

**ALLENDALE CHARTER TOWNSHIP  
SUBDIVISION ORDINANCE  
ORDINANCE NO. 1997-4, Amended with Ordinance 2003-2 and 2015-6**

An Ordinance to regulate the subdivision of land in the Charter Township of Allendale; to promote the public health, safety and general welfare; to require and regulate the preparation and presentation of preliminary and final plats; to establish minimum plat requirements; to require minimum improvements to be made or guaranteed by the subdivider; to provide a procedure to be followed by the Allendale Charter Township Board and Allendale Charter Township Planning Commission in the application of the terms and provisions of this Ordinance; and to prescribe penalties for the violation of this Ordinance.

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN, ORDAINS:

**ARTICLE I**

**GENERAL PROVISIONS**

**Section 1.1 - Short Title**

This Ordinance shall be known and may be cited as the "Allendale Charter Township Subdivision Ordinance."

**Section 1.2 - Purpose**

The purpose of this Ordinance is to regulate and control the subdivision of land within the Township in order to promote the safety, public health and general welfare of the Township. Without limiting the generality of the foregoing, this Ordinance is specifically designed to:

1. Provide for the orderly growth and harmonious development of the Township;
2. Secure adequate traffic circulation through a coordinated street system with consideration for each plat of existing and planned streets, adjoining properties, and public facilities;
3. Insure adequate provision of public water, drainage, and sanitary sewer facilities;
4. Encourage the provision of open space, recreational areas and facilities, school sites and sites for other public facilities; and
5. Provide procedures for the achievement of these purposes.

### **Section 1.3 - Legal Basis**

This Ordinance is enacted pursuant to Michigan Act 246 of 1945, as amended, Michigan Act 288 of 1967, as amended (the Subdivision Control Act of 1967), and Michigan Act 359 of 1947, as amended.

### **Section 1.4 - Scope**

This Ordinance shall not apply to any plat that has received either preliminary or final approval from the Township Board under the Subdivision Control Act prior to the effective date of this Ordinance, or to any plat created and recorded prior to the effective date of this Ordinance, except in the case of any further division, alteration or vacation of lots, roads or alleys located therein. This Ordinance shall not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreement running with the land, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions or requirements than are imposed or required by the provisions of any other ordinance of the Township, the provision of this Ordinance shall control.

### **Section 1.5 - Administration**

The approval provisions of this Ordinance shall be administered by the Township Board in accordance with the Subdivision Control Act.

### **Section 1.6 - Schedule of Fees**

A schedule of fees for the administration of this Ordinance shall be established by resolution of the Township Board, which resolution may be amended from time to time. The fees shall be paid by the subdivider to the Township Clerk at the time of submission of the proposed plat for preliminary and final approval.

## **ARTICLE II**

### **RULES APPLYING TO TEXT AND DEFINITIONS**

#### **Section 2.1 - Rules Applying to Text**

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general;
2. Except with respect to the definitions which follow in Section 2.2, the headings which title various articles, sections and subsections are for convenience only and

are not to be considered in any construction or interpretation of the Ordinance or as enlarging or restricting the terms and provisions of the Ordinance in any respect;

3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive;
4. Words used in the present tense shall include the future, words used in the singular number shall include the plural, and words used in the plural number shall include the singular, unless the context clearly indicates the contrary;
5. The word "building" includes a structure;
6. A "building" or "structure" includes any part thereof;
7. The word "person" includes a firm, association, partnership, joint venture, corporation, limited liability company, trust, municipal or public entity or any equivalent entity, or a combination of any of them as well as a natural person;
8. The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended," "arranged," "designed to be used," or "occupied";
9. Any word or phrase not defined in this Section 2.1 or in Section 2.2 shall be considered to be defined in accordance with its common or standard definition; and
10. The phrase "adjoining lots and parcels" shall include lots and parcels separated by highways, roads, streets, rivers, streams or drains.

## **Section 2.2 - Definitions**

The following listed words and phrases are defined for the purpose of their use in this Ordinance. These definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

1. **Building Line or Setback Line:** A line parallel to a street right-of-way line or other public area boundary, shore of a lake, edge of a stream or river bank, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building between such line and the street right-of-way line or other public area boundary, the shore of a lake or the edge of a stream or river bank.
2. **Commercial Development:** A planned commercial center providing building areas, parking areas, service areas, landscaping and screening and widening, turning movement and safety lane roadway improvements.

3. County: Ottawa County, Michigan.
4. County Drain Commissioner: The Ottawa County Drain Commissioner.
5. County Health Department: The Ottawa County Health Department.
6. County Plat Board: The Ottawa County Plat Board.
7. County Road Commission: The Ottawa County Road Commission.
8. Cross Walkway or Pedestrian Walkway: A right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and/or properties.
9. Dedication: The intentional appropriation of land by the owner to public use.
10. Development Plan: The Basic Plan adopted by the Township pursuant to Michigan Act 168 of 1959, as amended. Such plan may include all or any parts of the elements described in subsection (2) of Section 7 of Michigan Act 168 of 1959, as amended, and may include maps, plats, charts, and descriptive, explanatory and other related matters.
11. Engineer: Any civil engineer who is registered in Michigan as a professional engineer.
12. Flood Plain: That area of land adjoining the channel of a river, stream, watercourse, lake or other body of water which has a one percent (1%) or greater chance of flooding in any given year.
13. Greenbelts or Buffer Parks: A strip or parcel of land, privately restricted or publicly dedicated as open space, located between incompatible uses for the purpose of protecting and enhancing the environment of adjacent parcels.
14. Improvements: Any structure incidental to servicing or furnishing facilities for a plat such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other appropriate items, with appurtenant construction.
15. Industrial Development: A planned industrial area designed specifically for industrial use providing landscaping and screening, wide streets and turning movement, and other street and roadway safety improvements, where necessary.
16. Lot: A measured portion of a parcel or tract of land which is described and fixed in a recorded plat.

- a. Lot Depth: The horizontal distance between the front and rear lot lines, measured along a line midway between the side lot lines.
  - b. Lot Width: The horizontal distance between the side lot lines measured at the setback line required by the Zoning Ordinance and at a right angle to the line used to measure lot depth as provided in subsection a above.
17. MDOT: Michigan Department of Transportation or any successor state agency having similar jurisdiction.
18. Outlot: When included within the boundary of a recorded plat, an outlot is a lot set aside for purposes other than a building site, park, road, or other land dedicated to public use or reserved to private use.
19. Parcel or Tract: A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act.
20. Planning Commission: The Allendale Charter Township Planning Commission.
21. Plat: A map or chart of a subdivision of land. The precise content and scope of the various types of plats are described in Article III of this Ordinance.
- a. Sketch Plat: An informal plan or sketch drawn to scale showing the existing features of a site and its surroundings and the general layout of a proposed plat.
  - b. Preliminary Plat: A map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.
  - c. Final Plat: A map of a subdivision of land made up in final form ready for approval and recording.
22. Proprietor, Owner, Subdivider or Developer: Any person, as defined in Section 2.1, paragraph 7, who may hold any recorded or unrecorded ownership interest in land.
23. Public Utility: Any governmental unit, board or commission, or any person furnishing to the public transportation, water, gas, electricity, telephone, cable television, fiber optic cable, sewage disposal, storm sewer or other service of a similar nature.
24. Public Open Space: Land dedicated or reserved for use by the general public, including, without limiting the generality of the foregoing, parks, parkways,

recreation areas, school sites, community or public building sites, streets and highways, and public parking areas.

