

SYLVAN TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 19-03
DRIVEWAY ORDINANCE

ADOPTED: September 10, 2019

EFFECTIVE: November 4, 2019

An ordinance to add a new Article VI to Chapter 10 of the Code of Ordinances, Township of Sylvan, Washtenaw County, Michigan to address private driveways, shared private driveways and exclusive access driveways; to provide an effective date; and to repeal all ordinances or parts of ordinances in conflict herewith.

SYLVAN TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
ORDAINS:
SECTION 1
ADDITION OF NEW ARTICLE VI TO CHAPTER 10 OF THE SYLVAN TOWNSHIP
CODE REGARDING DRIVEWAYS

A new Article VI to Chapter 10 of the Code of Ordinances, Township of Sylvan, Washtenaw County, Michigan is hereby added to read as follows:

ARTICLE VI – PRIVATE DRIVEWAYS, SHARED PRIVATE DRIVEWAYS, AND EXCLUSIVE ACCESS DRIVEWAYS.

Sec. 10-481 Intent. The purpose of this Article is to provide regulations and standards that will facilitate safe and practical vehicular access, including provisions addressing the design, construction and maintenance of a private driveway, shared private driveway and exclusive access driveway. The standards contained herein are intended to protect the public health, safety, and welfare, and assure accessibility to property under emergency conditions. The regulations and standards of this Article apply to all residential properties in the Township unless specified otherwise, and shall be applied in addition to the requirements of the Washtenaw County Road Commission and other provisions of the Sylvan Township Code.

Sec. 10-482 Definitions

- 1. *Easement* means a legal document providing the right to make limited use of another person's parcel of land for an Exclusive Access Driveway or Shared Private Driveway.
- 2. *Exclusive Access Driveway* means an Easement at least 66 feet wide used exclusively by one dwelling to give access across another person's parcel of land.
- 3. *Maintenance Agreement* means an agreement executed by the Easement land owners for a Shared Private Driveway.
- 4. *Private Driveway* means privately owned and maintained land which is used for vehicular ingress and egress serving one dwelling unit located entirely on the same parcel of land served by the driveway.
- 5. *Shared Private Driveway* means an easement granted exclusively for private access to no more than three (3) dwellings on separate parcels of land.

Sec. 10-483 General Requirements

- 1. All Private Driveways, Exclusive Access Driveways and Shared Private Driveways shall meet any and all requirements of the Washtenaw County Road Commission and shall provide the required access to a road.
- 2. All Shared Private Driveways and Exclusive Access Driveways shall be a minimum width of 66 feet and shall be a minimum of ten (10) feet in clear unobstructed width, be clear and unobstructed to a minimum height of fifteen (15) feet and have a sand, gravel, stone or paved surface to facilitate emergency access.
- 3. Vehicle turning area required - A turning area shall be provided at the end of a Shared Private Driveway and Exclusive Access Driveway as required by the Chelsea Area Fire Authority following review for adequate emergency vehicle ingress and egress.
- 4. No land division approval requiring a Shared Private Driveway or Exclusive Access Driveway easement shall be granted for any parcel of land until the applicant has complied with this Article and has received approval of the driveway from the Sylvan Township Board.
- 5. No zoning compliance or building permits shall be issued for any parcel of land where a Shared Private Driveway or Exclusive Access Driveway is proposed or

required until the applicant has complied with this Article and has received approval of the driveway from the Sylvan Township Board.

6. The applicant is responsible for obtaining any necessary permits from other governmental agencies prior to issuance of a driveway permit under this Article.
7. Shared Private Driveways, Exclusive Access Driveways and Private Driveways shall be constructed and maintained to allow for access of police and fire emergency equipment to safely enter and exit on a year-round basis.
8. The Easement and Maintenance Agreement as provided for in Sec 10-487 must be approved by the Sylvan Township Board prior to construction.
9. All Shared Private Driveway and Exclusive Access Driveway Easements and Maintenance Agreements shall be recorded at the Washtenaw County Register of Deeds with a certified land survey. A recorded copy shall be provided to the Township Clerk and Township Assessor.
10. The provisions in this Article shall in no way be construed to obligate the Township to perform regular inspections of the driveway or to provide necessary repairs or maintenance.

Sec. 10-484 Exclusive Access Driveway for One Dwelling.

1. An individual parcel of land which is to be improved, or which is improved, with a single dwelling may be served by an Exclusive Access Driveway rather than a road, subject however, to the following standards and specifications:
 - a) The Exclusive Access Driveway for one dwelling to be constructed upon any parcel shall be exclusive, that is, the easement area shall be for the use of no other parcel and no other dwelling than the one dwelling on the parcel.
 - b) The maximum length of an Exclusive Access Driveway shall not exceed 1,000 ft.
 - c) The connection between the Exclusive Access Driveway and a road shall conform to any standards and specifications of the Washtenaw County Road Commission and the applicant shall obtain any required driveway permit issued by said Road Commission prior to the approval of the Exclusive Access Driveway by the Sylvan Township Board.
 - d) No Exclusive Access Driveway shall be posted with a name.
 - e) The Exclusive Access Driveway is established by Easement.

- f) The Exclusive Access Driveway must comply with all other requirements of this Article.

