

ARTICLE 16

PRIVATE ROADS, ACCESS MANAGEMENT, BIKEPATHS, AND SIDEWALKS

5

Sec. 16-01 Intent

It is the intent of this Article to:

10

(a) Provide for access to private property in a manner that protects public health, safety and welfare and the goals of the Township Master Plan by assuring continuous vehicular access to parcels without access to a public road or private road regardless of weather conditions, while preserving natural resources and protecting the environment.

15

(b) Provide minimum requirements and procedures are herein established to assure adequate construction, operation, and maintenance of private roads, shared driveways and service roads.

20

(c) Provide regulations and minimum requirements necessary to insure that roads remain passable in all weather conditions and are adequate to provide safe, year-round access by fire, police and other public and emergency vehicles.

25

(d) Promote a vehicular circulation system to complement the orderly development and access to land, as indicated by the Township's Master Plan.

30

(e) Preserve the capacity of major roads by limiting and controlling the number, location and design of access points and requiring alternate means of access through shared driveways, service drives, and access from cross roads in certain locations.

35

(g) Avoid the proliferation of unnecessary curb cuts and driveways, and eliminate or reconfigure existing access points that do not conform to the requirements herein, when the opportunities arise.

- (h) Required coordinated access among adjacent lands where possible.
- (i) Require demonstration that resultant parcels are accessible through compliance with the access requirements herein prior to approval of any land divisions to ensure safe accessibility as required by the Land Division Act.
- (j) Promote safe and efficient travel within the Township.

Sec. 16-02 Applicability

This section shall apply to the construction of all private roads, driveways, and service roads, as follows:

- (a) **Shared Residential Driveways.** Shared driveways that provide access to two (2) or three (3) dwelling units or residential lots, created through land division, subdivision or condominium, and are not dedicated to the Livingston County Road Commission shall comply with the requirements of *Section 16-03*.
- (b) **Private Roads.** All roads that provide access to more than three (3) dwelling units or lots that are not dedicated to the Livingston County Road Commission shall comply with the requirements of *Section 16-04*.
- (c) **Private Drives.** Individual residential driveways, and drives within a development owned and managed by a single person or company, such as an apartment complex or attached and detached condominium development are exempt from the private road regulations, provided such uses shall comply with the parking requirements of *Section 15-01 (c)* and the access management requirements of *Section 16-05*.
- (d) **Service Drives.** The requirements of this Article apply to service drives and shared driveways that provide access to two (2) or more non-residential lots.
- (e) **Accessibility Requirements.** All lots shall have frontage on a dedicated public road, approved private road, or shared driveway meeting the requirements of this Article in order to be considered “accessible.”

Sec. 16-03 Shared Residential Driveways

5 (a) Two (2) to three (3) residential dwelling units or residentially zoned lots may have access from a shared driveway when the conditions of this Section are met. A deed restriction shall be recorded for the lots served by the shared driveway indicating that land divisions that create more than three (3) lots shall not be permitted, unless the access is improved to a private road meeting the requirements of this Article.

10 (b) Gravel driveways shall have a width of at least sixteen (16) feet and be constructed of eight (8) inches of compacted MDOT 22A gravel and six (6) inches of sand sub base. Paved shared driveways shall have a width of at least sixteen (16) feet and include, at a minimum, a two and a half (2.5) inch min. bituminous surface; six (6) inches of aggregate base (21AA limestone); and a
15 six (6) inch min. sand sub base. The width may be reduced to not less than twelve (12) feet if the length of the shared driveway is less than three hundred (300) feet long or if there are significant topographic, wetland, or other natural features on the site and sixteen (16) foot wide passing flares are provided at least every three hundred (300) feet.

20 (c) The shared driveway shall be a maximum of six hundred fifty (650) feet in length. Shared driveways in excess of one-hundred fifty (150) feet shall be provided with an approved area for turning around for emergency apparatus, approved by the Fire Department.

25 (d) The shared driveway shall have a recorded shared access agreement with an easement of a minimum width of thirty (30) feet. This easement may be included in the calculation for minimum lot area and width.

30 (e) The shared driveway must be accessed from a public or private road that meets the requirements of this Article.

35 (f) A copy of a Shared Driveway Maintenance Agreement which provides for the financial and administrative mechanisms to ensure maintenance of the shared driveway shall be provided to the Township in a manner acceptable to the Township Attorney.

