



**Planning Commission
Regular Meeting
March 19, 2024
7:00 p.m.**

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES
 - February 20, 2024 Regular Meeting
6. CORRESPONDENCE / BOARD REPORTS / PRESENTATIONS
 - A. Presentation by Dr. Senter and Discussion of the Final Report Findings for the 2023 Township Survey of Residents
[Result of the 2023 Survey of Residents of Charter Township of Union](#)
 - B. Thering updates from Board of Trustees
 - C. Buckley updates from ZBA
 - D. Community and Economic Development Monthly Report
 - E. Other Reports
7. PUBLIC COMMENT: Restricted to (3) minutes regarding items not on this agenda
8. NEW BUSINESS
 - A. Annual Election of Officers**
 - a. Chair
 - b. Vice-Chair
 - c. Secretary
 - d. Vice -Secretary
 - B. Review of the Proposed New Private Road Ordinance for Recommendation to the Board of Trustees**
 - a. Introduction by staff
 - b. Commission discussion and questions
 - c. Deliberation and action (recommend to the Board of Trustees for adoption, adoption with additional recommended changes, or rejection; or to

postpone action)

9. OTHER BUSINESS

A. **Discussion of accomplishments, projects, desired outcomes, and other topics of discussion to share with the Board of Trustees during the 4/17/2024 Annual Joint Meeting**

10. EXTENDED PUBLIC COMMENT: Restricted to (5) minutes regarding any issue

11. FINAL BOARD COMMENT

12. ADJOURNMENT

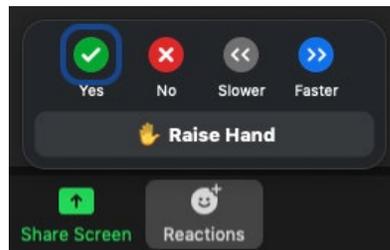
Hybrid Meeting Instructions for the Charter Township of Union Planning Commission

The public can view all Union Township meetings live by clicking on our [YouTube Channel](#). For those who would like to participate, you can do so via Zoom.

[Click here](#) to participate in the Zoom Meeting via computer or smart phone. (Meeting ID Enter “839 8031 3172” Password enter “240465”). Access to the electronic meeting will open at 6:50 p.m. and meeting will begin at 7:00 p.m.

Telephone conference call, dial (312-626-6799). Enter “839 8031 3172” and the “#” sign at the “Meeting ID” prompt, and then enter “240465” at the “Password” prompt. Lastly, re-enter the “#” sign again at the “Participant ID” prompt to join the meeting.

- All public comments for items on the agenda will be taken at the Public Comment and any issue not on the agenda will be taken at the Extended Public Comment section of the Agenda.
- Computer/tablet/smartphone audience: To indicate you wish to make a public comment, please use the “Reactions” icon. **Next, click on the “Raise Hand” icon** near the bottom right corner of the screen.



- **To raise your hand for telephone dial-in participants, press *9.** You will be called on by the last three digits of your phone number for comments, at which time you will be unmuted by the meeting moderator.
- Please state your name and address for the minutes and keep public comments concise.

You will be called upon once all in-person comments have been made, at which time you will be unmuted by the meeting moderator.

Persons with disabilities needing assistance should call the Township office at (989) 772-4600. Persons requiring speech or hearing assistance can contact the Township through the Michigan Relay Center at 711. A minimum of one (1) business day of advance notice will be necessary for accommodation.

CHARTER TOWNSHIP OF UNION
Planning Commission
Regular Meeting Minutes

A regular meeting of the Charter Township of Union Planning Commission was held on February 20, 2024, at 7:00 p.m. at the Union Township Hall.

Meeting was called to order at 7:00 p.m.

Roll Call

Present: Albrecht, Buckley, Gross, Lapp, McDonald, Shingles, Squattrito, and Thering
Excused: LaBelle

Others Present

Rodney Nanney, Community and Economic Development Director; Peter Gallinat, Zoning Administrator; Tera Green, Administrative Assistant

Approval of Agenda

Gross moved **Thering** supported to approve the agenda as presented. **Vote: Ayes: 8. Nays: 0. Motion Carried**

Approval of Minutes

Shingles moved **Thering** supported to approve the regular meeting minutes from January 16, 2024, with an amendment to correct a misspelled name. **Vote: Ayes: 8. Nays: 0. Motion carried.**

Correspondence / Reports/ Presentations

- A. Board of Trustees updates by Thering – No updates were given.
- B. ZBA updates by Buckley – No updates were given.
- C. Community and Economic Development Monthly Report
- D. Other Reports – N/A.

Public Comment

Open 7:14 p.m.

No comments were offered.

Closed 7:14 p.m.

New Business

- A. PSUP23-01 Short-Term Rental Housing Special Use Application for 5339 E. Broadway Road**
 - a. Introduction by staff
 - b. Updates from the applicant
 - c. Public hearing
 - d. Commission review of the special use permit application and any public comments
 - e. Commission deliberations and action (approval, denial, approval with conditions, or postpone action)

Rodney Nanney, Community & Economic Development Director introduced the PSUP23-01 Special Use Permit for a short-term rental located at 5339 E. Broadway Rd. Based on the findings, staff recommends approval of the proposed special use permit and associated request for temporary relief from sidewalk construction, provided that the wording of the request is updated on the minor site plan to match Criteria #4.

Applicant Brent Curtiss was available for questions.

Public Hearing

Open: 7:25 p.m.

No comments were offered.

Closed: 7:27 p.m.

Discussion by the commissioners.

Buckley moved **Gross** supported to approve the PSUP23-01 special use application for a short-term rental located at 5339 E. Broadway Road (parcel number 14-013-10-032-03) in the northwest quarter of Section 13 and in the R-2B (One and Two Family, Medium Residential) zoning district, finding that it can comply with Section 6.58 (Short-Term Rental Housing) and Section 14.3.J (Standards for Special Use Approval), subject to the following conditions:

- 1 The short-term rental use shall be operated and maintained in full compliance with the Housing Licensing Code Ordinance and Section 6.587 (Short-Term Rental Housing) of the Zoning Ordinance, including requirements for annual rental certification and administrative Zoning Permit approvals, notification to the Zoning Administrator of updated owner and local agent contact information within 24 hours of a change, and proper payment of all applicable Michigan Sales or use taxes.
- 2 The associated request for temporary relief from sidewalk construction along the E. Broadway Rd. frontage of the subject parcel is approved with a finding that it is consistent with Criteria #4 of the Township's 2018 Sidewalk Relief Policy, provided that the wording of the request is updated on the minor site plan to match Criteria #4.

Roll Call Vote: Ayes: Albrecht, Buckley, Gross, Lapp, McDonald, Shingles, Squatrito, and Thering.

Nays: 0. Motion carried.

B. PFINAL24-01 Final Site Plan for Walmart Grocery Pick-Up Services Expansion and Parking Lot Site Improvements

- a. Introduction by staff
- b. Updates from the applicant
- c. Commission review of the site plan
- d. Commission deliberation and action (approval, denial, approval with conditions, or postpone action)

Rodney Nanney, Community and Economic Development Director introduced the PFINALSPR 24-01 Final Site Plan Review finding that the scope of proposed improvements is consistent with the provisions of Section 12.5 (Nonconforming Sites) and the plan conforms to Section 14.2.P. (Required Site Plan Information) and Section 14.2.S. (Standards for Site Plan Approval) for a final site plan. The staff recommends approval of the final sit plan with a handwritten engineer's revision date of 1/17/2024, as presented.

Discussion by the commissioners.

McDonald moved **Shingles** supported to approve the PFINALSPR24-01 final site plan with a handwritten engineer's revision date of January 17, 2024 for a 6.672 square-foot expansion of the Walmart building to add a new pick-up service area along with associated parking lot and ingress/egress improvements to the site located at 4730 Encore Blvd. in the southwest quarter of Section 26 and in the B-5 (highway Business) zoning district, finding that the site plan fully complies with the applicable Zoning Ordinance requirements for final site plan approval, include Sections 14.2.P (Required Site Plan Information) and

14.2.S (Standards for Site Plan Approval). **Roll Call Vote: Ayes: Albrecht, Buckley, Gross, Lapp, McDonald, Shingles, Squattrito, and Thering. Nays: 0. Motion carried.**

C. Discussion of accomplishments, projects, desired outcomes, and other topics of discussion to share with the Board of Trustees during the 4/17/2024 Annual Joint Meeting

Rodney Nanney, Community & Economic Development Director introduced the topic and Commissioner Thering started the discussion asking for input from commissioners on subjects to address with the Board of Trustees at the Annual Board meeting on April 17th. Initial discussion held, with item to be included on the March agenda for further discussion.

Extended Public Comments

Open: 8:00 p.m.

No comments were offered.

Closed 8:01 p.m.

Final Board Comment

Chair Squattrito – Inquired on the Planning Commission March Agenda.

In response to a question, Mr. Nanney gave background information on the Petro Plaza property that is vacant and currently for sale, and suggested that the Commissioners invite the landowner to give a presentation at the March meeting on possible proposals to rezone the property or amend the Zoning Ordinance to expand provisions for offices in the I-2 District from an accessory use to a principal permitted or special use.

