

**Lima Township
Multiple Residence Driveways (Shared Driveways) Ordinance
Lima Township Ordinance No. #21**

THE TOWNSHIP OF LIMA HEREBY ORDAINS:

An Ordinance under the provisions of Public Act 246 of 1945 as amended, to regulate the construction, maintenance and use of Multiple Residence Driveways within Lima Township, the use thereof by traffic, the parking of vehicles thereon, the administration and enforcement thereof, fees to defray the administrative and enforcement costs incident thereto, and to ensure that residences and buildings within the Township of Lima may be accessible to police and fire protection, ambulance and for other purposes, as follows:

A. Intent.

Lima Township hereby finds that 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 insure that such services can safely and quickly enter and exit private property at all times. A 'Multiple Residential Driveway' access within Lima Township shall meet minimum standards and specifications to permit the subsequent upgrading and dedication of such access rights-of-way to the Washtenaw County Road Commission, when public dedication is desirable or required, and to minimize the number of driveway cuts and help maintain rural character. The procedures, standards and specifications hereinafter set forth are determined to be the minimum procedures, standards and specifications necessary to meet the intention of this Ordinance. This ordinance will be effective in the AG-1 and AG-2 Zoning Districts.

B. Definitions and Use Criteria.

1. **Multiple Residence Driveways (MRD)** - A Multiple Residence Driveway, herein defined, will be used for purposes of access to parcels created for single-family dwellings based upon the following conditions:
 - a) Such multiple residential driveways shall not serve more than two (2) residential parcels.
 - b) Any parcel having access onto the MRD shall meet all regulations and standards regarding yard and setback requirements according to the zoning district in which it is located.
 - c) All parcels receiving access from a MRD shall have their individual addresses posted on each property and also posted together at the entrance of the MRD where it intersects with the public or private road.
 - d) Such MRD shall have a recorded easement of at least sixty-six (66) feet in width. A complete statement shall be submitted of all the terms and conditions of the proposed easement including copies of all agreements or intended agreements regarding the maintenance and improvements of the easement and driveway.

C. General Access and Permit Requirements.

1. Every lot, unit or parcel in Lima Township that is improved with a building shall:
 - a) Abut a public road, private road, or multiple residence driveway (MRD) which meets the requirements of this Ordinance.
 - b) Have access for ingress and egress for all vehicular traffic including fire, police, and ambulance services and vehicles by means of such public road, private road, residential private driveway, or multiple residence driveway.
2. Two (2) parcels, lots or units served formerly by a private driveway shall not be improved with a building or addition subsequent to the date of adoption of this Ordinance, unless a multiple residence driveway permit in accordance with this Ordinance has been issued.
3. No person shall construct, alter, or extend a multiple residence driveway without compliance with this Ordinance and obtaining a permit as hereinafter provided.
4. All lots or units which have been improved with a building prior to the date of adoption of this Ordinance shall comply with the provisions of this Ordinance

D. Specifications for Multiple Residence Driveways (MRD).

All multiple residential driveways shall meet the following minimum requirements and specifications:

1. A pre-application meeting with the Township Zoning Administrator is required.
2. A complete legal description including related utility and drainage easements of the land on which the driveway is to be built, all other easements and the names and addresses of the owners is required.
3. A driveway plan and profile drawing of the proposed driveway is required. The plan view is to show the contour interval grading plan with detail grading limits for the roadway.
Proposed improvements (including but not limited to driveways, storm sewers and ditches) shown in plan and profile form indicating all materials, grades, dimensions and bearings in compliance with the standards set forth in this Ordinance.

