



SPARTA TOWNSHIP

160 E. Division St, Sparta MI 49345
(616) 887-8863 Fax (616) 887-3823
www.spartatownship.org

PRIVATE ROAD APPLICATION

Deadline: The Private Road Committee meets upon request. All materials must be submitted to the Zoning Administrator at least forty-five (45) days prior to a hearing being scheduled. The materials must be dropped off at the Sparta Township Office, 160 E. Division St., Sparta, MI 49345

Cost: Request Fee: \$500; Escrow¹: \$1,500

Submittal: Four (4) identical packets must be submitted to the Township along with the fee. They should be folded in 8 ½" by 11" sizes. An electronic copy (PDF) of the packet shall also be submitted. The packets shall contain the following:

1. The name(s) of the owners and any other parties having any legal interest in the private road and the property across which it is to be constructed;
2. Permanent parcel number or legal description of the property over which the private road is to be constructed;
3. A site location map not to scale that shows the location of the parcel containing the road to surrounding properties and road ways within one-half mile of the site;
4. A scaled drawing prepared by a registered engineer showing the precise location; route, elevations, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts and the location and distance to any public street that the private road is to intersect;
5. A proposed road maintenance agreement, access easement agreement and deed restrictions shall also accompany the application; and
6. A driveway permit from the county's Road Commission.

DO NOT DISCARD THIS PAGE. YOU MUST SUBMIT THIS PAGE WITH YOUR APPLICATION

DO NOT WRITE BELOW THIS LINE - TOWNSHIP USE ONLY

Applicant Name & Address: _____

Application Fee/Escrow _____ **Date Received** _____ **Date Notices Mailed** _____

Public Hearing Date _____ **Approved** ____ **or Denied** ____ **or Approved with Conditions** _____

¹ Escrow funds are used to reimburse planning, engineering, and legal fees incurred. If the fund drops below 10% of the deposit, an additional deposit will be required to continue. Any funds remaining will be refunded when the project is complete. Any approvals will be subject to requiring any outstanding funds due are paid in full.



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Name of Applicant: _____

Address of Applicant: _____

Telephone: _____ Email/Fax: _____

Address of Subject Property: _____

Parcel Number: _____

Zoning District: _____

List the name, address and interest of every person who has a legal or an equitable interest in any property included in the site plan permit application.

What is the land use requested? _____

**Signature of Applicant

Date

**Signature of Property Owner

Date

Attach a detailed site plan of the property meeting the requirements of Article 6. (see following pages)

PRIVATE ROADS (As of 9/13/2023)

§ 154.330 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EXISTING BUILDING or an EXISTING DWELLING UNIT. A building or dwelling unit for which a building permit has been issued by the township as of the effective date of this subchapter.

EXISTING LOT. A lot that, as of the effective date of this subchapter, meets at least one of the following conditions:

(1) The lot consists of a parcel described by metes and bounds for which a deed has been recorded with the county's Register of Deeds, or of a parcel described by a land contract or memorandum of land contract that has been recorded with the county's Register of Deeds;

(2) The lot has been assigned its own permanent parcel number by the county's Property Description and Mapping Department (or successor agency) and is individually assessed and taxed on that basis; or

(3) The lot consists of a "condominium unit" (in other words, a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a "site condominium" development for which a condominium master deed has been recorded with the county's Register of Deeds in accordance with the requirements of the state's Condominium Act (Public Act 59 of 1978, as amended, being M.C.L.A. §§ 559.101 et seq.) and other applicable laws and ordinances.

EXISTING PRIVATE ROAD. A private road or a private road system that is used to provide access to existing lots, buildings or dwelling units as of the effective date of this subchapter.

(Ord. passed 7-12-2012, § 4.27)

§ 154.331 GENERAL REQUIREMENTS; APPLICATION TO EXISTING PRIVATE ROADS.

(A) After the effective date of this subchapter, a private road shall not be constructed, extended, improved or relocated, except in accordance with the minimum standards and requirements of this section. New lots may be created with the required frontage on an existing private road, to a total of five lots, without upgrading the private road. If six or more lots are proposed adjacent to an existing private road, the road shall meet the requirements of § 154.332(F) of this chapter and a private road permit must be obtained under this subchapter. If an existing private road is proposed to be extended then the existing portion shall be improved to meet the standards of this subchapter. The new portion shall also comply with the standards of this subchapter.

(B) Private roads may be permitted in all zoning districts except the Ag-1 Zone according to the provisions of this subchapter. In the Ag-1 Zoning District, a private road shall only be permitted if approved by the Planning Commission as a special use in accordance with the provisions of §§ 154.185 through 154.194 of this chapter. Such private road, if approved, shall adhere to the requirements of this subchapter.

(C) In order to approve a private road in the Ag-1 Zoning District, the Planning Commission shall find that the proposed road meets the general standards of this subchapter and also the following standards.

