



[www.newbuffalotownship.org](http://www.newbuffalotownship.org)

ph: 269-469-3112 ~ fx: 269-469-9972 ~ 17425 Red Arrow Highway, New Buffalo, MI 49117

## PRIVATE ROAD APPLICATION

### IDENTIFICATION

OWNER:

CONSTRUCTION LOCATION:

Name \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Home Phone \_\_\_\_\_

Business Phone \_\_\_\_\_

---

Legal Description \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Written description of the development to be served by the *Private Road* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

---

### APPLICATION - SUBMITTAL REQUIREMENTS

- A. An application form and fee as established by the Township Board.
- B. A detailed written description of the development to be served by the private street.

- C. Ten (10) copies of a site plan, drawn to a scale of at least 1"= 100' and prepared by a registered engineer, showing all of the following: a general location sketch; the precise location, grade, route, elevation, dimensions, and design of the private street and any proposed extensions thereto; existing and proposed curb cuts; and the location and distance to any public street with which the private street will intersect. The plan may be prepared by a registered surveyor, rather than a registered engineer, if the proposed private street is to serve five or fewer parcels, and the Planning Commission waives said requirement in writing.
- D. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private street.
- E. The location of all public utilities, including but not limited to water, sewer, telephone, gas, electricity, and television cable, to be located within the private street easement or within twenty feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
- F. The location of any lakes, streams, wetlands, drains, and slopes (over 20%) within the proposed easement or within 100 feet thereof.
- G. The location of any other buildings and structures located, or to be located, within 100 feet of the private street right-of-way.
- H. Name of private street.

## **PROCEDURE**

- A. After the application, along with all other required information, has been received by the Township Clerk, the Planning Commission shall set a date to hold a public hearing on the application. The Zoning Administrator shall send notice of the hearing in accordance with the Notice Requirements in [Section 10.8](#).
- B. The Planning Commission shall consider the request based on the requirements of [Section 1.18.6](#), as well as the approval standards of [Section 1.18.7](#), and all other relevant provisions of this Ordinance. The Planning Commission shall make a recommendation to the Township Board to preliminarily approve, preliminarily approve with conditions, or deny the request.
- C. The Township Board shall then review the application and such other information available to it through the public hearing or from any other sources, including recommendations or reports of the Planning Commission, and shall preliminary approve, preliminary approve with conditions, or deny the request, and state the basis for the decision and any conditions which should be imposed.
- D. In order to request placement on the Township Board agenda for final approval, the applicant shall obtain and/or complete the following:
  - i. Eight (8) copies of recorded land survey and legal descriptions showing easements for underground electrical and communication services lines, drainage, sanitary sewer, private road and dedication of any public right-of-way.
  - ii. Two (2) copies of recorded road maintenance agreement.

- iii. Two (2) copies of recorded deed restrictions and easements.
- E. No petition for Private Street approval which has been denied shall be resubmitted for a period of one year from the date of denial, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

**DESIGN REQUIREMENTS**

The construction of private streets shall conform to the Berrien County Road Department construction standards for local roads, excepting pavement width and grade requirements and as otherwise provided in this Ordinance, as follows:

- A. No private street shall extend for more than 2,640 feet from the nearest public street right-of-way, as measured along the centerline of the private street, without a second direct access thereto being available from a public street.
- B. All private streets shall have a recorded permanent right-of-way and easement with a minimum width of at least 40 feet. The right-of-way shall also expressly permit public or private utilities to be installed within the right-of-way.
- C. The area in which the private street is to be located shall have a minimum cleared width of 28 feet, which clearing shall always be maintained.
- D. Road surface may be gravel but shall meet the MDOT 22A Gravel standard.
- E. Pavement widths shall conform to the following table. Any private street serving 5 or fewer parcels which is subsequently extended to serve more than 5 parcels shall be upgraded in its entirety to meet the pavement width requirements of this Section.

Standards	Serving 5 or Fewer Lots	Serving More Than 5 Lots
Pavement Width	18 feet	22 feet

- F. Any private street which terminates at a dead-end shall provide adequate turnaround for fire trucks and other emergency vehicles as determined by the Zoning Administrator with the Township Engineer. A “hammer head” turnaround or options other than a circular cul-de-sac may be considered. Private streets serving more than five (5) private properties shall require a cul-de-sac with a minimum radius of forty (40) feet or such turnaround adequate to handle fire trucks and other emergency turnarounds as are permitted by the Zoning Administrator and the Township Engineer.
- G. The road surface shall have a minimum crown of .02 foot per foot from the centerline of the private street to the outside edge thereof.
- H. A road shoulder at least two (2) feet wide, composed of six (6) inches of compacted gravel, shall be provided on each side of the private road surface and shall slope one-half inch per foot from the outside edge of the road surface to the toe of the slope.