(g) All permit requirements of the County must be met, in addition to the above.

40 (Ord. #243, 8/1/08), (Ord. #231, 12/27/05)

Sec. 16-04 Private Roads

5 (a) **Private Road Submittal Requirements.** The following items shall be
provided on a site plan and submitted for Planning Commission approval,
either separately or combined with other required site plan submittal
information, to the Township Planner with an application for a private road
10 construction permit. Roads that are only proposing lot splits along the road
can be handled administratively but must still follow all of the submittal
requirements of this section.

(1) Completed application form and fee established by the Township Board.

15 (2) Parcel numbers and names of owners for all properties having legal
interest in the private road.

(3) Construction plans stamped and signed by a professional engineer
20 registered in the State of Michigan showing location, dimension, and
design of the private road. The plan shall identify existing and proposed
elevation contours within all areas to be disturbed or altered by
construction of the private road. The Township Engineer and Fire
Department shall review the construction plans and provide
recommendations to the Township.

25 (4) Private road easement shown on the plan and legal description.

(5) Location of all public or private utilities located within the private road
30 right-of-way or easement, or within twenty (20) feet including, but not
limited to: water, sewer, telephone, gas, electricity, and television cable.

(6) Location of any lakes, streams, drainageways, floodplains, or Michigan
35 Department of Environmental Quality regulated wetlands within one
hundred (100) feet of the proposed private road right-of-way or easement.

(7) A copy of a Private Road Maintenance Agreement which provides for the
40 financial and administrative mechanisms to ensure maintenance of the
private road shall be provided to the Township in a manner acceptable to
the Township Attorney.

5 (8) If the applicant intends to sell lots along the private road before the private
road construction is complete, the applicant shall provide a performance
guarantee in an amount equivalent to the construction costs of the
remaining improvements yet to be completed on the private road. The
construction costs shall include the remaining costs associated with the
survey layout of the road, testing services, and inspection services during
the private road construction. The applicant's engineer shall prepare the
construction cost opinion for the improvements to be covered under the
10 performance guarantee, which will be verified by the Township Engineer.

15 All necessary modifications encountered during construction that
significantly change the design of the proposed private road shall be
incorporated into revised construction plans and submitted to the
Township for review and approval. These changes must be approved by
the Township before they are constructed.

20 (b) **Private Road Design Requirements.** No permit shall be issued for a private
road unless the proposed construction is in conformance with the following
requirements:

25 (1) **Access Easements.** Easements shall give access from a public road or
roads to all parcels resulting from the proposed division not having road
frontage and shall be established for the joint use of owners of all resultant
parcels of the original property for ingress and egress and also for the
location of private or publicly-owned utilities serving the resultant parcels

30 (2) **Access Easement Width.** A minimum sixty-six (66) foot wide easement
shall be provided.

35 (3) **Road Design.** All private roads shall meet the public road base, pavement
width, surface, slope and drainage system requirements of the Livingston
County Road Commission, except as provided for in this Section. The
design of private roads shall be approved by the Township Engineer. A
private road serving no more than eight (8) lots or dwelling units in a
single family residential district may be constructed of eight (8) inches of
compacted MDOT 22 A gravel instead of asphalt or concrete.

(4) **Curbing and Drainage.** All private roads shall be constructed with

concrete curb and gutter. The Planning Commission may allow open ditch drainage in single family residential developments where all lot areas are greater than one half (1/2) acre and surrounding environmental conditions make open ditch drainage preferable.

5

(5) **Reduced Width for Private Roads.** The minimum pavement width shall be thirty (30) feet, measured back to back of curb. The pavement width may be reduced to not less than twenty-six (26) feet wide, measured back to back of curb. For residential roads with open ditch drainage, the pavement width shall be twenty-two (22) feet with four (4) foot gravel shoulders on both sides. The width reduction may be approved by the Planning Commission and Township Board where significant natural features will be preserved or the road will serve fewer than twenty (20) dwelling units. Where the width of the road has been reduced, the road shall be posted to prevent parking as necessary.