25. Replat: The process of changing, or the map or plat which changes the boundaries of a recorded plat or part thereof. The legal division of an outlot within a recorded plat without changing the exterior boundaries of the outlot is not a replat.
26. Right-of-Way: A street, thoroughfare, easement or strip of land used, or intended to be used, for pedestrian or vehicular access or other public purpose by the general public and not reserved for the exclusive right of any person.
27. Street or Road: A right-of-way which provides for vehicular and pedestrian access to abutting properties. The Development Plan provides a more detailed description and purpose of existing and planned streets or roads.
  - a. Collector Street: A street designed primarily to serve a specific function or to improve the day to day function of specific development needs or plans. Development served by these streets does not necessarily front on these streets.
  - b. Cul-de-sac: A street of short length having one end terminated by a vehicular turn-around.
  - c. Frontage Street: A street that generally parallels a public street between the right-of-way of the public street and the front building setback line.
  - d. Local Street: A street that serves local traffic by interconnecting the major arterial and primary streets.
  - e. Major Arterial: The state highway in the Township, M-45/Lake Michigan Drive.
  - f. Primary Street: A street which acts as a major thoroughfare to move traffic through and connect the Township to surrounding communities.
  - g. Street Width: The shortest distance between the lines delineating the right-of-way of a street.
  - h. Subdivision Street: A street within a plat that provides frontage and access to lots within the plat.
28. Subdivide or Subdivision: The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or a building development that results in 1 or more parcels of less than 40

acres or the equivalent, and that is not exempted from the platting requirements of the Subdivision Control Act by sections 108 and 109 thereof. "Subdivide" or "subdivision" does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Subdivision Control Act and the requirements of all Township Ordinances.

29. Subdivision Control Act: Michigan Act 288 of the Public Acts of 1967, as amended, or any successor Michigan statute regulating plats.
30. Surveyor: Either a land surveyor who is registered in Michigan as a registered land surveyor or a civil engineer who is registered in Michigan as a registered professional engineer.
31. Township: The Charter Township of Allendale.
32. Township Board (Governing Body): The Township Board of Allendale Charter Township.
33. Water Resources Commission: The Water Resources Commission of the Michigan Department of Environmental Quality, or any successor state agency having similar jurisdiction.
34. Zoning Administrator: The Township staff person responsible for the administration of this Ordinance.
35. Zoning Ordinance: The Allendale Charter Township Zoning Ordinance, as amended.

### **ARTICLE III**

#### **PLATTING PROCEDURE AND DATA REQUIRED**

##### **Section 3.1 - Pre-Preliminary Procedures**

1. Preliminary Investigation
  - a. Prior to the scheduling of a pre-preliminary conference and preparation of a preliminary plat, the subdivider may wish to meet informally with the Zoning Administrator to investigate the procedures and standards of the Township with reference to this Ordinance and the Development Plan that affect the area in which the proposed plat is located.

- b. It is the responsibility of the subdivider to:
- (1) Be familiar with the provisions of this Ordinance, the Zoning Ordinance, Development Plan, Township construction standards and County Health Department, County Drain Commissioner and County Road Commission requirements;
  - (2) Investigate the relationship of the proposed plat with respect to existing streets, any plans for future widening or improvement of existing streets and any future streets proposed in the Development Plan;
  - (3) Investigate the standards for sewage disposal, water supply, erosion control, drainage, flood control and public health of the Township and all other governmental agencies having jurisdiction; and
  - (4) Review the Subdivision Control Act and the requirements of those state and county agencies which are required by the Subdivision Control Act to review and approve the proposed plat.

2. Pre-Preliminary Conference:

A pre-preliminary conference may be requested by the subdivider, and is recommended. The conference will provide information to the subdivider concerning development policies of the Township, acquaint the subdivider with the subdivision procedure and the requirements of the Township Board and Planning Commission, and provide the Township with general information concerning the proposed plat.

a. Requirements

A sketch plat shall be submitted and shall contain at least the following data:

- (1) The plat boundary and intended layout, including the anticipated stages for development of the plat;
- (2) General layout of streets, blocks and lots in sketch form;
- (3) Existing conditions and characteristics of the land on, and adjacent to the site such as significant topographical, flood plain, and physical features;
- (4) Any general areas to be set aside for open space, parks and/or other community facilities;



- (5) Name of proposed plat, north point, approximate scale and date;
- (6) Current proof of ownership of the land to be subdivided or evidence of a contractual ability to acquire such land, such as an option or purchase contract;
- (7) A statement from the County Health Department indicating the suitability of the land for the operation of septic tanks, if proposed; and
- (8) If connection to the existing public water and/or sewer system is proposed, the location of each proposed connection.

b. Procedures

The following procedures will be followed in the review of any sketch plat that is submitted.

- (1) The subdivider shall submit twelve (12) copies of the sketch plat to the Zoning Administrator at least fourteen (14) days before the scheduled date of the pre-preliminary conference. The conference shall be scheduled by the Zoning Administrator and he shall inform the interested parties of the date and time. Planning Commission members may attend at their option.
- (2) The Zoning Administrator shall promptly transmit copies of the sketch plat with the date and time of the conference to the Planning Commission. Planning Commission members shall advise the Zoning Administrator of any comments or questions about the proposed plat prior to the conference.
- (3) The Zoning Administrator shall review the sketch plat with the subdivider or his agent. In the event the Zoning Administrator shall reasonably determine that other governmental agencies are affected, he may recommend that copies of the sketch plat be submitted by the subdivider to these agencies for review.
- (4) The Zoning Administrator shall inform the subdivider or his agent of the Township's development policies and make appropriate comments and suggestion concerning the proposed plat.
- (5) The Zoning Administrator shall inform the Planning Commission of the results of his review of the sketch plat and the pre-preliminary conference.

3. Rezoning

- a. If rezoning of the land which is to be subdivided is required in order for the proposed plat to be in compliance with the Zoning Ordinance, the documents required in preceding subsection 2. a. shall be submitted with the rezoning request.

4. Effect

- a. Review and consideration of the sketch plat as is provided in this Section 3.1 does not assure or in any way bind the Township with respect to the approval of the preliminary or final plat.