Adjournment – Chair Squattrito adjourned the meeting at 8:20 p.m.

APPROVED BY:

(Recorded by Tera Green)

Doug LaBelle – Secretary

Tera Albrecht – Vice Secretary

SUMMARY OF FINDINGS

Survey of Residents of the Charter Township of Union, 2023

This report summarizes the responses of 638 Union Township residents who are property owners to a print survey in Fall, 2023 and the 89 other residents who responded to an online survey during the same time period. The print survey sample has a response rate of 33 percent (and a margin of error of about plus or minus 4 percent), while the online survey sample is not a scientific sample. Key findings are found below.

- The demographics of the two samples differ markedly and in expected ways. The median age of print sample respondents is 64 years, with the median number of years living in the township being 21 years. Almost 60 percent of print respondents report living in a “subdivision/neighborhood,” and the median income of households is in the category \$75,000 up to \$100,000. The median age of online respondents is 36 years, with the median number of years living in the township being four years. Fifty-five percent report living in a “high density apartment or condo complex,” and the median income is in the category \$25,000 up to \$50,000.
- At least 50 percent of print sample residents give grades of “A” (excellent) or “B” (good) to customer services from Township Hall staff, curbside recycling, and police services provided to the Township by the Isabella County Sheriff’s department. For five questions, more than one half of the print sample reports having no opinion when it comes to the rental inspection process, the zoning and building permit application process, the responsiveness of Board of Trustees members to your concerns, customer service from parks and recreation staff, and fire services provided to the Township by the City of Mount Pleasant.
- Road improvement stands out as a high priority for the use of tax dollars, as it is the only initiative of the nine presented that receives a high priority endorsement by more than one half of the print sample. At least 45 percent of print respondents view recycling for apartment and electric vehicle recharging stations as low priority.
- Almost one half of print respondents want pandemic relief funds spent on Township infrastructure, with the remainder split between endorsing spending of these funds on recreation or general Township services.
- More than one half of the print sample definitely supports protecting the residential quality of existing neighborhoods and protecting existing farmland in the Township. About one half or more of these respondents is probably or definitely opposed to using farmland for large-scale solar energy production or to develop more multi-family housing in the Township.

- Less than one quarter of the print sample reports having a good deal of knowledge about accessing services in the Township, and almost three quarters has little to no knowledge about the Township Master Plan for land use.
- When asked how they would prefer to receive information about parks and recreation services and facilities in the Township, at least one third endorse a print or email Township newsletter, the Township website, or social media.
- Twenty-five percent of print respondents rate the quality of life in the Township as excellent with only 13 rating it as fair or poor. While 22 percent of respondents have no opinion about changes in the quality of life in the Township over the last 10 years, 35 percent of the print sample rate these changes as fair or poor.
- Almost three quarters of the print sample indicate that there are sufficient parks and green space areas near their residence. While about one third of print respondents report never visiting Township parks in the last year, 14 percent visit them at least a few times a month. When asked why they do not visit Township parks more, 44 percent indicate that they are too busy or not interested. About one in five print respondents indicate that their age or disability keeps them from visiting the parks more, and about one in four respondents indicate that the parks don't have the features/amenities they want or the equipment/facilities they need.
- Two thirds of print sample respondents who do visit Township parks were most likely to visit McDonald Park. Respondents who use Township parks rate them positively. Almost 80 percent give the overall condition of the parks a rating of 4 or 5 (of 5). Similar numbers give these high ratings when asked about their overall level of satisfaction with McDonald Park. About two thirds of respondents give such high ratings to Jameson Park.
- Print respondents were asked about the park they most frequently visited outside of the Township. More than one third of the 331 print respondents who answered the question mentioned Island Park either as a single entry or as one of many they visit. Two factors stand out as reasons for liking these parks—the trails (mentioned by 162 of those responding) and special features of the parks (mentioned by 99 of them).
- Respondents were asked about their preferences for additional recreation opportunities for different ages of people. Responses were diverse, with 41 percent indicating that teens need more opportunities and 38 percent reporting that seniors need more recreation options.
- The largest number of print respondents (43 percent) answered “no new park land is needed” when asked for their preferences about new public park land, with 30 percent indicating that they would like additional land along the Chippewa River.
- More than 40 percent of the print sample indicate that there should be a focus on maintaining existing park facilities when they were queried about their priorities for improvements or new recreational amenities in Township parks. Three improvements are endorsed by at least 20 percent of the print sample—expand the network of paved pathways, add

a lighted outdoor running/walking loop course in McDonald Park, and trailhead parking for pathway to Shepherd.

- More than 40 percent of print respondents expressed a preference for paved walking and biking paths when presented with a list of 22 new possible public facilities, amenities or services in the Township. Twenty percent of the print sample also endorsed unpaved hiking/cross-country ski trails and a nature preserve.
- Almost three quarters of print respondents indicated that no additional accommodations were needed to better serve those with disabilities.
- Respondents were asked two open-ended questions about issues in the Township—about the most important issue facing the Township and other comments. Many print respondents expressed concerns about the infrastructure—roads, sidewalks and bike paths, and the water and sewer system. Several respondents voiced concerns about aspects of the taxation system or the Township administration, while others focused on community issues (including issues related to safety). Several respondents also used these final spaces to voice their opinions about development and economic issues, with a few wanting to see more development and a few wanting the Township to maintain its current characteristics.
- For the most part, the opinions of the online sample dovetailed with those of the print sample.
- Some notable differences between the two samples (although no tests of statistical significance were performed) are that online survey respondents are more likely to say “don’t know” when asked about Township services; about 30 percent of them, however give D (fair) or E (poor) ratings to water and sewer services. They are also more likely to give high priority ratings to snow plowing of sidewalks and recycling for apartments and to definitely support developing more multi-family housing in the Township and the use of farmland for large-scale solar energy production. More than half of online respondents prefer receiving information about parks and recreation services and facilities through social media.
- More than one half of online respondents did not use Township parks in the last 12 months, with one third reporting that they do not know where the parks are located. Sixty percent who do use the parks report visiting Jameson Park. Online sample respondents are more likely than the print sample respondents to express support for small neighborhood parks and an additional park on the south side of the Township.



Department Monthly Report

Department: Community and Economic Development

Month/Year: February 2024

Global Ends

- 1.1 Community well-being and the common good
- 1.2 Prosperity through economic diversity, cultural diversity, and social diversity
- 1.3 Health and Safety
- 1.4 Natural environment
- 1.5 Commerce

Prior Month Activities

Economic Development Activities (1.1, 1.2, 1.3, 1.5):

- The Community and Economic Development Director and Township Engineer at Gourdie-Fraser Associates are continuing work on evaluation and prioritization of infrastructure improvements for potential new industrial/research/business park development along the US-127 corridor in accordance with the state Rural Readiness Grant awarded to the Township for our Master Plan update project.
- The Community and Economic Development Director received word that the Michigan State Housing Development Authority (MSHDA) has awarded the Township a Housing Readiness Incentive Grant to expand the Township's Master Plan update project to include a more detailed evaluation of housing needs and priorities.
- The Community and Economic Development Director served as Chair for the February meeting of the Mt. Pleasant Airport Joint Operations and Management Board. During the meeting, the Board took action to strongly support the City's proposal to hire Mead and Hunt to conduct a broad feasibility analysis for airport improvement projects that have been identified by the Board.
- The Community and Economic Development Director met with representatives from the Mt. Pleasant Area Convention and Visitors Bureau and Middle Michigan Development Corporation to begin coordination of a planned replacement of the seasonal and "permanent" gateway banners at the US-127/M-20 interchange.
- The Community and Economic Development Director participated in the quarterly Sports Committee meeting hosted by the Mt. Pleasant Area Convention and Visitors Bureau to coordinate resources for anticipated sports and other tournament events in the community.
- The Building Services Clerk supported the Community and Economic Development Director and EDA Board and served as contact person for East DDA District service contractors.

Economic Development Authority (EDA) Board Activities (1.1, 1.2, 1.3, 1.4, 1.5):

- During their regular February 20, 2024 meeting, the EDA Board:
 - Heard a presentation from the current owner of the Petro Plaza property in the Enterprise Industrial Park

- Approved engineering contracts with Gourdie-Fraser & Associates for new sidewalk projects in the East and West DDA Districts.

Building Services (1.1, 1.2, 1.3, 1.5):

- The Building Official provided the following services during the month:
 - 26 Building Inspections (1.3)
 - 5 Permits issued (1.3)
 - 5 Certificate of Occupancy (1.3, 1.3)
 - 6 FOIA Requests (1.1, 1.3)
 - Follow up phone calls
- The Building Official met with multiple residents/contractors to answer potential project questions.
- The Building Services Clerk provided the following services during the month:
 - Served as a second Township Hall contact person for the public and helped process payments at counter and through mail.
 - Assisted homeowners and contractors with building permit applications and coordinated with the Building Official, Zoning Administrator, Assessor, and Public Services Department as needed to facilitate timely reviews of permit applications.
 - Administrative support for Rental Inspector
 - Prepared monthly Census and HBA reports for building permits
 - Updated the Township fee schedule online.

