

## **ARTICLE XVIIIa**

### **PRIVATE STREETS SERVING ONE LOT**

#### **SECTION 18.01a      SCOPE**

The township has determined that as large tracts of land are divided, sold, transferred and developed, private access streets are being created to provide access to the newly divided properties. The Township determines that it is in the best interest of the public health, safety and welfare to regulate the construction, improvement, extension, relocation and use of private streets to assure that:

- A. Private streets are designed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance and other safety vehicles.
- B. Private streets shall be constructed and maintained such that in all weather conditions the private street shall be passable and shall readily afford emergency access to the dwellings, buildings or other structures serviced by the private street.
- C. Said streets are constructed of suitable materials to ensure minimal maintenance and safe passage.
- D. Private streets will be constructed to protect against or minimize soil erosion and prevent damage to lakes, streams, wetlands, and other significant natural features of the Township.
- E. Private streets serving only one lot are similar to a driveway, and shall therefore be constructed to township driveway standards and shall be exempt from the corner lot setbacks. Such private streets shall have a 45 foot wide right-of-way, and shall be maintained by the owner of the lot served by the private street. No additional lots shall use this private street for future access. Such private streets must be approved and constructed prior to the granting of a land division.
- F. Private streets serving one lot must have a setback of at least ten (10) feet from any adjacent lot to the edge of the private street's surface.
- G. Previously approved private streets, that are not adding additional lots and/or are not being extended, are not required to meet the current private street standards. Existence of an easement alone does not constitute a previously approved private street.

#### **SECTION 18.02a      APPLICATION**

- A. An applicant wishing to construct a private street serving one lot must make application to the Township for a private street construction permit. This application shall include one (1) complete set of drawings which depict the location of the private street on and/or to the single lot.
- B. No individual, association, corporation or entity, either public or private, shall construct a private street without first having obtained a private street construction permit from the Township.

- C. An application for a private street construction permit serving one lot shall contain the following:
  - 1. Completed private street construction permit application form, provided by the Township, and an application fee established by the Township Board.
  - 2. A survey of the right-of-way by a registered land surveyor, together with a survey for the parcel to be served by the private street.
  - 3. The location of any lakes, streams, wetlands and drains within the proposed right-of-way or within one hundred (100) feet thereof.
  - 4. The location of any other buildings and structures located within fifty (50) feet of the private street right-of-way.
  - 5. Private streets shall meet the requirement of this ordinance and be designed and constructed according to the requirements and specifications of the Fruitland Township Driveway Standards found in Article III General Provisions.
- D. Construction of the private street is to be completed within one (1) year of issuance of the permit. If construction is not completed within such period, the permit shall expire and if the applicant later decides to proceed, the applicant shall reapply as provided in this Section. If construction has commenced but not been completed within one (1) year, the applicant may for good cause, request an extension for a period not to exceed six (6) months from the Township Zoning Administrator. The Zoning Administrator shall levy a financial performance guarantee as a condition of extension.

### **SECTION 18.03a ZONING ADMINISTRATOR APPROVAL**

- A. Prior to approving a private street application, the Township Zoning Administrator shall determine that the proposed private street:
  - 1. Will not be detrimental to the public health, safety or general welfare.
  - 2. Will not adversely affect the use of land.
  - 3. Will be constructed to assure a safe and unimpeded route of travel for motor vehicles, pedestrians and emergency vehicles in all weather conditions.
  - 4. Will be constructed so as to protect against or minimize soil erosion and prevent damage to lakes, streams, wetlands and the natural environment of the Township.
  - 5. The Zoning Administrator or his/her designee shall visit the site to view the area in which the private street will be located. This area must be staked or flagged to designate where the private street will be placed.
  - 6. At his/her discretion the Zoning Administrator may require the applicant to have a Natural Resource Assessment performed by the Muskegon Conservation District, at applicant's expense.

- B. The Zoning Administrator shall act on the private street construction application within 45 days of receipt of the application.

#### **SECTION 18.04a PERMITTING, INSPECTION AND FINAL ACCEPTANCE PROVISIONS**

- A. From time to time, the township or its designated representative may inspect the construction of the private street to ensure compliance with the approved development site plan and the design and construction standards of the township.
- B. After the private street construction is completed, the Zoning Administrator (or designee) shall visit the site to ensure compliance with all requirements. No land division or zoning permits for any building on the lot served by this private street shall be issued until construction of the private street has been inspected and approved.
- C. If during any inspection, the township or its designated representative determines that the work is not acceptable according to the approved site plan and the design and construction standards of the township, the applicant will be advised in writing of specific defects to be remedied before final acceptance. The applicant shall have 30 days to file an appeal to the township's notification.
- D. Upon final acceptance, the township shall notify the applicant in writing of such approval.

#### **SECTION 18.05a MISCELLANEOUS**

- A. The Township Board shall set fees for the permits and all escrows required herein from time to time, by resolution.
- B. By making application for, or securing a permit to construct a private street, the applicant agrees to indemnify and hold the Township harmless from any and all claims for personal injury and/or property damage arising out of the use of the private street or for failure to properly construct, maintain, use, repair and replace the private street.