

ORDINANCE NO. ~

SUBDIVISION CONTROL ORDINANCE

An ordinance to regulate and control the subdivision of land in Zeeland Charter Township; to promote the public peace and health and the safety and general welfare of persons and property in Zeeland Charter Township; to carry out the Subdivision Control Act of 1967) as amended; to require and regulate the preparation and presentation of pre-preliminary, preliminary and final plats; to establish minimum subdivision requirements and standards; to require minimum improvements to be made or guaranteed to be made by the subdivider; to provide procedures to be followed by the Zeeland Charter Township Board of Trustees and Planning Commission in the application of the terms and provisions of this Ordinance; to prescribe penalties for the violation of this Ordinance; and to provide for conflicts with other ordinances and regulations.

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

ARTICLE I

GENERAL PROVISIONS

Sec. 1.1 TITLE. This Ordinance shall be known and may be cited as the "Zeeland Charter Township Subdivision Control Ordinance. "

Sec. 1.2 PURPOSE. The purpose of this Ordinance is to regulate and control the subdivision of land in the Township in order to promote the public peace and health and the safety and general welfare of persons and property in the Township. Without limiting the generality of the foregoing, this Ordinance is specifically intended to:

- A. Provide for orderly growth and harmonious development of the community;
- B. Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities;
- G. Require individual property lots of maximum utility and livability;
- D. Insure adequate provision for water, drainage, and sanitary sewer facilities, and other health requirements; and
- E. Insure the pr'ovds Lon for'adequate recreational areas, schoo l sites, and other public facilities.

Sec. 1.3 LEGAL BASIS. This Ordinance is enacted pursuant to the Subdivision Control Act of 1967, as amended, as well as Michigan Act 359 of 1947, as amended, and Michigan Act 246 of 1945, as amended.

Sec. 1.4 SCOPE. This Ordinance shall not apply to any plat that has received preliminary approval from the Township Board under the Subdivision Control Act before 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 agreements, or with restrictive covenants or other private agreements running with the land, 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 law, ordinance or regulation of the Township, the provisions of this Ordinance shall control.

Sec. 1.5 ADMINISTRATION. The approval provisions of this Ordinance shall be administered by the Township Board in accordance with the Subdivision Control Act.

Sec. 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 submitted by the subdivider to the Township at the time of submission of the proposed subdivision for pre-preliminary, preliminary and final approval.

ARTICLE II

DEFINITIONS

Sec. 2.1 RULES APPLYING TO TEXT. The following rules of construction shall apply to the text of this Ordinance.

- A. The particular shall control the general.
- B. Except with respect to the definitions which follow in Section 2.2, the headings which title an article, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Unless the context clearly indicates to the contrary:
 1. Words used in the present tense shall include the future tense;
 2. Words used in the singular number shall include the plural number; and
 3. Words used in the plural number shall include the singular number.
- E. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or

equivalent entity or a combination of any of them, as well as a natural person.

- F. The word IfTownshipl means the Charter Township of Zeeland, Ottawa County, Michigan.
- G. The words "Township Board" mean the Zeeland Charter Township Board.
- H. The words "Planning Commission" mean the Zeeland Charter Township Planning Commission.
- I. The words ilLegalRecord" mean the circumstance where the legal description of a lot or parcel of land has been recorded as part of a document of record in the office of the Register of Deeds, Ottawa County, Michigan.

Sec. 2.2 DEFINITIONS AND WORDS NOT DEFINED. For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

- A. ALLEY. A publicly controlled right-of-way not more than thirty (30) feet wide affordng only secondary means of vehicular access to abutting lots and land which is not intended for general traffic circulation.
- B. AS-BUILT PLANS. Construction plans revised as necessary to reflect all approved field changes.
- C. BLOCK. An area of land within a subdivision that is entirely bounded by streets, except alleys, and/or the exterior boundary or boundaries of the subdivision.
- D. BUILDING LINE OR SETBACK LINE. A line parallel to a street 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 the street, other public area, the shore of a lake, or the edge of a stream or river bank.
- E. CAPTION. The name by which the plat is legally and commonly known.
- F. COMMERCIAL DEVELOPMENT. A planned commercial center providing building areas, parking areas, service areas, screen planting and widening, turning movement and safety lane street improvements.
- G. COUNTY DRAIN COMMISSIONER. The Ottawa County Drain Commissioner.
- H. COUNTY HEALTH DEPARTMENT. The Ottawa County Health Department.
- I. COUNTY PLAT BOARD. The Ottawa County Plat Board.
- J. COUNTY ROAD COMMISSION. The Ottawa County Road Commission.

- K. CROSSWALKWAY OR PEDESTRIAN WALKWAY. A right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and lots or parcels of land.
- L. DEDICATION. The intentional appropriation of land by the owner to public use.
- M. FLOOD PLAIN. Those lands zoned or classified as being in a TLFTI Flood Plain District or flood risk region pursuant to the Zeeland Charter Township Zoning Ordinance or other applicable ordinance.
- N. 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.
- O. IMPROVEMENTS. Any structure incident to servicing or furnishing facilities for a plat such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalkways, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other appropriate items, with appurtenant construction.
- P. INDUSTRIAL DEVELOPMENT. A planned industrial area designed specifically for industrial use providing screened buffers, wider streets and turning movement and other safety street improvements, where necessary. This definition shall include industrial parks.
- Q. LAND USE PLAN. The Zeeland Charter Township Land Use Plan, as amended.
- R. LOT. A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.
1. Lot Depth. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
 2. Lot Width. The horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.
- S. OUTLOT. When included within the boundary of a recorded plat, this word means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.
- T. PARCEL OR TRACT. A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act.
- U. 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 group as a separate neighborhood or community unit.

