirement may be waived if the shared private driveway is 150 feet or less in length.
- I. **Circular Cul-De-Sac Turnaround Design.** When a circular cul-de-sac turnaround is required for installation by the Planning Commission, the turnaround shall be designed with a forty-five (45) foot radius if no internal landscape island is required or with a fifty-five (55) foot radius if a center landscaped island is required. Where required, the internal landscape island shall be located in the center of the turnaround and shall be twenty (20) feet in diameter. A larger turnaround may be required for commercial and industrial shared private driveways.
- J. **“T” Turnaround Design.** When a “T” or “hammerhead” turnaround is required for installation by the Planning Commission, the turnaround shall provide perpendicular extensions from the main traveled surface of the shared private driveway to permit a vehicle to turn around. The extensions shall be not less than twenty (20) feet in width and extend from each side of the centerline of the easement for a distance of sixty (60) feet. A turning radius of twenty-eight (28) feet shall be provided from the traveled surface onto the turnaround. The surface and base materials of the “T” turnaround shall be the same as the surface and base materials of the shared private driveway.
- K. **Intersection Design Standards.** Shared private driveways that intersect with existing or proposed private roads or public street rights-of-way should intersect at a ninety (90) degree angle. Where constrained by environmental features, the Township Engineer may allow a reduced angle of intersection but in no case shall the angle be less than seventy (70) degrees.
- L. **Intersection Offsets from Streets.** Proposed shared private driveway intersections with a public or private road shall align directly across from, or be offset by at least two hundred fifty (250) feet from existing intersections of public streets or private roads on the opposite side of the street, measured centerline to centerline. This standard may be reduced if approved by the Livingston County Road Commission and the Tyrone Township Board of Trustees, with recommendation from the Planning Commission.

- M. Vertical Clearance.** In order to provide adequate access for emergency vehicles, fifteen (15) feet of overhead tree clearance shall be provided within the width of the finished surface.
- N. Signs.** Regulatory signs shall be positioned and installed in accordance with the Michigan Manual of Uniform Traffic Control Devices on all shared private driveways where such driveways intersect with public or private roads. All other signs within the shared private driveway easement shall be identified on the site plan and designed and placed in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Shared private driveways shall not be named and shall not have signs bearing street names.
- O. Modifications of These Standards.** At the discretion of the Planning Commission and Township Board, the standards of this article may be modified. The Planning Commission and Township Board may determine that alternative design or construction materials will provide a shared private driveway of equal or superior quality. Further, the Planning Commission and Township Board shall have the authority to modify the review requirements in order to assure the requirements of the Township are considered in an appropriate forum and with the necessary level of professional design expertise.
- P. Compliance with AASHTO Standards.** Where no specific standard is provided in this Section, shared private driveway design plans shall meet the design criteria for local rural roads described in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets." Minimum horizontal and vertical curve radii and stopping distances shall be determined using design standards in this AASHTO manual to provide minimum safe sight-distances, provided that the minimum horizontal curve shall be two-hundred and thirty (230) feet in radius.
- Q. Conversion of Shared Private Driveway to Private Road.** Any proposal to modify the use of a shared private driveway so that the shared private driveway will serve the functional capacity of a private road shall require that the shared private driveway must be improved to meet the minimum design requirements for a private road as described in Section 24.03 of these regulations. The proposed private road shall be considered for approval in accordance with the foregoing provisions of Section 24.02.

The improvements to the shared private driveway necessary to satisfy the requirements for a private road shall be the responsibility of the applicant submitting the proposal for the development that requires the improvements.

- R. Setbacks and Structures.** Shared private driveways shall not be considered streets. However, on lots where the only means of access is a shared private driveway and there is no street frontage, the yard fronting on the shared private driveway shall be considered the front yard for zoning and setback purposes. On lots where the only means of access is a shared private driveway and there is street frontage, the lot shall be treated as a corner lot (i.e. a lot with two front yards) for zoning and setback purposes.
- S. Adjacent Properties.** For shared private driveways built after the effective date of this amendment (April 30, 2008) and located on a property line, access to that shared private driveway is encouraged to be provided to the adjacent property. The developer or owner of the adjacent property shall petition the owner(s) of the shared private driveway(s) located on the adjacent property to request a forum to discuss and negotiate access to, and use of, the existing shared private driveway(s). However, where such access is granted and will exceed the maximum number of lots permitted on a shared private driveway, the shared private driveway shall be converted to a private road per paragraph P above.
- T. Nonconforming Shared Private Driveways.** Nonconforming shared private driveways may be modified in conformance with the requirements in Section 24.04. Where necessary to accommodate shared private driveways versus private roads, the standards may be modified by the Township.

SECTION 24.07 ACCESS MANAGEMENT

Private roads and shared private driveways shall be constructed to satisfy the access management standards provided in Section 21.54.

REVISIONS:

- 2004 MARCH - Section 24.05; Access Management.
- 2004 SEPTEMBER - Section 24.01 Definitions 24.01.A,B,C,D,E; Section 24.02 Private Road Approval Agreement, 24.02.B.1,2,3,4; 24.02.D,E,F,H,I,J,K; Section 24.03 Private Road Design Standards, 24.03.B,F,L,M,N,O; Section 24.04 Nonconforming Private Roads, Section 24.04.A.2,3,4; 24.04.B.4; Section 24.05 Shared Driveway and Access Easement Approval Requirements; Section 24.06 Shared Driveway and Easement Design Standards; Section 24.07 Access Management (renumbered from 24.05).
- 2008 MARCH - General revisions throughout (Article revision).
- 2014 SEPTEMBER – Deleted prior 24.03.P Access Easements and added “Access Easement” to 24.06