

LAND SUBDIVISION REGULATIONS
FOR
PLATTED SUBDIVISIONS
AND
LOT SPLITS

In

ALMENA TOWNSHIP

prepared by the:
Planning Commission
Almena Township
Van Buren County, Michigan

with the assistance of:
Robert B. Hotaling and Associates
Professional Planning Consultants

August 1996

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LAND SUBDIVISION REGULATIONS ALMENA TOWNSHIP

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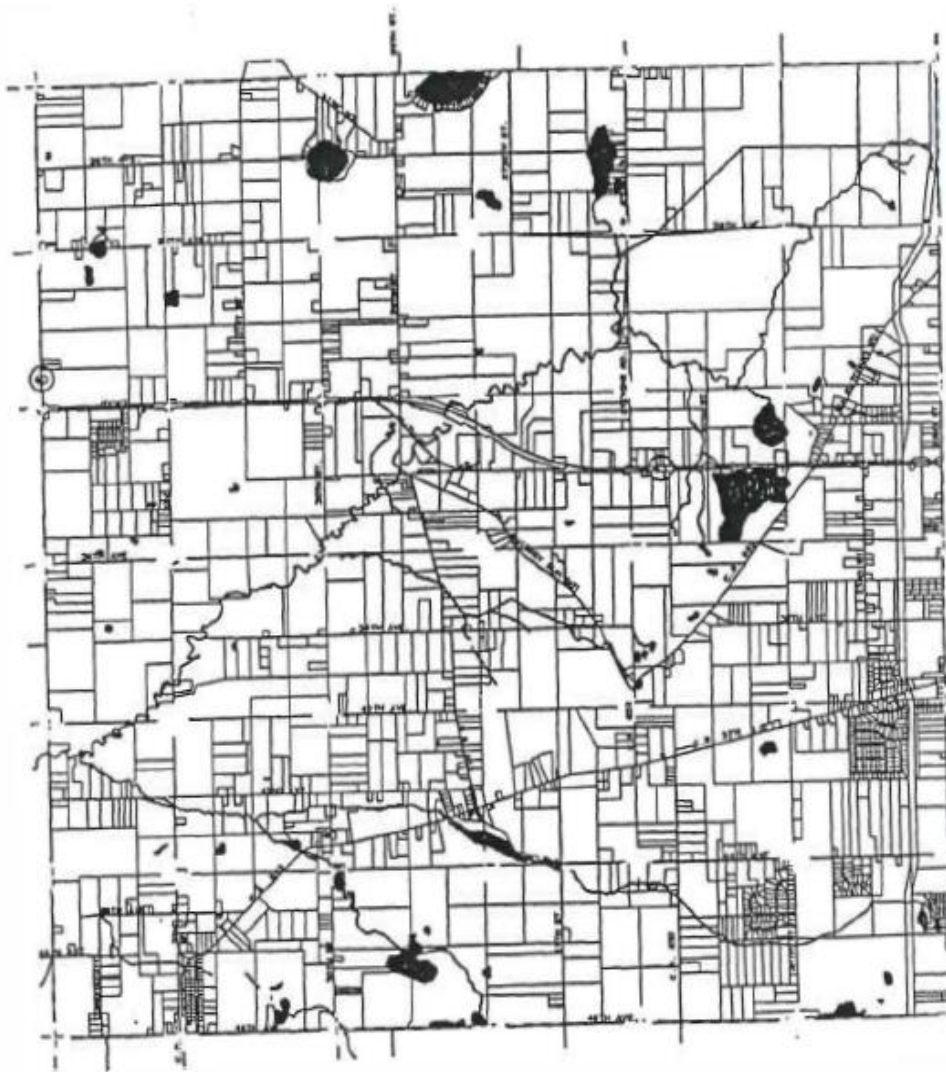
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MAP OF ALMENA TOWNSHIP



Scale = 1:60000

ALMENA TOWNSHIP LAND SUBDIVISION ORDINANCE

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND IN THE TOWNSHIP OF ALMENA, REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRE-PRELIMINARY, PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSE; ESTABLISHING MINIMUM SUBDIVISION STANDARDS; PROVIDING FOR MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER; SETTING FORTH THE PROCEDURES TO BE FOLLOWED BY THE TOWNSHIP BOARD AND TOWNSHIP PLANNING COMMISSION IN APPLYING THESE RULES, REGULATIONS AND STANDARDS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS:

THE TOWNSHIP OF ALMENA ORDAINS:

ARTICLE I - GENERAL PROVISIONS

Section 1.1 SHORT TITLE

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

Section 1.2 PURPOSE

The purpose of this Ordinance is to regulate and control the subdivision of land within the Township of Almena in order to promote the safety, public health, and general welfare of the community. These regulations are specifically designed to:

- a) Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies.
- b) Secure adequate traffic circulation through coordinated road systems with proper relation to major thoroughfares, adjoining subdivisions, utilities and facilities.
- c) Achieve individual lots with building sites which provide for maximum utility and livability.
- d) Insure adequate provisions for water, drainage, and sanitary sewer facilities, and other health requirements.
- e) Plan for the provision of adequate recreational areas, school sites, and other public facilities.

Section 1.3 LEGAL BASIS

This Ordinance is enacted pursuant to the statutory authority granted by the Subdivision Control Act of 1967, Act 288, P.A. 1967; Act 191, P.A. 1939 providing for publication of ordinances; Act 246, P.A. 1945, as amended, authorizing Township Boards to adopt ordinances and regulations to secure the public health, safety and general welfare.

Section 1.4 SCOPE

This Ordinance shall not retroactively apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except for the further subdividing of lots. Further, it is not the intention of this Ordinance to 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 agreements, or with restrictive covenants, or other private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance, of this Township, deed restrictions, covenants or private agreements, the provisions of this Ordinance shall control -in respect to all future land subdividing.

Section 1.5 ADMINISTRATION

The approval provisions of this Ordinance shall be administered by the Township Board in accordance with Act 288, P.A. 1967.

Section 1.6 SCHEDULE OF FEES

The schedule of fees for review of plats shall be as determined by resolution of the Township Board.

ARTICLE II - DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated. The word "shall" is always mandatory and not merely directory.

ALLEY: A public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.

AS-BUILT PLANS: Revised construction plans in accordance with all approved field changes after construction has been completed and in place.

BLOCK: An area of land within a subdivision that is entirely bounded by roads, highways or other roadways, except alleys, and the exterior boundary or boundaries of the subdivision.

BUILDING LINE OR SETBACK LINE: A line parallel to a road right-of-way line, 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 a right-of-way, other public area or the shore of a lake, or the edge of a stream or river bank.

CAPTION: The name by which the plat is legally and commonly known.

COMMERCIAL DEVELOPMENT: A planned commercial center providing building areas, parking areas, service areas, screen planting and widening, turning movement and safety land roadway improvements.

ALMENA TOWNSHIP MASTER PLAN: A plan adopted by the Township Planning Commission for the physical development of the Township showing the general location for land use, roads and highways, major parks, schools, public building sites, and other similar information. The plan may consist of text, maps, data, and other descriptive matter.

COUNTY DRAIN COMMISSIONER: The Van Buren County Drain Commissioner.

COUNTY HEALTH DEPARTMENT: The Van Buren County Health Department.

COUNTY PLAT BOARD: The Van Buren County Plat Board.

COUNTY ROAD COMMISSION: The Van Buren County Road Commission.

DATE OF FILING:

- a) Dating of filing for tentative approval of a preliminary plat is the date that the Township Clerk has received all the necessary information as specified in the Almena Township Land Subdivision Ordinance.
- b) Date of filing for final approval of the preliminary plat is the date the subdivider files the tentatively approved plat and a certified list of all authorities required for approval with the Township Clerk.
- c) Date of filing for final plat approval is the date the subdivider files the necessary prints of the final plat with the Township Clerk.

DEDICATION: The intentional appropriation of land by the owner to public use.

EASEMENT: A specific area of land over which a liberty, privilege, or advantage is granted by the owner to the public, a corporation, or some particular person or part of the public for specific uses and purposes, and which shall be designated a "public" or "private" easement, depending on the nature of the user.

FLOOD PLAIN: That area of land adjoining the channel of a river, stream; water course, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

FRONTAGE: The front part of a building or lot. The length of land measured along the road between property lines.

GOVERNING BODY: The Township Board of the Township of Almena.

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 residential environment.

IMPROVEMENTS: Any structure incident to servicing or furnishing facilities for a subdivision such as grading, road 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.

INDUSTRIAL DEVELOPMENT: An area designed specifically for industrial use providing screened buffers, wider roads and turning movement and safety lane roadway improvements where necessary.

LOT: A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description, as on a subdivision or record of survey map or by metes and bounds, for the purpose of sale or lease to, or separate use of another.

LOT AREA: The total horizontal area of a lot or parcel, measured within the property lines of the lot or parcel, excluding the land within any road right-of-way but including the land within any easement.

LOT CORNER: The parcel of land at the junction of and fronting on two or more intersecting streets.

LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINE: The boundary of a lot or parcel.

LOT WIDTH: The horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.

OUTLOT: When included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site or for park or other land dedicated to public use or reserved to private use.

PARCEL OR TRACT: A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act.

PLANNING COMMISSION: The Planning Commission of the Township of Almena as established under Act 184, Public Acts of 1959, as amended.

PLANNED UNIT DEVELOPMENT: A land area which has both individual building sites and common property, such as a park, and which is designated and developed under one (1) owner or organized groups as a single unit of development.

PLAT: A map or chart of a subdivision of land.

- a) Pre-Preliminary Plat: An informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.
- 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 final approval and recording.

PROPRIETOR, SUBDIVIDER OR DEVELOPER: A person, firm, association, partnership, corporation or combination of any of them which may hold any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as the owner.

PUBLIC UTILITY: All persons, firms, corporations, co-partnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, telegraph, cable television, storm sewers, sanitary sewers, transportation, or other services of a similar nature.

PUBLIC OPEN SPACE: Land dedicated or surface water area reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, and community or public building sites.

PUBLIC WALKWAY: A right-of-way dedicated for the purpose of a pedestrian access through the interior of blocks and located so as to connect to two (2) or more roads, or a road and a public land parcel.

REPLAT: The process of changing the map or plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing, the exterior boundaries of the outlot is not a replat.

RIGHT-OF-WAY: Land reserved, used, or to be used for a road, alley, walkway, or other public purposes.

ROAD: A right-of-way which provides for vehicular and pedestrian access to abutting properties and space for utilities.

- a) Freeway: Those highways designed for high speed, high volume through traffic, with completely controlled access, no grade crossings, no private driveway connections and local road access only at designated interchanges.
- b) Expressway: Those highways designed for high speed, high volume traffic, with full or partially controlled access, designated grade crossings but no driveway connections, or other access across the right-of-way line to abutting properties.
- c) Parkway: A road or highway designed for noncommercial, pleasure-oriented traffic moving at moderate speeds, between and through scenic areas and parks with full or partially controlled access.
- d) Arterial Road: Those roads extended over long distances which are used or may be used primarily for higher speeds and heavy traffic volumes.

- e) Collector Road: Those roads used to carry traffic between minor roads and arterial roads, including principal entrance roads to large residential and other types of extensive developments.
- f) Cul-de-sac: A minor dead-end road, not to exceed 660 feet in length, terminated by a vehicular turn-around.
- g) Marginal Access Road: A minor road which is generally parallel and adjacent to arterial roads and which provides access to abutting properties and provides protection from through traffic and does not carry through traffic.
- h) Minor Road: A road which carries only local traffic, and is intended to provide access to abutting properties.
- i) Road Width: The shortest distance between the lines delineating the right-of way of roads, highways and road easements.

SET-BACK LINE BUILDING: A line within a lot or other parcel of land in front of which the erection of an enclosed structure or portion thereof is prohibited. Zoning ordinances commonly require different set-backs for the front, rear and side of the lot.

SIGHT DISTANCE: The maximum safe distance an operator of a vehicle can see other traffic on intersecting streets, or at curves and hills.

SKETCH PLAN: A pre-preliminary plat.

SUBDIVIDE OR SUBDIVISION: The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his/her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, where the act of division initially creates 5 or more parcels of land each of which is 10 acres or less in area; or 5 or more parcels of land each of which is 10 acres or less in area are created by successive divisions within a period of 10 years.

SUBDIVISION CONTROL ACT: Act 288, P.A. 1967, as amended, State of Michigan.

TOPOGRAPHICAL MAP: A map showing the existing physical characteristics of a lot or parcel of land showing contour lines at two (2) foot intervals.

TOWNSHIP: Almena Township of Van Buren County.

WATER RESOURCES COMMISSION: The Water Resources Commission of the Michigan Department of Natural Resources.

YARD: A term used in defining an area in zoning regulations referring to the open, unoccupied space on a lot with a building, located between a front, rear and side lot line and the most extended portion of a front, rear or side wall of a building.

ZONING: Zoning is the division of a community into zones or districts according to present or potential use of the properties for the purpose of controlling and directing the use and development of those properties.

ARTICLE III - PLATTING PROCEDURE AND INFORMATION REQUIRED

Section 3 .1 PRE-APPLICATION CONTACT AND SKETCH PLAN

3.11 PURPOSE

- A. To provide guidelines for the subdivider concerning development policies of the Township.
- B. To acquaint the subdivider with the platting procedures and requirements of:
 - 1. The Township Board and Planning Commission.
 - 2. Other agencies, e.g. Township, County, State, Federal and Other.
- C. To provide the Planning Commission and other affected agencies with general information concerning the proposed development.
- D. To accept the sketch plan does not assure acceptance of the preliminary plat but is for the purpose of exchanging information.

