

Village of Lake Isabella - Codified Ordinances

Article IV – Transportation & Public Works
Chapter 432 – Private Roads, Easements, & Joint Drives
Originally Adopted: Ordinance 2011-05; Dated January 18, 2011

Chapter 432.01 Private Roads, Easements, & Joint Drives Regulated

432.01 PRIVATE ROADS, EASEMENTS, & JOINT DRIVES REGULATED

The following standards and regulations shall apply to every private street, access easement, shared driveway and the equivalent:

- A. No building permit or zoning permit shall be issued for a new dwelling or structure on a parcel or lot on or served by a private street, access easement, shared drive, or similar access other than an improved public road unless the private street, access easement, shared drive, or the equivalent has been constructed and maintained (from the point of intersection with an improved public road or a private street that complies with Village construction standards all the way to the lot or parcel at issue) to the private street construction and design standards adopted by the Village Council by resolution from time to time (and also as specified in Section 1212.57 of the Village Code of Ordinances), and the Village has approved the finished private street, shared drive, or the equivalent. The regulations adopted by the Council may include the requirement to pave the private road, access easement, or joint drive along with design and material requirements.
- B. Every lot and parcel created after the effective date of this ordinance shall have frontage upon a fully improved public street or a private road that meets all of the construction and design requirements contained in the zoning code of the Village of Lake Isabella for a private street or that meets the private street construction and design standards adopted by the Village Council by resolution from time to time, whichever is stricter.
- C. No private street, access easement, or the equivalent shall be constructed, extended, or utilized unless done in full compliance with this Chapter and any other applicable Village ordinances and also pursuant to site plan approval by the Village Planning Commission. The following shall also be applicable to all private streets and the equivalent:
 - 1. The private street or access easement shall be at least sixty-six (66) feet wide and shall expressly allow utilities to be installed and maintained therein. It shall further require that all utilities be located underground, and that no poles may be permanently erected along the private road or access easement.

2. No private street or access easement shall be constructed, extended, or utilized until and unless a private street maintenance agreement has been submitted to and approved by the Village, and the same has been fully executed and recorded with the County Register of Deeds. Such maintenance agreement must bind all the lots and parcels utilizing the private street, as well as the lands comprising the private street easement.
 3. Construction standards for a private streets and access easements shall comply with the requirements of any applicable Village ordinance and resolution, as well as any rules or regulations specified by the Village Engineer.
- D. The owner of every parcel or lot with frontage on a private street, shared driveway, access easement, or the equivalent shall be legally responsible (together with the owner of every other lot or parcel on such private street, shared driveway, access easement, or the equivalent) for ensuring that the entire length and width of the private street, shared driveway, access easement, or the equivalent is constructed and maintained in compliance with all requirements of this Chapter (and other applicable Village ordinances and resolutions) at all times.
- E. Every private street, shared drive, access easement, or the equivalent shall be cleared of snow within 12 hours of when three inches or more of snow is first present on the ground. Such snowplowing is essential to ensure that firefighting and emergency vehicles can access all properties on a private street, shared driveway or the equivalent.
- F. The Village Planning Commission may lessen or waive one or more requirements for a particular private street, access easement, shared driveway, and the equivalent for a particular private street, access easement, shared driveway, or the equivalent (or any parcel or lot thereon) should the Planning Commission determine that all of the following standards will be met:
1. Even with the waiver or variance, the private street, joint drive, access easement or the equivalent shall be safe for travel, including use by pedestrians, vehicles of the general public, firefighting vehicles, police vehicles and emergency rescue vehicles.
 2. The variance or waiver will not set an adverse precedent and will be consistent with the intent and purposes behind this chapter.
 3. The requested variance or waiver is the minimum necessary to ensure that the construction, maintenance and use of the private street, access easement, shared driveway or the equivalent will be safe and reasonable.
 4. The problem or situation for which the variance or waiver is being requested is not due to the actions or fault of the applicant.

5. The requested waiver or variance will not have an adverse impact upon adjoining properties.

Prior to granting any such waiver or variance, the Planning Commission shall hold a public hearing and shall send written notice of such public hearing to all parcels or lots with frontage on the private street, access easement, shared driveway, or the equivalent involved, as well as the owners of all properties as shown on the real property tax rolls within three hundred (300) feet of all parcels and lots with frontage on the private street, access easement, shared driveway, or the equivalent at issue. Should the Village grant a variance or waiver pursuant to this subsection, it can also attach reasonable conditions.

- G. Pursuant to the Village's approval or denial of the construction or installation of a private street, access easement, shared drive or the equivalent or pursuant to a request for a waiver or variance pursuant to subsection F, above, the Village can require the applicant or property owner(s) involved to deposit escrow funds with the Village in amounts sufficient to cover all of the Village's costs and expenses (including work done by the Village Attorney and Village Engineer) associated with the approval or denial of a new or expanded private street, shared driveway, access easement or the equivalent or pursuant to the request and processing of a waiver or variance pursuant to subsection F, above.