Rental Inspection Services (1.1, 1.2, 1.3):

- Site visits with inspections or re-inspections at residential complexes, hotels, various single-family units, and other regulated premises (approx. 152 units).
- Inspections on apartment complexes & hotels (fire alarm and sprinkle report reviews).
- Expired certificate scheduling.
- Fielding questions about the rental program in the Township from the community, potential/current landlords, and tenants.
- Informing various departments of items that may be of concern or of note that have been observed throughout the Township (tall grass, construction without permits, site plan verifications, etc.).
- Contacts with local inspectors, enforcement, and fire personnel.
- Working through tenant complaints, working with both parties to get relief.
- Sharing with contacts about our updated Rental Housing Information webpage, as well as sharing the need to contact the office for items that may need other department insight or approvals.
- The Rental Inspector created a rental flyer to help cut down on the most popular rental violations and has distributed paper and/or digital copies to nearly all of the large apartment complexes and

Zoning Administration Activities (1.1, 1.2, 1.3, 1.4, 1.5):

- The Zoning Administrator provided the following services:
 - (3) Zoning review approval letters for building permit applications.
- The Community and Economic Development Director and Zoning Administrator met with:
 - Tim Bebee to discuss site plan details for several projects he is working on in the Township;
 - A development team interested in new independent senior living and potential expansion of a senior housing facility;
 - The owner of the Petro Plaza property at 2284 Enterprise Drive; and
 - The owners of the 5252 S. Mission self-storage project about amendments to approved site plan post construction related to landscaping, gating, and site entrance.
 - A developer of a potential wedding venue.

- The Community and Economic Development Director attended a webinar on planning, zoning, and land development-related caselaw updates.

Ordinance Enforcement Activities (1.1, 1.3):

- 2084 McDonald Drive. - Complaint regarding drainage issues at this location. During an initial site visit, a bed of rocks was found in the roadside ditch, which appears to impede the flow of water. The Road Commission was notified and the issue was passed along to their drainage foreman to evaluate, weather-permitting.
- 2514 S. Isabella Road. (Liquor Central) - Complaint about removal of required barrier free parking and signage. The owner responded to an initial notice of violation by reinstalling the signage and has hired Bidwell Painting Inc. to stripe the ADA parking spot asap pending weather conditions.
- 386 Bluegrass Road. - Excessively tall grass and junk in the yard. The owner was notified of the violations and has mowed the grass. The owner is working with Township staff to complete the removal of junk from the premises.
- 5401 S. Lincoln Rd. – An 1,800 square-foot detached accessory building constructed without a building permit and in violation of applicable maximum height and maximum 1,500 square-foot floor area requirements. The owner applied for and was granted a height variance in May 2023 contingent upon completion of alterations to reduce the building floor area by 300 square-feet. The owner’s contractor subsequently secured a building permit for the work, which expired on 1/17/2024 with no activity. Civil infraction tickets have been issued to the contractor and owner for violation of the conditions of the approved height variance and failure to correct the Zoning Ordinance violation related to maximum floor area for this accessory building.
- Indian Hills Shopping Center - Owner and contractor were notified of a possible violation related to the approved minor site plan for sidewalk, pedestrian access, and parking lot improvements to the Indian Hills Shopping Center property. The owner stated that they will address the issues with management and follow up with the Zoning Administrator. In addition, the Township has received multiple complaints about lighting issues in the parking lot. The owner has been made aware of the complaints and that the parking lot needs to be consistently lit for safety.
- Northeast corner of S. Lincoln Rd. and E. Broomfield Rd. – unlawful contractor’s storage yard and unlawful grading/fill activities without a grading permit. The owner claimed a “grandfathered” status as a legal nonconforming use. A meeting of the parties was held on 12/12/2023. This matter remains under review by the Township Attorney with additional follow up anticipated.

Planning Commission Activities (1.1, 1.2, 1.3, 1.4, 1.5):

- During their regular February 20, 2024 meeting the Planning Commission:
 - Approved the PFINAL24-01 Final Site Plan for Walmart grocery pick-up services expansion and parking lot site improvements.
 - Held a public hearing on and subsequently approved the PSUP23-01 Short-Term Rental Housing special use permit for 5339 E. Broadway Road.
 - Began discussion of accomplishments, projects, desired outcomes, and other topics of discussion to share with the Board of Trustees during the 4/17/2024 Annual Joint Meeting.

Zoning Board of Appeals Activities (1.1):

- The March Board of Appeals meeting was canceled due to a lack of agenda items.

Sidewalks, Pathways, and Parks & Recreation Plan/Program Activities (1.1, 1.2, 1.3, 1.4):

- The final Report of Findings for the 2023 Township survey of residents, which included a number of parks and recreation-related questions, has been completed by Dr. Senter and her team from CMU.

Other Activities:

- The Community and Economic Development Director received a call from a disabled Township resident on Betty Ln. seeking help to resolve a problem with access to the I-Ride buses. In consultation with Isabella County Transportation Commission (ICTC) officials, the source of the problem was identified and corrected. In addition, the Director identified an opportunity to work with a cooperative property owner to potentially secure an easement for construction of a vehicle turnaround area at the end of Betty Ln. Follow up with the Road Commission is planned. (1.2)
- The Community and Economic Development Director and Building Services Clerk held a pre-season coordination meeting with the leaders of the three (3) baseball/softball leagues. Practices and games are planned to begin in early April, weather-permitting.
- The Building Services Clerk and Administrative Assistant completed the Township's 2nd Annual Care Store Donation Drive. (1.1, 1.2)
- The Community and Economic Development Director and the Mt. Pleasant City Planner met informally to discuss planning, zoning, and economic development topics of mutual interest.
- The Director meets weekly with the Community and Economic Development Department staff as a group and regularly on an individual basis to provide guidance, coordinate provision of services, ensure good intra- and inter-departmental communication, and identify and resolve issues. (1.1)

Current Month Anticipated Activities

Economic Development Activities (1.1, 1.5):

- The Community and Economic Development Director participated in a Michigan Downtowns Association (MDA) event in Lansing and a quarterly MDA Board of Directors meeting.
- The Community and Economic Development Director will serve as Chair for the March meeting of the Mt. Pleasant Airport Joint Operations and Management Board.
- The Community and Economic Development Director will complete and distribute a request for qualifications from sign contractors with the capability to design and install a new gateway sign for the East DDA District to be located at the corner of M-20 and S. Summerton Rd. in cooperation with Mid-Michigan College and Consumers Energy, and to design and install new Enterprise Industrial Park signage at the corner of M-20 and Enterprise Dr.
- The Community and Economic Development Director and the Township Assessor will be working on developing policy proposals for Board of Trustees consideration to establish updated guidelines for consideration of requests for new or amended Industrial Development Districts and Industrial Facility Tax Exemption (IFTE) applications under Michigan Public Act 198 of 1973, as amended.
- The Community and Economic Development Director will continue business retention contacts.
- Per the Community and Economic Developer's direction, the Rental Inspector is using his graphic design and Adobe Illustrator skills to create an up-to-date graphic element for a replacement Union Township gateway banner intended to be posted at the US-127/M-20 interchange. This is part of a set of four (4) "permanent" display banners that are worn and have become faded. This project is a collaboration of the Mt. Pleasant Area Convention and Visitors Bureau, the Middle Michigan Development Corporation, and the Township.

Economic Development Authority (EDA) Board Activities (1.1, 1.2, 1.3, 1.4, 1.5):

- The regular March 19, 2024 EDA Board meeting agenda is anticipated to include:
 - Consideration of a new 3-year holiday decorations contract with Hometown Decorations.
 - Consideration of bids for landscaping improvements in the East DDA District.
 - Discussion of accomplishments, projects, desired outcomes, and other topics of discussion to share with the Board of Trustees during the 4/17/2024 Annual Joint Meeting.

- Discussion of the Petro Plaza property.

Building Services (1.1, 1.3, 1.5):

- Inspections and follow up as needed for the new Isabella County Jail project. (1.1, 1.3)
- Issuance of a building permit for the Walmart addition.
- Follow up phone calls.
- Continue to do site visits, inspections, issue permits, plan reviews.
- Continued work on expired permit list.

Rental Inspection Services (1.1, 1.2, 1.3):

- The Rental Inspector will:
 - Investigate and follow up on any rental complaints as needed.
 - Continue to collaborate with the Fire Department on hotel rental inspections.
 - Schedule complexes, hotels, as well as duplex and single-family units for inspections.
 - Conduct follow-up inspections to verify correction of violations.
 - Work on expired certificate scheduling as needed.
 - Arrange for site visits as needed for compliance or informational.

Zoning Administration Activities (1.1, 1.2, 1.3, 1.4, 1.5):

- The Zoning Administrator will publish the annual weed control ordinance notice in the newspaper to confirm that the seasonal enforcement of rules against excessively tall grass and noxious weed growth will begin May 1.
- The Community and Economic Development Director and Zoning Administrator will review the current Zoning Board of Appeals bylaws to coordinate with recent updates to relevant sections of Zoning Ordinance 20-06. (1.1)
- Community and Economic Development Director and Zoning Administrator review of site plan, special use, and other development applications and preparation of staff reports for the Planning Commission regarding Zoning Ordinance compliance.
- Zoning Administrator review of site plan applications eligible for administrative approval.
- Zoning Administrator review of building permits for zoning compliance.
- Zoning compliance letters
- Sign permits
- Continued use of MissDig notifications to catch activity in the Township needing zoning approval.
- Enforcement follow ups
- Yard sales
- Tall weeds and grass enforcement
- The Community and Economic Development Director and Zoning Administrator regularly hold informal pre-application development meetings with developers and business/property owners.

