

**ARTICLE XXVI
ROADS, DRIVEWAYS AND RELATED LAND USE DEVELOPMENTS**

Section 26.01 PURPOSE.

The purpose of this Section is to consolidate all of the regulations included in this Zoning Ordinance in one location for more efficient use of them in relation to all road, driveway and related land use developments.

Section 26.02 FRONTAGE ON PUBLIC ROAD OR HIGHWAY.

In any zoning district, every use, building or structure established after the effective date of the amendment of this ordinance shall be on a lot or parcel that fronts upon a public road right-of-way or a private road right-of-way which private road has been constructed and approved by Howell Township in accordance with Article XXVI of this zoning ordinance.
(amend. by Ord. No. 172 eff. Apr. 25, 2004)

A. Pre-existing residential private roads.

- 1) Those parcels of land which existed as of January 8, 1983, (the date of the adoption of the Howell Township Zoning Ordinance) which front upon any of the following main private roads, to wit: Amberwood Trail, Donna Marie, Eason, Monterey Court, Nancy Ann, Olde Franklin Drive, Pineway Trail, Popple Lane, Santa Rosa, Solace Drive, Starlight, Suntar Valley, John Ward, Barkley Drive, Preston Knolls, and Woodhaven, may be used for residential purposes provided the parcel meets all of the requirements of the zoning ordinance for the district in which the parcel is located. The zoning administrator is empowered to issue land use permits for the developments of these lots or parcels if such developments meet the requirements of the zoning ordinance.
- 2) Any further partitioning or splits of any parcels on the private roads identified in paragraph B1 shall not be permitted unless the petitioner seeking the requested splits provides to the Howell Township Planning Commission the following information and documentation which must be approved by the Township Planning Commission.
 - a) A recorded easement agreement to the public for purposes of emergency vehicle access and other public services as necessary;
 - b) A recorded easement which will provide for all utilities, drainage, sewer, water and ingress and egress;
 - c) An equitable road maintenance agreement which is to be reviewed and approved by the Township Planning Commission and be recorded in the office of the Livingston County Register of Deeds;
 - d) A document acknowledging that no public funds of any kind will be used to build, repair or maintain the private road and further acknowledging and affirming that the Township has no responsibility or obligation regarding construction, repair, improvement or maintenance in regard to said private road or as it pertains to ingress and egress to any parcel utilizing such road;

- e) An indemnification and hold harmless agreement acknowledging that the Township shall be indemnified, held harmless and released from any and all claims, causes of action, damages, known or unknown, in any way related to said private road and its use thereof;
- f) The aforementioned easements, agreements and other documents must be signed by all of the legal and equitable owners of all parcels which abut said private road or have access to said private road including secured parties and parties having a lien hold interest in the premises;
- g) Since any such additional splits as contemplated by the preceding paragraph shall increase the burden upon said road, the road shall be constructed, maintained and brought up to the specifications for private roads as required by the Livingston County Road Commission;
- h) The extension of any road in anticipation of serving other parcels shall be expressly prohibited unless the road is brought up to the road standards required by the Livingston County Road Commission.

C. The required minimum area and road frontage for each lot, parcel or site area shall be equal to the minimum lot or parcel width as required in each zoning district.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 12 eff. Sept. 5, 1986; further amend. by Ord. of July 2, 1992; Ord. No. 40 eff. June 3, 1993)

Section 26.03 ACCESS TO A PUBLIC ROAD OR HIGHWAY.

Any lot or parcel of record created prior to the effective date of this Ordinance without any frontage on a public road or way shall not be occupied except where access to a public road or way is provided by a public or private easement or other right-of-way no less than twenty (20) feet in width.

(Ord. No. 1 eff. Jan. 8, 1983)

Section 26.04 FRONTAGE ACCESS ROADS OR SERVICE ROADS.

Access along major thoroughfares - in order to promote efficient use of thoroughfares and to decrease hazardous traffic conditions, the following regulations shall apply to the use of all land fronting upon major thoroughfares except for existing lots, parcels and sites of record and single lots, parcels and sites described by metes and bounds on file with the Livingston County Register of Deeds.