- V. PLAT. A map or chart of a subdivision of land.
1. Pre-Preliminary Plat. An informal plan of a proposed plat prepared and submitted in accordance with Article III hereof.
 2. Preliminary Plat. A map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.
 3. Final Plat. The final map of a subdivision of land in form ready for final approval and recording.
- W. PROPRIETOR, SUBDIVIDER OR DEVELOPER. Any person who may hold any recorded or unrecorded ownership interest in land.
- X. PUBLIC UTILITY. Any governmental unit, board or commission, or any person (under public regulation if a private agency) furnishing to the public transportation, water, gas, electricity, telephone, steam, telegraph, sewage disposal, or other essential public service.
- Y. PUBLIC OPEN SPACE. Land dedicated to or reserved for use by the general public. It includes, without limiting the generality of the foregoing, parks, parkways, recreation areas, school sites, community or public building sites, streets, and public parking spaces.
- Z. REPLAT. The process of changing, as well as the map or plat which changes, the boundaries of a recorded plat or part thereof. The legal dividing of an outlot within a recorded plat, without changing the exterior boundaries of the outlot, is not a replat.
- AA. RIGHT-OF-WAY. Land reserved, used, or to be used for a street, alley, or other public purposes.
- BB. SAND DUNES. An area designated by the Michigan Department of Natural Resources as a "sand dune" or a "sand dune area" which includes the geomorphic features composed primarily of sand, whether wind blown or of other origin, and which lies within two (2) miles of the ordinary high-water mark on a Great Lake as defined in Section 2 of Michigan Act 247 of 1955, as amended.
- CC. SIGHT DISTANCE. The unobstructed vision on a horizontal plane along a street centerline from a driver-eye height of 3.75 feet and an object height of 6 inches.
- DD. STREET. A publicly controlled right-of-way which affords principal means of access to abutting property including any avenue, place, way, drive, lane, boulevard, highway, road or other thoroughfare, except an alley.
1. Freeway. Those streets designed for high speed, high volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.

2. Expressway. Those streets designed for high speed, high volume traffic, with completely or partially controlled access, some grade crossings but no driveway connections.
 3. Parkway. A street designed for noncommercial, pleasure-oriented traffic moving at moderate speeds, between and through scenic areas and parks.
 4. Arterial Street. A street designed for moderately high speed and moderately high volume, used to carry through traffic but not providing access to abutting properties.
 5. Collector Street. Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.
 6. Cul-de-sac. A minor street of short length having one end terminated by a vehicular turn-around.
 7. Marginal Access Street. A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic and not carrying through traffic.
 8. Minor Street. A street which is intended primarily for access to abutting properties.
 9. Street Width. The shortest distance between the lines delineating the right-of-way of the street.
- EE. SUBDIVIDE OR SUBDIVISION. The partitioning or dividing of a parcel or tract of land by the proprietor thereof, or by his heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale, or lease of more than one (1) year, or of building development, where the act of division creates five (5) or more parcels of land each of which is ten (10) acres or less in area; or where successive divisions within a period of ten (10) years create five (5) or more parcels of land each of which is ten (10) acres or less in area.
- FF. SUBDIVISION CONTROL ACT. Michigan Act 288 of the Public Acts of 1967, as amended.
- GG. SURVEYOR. Either a land surveyor who is registered in the State of Michigan as a registered land surveyor, or a civil engineer who is registered in the State of Michigan as a registered professional engineer.
- HR. TOPOGRAPHICAL MAP. A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.
- II. WATER RESOURCES COMMISSION. The Water Resources Commission of the Michigan Department of Natural Resources.

ARTICLE III

PLATTING PROCEDURE AND DATA REQUIRED

Sec. 3.1 PRE-PRELIMINARY PLAT - PURPOSE. A Pre-Preliminary Plat may be submitted to the Township to accomplish anyone (1) or all of the following purposes:

- A. To provide guidelines for the subdivider concerning development policies of the Township;
- B. To acquaint the subdivider with the subdivision procedures and requirements of:
 - 1. The Township Board and the Planning Commission; and
 - 2. Other agencies; and.
- C. To provide the Planning Commission, the Township Board and other agencies with general information concerning the proposed plat.

Acceptance of the Pre-Preliminary Plat does not assure or in any way bind the Township with respect to acceptance of the Preliminary Plat.

Sec. 3.2 PRE-PRELIMINARY PLAT - REQUIREMENTS. The Pre-Preliminary Plat shall consist of an informal plan or sketch, drawn to scale, in pencil if desired, showing the existing features of a site and its surroundings and the general layout of the proposed plat. It shall include the entire development scheme in schematic form, including the area for immediate development, and shall also include the following:

- A. General layout of streets, blocks and lots in sketch form;
- B. Existing conditions and characteristics of the land on and adjacent to the site; and
- C. Any general area set aside for schools, parks and other community facilities.

The Pre-Preliminary Plat shall be accompanied by a letter from the surveyor concerning the general feasibility of the land for subdividing. The Township Board and the Planning Commission may require such proof of ownership of the land proposed to be subdivided as they deem reasonably necessary.

Sec. 3.3 PRE-PRELIMINARY PLAT - PROCEDURE. The following procedures shall be followed in the review of a Pre-Preliminary Plat:

- A. The subdivider shall submit two (2) copies of the Pre-Preliminary Plat to the Township Clerk at least ten (10) days before the first meeting of the Planning Commission at which the Pre-Preliminary Plat is to be considered.
- B. The Township Clerk shall promptly transmit both copies of the Pre-Preliminary Plat to the Planning Commission.

- C. The Planning Commission, or the Subdivision Committee thereof if the Pre-Preliminary Plat has been referred to that Committee by the Planning Commission, shall review the Pre-Preliminary Plat with the subdivider or the subdivider's agent. In the event that the Planning Commission shall reasonably determine that other public agencies are affected, the Planning Commission may require that copies of the Pre-Preliminary Plat be submitted by the subdivider to such other affected agencies for review.
- D. The Planning Commission shall inform the subdivider or the subdivider's agent of the Township's development policies and make appropriate comments and suggestions concerning the proposed plat. Such information may be communicated to the Township Board by means of the minutes of the Planning Commission.
- E. The Planning Commission shall inform the Township Board in writing of the results of its review of the Pre-Preliminary Plat. Such information may be communicated to the Township Board by means of the minutes of the Planning Commission.