Ordinance Enforcement Activities (1.1, 1.3):

- 4941 E Valley Rd. – Dilapidated and potentially unsafe dwelling. The owner confirmed that he wants the roof completed but does not have the funds. A contractor is looking into options to help the owner resolve the violations.
- Ordinance enforcement follow up on current matters and investigation of any new complaints.

Planning Commission Activities (1.1, 1.2, 1.3, 1.4, 1.5):

- The regular March 19, 2024 Planning Commission meeting is anticipated to include:

- Presentation by Dr. Senter and discussion of the final Report of Findings for the 2023 Township survey of residents, which included a substantial number of parks and recreation-related questions.
- Discussion of accomplishments, projects, desired outcomes, and other topics of discussion to share with the Board of Trustees during the 4/17/2024 Annual Joint Meeting.
- Annual election of officers
- Review of the proposed new Private Road Ordinance and any recommendations to the Board of Trustees.

Zoning Board of Appeals Activities (1.1):

- The March Board of Appeals meeting was canceled due to a lack of agenda items.

Sidewalks, Pathways, and Parks & Recreation Plan/Program Activities (1.1, 1.2, 1.3, 1.4):

- The Township’s engineering consultant at Gourdie-Fraser is in the process of completing preliminary engineering and identification of easements needed to prepare construction plans for new sidewalk projects along the:
 - north side of Pickard Rd. east from S. Lincoln Rd. to the existing sidewalk near Ashland Dr.;
 - east side of Bud St. north from E. Pickard Rd. to connect to Jameson Park;
 - east side of S. Isabella Rd. from E. Kay St. south to E. Broadway Rd.;
 - west side of Bradley St. from E. Remus Rd. (M-20) north to connect to the Mt. Pleasant Middle School at the City-Township boundary; and
 - south side of E. Bluegrass Rd. from S. Mission Rd. east across the frontage of the Red Lobster parcel to complete a connection to the Indian Pines Shopping Center.

Other Activities:

- The Community and Economic Development Director will work with the Township Attorney to prepare an ordinance for Board of Trustees consideration to repeal the outdated and unenforceable Ordinance 2011-4 for marihuana dispensaries and growing operations (1.1)
- The Community and Economic Development Director will work with the Township Attorney to prepare an updated Noxious Weeds Ordinance for Board of Trustees consideration that improves consistency in applicable regulations of tall grass and weeds. (1.1, 1.3, 1.4)
- The Community and Economic Development Director will work with the Township Attorney to prepare an updated Land Division Ordinance for Board of Trustees consideration that clarifies application requirements and the division, combination, and boundary adjustment approval process. (1.1, 1.5)
- The Rental Inspector is using his photography skills to capture scenes from around the Township for the purpose of updating the Township website’s photo gallery.

Future Board of Trustee Meeting Agenda Items

- Consideration of an updated Private Road Ordinance for adoption. (1.1, 1.3)

Significant Items of Interest Longer Term

- Other Activities - Under the Community and Economic Development Director’s direction, the Building Services Clerk will begin work to coordinate with the file scanning contractor Graphic Sciences to transfer historical zoning/planning/site plan documents and files from the basement for scanning. (1.1)

- Economic Development - The Community and Economic Development Director will expand information on the Township’s website related to development approval processes and pre-application meeting options to further assist the development community.
- Zoning Administration - The Community and Economic Development Director and Zoning Administrator plan to propose some additional updates to the sign regulations of Zoning Ordinance 20-06 to improve consistency in application and to minimize regulatory conflicts. (1.1)
- Economic Development – The Community and Economic Development Director will prepare an updated summary document for the website outlining economic development programs and incentives available from the State of Michigan and our DDA Districts for various types of projects.
- Other Activities - Consideration of a new 2023 - 2027 Parks and Recreation Master Plan for adoption, following a recommendation from the Planning Commission and a public hearing. (1.1, 1.2, 1.3, 1.4)
- Building Services - When the county’s office situation stabilizes, the Community and Economic Development Director will resume working with the county Community Development Dept. Director to develop a draft reciprocal intergovernmental agreement proposal for Isabella County to provide for residential and commercial building inspection services during vacations. (1.1, 1.2, 1.3, 1.5)
- Economic Development - Possible future airport-related Zoning Ordinance changes to create a separate zoning district for the Mt. Pleasant Airport to expand options for airport-related business activities beyond the scope allowed under the current the AG (Agricultural) district. (1.1, 1.5)
- Building Services – The Building Official continues to work in close coordination with the County’s plumbing, mechanical, and electrical inspectors on building projects to minimize delays and to ensure that construction meets the applicable health and safety standards. (1.1, 1.3, 1.5)
- PILOT Housing Projects - The Community and Economic Development Director will continue to oversee the administration of the Tax Exemption Ordinance and adopted PILOT resolutions in coordination with the Finance Director and Twp. Assessor to verify continuing compliance by the sponsors of the eligible housing projects. (1.1, 1.2)
- Other Activities – Consideration of new International Fire Code Ordinance for adoption, which would replace Ordinance No. 2014-05 and would reference the updated fire code to be enforced by the Mt. Pleasant Fire Department in both the City and the Township. (1.1, 1.3)
- Other Activities – Consider updates to the Township’s ordinance on open burning. (1.1, 1.3)
- Other Activities - Consider updates to the Subdivision of Land Ordinance No. 1994-6 for consistency with updates to the state’s subdivision plat approval requirements. (1.1, 1.3, 1.5)
- Other Activities – Consider ways to maximize the usefulness, readability, and functionality of the Township website’s Announcements, Public Notices, and News features. (1.1, 1.2)
- Other Activities – When the county’s office situation stabilizes, the Community and Economic Development Director, the County’s Community Development Director, and the City Planner will resume work on creating a unified “regional planning/zoning” theme on the County’s FetchGIS website where County, City, and Township zoning district and future land use maps could be displayed together with other relevant data.

TO:	Planning Commission	DATE:	March 11, 2024
FROM:	Rodney C. Nanney, AICP, Community and Economic Development Director		
PROJECT:	Proposed new Private Road Ordinance		
ACTION REQUESTED:	To review the proposed new Private Road Ordinance and to make any recommendations to the Board of Trustees for final action.		

Background Information

The Township's current Private Road Ordinance was adopted by the Board of Trustees on December 18, 2000 as Ordinance No. 2000-09. This ordinance was intended to establish basic standards for construction of new private roads. There are a limited number of existing private roads in the Township, some of which have been developed or extended since this ordinance came into effect. Examples include an extension of Leroy Lane (west of S. Lincoln Rd. near the Chippewa River), Windstone Drive (north of E. River Rd. east of Bamber Rd.), and Jen's Way/Lexi Ln./Paige Dr. (all part of the West Wood business development where McGuirk Sand & Gravel, Inc. and the Summit Smokehouse and Tap Room are located).

A private road is any road or street that is privately maintained and that has not been accepted for maintenance by a county or state road authority with jurisdiction. As defined in the proposed ordinance, "*shared driveways*" serving two (2) or more lots or dwellings would be considered to be a private road subject to this ordinance. This is a change from Ord. 2000-09, which exempted "*private driveways designed to serve one or two lots.*" The reason for the change is to eliminate a regulatory conflict with the Township's Zoning Ordinance, which prohibits the development or use of new shared driveways for vehicle access to single-family dwellings.

The current Ordinance No. 2000-09 was intended to establish basic standards for construction of new private roads, but has some significant limitations that have effected administration and enforcement. For example, Ord. No. 2000-09 does not include any provision for alterations to or maintenance of existing roads, or for connectivity between adjacent parcels. The current ordinance also does not establish a clear application and approval process for new or altered private roads, and does not identify what administrative official or body would be responsible for enforcement of the ordinance. Finally, the ordinance also does not address how private road names are determined, provide for any approval process for naming or renaming a private road, or require any continuity between new road names and the arrangement and naming pattern for existing roads.

The proposed Ordinance would establish a Private Road Permit approval process for new roads or alterations to existing roads similar to the final site plan review process in the Zoning Ordinance. The proposed ordinance also includes updated standards for smaller private roads serving up to eight (8) lots, while requiring larger private roads to conform to county Road Commission standards for local streets. The proposed ordinance also includes basic requirements for maintenance of all private roads and shared driveways (see Section 4.0) that are intended to ensure that emergency

vehicles can safely access any private road.

The updated administrative and enforcement provisions of the proposed ordinance are consistent with similar provisions in other Township ordinances adopted in recent years, and include standards for performance guarantees, inspections, and penalties for violations. Also included in the proposed ordinance are standards and an approval process for road names, along with provisions for renaming or addressing of an existing private road under specific conditions (see Section 5.0).