4. The driveway surface and turnaround area is required to be centered in the right-of-way.
5. The MRD connection to the public road right-of-way/easement or private road easement shall conform to the standards and specifications of the Washtenaw County Road Commission. For connection to a public road the applicant shall obtain a driveway permit issued by the Washtenaw County Road Commission prior to approval of any rights-of-way by the Township Board of Trustees. Petitioner shall obtain and submit a copy of approved grading permits for the proposed earth change activities from the Washtenaw County or the township construction authority (CACA), whichever is applicable.
6. The public road rights-of-way, private road, and driveways shall be adequately drained so as to prevent flooding or erosion of the driveway/s. Ditches shall be located within the easement. Driveway drainage shall be constructed so that the runoff water shall be conveyed to existing water courses or water bodies. The discharged water shall not be cast upon the land of another property owner unless the water is following an established water course. Connection to Washtenaw County drains shall be approved by the Washtenaw County Drain Commissioner prior to the issuance of a permit. Connection to culverts and ditches within public road rights-of-way shall be approved by the Washtenaw County Road Commission prior to the issuance of a permit.
7. The easement shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
8. Any extension of a MRD shall meet ordinance standards and shall require Township Board approval.
9. MRD's shall be designated with the word "private". The applicant shall be responsible for the erection and maintenance of all street signs and traffic signs required by the Township, the County and the State.
10. All areas disturbed by construction must be top soiled, seeded and mulched. Steep ditch slopes may require sod, riprap, or other stabilizers to minimize soil erosion. Temporary erosion control measures must be utilized.
11. A fee shall be paid as established by the Lima Township Board of Trustees to defray the costs of inspection, plan review, administration, and enforcement of this Ordinance.
12. The application shall be signed by the owner/applicant or agent thereof. If signed by an agent it shall be accompanied by a duly executed and notarized Power of Attorney, and shall represent that the applicant is making the application on behalf of all persons having an interest in the easement or the abutting lots and shall be made under penalties of perjury.

13. The petitioner is responsible to obtain all applicable county and state permits.

Multiple Residence Driveway's shall also meet their respective minimum requirements and specifications as set forth in Table 1, herein.

TABLE 1

**MINIMUM REQUIREMENTS AND SPECIFICATIONS
MULTIPLE RESIDENCE DRIVEWAYS**

	<u>Multiple Residence Driveways</u>
Width of easement/rights-of-way	Sixty-six (66) feet
Driveway Length	Driveway length is to extend to the property line of the second parcel served. Length is not to exceed 1,000 feet.
Driveway Width	Sixteen (16) foot driving surface With adequate drainage and five foot six inches (5' 6") Shoulders
Driveway Height	Thirteen (13) feet clear height above the driving surface
Sub-base	Remove all organic or unstable material and replace with a minimum six (6) inches of compacted sand or suitable material as agreed by the township engineer.
Driving Surface	Six (6) inches of crushed limestone, or processed MDOT 22 A gravel or suitable material as agreed by the township engineer.
For paved surface	Optional and at builders discretion Sixteen (16) foot with four (4) foot gravel shoulders
Turnaround Area/Cul-de-Sac	Sixty (60) foot radius right-of-way with fifty (50) foot radius drivewayway surface or turnaround area or more for drainage purposes, as agreed by the township engineer and township Fire Department.
Ditches	Ditches shall be of width, depth, and grades to provide for adequate and positive drainage
Maintenance Agreement	Required
Engineering Certification	Required

E. Permit Approval Procedure.

1. Prior to submitting an application, any potential applicant shall review zoning and other applicable regulations with the Township Zoning Administrator to ensure completeness of an application.
2. Upon receipt of an application and payment of applicable fees and consultant deposits, the Township Clerk shall forward the application to the Township Zoning Administrator who shall review the application for compliance to regulations contained within this Ordinance. The Township Clerk shall also forward the application to the applicable fire department, Township Supervisor, Land Division Officer, and township engineer and/or other consultants for applicable review.
3. For MRD's, the Zoning Administrator shall require a written report and a stamped and dated letter from a State of Michigan Certified Civil Engineer indicating that the MRD has been built and conforms to the standards set forth in this Ordinance. A review will be made by the township consulting engineer.
4. The Zoning Administrator shall consider the application and all relevant information including the applicable township fire department approval, township engineer approval and Land Division Officer approval and, if the application is complete, shall grant the permit.
5. Upon completion of MRD construction, inspections, and filing with County Clerk an approved maintenance agreement, the Zoning Administrator shall make recommendation to the Township Board for final approval

F. Expiration of Approval of Permits.

A permit shall be valid for a period of one year from the date of issuance. The Township Board may extend the permit for up to six (6) months. If the required improvements have not been completed upon the expiration of the permit, then the permit shall be void and all deposits shall be forfeited to Lima Township.