10

15

(6) **Maximum Length, Cul-de-sac Turnarounds**

a. The maximum length of a private road served by a single point of access shall be seven hundred fifty (750) feet with a maximum twenty-four (24) lots or dwelling units served by a single means of access. Fire Code Standards for roads over seven hundred fifty (750) ft. require special permission by the Fire Department. If the Fire Department and Township Engineer agree that a road can extend beyond seven hundred fifty (750) ft., no Zoning Board of Appeals (ZBA) variance is required.

20

25

Roads longer than seven hundred and fifty (750) feet are permitted where stub roads are provided to allow future road connections when adjacent land is developed and cross access easements are granted. The Planning Commission may allow cul-de-sacs longer than seven hundred fifty (750) feet if all of the following apply:

30

35

1. The applicant demonstrates that there are no feasible options to access the property.

2. The Fire Department has reviewed and approved the length of the road.

40

3. The road does not access more than twenty-four (24) lots.

5 b. The terminus of all roads shall include a cul-de-sac turn-around with a minimum thirty-five (35) foot radius or an approved radius by the Fire Department if a center landscaped island is included. A larger turnaround may be required for commercial and industrial private roads where truck traffic is anticipated.

10 c. The requirements of this subsection (6) may be modified by the Planning Commission, based upon the recommendation of the Fire Department and Township staff or consultants, provided there is a finding that traffic impacts are adequately mitigated. A second means of emergency access may be required by the Planning Commission and/or the Fire Department having jurisdiction.

15 (7) **Grade.** Road grades shall not exceed ten percent (10%), with a maximum grade of two percent (2%) for a minimum distance of thirty (30) feet from its intersection with a public right-of-way or another private road.

20 (8) **Compliance with AASHTO Requirements.** Where no specific standard is provided in this section, private road design plans shall meet the design criteria outlined in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Roads."

25 (9) **Horizontal Curve.** The minimum horizontal curve shall be two hundred thirty (230) feet in radius. The Planning Commission may reduce this radius to not less than one hundred fifty (150) feet if the design would accommodate expected vehicle speeds, as determined by the Township Engineer, in cases where rolling terrain or a significant number of mature trees would be preserved, or where the width of the parcel would not accommodate wider radii. This radius may be further reduced where an eye-brow bump-out is provided on the outer edge of the curve.

30 (10) **Intersection Design Requirements**

35 a. Private roads, which intersect with existing or proposed private roads or public road rights-of-way, should intersect at a ninety degree (90°) angle. Where constrained by environmental features or parcel configuration, a reduced angle of intersection, but in no case shall the

angle be less than seventy degrees (70°).

5

- b. Proposed private roads shall align directly across from, or be offset at least two hundred fifty (250) feet from, public roads or private road intersections on the opposite side of the road, measured centerline to centerline. This standard may be reduced if approved by the Livingston County Road Commission.

10

(11) **Vertical Clearance.** In order to provide adequate access for emergency vehicles, fifteen (15) feet of overhead tree clearance shall be provided within the width of the gravel or pavement.

15

(12) **Road Names.** The road name shall be approved by the Planning Commission, based upon recommendations from the Fire Department and the Livingston County Road Commission. Proposed names will be checked against other existing roads within the Township for potential conflicts that may be confusing to emergency services. Any proposed roadway which is an extension of, or in a direct line with, an existing road shall carry the name of the road that is in existence at the time the proposal is made.

20

25

(13) **Signs.** All signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Road signs shall be provided at all intersections. These signs shall contrast in terms of color with public road signs with a white background and green letting, and shall indicate the road is private.

30

(c) **Final Acknowledgement.** At the completion of the private road construction, including final restoration and sign installation, the following items shall be submitted to the Township for final acknowledgment:

35

(1) One (1) set of reproducible “Conforming to Construction Records’ or As-Built drawings of the completed private road including:

- a. Sewer and water main locations, materials, sizes, invert elevations, and slopes.