3.12 REQUIREMENTS:

- A. Pre-Preliminary Plat or Sketch Plan - The plan shall show the subdivision's entire development scheme in schematic form including the area for immediate development, and shall include the following:
 - 1. General layout of roads, blocks and lots in sketch form.
 - 2. Existing conditions and characteristics of the land on and adjacent to the site.
 - 3. All areas set aside for schools, parks and other community facilities.
- B. Feasibility Letter
 - 1. A letter from professional engineers or land surveyor determining the general feasibility of the land for subdividing.
- C. Ownership
 - 1. The Township Board and Planning Commission shall require such proof of ownership of the land proposed to be subdivided as they deem necessary.

3.13 PROCEDURE:

- A. The subdivider shall submit two (2) copies of the pre-preliminary plat to the Township Clerk ten (10) days before the next scheduled meeting of the Planning Commission.
- B. The Township Clerk shall transmit the two (2) copies of the pre-pre1iminary plat to the Planning Commission within three (3) days of receipt.

- C. The Planning Commission shall review the plan with the subdivider or his agent. The Planning Commission may require that copies of the prepreliminary plat be submitted to other affected public agencies for review.
- D. The Planning Commission shall inform the subdivider or his agent of the Township's development policies and make appropriate comments and suggestions concerning the proposed development scheme.
- E. The Planning Commission shall inform the Township Board of the results of the review of the pre-preliminary plat.

Section 3.2 PRELIMINARY PLATS

For approval under sections 112 to 120 of the Subdivision Control Act.

3.21 REQUIREMENTS:

- A. Submittal: The subdivider shall submit ten (10) copies of the preliminary plat on a topographic map to the Township Clerk at least ten (10) days before a scheduled meeting of the Planning Commission.
- B. Size and Scale: The preliminary plat may be on paper and shall be not less than 24 inches by 36 inches, at a scale of at least 1 inch to 100 feet showing the date and north arrow.
- C. Information Required: The following shall be shown in the preliminary plat or submitted with it.
 - 1) The name of the proposed subdivision.
 - 2) Names, addresses, and telephone numbers of the subdivider and the professional engineer or land surveyor preparing the plat.
 - 3) Location of the subdivision, giving the numbers of the section, township and range, and the name of the township and county.
 - 4) The names of abutting subdivisions.
 - 5) Statement of intended use of the land described on the proposed plat, such as, residential single family, two-family and multiple housing; commercial; industrial; recreational; or agricultural. Also proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other non-public uses exclusive of single-family dwellings. Also, any sites proposed for parks, playgrounds, schools, or other public uses, including easements.
 - 6) A map of the entire area scheduled for development, if the proposed plat is a portion of a larger holding intended for subsequent development.
 - 7) A location map showing the relationship of the proposed plat to the surrounding area.
 - 8) The land use and existing zoning of the proposed subdivision and adjacent lots and parcels.
 - 9) Roads, road names, right-of-way and roadway widths.
 - 10) Lot lines and the total number of lots by block.

- 11) Contours shall be shown on the preliminary plat at 2 foot intervals where slope is 10% or less.
- 12) A site report as required in the rules of the State Department of Public Health, if the proposed subdivision is not to be served by public sewer and water systems.
- 13) Proposed and existing storm and sanitary sewers, water mains and their respective profiles, or indicate locations of septic tanks and wells.
- 14) Ten (10) copies of proposed protective covenants, deed restrictions, or state in writing that none are proposed.
- 15) Dedicated easements, showing location, width and purpose(s).

D. Preliminary Engineering Plans:

- 1) The subdivider shall submit ten (10) sets of preliminary engineering plans for roads, storm drainage water, sewers, sidewalks, and other required public improvements. The engineering plans shall contain enough information and detail to enable the Planning Commission to make preliminary determination as to conformance of the proposed improvements to applicable Township regulations and standards.

3.22 PROCEDURES:

- A. Validation: The subdivider shall first submit to the Township Clerk for validation ten (10) copies of the preliminary plat to meet the requirements of Sections 112 (1) and/or 113 to 119 of the Subdivision Control Act. The subdivider shall also submit a written application for approval and also the fee established by this Ordinance for review of plats.
- B. Tentative Approval: Once the subdivider has submitted the required copies to the Township Clerk, the Clerk shall forward the copies of the plat to the Planning Commission, within three (3) days, for their study and tentative approval.
 - 1) The Planning Commission shall distribute a copy of the preliminary plat to those related departments involved in providing public services for their review and comment. The Planning Commission in its report to the Township Board shall advise Township Board of these comments.
 - 2) Once the Planning Commission has reviewed the preliminary plat, the Planning Commission shall hold a public hearing and publish in a local newspaper a notice of public hearing at least eight (8) days prior to the date set for the public hearing.
 - 3) The Planning Commission shall give its report to the Township Board not more than sixty (60) days after submission of the preliminary plat to the Planning Commission.
 - (a) The 60 day period may be extended if the applicant consents. If no action is taken by the Planning Commission within 60 days, the preliminary plat shall be deemed to have been tentatively approved by the Planning Commission.

- 4) Within thirty (30) days from the date of Planning Commission action, the Township Board shall tentatively approve and note its approval on the preliminary plat to be returned to the subdivider, or set forth in writing, its reasons for rejection and requirements for acquiring tentative approval.
 - 5) Tentative approval under this section shall confer upon the subdivider for a period of one (1) year from date, approval of lot sizes, lot orientation and road layout. Such tentative approval may be extended if applied for by the subdivider and granted by the Township Board in writing from the Township Clerk.
- C. Distribution to Authorities: Upon receipt of tentative approval by the Township Board, the subdivider shall submit to the various approving authorities the number of validated copies of the preliminary plat required by Sections 112 to 119 of the Subdivision Control Act. The Township Clerk shall transmit a copy of the preliminary plat to the County Planning Commission and the School Board having jurisdiction in the area where the plat is located for their review, comment and recommendation.
- D. Filing of List of Public Agencies: The subdivider shall file with the Township Clerk a list of all public agencies to whom validated copies of the preliminary plat have been distributed.

3.23 ACTIONS:

- A. Preliminary Plat Review and Final Approval Governing Body
- 1) The subdivider shall file a valid preliminary plat, as tentatively approved by the Township Board, with the Township Clerk together with a certified list of all public agencies required for approval in Sections 112 to 119 of the Subdivision Control Act. The subdivider shall also provide approved copies of plats from each of the required public agencies along with any additional required information, application form, and fees.
 - 2) The Township Board shall take action on the preliminary plat at their next regular meeting or, within twenty (20) days of the submission.
 - 3) If the preliminary plat conforms substantially to the plat tentatively approved by the Township Board and meets all conditions laid down for tentative approval, the Township Board shall give final approval to the preliminary plat.
 - 4) The Township Clerk shall promptly notify the subdivider of approval or rejection in writing; if rejected, reasons shall be given and shall be recorded in the minutes of the Township Board pertaining thereto. A copy of the minutes shall be sent to the subdivider.

3.24 CONDITIONS AND DURATION OF APPROVAL:

- A. Conditions:
- 1) Approval of a preliminary plat shall not constitute approval of the final plat, but rather that final plat approval shall be conditioned on all requirements of this Ordinance being met.

B. Duration:

- 1) Approval of the preliminary plat by the Township Board shall be for a period of two (2) years from the date of its approval and after the dates of approval by the other required public agencies.
- 2) The Township Board may extend the two (2) year period if applied for and granted in writing but only concerning its own requirements.

Section 3.3 FINAL PLATS

3.31 REQUIREMENTS:

A. General

1. Final plats shall be prepared and submitted as provided for in the Subdivision Control Act.
2. A written application for approval and the recording fee shall accompany all final plats.
3. The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to the date of the proprietor's certificate, or a policy of title insurance currently in force.
4. The Township Board may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

B. Time of Submittal:

1. Final plats shall be submitted to the Township Clerk at least ten (10) days before a meeting of the Planning Commission.

3.32 PROCEDURES:

A. Submittal to Approving Authorities: The subdivider shall submit the final plat and as-built engineering plans required for approval by the following:

1. Van Buren County Road Commission: For approval or rejection.
2. Van Buren County Drain Commissioner: For approval or rejection.
3. Van Buren County Health Department: For issuance of a letter of approval or rejection.
4. Van Buren County Planning Commission (through the Township Clerk): For recommendations to the Township Board.
5. Township Clerk: For approval or rejection by the Township Board.

3.33 ACTIONS:

A. Planning Commission:

1. The Planning Commission shall examine the plat at its next regular meeting, or within thirty (30) days of receipt thereof determine its conformance to:
 - a. The provisions of the Subdivision Control Act.
 - b. The provisions of this Ordinance.
 - c. The preliminary plat, as approved.
2. The time for review and recommendations by the Planning Commission may be extended by agreement with the subdivider.
3. If the Planning Commission recommends disapproval of the plat to the Township Board, it shall state its reasons in its official minutes and forward same to the Township Board, and recommend that the Township Board disapprove the final plat until the objections causing disapproval have been changed to meet with the approval of the Planning Commission.
4. Recommendations for approval of the plat by the Township Board shall be accompanied by a report including its recommendations and comments.

B. Township Board:

1. 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 from the Planning Commission.
2. The Township Board shall approve the plat, or disapprove it. If disapproved, the Township Board shall give the subdivider its reasons in writing and rebate the recording fee and the unused portion of the review fee.
3. The Township Board shall instruct the Township Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection and to sign the municipal certificate on the approved plat in behalf of the Township Board.

C. Improvements and Facilities Required by the Township:

1. The Township Board may require all improvements and facilities to be completed in place before it approves the final plat.
2. If improvement and facilities are not required by the Township Board to be completed before plat approval, the final plat shall be accompanied by a contract between the subdivider and the Township Board for completion of all required improvements and facilities. Performance of the contract shall be guaranteed by a cash deposit, certified check, surety bond, or irrevocable bank letter of credit.
3. The Township Board shall not require a bond duplicating any bond required by another governmental agency.

4. Such surety shall be rebated or credited to the account of the subdivider as the work progresses, as included in a written agreement between the Township Board and the subdivider.

ARTICLE IV - SUBDIVISION DESIGN STANDARDS

Section 4.1 TRAFFICWAYS - ROADS

4.11 GENERAL

The standards set forth in this Ordinance shall be the minimum standards for roads and intersections. Any higher standards adopted by the Road Commission shall prevail. All roads shall be dedicated to public use.

The escrow deposit required in Section X of the Van Buren County Road Development Policy must be deposited with the County prior to the beginning of infrastructure construction. The estimated construction cost used to calculate the escrow deposit must be submitted to the Township, including evidence of County approval of the cost estimate. The timeline for dedicating the road to Van Buren County shall be submitted in writing to the Township prior to approval of the final plat.

4.12 LOCATION

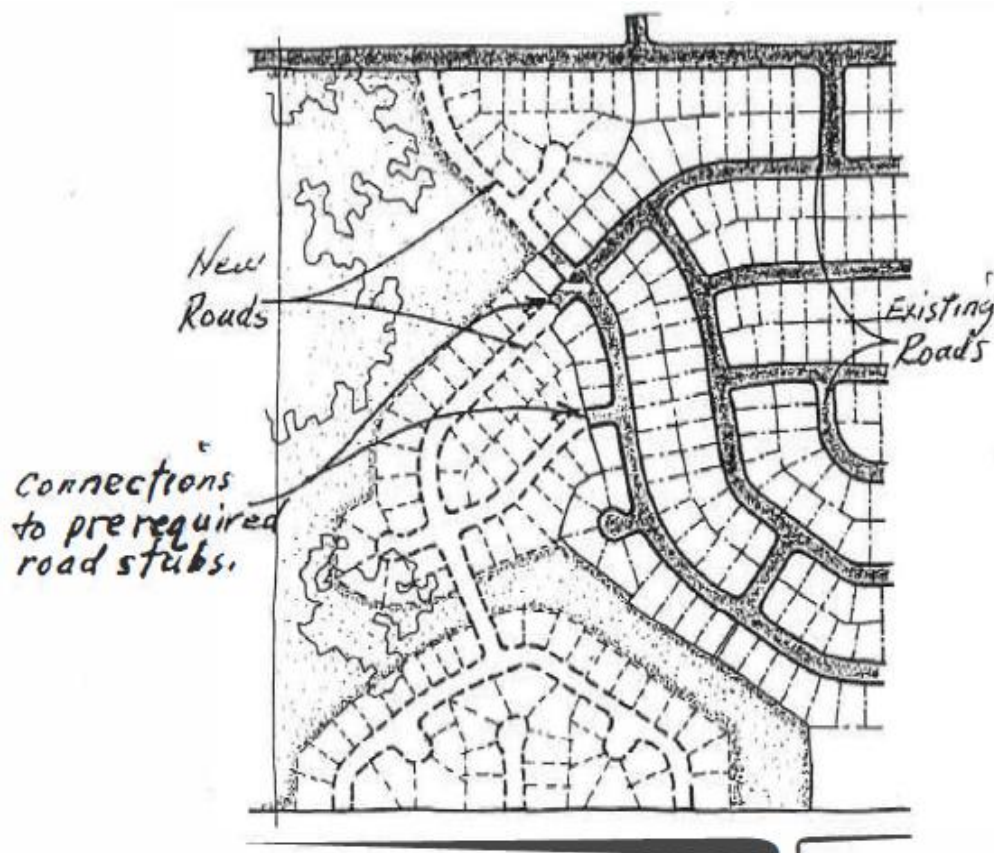
- A. Road Location and Arrangement: When a major road plan has been adopted, subdivision roads shall be required to conform to the plan.