- A. Connecting service roads and parking areas shall be required between adjacent land uses.
- B. Owners of all property shall submit to the Township a properly executed and witnessed license agreement which give the Township Board the authority to open and close service roads and driveways whenever necessary in order to guarantee to the satisfaction of the Township Board a safe and efficient movement to traffic. The said license may be recorded in the office of the Register of Deeds of Livingston County, Michigan. Acceptance of the said license shall, in no way, obligate the Township to build, repair, maintain or clear the said service roads or parking areas and no public funds may be spent by the Township Board to

build, repair, maintain, or close the said service roads and/or parking areas. The intent of this subsection is to allow the Township to enforce its traffic Ordinance, on the said service roads and parking areas, and otherwise facilitate the safe and efficient movement of traffic thereon.

- C. No less than two (2) driveways shall be available to such coordinated parking areas and service road systems; provided that said driveways have appropriate designated driveway intersections with roads or highways; which meet the requirements of the Livingston County Road Commission or the Michigan Department of Transportation for acceleration and/or deceleration lanes or tapered lanes; provided further, this requirement may be waived by the Township Planning Commission where the needs of a particular use require and when traffic hazards will not be increased thereby.
- D. All requirements shall apply only when developed adjacent to an existing use. The purpose of this subsection is to minimize the length of on-site roads and the number of parking areas and to forestall their construction until they are needed.
- E. Parking lots, driveways and service roads shall be surfaced with concrete or bituminous materials and provided with curbs and gutters as specified by the Township Planning Commission and maintained in a usable dirt free condition.
- F. Parking layouts shall follow standards prescribed in this Ordinance in Sections 18.02 and 18.03 in Article XVIII, Off-Street Parking, Loading and Unloading Requirements.
- G. On-site roads and driveways shall have a paved width of twenty-four (24) feet and shall be provided with a curb and gutters.
- H. The on-site roads shall be separated from required parking areas by a landscaped buffer of not less than ten (10) feet in width.
- I. See Section 26.14B.13).

(Ord. No. 1 eff. Jan. 8, 1983, Amend. by Ord. No. 172 eff. Apr. 25, 2004))

Section 26.05 SETBACK REQUIREMENTS ALONG M-59, GRAND RIVER ROAD AN OAK GROVE ROAD AND COUNTY PRIMARY ROADS.

The following setback requirements shall supersede the setback requirements as specified in individual zoning districts. The setback shall be eighty (50) feet from all buildings and twenty (20) feet for all other structures from the highway or road right-of-way line of M-59, I-96, Grand River Road, Oak Grove Road and all County Primary Roads.

Existing lots and parcels, as of the date of this amendment, which do not have sufficient depth to be utilized for a principal use that is allowed in the district in which the property is located, then the Planning Commission can waive the fifty (50) foot setback but in no event shall the front setback line be less than that required by the zoning district in which the parcel is located.

(Ord. No. 47 eff. Dec. 9, 1993; amend. by Ord. No. 97 eff. Feb. 23, 2000; further amend. by Ord. #224 eff. May 1, 2009)

Section 26.06 ACCESS THROUGH RESIDENTIAL DISTRICTS.

Public access to commercial, industrial, or other uses incompatible with residential uses shall not be designed so as to pass through the residential neighborhoods.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000)

Section 26.07 VISIBILITY AT INTERSECTIONS.

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above a road grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two road lines at points which are thirty (30) feet distant from the point of intersection, measured along the road right-of-way lines.

(Ord. No. 1 eff. Jan. 8, 1983)

Section 26.08 ROAD CLOSURES.

Whenever any road, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

(Ord. No. 1 eff. Jan. 8, 1983)

Section 26.09 LIMITATIONS ON THE NUMBER OF DRIVEWAYS ON DESIGNATED ROADS.

Existing lots and parcels, as of the date of this amendment, shall be permitted one "driveway curb cut" access onto M-59, Grand River Road, and Oak Grove Road and County Primary Roads. If a property owner has more than three hundred thirty (330) feet of continuous road frontage, the owner would be allowed more than one driveway curb cut, provided each driveway meet the requirements of the Livingston County Road Commission or Michigan Department of Transportation. All new lots created by lot splits or platted subdivision, or parcels

which will have more than one (1) principal structure (such as site condominiums) which need more curb cuts than allowed by this paragraph, must provide access to M-59, Grand River Road or Oak Grove Road and County Primary Roads in accordance with the provisions of Section 26.14. (Ord. No. 47 eff. Dec. 9, 1993; amend. by Ord. No. 97 eff. Feb. 23, 2000, amend by Ord. No. 172 eff. April 25, 2004)

Section 26.10 DRIVEWAYS AND ROAD APPROACHES.

All residential driveways and commercial driveways must be located, designed, constructed and maintained in accordance with the specifications of the Livingston County Road Commission's Driveway and Road Approaches.