- b. Manhole and catch basin locations with the rim elevations.
 - c. Bottom elevation of the catch basins or inlets.
 - 5 d. Grades and slopes of the road.
 - e. Original stamp and signature of the applicant's registered professional engineer.
- 10 (2) Copies of all the inspection reports, including the daily reports, the test results, the engineer's 'permit to place' the bituminous pavement material, and the engineer's certifications of the mix designs and the suitability of the road subgrade and subbase material.
- 15 (3) The applicant's engineer shall submit written certification with their original stamp and signature stating that the private road construction is complete and that the construction activities, testing and documentation were carried out under their supervision and that the private road was properly constructed in substantial compliance with the approved construction plans and the Township private road requirements. The applicant's engineer shall identify any departures in the road construction from the approved construction plans and provide a justification for such departures. The justification shall be made using reasonable engineering judgments. A written certification from a Registered Land Surveyor or a Registered Professional Engineer shall be submitted stating that the private road was located in accordance with the approved construction plans. All inspections and design shall be as specified in the Brighton Township Engineering Standards.
- 20
- 25
- 30 (4) The Township Engineer shall review the information required in this Section and perform a final site visit to visually confirm the documentation submitted by the petitioner's engineer for the Township's final acknowledgment that the private road construction was completed in substantial compliance with the Township Ordinance requirements. The Township Engineer shall make a recommendation to the Township on whether all the required documentation has been submitted and the private road construction has been properly completed. The applicant's engineer shall be informed of any review comments preventing the final acknowledgment of the private road.
- 35

(d) **Performance Guarantee and Release.** If the applicant has submitted a performance guarantee, the Township shall release or return the performance guarantee to the applicant once the Township acknowledges that all the documentation has been submitted and that the construction of the private road was properly completed in substantial compliance with the Township Ordinance requirements. At a minimum, no Land Use Permits should be issued to the new properties along the private road until the Township acknowledges that of the private road has been properly completed.

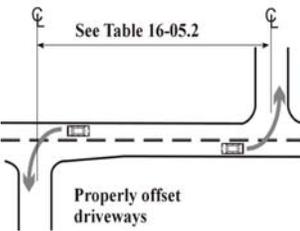
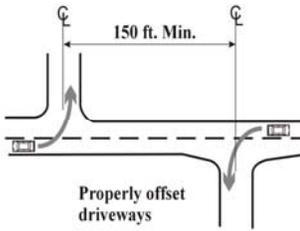
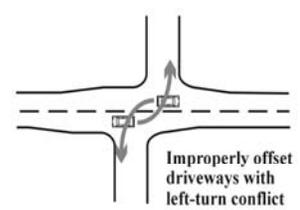
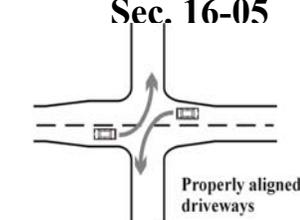
5

10

(Ord. #234, 12/28/06), (Ord. #231, 12/27/05)

Sec. 16-05 Access Management

All driveways except those serving a single dwelling or essential service facility structure shall meet the following access management requirements.



(a) Each lot shall be permitted one (1) access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road.

(b) The access point location shall be in accordance with the requirements of this section and shall provide the opportunity for shared access with adjoining lots. Each business, office, or industrial lot developed under this Ordinance shall be required to grant shared access easements to adjoining lots to allow for future shared access. Where a proposed parking lot is located adjacent to the parking lot of a similar use, there shall be a vehicular connection where feasible, as determined by the Planning Commission.

(c) An additional driveway may be permitted by the Planning Commission upon finding that one (1) of the following conditions below exists. The additional driveway may be required to be along a side road or a shared access with an adjacent site.

35

(d) The site has adequate frontage to meet the spacing requirements between access points listed below, and the additional access will not prevent adjacent lands from complying with the access spacing requirements when those lands develop or redevelop in the future.

(e) A traffic impact study, prepared in accordance with accepted practices as described in this Section, demonstrates the site will generate over three hundred (300) trips in a peak hour or three thousand (3,000) trips daily and the traffic study demonstrates the additional driveway will provide improved conditions for the motoring public and will not create negative impacts on through traffic flow.

(f) Access points shall provide the following spacing from other access points along the same side of the public road, measured from centerline to centerline, based on the posted speed limit along the public road segment.

Table 16-05.1 Minimum Commercial Driveway Spacing from other Commercial Driveways	
Posted Speed Limit (MPH)	Minimum Driveway Spacing
25	125 ft
30	155 ft
35	185 ft
40	225 ft
45	300 ft
50 & Higher	330 ft

(g) Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location requirements in the future.

(h) Access points shall be aligned with driveways on the opposite side of the road or offset the distance indicated in the table above, measured centerline to centerline. The Planning Commission may reduce this to not less than one hundred fifty feet (150) feet where the offsets are aligned to not create left-turn conflicts.