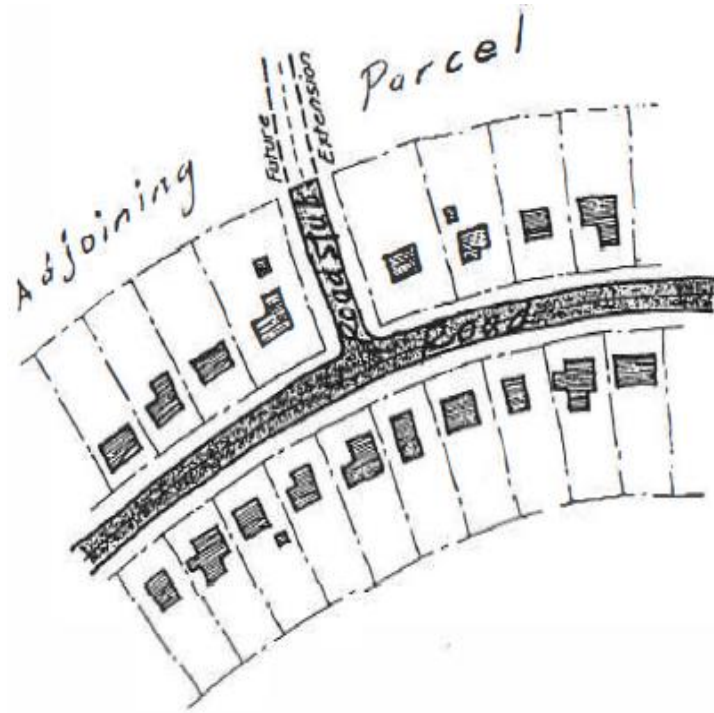
- B. Minor Roads: Minor roads shall be so arranged as to discourage their use by through traffic.



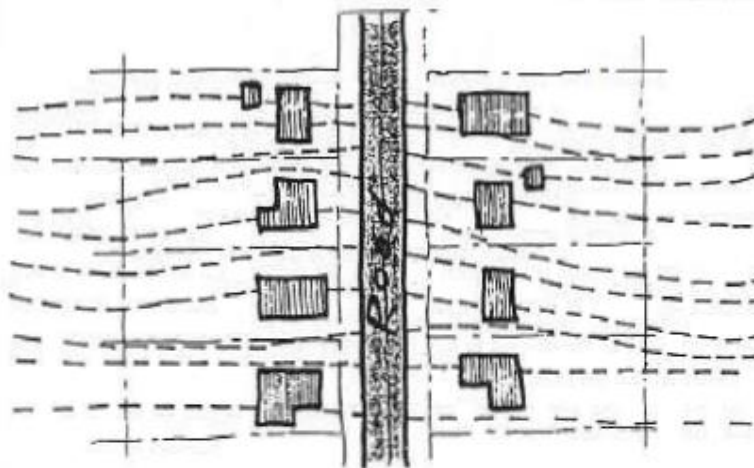
- C. Road Continuation and Extension: The arrangement of roads shall provide for the continuation of existing roads from adjoining areas into new subdivisions, unless otherwise approved by the Planning Commission and the Van Buren County Road Commission.



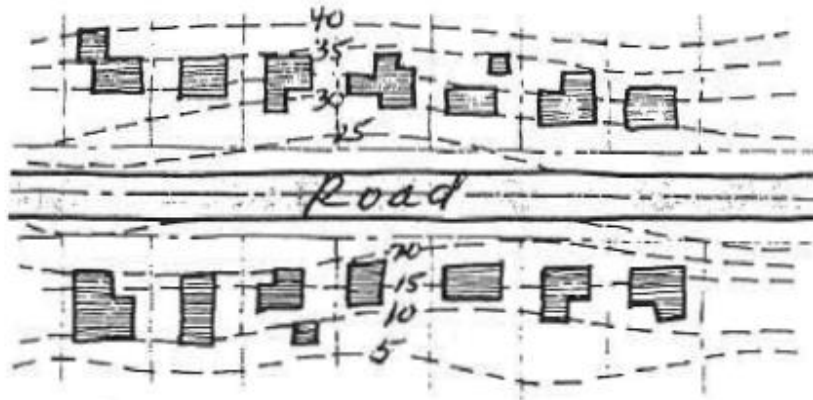
- D. Stub Roads: Where adjoining parcels of land are not subdivided, the arrangement of roads in new subdivisions shall be extended to the boundary line of the adjoining parcels in order to make provision for the future projection of roads into adjacent areas. (See Section 4.72.B for additional requirements.)



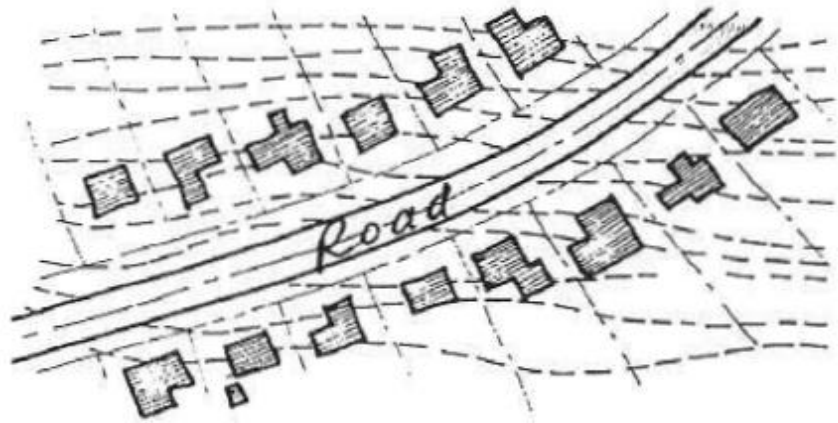
- E. Relation to Topography: Roads shall be arranged in proper relation to topography so as to result in usable lots, safe roads, and reasonable gradients.



Poor - Roads running perpendicular to slope creates excessive grades for both roads and lots and the need for retaining walls between lots.

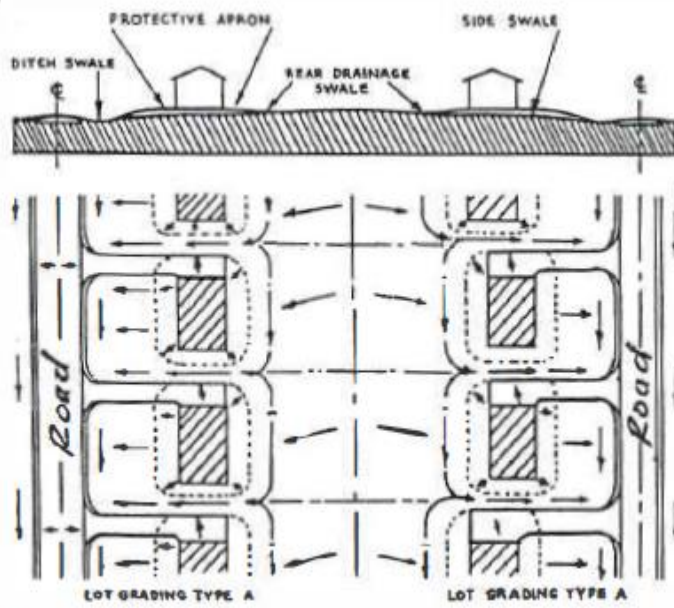


Poor - Lots on one side higher than other, retaining walls may be needed and steep driveways result.

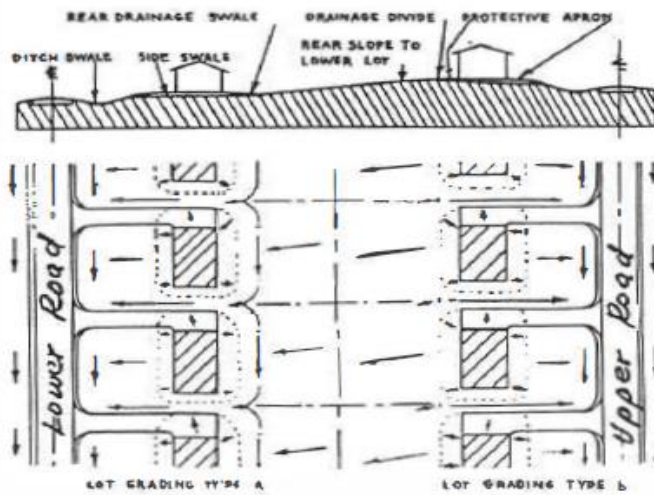


Good - Avoids excessive grades, costly retaining walls, and steep driveways.

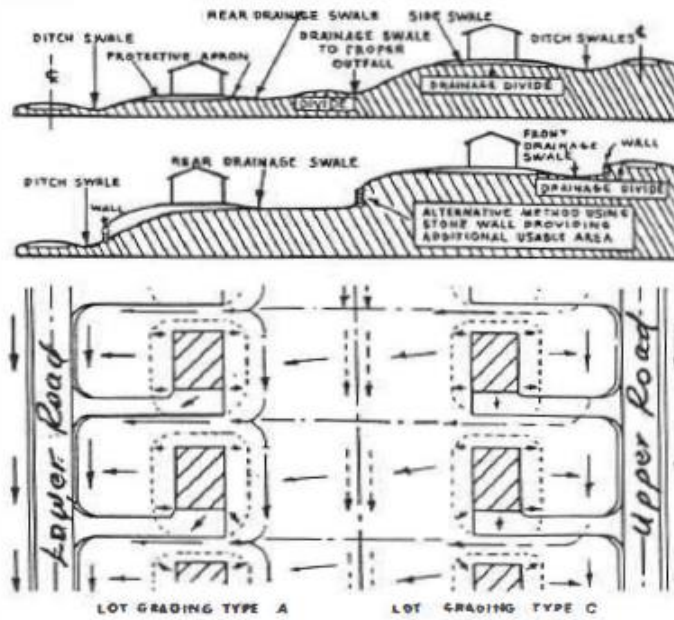
BLOCK GRADING using ditching swales



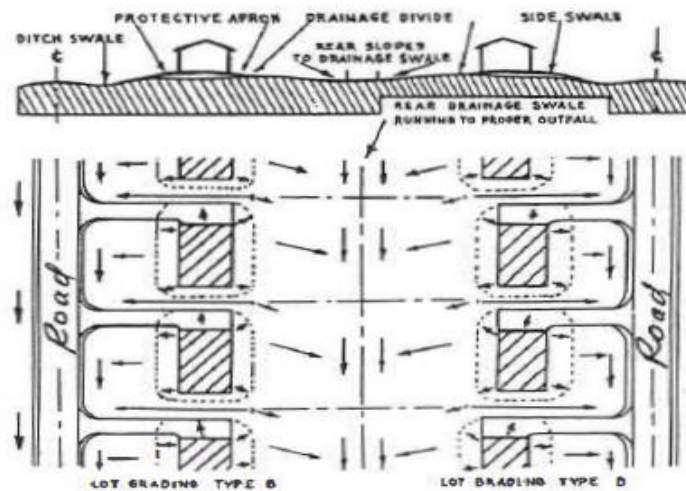
Block grading type 1 -ridge along rear lot lines



Block grading type 2 -gentle cross-slope

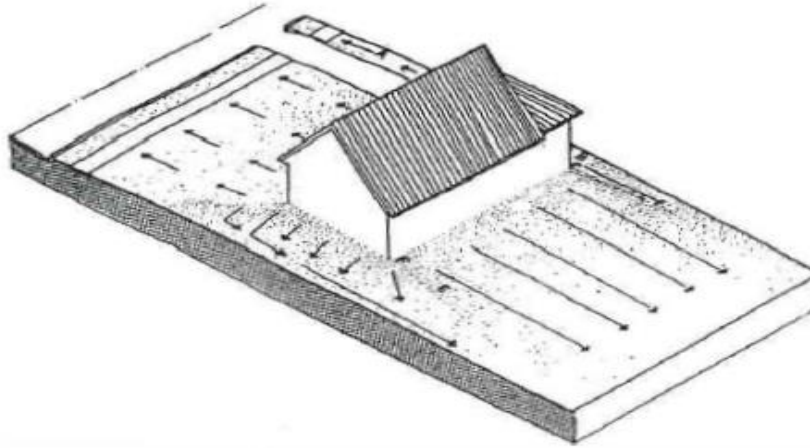
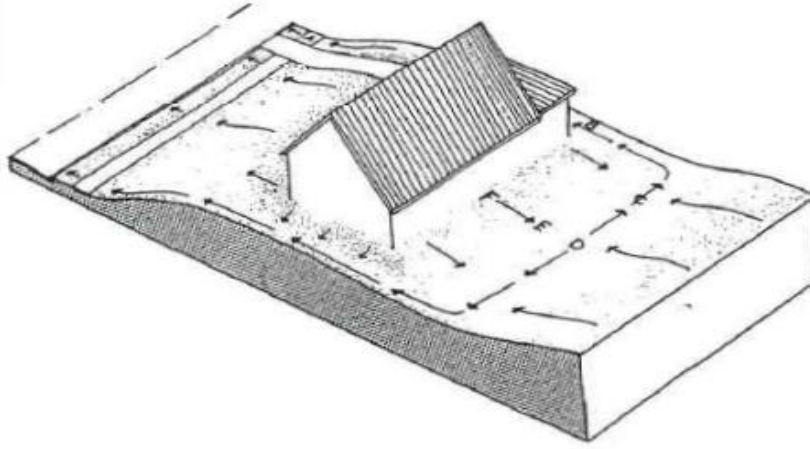


