

MONTEREY TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

AMENDMENT TO THE MONTEREY TOWNSHIP ZONING ORDINANCE –

Ordinance No. 20-01

Adopted: May 4, 2020

Effective: May 22, 2020

AN ORDINANCE TO AMEND THE OFFICIAL MONTEREY TOWNSHIP ZONING ORDINANCE.

**MONTEREY TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, ORDAINS:**

***ARTICLE 1:***

***Amend Section 10.14 of the Monterey Township Zoning Ordinance in its entirety to read as follows:***

**SECTION 10.14 MINIMUM REQUIREMENTS FOR PRIVATE ROADS**

- A. Private Roads are regulated in Monterey Township subject to the following process:
1. Private Roads are permitted by right when all of the following conditions are met:
    - a. The proposed private road Right of Way shall not at any point be located less than thirty (30) feet from non-associated property lines,
    - b. the proposed private road connects to a public road right of way not designated as a “seasonal road” by the Allegan County Road Commission.
    - c. The proposed private road connects to a paved public road.
    - d. The proposed private road serves four or less parcels.
  2. Private roads may be permitted by Special Use Permit subject to Section 10.18 and Section 10.24 Site Plan Review under the following circumstances:
    - A. The proposed private road Right of Way lies within thirty (30) feet from non-associated property lines.
    - B. The proposed private road connects to a public or private road right of way not designated as a “seasonal road” by the Allegan County Road Commission.
    - C. The proposed private road serves five or more parcels.
    - D. The design and construction of private streets serving multi-family developments or any residential development subject to approval by special use permit.
    - E. The Planning Commission determines at Public Hearing that the proposed private road meets the standards for Special Use in Section 10.18.C herein, as well as the following:
      - (i) Compatibility with the existing and permitted uses located on the adjoining land.
      - (ii) Whether the design of the proposed private road will provide for safe travel, while taking into consideration the existing and proposed topography, drainage, and vegetation within the street easement as well the same within

100 feet of the easement.

(iii) Expected traffic volumes and the likely impact that the vehicles will have on adjacent property.

(iv) Techniques for minimizing expected impacts, including, but not limited to, berming, grading, tree and shrub plantings, fencing, and increasing the distance to adjacent property.

(v) The existing condition of the connecting road and ability to support the private road without negative impact thereon.

F. The Monterey Township Board approves the site plan considered as part of the Special Use Permit upon recommendation of the Planning Commission per Section 10.24 herein.

3. Private roads shall be specifically prohibited in the following circumstances:

- a. Where the proposed road connects to a street designated as a “Seasonal Road” by the Allegan County Road Commission.
- b. Private Roads shall not be constructed in the Agricultural District.

B. Application requirements:

1. A completed application for a Private Road
2. Application fee as determined by the Monterey Township Board
3. Name(s) of owners and any other parties having legal interest in the private road and the property upon which it shall be constructed
4. Allegan County Road Commission Approval to Connect a private road
5. Maintenance agreement with the following statements:
  - a. Road Name
  - b. a detailed description of how and by whom the road will be maintained, who will be financially responsible for enlarging, expanding, and upgrading the construction of the road to serve future parcels.
  - c. a provision for the assessment of maintenance fees to be paid by benefitting property owners. It is the intent of this ordinance to require that each parcel owner be responsible for the costs and maintenance of the private road to include the entire length of said parcel’s frontage even if the initial construction is only required to the dwelling unit.
  - d. A written waiver of liability and “Indemnification Agreement” releasing Monterey Township and Allegan County from any liability for damages resulting from or related to the construction, use, maintenance, or lack of maintenance of the private road.
  - e. The method of private financing of all maintenance, improvements, and snow removal, the apportionment of these costs among those benefitted, and the right of the Township to assess such costs against those properties benefitted, (plus a 25 percent administrative fee), and to perform such improvements in the event

of a failure of those benefitted to perform these duties for the health, safety, and general welfare of the area.

- f. Easements to the public for emergency and other vehicles as necessary
  - g. Easement for utilities and access to said utilities within the Private Road Right of Way
  - h. A provision stating the owners of any and all of the properties using the street shall refrain from prohibiting, restricting or limiting in any manner interfering with normal ingress and egress and use by any of the other owners, including use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the street.
  - i. A provision stating that the owner of any parcel benefitted by and responsible for maintenance of the private road agrees to participate, without protest, in a private road Special Assessment District should the Township Board establish one pursuant to PA 188 of 1954 as amended.
  - j. Any other specific requirements as deemed relevant and necessary to the specific private road as proposed, subject to review by the Township Attorney and/or Zoning Administrator.
- 6. A survey and written description, by a licensed surveyor, of the parent parcel/tract and the proposed development.
  - 7. A detailed construction plan, including a diagram of the “Standard Cross Section and Layout”, proposed street upgrades, drainage, and location of all signs (dead end, stop, curve, road name, etc.). The proposed improvements plan shall be prepared by and sealed by a registered civil engineer.
  - 8. A completed Monterey Township Environmental Checklist.