**Section 3.2 Preliminary Plat (Tentative and Final Preliminary)**

A preliminary plat prepared on a topographic map shall be prepared by the subdivider and submitted to the Zoning Administrator in accordance with the following requirements and the requirements of the Subdivision Control Act. All fees required to be paid pursuant to Section 1.6 shall be paid in full when the preliminary plat is submitted.

Should any of the data required in this section be omitted, the Zoning Administrator shall notify the subdivider of the additional data that is required. Township action shall be delayed until the required data is received. The filing date shall be that date when all data has been received.

1. Requirements

The preliminary plat shall clearly show or contain the following information:

- a. The date, north arrow and scale. The scale shall not be more than 1 inch = 100 feet;
- b. Legal description of the land to be subdivided;
- c. Name, address and telephone number of the subdivider and the surveyor or engineer. The preliminary plat shall contain the seal of the surveyor or engineer;
- d. Location map of the plat, including the section number, town and range, and the name of the township and county;
- e. Statement of intended use of the proposed plat, such as residential single family, two family or multiple housing, commercial, industrial, recreation, or agricultural;

In addition, the preliminary plat shall show proposed sites, if any, for multifamily dwellings, shopping centers, churches, industry, and other non-public uses, exclusive of single family dwellings, as well as any sites proposed for parks, playgrounds, schools or other public uses;

- f. A map of the entire area scheduled for eventual development if the proposed plat is a portion of a larger land holding intended for subsequent development;
- g. An area map showing the relationship of the proposed plat to the surrounding area within one-half mile. Information on the map shall include such things as section lines and existing and planned streets. The minimum acceptable scale is one inch equals 800 feet;
- h. The land use and existing zoning of the proposed plat and the adjacent land, including identification of zoning district and information and documentation concerning any zoning approval or variance which may have been granted;
- i. Streets, street names, right-of-way and roadway widths including features such as adjoining plats, public and private streets, streams, utilities, cemeteries, parks, county drains or any other features which may influence the street layout;
- j. Lot lines and dimensions including setback lines from the street to the nearest foot and the total number of lots by block. The subdivider shall also submit a table listing the proposed lots by number, and the lot area for each lot;
- k. Contours at five foot intervals shall be shown where the slope is greater than ten (10) percent and at two foot intervals where the slope is ten (10) percent or less. The direction of the surface drainage shall also be shown. Elevations shall be based on United States Geological Survey data;
- l. A site report as described in the rules of the State Department of Public Health, as amended, or successor agency having jurisdiction, shall be provided if the proposed plat will not be served by public sewer and water systems. In addition, the preliminary plat shall show the location and depth of soil borings and the location of percolation test holes;
- m. A statement indicating the method or methods by which drainage, sewage disposal and the water supply will be provided;
- n. Twelve (12) copies of proposed covenants and deed restrictions, or a written statement that none are proposed;

- o. Utility easements, showing location, width, and purpose;
- p. Site data including total acreage, number of lots, average lot size and acreage in open space, parks and other nonresidential uses;
- q. A general description of existing trees and vegetation;
- r. Flood plain elevations when the proposed plat abuts, includes or is adjacent to a stream, drain or other body of water for which the flood plain has been established; and
- s. Phasing of the plat, if any, including proposed dates for commencement of each phase.

2. Procedure (Tentative and Final Preliminary)

- a. The subdivider shall submit to the Zoning Administrator twelve (12) copies of the preliminary plat prepared on a topographic map at least fifteen (15) days before the first workshop meeting of the Planning Commission that precedes the regular meeting at which the preliminary plat is to be considered.

In addition the subdivider shall submit three (3) copies of the preliminary plat to each of the following authorities as provided in Sections 112 to 119 of the Subdivision Control Act: County Road Commission; County Drain Commissioner; MDOT; Michigan Department of Environmental Quality; Michigan Water Resources Commission; County Health Department; County Plat Board and all public utilities that are serving the area.

- b. The Zoning Administrator shall promptly transmit copies of the preliminary plat to the Planning Commission and appropriate Township officials and consultants. The subdivider shall file with the Zoning Administrator a list of all authorities to whom copies of the preliminary plat have been submitted.
- c. The Planning Commission shall review the preliminary plat and give its report and recommendation to the Township Board not more than sixty (60) days from the date of filing of the preliminary plat. This (60) day period may be extended by a written agreement between the subdivider and the Planning Commission. Any such written agreement shall contain a specific delineation of the time period in which the Township must act to either tentatively approve or disapprove the preliminary plat. A copy of any agreement reached by the Planning Commission and the subdivider with respect to an extension of time shall be transmitted to the Township Clerk. If no action is taken within sixty (60) days, or any extension of this deadline,

the Planning Commission shall be deemed to have recommended approval of the preliminary plat.

(1) If the preliminary plat does not meet all requirements of this Ordinance and the Subdivision Control Act, the Planning Commission shall notify the subdivider by letter indicating any additional information or changes required. The notification shall indicate any extension of time and the next review schedule.

d. The Township Board, within ninety (90) days from the date of filing the preliminary plat, unless the time period for approval has been extended pursuant to Section 3.2-2.c., shall tentatively approve and note its approval on the copy of the preliminary plat to be returned to the subdivider or set forth in writing its reasons for rejection and the requirements that must be met for tentative approval.

(1) The Township Board shall not review, approve or reject a preliminary plat until it has received a report and recommendation from the Planning Commission provided, however, that the Township Board can act without a report and recommendation from the Planning Commission if the Planning Commission does not issue its report and recommendation within (60) days or within such extended time period as may be agreed upon between the subdivider and the Planning Commission.

(2) Tentative approval shall confer upon the subdivider approval of lot sizes, lot orientation, and street layout for a period of one (1) year from the date of tentative approval. Such tentative approval may be extended if applied for by the subdivider and granted by the Township Board in writing.

(3) For final approval of the preliminary plat, the subdivider shall submit a list of all the approving authorities to the Township Clerk and the Zoning Administrator together with a certification that the list shows all authorities required in Section 3.2-2.a and Sections 112 to 119 of the Subdivision Control Act to review and approve the preliminary plat. The subdivider shall also submit copies of the approved preliminary plat to the Township Clerk and Zoning Administrator after all necessary approvals have been secured.

(4) The Township Board, after receipt of the necessary approved copies of the preliminary plat, shall consider and review the preliminary plat at its next meeting, or within twenty (20) days from the date of submission of the approved copies, and approve the preliminary plat if the subdivider has met all conditions for approval of the

preliminary plat. The Township Clerk shall promptly notify the subdivider of approval or rejection in writing and, if rejected, give the reasons.

- (a) Approval of a preliminary plat shall not constitute approval of the final plat, but rather final plat approval shall be conditioned on all requirements of the preliminary plat being met.
- (b) Final approval of the preliminary plat by the Township Board shall be for a period of two (2) years from the date of its approval. The Township Board may extend the two (2) year period if applied for by the subdivider and granted in writing. Written notice of the extension shall be sent by the Township Board to the other approving authorities.