Block grading type 3 - steep cross-slope



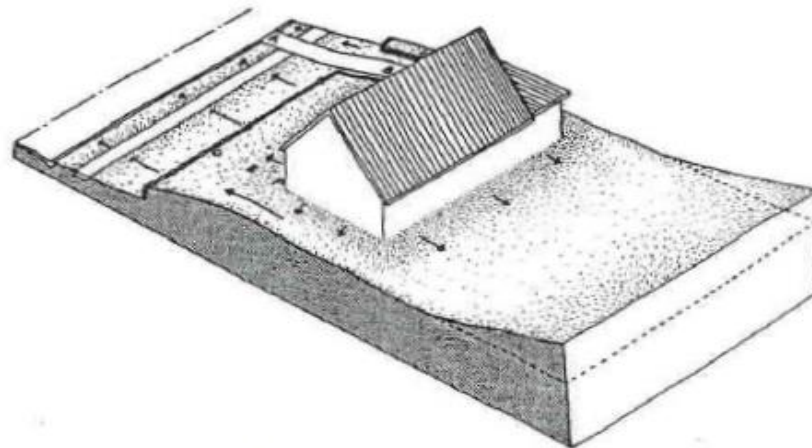
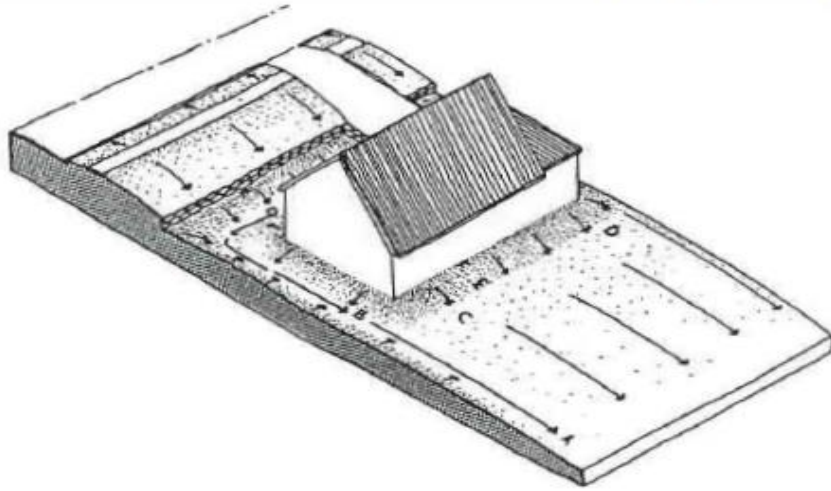
Block grading type 4 - valley along rear lot lines

*Lot grading type 1
All drainage to streets.*



*Lot grading type 2
Drainage both to street and
To rear lot line*

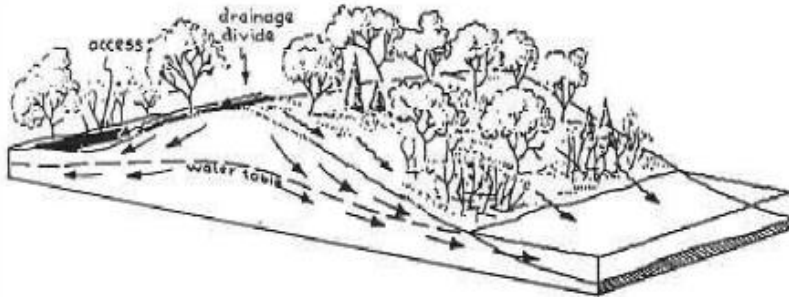
*Lot grading type 3
All drainage to rear lot line*



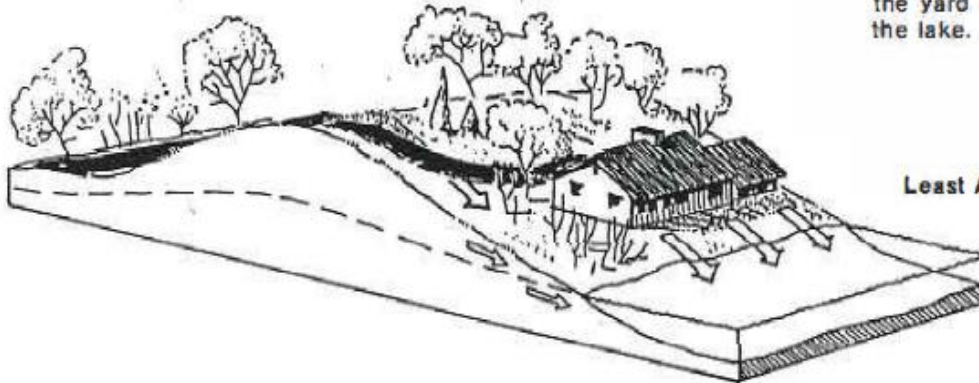
*Lot grading type 4 Where
steepness of grade to street
necessitates retaining wall*

SETBACK FROM THE SHORE

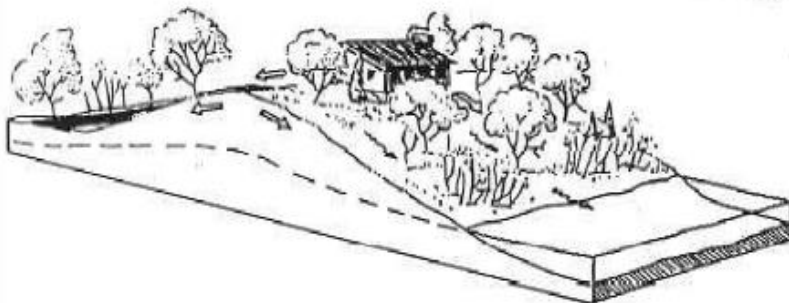
For most of us it is difficult to resist the urge to live at the waters edge; however, from an environmental standpoint it is decidedly wiser to locate houses and cottages a considerable distance inland from the shoreline. As a general rule, it would be advisable for lake property owners to observe a setback from the bank of at least 200 feet. However, this rule need not be an absolute one, because where the terrain is varied, setback distance may be adjusted to the particular site conditions. For the site shown on the upper left, the critical condition is the location of the drainage divide. Should the house be built on the lake side of the divide, as is shown in the second drawing, poor quality drainage from the yard will move directly to the lake.



lute one, because where the terrain is varied, setback distance may be adjusted to the particular site conditions. For the site shown on the upper left, the critical condition is the location of the drainage divide. Should the house be built on the lake side of the divide, as is shown in the second drawing, poor quality drainage from the yard will move directly to the lake.

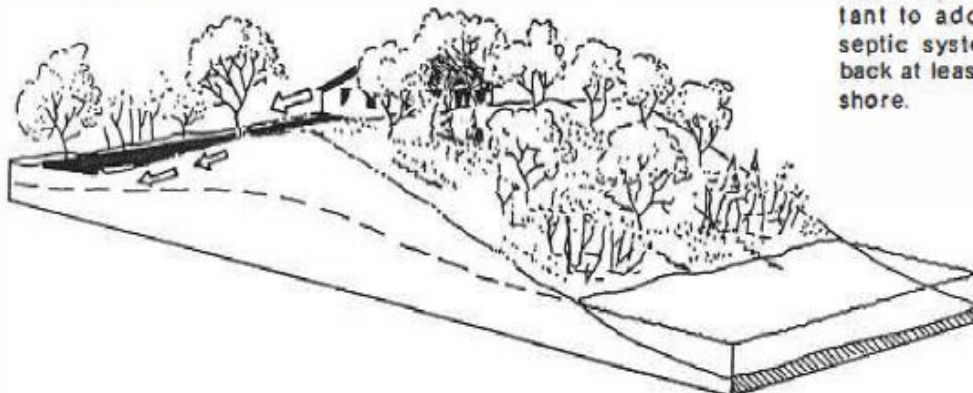


Least Advisable

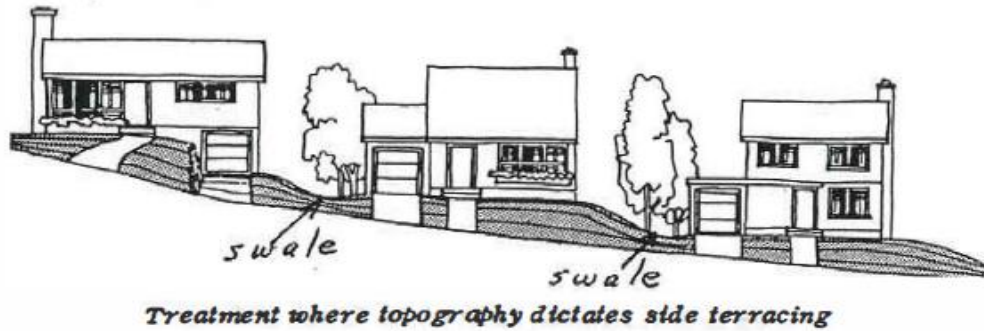


The situation shown in the third drawing is somewhat better because only about half the yard drainage is able to move to the lake. The best arrangement, however, is clearly the last one in which most of the yard drainage is restricted to the landward side of the rise. With this site design, property owners can limit the influence of land use activities on the lake, particularly if much of the natural vegetation is left on the lakeward slope. Finally, it is important to add that on all sites septic systems should be set back at least 100 feet from the shore.