All public and private road approaches must be located, designed, constructed and maintained in accordance with the Livingston County Road Commission or Michigan Department of Transportation Specifications for Road Approaches. (Ord. eff. Aug. 6, 1992)

Section 26.11 CURB CUTS FOR DRIVEWAYS

Curb cuts for driveways may be located only upon approval by the Zoning Administrator, and such other county and state authorities as required by law; provided, however, such approval shall not be given where such curb cuts would unnecessarily increase traffic hazards. (Ord. No. 1 eff. Jan. 8, 1983)

Section 26.12 DRIVEWAY ENTRANCES AND GATES

In driveway, entranceway or gateway structures including, but not limited to, walls, columns and gates marking driveway entrances to private or public uses may be permitted, and may be located in a required yard, except as provided in Section 26.07, "Visibility at Intersections," provided that such entranceway structures shall comply with all codes and ordinances of the Township and County and shall be approved by the Zoning Administrator and a zoning permit issued by Livingston County Road Commission or Michigan Department of Transportation. (Ord. No. 1 eff. Jan. 8, 1983)

Section 26.13 COMMON DRIVEWAYS WITH ACCESS FROM PRIVATE ROADS AND COMMON DRIVEWAYS

Common driveways with access from private roads or common driveways with access from roads or common driveways may be permitted along common or extended property lines or through a meandering designated driveway easement involving two (2) adjacent lots, parcels or sites with frontages on the same road, or common driveway, provided the following conditions are met:

- A) The principal buildings, including their accessory garages or automotive parking shall meet the required setbacks from property lines.
- B) The adjacent property owners shall be required to include in their respective deeds a provision for a common driveway easement, for their and future owners and occupants mutual use, presented in the form of a written recordable maintenance and financial agreement and recorded with the County Register of Deeds.

- C) The common driveway easement shall be at least twenty (20) feet in width in order to provide for two-way traffic.
- D) The driveway entrance located between the public road pavement and the property line shall meet the construction standards of the Livingston County Road Commission or Michigan Department of Transportation, whichever has jurisdiction for driveway approaches through curb cuts..
- E) A driveway surface shall be located within the twenty (20) foot on-site easement and shall be at least sixteen (16) feet in width.
- F) If the driveway exceeds 200 feet in length as measured from the front property line, the on-site portion of the driveway shall meet the requirements of the local fire department in order to assure convenient and safe access by emergency vehicles.
- G) If the driveway exceeds 200 feet in length as measured from the front property line, all trees and shrubs shall be removed from within the twenty (20) foot wide easement, and all overhead vegetation within the easement shall be removed to the height of fourteen (14) feet from the ground level of the driveway pavement in order to provide a clear access over the easement by emergency vehicles and trucking.

(Ord. No. 95 eff. Jan. 23, 2000)

Section 26.14 LOT SPLITS, PLATTED LOTS, SUBDIVISION, SITE CONDOMINIUMS AND DEVELOPMENTS ALONG M-59, GRAND RIVER ROAD AND OAK GROVE ROAD AND COUNTY PRIMARY ROADS.

Access along M-59, Grand River Road and Oak Grove Road and County Primary Roads shall be in accordance with the following standards:

- A) **Purpose.** Unlimited ingress and egress to the major arterial roads and highways greatly increase the potential for unsafe conditions at these intersections, thereby putting public safety in jeopardy. 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 by a shared driveway or service road connecting two (2) or more lots, parcels or sites..
- B) All future lot splits, platted lot subdivisions, site condominiums and developments along the main arterial roads of M-59, Grand River and Oak Grove Road and County Primary Roads shall have access by way of a driveway, frontage roads, service drives, or internal connecting roads in accordance with the following provisions: See Section 26.04.

- 1) All land divisions of property into lots, parcels or sites where there are not more than two (2) lots, parcels or sites shall have their own shared driveway except when not permitted by the safety standards established by the County Road Commission for the location of curb cuts in a dedicated sixty-six (66) foot easement for road and utility purposes. The driveway servicing these two (2) lots, parcels or sites shall have a minimum width of twenty (20) feet. All common driveways shall meet the requirements of the Livingston County Road Commission Standards. Plan 1 depicts an example of how two (2) lots, parcels or sites would be serviced by a common driveway which would be over a common easement for the benefit of both parcels.