### **Section 3.3 - Final Plats**

#### 1. Requirements

- a. Final plats shall be prepared and submitted as provided in the Subdivision Control Act, Sections 131 to 198.
- b. A written request for approval and the filing and recording fee shall accompany all final plats.
- c. The subdivider shall submit proof of ownership of the land included in the final plat in the form of a policy of title insurance currently in force. The Township may also require such other information as shall be reasonably necessary to establish whether the proper parties have signed the final plat.
- d. Three (3) sets of construction plans prepared by an engineer for all streets, water, sewer, storm drainage, sidewalks and other required public improvements shall be submitted to the Zoning Administrator in order for the Township, and other agencies, to make a determination as to the conformance of the proposed improvements to all requirements of the Township and all other governmental agencies having jurisdiction. These construction plans shall include profiles, cross sections, specifications and other supporting data. The subdivider shall also submit copies of the final plat and construction plans or as-built drawings, as required, to the County Drain Commissioner, the County Road Commission and the County Health Department for review and approval.

2. Procedure

- a. The subdivider shall submit the final plat with construction plans and/or as-built drawings and all other required documents to the Zoning Administrator. The Zoning Administrator shall promptly transmit all copies of the plat and supporting documents to the Planning Commission.
- b. The Planning Commission shall review the plat at its next regular meeting or within (30) days of receipt thereof for the final plat's conformance to the provisions of the Subdivision Control Act, the provisions of this Ordinance, and the preliminary plat, as approved. The Planning Commission shall then make a recommendation to the Township Board as to whether the final plat should be approved or disapproved.
  - (1) The time period for review and recommendation by the Planning Commission may be extended by a written agreement between the subdivider and the Planning Commission. Any such written agreement shall contain a specific delineation of the time period in which the Township must act to either approve or disapprove the final plat. A copy of any agreement reached by the Planning Commission and the subdivider with respect to an extension of time shall be given to the Township Clerk.
  - (2) If the Planning Commission recommends disapproval of the final plat by the Township Board, it shall forward its written recommendation to the Township Board, together with a written report of its review of the final plat, which report shall detail the reasons for recommending disapproval and the requirements recommended as prerequisites for approval.
  - (3) If the Planning Commission recommends approval of the final plat by the Township Board, it shall forward its written recommendation to the Township Board together with written report of its review of the final plat.
- c. The Township Board shall review the final plat and the report from the Planning Commission at its next regular meeting, or at a meeting to be called within twenty (20) days of receipt of the final plat and report from the Planning Commission.
  - (1) The Township Board shall either approve or reject the final plat. If rejected, the Township Board shall cause the Township Clerk to give the reasons in writing to the subdivider as set forth in the minutes of the meeting, and return the plat to the subdivider.

- (2) If the final plat is approved, the Township Board shall instruct the Clerk to sign the municipal certificate on the approved plat on behalf of the Township Board and to comply with all requirements of the Subdivision Control Act.
- (3) Recording of the final plat shall have the effect of an irrevocable offer to dedicate all streets and other public ways, all park areas, school sites, and other such areas to the public use unless a notation is placed in the plat by the subdivider stating there is no such offer of dedication of certain areas or ways.
- (4) Recording of the final plat, however, shall not impose any duty upon the Township, County or other governmental unit concerning improvement or maintenance of any such dedicated or reserved area until the proper authorities have agreed to accept the same by legal action.

#### **ARTICLE IV**

#### **SUBDIVISION DESIGN STANDARDS**

##### **Section 4.1 - Streets and Roads**

The provisions of this Ordinance shall be the minimum Township requirements for public streets, roads and intersections. All private streets and roads shall comply with the Zoning Ordinance. In the event that any other public agency having jurisdiction shall adopt any statute, ordinance, rule, regulation or standard imposing additional or more stringent requirements, the terms of such statute, ordinance, rule, regulation or standard shall govern.

##### **Section 4.1.2**

1. Location Requirement.
  - a. The land for which a subdivision is proposed under this Ordinance shall have frontage on and abut a paved public street for the entire width of the parcel being proposed for the subdivision. If such land is a corner lot each public street abutting the land must be paved as noted herein.
  - b. If the land does not have such paved public street frontage the developer of the subdivision may make such improvements as are necessary to comply with Section 4.1.2.2.a above to provide the required paved street frontage subject to the approval of the Township Board and Ottawa County Road Commission. If a parcel has frontage on only one public street such improvements shall be extended from an existing paved public street to the



farthest lot line of the parcel containing the proposed subdivision.

If the parcel is a corner lot only one of the street frontages must be paved as extended from an existing paved public street to the farthest lot line of the parcel containing the proposed subdivision. This street shall be considered the primary street frontage for the subdivision.

In order to comply with the requirement of Section 4.1.2.2.a above the remaining street frontage (the secondary street frontage) for the subdivision must be paved at such time that an entrance to the subdivision is provided onto the secondary street frontage. This paving shall be extended from the paved primary street frontage to the subdivision entrance on the secondary street.

## **Section 4.2 - Street Requirements**

1. Location and Arrangement
  - a. Plat streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems and to require the minimum number of streets necessary to provide convenient and safe access to the lots in the plat.
  - b. Streets within the proposed plat shall conform to the Development Plan and shall be considered in relation to all existing and planned streets. Planned streets shall be platted and the location and width indicated on the plat.
  - c. The street layout shall provide for the continuation of streets in any adjoining plat and for the proper projection of streets when adjoining property is not subdivided.
  - d. Should any proposed plat border on or contain an existing or proposed street (whether or not the existing or proposed street is included in the plat), the plat shall be designed so as to provide for adequate protection of residential properties and to provide adequate separation and reduction of traffic hazards.
  - e. Whenever the area to be subdivided is to utilize existing street frontage, the entire street frontage shall be improved to meet current Township and Road Commission road standards and rules.
  - f. A plat or an extension of an existing plat shall be subdivided so as to provide sufficient access streets.

2. Frontage Streets

Where a plat abuts or contains a primary or local street, the Township may require:

- a. Frontage streets approximately parallel to, and on each side of, the right-of-way.
- b. Such plat design as is reasonably necessary to provide adequate protection to residential properties and to afford separation of through and local traffic, such as planted buffer strips or the redesign of all or part of the street layout within the plat.

3. Dead-End Streets

Permanent dead-end streets are prohibited unless approved by both the Township and the County Road Commission. Dead-end streets may be allowed in those cases where no alternative design solution is feasible.

4. Cul-de-sac Streets

All temporary and permanent (where allowed) dead-end streets shall be provided with cul-de-sacs at their termini. Temporary cul-de-sacs shall be provided at the termini of streets where a future extension is contemplated.

