

LAND DIVISIONS

Section 21.36 Land Division Regulations

Regulations set forth in this section govern divisions of land under terms of Michigan Public Act 591 of 1996, said land division proposed outside of a platted subdivision or site condominium as regulated by Section 21.30 of this Ordinance.

(a) Land Division Application – Prior to any owner recording or conveying any portion of a parcel in existence and under common ownership on March 31, 1997 an application for land division shall be filed with the Zoning Administrator. Said application for land division shall include:

- (1) Completed land division application form provided by the Township.
- (2) Payment of land division application fee as determined by the Township Board.
- (3) A drawing of each proposed or collective land division[s] prepared by a registered land surveyor, including the remainder of the parent parcel. The survey shall also depict all easements of record, location of existing buildings and distance to proposed property lines.
- (4) A legal description of each parcel to be created and legal description of the remainder of the parent parcel.
- (5) A copy of proposed deed restrictions, if any, that are to run with each newly created parcel.

(b) Land Division Standards – Each new parcel to be created by land division shall meet the minimum lot width and lot area required by the zoning district in which the land division is located and the following requirements:

- (1) A public road or private road shall not bi-sect any newly created parcel.
- (2) A parent parcel in existence as of March 31, 1997 shall not be divided in excess of the number of divisions allowed by law.
- (3) Each new parcel shall not exceed the lot width to depth ratio required in Section 21.22.
- (4) *Reserved (Amended effective 1-21-2017- Ordinance 2017-01).*
- (5) Each new parcel shall have direct frontage on a public road or approved private road not less than the minimum lot width required by the zoning district in which the parcel is located.

(c) Land Division Approval – If the land division application meets requirements of this Ordinance, the Zoning Administrator shall approve the application, subject to the following requirements:

- (1) Verification by the Township Treasurer that all property taxes have been paid and no delinquent taxes exist on the parent parcel.
- (2) A final land survey and legal descriptions for each new parcel sealed by the registered land surveyor.
- (3) Assignment of parcel identification number[s] to each newly created parcel by the Township Assessor.

PRIVATE ROADS

Section 21.26 Standards for All Private Roads

Whenever a lot or parcel exists or is proposed without required minimum frontage on a public road, said lot or parcel shall be served by a public road extension or a private road meeting requirements of this section. For all private roads, the following requirements and standards shall apply:

- (a) Private roads are permitted only when located in the "AR" Agricultural-Residential and "RR" Rural Residential Zoning Districts.
- (b) Private roads serving 5 or more lots or parcels shall require approval by the Planning Commission for a preliminary private road permit.
- (c) Whenever land divisions are intended companion with a proposed private road, the private road application shall also include a survey layout and description of all lots or parcels to be served by the private road.
- (d) The preliminary private road permit process for all private roads is as follows:
 - (1) Owner submits application for preliminary private road together with construction plans and specifications. If private road serves more than one (1) parcel, road plans and specifications must be prepared by a registered professional engineer along with proposed deed restrictions addressing future maintenance of the private road.
 - (2) The Zoning Administrator reviews the application material. For private road serving 5 or more lots or parcels, the application is referred to the Planning Commission.
 - (3) The Planning Commission shall hold a duly noticed public hearing in accordance with Section 103 of 110 PA 2006 as amended, (MCL 125.3103).
 - (4) The Planning Commission or Zoning Administrator shall approve a preliminary private road application if it meets standards contained in this section.
- (e) The road agency with jurisdiction over the public roadway to which the private road is connected shall be provided the proposed private road construction plans, by the owner. The Planning Commission or Zoning Administrator shall take no action on the preliminary private road application until written approval or approval with conditions is received from the road agency.
- (f) For Private Roads serving only one (1) parcel
 - (1) Each private road shall be located entirely within an easement not less than 66 feet in width.
 - (2) The minimum width of the traveled surface shall be 12 feet.
 - (3) The traveled surface shall be graded and well drained to allow passage anytime of the year.
 - (4) The traveled surface shall be maintained with a minimum clear height of 14 feet.
 - (5) The traveled surface shall be built and maintained to within 50 feet of the structure in which the dwelling is located.
 - (6) A turn out or turn around shall be provided with a radius of 42 feet or leg length of 35 feet.