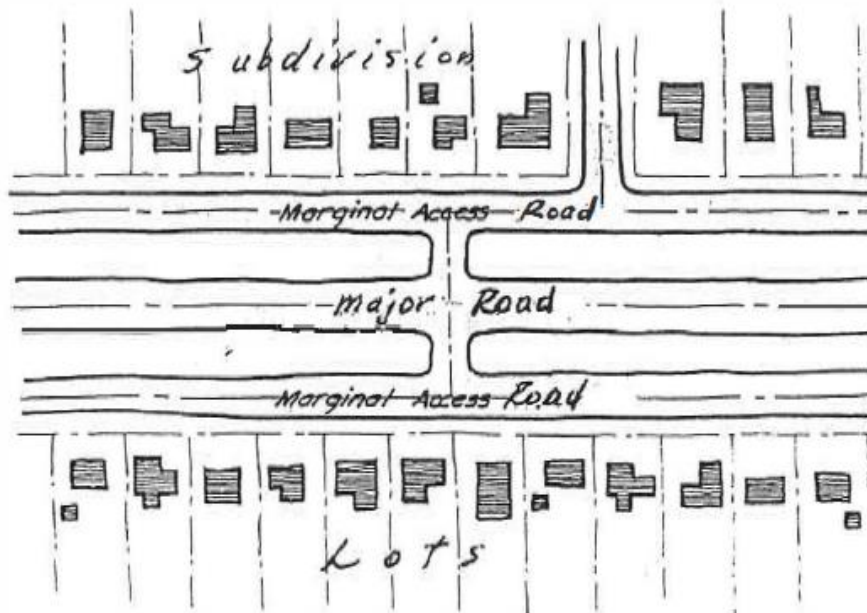
Most Advisable



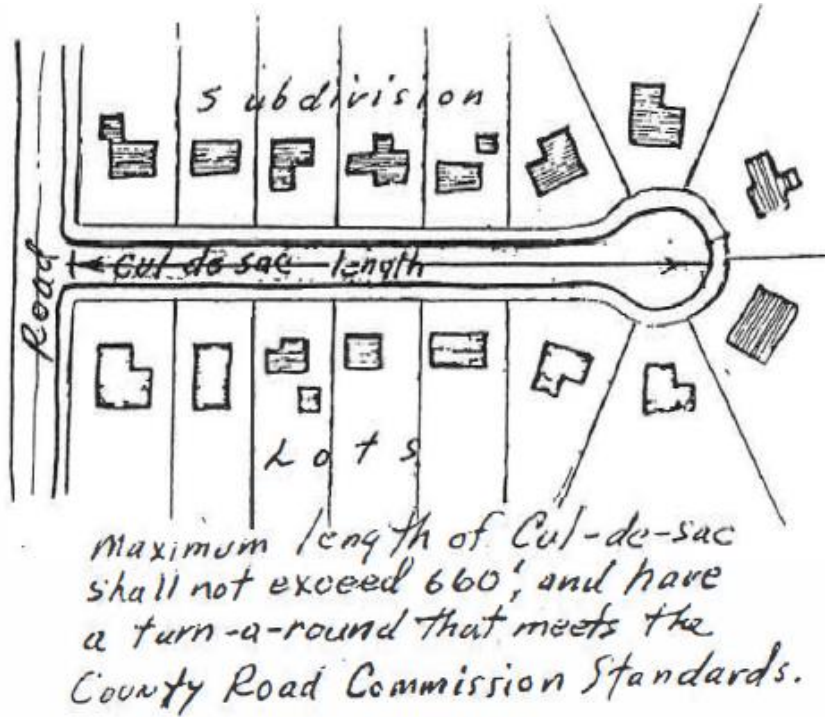
Terracing



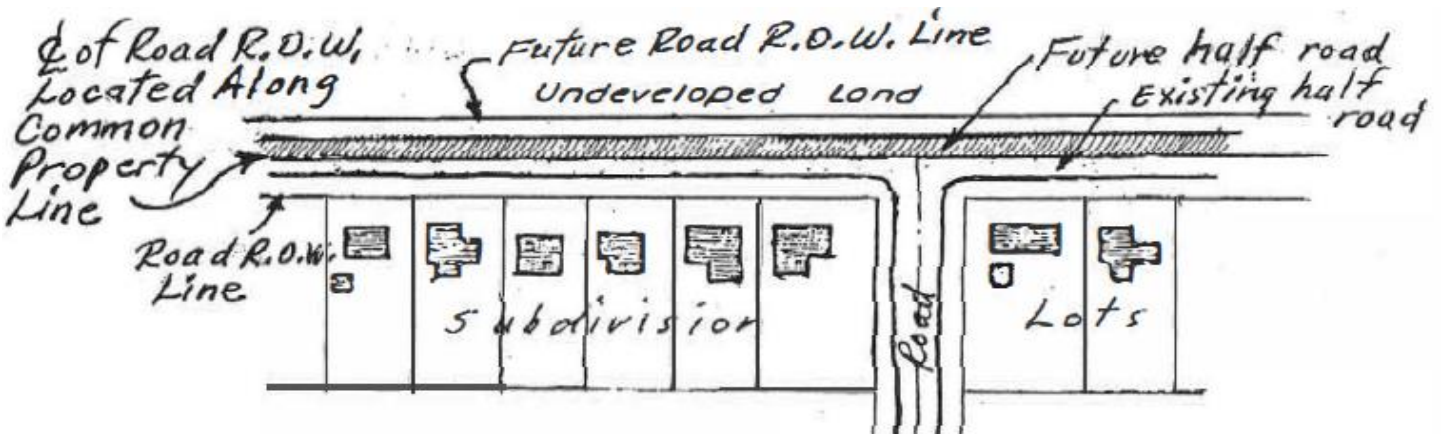
- F. Alleys: Alleys shall not be permitted in areas of detached single or two-family residences. Alleys may be provided in multiple dwellings and shall be provided in commercial subdivisions unless other provisions are made for service access, off-road loading and unloading and off-road parking. Dead-end alleys shall be prohibited.
- G. Marginal Access Roads: Where a subdivision is designed to front upon or includes a major road, the Township shall require the following:
 - 1. Marginal access roads shall be generally parallel to and located on each side of a major road right-of-way.
 - 2. Such other treatment as it deems necessary for the adequate protection of abutting residential properties and to afford separation of through and local traffic.



- H. Cul-de-sac Roads: Cul-de-sacs or Dead End Roads shall not be more than 660 feet in length. Special consideration shall be given to longer cul-de-sacs under certain topographic conditions or other unusual natural or development conditions. Cul-de-sacs shall terminate with an adequate turn-around as prescribed by the Van Buren County Road Commission.



- I. Half Roads: Half Roads shall generally be prohibited except where unusual circumstances make it essential to the reasonable development of a parcel of land and adjacent parcels in conformance with these regulations and where satisfactory assurance for dedication of the remaining part of the road is provided. Whenever a parcel of land to be subdivided borders on an existing half or partial road, the other part of the road shall be dedicated within such parcels of land, according to the requirements of the Van Buren County Road Commission.



J. Private Roads: Private road shall be prohibited in platted subdivisions.

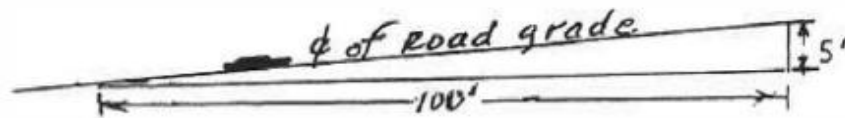
4.13 SPECIFICATIONS

A. Road Right-of-Way Widths:

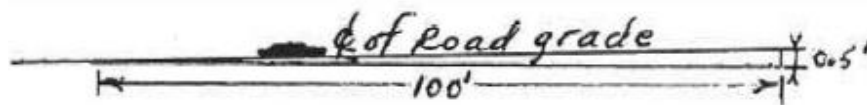
1. Road right-of-way and roadway widths shall conform to the adopted Major Road Plan and the requirements of the Van Buren County Road Commission and the Michigan Department of Transportation.

B. Road Gradients:

1. Maximum Grades: Road grades shall not exceed five (5) percent on roads.

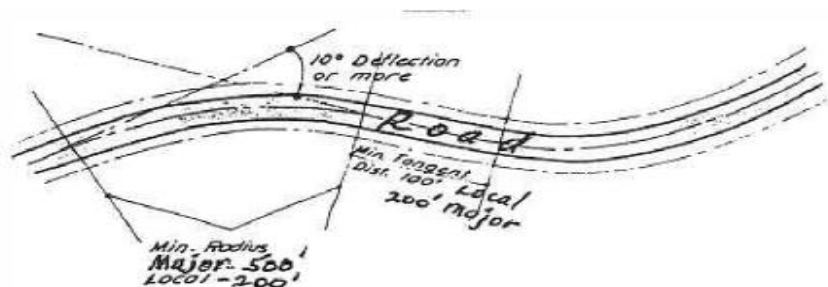


2. Minimum Grades: No street grade shall be less than one-half (0.5) percent.

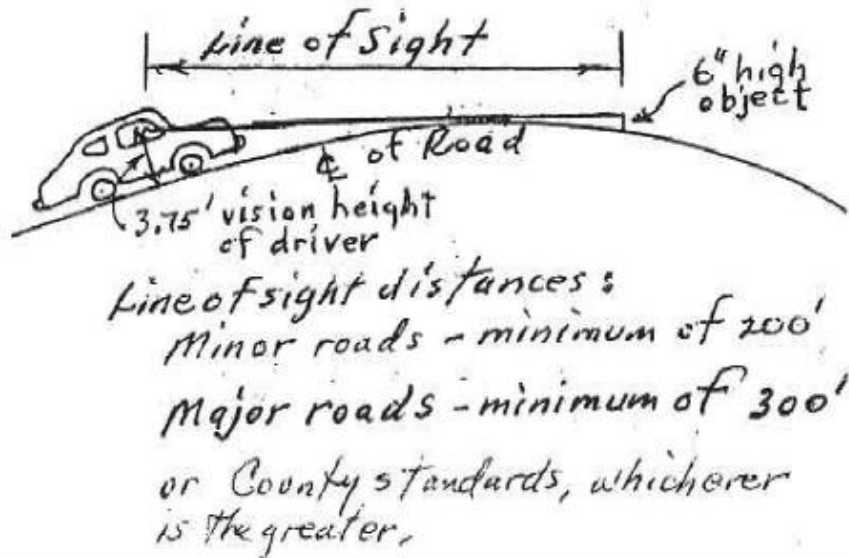


C. Road Alignment:

1. Horizontal Road Alignment: When road lines deflect from each other by more than ten (10) degrees in alignment, the center lines shall be connected by a curve with a minimum radius of five hundred (500) feet for major roads, and two hundred (200) feet for all other roads. Between reverse curves, on minor roads, there shall be a minimum tangent distance of one hundred (100) feet, and on major roads two hundred (200) feet.



2. Vertical Alignment: Minimum sight distances shall be two hundred (200) feet for minor roads and three hundred (300) feet for major roads.



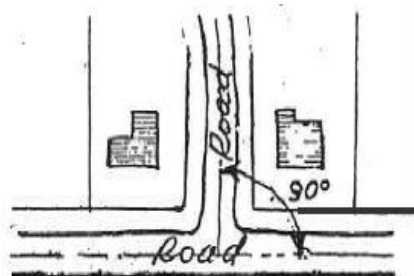
4.14 ROAD NAMES

1. Road names shall not duplicate any existing name in Van Buren County, except where a new road is a continuation of an existing named road.
2. Road names which may be spelled differently but sound the same shall be avoided.
3. Duplication of road names shall be avoided by checking new road names with the Van Buren County Road Commission master road name listing.

Section 4.2 INTERSECTIONS

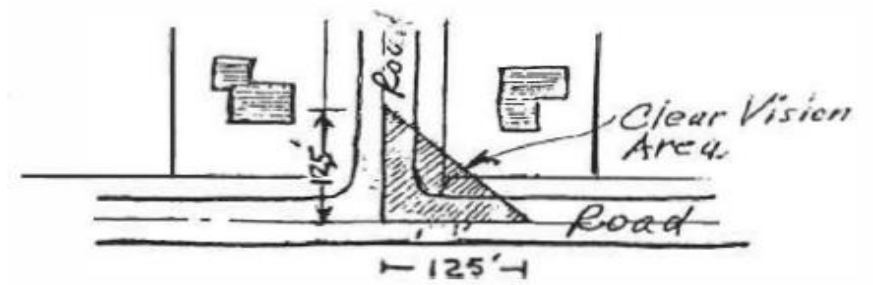
4.21 ANGLE OF INTERSECTION

Roads shall generally intersect at ninety (90) degrees, but in no case less than eighty (80) degrees.



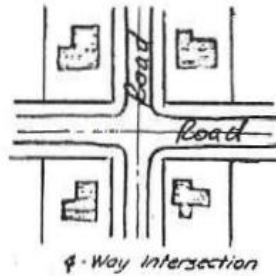
4.22 CLEAR VISION TRIANGLES

Minimum clear vision distance at all minor road intersections shall permit vehicles to be visible to the driver of other vehicles on all roads leading to an intersection from a distance of at least one hundred twenty" five (125) feet from the center of the intersection.



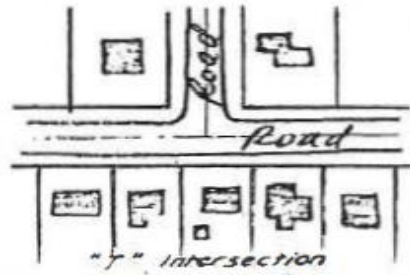
4.23 NUMBER OF INTERSECTING ROADS

No more than two (2) roads shall cross at any one intersection.



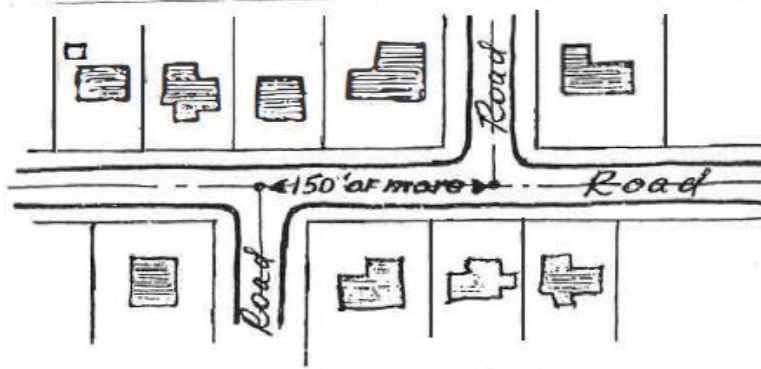
4.24 'T' INTERSECTIONS

Except on major roads, "T" type intersections shall be used whenever possible.



4.25 ROAD CENTERLINE OFFSETS

Offsets at intersections shall be avoided. Where such offsets are unavoidable, road centerlines shall be offset by a distance of at least one hundred fifty (150) feet.



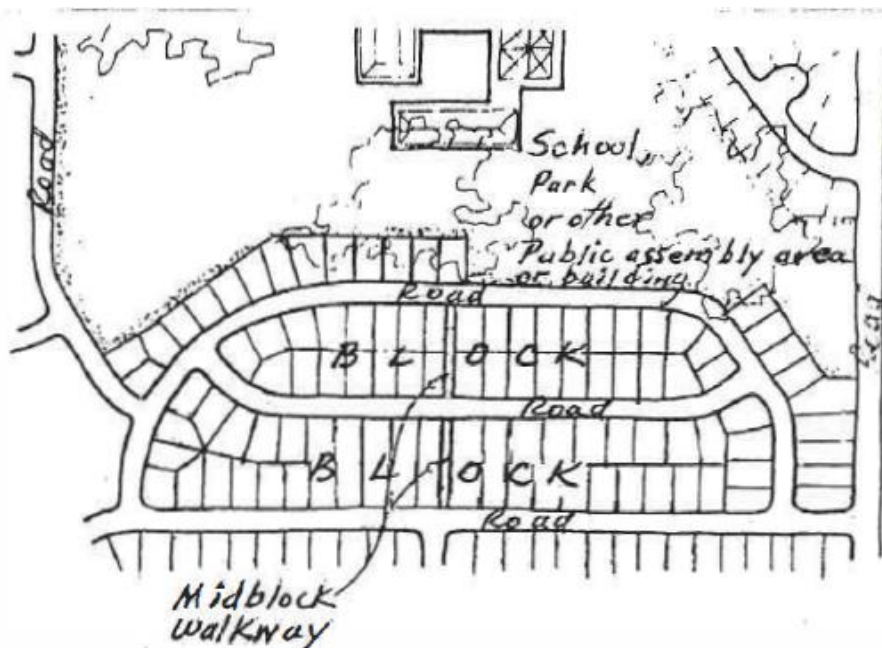
4.26 VERTICAL ALIGNMENT OF ROAD INTERSECTION

A nearly flat grade with appropriate drainage slopes shall be required at road intersections. This flat section shall be carried back at least fifty (50) feet each way from the intersection. An allowance of two (2) percent maximum intersection grade in rolling terrain (up to 5% grade) and four (4) percent in hilly terrain (more than 5% grade) may be permitted.

