

CHARTER TOWNSHIP OF FENTON
Ordinance No. 648
Adopted: July 5, 2005

An ordinance to amend Section 4.23 of Fenton Township Zoning Ordinance No. 594 to revise the provisions regarding private roads.

THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN, ORDAINS:

ARTICLE I. Section 4.23 (Private Roads) of Zoning Ordinance No. 594 is hereby amended to provide as follows:

SECTION 4.23 Private roads

- A. A private road is a road that provides direct access to three (3) or more lots and which is not dedicated to and accepted by an authorized governmental road agency.
- B. Application, review and approval of a proposed private road shall follow the site plan review process.
- C. Application for approval of a private road shall include a site plan sealed by a professional engineer illustrating:
 - 1. Existing and proposed lot lines.
 - 2. The location of existing and proposed structures.
 - 3. The width and location of the private road easement.
 - 4. A cross section of the proposed road, showing the types of materials to be used to construct the road base and surface.
 - 5. Utility plans including the location and size/capacity of storm water drainage systems, sewer or septic systems, water lines or private wells, and private utilities such as telephone, electrical or cable service.
 - 6. Proposed locations widths and radii of driveways off the private road.
 - 7. Any existing or proposed structures, trees or other obstructions within the proposed right-of-way.
 - 8. All divisions of land, showing compliance with the Land Division Act.
 - 9. Proposed location and type of permanent signing.
- D. The proposed private road shall meet the following standards:

1. The minimum right-of-way width shall be sixty (66) six feet. An applicant can request a reduction in right-of-way width in order to protect natural features or as a result of space saving features such as curb and gutter but approval of a right-of-way less than 66' should take into account that in doing so, the street will not be able to be taken over by the county road commission at a later date. In no case may the right-of-way be less than fifty (50) feet.
2. The minimum grade for roadways shall be four tenths (0.4) percent. The maximum grade shall be six (6) percent. The maximum grade within one hundred (100) feet of an intersection shall be three (3) percent.
3. No fence, wall, sign, screen or any planting shall be erected or maintained in such a way as to obstruct the clear vision zone, as required in Section 4.14 of this Ordinance.
4. Cul de sacs shall not exceed seven (7) times the average lot width or 1,000 feet in length, whichever is greater. The Planning Commission may approve a longer cul de sac under unusual topographic conditions, or other unusual situations. In approving a longer cul de sac the Planning Commission may impose conditions such as additional off-street parking, turn-arounds, etc to mitigate the impacts of the increased length.
5. All driveways off of a private road shall be at least forty (40) feet from the intersection of the private road right-of-way and a public road right-of-way.
6. Intersections of private roads with public roads shall be at an angle as close to ninety (90) degrees as possible, but in no case shall it be less than eighty (80) degrees or more than one hundred (100) degrees.
7. The width of the roadway shall comply with the requirements of the design criteria standards established by the Genesee County Road Commission for residential streets. (See figures 4-4, 4-5, 4-6). A cross section with open ditch (figure 4-5) will only be permitted in developments where all of the lots abutting the open ditch cross section are a minimum of one hundred fifty (150) feet in width.
8. The minimum radius for circular cul-de-sacs roadway is fifty two (52) feet. An interior island is permitted in the center of the cul-de-sac, provided that the roadway within the cul-de-sac is no less than twenty six (26) feet wide.
9. A written maintenance agreement signed by the owners of each lot or residence to be served by the private road shall be recorded

with Genesee County Register of Deeds. The agreement shall allocate the responsibility to maintain the private road between or among the owners, and shall be binding upon the successive owners of the lots or residences. It shall be the responsibility of the owners to enforce the terms of the agreement.

11. Sight distances on horizontal and vertical curves shall be a minimum of two hundred (200) feet measured at a point ten (10) feet from the edge of the traveled roadway at a height of forty two (42) inches to an object height of forty two (42) inches based on a posted speed of twenty five (25) mph. Proposed private roads with an anticipated posted speed greater than twenty five (25) mph shall be reviewed for appropriate sight distances.
12. Parcels fronting on private roads shall meet the required front yard setback and lot width for their zoning district.
13. The private road shall comply with cross-sectional design criteria standards for road surfaces established by the Genesee County Road Commission for residential streets. (See figures 4-4, 4-5, 4-6). A cross section with open ditch (figure 4-5) will only be permitted in developments where all of the lots abutting the open ditch cross section are a minimum of one hundred fifty (150) feet in width.