Sec. 3.4 PRELIMINARY PLAT - REQUIREMENTS. The Preliminary Plat shall comply with the following requirements.

- A. The Preliminary Plat may be on paper and shall be not less than eighteen (18) inches by twenty-four (24) inches, at a scale of at least one (1) inch to two hundred (200) feet, and shall show the date and a north arrow.
- B. The following shall be shown on the Preliminary Plat or submitted with it, in addition to such fee as is established by the Township Board:
 - 1. The name of the proposed plat;
 - 2. Names, addresses and telephone numbers of the subdivider and the surveyor preparing the Preliminary Plat;
 - 3. Location of the plat, giving the numbers of section, township and range, and the name of the township and county;
 - 4. The names of abutting plats;
 - 5. A map of the entire area scheduled for development, if the proposed plat is a portion of a larger holding intended for subsequent development;
 - 6. A location map showing the relationship of the proposed plat to the surrounding area;
 - 7. The land use and existing zoning of the proposed plat and the adjacent tracts;
 - 8. Streets, street names, right-of-way and roadway widths;
 - 9. Lot lines and the total number of lots by block;

10. Contours at intervals of four (4) feet or less;
11. A site report, as described in the rules and regulations, as amended, of the Michigan Department of Public Health or any successor state agency having similar regulatory jurisdiction, if the proposed plat is not to be served with both public sewer and public water;
12. Proposed and existing storm and sanitary sewers and water mains, or in the event any or all of these improvements are not to be provided, a statement of the alternate method or methods by which drainage, sewage disposal, and water supply will be provided;
13. Five (5) copies of proposed protective covenants and deed restrictions, or a written statement that none are proposed;
14. Right-of-way easements, showing location, width, and purpose;
15. The location and size of any floodplain area;
16. Anticipated development of adjoining lands if owned by the subdivider;
17. If any property proposed to be platted involves existing sand dunes, an environmental impact study by a competent environmental expert, specifying the methods to be used in stabilizing the sand dunes, and the methods to be used in preventing unnecessary wind or drainage erosion and obstruction of planned drainage systems by such wind or drainage erosion; and
18. Statement of intended use of the proposed plat, such as:
 - a. Residential single family, two-family, or multiple housing;
 - b. Commercial;
 - c. Industrial;
 - d. Recreational; or
 - e. Agricultural..

In addition, the Preliminary Plat shall show proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other nonpublic uses exclusive of single-family dwellings, as well as sit~~ proposed for parks, playgrounds, schools, or other public uses.

- C. The subdivider shall submit with the Preliminary Plat five (5) sets of preliminary engineering plans for streets, water, sewers, side-walks and other required public improvements. Such preliminary engineering plans may be incorporated as part of the plat drawing and shall contain enough information and detail to enable the

Township to make a preliminary determination as to conformance of the proposed improvements to applicable Township ordinances, regulations and standards.

Sec. 3.5 PRELIMINARY PLAT - PROCEDURE. The following procedures shall be followed in the review of a Preliminary Plat.

- A. The subdivider shall submit to the Township Clerk for validation a sufficient number of copies of the Preliminary Plat so as to provide the subdivider with sufficient validated copies thereof to meet all submission requirements of this Ordinance and the Subdivision Control Act. Such copies shall be promptly validated by the Clerk and returned to the subdivider.
- B. Copies of the Preliminary Plat shall be submitted as required in the Subdivision Control Act. In addition, two (2) copies shall be submitted to the school board(s) of the school district(s) in which the Preliminary Plat is located for information purposes, and two (2) copies of the Preliminary Plat shall be submitted to the County Road Commission for verification that the names of the proposed streets in the Preliminary Plat do not duplicate or conflict with existing street names. However, if copies of the Preliminary Plat are required to be submitted to the County Road Commission by the Subdivision Control Act, then the County Road Commission filing requirement as herein provided shall be waived.
- C. The subdivider shall file with the Township Clerk a list of all authorities to whom validated copies of the Preliminary Plat have been submitted.
- D. The subdivider shall submit six (6) copies of the Preliminary Plat to the Township Clerk together with a written request for approval and the fee required by this Ordinance. Such submission shall be made at least ten (10) days before the first meeting of the Planning Commission at which the Preliminary Plat is to be considered. The Township Clerk shall promptly transmit all copies of the Preliminary Plat to the Planning Commission.
- E. The Planning Commission shall review the Preliminary Plat and give its report and recommendation to the Township Board not more than sixty (60) days after submission of the Preliminary Plat. Such report and recommendation to the Township Board may be contained within the minutes of the Planning Commission. This sixty (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, the Planning Commission shall be deemed to have recommended approval of the Preliminary Plat. The Planning Commission may hold a public hearing on a proposed Preliminary Plat and give such notice thereof as it shall deem appropriate.

- F. If the Preliminary Plat does not meet all requirements, the Planning Commission shall notify the subdivider by letter indicating any additional information or changes required. If the Preliminary Plat does meet all requirements, the Planning Commission shall so inform the subdivider by letter.
- G. The Township Board, within ninety (90) days from the date of filing (unless the time period for approval has been extended pursuant to subsection E above) 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. The Township Board shall not review, approve or reject a Preliminary Plat until it has received a report and recommendation from the Planning Commission; however, the Township Board may act without a report and recommendation from the Planning Commission if the Planning Commission does not issue such a report and recommendation within sixty (60) days after submission of the Preliminary Plat or within such extended time period as may be agreed upon between the subdivider and the Planning Commission. 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.
- H. For final approval of the Preliminary Plat, the subdivider shall submit a list of all of the approving authorities to the Township Clerk, certifying that the list shows all authorities as required by the Subdivision Control Act. The subdivider shall also submit all of the approved copies of the Preliminary Plat to the Township Clerk after all necessary approvals have been secured. The Township Board, after receipt of the necessary approval 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, will give the reasons. Approval of a Preliminary Plat shall not constitute approval of the Final Plat, but rather Final Plat approval shall be conditioned on all requirements being met. 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, but only concerning the Township's own requirements. Written notice of any such extension shall be sent by the Township to the other approving authorities.