Sec. 10-485 Shared Private Driveways

1. Up to three (3) parcels of land which are to be improved, or which are improved, with a single dwelling each may be serviced by a Shared Private Driveway rather than a road, subject however, to the following standards and specifications:
 - a) The Shared Private Driveway shall service no more than three (3) dwellings on three (3) separate parcels.
 - b) The Shared Private Driveway shall provide adequate drainage.
 - c) A maximum length of a Shared Private Driveway shall not exceed 1,000 ft.
 - d) The connection between the Shared Private Driveway and a road shall conform to any standards and specifications of the Washtenaw County Road Commission and the applicant shall obtain any required driveway permit issued by said Road Commission prior to the approval of the Shared Private Driveway by the Sylvan Township Board.
 - e) No Shared Private Driveway shall be posted with a name.
 - f) The Shared Private Driveway shall be established by Easement along with a required Maintenance Agreement.
 - g) The Shared Private Driveway must comply with all other requirements of this Article.

Sec. 10-486 Application and Review Procedure

1. An Exclusive Access Driveway or Shared Private Driveway is subject to the approval of an application for the same submitted to the Township Clerk. The fees for the application and oversight shall be set by resolution of the Township Board. An application for an Exclusive Access Driveway or Shared Private Driveway shall be available from the Township Clerk and shall be accompanied by the following:
 - a) A plot plan provided on a professional quality drawing and drawn to a scale of not less than one inch equals 100 feet (1" = 100'), sealed by a registered Michigan engineer or surveyor delineating the proposed

alignment of the driveway and the parcel(s) it is to serve; a typical cross-section of the proposed driveway and any portions to address special conditions such as stream crossings and any special on-site environmental conditions such as wetlands, ponds, streams, and other water bodies.

- b) The Township Engineer may require additional data to be submitted, such as proposed grades, where such data is needed to determine the adequacy of the proposed driveway.
 - c) The Easement and Maintenance Agreement required by this Article.
2. The approving body for an application for an Exclusive Access Driveway shall be the Township Board following the receipt of a recommendation from the Township Engineer and Township Attorney. Copies of all relevant application materials shall be forwarded for review and comment to the Township Board, Fire Chief, Township Attorney, Township Engineer, Chelsea Area Fire Authority, and any other Township staff or consultants whose review is desired. Upon a finding that the application materials conform to the requirements and standards of this Article, the Township Board shall approve, or approve with conditions, the application and the issuance of a permit. Decisions by the Township Board shall be made within sixty (60) days of the receipt of the completed application unless, in the opinion of the Township Board, an extension of time is necessary to adequately collect and review information pertinent to a decision.
 3. Expiration of Approval of Permit: A Permit shall be valid for two (2) years from the date of issuance, or such longer period as determined by the Township Board. If the required improvements have not been completed as verified by the Township Engineer, then upon the expiration of the two year period or the approved extended period of time, the Permit shall be void and of no force and effect, and all deposits shall be forfeited to Sylvan Township.

Sec. 10-487 Easement and Maintenance Agreement.

1. The Easement and Maintenance Agreement submitted to the Township Clerk as part of the application for a permit shall be reviewed by the Township Attorney. After making any necessary revisions, the applicant shall record these items with the Washtenaw County Register of Deeds. Proof of this recording shall be submitted to the Township Clerk prior to any construction or improvement of the driveway, including the removal of vegetation and/or soil disturbance.
2. The Easement agreement required for a Shared Private Driveway or Exclusive Access Driveway shall allow for use of the easement for public utilities. Normal ingress and egress shall also be provided for allowing use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the driveway.

3. An Easement shall be signed by all property owners affected by the Easement and shall be binding upon the owner(s) of such land and their heirs, successors, and assigns.
4. The Maintenance Agreement shall include a provision that the owners of any and all of the property using the Shared Private Driveway shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress, egress, public utilities, and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the driveway.
5. The Maintenance Agreement shall specifically address the liability and responsibility of the parties to the Agreement to maintain the Shared Private Driveway according to the specifications of this Article, including, but not limited to, the responsibility of removing snow, repairing and/or grading the driveway and maintaining proper drainage.
6. The Maintenance Agreement shall be signed by all property owners affected by the Agreement; shall specify that the obligation to maintain the easement shall be an obligation running with the land; and shall be binding upon the owner(s) of such land and their heirs, successors, and assigns.
7. The Maintenance Agreement shall provide a method of initiating and financing the Shared Private Driveway in order to keep the driveway up to the specifications of this Article and shall provide a workable method of apportioning the costs of maintenance and improvements to the parcels along the driveway.

Sec. 10-488 Variances

When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Article, such as topographical and other physical characteristics of a parcel, the Township Board shall have the power to vary or modify the application of the provisions of this Article so that the intent and purpose of this Article shall be observed, public safety secured and substantial justice is done. An applicant may apply for a variance from any provision of this Article. A decision on the application shall be made within a reasonable time. The Township Board may attach reasonable conditions in granting any variance from any provision of this Article, and the breach of any conditions or the failure of any applicant to comply with the conditions shall

void the grant of variance. The fees for such variance application shall be set by resolution of the Township Board.

Sec. 10-489 Grandfathered Driveways

All Private Driveways, Shared Private Driveways, and Exclusive Access Driveways existing on the effective date of this Article shall be exempt from the requirements of this Article.

Sec. 10-490 Violations

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Article shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1st offense within 3-year period*	\$500.00	\$500.00
2nd offense within 3-year period*	500.00	1000.00
3rd offense within 3-year period*	1000.00	2000.00
4th or more offense within 3-year period*	2000.00	2000.00
*Determined on the basis of the date of commission of the offense(s).		

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Sylvan Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Article. Each day that a violation exists shall constitute a separate offense.

SECTION 2
EFFECTIVE DATE AND REPEAL

This Ordinance shall take effect on the 45th day following publication, after adoption by the Township Board. All ordinances or parts of ordinances in conflict herewith are repealed.

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