

CHAPTER 53

PRIVATE ROAD ORDINANCE

53.01 PURPOSE

The purpose of this ordinance is to regulate the design, construction, inspection, approval, and maintenance of private roads within the City.

53.02 GENERAL REQUIREMENTS

1. No land division approval, zoning compliance permit, building permit, or certificate of occupancy shall be issued within the City unless the parcel or lot fronts on a public street or a private road improved to the standards of this ordinance.
2. Every lot or parcel of land shall have road frontage equal to the minimum lot width required by the applicable provisions of the Zoning Ordinance.
3. Any private road constructed within the City shall comply with the requirements of this ordinance.
4. Private roads shall not be dedicated to the City.
5. Private roads shall not be maintained by the City.

53.03 REQUIREMENTS FOR PRIVATE ROAD APPROVALS.

- A. Plans for a private road shall be submitted to the City Planning Commission for review. Materials submitted shall include:
 1. A legal description and survey of all properties to be served by the private road, together with a letter from the City Assessor that all proposed parcels are in compliance with the Zoning ordinance and the Land Division Ordinance.

AMENDED: October 15, 2003

2. A legal description and survey of the proposed private road easement.
3. Drawings showing the existing and proposed structures, roads, drives, drains and other significant physical features on the property.
4. Engineering plans for the proposed private road done by a registered land surveyor or by licensed civil engineer.
5. A copy of the proposed, private maintenance agreement to be used.

- B. No private road construction shall begin until the Planning Commission has approved the proposed road by a recorded vote.

53.04 STANDARDS FOR PRIVATE ROADS

- 1. Except for Zoning District R-5, R-6 and R-7, a private road shall be built to the same standards as Minor Streets as defined in Chapter 6, Land Division Ordinance, of the General Ordinance of the City of Lapeer, and as further explained in the City of Lapeer Design and Infrastructure Standards.

AMENDED: October 15, 2003

- 2. In areas zoned R-5, R-6 and R-7, a private road may be built according to the specifications shown in Diagram A of this section, provided there are no more than twenty (20) lots served by the private road, and further subject to Planning Commission approval.
- 3. A maintenance agreement shall be submitted to the City Attorney for review and approval prior to construction of a private road. The maintenance agreement shall be recorded with the sale of each lot served by a private road.

53.05 INSPECTIONS, FEES, AND PERMITS FOR PRIVATE ROADS.

- 1. The City shall not grant final approval for the use of any private road until the completed road has been inspected for compliance with this ordinance.
- 2. The City may contract with a public agency or a civil engineer to inspect or review private road plans or improvements.
- 3. The City may establish fees to cover the cost of review and inspections.

53.06 PERFORMANCE BOND.

Prior to commencement of construction, the applicant shall file with the City Clerk a cash deposit, certified check, certificate of deposit, irrevocable bank letter of credit or surety bond acceptable to the City sufficient to cover the total cost of the required road improvements. When the work is completed by the applicant and approved by the City, the bond will be released to the applicant.

Effective Date: October 29, 1997