G. Recording of easement/Rights-of-Way.

The easement/rights-of-way, including all agreements shall be recorded in the office of the Register of Deeds for Washtenaw County prior to the issuance of any zoning permit. Proof of recording shall be provided to the Township Clerk before final approval is granted.

H. Zoning Permits.

No zoning permit will be issued for any lot accessed by a MRD subject to the provisions of this Ordinance until the Township Board has issued a final approval of the driveway.

I. Maintenance Agreement.

A maintenance agreement received by the Township Attorney and approved by the Township Board shall be filed with the Township Clerk and recorded with the Washtenaw County Register of Deeds for any maintenance for the MRD. All parcels accessing the MRD shall be part of the agreement. Proof of recording shall be provided to the Township Clerk before final approval is granted. The agreement will specifically address the liability and responsibility of the parties to the agreement to maintain the MRD pursuant to the specifications provided for in this and other applicable Ordinances, including but not limited to the responsibility of removing snow from said MRD and maintaining clear driveway width for ingress and egress of emergency vehicles.

J. Variances.

When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, such as topographical, other physical characteristics of a parcel, when a variation of construction standards is requested or an application within another zoning classification, the Lima Township Board shall have the power to vary or modify the application of the provisions of this Ordinance so that the intent and purpose of the Ordinance shall be observed, public safety secured and substantial justice done. The Township Board may request inspection, review, and recommendation by the Township Engineer and the township Fire Department. Cost of such inspections, review, and recommendation from Township Engineer and/or Fire Department shall be the responsibility of the applicant.

K. Violations.

The owner and any person, firm, corporation, or entity of whatever kind who violates any provision of this Ordinance or fails to comply with requirements or specification herein is responsible for a municipal civil infraction and subject to payment of a civil fine of not less than \$100.00 and not more than \$500.00 plus costs, attorney fees and other sanctions and remedies as permitted under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL 600.8701 et. seq., as amended. The Lima Township Zoning Administrator or other township designated representative is hereby authorized to process and issue municipal civil infraction citations in accordance with law.

For violation of all provisions of this Ordinance, the violator shall pay costs, which shall include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

L. Remedies Not Exclusive.

Nothing in this Section shall be interpreted as abrogating the Township's right to proceed with an appropriate equitable action in the Washtenaw County Circuit Court to enjoin and/or abate any violation of the terms of this Ordinance. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

M. Validity and Severability Clause.

If any Court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If any Court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, district, use, building, or structure not specifically included in said ruling.

Lima Township
Multiple Residence Driveways (Shared Driveways) Ordinance
Lima Township Ordinance No. # 21
(Published October 27, 2005)

RESOLUTION FOR ADOPTION OF
LIMA TOWNSHIP MULTIPLE RESIDENCE DRIVEWAY ORDINANCE

BE IT RESOLVED AND IT IS HEREBY RESOLVED that the Lima Township Board of Trustees does hereby adopt as Lima Township Ordinance No. 29, the attached Lima Township Multiple Residential Driveway Ordinance, and the Clerk is hereby directed to enroll said Ordinance in the books and records of the township, file a copy with the County Clerk, and cause the same to be published immediately. The Ordinance shall be effective (30) days after publication.

STATE OF MICHIGAN
COUNTY OF WASHTENAW ss

I, ARLENE R. BAREIS, Clerk of Lima Township, do hereby certify that the above Ordinance was adopted at a meeting of the Lima Township Board, held on the 10th day of October 2005, at the Lima Township Hall, at 8:00 o'clock p.m. by the following roll call vote:

AYES: Trustee McKenzie, Trustee Laier, Treasurer Havens, Clerk Bareis, Supervisor Unterbrink

NAYS: None.

ABSENT: None