Sec. 3.6 FINAL PLAT - REQUIREMENTS. The Final Plat shall be in accordance with the following requirements.

- A. Final Plats shall be prepared and submitted as provided in the Subdivision Control Act.
- B. A written request for approval and the required 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.
- D. The Township may require such other information as shall be reasonably necessary to establish whether the proper parties have signed the Final Plat.

Sec. 3.7 FINAL PLAT - PROCEDURE. The following procedures shall be followed in the review of a Final Plat.

- A. The subdivider shall submit the Final Plat with as-built and/or construction engineering plans or other data where required to the Township Clerk. Unless the Plat has both public water and public sewer facilities in operating condition, the Final Plat shall be accompanied by a letter of approval from the County Health Department. The Township Clerk shall promptly transmit all copies of the Final Plat and supporting documents to the Planning Commission.
- B. The Planning Commission shall examine the Final Plat at its next regular meeting, or within thirty (30) days of receipt thereof, whichever occurs first, 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 time for review and recommendations 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 either to 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 filed with the Township Clerk.
- C. 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. 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 a written report of its review of the Final Plat. Any such report and recommendation to the Township Board of disapproval or approval may be contained within the minutes of the Planning Commission.
- D. 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, whichever occurs first. The Township Board shall either approve or disapprove the Final Plat. If disapproved, the Township Board shall give the subdivider its reasons in writing. If the Final Plat is approved, the Township Board shall instruct the Township Clerk to sign the municipal certificate on the approved Final Plat on behalf of the Township Board.

- E. Recording of the Final Plat shall have the effect of an irrevocable offer to dedicate all streets and other public ways, all park reservations, 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. However, recording of the Final Plat 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 made actual appropriation of the same by legal action.

ARTICLE IV

SUBDIVISION DESIGN STANDARDS

Sec. 4.1 STREETS. The provisions of this Ordinance shall be the minimum requirements for streets and intersections. If any other public agency having jurisdiction, including the County Road Commission, shall adopt any statute, ordinance, rule or regulation imposing additional, different, or more rigorous requirements, then the provisions of such statute, ordinance, rule or regulation shall govern.

Sec. 4.2 STREET REQUIREMENTS. The streets within a plat shall be designed and laid out as is hereinafter provided.

- A. DEDICATION. All arterial streets shall be dedicated to public use. All non-arterial streets shall be dedicated to public use unless the proprietor presents valid and sufficient reasons to justify a private road, such as maintenance, traffic control or privacy, and unless there are no detrimental effects with respect to access to adjoining lands.
- B. STREET LOCATION AND ARRANGEMENTS. If a Major Street Plan has been adopted, subdivision streets shall conform with the Major Street Plan.
- C. MINOR STREETS. Minor streets shall be arranged so as to discourage their use by through traffic.
- D. STREET CONTINUATION AND EXTENSION. Streets shall be arranged to provide for the continuation of existing streets from adjoining areas into new subdivisions. An exception to this requirement may be granted by the Township Board on recommendation from the Planning Commission.
- E. STUB STREETS. Subject to Section 4.10.B hereinafter, where adjoining lands are not subdivided, streets in the proposed plat shall be extended to the boundary line of the proposed plat to make provision for the future projection of such streets on to adjoining lands.
- F. RELATION TO TOPOGRAPHY. Streets shall be arranged in proper relation to the plat topography so as to result in usable lots, safe streets, and reasonable gradients.

- G. ALLEYS. Alleys shall not be permitted in areas of detached single or two-family residences. Alleys shall be provided for multiple dwellings or commercial subdivisions unless other adequate provision is made for service access, off-street loading, and parking. Dead-end alleys are prohibited.
- H. MARGINAL ACCESS STREETS. Where a subdivision abuts or contains an arterial street, the Township Board, after receipt of a recommendation from the Planning Commission, may require:
1. Marginal access streets approximately parallel to and on each side of the arterial street; and
 2. Such other street arrangements as may be deemed necessary for the adequate protection of residential properties and to provide for separation of through and local traffic.
- I. CUL-DE-SAC STREETS. A cul-de-sac shall meet all of the requirements for cul-de-sacs which have been instituted at such time by the County Road Commission.
- J. 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.

Sec. 4.3 STREET SPECIFICATIONS. The streets within a plat shall be specified and constructed as hereinafter provided.

- A. STREET WIDTHS. Street right-of-way and roadway widths shall be as required by any Township Major Street Plan and the requirements of the County Road Commission and the Michigan State Department of Highways, whichever requirements are the greatest.
- B. STREET GRADIENTS. A street grade shall not exceed seven (7) percent on either a minor street or a collector street. No street grade shall be less than zero point five (0.5) percent.
- C. STREET ALIGNMENT.
1. Horizontal Alignment. When street lines deflect from each other by more than ten (10) degrees in alignment, the centerlines shall be connected by a curve with a minimum radius of five hundred (500), feet for arterial streets, three hundred (300) feet for collector streets and one hundred fifty (150) feet for minor streets. Between reverse curves, there shall be a minimum tangent distance on minor streets of one hundred (100) feet. and on collector and arterial streets, two hundred (200) feet.

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

Sec. 4.4 STREET NAMES. Street names shall not duplicate any existing street name in a contiguous city, village or township, except where a new street is a continuation of an existing street. Street names that may be spelled differently but sound the same are also prohibited. All new streets shall be named as follows:

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

Sec. 4.5 INTERSECTIONS. All intersections within a plat shall be designed, laid out, specified and constructed as is hereinafter provided.