- (7) The proposed traveled surface centerline, width and location, shall be shown on a site sketch filed with the Zoning Administrator. The owner or applicant shall place centerline stakes for the proposed traveled surface at intervals of 50 feet in straight sections, 20 feet through curves.
 - (8) Maximum private road grade shall be 10 percent.
 - (9) Once the design and location is approved by the Zoning Administrator, a private road serving one parcel within the easement may be constructed.
- (g) For Private Roads serving 2-4 parcels
- (1) Each private road shall be centered within an easement not less than 66 feet in width.
 - (2) The road base shall consist of not less than 12-inches of compacted sand and 6 inches of 22A gravel compacted in place. 22A gravel shall be used where pavement will be applied as the surface course. 23A gravel shall be used where the gravel will remain exposed. Substitutions may be allowed if approved by the engineer.
 - (3) Where existing soils do not allow for natural drainage, sand subbase must be extended to adjacent ditch or 4 inch underdrain must be installed and outlet to a suitable location.
 - (4) For gravel or paved roads, the cross-section shall be Twelve (12) foot traveled width with at least four (4) feet cleared on each side. Wider travel width around curves may be required to accommodate emergency vehicles. The side ditch slope shall not exceed 1 foot vertical to each 4 feet horizontal.
 - (5) For paved roads, no less than 3 inches of asphalt, placed in two lifts, shall be applied. Asphalt must consist of at least 1.5 inches of MDOT base mix and at least 1.5 inches of MDOT surface mix.
 - (6) For concrete roads, no less than 6 inches shall be applied.
 - (7) Overhead trees and limbs must be maintained to no less than 14' above ground over a cleared travel width of twenty (20) feet.
 - (8) Private Roads longer than 400 feet must include emergency passing areas every 400 feet. Emergency passing areas must have a travel width of at least 20 feet wide and 80 feet long and must be maintained and passable all year.
 - (9) Storm water management shall consist of ditches, and storm sewer designed to the 10 year storm and basins designed to a 25 year storm event and shall not result in an increase in storm water run-off flow rate from the subject property onto any adjoining land. All improvements must be able to convey the 100-year storm without resulting in property damage on or off the improved site. Storm water run-off calculations prepared by a professional engineer shall be included with the construction plans.
 - (10) Maximum private road grade shall be 10 percent. The maximum road grade may be reduced if determined to be a public safety risk by the Township or its engineer.
 - (11) Any proposed cul-de-sac shall have a minimum right-of-way radius of 50 feet and a minimum running surface radius of 42 feet. The cul-de-sac may

have a center landscape island, however, the minimum paved or gravel lane width shall be 20 feet.

- (12) "T" type private road endings are not permitted.
 - (13) Construction plans shall include an erosion control plan.
 - (14) Construction plans shall include private road sign detail and location[s].
 - (15) Private roads shall have an asphalt approach extending 30 feet from the existing road edge whenever a private road intersects a paved road.
- (h) For Private roads serving 5 or more parcels construction plans shall conform to road design and construction standards as follows:
- (1) Each private road shall be centered within an easement not less than 66 feet in width.
 - (2) The road base shall consist of not less than 12 inches of compacted sand and 6 inches of gravel compacted in place. 22A gravel shall be used where pavement will be applied as the surface course. 23A gravel shall be used where the gravel will remain exposed. Substitutions may be allowed if approved by the engineer.
 - (3) For gravel roads, the cross-section shall be 22 feet with side ditch slope not exceeding 1 foot vertical to each 4 feet horizontal.
 - (4) For paved roads, the cross-section shall be 18 feet with 2 foot shoulders on each side with side ditch slope not exceeding 1 foot vertical to each 4 feet horizontal.
 - (5) For paved roads, no less than 3 inches of asphalt placed in two lifts shall be applied. Asphalt must consist of at least 1.5 inches of MDOT base mix and at least 1.5 inches of MDOT surface mix.
 - (6) If concrete, no less than 6 inches shall be applied.
 - (7) Overhead trees and limbs must be maintained to no less than 14' above ground over a cleared travel width of twenty (20) feet.
 - (8) Storm water management shall consist of ditches and storm sewer designed to the 10-year storm and basins designed to a 25 year storm event and shall not result in an increase in storm water run-off from the subject property onto any adjoining land. All improvements must be able to convey the 100 year storm without resulting in property damage from surface storm water on or off the improved site. Storm water run-off calculations prepared by a professional engineer shall be included with the construction plans.
 - (9) Maximum private road grade shall be 6 percent.
 - (10) Any proposed cul-de-sac shall have a minimum right-of-way radius of 50 feet and a minimum running surface radius of 42 feet. The cul-de-sac may have a center landscape island, however, the minimum paved or gravel lane width shall be 20 feet.
 - (11) "T" type private road endings are not permitted.
 - (12) Construction plans shall include an erosion control plan.
 - (13) Construction plans shall include private road sign detail and location[s].
 - (14) A separate sidewalk or pathway shall be required within the easement if determined to be necessary by the Planning Commission unless waived by the Planning Commission for good reason shown.

- (15) Private roads serving five (5) or more parcels shall have an asphalt approach extending 30 feet from the existing road edge whenever a private road intersects a paved road.
- (i) The applicant for approval of a private street, together with any other owners or parties in interest, shall submit to the Township a recordable private street maintenance agreement, signed by all owners of the easement or right-of-way for the private street and by all other parties having any interest therein. Such agreement shall provide for and assure that the private street shall be regularly maintained, repaired and snowplowed so as to assure that the street shall be safe for travel at all times. The agreement shall also provide for the payment of all costs and expenses of such maintenance, repair and snowplowing by all or any of the parties in interest.
 - (j) The deed restrictions governing maintenance of the private road shall be recorded with the Barry County Register of Deeds and a copy of the recorded document filed with the Zoning Administrator prior to issuance of a Certificate of Completion.
 - (k) Land divisions companion to a private road improvement will not be approved until the Certificate of Private Road Completion is signed and filed with the Zoning Administrator.
 - (l) A private road may connect to or extend an existing private road, so long as the existing private road conforms to design standards of this section.