(i) Minimum spacing of access points from intersections shall be in accordance with the Table 16-05.2, measured from pavement edge to pavement edge:

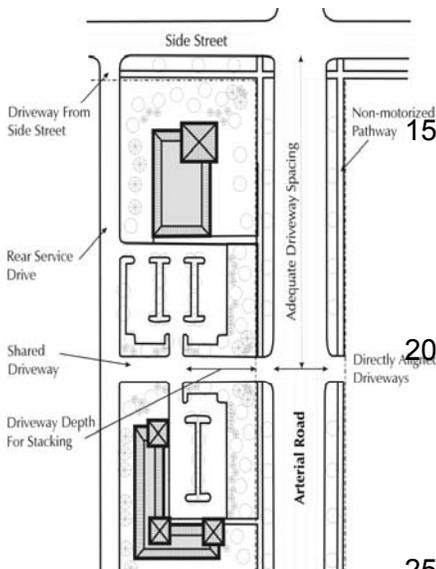
Table 16-05.2 Minimum Commercial Driveway Spacing from Road Intersections		
Location of Driveway	Minimum Spacing for a Full Movement Driveway	Minimum Spacing for a Channelized Driveway Restricting Left Turns
Along Major Thoroughfare, intersecting road is a Major Thoroughfare	250 ft	125 ft

Along Major Thoroughfare, intersecting road is not a Major Thoroughfare	200 ft	125 ft
Along other Roads	75 ft	50 ft
Major Thoroughfares include: Commerce, Grand River, Hacker, Hilton, Hyne, Jacoby, Kensington, Pleasant Valley, Stobart, Old US-23, & any other roads with an existing or proposed right-of-way of at least eighty-six (86) feet.		

5 (j) For sites with insufficient road frontage to meet the spacing requirements of this Section, the Planning Commission may require construction of the driveway along a side road, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection, or require access by a service road.

10 (k) In the case of expansion, alteration, or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum commercial driveway spacing requirements, the Planning Commission may modify the driveway spacing requirements. Such modifications shall be of the

minimum amount necessary but in no case shall spacing of a full-access driveway be less than sixty (60) feet, measured centerline to centerline.



(l) Where direct access consistent with the various requirements above cannot be achieved, access should be via a shared driveway or service drive, and or side road. In particular, the Planning Commission may require development of frontage roads, or rear service drives where these facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.

25 (m) Where the Planning Commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared commercial driveway, frontage road, or rear service drive connecting two (2) or more lots or uses
 30 may be required. In particular, service drives may be required where near existing traffic signals or near locations having potential for future signalization, along major arterial roadways with high traffic volumes, and along segments with a relatively high number of accidents or limited sight distance. Frontage roads or service drives shall be constructed in accordance with the following requirements:

(1) Service drives shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, main buildings.

5

(2) The service drives shall be within an access easement permitting traffic circulation between properties. This easement shall be recorded with the Livingston County Register of Deeds. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission. Each property owner shall be responsible for maintenance of the easement and service drive.

10

(3) Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public road. A minimum of twenty (20) feet shall be maintained between the public road right-of-way and the pavement of the frontage road, with a minimum sixty (60) feet of throat depth provided at the access point, measured between the public road right-of-way and the pavement of the parallel section of the frontage road.

15

20

(4) Service drives shall have a minimum pavement width of twenty-six (26) feet and be constructed of a base, pavement, and curb with gutter that is in accordance with the private road requirements in *Section 16-04*.

25

(5) The service road is intended to be used exclusively for circulation, not as a parking maneuvering aisle. The Planning Commission may require the posting of "no parking" signs along the service road. One-way roads or two way roads constructed with additional width for parallel parking may be allowed if it can be demonstrated through traffic impact studies that parking along the service road will not significantly affect the capacity, safety or operation of the service road.

30

(6) The site plan shall indicate the proposed elevation of the service road at the property line and the Township shall maintain a record of all service road elevations so that their grades can be coordinated.

35

(7) The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This may

require use of aerial photographs, property line maps, topographic information and other supporting documentation.

5 (8) In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. The Township may require posting of a financial performance guarantee.

10 (n) Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.