- A. ANGLE OF INTERSECTION. Streets shall intersect at ninety (90) degrees or as closely thereto as practical, and in no case shall the angle of intersection be less than eighty (80) degrees.
- B. SIGHT TRIANGLES. The minimum sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred twenty-five (125) feet from the center of the intersection.
- C. NUMBER OF STREETS. No more than two (2) streets shall cross at any one (1) intersection.
- D. "T" INTERSECTIONS. "T" type intersections shall be used if practical where minor streets intersect.
- E. 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.
- F. VERTICAL ALIGNMENT OF INTERSECTION. A nearly flat grade with appropriate drainage slopes is required within intersections. This flat section shall be carried back at least fifty (50) feet each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling and four percent (4%) maximum intersection grade in hilly terrain shall be permitted.

Sec. 4.6 PEDESTRIANWAYS. All pedestrianways within a plat shall be designed, laid out, specified and constructed as is hereinafter provided.

- A. CROSSWALKWAYS. Rights-of-way for pedestrian crosswalkways in the middle of long blocks shall be provided where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas. The right-of-way shall be at least ten (10) feet wide and extend through the entire block.

- B. SIDEWALKS. Sufficient rights-of-way shall be provided so that sidewalks may be installed on both sides of all streets.

Sec. 4.7 EASEMENTS. Easements shall be provided within a plat as is hereafter provided.

- A. LOCATION. Easements shall be provided for utilities as necessary.
- B. DRAINAGEWAY. The subdivider shall provide drainageway easements as required by the rules of the County Drain Commissioner.

Sec. 4.8 BLOCKS. The blocks within a plat shall be designed and laid out as is hereafter provided.

- A. ARRANGEMENTS. A block shall be so designed as to provide two (2) tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary.
- B. MINIMUM LENGTH. Blocks shall not be less than five hundred (500) feet long from center of street to center of street.
- C. MAXIMUM LENGTH. The maximum length allowed for a residential block 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 on recommendation from the Planning Commission.

Sec. 4.9 LOTS. All lots within a plat shall be designed and laid out as is hereafter provided.

- A. CONFORM TO ZONING. The lot width, depth, and area shall not be less than required by the Zeeland Charter Township Zoning Ordinance for the zone in which the plat is located, except where outlots are provided for some permitted purpose.
- B. LOT LINES. Side lot lines shall be as close to right angles to straight streets and radial to curved streets as practical.
- C. WIDTH RELATED TO LENGTH. The depth of a lot shall not exceed two and one-half (2 1/2) times the width as measured at the building line. An exception to this limitation may be granted by the Township Board on recommendation from the Planning Commission.
- D. CORNER LOTS. Corner lots shall have extra width to permit appropriate building setback from and orientation to both streets. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.
- E. UNINHABITABLE AREAS. Lands zoned Flood Plain under the Zeeland Charter Township Zoning Ordinance or otherwise de-med by the Township Board, on recommendation from the Planning Commission, to be uninhabitable, shall not be platted for residential purposes, or for any use that may increase the danger to health, life, or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as parks or other open space.

- F. OUTLOT. Any restrictions on the use of outlots shall be submitted to the Township Board for review and approval and shall be recorded at the time that the plat is recorded.
- G. BACK-UP LOTS. Lots shall back into such features as freeways, arterial streets, shopping centers, or industrial properties, except where there is a marginal access street, or unless a secondary access is provided. Such lots shall contain a landscaped easement along the rear at least twenty (20) feet wide to restrict access to the arterial street, to minimize noise and to protect outdoor living areas. Lots extending through a block and having frontage on two (2) local streets are prohibited.
- H. FUTURE ARRANGEMENTS. Where parcels of land are subdivided into unusually large lots (such as when large lots are required for septic tank operations), the parcels shall be divided, where feasible, so as to allow for resubdividing of the lots into smaller lots in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever such future resubdividing or lot splitting is contemplated, the plan thereof shall be approved by the Planning Commission before application is made to the Township Board as provided in Section 4.9.1 hereinafter.
- I. LOT DIVISION.
1. 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. No lot, outlot or other parcel of land located in a recorded plat shall be further partitioned or divided into more than four (4) parts.
 2. 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 Board in writing on such application form or forms as shall be provided by the Township. Such application shall be filed with the Township Clerk and shall include a detailed statement of the reasons for the requested partition or division and a sketch map or maps prepared in scale showing the proposed division or partition and all adjoining lots, streets and parcels of land.
 3. 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.
 4. Division Resulting in Smaller Area. A division or partition of a lot, outlot or other parcel of land which is not served by public sewer and public water systems and which results in the creation of a parcel or parcels containing a smaller area

or width than is required by the Subdivision Control Act 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. If approval of any such division or partition is granted pursuant to this subsection, 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.

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

- J. 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 approval of the Township Board prior to taking such action. All such applications shall be made in writing and shall be accompanied by a drawing of the proposed division. No building or occupancy permit shall be issued in such cases until the Township Board has approved the division of such land.

- K. FRONTAGE. All lots shall front upon a public street. Private roads shall be prohibited unless approved pursuant to Section 4.2.A above.

Sec. 4.10 PLANTING, RESERVE STRIPS, PUBLIC SITES, AND OPEN SPACES. Planting, reserve strips, public sites and open spaces shall be provided within the plat as is hereinafter provided.

- A. PLANTING STRIPS. The Township may require planting strips to be placed next to incompatible features such as highways, railroads, commercial uses, or industrial uses to screen the view from residential properties. Such screens shall be a minimum of twenty (20) feet wide, and shall not be a part of the normal roadway right-of-way or utility easement.
- B. RESERVE STRIPS. A privately-held reserve strip controlling access to streets is prohibited. The Township may require a one-(1) foot reserve to be placed at the end of "stub" or "dead-end" streets which terminate at subdivision boundaries and between half-streets. These reserves shall be deeded in fee simple to the Township for future street purposes.
- C. PUBLIC USES. Where a proposed park, playground, school or other public use shown on the Township Comprehensive Development Plan is located in whole or in part within a plat, a suitable area for this

purpose may be dedicated to the public or reserved for public purchase.

- D. 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 subdivision.