- I. The maximum longitudinal road grade shall not exceed six percent (6%), provided that the Township Board may allow up to a ten percent grade if the applicant produces written justification, satisfactory to the Township Engineer, that an increase in the road grade will not adversely affect public safety and the design of the road system.
- J. The layout of the private street and the intersections of the private street with either a public or private street shall be such that clear vision, safe turning, and travel in all directions at the posted speed limit is assured, as determined by the Township engineer. The minimum distance between intersections of public and / or private street rights-of-way shall not be less than 100 feet, as measured along the right-of-way line thereof.
- K. The private street shall be constructed with such storm water runoff, culverts, and drainage contours as are required by the Township Engineer and Berrien County Drain Commission to ensure adequate drainage and runoff.
- L. The method and construction technique used in the crossing of any natural stream, wetland, or drainage course shall satisfy the requirements of the Township engineer and any other agency having jurisdiction thereof.
- M. The private street shall be given a name, and street signs shall be installed in accordance with the standards and approval of the Berrien County Road Department. The private street addresses shall be posted in a conspicuous place at the entrance to the private street (at the intersection with the public road) in letters at least three inches high. Private streets serving two or more dwellings shall have a standard stop sign where the private street abuts a public street or another private street.
- N. The private street shall meet all requirements of the BOCA National Fire Prevention Code.

### **APPROVAL STANDARDS**

- A. Prior to final approval of a private street permit application, the Township Board shall determine the following:
  - 1. The private street will not be detrimental to the public health, safety, or general welfare.
  - 2. The private street will not adversely affect the use of land.
  - 3. The private street is designed and constructed with width, surface, and grade measurements that assure safe passage and maneuverability of private and public safety vehicles.
  - 4. The private street is constructed in a manner that minimizes soil erosion and prevents damage to the lakes, streams, wetlands, and the natural environment of the Township.
  - 5. The private street can provide future connection to existing or proposed public rights-of-way or private streets.
  - 6. Maintenance of the private street has been adequately provided for.

- B. The Zoning Administrator may require that the applicant comply with reasonable conditions relative to the design and construction of the private street.

### **MAINTENANCE AND REPAIRS**

- A. All private streets shall be continuously maintained in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township. They shall be readily accessible to, and usable by, emergency vehicles in all types of weather.
- B. All costs for maintenance and repair of the private street shall be the responsibility of the property owners or property owners' association where one exists.
- C. The applicant(s) / owner(s) of the proposed private street right-of-way or private street shall provide the Township Board with a recordable private street maintenance or restrictive covenant agreement between the owner(s) of the private street right-of-way and any other parties having any interest therein (if less than five lots) or a property owners' association (if five or more lots) which shall provide that the private street shall be regularly maintained, repaired, and snow plowed so as to assure that the private street is safe for travel at all times and the cost thereof paid. The maintenance agreement shall at a minimum contain the following:
  - 1. A method of initiating and financing of such road and / or easements in order to keep the road in a reasonably good and usable condition.
  - 2. A workable method of apportioning the costs of maintenance and improvements.
  - 3. A notice that no public funds of the Township of New Buffalo are to be used to build, repair, or maintain the private road.
  - 4. Easements to the public for purposes of emergency and other public vehicles for necessary public services.
- D. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private street shall also be subject to the street maintenance or restrictive covenant agreement, and that said agreement shall be recorded and shall run with the land. Once approved by the Township, records shall be furnished to the Township prior to final approval of the private street.

### **PERFORMANCE GUARANTEE**

The Township Board may, as a condition of the private street construction permit, require the applicant to provide a performance guarantee in accordance with the provisions of [Section 10.6](#), and waiver of liability.

**INSPECTIONS/CERTIFICATE OF COMPLIANCE**

- A. Upon completion of construction of the private street, the Township Building Official or designee shall inspect the completed construction to determine whether it complies with approved plans, specifications, permits, and this Ordinance.
- B. The applicant(s), at the applicant(s)'s expense, shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of the permit.
- C. If the completed private street does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable time period within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in Section 10.10 and the New Buffalo Township Civil Infraction Ordinance including, but not limited to injunctive relief.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
                     Applicant

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
                     Applicant

For Office Use Only

FEE	
RECEIPT NO	
HEARING NO	
HEARING DATE	