Section 4.3 PEDESTRIAN WAYS

4.31 PUBLIC WALKWAYS

- A. Location of public walkways designed to separate automotive traffic from pedestrians and bike traffic may be required by the Planning Commission to obtain satisfactory traffic circulation and safety within a subdivision.
- B. Right-of-way widths of public walkways shall be at least twelve (12) feet and shall be in the nature of an easement for this purpose.
- C. The paved surface of the walkways shall be five (5) feet in width and shall be paved in concrete.



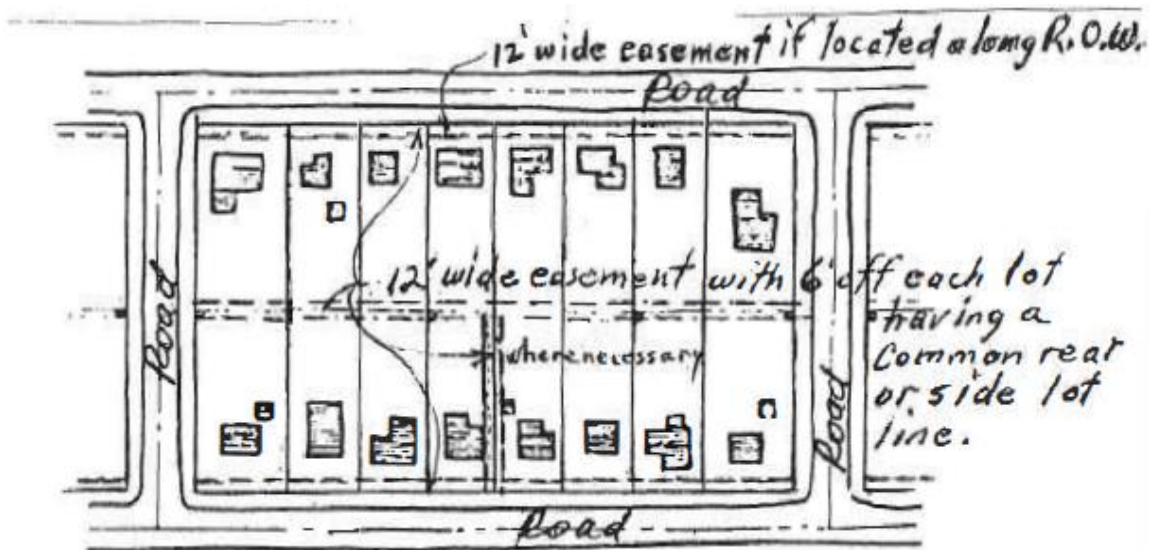
4.32 SIDEWALKS

Sidewalks shall be provided on at least one side of each road right-of-way located within or adjacent to a subdivision. In those instances where no good purpose would be served, the Township Board may waive this requirement. All sidewalks shall be made of concrete five (5) feet wide, four (4) inches thick, on a bed of six (6) inches deep and located one (1) foot from the property line upon which they front.

Section 4.4 EASEMENTS:

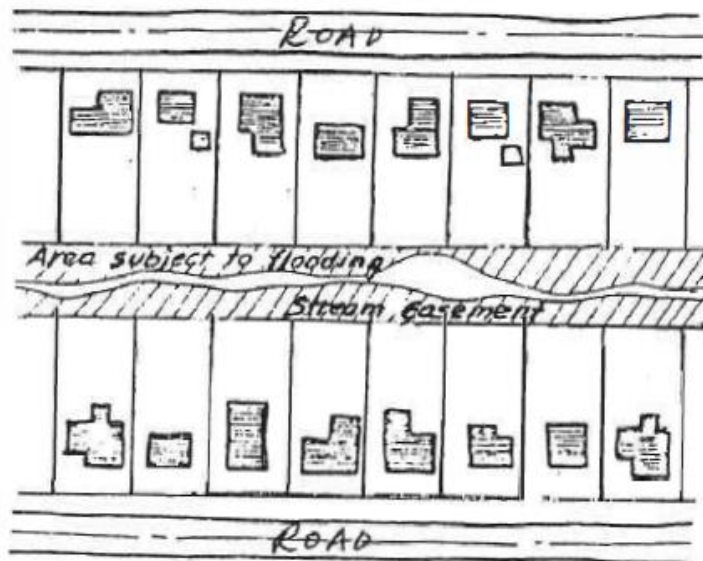
4.41 LOCATION

Easements shall be provided within the road right-of-way, adjacent to it or along rear lot lines for utilities and also alongside lot lines where necessary. The total width shall not be less than six (6) feet along each lot, or a total of twelve (12) feet for adjoining lots and adjacent to a road right-of-way.



4.42 DRAINAGEWAY

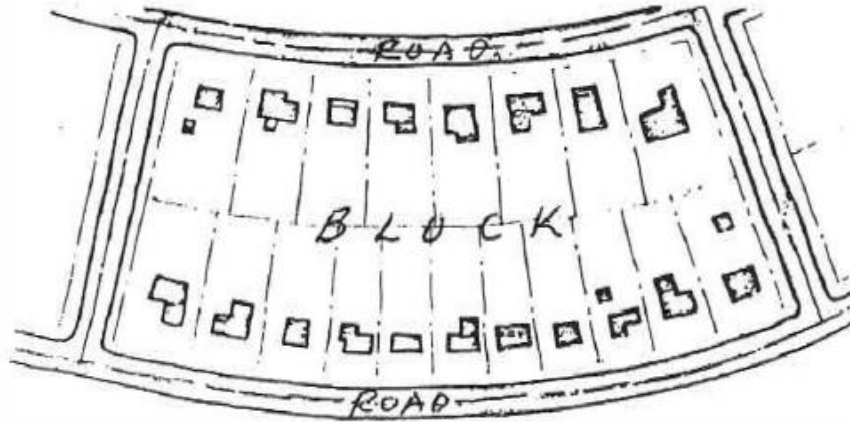
The subdivider shall provide drainageway easements as required by the Van Buren County Drain Commissioner.



Section 4.5 BLOCKS

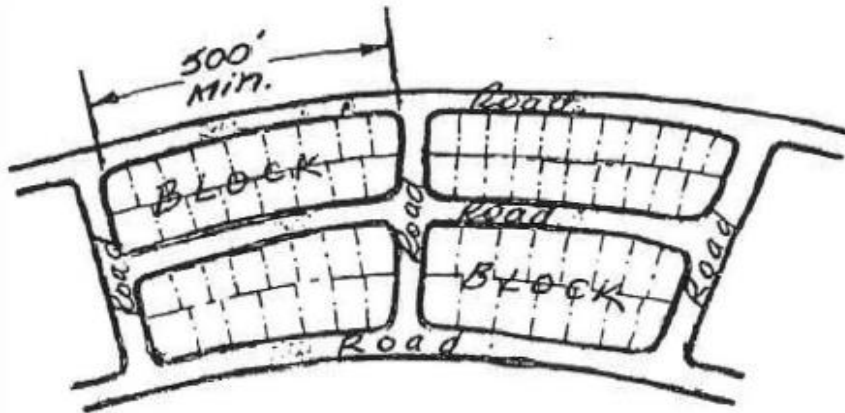
4.51 ARRANGEMENTS

A block shall be so designed as to provide two (2) tiers of lots, except where lots back onto a major road, natural feature, or subdivision boundary,



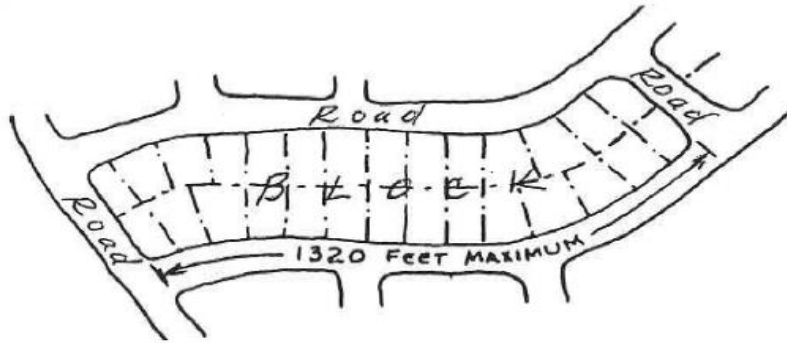
4.52 MINIMUM LENGTH

Blocks shall not be less than five hundred (500) feet long.



4.53 MAXIMUM LENGTH

The maximum length allowed for residential blocks shall be one thousand three hundred twenty (1,320) feet long.



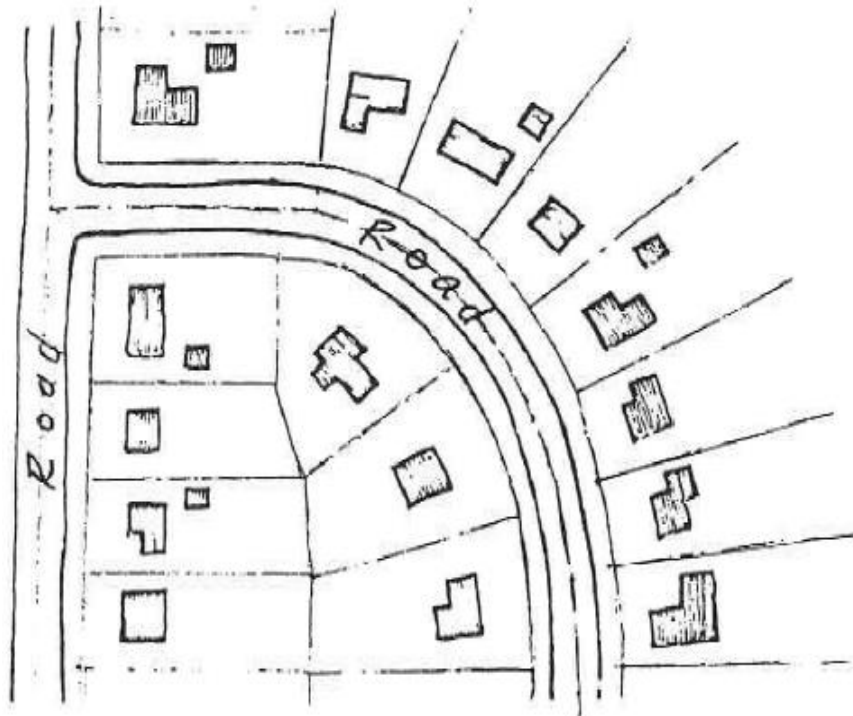
Section 4.6 LOTS

4.61 CONFORM TO ZONING

The lot width, depth, and area shall not be less than the zoning district requirements in which the subdivision is located, except where lots are provided for some other specific purpose.

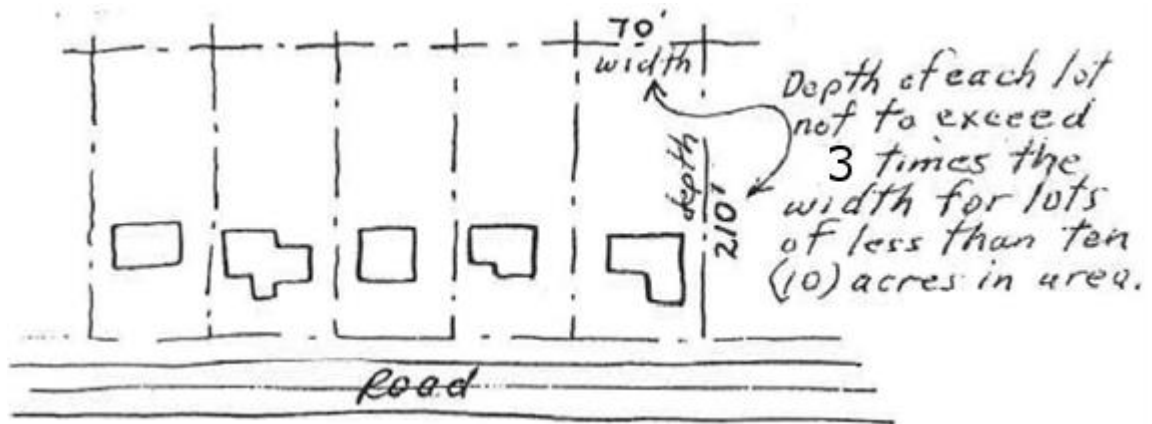
4.62 LOT LINES

Side lot lines shall be essentially at right angles to straight roads and radial to curved roads wherever possible.