An initial draft of the ordinance was reviewed by the Township Attorney and the Township's Public Services Director, and all recommended changes have been incorporated into the draft ordinance document dated March 11, 2024. These changes include:

- Clarification of provisions for renaming of a private road to establish a process for Township action to rename a private road or to seek a re-addressing of existing lots along a private road if determined necessary to address a public safety deficiency.
- Clarification of provisions for special assessments to make clear that the owners of land served by the private road are responsible for arranging for and completing all necessary construction, maintenance, improvement, or alteration of the road that may be performed with funds collected through a special assessment district.
- Revisions to defined terms to ensure consistency with other Township ordinances.

Objectives

To review the proposed new Private Road Ordinance, and to make any recommendations to the Board of Trustees for final action.

Please note that, as this is a general regulatory ordinance and not an amendment to the Zoning Ordinance, a Planning Commission public hearing is not required. Under the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL 42.34), the Board of Trustees is required to hold two readings of the proposed ordinance with publication of a notice in The Morning Sun newspaper prior to the second reading.

If adopted by the Board of Trustees after a Second Reading, the new ordinance would take effect on the day immediately following publication of the required notice of adoption.

Key Findings

- Adoption of the proposed Ordinance is necessary to resolve limitations that have effected administration and enforcement of the current Ord. No. 2000-09, and to resolve a regulatory conflict between Ord. No. 2000-09 and the Zoning Ordinance No. 20-06, as amended as related to regulation of shared driveways.
- To protect public health, safety, and welfare, the proposed ordinance establishes minimum maintenance standards for existing private roads. The proposed ordinance also establishes standards for road names, and provisions for review and approval of Private Road Permits.

BOARD OF TRUSTEES GOALS ADDRESSED

Board of Trustees goals addressed by this Ordinance (From Policy 1.0: Global End):

- 1. Community well-being and common good**
- 3. Safety and Health**
- 4. Natural environment**

Adoption of the proposed Ordinance would help facilitate the effective use of resources (1.0). Consistency in provisions for ordinance administration and enforcement will help to ensure fair and nondiscriminatory code enforcement (1.1.1.2). Proposed design and maintenance requirements for new and existing private roads will help to provide safe and accessible routes for pedestrians, bicyclist, and motorized vehicles (1.3.1), and will help protect the natural resources of the Township (1.4).

Recommendations

For this item, the Planning Commission serves as an informal recommending body to the Board of Trustees, which has final authority under the Charter Township Act to consider and to adopt general regulatory ordinances. The Planning Commission may recommend adoption of the proposed ordinance as presented or may recommend additional changes prior to adoption. The Commission may also recommend that the proposed ordinance be rejected or may postpone action until a future meeting.

Following review and deliberation, I recommend that the Planning Commission consider taking action by **motion to recommend to the Board of Trustees that the proposed Private Road Ordinance with a draft date of March 11, 2024 be adopted as presented** or be adopted with the following additional changes: _____

_____.

Please contact me at (989) 772-4600 ext. 232, or via email at rnanney@uniontownshipmi.com, with any questions about this information.

Respectfully submitted,

Rodney C. Nanney, AICP

Community and Economic Development Director

**CHARTER TOWNSHIP OF UNION
ISABELLA COUNTY, MICHIGAN**

PRIVATE ROAD ORDINANCE NO. _____

An ordinance adopted under the provisions of the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL 42.34) to regulate the construction, maintenance, and use of private roads within the Township; to establish minimum maintenance standards for existing private roads and shared driveways; to provide for the administration and enforcement thereof, and for the establishment of fees, escrow deposits, and performance guarantees to defray the administrative and enforcement costs incident thereto, and to ensure that all required improvements are completed in accordance with approved plans; to ensure that residences and buildings within the Township may be accessible to police and fire protection, ambulance service, and other public services; and for other purposes.

CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1.0 Title.

This ordinance shall be known and cited as the Private Road Ordinance and herein as “this Ordinance.”

Section 2.0 Purpose and Intent.

Unobstructed, safe, and continuous access to lots is necessary to promote and protect the health, safety, and welfare of the public through police and fire protection, and ambulance service. Such access is necessary to ensure that such services can safely and quickly enter and exit private property at all times. Access to the interior of certain sections within the Township should meet minimum standards and specifications to permit the subsequent upgrading and dedication of such access rights of way to the Road Commission or other road agency with jurisdiction when public dedication is desirable or required.

Section 3.0 Scope.

Every lot in the Township that is improved with a building shall abut a road dedicated to the public or a private road which meets the requirements of this Ordinance and provides access for ingress and egress for all vehicular traffic. No person shall construct, alter, or extend a private road without compliance with this Ordinance. This Ordinance shall also apply to all existing private roads and shared driveways.

The procedures, standards, and specifications of this Ordinance are determined to be the minimum necessary to meet the purpose and intent of this Ordinance.

Prior to the creation of any new private road, extension of an existing road as a private road, or creation of new lot(s) or any increase in the number of lots or number of dwellings to be served for ingress and egress purposes by an existing private road, shared driveway, or shared access easement lawfully established prior to the effective date of this Ordinance, approval of a new Private Road Permit and completion of associated improvements shall be required pursuant to this Ordinance.

Section 4.0 Requirements for Existing Private Roads and Shared Driveways.

Existing shared driveways and existing private roads without a recorded maintenance agreement or that were developed prior to the establishment of this Ordinance shall be maintained by the owners of land abutting to or accessing the private road in accordance with the following minimum requirements:

1. Existing private roads without a recorded maintenance agreement or developed prior to the establishment of this Ordinance shall be maintained by the owners of land abutting to or accessing the private road in accordance with approved development plans and in a manner that ensures that the road remains passable by automobiles and emergency vehicles. Where no approved development plan exists, at a minimum such maintenance shall include proper and adequate drainage, a minimum 15.0-foot-high clear vertical zone over the roadway, and a minimum gravel roadway surface width of 20.0 feet. Existing conditions that exceed these minimum requirements shall not be reduced.
2. Existing shared driveways shall be maintained by the owners of land abutting to or accessing the shared driveway in a manner that ensures that the shared driveway remains passable by automobiles and emergency vehicles. At a minimum such maintenance shall include proper and adequate drainage, a minimum 15.0-foot-high clear vertical zone over the driveway, and a minimum gravel roadway surface width of 12.0 feet. Existing conditions that exceed these minimum requirements shall not be reduced.
3. Any existing private road or shared driveway found by the Fire Department or Township to be in violation of these minimum standards or in a condition that would impair emergency vehicle access shall be in violation of this Ordinance. All owners of land abutting to or accessing a private road or shared driveway shall be jointly and severally responsible for maintenance and for any violations of this Ordinance.

Section 5.0 Road Names.

The following minimum requirements shall apply to the naming of any new private road or re-naming of an existing private road:

1. Roads shall have names and not simply numbers or letters.
2. No road should change direction by more than 90 degrees without a name change.
3. A road name that is determined by the Planning Commission or County Road Commission to be duplicative, confusing, inappropriate, a public safety concern, or easily mistaken with an existing road or street in Isabella County shall be prohibited.
4. The landowner and applicant shall be jointly and severally responsible for comparing a proposed road name against the master listing of road names maintained by the County Road Commission.
5. The applicant shall be responsible for securing written documentation that the County Road Commission has no objection to the proposed road name.
6. Changing the name or addressing of an existing private road is discouraged due to the potential to adversely impact landowners, visitors, emergency response personnel, and other agencies with jurisdiction. Private road names or addressing changes shall conform to the following:
 - a. The Township may initiate a private road name or addressing change upon determination that the existing name or addressing scheme is deficient from a public safety perspective, or if the Township receives notice from the Mt. Pleasant Fire Department or the Isabella County Sheriff's Office or Emergency Management Department of a public safety deficiency related to the existing road name or addressing. A Township-initiated road name or addressing change shall be subject to Planning Commission review and action, following a public hearing. Notice of the public hearing shall conform to the following requirements:

- (1) Notice shall be posted at the Township Hall, published in a newspaper of general circulation, and sent to all persons to whom real property is assessed that abut the private road not less than thirty (30) days before the date the application will be considered for approval. If the name of the occupant is not known, the term “occupant” may be used in making notification. Notice shall be deemed to be sent by its deposit in the United States mail.
 - (2) The Township shall prepare and retain a list of property owners and occupants to whom notice was mailed or delivered.
 - (3) The notice shall describe the nature of the request; indicate the lots affected by the request, include a listing of existing street addresses; and state when and where the public hearing will occur and where written comments may be submitted concerning the request.
- b. An application for a private road name change by a private party shall follow the same procedures and application information requirements as for a new private road, except that it shall also be required to be accompanied by signed and notarized letters of support from all owners of record for land abutting and accessing the private road. Failure to provide all required documentation shall be grounds for rejection of any name change.

Section 6.0 Maintenance Agreement.

For any new private road subject to the requirements of this Section, or the new extension portion of an existing road, there shall be a recorded private maintenance agreement or restrictive covenant agreement that runs with the land and ensures that the road will be regularly maintained in accordance with the requirements of this Ordinance, an approved Private Road Permit and associated development plans, and any conditions of approval.