Temporary or permanent dead-end streets shall not be longer in length than seven (7) times the average lot width in the plat. Cul-de-sacs shall have a minimum radius for right-of-way and pavement as prescribed by the standards and rules of the County Road Commission.

5. Street Rights-of-Way and Roadway Widths

Street and road rights-of-way and roadway widths shall conform to the Development Plan and all standards and rules of the County Road Commission or, if the street or road is subject to MDOT jurisdiction, all MDOT standards and rules. Right-of-way for future streets shall be dedicated for that use.

6. Street Gradients and Alignment

Street gradients and alignment shall be in accordance with the standards and rules of the County Road Commission.

7. Street Names

Street names shall not duplicate any existing street name in the County except where a new street is a continuation of an existing street of the same name.

Any street name which is spelled differently but sounds the same as an existing street name in the County is prohibited.

All new streets shall be named as follows: Streets with predominant east-west directions shall be named "Street" or "Road"; streets with predominant north-south direction shall be named "Avenue"; meandering streets shall be named "Drive", "Lane", "Path", or "Trail"; and cul-de-sacs shall be named "Circle", "Court", "Way", or "Place".

The subdivider shall provide the Township with written approval for all street names from the County Road Commission.

8. Half Streets

Half streets are prohibited unless the Township Board, on recommendation from the Planning Commission, determines unusual circumstances make half streets essential to the reasonable development of a tract in conformance with this Ordinance, and unless satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract in accordance with the requirements of the County Road Commission.

**Section 4.3 - Intersections**

1. Angle of Intersection

Streets shall intersect at ninety (90) degrees or as close thereto as practical. In no event shall the angle of an intersection be less than eighty (80) degrees.

2. Sight Triangles

Minimum clear sight distance at all street intersections shall permit vehicles to be visible to the driver of another vehicle when each is no less than one hundred twenty-five (125) feet from the center of the intersection. No fence, wall, embankment, structure, sign, or planting shall obstruct vision in this area. Sight triangles shall be shown on the preliminary plat.

3. Number of Streets

No more than two (2) streets shall meet at any one intersection.

4. "T" Intersections

"T" type intersections shall be used where practical.

5. Centerline Offsets

Slight jogs at intersections shall be eliminated where practical. Where such jogs cannot be practically avoided, street centerlines shall be offset by a distance of one hundred twenty-five (125) feet or more.

6. Vertical Alignment of Intersection

A nearly flat grade with appropriate drainage slopes is required within intersections. This flat section shall be carried back a minimum of fifty (50) feet each way from the intersection. An allowance of two (2) percent minimum intersection grade in rolling and four (4) percent minimum intersection grade in hilly terrain will be permitted.

**Section 4.4 - Pedestrian Rights-of-Way**

1. Crosswalks

Rights-of-way for pedestrian crosswalks in the middle of long blocks shall be provided where necessary to obtain convenient pedestrian circulation to schools, parks, shopping areas, or other activity centers.

Such pedestrian rights-of-way shall be at least ten (10) feet wide and extend through the entire block.

**Section 4.5 - Easements**

1. Easement Location

Easements shall be provided along front lot lines for utilities and also alongside or rear lot lines when necessary. The minimum width shall be ten (10) feet along each lot.

2. Drainageway

Where a plat is traversed by a water course, drainage-way, channel, floodplain, or stream, a storm water easement or drainage right-of-way shall be provided which conforms substantially with the lines of such watercourse or right-of-way to minimize flooding during periods of heavy rain.

The subdivider shall provide drainageway easements as required by the standards and rules of the County Drain Commissioner.

#### **Section 4.6 - Blocks**

1. Arrangements

A block shall be designed to provide two (2) tiers of lots, except in those cases where lots back onto a street, natural feature or plat boundary.

2. Minimum Length

Blocks shall not be less than three hundred (300) feet long from center of street to center of street.

3. Maximum Length

The maximum length allowed for residential blocks shall be one thousand (1,000) feet long from center of street to center of street. An exception to this limitation may be granted by the Township Board upon recommendation of the Planning Commission.

#### **Section 4.7 - Lots**

1. Conform to Zoning

The lot width, depth and area shall not be less than the requirements of the Zoning Ordinance for the zoning district within which the plat is located, except where outlots are provided for some permitted purpose.

2. Lot Lines

Side lot lines shall be as close to right angles to straight streets and radial to curve streets as practical.

3. Width Related to Length

Lot depth shall not exceed three (3) times lot width. An exception to this limitation may be granted by the Township Board upon recommendation of the Planning Commission.

4. Corner Lots

Corner Lots shall have sufficient width so as to permit building setback in accordance with the Zoning Ordinance requirements.

5. Uninhabitable Areas

Lands subject to flooding or otherwise deemed by the Township Board, upon recommendation of the Planning Commission, to be uninhabitable, shall not be subdivided for residential purposes, or for any other use that may, in the judgement of the Township Board, upon recommendation of the Planning Commission, increase the danger to health, life, or property or increase the flood hazard. Such land within a plat shall be set aside for other uses, such as parks or other open space.

6. Outlots

Any restrictions on the use of outlots shall be submitted to the Planning Commission for review and recommendation to the Township Board. The Township Board shall review the proposed restrictions and the Planning Commission recommendation and determine whether or not to approve the proposed restrictions. All restrictions which are approved by the Township Board shall be recorded at the time that the plat is recorded.

7. Back-Up Lots

Lots shall back into such features as streets, shopping centers, or industrial properties, except where there is a frontage street, or unless a secondary access is provided. Such lots shall contain a landscape easement along the rear at least twenty (20) feet wide to restrict access to the street, to minimize noise and to protect outdoor living areas. This landscape easement shall be in addition to any required utility easement. A planting strip shall be maintained on the landscape easement.

8. Double Frontage Lots

Lots extending through a block and having frontage on two (2) streets are prohibited.

9. Lot Frontage

All lots shall front upon an approved street.