- 2) All land divisions of property where there are more than two (2) but not more than four (4) separate lots, parcels or sites shall have their own shared driveway except when not permitted by the safety standards established by the County Road Commission for the location of curb cuts in a dedicated sixty-six (66) foot easement for road and utility purposes. The driveway servicing up to four (4) lots, parcels or sites shall have a minimum width of twenty (20) feet and meet all of the requirements of the Livingston County Road Commission Standards. Further, the driveways must be hard surfaced. Plan II depicts an example of how four (4) lots, parcels or sites would be serviced by a common driveway which would be over a common easement for the benefit of four (4) lots, parcels or sites.

3) All land divisions of property where there are more than four (4) lots, parcels or sites, the common road affording access from the lot, parcels or sites to the major roads shall be brought up to the Livingston County Road Commission Standards for roads in a platted subdivision which was adopted by the Board of County Road Commissioners, which standards are entitled, "Specifications for Plat Developments." All land divisions of property where there are more than four (4) lots, parcels or sites shall have a dedicated sixty-six (66) foot easement for road and utility purposes, which road shall meet all of the requirements of the Livingston County Road Commission Standards for roads in a plat development which was adopted by the Board of County Road Commissioners. Road lengths upon dead end roads shall meet the County Road Commission standards for dead end roads or cul-de-sacs. Plan III depicts an example of how six (6) lots, parcels or sites would be serviced by a common road.

- 4) When divisioning land for more than four (4) lots, parcels or sites the developer can provide internal roads or service roads which shall meet the Livingston County Road Commission Standards which are included in its publication entitled, "Specifications for Plat Development." Plan IV depicts an alternative method for developers to provide a single access from a major road by way of internal roads.

5) A lot, parcel or site land division may provide for a frontage access or service road with not more than two (2) entries onto the major roads, which entries must meet the requirements of the Livingston County Road Commission or Michigan Department of Transportation, whichever ever has jurisdiction. The frontage access or service road easement must be parallel with the major road and must be sixty-six (66) feet and run to the boundaries of the lot, parcel or site being developed so adjacent parcels may, in the future, have access or service by way of the same frontage access or service road. The frontage access road for the lot, parcel or site being developed must have a minimum width of twenty (20) feet of pavement for access to those lots, parcels or sites being developed. Plan V depicts an example of how a frontage access or service road would provide access to a lot, parcel or site development with two (2) entry points from a main road.

- 6) The petitioner who subdivides, partitions or develops his property must provide in writing an instrument in recordable form that gives each parcel equal access rights to the sixty-six (66) foot easement, a common driveway, frontage access road, service drive, or internal roads which will provide access to said parcels and further provide for a written maintenance agreement in recordable form that provides the mechanism whereby each parcel may be assessed for the improvement, maintenance and upkeep of the access road and entry point upon the major roads. Further, the maintenance agreement must provide a mechanism for collecting any sums not paid by the parcel owner.
- 7) Each private easement for common driveway, frontage access road, service road, and internal roads must be extended to the boundary line of the parcel to be subdivided. Further, in the event other adjacent parcels of land are to be developed in the future, the adjacent parcels shall be given a legal right to use the easement, frontage access road, service road, or other easements for both road purposes and utility purposes, provided that the new development must share in proportion the cost of constructing, maintaining and upgrading the frontage access road, easement, common driveway, or service drive.
- 8) The Township Planning Commission will have the right to approve any of the following:
 - 1) Cul-de-sacs to be temporary or permanent.
 - 2) Temporary intersections between shared driveways and service roads or major roads may be permitted until such time as adjacent properties are developed. The Planning Commission may reduce the minimum requirement of Livingston County Road Commission or Michigan Department of Transportation whichever has jurisdiction feet between driveway intersections with major roads provided the Planning Commission finds that such a requirement is a detriment to the development of the area and the reducing of the minimum distance would not put in jeopardy public health, safety and welfare. For example, the allowing of two (2) entries upon the road if one is for entrance only and the second is an exit only could be authorized by the Planning Commission.
 - 3) A temporary or permanent turn around shall be built at the end of each dead end road when there are more than four (4) lots, parcels or sites being proposed, as specified in the sketch for Plan II showing Four-Lot Split Extended.
- 9) Each lot, parcel or site to be partitioned shall have the minimum required road frontage along the easement, access road, service drive, frontage road or shared driveway as required by the zoning district in which the lot, parcel or site lies.
- 10) The developer shall record a restriction on each lot, parcel or site that fronts upon the existing major roads of M-59, Grand River Road or Oak Grove Road and County Primary Roads, that there is no direct access from the lot, parcel or site to the existing major road and such recorded restriction must run with each lot, parcel or site to be split. The restriction must be approved by the Township Planning Commission on the advice of

legal counsel and

then recorded before any land use permit will be issued by the Township.