Sec. 4.11 LARGE SCALE DEVELOPMENTS. Large scale developments shall be planned, developed and completed as is provided hereinafter.

- A. 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 Land Use Plan, 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.
- B. NEIGHBORHOOD CHARACTERISTICS. A community or neighborhood under this Section shall generally be consistent with the Land Use Plan and shall contain five hundred (500) living units or more, shall contain or be bounded by major streets or natural physical barriers as necessary, and shall contain reserved areas of sufficient size to serve its population, for schools, playgrounds, parks, and other public facilities. Such reserves may be dedicated.

Sec. 4.12 COMMERCIAL AND INDUSTRIAL PLATS. Commercial and industrial plats specifically for commercial or industrial development, including shopping districts, wholesaling areas, and planned industrial districts, may be governed by modified design standards in accordance with Article VI. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation.

ARTICLE V

SUBDIVISION IMPROVEMENTS

Sec. 5.1 PURPOSE. It is the purpose of this Article to specify the improvements which must be constructed by the subdivider as a condition precedent to Final Plat approval.

Sec. 5.2 PLANS. The subdivider of the proposed subdivision shall have prepared, by an engineer registered in Michigan, a complete set of construction plans, including without limitation profiles, cross-sections, specifications, and other supporting data, for all required streets, utilities, and other facilities. Such construction plans shall be based on preliminary plans approved with the Preliminary Plat and shall be prepared in conjunction with the Final Plat. Before construction commences, all construction plans shall be approved by the Township and such public agencies as are required by law. All construction plans shall be prepared in accordance with the requirements, standards or specifications of such public agencies. The Township Supervisor or other authorized agent may, in his or her discretion, require that the construction of any improvement be inspected during construction by such employees or agents of the Township as the Supervisor or other authorized agent shall designate, the expense of such inspection to be paid by the subdivider.

Sec. 5.3 PROCEDURE. When construction of an improvement has been completed at the time of filing the Final Plat, one (1) complete copy of as-built engineering plans of each completed improvement shall be filed with the Township Clerk coincident with the filing of the Final Plat.

Sec. 5.4 REQUIRED IMPROVEMENTS. Every subdivider shall be required to install the following public and other improvements in accordance with the provisions of this section.

- A. MONUMENTS. Monuments shall be set in accordance with the Sub-division Control Act and the rules promulgated by the Department of Treasury thereunder.
- B. STREETS AND ALLEYS. All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the County Road Commission.
- C. CURBS AND GUTTERS. Concrete valley gutters shall be constructed on all marginal access streets and minor streets. Concrete curbs and gutters shall be required on all other streets. All curb and gutter construction shall be in accordance with the standards and specifications adopted by the County Road Commission.
- D. PUBLIC UTILITIES. Public utilities shall be located in accordance with the rules of the County Road Commission. The underground work for all utilities shall be stubbed to the lot line of each premises served.
- E. DRIVEWAYS. All driveway openings in curbs shall be constructed in accordance with the standards and specifications of the County Road Commission or the Department of State Highways, based on which such public agency has jurisdiction, and, if applicable, any Township Commercial Driveway Ordinance.
- F. STORM DRAINAGE. An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be required. The requirements for each subdivision shall be established by the County Drain Commissioner. The drainage system shall be constructed in accordance with the standards and specifications of the County Drain Commissioner. The construction plans for each drainage system shall be approved by the County Drain Commissioner.
- G. WATER SUPPLY SYSTEM. A water distribution system consisting of appropriate water distribution mains, fire hydrants, and other water system appurtenances shall be provided by the subdivider. This system shall meet all requirements of Ottawa County, the State of Michigan, the Township, and any water supplier with which the Township has contracted for water supply. If water transmission lines are adjacent to the subdivision, the water system provided by the subdivider shall be connected to such transmission lines by the subdivider. If water transmission lines are reasonably proximate to the subdivision, then the Township Board may, in its discretion, require the subdivider to participate in and share in whole or in part the cost of extending such transmission lines to the

subdivision. After such extension is completed, the water system provided by the subdivider shall be connected to the water transmission lines by the subdivider. If water transmission lines are not adjacent to or going to be extended to the subdivision, then the water system shall be charged and capped in such reasonable manner as is satisfactory to the Township Engineer. As an alternative, the water distribution system may, with the approval of the Township Board after consultation with the Planning Commission, the Township Engineer, and County Health Department, be connected to a central well or wells to be provided by the subdivider. Such well or wells shall be in conformance with all requirements of Ottawa County, the State of Michigan, and the Township. The Township may, at its option, choose to operate and maintain such system or, in the alternative, the Township can delay assuming operation and maintenance of such system until a later date. At such time as water transmission lines are adjacent to the subdivision, use of the central water system shall cease and terminate and connection shall be made forthwith to the water transmission lines at the expense of the subdivision, the cost to be shared on a pro-rata basis by all lots within the subdivision. If a central well or wells are not provided, then individual wells may be utilized as long as they comply completely with all requirements of Ottawa County, the State of Michigan, and the Township.

If water transmission lines for a public water supply are not adjacent to or going to be extended to the subdivision, then the Township Board may, in its discretion, require that the subdivider execute an agreement agreeing to the imposition of a special assessment to cover the subdivision's share of the cost of providing the necessary public water facilities to extend a public water supply to the subdivision as well as the cost of connecting such facilities to the subdivision water system. Such agreement shall be prepared by the Township and shall be in such form as shall be necessary, in the reasonable opinion of the Township Attorney, to effectuate the purposes of this provision.