(1) The private road will not be built upon land that is classified as prime or unique by the United States Department of Agriculture.

(2) The private road will not be built on land that is being actively farmed.

(3) The private road shall be setback a minimum of 150 feet from the limits of active farm land.

(4) The use of the private road will not cause an adverse effect on nearby farm operations and that users of the private road will not be adversely affected by nearby farm operations.

(5) Allowing a private road in the Ag-1 Zoning District will not adversely affect the long-term plans and development policies of the township.

(D) The provisions of this subchapter shall not apply to access roads internal to any individual lot or parcel of land that has direct public street frontage access and is under the control of one person, firm, corporation or association; provided that, the access road does not provide access to any abutting lot or parcel of land. Examples of access roads that may be exempted from the provisions of this chapter include those serving multi-family dwellings, nursing homes, hospitals, factories, schools, mobile home parks and shopping centers that are otherwise subject to site plan review and approval under the provisions of this chapter.

(E) The provisions of this subchapter shall not apply to an existing private road that provides access solely to existing lots, buildings or dwelling units, except for those requirements pertaining to names for private roads, house numbers and minimum lot frontage, as contained herein.

(Ord. passed 7-12-2012, § 4.27)

§ 154.332 MINIMUM STANDARDS.

(A) A private road shall be located within a private road easement. Such easement shall not be less than 66 feet in width at any point if it serves residential, non-commercial or non-industrial uses, or less than 86 feet wide at any point if it serves a commercial or industrial use. At any dead-end of such easement, the easement shall widen such that there is a minimum radius of 60 feet for residential, non-commercial or non-industrial use and 75 feet for commercial and industrial use.

(B) A lot shall have frontage on the private road easement that is at least equal to the minimum lot width required for the zoning district in which the lot is located.

(C) A private road shall intersect and connect to a public road.

(D) The private road shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name given the private road meeting County Road Commission standards as to design, location and maintenance shall be erected and maintained where such private road adjoins any public road.

(E) A private road or more than one private road that forms a connected private road system shall not contain more than 2,000 lineal feet of roadway unless another means of ingress and egress is provided that meets the standards of this chapter. The measurement shall be made from the point where the private road abuts the public road right-of-way and shall be made along the centerline of the private roadway to the center of the turnaround radius for each portion or segment of the private road and the total shall not exceed 2,000 lineal feet.

(F) A private road that serves less than six dwellings or buildings is not required to be paved but shall have a minimum width of 22 feet with a three-foot shoulder on each side. The road base shall consist of at

least a six-inch gravel base with a 12-inch sand sub-base. The road shall widen at any dead-end so there is at least a 40-foot diameter turnaround for non-commercial and non-industrial roads and 50 feet diameter turnaround for commercial and industrial roads.

(G) A private road that serves six or more dwelling units or buildings shall be constructed to the standards of the county's Road Commission for a local paved road. Notwithstanding that paving requirement, if a private road lawfully existed and was not paved as of 6-30-2015 and served five parcels or lots as of that date, one additional lot or building site may be created or added thereafter to be served by that non-paved private road and that paving requirement would not be applicable for the resulting sixth lot or parcel served by that private road if the paving requirement is waived by the Planning Commission pursuant to a special use approval. In addition to the generally applicable special use standards contained in § 154.186 of this chapter, the Planning Commission must also find that all of the following additional standards will be met before such a special use approval can be granted:

(1) Modifications to the existing non-paved private road will result in the road being improved to be in greater conformity with the private road requirements contained in this chapter;

(2) The existing private road will be improved so as to minimize dust with regard to the lots and parcels served by the private road as well as the surrounding neighborhoods;

(3) The alterations to the private road will increase safety. In addition, as modified, the private road will have to be able to accommodate emergency vehicles more easily and safely;

(4) The private road will have to have an adequate turnaround or cul-de-sac to accommodate turnarounds and emergency vehicles;

(5) Without the special use approval, it is unlikely that the private road would ever be improved or upgraded; and

(6) If the special use approval is granted, the applicant must still appear before the township's private road committee for final approval.

(H) A private road shall not exceed a grade of 10%; provided that, within 30 feet of the intersection of a private road with any other private road or with any public right-of-way, a private road shall not exceed a grade of 4%.

(I) A private road shall be constructed in a manner to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure) must be certified by a registered professional engineer that it complies with applicable County Road Commission and state requirements.

(J) A dwelling unit that derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. The house numbers shall be a minimum of three inches in height.

(Ord. passed 7-12-2012, § 4.27; Ord. 16.01, passed 3-10-2016)

§ 154.333 ROAD MAINTENANCE.

(A) The applicant(s) and/or owner(s) of the proposed private road shall provide to the township a recordable or recorded road maintenance agreement, access easement agreement, and deed restrictions that shall provide for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road.