10. Lot Division

a. Prohibition of Division

No lot, outlot or other parcel of land located in a recorded plat shall be further partitioned or divided unless such partition or division is first approved by the Township Board after receipt of a recommendation from the Planning Commission.

b. Application for Permission

Any proprietor who desires to partition or divide a lot, outlot or other parcel of land located in a recorded plat shall first make application to the Township in writing on such application form or forms as shall be provided by the Township. Such application shall be filed with the Zoning Administrator and shall include a detailed statement of the reasons for the requested partition or division, a sketch map or maps prepared in scale showing the proposed division or partition and all adjoining lots, streets and parcels of land and, if the plat and lands in the immediate vicinity are not served with both public water and public sewer, a statement from the Ottawa County Health Department indicating the effect of the proposed division or partition upon the safe operation of necessary septic tanks and wells.

c. Building Permit

No building permit shall be issued to any proprietor or his agent or any other person, firm, association, or corporation with reference to the lot, outlot or other parcel of land which is to be divided unless the partition or division shall first have been approved by the Township Board.

d. Division Resulting in Smaller Area

A division or partition of a lot, outlot or other parcel of land which results in the creation of a parcel or parcels containing a smaller area or width than is required by the Subdivision Control Act or the Zoning Ordinance, may be approved by the Township Board, in its discretion, provided the parcel or parcels created by such division or partition which are smaller than said area and width requirements are contiguous with other lots or parcels owned by the proprietor which, when added to the parcels created by such division or partition, will comply with the area and width requirements of the Subdivision Control Act, and the Zoning Ordinance. If approval of any such division or partition is granted pursuant to this section, then the parcel established by the division or partition and the contiguous lot or parcel of land required to meet said area and width requirements shall be considered as one (1) building lot and parcel for all purposes and the owner shall, if required, sign an agreement in recordable form to this effect.

e. Conditions

In granting its approval for any such requested division or partition, the Planning Commission may condition its recommendation for approval and the Township Board may condition its approval with such reasonable conditions as shall be deemed desirable and which are in accordance with the purposes of the Subdivision Control Act, as the same are embodied in its preamble.

11. Division of Unplatted Parcel

The division of an unplatted parcel of land into two (2), three (3) or four (4) lots involving the dedication of a new street shall require the prior approval of the Township Board. Prior to taking action, the Township Board shall first receive a written recommendation concerning the proposed division from the Planning Commission. Application for this approval shall be made in writing and shall be accompanied by a drawing to scale of the proposed division. The Township Board shall not approve such application until the subdivider has secured the approval of the County Health Department (if the parcel of land is not served by both public water and public sewer) and the County Road Commission, and written evidence of such approval is submitted to the Township.

**Section 4.7 - Planting Strips, Berms and Reserve Strips**

1. Planting Strips and Berms

The Township may require that a landscape easement be located next to incompatible features such as streets, agricultural, commercial, or industrial uses



where necessary or desirable to screen the view from residential properties. The landscape easement shall be landscaped with a planting strip and/or berm. The landscape easement shall be a minimum of twenty (20) feet wide, and shall not be a part of the normal roadway right-of-way or utility easements.

2. Reserve Strips - Private

Privately held reserve strips controlling access to streets are prohibited.

**Section 4.8 - Public Sites and Open Space**

1. Public Uses

When the Development Plan proposes park, playground, school or other public use located in whole or in part within a proposed plat, a suitable area for this purpose may be dedicated to the public or reserved for public purchase.

The Township Board may, at its option, at a later date, release any such reservation for public purchase if it determines that the lands in question are no longer needed or required for a public purpose or purposes.

2. Natural Features

Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots, and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the plat.

**Section 4.9 - Nonresidential Plats**

Plats intended to accommodate industrial and commercial development shall conform to at least the following minimum requirements.

1. General

A nonresidential plat shall be subject to all of the requirements of this Ordinance, shall be specifically designated for such purposes and shall have adequate provision for the off-street parking, setback and other requirements included in the Zoning Ordinance.

2. Requirements

In addition to the requirements set forth in this Ordinance, which govern all plats, the applicant shall demonstrate that the street, parcel and block pattern proposed is

suitable for the uses anticipated and takes into account other uses in the vicinity. The following general requirements shall be complied with.

- a. Proposed commercial or industrial lots shall be suitable in area and dimensions for the types of commercial or industrial development anticipated.
- b. Street rights of way and pavement shall be adequate to accommodate the type and volume of anticipated traffic.
- c. Street, curb, gutter and sidewalk design and construction shall be in accordance with all engineering and construction requirements necessary for such improvements to be adequately constructed for their intended use.
- d. All public utilities, including water, sewer and storm water drainage, shall be designed and constructed in accordance with all engineering and construction requirements necessary for such improvements to be adequately constructed for their intended use.
- e. Every effort shall be made to protect adjacent residential areas from a potential nuisance from a proposed commercial or industrial plat including the provision of extra depth in parcels backing up on existing or potential residential development and provision for a landscape easement and a permanently landscaped berm buffer strip.
- f. Streets carrying nonresidential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas.

## **ARTICLE V**

### **PUBLIC IMPROVEMENTS**

#### **Section 5.1 - Purpose**

The improvements described in this Article shall be constructed by the subdivider as a condition precedent to final plat approval.

#### **Section 5.2 - Construction Plans**

1. Construction plans shall be prepared and submitted as is required by Section 3.3 1.d of this Ordinance for all public improvements.
2. Upon completion of the required public improvements, one (1) complete copy of as-built engineering plans with all construction changes for each public improvement shall be filed with the Zoning Administrator.

### **Section 5.3 - Required Improvements**

1. Every subdivider shall be required to install the following public and other improvements.

a. Monuments

Monuments shall be set in accordance with the Subdivision Control Act and the rules of the State Department of Treasury or any successor state agency having similar jurisdiction.

b. Streets and, Roads

All streets and roads shall be constructed in accordance with the standards and specifications adopted by the County Road Commission.

c. Curbs and Gutters

Curbs and gutters are required and shall be constructed in accordance with the standards and specifications adopted by the County Road Commission, except that in all cases curbs and gutters shall be concrete. Bituminous curbs and gutters are not permitted.

d. Installation of Public Utilities

All telephone, cable television and other communication cables and all electrical utilities shall be installed underground. In addition, all such facilities shall be installed in accordance with the Subdivision Control Act and all applicable rules and regulations of the Michigan Public Service Commission or any successor state agency having similar jurisdiction, as amended.

e. Driveways

All driveway openings in curbs shall be as specified by MDOT on state and federal roads and as specified by the County Road Commission for all other roads.

f. Storm Drainage

(1) An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be required in all plats.

- (2) Storm sewer laterals shall be constructed at the same time that the storm drainage system is constructed. At least one storm lateral shall be provided for every two lots.
- (3) The storm drainage requirements for each particular plat shall be determined by the Township and the County Drain Commissioner.

The storm drainage system for each plat shall, at a minimum, include detention and a regulated discharge.

Further, at a minimum all detention facilities shall be constructed and designed with sufficient sizing and capacity to store storm water runoff based on a twenty-five (25) year rain event. All detention facilities must include an emergency overflow directly to a public drainageway. All storm sewer discharges shall be designed, constructed, and controlled so that the discharge rate will not exceed the pre-development discharge rate based on a three (3) year rate.