Figure 4-4

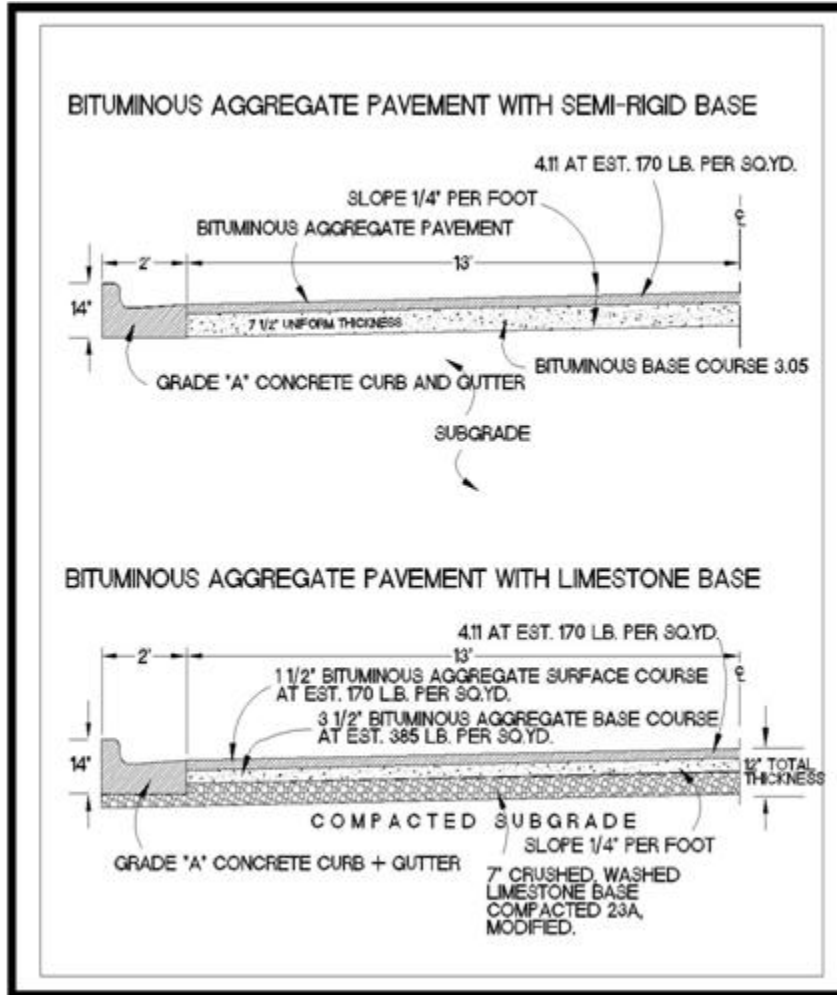


Figure 4-5

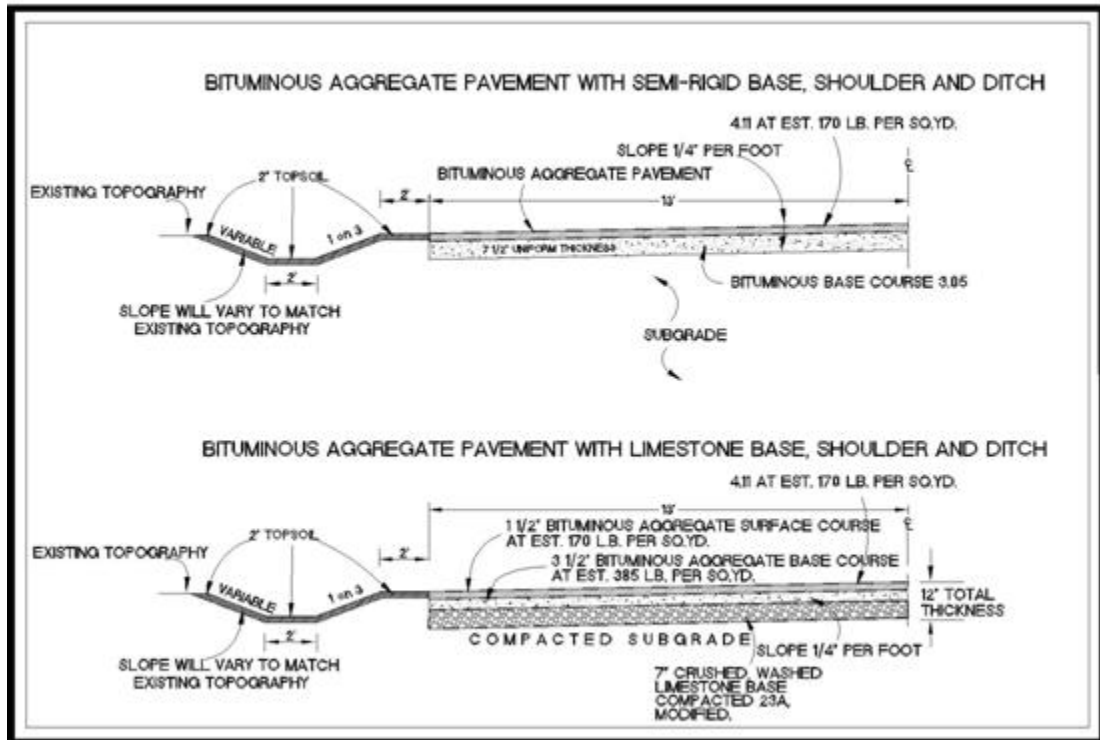
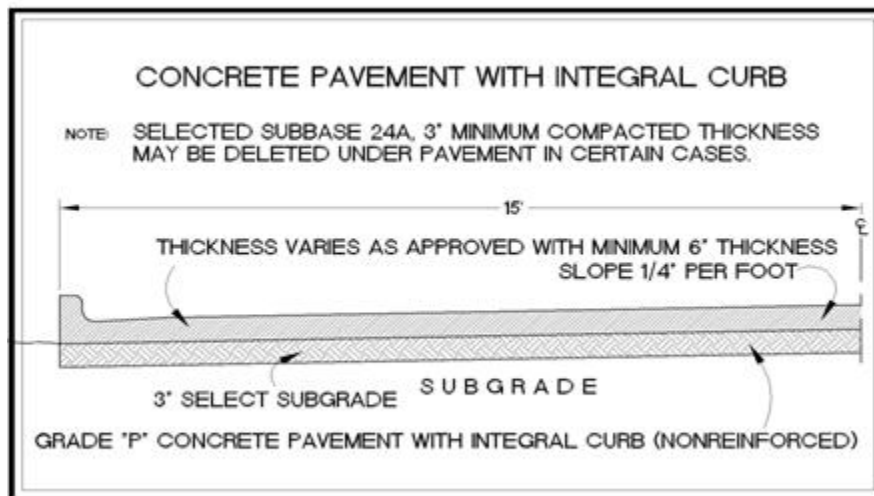


Figure 4-6



14. The street right-of-way shall be recorded with the Genesee County Register of Deeds.

15. The Township Engineer will inspect the private road four (4) times during construction:
 - a. Inspection of the sub-base after the top soil has been removed and the road bed has been excavated and graded.
 - b. Inspection of the road base material after it has been placed and compacted
 - c. Inspection during the laying of pavement
 - d. Final inspection after all pavement is complete, shoulders are established and all grading and seeding is completed.
 - e. As part of their responsibilities during construction of the road, the applicant shall notify the Township Engineer at least three (3) days before a required inspection and shall provide the engineer with all density tests and other documentation required demonstrating compliance with the standards in this section. All costs for these inspections will be passed through to the applicant by the Township and will be considered part of the fees for approval of the private road.

- E. Any road that provides connection to any other two (2) public roads or provides access to OS, C-1, C-2, C-3, M-1, M-2 or M-3 zoned property shall be a public road.

ARTICLE II. This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE III. All ordinances and provisions of ordinances of the Charter Township of Fenton in conflict herewith are hereby repealed.

ARTICLE IV. This amendatory ordinance shall be published as required by law and shall take effect 7 days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 5th day of July 2005.

Bonnie Mathis, Supervisor

Robert Krug, Clerk