1. All owners of land abutting the new private road or new extension portion of an existing road shall be signatory parties to the agreement, which shall be a continuing obligation on the land and any future landowners.
2. At a minimum, the agreement shall specify who will be responsible for road maintenance and improvements, reference the applicable standards, approved plans, and any conditions of private road approval, and describe how the funds for such work will be collected and administered.
3. Owners of land abutting a new private road or an extension portion of an existing road shall agree to indemnify and hold harmless the Township and its representatives from any and all claims for personal injury and property damage arising out of the use of the private road.
4. A disclosure statement shall be placed in the agreement informing the purchaser that the road abutting or servicing the parcel is private and is not required to be maintained by any government agency.

Section 7.0 Special Assessment District.

The owner(s) of land served by a private road subject to the requirements of this Ordinance may file petition(s) with the Township in accordance with established procedures and requirements to request establishment of a special assessment district for maintenance of the private road in accordance with applicable state statutes. This may be done concurrently with an application for Private Road Permit approval under this Ordinance and shall be further subject to the following:

Draft Date: March 11, 2024

1. The owner(s) of land served by the private road shall be responsible for arranging for and completing all necessary construction, maintenance, improvement, or alteration of the road that may be performed with funds collected through a special assessment district.
2. The Township and any state or county road authority with jurisdiction are not responsible for damages resulting from the construction, maintenance, improvement, or alteration of private roads that may be performed with special assessment district funds.
3. The Township is not responsible for construction, maintenance, improvement, or alteration of private roads that may be performed with special assessment district funds.

Section 8.0 Optional Pre-Application Meeting(s).

An applicant may request a pre-application meeting with Township staff or the Planning Commission for the purpose of discussing conceptual plans, submittal requirements, review procedures, and approval standards. Any required fee for this meeting shall be paid to the Township at the time of the meeting. Conceptual plan comments shall be advisory only.

Section 9.0 Required Application Information.

At a minimum, the application for a Private Road Permit shall include the following:

1. Name, address, telephone number, and email address for the applicant and owners of record, along with proof of ownership.
2. The applicant's interest in the property, and if the applicant is not the owner of record, a signed authorization of the owner(s) for the application.
3. Survey drawings and development plans prepared and sealed by a land surveyor or civil engineer registered in the State of Michigan and drawn to a standard engineer's scale of 1:10, 1:20, 1:30, 1:40, 1:50, or 1:100 as appropriate for the scope of the project and legibility at the submitted sheet size, which shall include the following details:
 - a. Legal description(s), address(es), and tax parcel number(s), legal descriptions of the private road right-of-way and of each lot to be served by the road, and the names and addresses of all persons or parties owning an interest in the title to the lots and right-of-way area.
 - b. A detailed description of the scope and extent of the project.
 - c. Outline of existing and proposed road rights-of-way, and dimensions and bearings thereof.
 - d. Existing and proposed topographic contours at two (2) foot intervals.
 - e. Locations, layout, dimensions, and gross and net land area for existing and proposed lots.
 - f. Soil characteristics and wet areas; trees; streams and all bodies of water.
 - g. Location of existing drainage patterns, drain tiles, pipelines, culverts, and utilities, with notes regarding their preservation or alteration.
 - h. Details of existing natural features on the site, including water courses, regulated wetlands, floodplains, woodlands, and any additional features uniquely affecting the site; with indications of features to be preserved, removed, or altered; and with mitigation measures as required per state law or Township ordinances.

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- i. Location and outline of existing buildings and driveways.
 - j. A standard cross-section detail of the proposed private road.
 - k. Plan and profile drawings and of the proposed improvements clearly showing materials, grades, dimensions, and cut and fill areas.
 - l. For alteration or extension of an existing private road, also include the location, extent, and dimensions of the existing road right-of-way and driving surface, drainage improvements, and a cross-section detail of the existing road.
4. A complete statement of all existing and proposed private road terms and conditions, including but not limited to copies of all agreements or intended agreements regarding responsibilities and funding for future maintenance and improvements of the right of way and roadway.
 5. The proposed road name, along with documentation from the County Road Commission that it has no objection to the proposed name.
 6. Special assessment district information, if proposed.
 7. For lots and dwellings located outside of the service area for publicly-owned and operated water supply and sanitary sewerage systems, documentation shall be provided from the Central Michigan District Health Department that all lots and dwellings can be adequately served by individual private well and septic systems.
 8. Other information as requested by the Planning Commission to verify compliance with the requirements of this Ordinance and other applicable Township ordinances or state statutes.

Section 10.0 Private Road Permit Review Procedures.

Applications for Private Road Permit approval shall be subject to Planning Commission review and approval in accordance with the following procedures:

1. **Applicant eligibility.** The application shall be submitted by the owner of an interest in the land for which the Private Road Permit approval is sought, or by the owner's designated agent. If the applicant is not the owner of the property, the applicant shall submit a notarized statement signed by the owner(s) consenting to the application.
2. **Application filing and eligibility.** Application shall be made by filing with the Township at least eight (8) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application, along with the required review fee and escrow deposit. Applications submitted without the required fee or escrow deposit, or found by the Township Engineer, Township Planner, or Planning Commission to be incomplete or inaccurate shall be returned to the applicant without further consideration.
3. **Coordination of development review.** Where an application under this Ordinance is associated with an application for subdivision plat approval, condominium subdivision plan approval or site plan approval under another Township ordinance, the reviews may take place concurrently provided that all applicable Township ordinance procedures and requirements are fully satisfied.
4. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to the Township Engineer, Township Planner, and Zoning Administrator for review and comment. The Planning Commission may also request comments from the Township Attorney, other Township consultants, or outside agencies with jurisdiction.

5. **Planning Commission consideration and action.** Subsequent to the technical review, the Planning Commission shall review the application and plans, together with any reports and recommendations. The Planning Commission is authorized to approve, approve subject to conditions, postpone action on, or deny the Private Road Permit as follows:
 - a. **Approval.** The Private Road Permit shall be approved by the Planning Commission upon determination that the application is administratively complete, that all necessary information has been provided, and that the application satisfies all applicable Township ordinance requirements necessary for Permit approval.
 - b. **Approval subject to conditions.** The Planning Commission may approve a Private Road Permit subject to reasonable conditions as it deems necessary to ensure the standards of this Ordinance and other applicable Township ordinances are satisfied.
 - c. **Postponement.** Upon determination by the Planning Commission that a Private Road Permit application is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - d. **Denial.** Upon determination that a Private Road Permit application is not in compliance with the requirements or standards of this Ordinance or would require extensive modifications to comply with these standards, the Private Road Permit shall be denied. If a Private Road Permit is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the Private Road Permit.
6. **Recording of Planning Commission action.** Planning Commission action on the Private Road Permit shall be recorded in the Planning Commission meeting minutes, including the name, description, and location of the project; the findings of fact and conclusions or grounds for the Planning Commission's action; and any conditions of approval.
7. **Reapplication.** Whenever the Planning Commission has rejected an application, the Township shall not accept a new application for a Private Road Permit on the same premises for a period of 365 calendar days unless the Township Planner first determines that there is a substantial change in circumstances relevant to the issues or facts considered during review of the rejected application; new or additional information is available that was not available at the time of the review; or the new application is materially different from the prior application.
8. **False statements.** Statements in an application or supporting documentation that are based on deceit or falsity shall render any such application void. Any permits issued on the basis of such false statements shall be revoked.

Section 11.0 Expiration and Extension.

An approved Private Road Permit under this Ordinance shall expire and be of no effect unless:

1. Within 545 calendar days following the date of approval, construction has begun in accordance with the approved Permit; and
2. Within 910 calendar days following the date of approval, all required improvements have been completed in full conformance with the approved Permit and any conditions of approval.

3. The Planning Commission may, at its discretion and upon written request and showing of good cause by the applicant, grant an extension of Permit approval for up to an additional 365 calendar days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved Permit plans remain in conformance with applicable provisions of this Ordinance.

Section 12.0 Outside Agency Permits and Approvals.

The applicant or landowner shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, including but not limited to the Fire Department, state or county road authority with jurisdiction, Isabella County Transportation Commission, Isabella County Soil Erosion and Sedimentation Control, Township Engineer for Stormwater Management Permit approval, and Township Public Services Department for water and sewer utility approval where applicable. The applicant or landowner shall be responsible for submitting copies of all required outside agency permits and approvals to the Township Planner prior to the start of construction.

The Township Planner shall have authority to accept incidental Private Road Permit plan changes to conform to outside agency requirements or determined necessary during construction due to unanticipated site constraints. Changes determined by the Township Planner to be more than incidental shall be subject to Planning Commission review and approval of an amended Private Road Permit following the same procedure and requirements as applied to the original application.

Section 13.0 Recording of Rights-of-Way and Maintenance Agreements.

The property owner or developer shall record all private road rights-of-way and maintenance agreements with the County Register of Deeds, and shall furnish paper and digital copies (in a format compatible with Township systems) of the recorded documents to the Township Planner prior to the issuance of the certificate of completion per Section 15.0 (Inspections).

Section 14.0 Private Road Standards and Specifications.