- H. SANITARY SEWER. When connection to a public sanitary sewer system is probable within a reasonable period of time, a sanitary sewer system consisting of appropriate sewer lines, lift stations, and other sanitary sewer system appurtenances shall be provided by the subdivider. This system shall meet all requirements of Ottawa County, the State of Michigan, the Township, and any agency with which the Township has contracted for the treatment and disposal of its sewage. If sanitary sewer transmission lines are adjacent to the subdivision, the sanitary sewer system provided by the subdivider shall be connected to such transmission lines by the subdivider. If sanitary sewer transmission lines are reasonably proximate to the subdivision, then the Township Board may, in its discretion, require the subdivider to participate in and share in whole or in-part the cost of extending such transmission lines to the subdivision. After such extension is completed, the sanitary sewer system provided by the subdivider shall be connected to the sanitary sewer transmission lines by the subdivider. If sanitary sewer transmission lines are not adjacent to or going to be extended to the subdivision, then the sanitary sewer system shall be capped in such reasonable manner as is satisfactory to the Township

Engineer. As an alternative, the sanitary sewer line system may, with the approval of the Township Board after consultation with the Planning Commission, the Township Engineer, and the County Health Department, be connected to a central sewage disposal system to be provided by the subdivider. Such central sewage disposal system shall be in conformance with all requirements of Ottawa County, the State of Michigan, and the Township. The Township may, at its option, choose to operate and maintain such system or, in the alternative, the Township can delay assuming operation and maintenance of such system until a later date. At such time as sanitary sewer transmission lines are adjacent to the subdivision, use of the central sewage system shall cease and terminate and connection shall be made forthwith to such transmission lines at the expense of the subdivision, the cost to be shared on a pro-rata basis by all lots within the subdivision. If a central sewage disposal system is not provided, then septic tanks and disposal fields may be utilized so long as they comply completely with all requirements of Ottawa County, the State of Michigan, and the Township.

If sanitary sewer transmission lines are not adjacent to or going to be extended to the subdivision, then the Township Board may, in its discretion, require that the subdivider execute an agreement agreeing to the imposition of a special assessment to cover the subdivision's share of the cost of providing the necessary public sanitary sewer facilities to extend public sanitary sewer service to the subdivision. Such agreement shall be prepared by the Township and shall be in such form as shall be necessary, in the reasonable opinion of the Township Attorney, to effectuate the purposes of this provision.

When connection to a public sanitary sewer is not probable within a reasonable period of time, then septic tanks and disposal fields may be utilized as long as they comply completely with all requirements of Ottawa County, the State of Michigan, and the Township. In such instance the subdivider shall execute an agreement agreeing to the imposition of a special assessment to cover the cost of constructing appropriate sewer lines, lift stations and other sanitary sewer system appurtenances within the subdivision as well as the cost of providing the necessary public sanitary sewer facilities to extend public sanitary sewer service to the subdivision and to connect such facilities to the subdivision sewer system. Such agreement shall be prepared by the Township and shall be in such form as shall be necessary, in the reasonable opinion of the Township Attorney to effectuate the purposes of this provision.

- I. STREET NAME SIGNS. Street name signs shall be installed in the appropriate location at each street intersection in accordance with the requirements of the County Road Commission.
- J. CROSSWALKS. Crosswalks, when required, shall:
 - 1. Have easements at least ten (10) feet in width;
 - 2. Include paved walks at least five (5) feet in width located generally along the centerlines of the easements; and

3. Be dedicated as public pedestrian walkways.

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

- K. STREET LIGHTING. Street lights shall be installed at intersections and at such other locations as the Township Board in its discretion reasonably requires. In such case, the subdivider shall conform to the requirements of the Township and the public utility providing such lighting. Upd, At~ — 06'd..rJA};Jce No, O/D I

Sec. 5.5 OPTIONAL IMPROVEMENTS. In certain instances the improvements specified in this section shall be installed. In other instances such installation shall be optional. If installed, the improvements shall be installed as provided in this section.

- A. RECREATION. Where a school site, neighborhood park, recreation area, or public access to water frontage, as previously delineated or specified by official action of the Planning Commission, is located in whole or part in the proposed subdivision, the Township Board may request the reservation of such open space for school, park, recreation or public access purposes. If such request is granted, then the area shall be reserved for the respective school district in the case of school sites or for the Township in all other cases. The Township may, in its discretion, accept a dedication of these land areas.
- B. 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 arterial streets or railroad rights-of-way. Where a subdivider desires to protect a subdivision with a greenbelt, the proposed plat shall show the location of such greenbelt.
- C. STREET TREES. Street trees of a variety and size in accordance with written standards adopted by the Township Board by resolution may be planted between the street curb and sidewalk. The location of all street trees shall be approved by the County Road Commission.
- D. SIDEWALKS. Sidewalks may be installed. If installed, sidewalks shall be constructed in accordance with the standards and requirements adopted by the County Road Commission.

Sec. 5.6 GUARANTEE OF IMPROVEMENT COMPLETION. The construction of all improvements required by this Ordinance shall either be completed by the subdivider prior to Final Plat approval or their completion shall be guaranteed as provided herein.

- A. GUARANTEE. ~n lieu of the actual installation and approval of all improvements required by this Ordinance prior to ~inal 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 public agency responsible for the administration, operation and maintenance of the applicable public improvement, permit the subdivider to guarantee completion of such required improvements in

one (1) or a combination of the following arrangements. 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 required improvements in the case of street lights or street trees.

- B. ALTERNATIVES. A financial guarantee for completion shall be provided pursuant to one (1) of the following alternatives.

1. Performance or Surety Bond.

- a. Accrual. The bond shall accrue to the Township and shall cover the full cost of constructing and installing the specific improvement and, where applicable, placing the specific improvement in operation.
- b. Amount. The bond shall be in an amount equal to the total estimated cost for completing construction and installation of the specific improvement, including contingencies, as estimated by the Township Board, as well as, where applicable, the total estimated cost of placing the specific improvement in operation, including contingencies, as estimated by the Township Board.
- c. Term. The term of the bond shall be for such period as shall be specified by the Township Board.
- d. Bonding or Surety Company. The bond shall be written by a surety company which is authorized to do business in the State of Michigan and which is acceptable to the Township Board.