#### C. Minimum Construction Standards

- 1. All Private Roads:
  - a. A private road authorized under this section shall have a right-of-way of at least sixty-six (66) feet in width.
    - i. In the case of dead ends, easements will be required to extend completely through the property and end lots, and will be used for determining lot frontage requirements.
  - b. twenty (20) feet in improved roadbed width
  - c. not less than six (6) inches of a processed and stabilized gravel base over eight (8) inches of compacted sand

- d. at least three (3) feet of improved shoulder width on each side
- e. adequate drainage ditches and necessary culverts on both sides to accumulate and contain surface waters from the road area
- f. a grade of not more than seven percent
- g. if dead-ended, shall have a cul-de-sac with a radius of not less than fifty (50) feet of improved roadbed for the accommodation of emergency, commercial, or other vehicles.
- h. Private paved roads shall have a bituminous paved approach in accordance with the Allegan County Road Commission.
- i. The layout of the private roads shall be compatible with the general pattern established by adjacent roads and streets. All intersections shall be at ninety degree (90) angles.
- j. Regulation Michigan State Highway stop signs shall be positioned and installed in accordance with the Michigan State Manual of Uniform Traffic Control Devices on all private roads where such roads intersect public roads.

- 2. **Private Roads Serving More than Four Parcels** shall have a two (2) inch thick bituminous paved surface of at least twenty (20) feet in width. Cul-de-sacs shall have a minimum constructed paved surface radius of fifty (50) feet.

**D. Private Roads on record as of the date of this amendment.** All private roads on record as of the date of the ordinance adoption are nonconforming uses of land. These roads may be used as is but may not be extended nor may any original lots be divided until the road is brought into compliance with all applicable requirements of Section 10.14 as amended.

**E. Street Names, House Numbering and Street Signs.**

- 1. A private road shall be given a name that is not the same or similar to any other street in the county. A street sign bearing the street name and meeting Allegan County Road Commission standards as to design, location and maintenance shall be erected and maintained where the private street intersects with another street.
- 2. A uniform house number as assigned by the Allegan County Road Commission to each dwelling served by the private road shall be conspicuously placed adjacent to the driveway serving a dwelling.

**F. Application and Review Process**

- 1. An application for Private Road shall be filed with the Zoning Administrator

along with a fee as set by the Township Board. Once the application has been determined to be complete, the Zoning Administrator shall forward a copy of the permit application to the Township Fire Chief for information purposes.

2. Upon review of the application, if the Zoning Administrator finds the completed application meets the requirements of this section and requires no further board action, he or she shall approve the application within a reasonable time period.
3. Should the Zoning Administrator determine that a Special Use and Site Plan Review is required, he or she shall contact the applicant to inform them of the required process within 14 days. After review and approval by the Monterey Township Planning Commission and Township Board, plans must be amended to any additional conditions imposed by the Planning Commission or Township Board as part of a Special Use or Site Plan Approval
4. Construction Permit: Upon completion of administrative or Board approval as outlined in subsections 3 and 4 above, the Zoning Administrator shall issue a Construction Permit. This permit shall contain the signature of the Zoning Administrator and the date of approval. One copy shall be transmitted to the applicant, the other shall be retained by the Township. This construction permit does not authorize the construction of any buildings adjacent to the private street. The construction permit is valid for a period of one (1) year from the date of approval. If construction of a private street has not commenced before this date, the permit shall expire. A new permit shall be required before construction may begin. Should construction be delayed, the Zoning Administrator may grant one extension for not more than one year, if the applicant submits a letter requesting such extension in writing prior to the expiration date.
5. Final Compliance Requirements: Upon completion of construction of the private road, the applicant shall provide the Zoning Administrator with:
  - a. A letter from a registered professional engineer stating that the road has been designed, constructed and inspected in compliance with the approved private road plans and specifications herein, and
  - b. Documentation that the road maintenance agreement including access easement and deed restrictions have been recorded with the Allegan County Register of Deeds office.

## **ARTICLE II. SEVERABILITY:**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain valid and in effect.

**ARTICLE III. REPEAL AND EFFECTIVE DATE:**

This Ordinance is ordered to take effect the eighth day following publication of notice of its adoption in accordance with the Michigan Public Act 110 of 2006 as amended. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Jennifer Frank  
Monterey Township Clerk