- 11) The Planning Commission may allow temporary access to a major road where the service road, shared driveway or frontage access road is not completed if a performance bond or other financial guarantee is provided which assures the elimination of the temporary access upon completion of the service road, shared driveway or frontage access road.
 - 12) A Certificate of Zoning Ordinance Compliance shall not be issued until such financial guarantees have been submitted to the Township and approved by the Township Board.
 - 13) Service Roads and Frontage Road Design Standards.
 - a) Service roads generally will be parallel or perpendicular to the front property line and may be located either in the front of, adjacent to or behind the principal buildings. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings and the anticipated traffic flow for the site. The service road may be built within the front yard setback requirements provided there is sufficient distance between the service road and the existing major road so as not to create a traffic hazard.
 - b) A service road shall be within an access easement permitting traffic circulation between adjoining properties. The easements shall be a minimum of sixty-six (66) feet wide.
 - c) The service roads and frontage access roads shall be built in accordance with the Livingston County Road Commission Standards for public roads in a subdivision with a minimum pavement width of twenty (20) feet.
 - d) Service roads are intended to be used exclusively for circulation and not as parking. The Planning Commission may require the posting of no parking signs along the service road. In reviewing the site plan, the Planning Commission may permit temporary parking in an easement area where a continuous service road is not yet available, provided that the layout provides for removal of the parking in the future to allow the extension of the service road.
 - e) The Planning Commission shall approve the location of all accesses from lots, parcels or sites onto the service road, based upon the driveway standards as provided by the Livingston County Road Commission Standards.
 - f) 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 the grades can be coordinated with adjacent property owners.
- C) Provisions of Section 14.32 shall supplement those of this Section 26.15 b. 13), except,

where there is a conflict, the most restrictive shall prevail.
(Ord. No. 47 eff. Dec. 9, 1993; amend. by Ord. No. 97 eff. Feb. 23, 2000, amend. Ord. No. 172 eff. April 25, 2004)

Section 26.15 ROADS AND DRIVEWAY DEVELOPMENT AND CONSTRUCTION IN PRIVATE DEVELOPMENTS

A. PURPOSE.

The purpose of this Section is to provide standards and specifications for the construction and development of roads and driveways within a private development within the Township of Howell; to contribute to and promote the general safety, health, and welfare of the public utilizing the roads, driveways, and buildings within a private development. This Section will establish standards to allow for access by emergency vehicles and to assist in the organized flow of pedestrian and vehicular traffic within a private development. This Section is not meant to supersede any part of Act No. 288, Public Acts of 1967.

(Ord. eff. May 7, 1992)

B. ROADS IN PRIVATE DEVELOPMENTS.

All roads in private developments that are not dedicated and accepted by the public shall be designed and constructed in accordance with the Livingston County Road Commission's Specifications for Plat Development adopted May 23, 1991 by the Board of County Road Commissioners for Livingston County and effective May 24, 1991.

(Ord. eff. May 7, 1992)

C. INSPECTIONS OF PRIVATE ROAD DEVELOPMENTS.

- 1) All inspections and reviews shall be done by the Township Engineer. Any approvals, reviews or inspections by the Township Engineer shall not be construed as a warranty or an assumption of liability on the part of the Township of Howell or its Engineer. The petitioner or applicant must pay the actual cost incurred by the Township in having the Township review, inspect and approve the design and construction of any private roads and drainage improvements and pay all legal fees incurred by the Township in reviewing the same. The applicant shall pay an inspection fee in the amount of three percent (3%) of the approved proprietor's engineer's estimate of the cost of the road and drainage improvements which shall be paid by cash or certified check to Howell Township at the time the land use permit is issued for the development of the property. This fee is to cover the administrative cost and inspections incurred and authorized by Howell Township relevant to the development. In the event the inspection costs exceed the estimated three percent (3%) charge, the proprietor, developer and/or owners shall be responsible for paying the additional sum which is in excess of three percent (3%) to Howell Township prior to receiving final approval. All references in the Livingston County Road Commission's "Specifications for Plat Development" to the County Engineer are hereby revised to read the Howell Township Engineer.
2. Any reference to the Livingston County Road Commission in its "Specifications for Plat Development" in Section 9 entitled, "Financial Requirements" for the purpose of this

Ordinance shall read Howell Township, a municipal corporation.