The following standards and specifications shall apply to private roads in the Township:

1. **Minimum specifications by type of private road.**

Specifications	Minimum Specifications for Private Roads		
	Serving up to Eight (8) Lots	Serving Nine (9) or More Lots	
Minimum road right-of-way width	66.0 feet	The private road shall fully conform to the Isabella County Road Commission's residential road standards	
Minimum sub-base	6.0 inches in depth of compacted sand spread to a sufficient width to extend to the front slope of the roadside ditch		
Minimum base for gravel surface	Crushed limestone or processed road gravel (MDOT 22A or 21AA or equal as accepted by the Township Engineer):		
	6.0 inches in depth in two (2) equal courses, each compacted to 24.0 feet wide		
Minimum base for paved surface	Same materials as for a gravel surface: 8.0 inches in depth in two (2) equal courses, each compacted to 24.0 feet wide		
Roadway pavement	Not required. If proposed, then 3.0 inches in depth in two (2) equal lifts of bituminous aggregate MDOT 1100 or E mixes-20AA at least 20.0 feet wide		
Minimum turnaround area and the terminus of the private road	75.0-foot radius right-of-way with a 55.0-foot outside radius roadway surface		
Roadside ditches:	Ditches shall be of width, depth, and grades to provide for adequate and positive drainage, subject to the following standards:		
Minimum grade	0.5%		
0.5% to 4.0% grade	sod or otherwise stabilize		
4.1% and steeper grade	rip-rap		
Front and back slopes	1 on 4 or flatter		
Roadway Grade	Minimum		0.5%
	Maximum		6.0%
Minimum Roadway curves	Horizontal		230.0-foot centerline radius
	Vertical	100.0 foot long for changes in gradient of 2% or more	

2. **Additional specifications for all private roads.** The following additional specifications shall apply to all private roads:
 - a. The roadway surface and turnaround area shall be centered in the right-of-way.
 - b. Underground crossroad drainage shall be provided where the right-of-way crosses a stream or other drainage course, subject to Township Engineer acceptance.
 - c. The right-of-way and roadway shall be adequately drained so as to prevent flooding or erosion of the roadway. Where required, ditches shall be located within the right-of-way. Roadway drainage shall be constructed so that the runoff water shall be conveyed to existing watercourses or water bodies. The discharged water shall not be cast upon the land of another property owner unless the water is following an established watercourse. Connection to county drains shall be approved by the Isabella County Drain Commissioner's Office. Connection to public road ditches shall be approved by the state or county road authority with jurisdiction.
 - d. The private road's name assignment and installation and maintenance of road signs shall conform to the Michigan Manual of Uniform Traffic Control Devices and the standards and assignment procedures of the state or county road authority with jurisdiction.
 - e. The right-of-way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
3. **Additional specifications for private roads serving nine (9) or more lots.** To establish an integrated road network in the Township, the following additional specifications shall apply to all new private roads and extensions of existing private roads serving nine (9) or more lots:
 - a. They shall be connected to adjacent public and private roads, and stub road ends and road rights-of-way shall be provided to the lot boundaries of adjacent land at suitable locations for future road connections, subject to Planning Commission approval. Road ends shall be marked and barricaded per County Road Commission standards for local public streets, with details shown on the Private Road Permit plan.
 - b. They shall provide for at least two (2) means of vehicular ingress and egress to each lot served by the private road. This requirement can be satisfied through a boulevard-style divided roadway connection to the public road, subject to approval from the state or county road authority with jurisdiction and acceptance of the design and proposed boulevard length by the Fire Department and Planning Commission.

Section 15.0 Inspections.

All required improvements shall be inspected by the Township Engineer at various stages of construction. The Township Engineer shall make a final inspection upon completion of construction and shall report the results of the final inspection to the Township Planner in writing. The applicant's engineer shall certify to the Township Engineer before the final inspection that the required improvements were made in accordance with this Ordinance and all approved plans and conditions of Permit approval. A letter of completion by the Township Engineer shall be delivered to the Township Planner and applicant upon satisfactory completion of the work and receipt of all required documentation per Section 13.0 (Recording of Rights-of-Way and Maintenance Agreements).

The costs of inspection, including compensation for the Township Engineer, shall be paid from an inspection escrow deposit submitted by the applicant prior to the start of construction. The Township and the applicant will be notified upon expenditure of seventy-five percent (75%) of the escrow deposit.

If additional funds are necessary to complete the required activities, the Township Engineer will provide the Township and the applicant with an estimate of the amount. If additional funds are required, those funds shall be paid prior to issuance of the letter of completion.

Section 16.0 Building Permits.

Except as follows, a building permit shall not be issued for any building on a lot subject to the provisions of this Ordinance unless a letter of completion for the private road shall have been received by the Township Planner, as provided for in Section 15.0 (Inspections) of this Ordinance. A building permit may be issued prior to the issuance of a certificate of completion upon recommendation by the Township Engineer and upon deposit with the Township of a performance guarantee in an amount sufficient to guarantee completion of the remaining required improvements pursuant to a Private Road Permit and associated development plan approved in accordance with the requirements of this Ordinance.

Section 17.0 Fees and Escrow Deposits.

The Township Board shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. The Township may also require an applicant to deposit funds in escrow with the Township to defray anticipated variable costs and expenses incurred by the Township for application reviews and inspections. No action shall be taken on any application or appeal until all applicable fees and escrow deposits have been accepted by the Township. Escrow deposit funds shall be managed by the Township consistent with the following:

1. The funds will not be deposited in an interest-bearing account.
2. The escrow deposit shall be held in the applicant's name and shall be used solely to defray applicable variable costs and expenses.
3. Upon request by the applicant, the Township shall provide copies of any written reports and statements of variable costs and expenses.
4. The Township shall provide a written request to the applicant for an additional escrow deposit if at any time the sum on deposit appears insufficient to cover anticipated costs and expenses.
5. The applicant shall promptly deposit additional funds in accordance with the written request from the Township. If additional funds are not promptly deposited, the Township may issue a stop work order, postpone action on the application, or cease to process the project.
6. Sums remaining after final action on the application and inspections, and after all of the Township's variable costs and expenses have been deducted, shall be returned to the applicant.

Section 18.0 Performance Guarantees.

To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission or Township Planner may require that a performance guarantee be deposited with the Township to insure faithful completion of required improvements consistent with an approved Private Road Permit plan. The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of an insurance bond, an irrevocable bank letter of credit, or cash escrow. The performance guarantee shall not have an expiration date and shall include a provision that calls for notification of the Township at least ninety (90) calendar days prior to any cancelation. If the applicant posts a letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township

Manager attesting to the Township's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the Township whenever the Township Manager presents an affidavit to the agent attesting to the Township's right to receive funds, whether or not the applicant protests that right.

2. The performance guarantee shall be submitted at the time of issuance of the Private Road Permit or prior to the start of construction, except in cases where the guarantee is intended to insure completion of limited number of remaining details by a specific deadline date that the Township Planner has determined to not impede allowing the road to open for use prior to full completion of construction. If appropriate based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant may provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Township Planner.
4. The performance guarantee shall not be returned to the applicant unless a letter of completion for the private road shall have been received by the Township Planner, as provided for in Section 15.0 (Inspections.) of this Ordinance.

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance guarantee. Prior to completing said improvements, the Township shall notify the owner and applicant responsible for completion of the required improvements.

Section 19.0 Violations and Penalties.

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the construction, alteration, or extension of a private road to verify that such work is not in violation of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

1. **Violations.** Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance or any approved Private Road Permit plan or conditions of approval, or who impedes or interferes with the enforcement of this Ordinance by a Township ordinance enforcement official, shall be deemed to be in violation of this Ordinance subject to issuance of a municipal civil infraction and other measures allowed by law. The imposition of any fine or other penalty shall not exempt the violator from compliance with this Ordinance.
2. **Correction periods and stop work orders.** All violations shall be corrected within thirty (30) days following the receipt of an order to correct from a Township ordinance enforcement official. The ordinance enforcement official may do one or more of the following:
 - a. Grant an extension of up to 180 days upon determining that the additional time is necessary for correction.

- b. Require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.
 - c. Issue a stop work order to halt all construction activities or usage pending the resolution of the alleged violation.
3. **Penalties and remedies.** The violator shall be subject to any or all of the following penalties and remedies:
- a. **Civil infraction notice.** Civil infraction notices shall be administered and fines imposed per the Township’s Municipal Ordinance Violations Bureau Ordinance. The violator shall be responsible for a municipal civil infraction for which the Township shall impose a fine per the established Township fee schedule for each violation.
 - b. **Civil infraction citation.** Civil infraction citations shall be administered and fines imposed per the Township’s Municipal Ordinance Violations Bureau Ordinance. The violator shall be responsible for a municipal civil infraction for which the court may impose a civil fine of not less than \$100.00 nor no more than \$10,000.00 per day of violation plus all costs, direct or indirect, which the Township has incurred in connection with the violation, including the Township’s attorney fees.
 - c. **Injunctive relief.** The Township may commence civil suit seeking injunction, specific performance, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. In the event the Township commences civil suit pursuant to this Section and it is determined that a violation has occurred, in addition to any other remedies to which the Township shall be entitled, it shall also be entitled to recover from the violator its actual attorney fees and costs incurred in enforcing provisions of this Ordinance. A petition for injunctive relief shall in no way relieve the violator of any and all criminal or civil liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the violator.
4. **Public nuisance per se.** Any construction, expansion, alteration, or maintenance of or site preparation for a private road in violation of this Ordinance is hereby declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.
5. **Rights and remedies preserved.** Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this Ordinance.

