

**HEATH TOWNSHIP**

**ALLEGAN COUNTY**

**ORDINANCE NO. 61**

**ACCESS MANAGEMENT ORDINANCE**

Adopted: February 9, 2004

Effective: March 2, 2004

An ordinance to amend the Heath Township Zoning Ordinance by adding Chapter XXII, entitled "Access Management" in order to address safe and efficient travel, traffic flow and coordinated access along the M-40 Corridor.

**SECTION I**

**SECTION 22.01 B INTENT**

Section 22.01. The provisions of this Chapter are intended to promote safe and efficient travel within Heath Township; minimize disruptive and potentially hazardous traffic conflicts; ensure safe access by emergency vehicles; protect the substantial public investment in the street system by preserving capacity and avoiding the need to unnecessary and costly reconstruction which disrupts business and traffic flow; separate traffic conflict areas by reducing the number of driveways; provide safe spacing standards between driveways, and between driveways and intersections; provide for shared access between abutting properties; implement the Heath Township Master Plan and the M-40 Corridor Management Plan recommendations; ensure reasonable access to properties; though not always by the most direct access; and to coordinate access decisions with the Michigan Department of Transportation and/or the Allegan County Road Commission, as applicable.

**SECTION II**

**SECTION 22.02 B ONE ACCESS PER PARCEL**

- A. All land in a parcel or lot having a single tax code number, as of the effective date of the amendment adding this provision to the Zoning Ordinance (hereafter referred to as "the parent parcel"), that shares a lot line for less than 660 feet, unless reduced by Planning Commission, shall be entitled to one (1) driveway or road access per parcel from said public road of highway.

1. All subsequent land divisions of a parent parcel, shall not increase the number of driveways or road accesses beyond those entitled to the parent parcel on the effective date of this amendment.
  2. Parcels subsequently divided from the parent parcel, either by metes and bounds descriptions, or as a plat under the applicable provisions of the Land Division Act, Public Act 288 of 1967, as amended, or as a condominium project in accord with the Condominium Act, Public Act 59 of 1978, as amended, shall have access by a platted subdivision road by another public road, by a private road that meets the requirements of Section 11.19.
- B. Parent parcels with more than 660 feet of frontage on a public road or highway, unless reduced by Planning Commission, shall also meet the requirements of A.1. and A.2. above, except that whether subsequently divided or not, they are entitled to not more than one driveway for each 660 feet of public road frontage thereafter unless a registered traffic engineer determines that topographic conditions on the site, curvature on the road, or sight distance limitations demonstrate a second driveway within a lesser distance is safer or the nature of the land use to be served requires a second driveway for safety. If the parcel is a corner lot and a second driveway is warranted, the second driveway shall have access from the abutting street unless that street is of a higher functional classification.

### **SECTION III**

#### **SECTION 22.03 B APPLICATION REVIEW, APPROVAL AND COORDINATION PROCESS**

- A. Standards of Road Authorities Apply. All standards of the applicable road authority (either the Michigan Department of Transportation or the Allegan County Road Commission, or both) shall be met prior to approval of an access application under this Chapter.
- B. Application, Review and Approval Process. Applications for driveway or access approval shall be made on a form prescribed by and available from the Heath Township Zoning Administrator.
1. Applications shall be accompanied by clear, scaled drawings (minimum of 1" = 20') in triplicate showing the following items:
    - a. Proposed plan of routing vehicles entering and leaving the site (if passenger vehicles are to be separated from delivery trucks, indicate such on drawing).

- b. Traffic analysis and trip generation survey results obtained from a licensed traffic engineer for all developments with over 100 directional vehicle trips per peak hours.
    - c. Design dimensions and justification for any alternative or innovative access design.
  - 2. Applications are strongly encouraged to rely on the following sources for access designs, the National Access Management Manual, TRB, 2002; National Cooperative Highway Research Program (NCHRP), Access Management Guidelines to Activity Centers Report 348 and Impacts of Access Management Techniques Report 420; and the AASHTO Green Book: A Policy on Geometric Design of Highways and Streets. The following techniques are addressed in these guidebooks and are strongly encouraged to be used when designing access:
    - a. Not more than one driveway access per abutting road
    - b. Shared driveways
    - c. Service drives: front, rear and perpendicular
    - d. Parking lot connections with adjacent property
    - e. Other appropriate designs to limit access points on an arterial or collector.
  - 3. Applications shall be accompanied by an escrow fee for professional review per the requirements of Section 19.
- C. Review and Approval Process. The following process shall be completed to obtain access approval:
  - 1. An Access Application meeting the requirements of Section 22.03 (B)(1) shall be submitted to the Zoning Administrator and on the same day to the Allegan County Road Commission and/or the Michigan Department of Transportation, as applicable.
  - 2. The completed application must be received by the Heath Township Zoning Administrator at least 15 days prior to the Planning Commission meeting where the application will be reviewed.