(Ord. eff. May 7, 1992)

D. WAIVER OF HARD SURFACING REQUIREMENTS.

The requirement of hard surfacing the road in a private development may be waived by the Howell Township Planning Commission under the following conditions:

- 1) The private development is designed for single family residences, with each parcel consisting of five (5) acres or more. However, there will be no waiver of the requirement of hard surfacing in developments which consist of, in whole or in part, multiple principal buildings upon a parcel of land.
 - 1b) Land divisions consisting of two (2) acres or more in area that do not consist of more than four (4) lots, are accessed from a public road which are not paved and are zoned for single family residences.
- 2) The development does not have more than fifteen (15) lots, parcels or sites that either abuts the private road and/or have access to the private road.
- 3) In the event any of the existing lots, parcels or sites are to be partitioned or further subdivided so that the total number of potential residential units using the private road exceeds fifteen (15), the road must be brought up to the then current requirements and specifications required by the Livingston County Road Commission for a public road including hard surfacing. The developer, prior to selling any lot, parcel or site, will be required to restrict each lot, parcel or site by recording an affidavit of restrictions in the office of the Livingston County Register of Deeds whereby each lot, parcel or site that has access to the private road shall be subject to a special assessment for the purpose of bringing the road up to the Livingston County Road Commission's specifications for a public road including hard surfacing. The affidavit of restrictions must contain an appropriate mechanism for the assessing, the placing of liens and the collecting of the appropriate sums to make the road conform to the Livingston County Road Commission's specifications for a public road including hard surfacing.
- 4) The Howell Township Planning Commission and Zoning Administrator shall not authorize the construction and/or further partition of any lots, parcels or sites in a private development if that division creates a 16th lot, parcel or site which will utilize a said private road, unless the road meets all of the requirements of the Livingston County Road Commission.

(Ord. Eff. May 7, 1992)

E. ROAD MAINTENANCE AGREEMENTS.

1. Road maintenance agreements, easement agreements for ingress and egress, and deed restrictions shall provide for the perpetual private (non-public) maintenance of such roads and/or easements which are necessary and reasonable standards to serve the several interests involved. These documents shall contain as a minimum the following provisions:

- a) A method of initiating and financing of such roads and/or easements in order to keep the road in good and useable condition and continuously meet the standards of the Livingston County Road Specifications for Road and Plat Development.
 - b) A workable method of apportioning the cost of maintenance and improvements.
 - c) A notice that if repairs and maintenance are not made, the Township Board may bring the road up to design standards specified in this Article XXVI and assess owners of the parcels on the private road or those residents who have access to the private road for the improvements plus an administrative fee in the amount of twenty-five percent (25%) payable to Howell Township.
 - d) A notice that no public funds of Howell Township are to be used to build, repair or maintain the private road.
 - e) Easements to the public for the purpose of emergency and other public vehicles for whatever public access or services are necessary.
 - f) A provision that the owners of any and all property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with the normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invite, tradesmen, and others bound to or returning from any of the properties having the right to use the road.
2. All agreements and documents required by this Section shall be approved by the Howell Township Board after receiving recommendations form the Howell Township Planning Commission, Township Attorney and Township Engineer on this matter.

(Ord. eff. May 7, 1992)

F. UTILITIES.

1. Prior to selling any lot, parcel or site, the developer or owner shall create and record an appropriate easement which will provide for all utilities to serve the project, and any expansion thereof, which easement(s) shall also provide for drainage, sewer, and water. These easements shall meet the approval of the Howell Township Planning Commission after receiving recommendations from the Township Attorney and the Township Engineer.
2. Public utilities and driveways shall be located in accordance with the rules of the Livingston County Road Commission then in effect. The underground work for utilities shall be stubbed to the building site boundary line. The developer shall make arrangements for all distribution lines for telephone, electric and cable television service to be placed underground entirely throughout the development area, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways. Those telephone and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. The proposed location of all underground wiring shall be submitted to the appropriate utility for approval. Installation shall not proceed until such approval has been granted. All telephone and electrical facilities shall be constructed in accordance with standards of construction in compliance with all applicable

federal, state and local laws and regulations. Cable television facilities shall be constructed in accordance with applicable state and federal regulations, as well as in compliance with the Howell Township Cable Communications Franchise Ordinance. All drainage and

underground utility installations which traverse privately owned property shall be protected by easements granted by the developer.

(Ord. Eff. May 7, 1992, Amend. Ord. 184 eff. April, 13, 2005)