- (4) Construction of the storm drainage system and storm sewer laterals shall be in accordance with the standards and specifications adopted by the County Drain Commissioner.

g. Water Supply and Sanitary Sewage Systems

- (1) Internal Systems: Public water supply and sanitary sewer systems shall be provided in every residential plat with an average density greater than one (1) dwelling unit per acre, where any portion of the plat is within 2,640 feet of existing public water and/or public sanitary sewer facilities possessing adequate capacity to provide service to the plat. In addition, a public water supply system and/or public sanitary sewer system shall be provided in every nonresidential plat where any portion of the plat is within 2,640 feet of existing public water and/or public sanitary sewer facilities possessing adequate capacity to provide service to the plat. These systems shall be acquired, constructed and completed by the developer at the developer's sole cost. Laterals for both water and sanitary sewer shall be provided to each buildable lot from the water and sewer lines to the lot side edge of the utility easement adjacent to the street right-of-way. The measurement of the 2,640 feet provided above and all measurements pursuant to subsections (2)(a), (2)(b) and (2)(c) below shall be made along the shortest route using street rights-of-way or other available public easement from any point of the proposed plat to the nearest public water and/or sanitary sewer systems. All water and sanitary sewer improvements within a plat shall, once accepted by the Township, be transferred to and become the property of the Township and can be utilized by the

Township as part of its water and sewer systems as the Township sees fit including, but without limitation, connecting additional customers to such improvements without any obligation to reimburse the developer.

(2) Extensions: In all cases where internal public water and/or sanitary sewer systems are required to be installed pursuant to subsection (1) above, the following additional provisions shall apply:

(a) Where any portion of the plat is within 1,320 feet of existing public water and/or sanitary sewer facilities possessing adequate capacity to provide service to the plat, the developer shall pay 100% of the cost to extend the existing facilities to connection points with the systems being constructed for the plat. These extensions shall be sized as shall be reasonably required by the Township. After such extensions are complete, the systems in the plat shall be connected to the extensions.

[1] The water system extension shall include valves, hydrants, and other appurtenances.

[2] The sanitary sewer system extension shall include lift stations and other appurtenances.

(b) Where the entire plat is greater than 1,320 feet from existing public water and/or sanitary sewer facilities possessing adequate capacity to provide service to the plat, but any portion of the plat is within 2,640 feet of such facilities, the developer shall, with prior written Township approval, install public water and sanitary sewer systems utilizing one of the following options.

[1] Extend existing public water and sanitary sewer as provided in subsection g (2)(a) above.

[2] Extend existing water lines as provided in subsection g.(2)(a) above, install a dry and capped sanitary sewer systems in the plat ready for future connection and provide or require on-site septic sewage systems for each buildable lot.

[3] Provide dry and capped water and sanitary sewer systems in the plat ready for future connection and

provide or require on-site individual water wells and septic sewage systems for each buildable lot.

- (c) Where the entire proposed plat is greater than 2,640 feet from existing public water and/or sanitary sewer facilities possessing adequate capacity to provide service to the plat, the developer may extend existing public water and sanitary sewer as provided in subsection g.(2)(a) above, or provide or require on site individual water wells and septic sewage systems for each buildable lot.
  - (d) All water and sanitary sewer extensions shall, once accepted by the Township, be transferred to and become the property of the Township and can be utilized by the Township as part of its water and sewer systems as the Township sees fit including, but without limitation, connecting additional customers to such extensions without any obligation to reimburse the developer.
- (3) Capped Systems: When dry capped systems are installed in the plat, they shall be tested and capped in such reasonable manner as is satisfactory to the Township. The dry systems shall be terminated at a location and in accordance with Township requirements.
- (4) Requirements and Approvals: The water supply and sanitary sewage systems shall be designed and constructed in accordance with all requirements of the Township, the County Road Commission, the County Health Department and the State of Michigan, and also any requirements imposed by any contract which the Township has for the operation or maintenance of its water and sewer systems, including Township policies concerning the water system pressure and the manner of connection. In case of conflict among the requirements of the Township, County Road Commission, County Health Department or the State of Michigan, the more rigorous requirement shall apply. Approvals of these agencies shall be obtained prior to construction when required. Two sets of construction plans shall be submitted to the Township for approval.
- (5) As-Built Plans: Two complete sets of as-built construction plans, with all changes shown, shall be furnished to the Township promptly upon completion of construction. These as-built plans shall be sealed by the engineer and shall contain a certificate signed by the engineer stating that all changes from the original approved plans are appropriately marked and identified on the as-built plans and that the as-built plans are a true and correct depiction of the

water supply and sanitary sewage system improvements as built. In addition, a computer disk compatible with the Township computer system then being utilized with respect to the Township water and sanitary sewer improvements, shall also be furnished to the Township promptly upon completion of construction; this disk shall show the water and sanitary sewer system improvements as built.

h. Street Name Signs

Street name signs shall be installed by the County Road Commission at the developer's cost.

i. Sidewalks and Crosswalks

- (1) Sidewalks shall be required on both sides of streets within the street right-of-way.
- (2) Crosswalks, when required by Section 4.4.1. shall have easements at least ten (10) feet in width, shall include a paved bituminous or concrete walk at least five (5) feet in width located generally along the centerline of the easement, and shall be dedicated as a public pedestrian walkway.
- (3) Sidewalks shall be concrete and a minimum of five (5) feet in width.
- (4) On a street or road which is subject to MDOT jurisdiction, sidewalks and crosswalks shall be constructed in accordance with MDOT standards, rules, regulations, and specifications. For all other streets and roads, sidewalks and crosswalks shall be constructed in accordance with the standards, rules, regulations, and specifications adopted by the County Road Commission. With respect to streets and roads under MDOT jurisdiction, a permit for construction shall be obtained from MDOT. For all other streets and roads, a permit for construction shall be obtained from the County Road Commission.

j. Street Lighting

Street lights shall be installed at developer's expense with a maximum spacing of five hundred (500) feet and at all intersections, cul-de-sacs and dead ends in the plat. All such lighting shall comply with all Township requirements as well as the requirements of the electric utility providing such lighting. The developer shall cooperate with the Township, as the Township shall request, in establishing a lighting special assessment district to pay for the cost of the maintenance and operation of the street lights.

k. Greenbelts and Screen Plantings

Greenbelts or landscaped screen plantings shall be provided between a plat and adjacent streets. Landscaped plantings shall also be provided to screen all above ground power transformers, telephone terminals, lift stations, and all other public utility type structures.

l. Traffic Control Signs

Traffic control signs and/or warning devices shall be installed as may be determined necessary by the County Road Commission. These signs and warning devices shall be installed by the Road Commission at the developer's expense.

m. Street Trees

Street trees shall be provided at a minimum as follows:

- (1) The planting stock, size and species of all street trees shall be in accordance with County Road Commission Tree Planting Guidelines.
- (2) All street trees shall be located on each side of the street and shall be centered between the back edge of the curb and the sidewalk.
- (3) A minimum of one (1) tree shall be planted for every fifty (50) feet of frontage along each side of the street. There shall be a minimum of one (1) tree per interior lot and at least two (2) trees shall be provided for a corner lot.
- (4) A waiver of the number of trees required pursuant to subsection (3) above may be granted by the Township Board, upon the recommendation of the Zoning Administrator and the Planning Commission. Such waiver shall be granted only if there are trees already growing on a lot which comply with these regulations and are located such that they will not be in danger of damage or destruction due to construction activity.

