

**CEDAR CREEK TOWNSHIP**  
**COUNTY OF MUSKEGON, MICHIGAN**

At a regular meeting of the Township Board of the Township of Cedar Creek, held in the Township Hall, 6556 Sweeter Rd, Twin Lake, Michigan, on the 8<sup>th</sup> day of March, 2022 at 5:00 p.m.

PRESENT: Charles Skinner, Linda Aerts, Heather Jarvis, Robert Wright

ABSENT: Peggy Foster

The following ordinance was offered by Member Jarvis and supported by Member Skinner.

The following ordinance was offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_.

**ORDINANCE NO. 2022-02**

**AN ORDINANCE TO AMEND CHAPTER 3 OF THE ZONING ORDINANCE WITH  
MISCELLANEOUS CHANGES/CORRECTIONS**

CEDAR CREEK TOWNSHIP ORDAINS:

Section 1. Chapter 3 of the Cedar Creek Zoning Ordinance is hereby amended to add section 3.29 Private Roads and Remove from the Regulatory Ordinance.

**Section 3.29. Private Roads**

**A. Purpose.**

The Township determined that it is in the best interest of the public health, emergency response, safety and welfare of the Township and its citizens to regulate the construction, improvement, extension, relocation and use provision for private property access.

The provisions have been enacted to assure that private roads:

1. Will not be detrimental to the public health, safety or general welfare;
2. Will not adversely affect the development policies of the Township;
3. Will be designed and constructed such that the materials, base width, surface and grade shall assure safe passage and maneuverability of private vehicles, police, fire, ambulance and other safety vehicles, over its entire length and throughout the seasons of the year; and
4. Will be constructed so as to protect against or minimize soil erosion and prevent damage and/or adverse affects to the lakes, streams, ponds, wetlands and the drainage thereof, including natural environment of the Township and in response to all applicable federal, state, county or township statutes, regulations and/or ordinances, including, but not limited to the following State of Michigan Acts and all amendments: Act No. 203 of 1979, Act No. 245 of 1970, Act No. 346 of 1972 and Act No. 347 of 1972.

## **B. Definitions.**

1. "Frontage" means the continuous linear distance of that portion of a lot or parcel abutting upon a public or private street right-of-way. Frontage is to be measured at the minimum required front yard setback of the district in which the lot or parcel is located.
2. "Parcel" means a tract of land which can be legally described with certainty and is capable of being located by survey.
3. "Private Driveway" means any privately owned, improved and maintained path or trail which provides means of ingress and egress from a public or private road to less than three lots or parcels."
4. "Private Road" means a privately controlled dedicated or undedicated, and improved or unimproved, maintained right-of-way or other interest in land that provides the means of access from a public road right-of-way for ingress and egress to more than two lots or parcels. The term "road" shall be synonymous with the terms street, avenue, place, way, drive, lane, boulevard, highway or other thoroughfare.
5. "Public Road" means an improved right-of-way under certification of the Road Commission. The term "road" shall be synonymous with the terms street, avenue, place, way, drive, lane, boulevard, highway or other thoroughfare.
6. "Road Commission" means the Muskegon County Road Commission.

## **C. Private Driveway Construction Requirements.**

1. Private driveways shall be allowed as a permitted land use by the Township Zoning Administrator after issuance of a Land Compliance Permit. Private driveways serving a single lot which are less than 100 feet in length are not subject to this section.
2. Private driveways shall serve no more than two lots.
3. All private driveway access easements shall be a minimum of 20' in width with a clear, passable width of 12' and clear, passable vertical clearance of 14'. Clear and passable shall mean the area is free of roots, brush, shrubs, trees and branches, or any other debris.
4. All private driveways shall have a slope not to exceed 10%.
5. All unpaved private driveways must have an aggregate base course of compacted gravel, crushed concrete, slag or similar material, which is at least six inches in depth and 12' in width for the entire length of the driveway.
6. If paved, all private driveways shall be a minimum of 3" of asphalt or 4" of concrete.

## **D. Private Roads.**

Private roads shall be subject to the following regulations:

1. No building or structure shall be built upon any lot which does not abut a public street except in compliance with the requirements of this Ordinance.
2. Except as set forth below, all private roads and the lots to be served by them shall comply with the requirements of the Cedar Creek Township Zoning Ordinance (“Zoning Ordinance”) and the Land Division Act of 1967 (MCLA 560.101, et seq.), as both may be amended from time to time. A private road which existed and was used for access prior to the effective date of this Ordinance need not meet the requirements of the ordinance until such time as it is used to access new or existing lots that require the issuance of a building permit.
3. Each private road shall extend from a public right-of-way to the lot served by it and shall not be constructed, extended, or relocated unless a construction permit has been applied for and obtained from the Muskegon County Road Commission, a special use permit has been granted, and regulations of this ordinance are complied with. A document legally describing the private road which includes provisions for maintenance shall be recorded with the Muskegon County Register of Deeds and also provided to lot purchasers. The maintenance provisions shall apportion the maintenance responsibilities among the appropriate property owners. Individual property deeds, at a minimum, shall include reference to the maintenance provisions recorded with the Muskegon County Register of Deeds.
4. If more than 24 single family residential lots have access by the same private road, then the private road shall have not less than two separate access points to a public right-of-way. The access points shall be at least 300 feet from each other, measured from the nearest points of the right-of-way.
5. All private roads shall be a minimum of 33 feet wide, with 20 feet cleared, and have 14 feet of hard surface.
6. A lot shall have frontage on the private road access easement and shall meet the requirements of the respective zoning district.
7. All private roads shall be centered upon a 66-foot wide access easement or right-of-way which shall include all utilities with a slope not to exceed 10%, or 20% if the Planning Commission determines the increased grade would not obstruct public safety.
8. The area within the easement in which the private road is to be located shall have a minimum cleared width of 28 feet which shall be maintained at all times. All branches extending over the traveled surface of the road shall be trimmed and maintained to a height of 14 feet above the ground.
9. The traveled surface of the private road shall be at least 22 feet wide, except that if the private road is to include valley gutters or curbing, the valley gutters or curbing shall be constructed at the outside edges of the private road, resulting in the private road having a minimum required travel surface of 26 feet.
10. The traveled surface of a private road serving a residential use or residential development of three to 9 lots shall be as follows:
  - a. A minimum sub-base of 12 inches of MDOT Class II sand and a minimum base of six inches of MDOT 22A compacted gravel.

- b. The traveled surface shall be at least 22 feet wide.
- c. The surface of the private road may be gravel; if paved, the private road surface shall comply with the paving requirement for a private road serving more than nine lots.
- d. Provisions shall be made for adequate drainage of the road surface and adjacent lands.

11. The traveled surface of a private road serving a residential use or residential development of more than 9 lots shall be as follows:

- a. A minimum sub-base of 12 inches of MDOT Class II sand and a minimum base of six inches of MDOT 22A compacted gravel.
- b. The traveled surface of the private road shall be at least 22 feet wide.
- c. The traveled surface shall be paved with at least three inches of bituminous aggregate, consisting of one and one-half inches each of bituminous aggregate meeting MDOT specification 3C for the leveling course and MDOT specification 4C for the surface course.
- d. Provisions shall be made for adequate drainage of the road surface and adjacent lands.

12. A private road, serving a commercial or industrial use or a development which includes commercial or industrial uses:

- a. Must meet the above regulations in section 3.28D
- b. The traveled surface of the private road shall have a minimum sub-base of 12 inches of MDOT Class II sand and a minimum base of eight inches of MDOT 22A compacted gravel in addition to meeting the standards listed above.

13. All proposed private roads which serve two or more single family or two duplex residential lots shall be reviewed under the provisions of Chapter 15, Special Uses, of the Cedar Creek Township Zoning Ordinance prior to being constructed. The purpose of the review is to assure that the private road will comply with the requirements of this Ordinance and that the development of the private road will not adversely impose or impact on the public interest. The review shall consider all relevant matters, including the following:

- a) The number of single family or duplex residential lots served by the private road and how they are affected by the private road.
- b) The number of additional single family or duplex residential lots that may be served by the private road.
- c) The length of the road and whether it meets the requirements of this Ordinance.
- d) The impact if the road on wetlands, dunes or other environmentally sensitive areas.

14. When computing any required setbacks under the provisions of this Ordinance, any land which is devoted to a private road shall not be considered in the computation of whether the structure is

setback the required number of feet. In other words, setbacks shall be computed from the nearest edge of the private road right-of-way, not from the center of the roadway. (Rev. 11/09/04.)

E. Appeals.

If an aggrieved party has any dispute involving interpretation of this Ordinance or any appeal from a decision of the Planning Commission pursuant to this Ordinance, the aggrieved party shall file application with Zoning Board of Appeals within 30 days after the order, decision or determination as to which the application or appeal is taken.

Section 2. Chapter 3 of the Cedar Creek Zoning Ordinance is hereby amended to add section I. to 3.10 Regulations Applicable to Single-Family Dwellings Outside Manufactured Home Parks.

- I. Pre-manufactured dwellings shall not be more than ten years old when moved into the township.

Section 3. Chapter 3 of the Cedar Creek Zoning Ordinance is hereby amended to correct the numbering of Ordinance 2021-01, 3.27, Land clearing, and re-number it as 3.28.

Section 4. Publication; Effective Date. This ordinance shall be effective thirty days after publication of a summary of its provisions in a local newspaper of general circulation in the Township.

AYES: Aerts, Jarvis, Wright, Skinner

NAYS: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Charles Skinner, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Cedar Creek Township Board at a regular meeting held on March 10, 2022 and I further certify that public notice of such meeting was given as provided by law.

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Charles Skinner, Township Clerk

Adopted: March 8, 2022

Published: March 17, 2022

Effective: April 16, 2022