15 **Sec. 16-06 Existing Non-Conforming Private Roads**

20 (a) The Township recognizes there exist private roads which were lawful prior to the adoption of this Article that do not fully conform with the requirements of this Article. Such roads are declared by this section to be nonconforming roads.

(b) Routine maintenance, including repaving, for safety purposes is permitted for legal nonconforming roads and easements.

25 (c) New construction is permitted to occur on existing lots of record that front along a nonconforming road on the effective date of this Article, if the roads are reasonably capable of providing sufficient access for the uses permitted in the zoning district and for provision of emergency service vehicles, as determined by the Township. For purposes of determining whether a lot
30 along a private road or access easement qualifies as an "existing lot" as used in this section, at least one of the following conditions must have existed at the time this Article was adopted.

35 (1) The lot consists of a "condominium unit" for which a master deed had been recorded with the Livingston County Register of Deeds in accordance with the requirements of the Michigan Condominium Act and other applicable laws and Ordinances.

(2) The lot consists of a parcel that was described by metes and bounds as recorded by a deed or as a land contract, and registered with the Livingston County Register of Deeds.

5 (3) The lot had been assigned a unique parcel number by the Livingston County Register of Deeds and was individually assessed and taxed on that basis.

10 (d) Any new lot created after the effective date of this Ordinance shall not be considered a buildable lot and a building permit shall not be granted unless the road is upgraded as follows:

15 (1) Lot splits that require an extension of an existing road must meet the requirements of *Section 16-04* for the new portion of the road.

20 (2) Lot splits along an existing road that do not require an extension of the road must upgrade the entire road frontage of the proposed splits and the applicant's parent parcel to meet the requirements of the Township Engineer and Fire Department's recommendations to provide a safe roadway.

25 (3) A private road maintenance agreement for the new road must be submitted along with the application for the construction, maintenance and improvement of the private road per *Sec. 16-04(a)(7)*. If there is already an existing private road maintenance agreement on file at the Township, then the applicant proposing the splits must sign the existing agreement.

30 (4) The existing portion of the road that is not adjacent to the applicant's property must be upgraded per the Township Engineer and Fire Department's recommendations to provide a safe roadway.

35 (e) Any widening, paving, or extension of a non-conforming private road shall only be done in a manner that brings the road into conformance with the requirements of this Article.

(Ord. #228, 7/6/05)

Sec. 16-07 Appropriate Remedies.

If after appropriate investigation, the zoning official and the fire chief determine that any private road has deteriorated to such disrepair that the Township may not be able to supply adequate police, fire and emergency vehicles access to property owners located on the private road, the zoning official shall give written notice of the violation to those property owners having access onto the private road.

(a) If there is no reply from the property owners within the specified time limit, and repairs and corrective maintenance are not corrected or abated by the date specified, the zoning official shall request authorization for the Township Board to bring the road up to the design standards specified in *Sec. 16-04* and assess owners of parcels on the private road for the improvements, plus an appropriate administration fee, to reimburse costs incurred by the Township as permitted by appropriate law. No public funds of the Township are to be used to build, repair or maintain the private road.

(b) If the property owners respond to the Township within the specified time limit of the original notice and request an extension of time, the zoning official shall review the information submitted with the reply. Upon finding that an extension is warranted because of unique circumstances and that an extension will not cause imminent peril to life, health or property, the zoning official may request the Township Board to extend the specified time limit to a date certain if the Board concurs that:

1. The information requested pursuant to subsection (a) is impractical to readily produce,
2. An extreme hardship exists, or
3. The reply indicates that the violation shall be corrected or abated by the date certain and that all future maintenance will comply with the regulations as set forth herein.

(Ord. #231, 12/27/05)

Sec. 16-08 Bikepaths and Sidewalks

(a) **Intent.** It is hereby determined that bikepaths and sidewalks promote and provide for the public health, safety, and general welfare by achieving the following public purposes:

(1) Bikepaths and sidewalks provide a safer location for travel along roads for bicyclists and pedestrians than the edge of the traveled road.

5 (2) Bikepaths and sidewalks encourage and promote aerobic exercise.

(3) Bikepaths and sidewalks conserve energy and reduce air pollution by allowing for a convenient means of travel by bicycle or as a pedestrian, rather than utilizing a motor vehicle.