3. The applicant, the Zoning Administrator and representatives of the Allegan County Road Commission, the Michigan Department of Transportation and the Planning Commission may meet prior to the Planning Commission meeting to review the application and proposed access design.
4. The Planning Commission shall review and recommend approval, or denial, or request additional information. They shall also forward the Access Application (and other relevant project information) to the Allegan County Road Commission and/or Michigan Department of Transportation for their review as applicable.
5. The Allegan County Road Commission and/or the Michigan Department of Transportation, as applicable, shall review the access application and conclusions of the Planning Commission. One of three actions may result:
  - a. If the Planning Commission and the Road Commission, and/or the Michigan Department of Transportation, as applicable, approve the application as submitted, the access application shall be approved.
  - b. If both the Planning Commission and the Road Commission, and/or the Michigan Department of Transportation, as applicable, deny the application, the application shall not be approved.
  - c. If either the Planning Commission, Road Commission, and/or Michigan Department of Transportation, as applicable, requests additional information, approval with conditions, or does not concur in approval or denial, there shall be a joint meeting of the Zoning Administrator, a representative of the Planning Commission and staff of the Allegan County Road Commission, and/or the Michigan Department of Transportation, as applicable, and the applicants. The purpose of this meeting will be to review the application to obtain concurrence between the Planning Commission and the applicable road authorities regarding approval or denial and the terms and conditions of any permit approval.

No application will be considered approved, nor will any permit be considered valid unless all the above-mentioned agencies have indicated approval unless approval by any of the above-mentioned agencies would clearly violate adopted regulations of the agency. In this case, the application shall be denied by that agency, and the requested driveway(s) shall not be constructed. Conditions may be imposed by the Planning Commission to ensure conformance with the terms of any driveway permit approved by a road authority.

6. Heath Township shall keep a record of each application that has been submitted, including the disposition of each one. This record shall be a public record.
7. Approval of an application remains valid for a period of three (3) years from the date it was authorized. If authorized construction is not initiated by the end of three (3) years, the authorization is automatically null and void. Any additional approvals that have been granted by the Planning Commission or the Zoning Board of Appeals, such as Special Use Permits, or variances, also expire at the end of three years.
8. An approval may be extended for a period of three (3) months. The extension must be requested, in writing by the applicant before the expiration of the initial approval. The Zoning Administrator may approve extension of an authorization provided there are no deviations from the original approval present on the site or planned, and there are no violations of applicable ordinances and no development on abutting property has occurred with a driveway location that creates an unsafe condition. If there is any deviation or cause for question, the Zoning Administrator shall consult a representative of the Allegan County Road Commission and/or the Michigan Department of Transportation, as applicable, for input.
9. Re-issuance of an authorization that has expired requires a new Access Application form to be filled out and processed independently of previous action.
10. The applicant shall assume all responsibility for all maintenance of such driveway approaches from the right-of-way line to the edge of the traveled roadway.
11. Where authorization has been granted for entrances to a parking facility, said facility shall not be altered or the plan of operation changed until a revised Access Application has been submitted and approved as specified in this Section.
12. Application to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all nonconforming or unused entrances and approaches to the same site at the expense of the property owner.
13. When a building permit is sought for the reconstruction, rehabilitation or expansion of an existing site or a zoning or occupancy certificate is sought for

use or change of use for any land, buildings, or structures, all of the existing, as well as proposed driveway approaches and parking facilities shall comply, or be brought into compliance, with all design standards as set forth in this Ordinance prior to the issuance of a zoning or occupancy certificate, and pursuant to the procedures of this Section.

14. Heath Township and the Allegan County Road Commission and/or the Michigan Department of Transportation, as applicable, may require a performance bond or cash deposit in any sum not to exceed \$5,000 for each such approach or entrance to insure compliance with an approved application. Such bond shall terminate and deposit returned to the applicant when the terms of the approval have been met or when the authorization is cancelled or terminated.

#### **SECTION IV**

#### **EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES**

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**HEATH TOWNSHIP**  
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