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

- a. Treasurer, Escrow Agent or Title Company. A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such bond or letter of credit to be approved by the Township Board, shall be deposited with the Township. Such deposit shall be made pursuant to a written escrow agreement between the subdivider and the Township. The escrow agreement may provide that the deposit will be held by the Township Treasurer or, in the alternative and subject to approval by the Township Board, that the deposit will be held by a state or national banking corporation.

- b. Dollar Value. The cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit shall be in an amount equal to the total estimated cost of construction and installation of the specified improvement, including contingencies, as estimated by the Township Board, as well as, where applicable, the total estimated cost of placing the specific improvement in operation, including contingencies, as estimated by the Township Board.
 - c. Term. The deposit shall be retained by the Township Board for a period to be specified by the Township Board.
3. The agreement between the Township and the subdivider may provide that the amount of the bond provided pursuant to subsection (1) above or the deposit provided pursuant to subsection (2) above be progressively reduced as the specified improvement is completed.
- C. PENALTY. In the event the subdivider shall, in any case, fail to complete an improvement within the period of time specified in the agreement with the Township for completion, the Township Board may, at its option, proceed itself 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 improvement shall be reimbursed from the bond or deposit provided pursuant to subsection B immediately above and, if such bond or deposit shall be insufficient, from the subdivider.

ARTICLE VI

VARIANCES

Sec. 6.1 General. 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. 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, 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 are the following findings by the Planning Commission and the Township Board:

- A. That there are such special circumstances or conditions affecting the property in question that strict application of the provisions or requirements of this Ordinance would clearly be impracticable or unreasonable;
- B. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the subdivision is situated;
- C. That the variance will not violate the provisions of the Subdivision Control Act; and

- D. That the variance will not have the effect of nullifying the interests and purposes of this Ordinance.

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.

Sec. 6.2 PLANNED UNIT DEVELOPMENT VARIANCE. A subdivider may request a variance of certain provisions or requirements of this Ordinance in the case of a planned unit development. Such request for a variance shall be considered and acted upon in the same manner as is provided in Section 6.1 above. In making its recommendation to the Township Board, the Planning Commission shall consider whether the planned unit development provides adequate public spaces and includes provisions for efficient circulation, light and air, and other needs, 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 planned unit development, the probable effect of the proposed planned unit development upon traffic conditions in the vicinity, whether the proposed planned unit development will constitute a desirable and stable community development, and whether the proposed planned unit development will be in harmony with adjacent areas.

ARTICLE VII

ENFORCEMENT AND PENALTIES

Sec. 7.1 ENFORCEMENT. No plat required by this Ordinance or the Subdivision Control Act shall be admitted to the public land records of Ottawa County or received or recorded by the County Register of Deeds, until such plat has received final approval by the Township Board as provided in this Ordinance. 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 aspects with the requirements of this Ordinance.

Sec. 7.2 PENALTIES. Violation of any provision 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 not more than Five Hundred Dollars (\$500.00) or imprisoned for not more than ninety (90) days, or both. Each day a violation continues shall be considered a separate offense. The land owner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each 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

Sec. 8.1 AMENDMENTS. The Township Board may, from time to time, amend the regulations and provisions of this Ordinance as provided by law. A proposed amendment may be originated by the Township Board or the Planning Commission. All proposed amendments originating with the Township Board shall be referred to the Planning Commission for a report thereon before any action is taken on the proposal by the Township Board.

ARTICLE IX

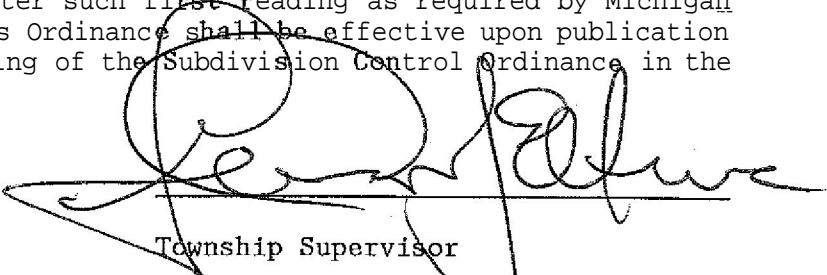
MISCELLANEOUS PROVISIONS

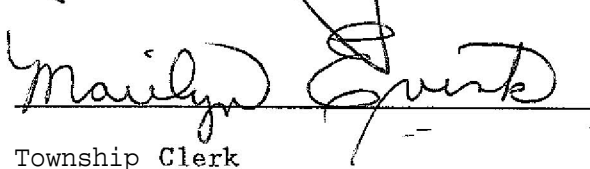
Sec. 9.1 ADMINISTRATIVE LIABILITY. No officer, agent, employee, member of the Planning Commission or member of the Township Board shall render himself or herself personally liable for any damage that may accrue to any person, firm, association, corporation, partnership, joint venture, or combination 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.

Sec. 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.

Sec. 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.

Sec. 9.4 EFFECTIVE DATE. This Ordinance was approved and adopted by the Township Board of Zeeland Charter Township, Ottawa County, Michigan, on August 20, 1990, after introduction and a first reading on July 10, 1990, and publication-posting after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective upon publication of a Notice of Adoption and Posting of the Subdivision Control Ordinance in the Grand Rapids Press.


Township Supervisor


Township Clerk

4-30-90
Draft Date

CERTIFICATE

I, Marilyn Evink, the Clerk for the Charter Township of Zeeland, Ottawa County, Michigan, do hereby certify that the foregoing Subdivision Control Ordinance was adopted at a Regular meeting of the Zeeland Charter Township Board held on AUGUST 20, 1990. The following members of the Township Board were present at that meeting: Ellens, Evink, Zeerip, Berghorst, Norman, Nykamp, Schreur

and the following members of the Township Board were absent: none

The Ordinance was adopted by the Township Board with members of the Board Ellens, Evink, Zeerip, Berghorst, Norman, Nykamp, Schreur

voting in favor and members of the Board none voting in opposition to the

Ordinance. Notice of Adoption and Posting of the Subdivision Control Ordinance was published in the Grand Rapids Press on August 28, 1990

Marilyn Evink
Township Clerk