10 (4) Bikepaths and sidewalks reduce traffic congestion by providing a safe location for bicycles and pedestrians, which results in fewer vehicles on the road.

15 (b) **Scope of Application**

(1) Sidewalks shall be required along the entire site frontage of any development requiring site plan review and which is part of the Pathways Plan, and is designated as Planned or Priority A on the Proposed Pathway System (Map Six) of the Pathways Plan.

20 (2) Bikepaths shall be required along the entire site frontage of any development requiring site plan review and which is part of the Pathways Plan, and is designated as Priority B on the Proposed Pathway System (Map Six) of the Pathways Plan.

25 (3) The Planning Commission may waive the requirement for a bikepath or sidewalk along all or a portion of the site frontage if all of the following exist:

30 a. There will be significantly adverse impacts to regulated wetlands that cannot be mitigated.

35 b. The development of a boardwalk or other elevated structure is not practical based upon the cost estimates provided by the applicant's engineer.

40 c. All practical alternatives to provide a sidewalk or bikepath system elsewhere on site have been evaluated.

5 (4) In lieu of constructing the bike path or sidewalk, and only with the
recommendation of the Planning Commission and approval of the
Township Board, a developer may be allowed to pay to the Township a
sum of money equivalent to the actual cost of construction for the bike
path or sidewalk, including permit, engineering and inspection fees. The
actual cost of construction, including fees, shall be determined by the
Township Engineer and shall be based on current costs in the industry.
All funds collected shall be deposited in the Township Pathway Fund and
used for the construction of the pathway system. In all cases in which
10 payment for required bike paths or sidewalks is allowed in lieu of
construction, a written contract (development agreement), drafted by the
Township and indicating the sum of money to be paid to the Township
and associated provisions shall be executed by both the Developer and
Brighton Township as a condition of preliminary site plan approval. All
15 provisions of said contract, including the financial contribution to the
Township Pathway Fund, shall be satisfied prior to the issuance of any
building permits by the Township Building Department. Alternatively,
the applicant may be allowed to propose a development agreement
outlining the timeframe when sidewalk or pathway will be constructed or
20 monies deposited into the Township Pathway Fund by the applicant upon
recommendation and approval by the Planning Commission.

25 (5) Sidewalks shall be required along at least one (1) side of all internal roads
within any residential subdivision, residential site condominium, and
multiple family development requiring site plan review. The Planning
Commission may modify this requirement within residential developments
that have an overall density less than one (1) dwelling unit per acre
provided another type of pedestrian trail system is provided by the
applicant that meets the intent of this Section.

30 (c) **Pathway Design.** The following construction requirements shall apply to all
bikepaths and sidewalks:

35 (1) All bikepaths shall be a minimum five (5) foot wide asphalt and
constructed in accordance with the specifications of the Township
Engineering Standards and/or the Livingston County Road Commission.

(2) All sidewalks shall be a minimum five (5) foot wide concrete and
constructed to the specifications of the Township Engineer. Four (4) inch

class A unstamped, uncolored, and unstained concrete (6 inch at driveway crossings) on six (6) inch MDOT CI II sand sub base is required.

5 (3) All sidewalks and bikepaths shall be located within the right-of-way.

10 (4) Where walking trails are being provided within open space areas of residential developments, trails shall be a minimum of five (5) foot wide crushed aggregate stone, woodchip or asphalt, or wooden boardwalks in areas with sensitive environmental features. If providing asphalt pathways or concrete sidewalks, the same standards in (c)(1) and (c)(2) above shall apply.

15 (5) An inclined approach shall be required where sidewalks and bikepaths intersect curbs for barrier free access. Crosswalk pavement markings and signs may be required by the Planning Commission.

20 (6) Residential subdivisions or site condominiums shall provide pathway or sidewalk connections to adjacent residential subdivisions or site condominiums.

20 (d) **Installation**

25 (1) A certificate of occupancy shall not be issued until the required bikepath or sidewalk is installed along the road frontage.

30 (2) A performance guarantee, in lieu of bikepath or sidewalk construction, may be allowed by the Planning Commission in instances where utility and other infrastructure improvements are planned for the site within a two (2) year period. Under these circumstances, the bike path or sidewalk shall be constructed once the utility improvement is complete.

(Ord. # 246, 12/25/09), (Ord. #234, 12/28/06), (Ord. #231, 12/27/05)