**Section 5.4 - Guarantee of Completion of Required Improvements**

1. Guarantee Arrangements and Exceptions

The construction of all improvements required by this Ordinance shall be completed by the subdivider and approved by the Township prior to final plat



approval. In lieu of the actual installation and approval of all improvements required by this Ordinance prior to final plat approval, the Township Board may, in its discretion, for those requirements which are over and beyond the requirements of the County Road Commission, County Drain Commissioner, or any other agency responsible for the operation and maintenance of the public improvement, permit the subdivider to guarantee completion of such required improvement as is provided in this Section 5.4. In each instance where the subdivider is to guarantee completion of required improvements, the Township and the subdivider shall enter into a written agreement specifying in detail the nature of the required improvements, the time in which these improvements are to be completed, provisions for checking or inspecting the construction of each such improvement to determine its conformity to the submitted construction plans and specifications and the nature of the financial guarantee of performance which is to be provided by the subdivider for each such improvement. The Township Board may, on recommendation from the Planning Commission, waive financial guarantees of the completion of required improvements in the case of sidewalks, street lights, or street trees.

2. Financial Guarantees

A cash deposit, certified check or an irrevocable bank letter of credit, whichever the subdivider selects, shall be deposited with the Township as the financial guarantee. Such deposit shall be made pursuant to the agreement between the subdivider and the Township referred to in Section 5.4-1 above. The agreement may provide that a cash deposit will be held by the Township Treasurer or, in the alternative, subject to approval by the Township Board, that the cash deposit will be deposited with any depository then permitted by law for Township funds.

The cash deposit, certified check or irrevocable bank letter of credit shall be in an amount equal to the total estimated cost of construction and installation of the specified public improvements, including contingencies, as estimated by the Township.

The deposit shall be retained by the Township for a period to be specified by the Township Board.

The agreement between the Township and the subdivider may provide that the amount of the financial guarantee provided pursuant to subsection 5.4-1 above will be progressively reduced as the specified improvements are completed.

3. Penalty in Case of Failure to Complete the Construction of an Improvement

In the event the subdivider shall, in any case, fail to complete an improvement within the period of time specified in his agreement with the Township for the completion, the Township Board may, at its option, proceed to have the improvement completed. The Agreement between the subdivider and the Township shall provide that all costs and expenses incurred by the Township in completing the public improvements shall be reimbursed from the financial guarantee provided pursuant to Section 5.4-2 above and, if the financial guarantee is insufficient, by the subdivider.

## **ARTICLE VI**

### **VARIANCES**

#### **Section 6.1 - General**

1. The Township Board may, on written application from the subdivider and after receipt of a recommendation from the Planning Commission, grant a variance from the provisions or requirements of this Ordinance which are under the Board's control. A public hearing shall be held by the Planning Commission prior to making its recommendation to the Township Board. Notice of this hearing shall be given in the same manner as is provided in the Township Rural Zoning Act, Michigan Act 184 of 1943, as amended, or any similar successor statute, with respect to the adoption or amendment of a Township Zoning Ordinance. No variance shall be recommended by the Planning Commission or granted by the Township Board unless there is a finding:
  - a. That there are such special circumstances or conditions affecting the property in question such that strict application of the provisions or requirements of this Ordinance would clearly be impracticable or unreasonable.
  - b. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the areas in which the proposed plat is situated.
  - c. That the variance will not violate the provisions of the Subdivision Control Act.
  - d. That the variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Development Plan.
2. After the completion of the public hearing, the Planning Commission shall make a written recommendation to the Township Board which shall include its findings and specific reasons for its recommendation. On receipt of such written recommendation, the Township Board shall act to either grant or deny the variance.

## ARTICLE VII

### **ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE**

#### **Section 7.1 - Enforcement**

No plat required by this Ordinance or the Subdivision Control Act shall be admitted to the public land records of the County or received or recorded by the Ottawa County Register of Deeds, until such plat has received final approval by the Township Board. No public board, agency, commission, official or other authority shall proceed with the construction of, or authorize the construction of any of the public improvements required by this Ordinance (unless such public improvements shall have already been accepted, opened or otherwise received the legal status of a public improvement prior to the adoption of this Ordinance) unless such public improvement shall comply in its location and in all other respects with the requirements of this Ordinance.

#### **Section 7.2 - Penalties**

Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of this Ordinance shall be responsible for a municipal civil infraction, and shall be subject to the enforcement procedures set forth in Municipal Civil Infraction Ordinance and a fine of fifty (\$50.00) dollars, plus costs and other sanctions, for each infraction. Each day during which any violation of this Ordinance continues shall be deemed a separate and distinct offense. Increased civil fines shall be imposed for repeated violations of this Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any 12 month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be as follows:

- (A) The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions;
- (B) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.00, plus costs and other sanctions.

The Township Zoning Administrator, members of the Ottawa County Sheriff's Department assigned to the Township, members of the Ottawa County Sheriff's Department whose services are contracted for by the Township, or other persons designated by the Township Board as Township Ordinance Enforcement Officers are hereby designated as Authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at Allendale Charter Township Municipal Ordinance Violations Bureau) as provided in the Municipal Civil Infraction Ordinance adopted by the Township.

## **ARTICLE VIII**

### **AMENDMENTS**

#### **Section 8.1 - Procedures**

The Township Board may, from time to time, amend, supplement, or repeal this Ordinance. A proposed amendment, supplement, or repeal may be originated by the Township Board or by the Planning Commission. All proposals not originating with the Planning Commission shall be referred to it for a report thereon before any action is taken on the proposal by the Township Board. Such report shall be submitted in writing to the Township Board within sixty (60) days from the date on which the proposal is referred to the Planning Commission. If such report is not received within sixty (60) days, then the Township Board may act on the proposal without the report of the Planning Commission.

## **ARTICLE IX**

### **MISCELLANEOUS**

#### **Section 9.1 - Administrative Liability**

No Township officer, agent or employee, or member of the Planning Commission or the Township Board shall render himself or herself personally liable for any damage that may accrue to any person, firm, association, corporation, partnership, joint venture, or combination of any of them as the result of any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this Ordinance.

#### **Section 9.2 - Severability**

This Ordinance and the various parts, paragraphs, sections, subsections, sentences, phrases and clauses thereof, are hereby declared to be severable. If any part, paragraph, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

#### **Section 9.3 - Repeal**

All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

#### **Section 9.4 - Effective Date**

This Ordinance was approved and adopted by the Township Board of Allendale Charter Township, Ottawa County, Michigan, on March 24, 1997, after introduction and a first reading on December 30, 1996, and publication and posting after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective one day after publication of a Notice of Adoption and Posting in The Grand Rapids Press - Community Edition.

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Township Supervisor

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Township Clerk