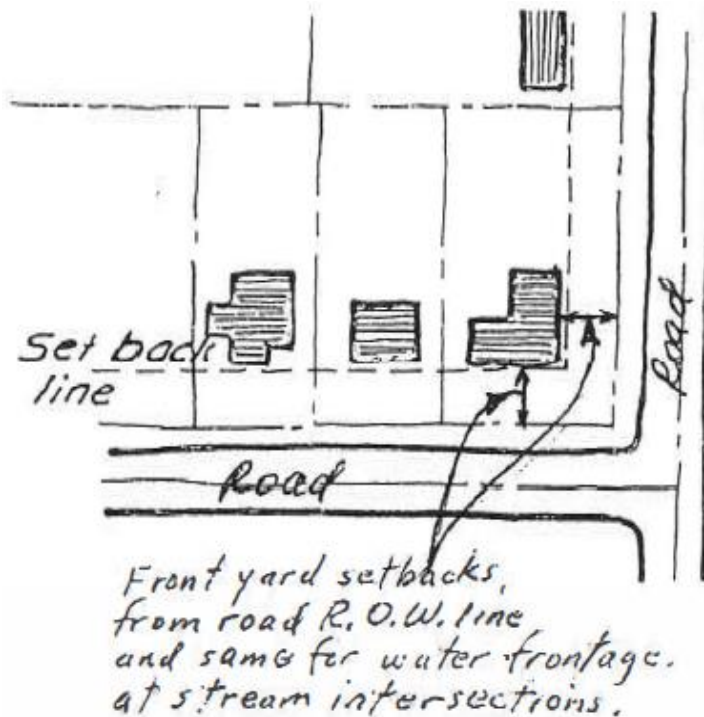
4.63 WIDTH RELATED TO LENGTH

Narrow deep lots shall be avoided. The depth of a lot generally shall not exceed three (3) times the width as measured at the required minimum building setback line for lots of less than ten (10) acres in area.



4.64 CORNER LOTS

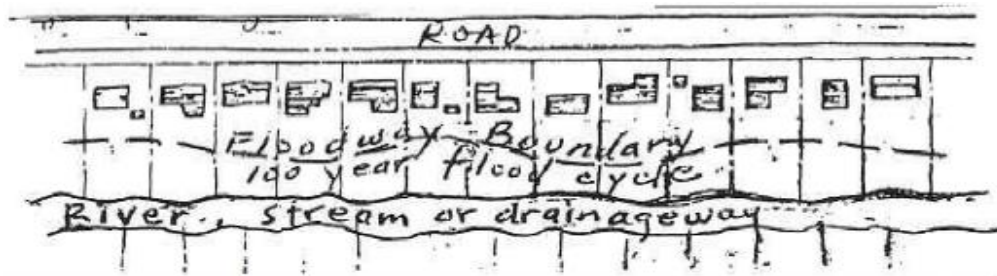
Corner lots shall have extra width in order to meet the required building setback from both roads.



4.65 UNINHABITABLE AREAS

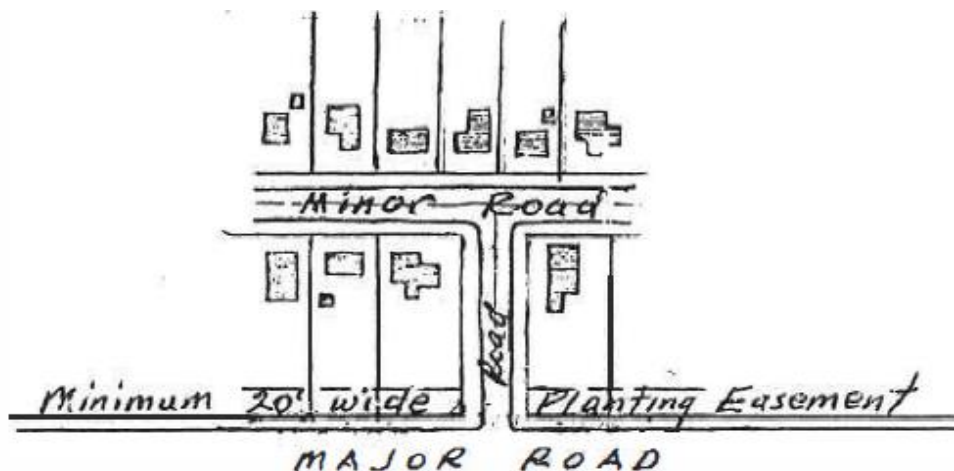
Lands which are regulated wetlands or subject to the 100 year flood cycle or otherwise deemed by the Planning Commission to be uninhabitable may be platted but not used for residential building site purposes, or for uses that may in the judgment of the Planning Commission increase the danger to health, life, or property or increase the flood hazard.

Such land within a subdivision may be set aside for other uses, such as drainage easements, parks or other open space or may be added to lots which otherwise meet or exceed the minimum lot size or lot depth and do not include wetlands or other areas which are subject to the 100 year flood cycle.



4.66 BACK-UP LOTS

Subdivision lots shall back up to such features as highways, major roads, commercial or industrial properties, and other major nonresidential land uses, except where there is a marginal access road. Such back-up lots shall contain a planting strip easement along the rear property line at least twenty' (20) feet in width, and no driveway or other vehicular access across such easements shall be permitted.



Planting easement required when a residential subdivision backs up to a major road, major public facility, commercial and industrial land uses, and other major nonresidential land uses.

4.67 LOT FRONTAGE

All subdivision lots shall front upon a publicly dedicated road.

4.68 FUTURE ARRANGEMENTS

Where parcels of land are subdivided into unusually large lots, the parcels shall be divided, where feasible, so as to allow for resubdividing into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent roads through the middle of wide blocks having lots deep enough for future lots to have frontage upon them. Whenever such future resubdividing or lot splitting is planned such resubdividing shall be approved by the Planning Commission through the regular land subdivision process provided in these regulations.

4.69 LOT DIVISION

The dividing or splitting of a lot in a recorded plat is prohibited, unless approved following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in area than permitted by the Township Zoning Ordinance. No building permit shall be issued, or any building construction commenced, until the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the County Health Department. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to existing lots.

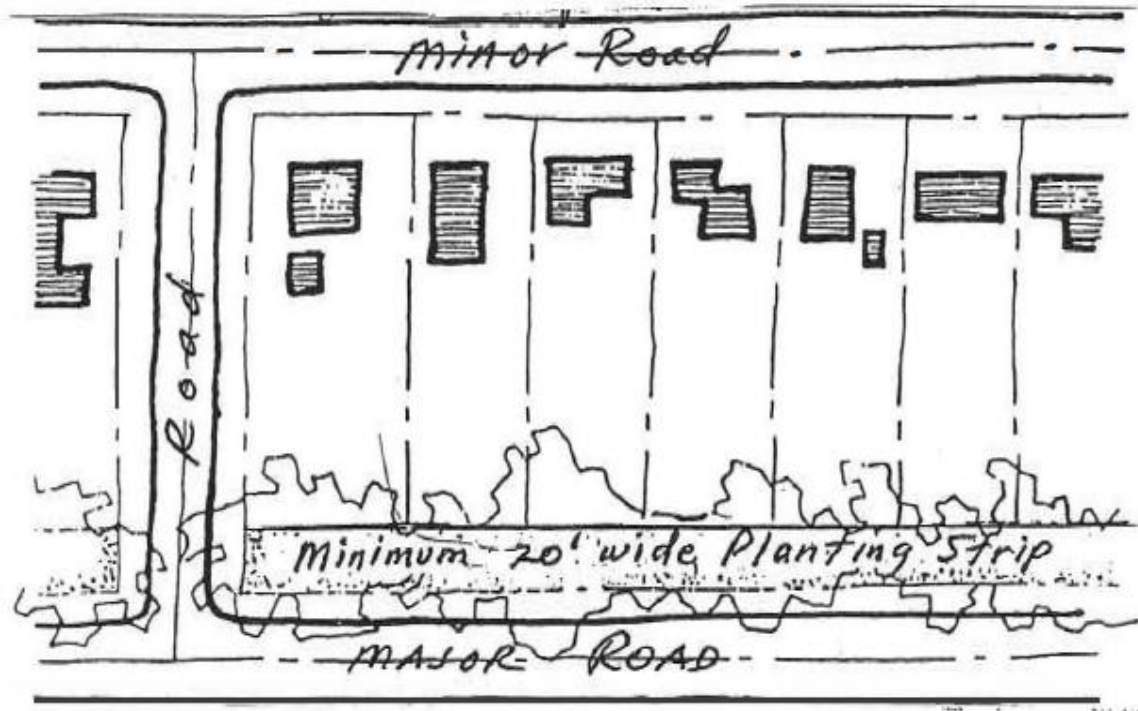
4.691 DIVISION OF UNPLATTED PARCEL

The division of an unplatted parcel of land into two (2), three (3) or four (4) lots which involves the dedication of a new road shall require the approval of the Township Board prior to developing or using such land subdivision. All such applications shall be made in writing and shall be accompanied by a drawing of the proposed division and engineering plans and specifications for the construction of the road, which shall meet the construction standards of the Van Buren County Road Commission. No zoning, building or occupancy permit shall be issued in such cases until the Township Board has approved the division of the unplatted parcel.

Section 4.7 PLANTING STRIPS

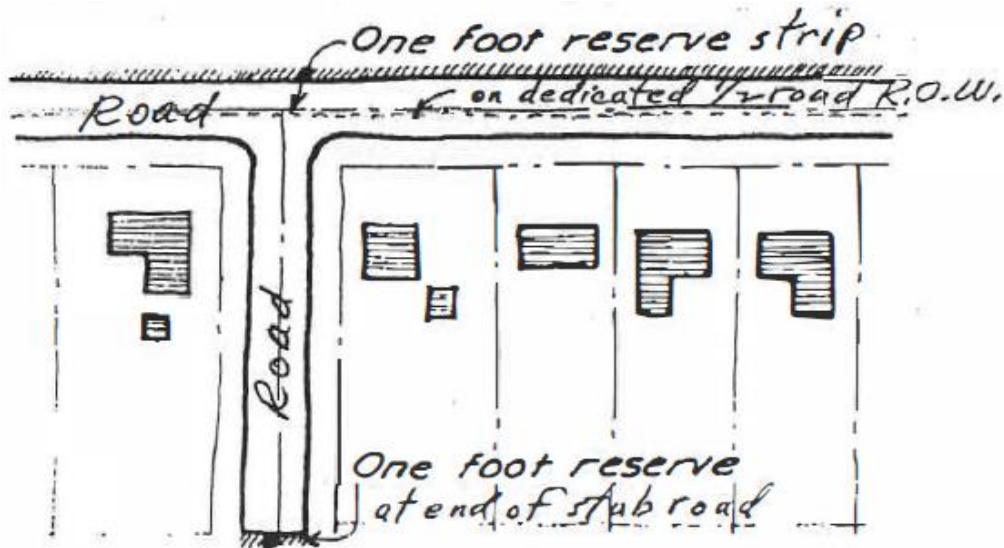
4.71 PLANTING STRIPS

Planting strips may be required next to incompatible features such as highways, commercial, industrial or other nonresidential land uses in order to screen the view of them from residential properties. Such screens shall be a minimum of twenty (20) feet wide, and shall not be a part of the road right-of-way or utility easement, nor shall there be any vehicular access provided through the planting strip easement.



4.72 RESERVE STRIPS

- A. Reserve Strips - Private: Privately-held reserve strips controlling access to roads shall be prohibited.
- B. Reserve Strip - Public: A one-foot reserve may be required by the Township at the end of "stub" of "dead-end" roads which terminate at subdivision boundaries and along half-roads. These reserves shall be deeded in fee simple to the Township for future road purposes.



Section 4.8 PUBLIC SITES AND OPEN SPACES

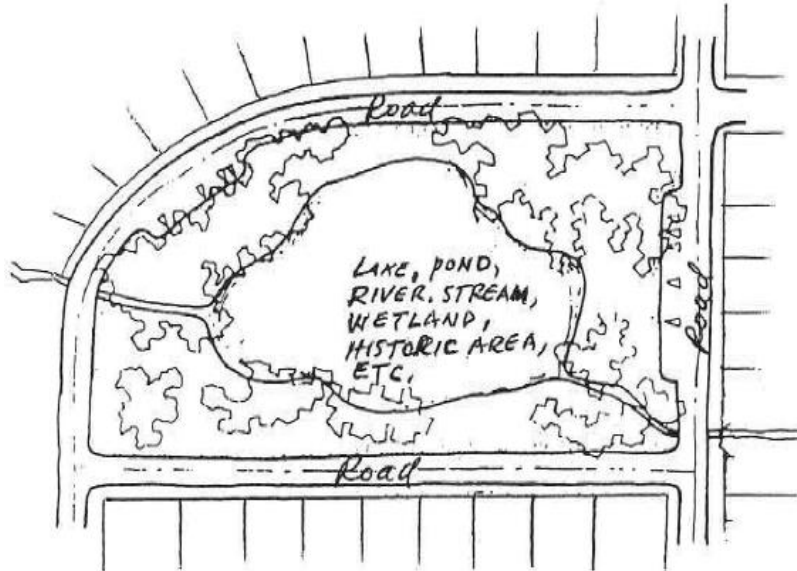
4.81 PUBLIC USES

Where a proposed park, playground, school site, or other public area use shown on the Master Plan for Land Use is located in whole or in part within a subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase by the land subdivider.

If within two (2) years of recording the plat with the County Register of Deeds, the purchase of such dedicated or reserved land is not agreed on, the dedication or reservation may be canceled or shall automatically cease to exist.

4.82 NATURAL FEATURES

Existing natural features which add value to land subdivision and enhance the attractiveness of the subdivision and the area generally, such as trees, watercourses, historic spots, and similar irreplaceable assets, shall be preserved, insofar as possible, in the design of the subdivision.