(B) These documents shall contain the following provisions:

(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 if repairs and maintenance are not made, the Township Board may bring the road up to the design standards required by this subchapter and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of 25% of the total cost of the improvements;

(4) A notice that no public funds of the township are to be used to build, repair or maintain the private road;

(5) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary; and

(6) A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen and others bound to or returning from any of the properties having a right to use the road.

(Ord. passed 7-12-2012, § 4.27)

§ 154.334 PROCEDURE FOR REVIEW.

(A) An application to establish, extend, improve or relocate a private road shall be filed with the township's Zoning Administrator along with a fee as set by the Township Board.

(B) The application shall contain or be accompanied by the following information:

(1) The name(s) of the owners and any other parties having any legal interest in the private road and the property across which it is to be constructed;

(2) Permanent parcel number or legal description of the property over which the private road is to be constructed;

(3) A site location map not to scale that shows the location of the parcel containing the road to surrounding properties and road ways within one-half mile of the site;

(4) A scaled drawing prepared by a registered engineer showing the precise location; route, elevations, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts and the location and distance to any public street that the private road is to intersect;

(5) A proposed road maintenance agreement, access easement agreement and deed restrictions shall also accompany the application; and

(6) A driveway permit from the county's Road Commission.

(Ord. passed 7-12-2012, § 4.27)

§ 154.335 REVIEW COMMITTEE.

(A) The application, drawings and other required information shall be forwarded to the Private Road Review Committee (the "Committee"). This Committee shall consist of two Planning Commissioners appointed by the Chair of the Planning Commission and the Zoning Administrator. An alternate member from the Planning Commission shall also be appointed by the Chair.

(B) The Zoning Administrator shall upon receipt of all required information and payment of the required fee, call a meeting of the Committee. All meetings of the Committee shall conform to the provisions of the Open Meetings Act, being Public Act 267 of 1976, being M.C.L.A. §§ 15.261 et seq., as amended.

(C) The Committee shall review this information to determine compliance with the standards and requirements for private roads as contained herein. The Committee may consult with the township's Fire Chief, Attorney, Engineer or Planner as deemed necessary. All members of the Committee shall be present to review and decide upon the application.

(D) If the Committee finds that the application meets the requirements of this subchapter, it shall approve the application and direct the Zoning Administrator to issue a permit for the construction of the private road. This permit shall consist of a stamp noting approval and containing the signature of the Zoning Administrator and the date of approval. Two copies of the private road plans shall be stamped for approval, one copy shall be kept by the applicant, and one by the Township. This construction permit is not a private road permit and does not authorize the construction of any buildings on the private road. The construction permit is valid for a period of one year from the date of approval. If construction of the private road has not commenced before this date, the permit shall expire. A new permit shall be required before construction can begin.

(E) If the Committee denies the application, the written reasons for denial shall be provided to the applicant within five working days of the date of denial.

(Ord. passed 7-12-2012, § 4.27)

§ 154.336 FINAL COMPLIANCE REQUIREMENTS.

Upon completion of construction of the private road, the applicant shall provide to the Zoning Administrator:

(A) A letter from a registered professional engineer that the road has been constructed in compliance with the approved private road plans; and

(B) Documentation that the road maintenance, agreement, access easement and deed restrictions have been recorded with the county's Register of Deeds office.

(Ord. passed 7-12-2012, § 4.27)

§ 154.337 PERMIT ISSUANCE.

Upon approval of all items required for final compliance, the Zoning Administrator shall issue a private road permit.

(Ord. passed 7-12-2012, § 4.27)

§ 154.338 PERMITS FOR BUILDINGS.

(A) A building permit shall not be issued for any principal building, dwelling or structure that derives its primary access from a private road unless a private road permit has been issued by the township and the road has either been completed in accordance with the approved permit or the applicant for the building permit or owner(s) of the private road right-of-way have provided the township with cash or irrevocable letter of credit in an amount determined by the township, to ensure construction of the private road in accordance with the approved private road construction permit within one year from the issuance of the building permit. The letter of credit shall contain a provision that the township shall have the right to access the letter of credit if such letter is not renewed 30 days before the expiration date of the letter.

(B) A private road permit shall not be required for the issuance of a building permit for a principal building, dwelling or principal building, dwelling or structure that derives its primary access from an existing lawful private road as defined herein, except as otherwise provided in § 154.331 of this chapter.

(Ord. passed 7-12-2012, § 4.27)

The following sections of the Zoning Ordinance may also apply. If applicable, please see the Planner for copies of applicable sections or the Zoning Ordinance in its entirety.

- General Provisions (Parking, Lighting and Screening, etc.)
- Site Plan Review
- Special Uses
- Supplementary Use Regulations
- Appendix A – Table of Use Regulations
- Appendix B – Table of General Bulk Regulations

The applicant is advised to review the Sparta Township Zoning Ordinance in its entirety to ensure complete compliance with said Ordinances.