Section 20.0 Definitions.

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

Building. Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property or materials of any kind. A building shall not include such structures as signs, fences, or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers, or similar structures.

Building Permit. A document issued by the authorized agent for the Township in accordance with the State Construction Code adopted and enforced by the Township, which authorizes the holder to construct, enlarge, or alter a building on a particular lot.

Driveway. A private lane, designed primarily for use by vehicles, which connects a house, garage, or other buildings with the road.

Enforcement Official. The person or persons designated by the Township as being responsible for enforcing and administering requirements of this Ordinance.

Fixed Costs and Expenses. Monetary charges incurred by the Township that are generally shared by all functions performed under the authority of this Ordinance, including costs for telephone, copy services, supplies, equipment, utilities, per diem-hourly-salary expenses, and facility construction, maintenance and repair.

Fire Department. The Mt. Pleasant Fire Department.

Lot. A tract of land that (1) is of sufficient land area to satisfy the requirements of this Ordinance for maximum lot coverage and minimum lot area; (2) is of sufficient land area to provide the minimum buildable area, yard setbacks, and any other open space as required by this Ordinance for a principal building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, as allowed in the zoning district; and (3) has direct frontage on and access to a public or private road right-of-way. A condominium unit established under the Condominium Act, parcel created under the Land Division Act, and any other lot of record shall be a "lot" for purposes of this Ordinance only if the physical characteristics of the unit, parcel or lot of record include all three elements of this definition.

Pavement or Hard Surface. Plant-mixed bituminous material, concrete, or similar durable materials approved by the Township.

Performance Guarantee. A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications.

Planning Commission. The Planning Commission for the Charter Township of Union, Isabella County, Michigan, as established under the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.

Private Road. Any road or street that is privately maintained and has not been accepted for maintenance by the Isabella County Road Commission, the State of Michigan or the federal government, but is subject to approval by the Township.

Private Road Permit. A right of way authorization issued pursuant to this Ordinance for construction, alteration, or extension of a private road.

Road or Street. Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether designated as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation.

Road Commission. The Isabella County Road Commission.

Shared Driveway or Easement, Existing. A private way, lawfully established, which affords principal means of access to more than one lot or dwelling, but that was not approved as a private road under Township ordinances.

Township. Charter Township of Union, Isabella County, Michigan.

Township Board. The Supervisor, Clerk, Treasurer, and Trustees of the Charter Township of Union, Isabella County, Michigan.

Township Engineer. The person(s) or firm designated by the Township to advise on drainage, grading, paving, stormwater management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or Township employee.

Township Planner. The Director of the Township’s Community and Economic Development Department or the Director’s designee with responsibility to advise the Township administration, Township Board, Planning Commission, and Zoning Board of Appeals on planning, zoning, land use, housing and other related planning and development issues.

Variable Costs and Expenses. Monetary charges incurred by the Township that do not meet the definition of fixed costs and expenses, including items which vary depending upon the scope of the project, such as advisory services from the Township Engineer, Township Attorney, or other Township consultants, attorney fees, inspection costs, recording fees, and testing or laboratory costs.

Zoning Administrator. The Director of the Township’s Community and Economic Development Department and any person, persons or firm as delegated by the Director to have responsibility for administration and/or enforcement of the provisions of this Ordinance.

Section 21.0 Severability.

All sections, terms, provisions or clauses of this Ordinance shall be deemed independent and severable. Should a court of competent jurisdiction hold any section, term, provision or clause void or invalid, all remaining sections, terms, provisions and clauses not held void or invalid shall continue in full force and effect.

Section 22.0 Repeal.

All Ordinances or parts of Ordinances in conflict with this Ordinance, including Private Road Ordinance No. 2000-09, are hereby repealed, except that this Ordinance shall not be construed to repeal any provision of the Township’s Zoning Ordinance.

Section 23.0 Publication.

The Clerk for the Township shall cause this Ordinance to be published in the manner required by law.

Section 24.0 Effective Date.

This Ordinance was adopted by the Township Board on _____, 2024, after a first reading by the Township Board of Trustees on _____, 2024, and publication after such first reading as required by Public Act 359 of 1947, as amended. This Ordinance shall become effective immediately upon publication of a summary of the ordinance and notice of adoption in a newspaper of general circulation in the Township.

210.000 PRIVATE ROADS
Ord. No. 2000-09
Adopted: December 18, 2000

An ordinance to regulate the construction of private roads within the Charter Township of Union.

The Charter Township of Union, Isabella County, Michigan, Hereby Ordains:

210.001 Title, intent and purpose.

Sec. I. This ordinance shall be known and cited as the "Union Township Private Road Ordinance". The intent of this ordinance is to provide and manage access to land development, while preserving the regional flow of traffic in terms of safety, capacity, and speed. If access systems are not properly designed, these thoroughfares will be unable to accommodate the access needs of development and retain their primary transportation function. This ordinance balances the right of reasonable access to private property, with the right of the citizens of the Charter Township of Union and the State of Michigan to safe and efficient travel. Regulations have been applied to private roads for the purpose of reducing traffic accidents, personal injury, and property damage attributable to poorly designed access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, establish emergency vehicle access and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

210.002 Private roads.

Sec. II.

1. Private driveways designed to serve one or two lots which may not be served by a driveway from a public road are exempt from these regulations. Such lots typically do not have frontage on a public road and are served by easements or by "flag" lots.
2. Private roads may be permitted in accordance with the requirements of this Section and the following general standards shall apply:
 - a) All private roads in the township shall be constructed to Isabella County Road Commission (I.C.R.C.) specifications as revised and contained in "Standards and Specifications for Plat Development/Site Condominium Development and Street Construction" and have an easement of a minimum of 66 feet in width.
 - b) Private roads that are generally accessible to the public shall have all traffic control features, such as striping or markers, in conformance with the Manual of Uniform Traffic Control Devices.
 - c) The minimum distance between private road outlets on a single side of a public road shall be 660 feet, or less where provided by access classification and standards for state roads and local thoroughfares.
 - d) All properties served by the private road shall provide adequate access for emergency vehicles and shall conform to the approved local street numbering system.

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- e) All private roads shall be designated as such and will be required to have adequate signage indicating the road is a private road and not publicly maintained.
 - f) All private roads shall have a posted speed limit not to exceed 20 miles an hour.
 - g) All private roads shall have adequate provisions for drainage and stormwater runoff as provided in the above referenced ICRC document.
3. Private roads serving between three and 13 unplatted lots may utilize the I.C.R.C.'s Typical Rural Residential cross section without the bituminous surface. The road commission shall not be compelled to accept roads constructed to this lesser standard.
 4. Roads serving more than 13 lots shall be constructed or upgraded to meet all specifications in the above referenced I.C.R.C. document.
 5. Applications for subdivision and land divisions approvals that include private roads shall include a drainage plan and road construction plan, prepared by a registered engineer. The township appointed engineer shall review private road plans for conformance with this Code.
 6. Construction permits are required for connection to public roads. Application for road construction shall be made concurrent with the creation of a lot that does not have frontage on a public road. A road construction permit shall be issued after approval of the private road plan and the entire length of the road shall be inspected during construction and upon completion. If found in conformance, a final use permit shall be issued.
 7. No building permit shall be issued for any lot served by a private road until the private road has been constructed and approved, so that all lots to be served by the private road have access to a public road. All lots that are in existence at the time of adoption of this ordinance shall be issued building permits, providing all other requirements for a building permit are met.
 8. A road maintenance agreement, drafted by the applicant and approved by the township attorney shall be recorded with the deed of each property to be served by a common private road. The agreement shall provide for:
 - a) A method to initiate and finance a private road and maintain that road in good condition;
 - b) A method of apportioning maintenance costs to current and future users;
 - c) A provision that the township may inspect, and if necessary, require that repairs be made to the private road to ensure that safe access is maintained for emergency vehicles. If required repairs are not made within six months of date of notice, the township may make the necessary repairs and assess owners of parcels on the road for the cost of all improvements plus an administrative fee, not to exceed 25% of total costs;
 - d) A provision that the majority vote of all property owners on the road shall determine how the road is maintained except in the case of emergency repairs as outlined above;
 - e) A statement that no public funds shall be used to construct, repair or maintain the road;
 - f) A provision requiring mandatory upgrading of the roadway if additional parcels are added to reach the specified thresholds; and
 - g) A provision that property owners along that road are prohibited from restricting or in any manner interfering with normal ingress and egress by any other owners or persons needing to access properties with frontage on that road.
 9. No private road shall be incorporated into the public road system unless it is built to public road specifications of the county. The property owners shall be responsible for bringing the road into conformance.

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10. All private roads shall have a sign and name meeting township standards and shall include the following notice: "Private Road" "Not maintained by Public".
 11. An application fee will be established by the Director of Public Works to cover administrative, processing, and inspection costs.
 12. The United States postal service and the local school district are not required to use the private road for access to the parcels abutting the private road and may require that service be provided only at the closest public access point.

210.003 Severability.

Sec. III. The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

210.004 Effective date.

Sec. IV. This Ordinance will take effect immediately after publication.