Section 4.9 LARGE SCALE DEVELOPMENTS

4.91 MODIFICATION

This Ordinance may be modified in accordance with Article VI in the case of a subdivision large enough to constitute a complete community or neighborhood, consistent with the Master Plan for Land Use and Zoning Ordinances and which provides and dedicates adequate public open space and improvements of the circulation, recreation, education, light, air, and service needs of the tract when fully developed and populated.

4.92 NEIGHBORHOOD OR COMMUNITY CHARACTERISTICS

A community or neighborhood under this provision shall generally be consistent with the Master Plan for Land Use and Zoning Ordinance, contain or be bounded by major roads or natural physical barriers, and shall contain reserved areas of sufficient size to serve its population, with schools, playgrounds, parks and other public facilities and commercial goods and service outlets.

4.93 COMMERCIAL OR INDUSTRIAL SUBDIVISIONS

These subdivision regulations design standards may be modified in accordance with Article VI in the case of subdivisions specifically for commercial or industrial development, including shopping districts, wholesaling areas, and planned industrial districts, providing such subdivisions can meet the requirements of the Township Zoning Ordinance.

ARTICLE V - SUBDIVISION IMPROVEMENTS

Section 5.1 PURPOSE

It is the purpose of this section to establish and define the improvements which will be required to be constructed by the subdivider as conditions for final plat approval and also to outline the procedures and responsibilities of the subdivider and the various public officials and agencies concerned with the administration, planning design, construction, and financing of public facilities, and to further establish procedures for assuring compliance with these requirements.

Section 5.2 RESPONSIBILITY FOR PLANS

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered professional engineer experienced in land subdividing a complete set of construction plans and specifications, including profiles, cross-sections, specifications, and other supporting data, for the required roads, utilities, and other facilities. Such construction plans shall be based on preliminary plans which have been approved as an integral part of the preliminary plat, and shall be prepared as a part of the final plat. Construction plans are subject to approval by each of the responsible public agencies, and all construction plans shall be prepared in accordance with their requirements, standards or specifications.

Section 5.3 PROCEDURE

5.31 SUBMITTAL

When construction has been completed one (1) complete copy of as-built engineering plans of each required improvement shall be filed with the Township Clerk coincident with the filing of the final plat. Other requirements and procedures in the submittal of final plats shall be as provided in Section 3.3.

Section 5.4 REQUIRED PUBLIC IMPROVEMENTS

Every subdivider shall be required to install the following improvements in accordance with the conditions and specifications as follows:

5.41 MONUMENTS

- A. Monuments shall be set in accordance with the State Subdivision Control Act of 1967, Act No. 288 of the Public Acts of 1967.

5.42 ROADS AND ALLEYS

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

5.43 CURBS AND GUTTERS

Where required curbs and gutters shall be constructed in accordance with the standards and specifications adopted by the Van Buren County Road Commission.

5.44 INSTALLATION OF PUBLIC UTILITIES

Public utilities and driveways shall be located in accordance with the requirements of the Van Buren County Road Commission. The underground work for utilities shall be stubbed to the property line of each lot. The subdivider shall make arrangements for all distribution lines for telephone, electric and cable television service to be placed underground entirely throughout a subdivided area. Such conduits or cables shall be placed within easements provided for such services by the subdivider or within dedicated public ways. Those telephone and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities and surface construction. The proposed location of all underground wiring shall be submitted to the appropriate public utility company for approval. Installation shall not proceed until such approval has been granted. All telephone and electrical utilities shall be constructed in accordance with the requirements and standards for construction approved by the Michigan Public Service Commission or other agency or organization. All drainage and underground utility installations which traverse privately owned property shall be located in easements granted by the subdivider.

5.45 DRIVEWAYS

All driveway aprons connecting to roads shall be hard surfaced as specified by the Van Buren County Road Commission or the Michigan Department of Transportation.

5.46 STORM DRAINAGE

An adequate storm drainage system, including open drains, storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the Van Buren County Drain Commissioner.

Construction shall meet the requirements, specifications and procedures established by the Van Buren County Drain Commissioner. All proposed storm drainage system construction plans for proposed plats shall be approved by the Van Buren County Drain Commissioner.

5.47 WATER SUPPLY SYSTEM

When a proposed subdivision is to be serviced by a water supply system, fire hydrants and other required water system appurtenances shall be provided by the subdivider.

The subdivider may be required to install a water supply system for the common use of the lots within the subdivision in accordance with the requirements of Act 98, P.A. 1913, as amended.

Individual wells may be permitted in accordance with the requirements of the Van Buren County Health Department.

5.48 SANITARY SEWER SYSTEM

When a proposed subdivision is to be serviced by a sanitary sewer collection and treatment system, sanitary sewers and other required appurtenances thereto shall be provided by the subdivider. Sewer systems shall comply with the requirements of Act 98, P.A. 1912, as amended.

A sewer system for the common use of the lot owners may be required to be provided by the subdivider, if feasible in the judgment of the Planning Commission with the advice of a Township Engineer Consultant and County Health Department. Such a system shall comply with the requirements of Act 98, P.A. 1913, as amended. Where it is determined in the judgment of the Planning Commission, with the advice of a Township Engineer Consultant and the Van Buren County Health Department, that a sewer system is not feasible in a subdivision, then approved septic tanks

and disposal fields may be approved which shall comply with the requirements of the Van Buren County Health Department.

5.49 ROAD NAME SIGNS

Road name signs shall be installed in the appropriate locations at each road intersection in accordance with the requirements of the Van Buren County Road Commission.

5.491 ROAD LIGHT REQUIREMENTS

Where road lighting is to be installed, road lights shall be required to be installed at intervals of not less than one (1) road light every two hundred fifty (250) feet of roadway length.

Section 5.5 OPTIONAL PUBLIC IMPROVEMENTS

5.51 RECREATIONAL

If park or recreational areas are to be provided in the subdivision, one-tenth (0.1) of an acre per lot shall be dedicated to either the subdivision lot owners or to the Township of Almena for purposes of development of recreational areas. If the park or recreation area is to be owned and operated by the lot owners in a subdivision, the subdivider shall provide the Township Planning Commission with a copy of the dedication of park, recreation and other open space areas, deed restrictions and easements in order for the Planning Commission is assured that the park and recreational areas will be financially supported and maintained by the lot owners.

5.52 GREENBELTS

It is desirable for the protection of residential properties to have greenbelts or landscaped screen plantings located between a residential development and adjacent major roads rights-of-way. Where a subdivider desires to protect his development in this respect, a proposed subdivision plat shall show the location of said greenbelts.

5.53 STREET TREES

Street trees of a variety and size in accordance with the standards adopted by the Township may be planted between the street curb and sidewalk. The location of street trees shall be approved by the Van Buren County Road Commission.

5.54 WATER SUPPLY

When a proposed subdivision is located within, adjacent to or reasonably near the service area of a public water supply system, water mains, fire hydrants; required water system appurtenances shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat, both for domestic use and fire protection. In the event of the nonexistence or nonavailability of a public water supply system, a subdivision water supply system equal to the above shall be installed by the subdivider unless proof is available making such a system not feasible as determined by the appropriate health authorities.

Section 5.6 GUARANTEE OF COMPLETION OF IMPROVEMENTS REQUIRED BY THE TOWNSHIP

5.61 FINANCIAL GUARANTEE ARRANGEMENTS, EXCEPTIONS

In lieu of the actual installation of required public improvements, the Township Board, on recommendation of the Planning Commission, may permit the subdivider to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of the Van Buren County Road Commission, Van Buren County Drain Commissioner or any other agency responsible for the administration, operation and maintenance of the applicable public improvements. The Planning Commission may recommend and the Township Board may waive financial guarantees of performance under this Ordinance for sidewalks, street lights, or street trees. In case these improvements are specified, completion shall be required prior to the issuance of occupancy permits.

A. Performance of Surety Bond:

1. Accrual: The bond shall accrue to the Township, covering construction, operation and maintenance of the specific public improvement.
2. Amount: The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement, including contingencies, as estimated by the Township Board.
3. Term Length: The term length in which the bond is force shall be for a period to be specified by the Township Board for the specific public improvement.
4. Bonding or Surety Company: The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the Township Board.
5. The escrow agreement shall be drawn and furnished by the Township Board.

B. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit:

1. Treasurer, Escrow Agent or Trust Company: A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the Township Board, shall accrue to the Township. These deposits shall be made with the Township Treasurer, or deposited with a responsible escrow agent, or trust company, subject to the approval of the Township Board.
2. Dollar Value: The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specific public improvement including contingencies, as estimated by the Township Board.
3. Escrow Time: The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period to be specified by the Township Board.
4. Progressive Payment: In the case of cash deposits or certified checks, an agreement between the Township and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

5.62 CONDITION OF TOWNSHIP APPROVAL OF FINAL PLAT - FINANCIAL GUARANTEES:

With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

1. The construction of improvements required by this Ordinance shall have been completed by the subdivider and approved by the Township Board.
2. Surety acceptable to the Township shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.

5.63 SPECIAL AGREEMENTS

A special agreement shall be entered into between the subdivider and the Township Board where street trees and street lights have been required by the Township Board.

5.64 INSPECTION OF PUBLIC IMPROVEMENTS UNDER CONSTRUCTION

Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the Township Board shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.

5.65 PENALTY IN CASE OF FAILURE TO COMPLETE THE CONSTRUCTION OF A PUBLIC IMPROVEMENT

In the event the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the Township Board and the subdivider.

ARTICLE VI - VARIANCES

Section 6.1 GENERAL

The Township Planning Commission may recommend to the Township Board a variance from the provisions of this Ordinance on a finding that undue hardship may result from strict compliance with specific provisions or requirements of the Ordinance or that application of such provision or requirement is impracticable. The Planning Commission shall only recommend variances that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the Planning Commission finds after a public hearing:

- A. That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this Ordinance would clearly be impracticable or unreasonable and variances from these provisions are needed. In such cases the subdivider shall first state his reasons in writing as to the specific provision or requirement in need of a variance, and submit them to the Planning Commission for its consideration and action.
- B. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- C. That such variance will not violate the provisions of the "Subdivision Control Act of 1967," being Act 288 of the Public Acts of 1967; MCL 560.101-560.293.
- D. The Planning Commission shall include its findings and the specific reasons for granting each variance in its report of recommendations to the Township Board and shall also record its reasons for granting each variance in its minutes.
- E. That such variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Master Plan for Land Use adopted by the Planning Commission of Almena Township.

Section 6.2 TOPOGRAPHICAL - PHYSICAL LIMITATION VARIANCE

In the case of a particular proposed subdivision, where it can be shown that strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions, or other such conditions which are not self-inflicted, or that these conditions would result in violating the achievement of the objectives of this Ordinance, the Planning Commission may recommend to the Township Board that a variance from these requirements be granted.

Section 6.3 PLANNED UNIT DEVELOPMENT VARIANCE

A developer may request a variance from specified portions of this Ordinance in the case of a planned unit development. If in the judgment of the Planning Commission such a plan provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs, it shall make findings, as required herein below. The Planning Commission shall take into account the nature of the proposed use of land and existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The Planning Commission shall report to the Township Board whether:

- A. The proposed project will constitute a desirable and stable additional development in the Township.

- B. The proposed project will be in harmony with adjacent areas in terms of land uses, level of activity, circulation of traffic, water supply, wastewater disposal, storm water drainage and visibility to surrounding developments.

ARTICLE VII - ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE

Section 7.1 ENFORCEMENT

No subdivision plat or lot split 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 Van Buren County Register of Deeds, until such subdivision plat or lot split 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 improvements required by this Ordinance unless such improvements shall have already been accepted, opened or otherwise received the status of a completed improvement prior to the adoption of this Ordinance provided such improvement corresponds in its location and to the requirements of this Ordinance.

Section 7.2 PENALTIES

Penalties for failure to comply with the provisions of this Ordinance shall be as follows:

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor.

Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined in accordance with the law governing misdemeanors. Each day such violation continues shall be considered a separate offense. The land owner, tenant, subdivider or builder who assists in or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or of the Subdivision Control Act.

ARTICLE VIII - AMENDMENTS

Section 8.1 PROCEDURES

The Township Board may, from time to time, amend, supplement, or repeal the regulations and provisions of this Ordinance. A proposed amendment, supplement, or repeal may be originated by the Township Board, Township Planning Commission, or by petition of property owners. 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.

ARTICLE IX - MISCELLANEOUS PROVISIONS

Section 9.1 VALIDITY

Should any section, clause, or provision of this. Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 9.2 EFFECTIVE DATE

This Ordinance shall take effect in Almena Township after public hearing, recommendation of the Planning Commission, adoption by the Township Board, publication within thirty (30) days after adoption and certification by the Township Clerk as to the date of adoption and date of publication. The effective date shall be thirty (30) days after date of publication.

Initial Publication March 10, 1998

Date of Public Hearing March 31, 1997

Adoption of Planning Commission March 31, 1997

Adoption of Township Board March 8, 1998

Final Publication Date March 22, 1998

Effective Date April 24, 1998

By referendum - Nov. 3, 1998

Josephine Burns, Clerk

— Amended - July 9, 2014

Date of Public Hearing – May 12, 2014

Approval of Planning Commission – May 12, 2014

Approval of Township Board – July 9, 2014

— Final Publication Date – March 27, 1998

Effective Date – April 24, 1998

By Referendum – November 3, 1998