

ORDINANCE NO. 389

GRAND RAPIDS CHARTER TOWNSHIP SUBDIVISION ORDINANCE

AN ORDINANCE TO PROVIDE REGULATIONS FOR THE SUBDIVISION OF LAND WITHIN THE CHARTER TOWNSHIP OF GRAND RAPIDS AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE CHARTER TOWNSHIP OF GRAND RAPIDS, KENT COUNTY ORDAINS:

ARTICLE I

General

Section 1.01 Legal Basis; Purpose. This Ordinance is enacted pursuant to Public Act 288 of 1967, as amended, the Subdivision Control Act of 1967. ("Act 288") This Ordinance is intended to provide for the proper and orderly subdivision of land in the Township, to provide for adequate and essential public improvements and utilities, and to promote the public health, safety and welfare.

Section 1.02 Fee Schedule. Any person filing a plat pursuant hereto shall pay fees established from time to time by resolution of the Township Board, and until the fee is paid the plat shall not be considered or reviewed.

Section 1.03 Definitions. All terms herein shall have the meanings and definitions given by Act 288.

Section 1.04 Scope and Conflict. The provisions of this Ordinance apply to all platted subdivisions of land within the Township. Where this Ordinance provides a standard stricter than that required by Act 288, this Ordinance shall control.

Section 1.05 Certification of Plats and Drawings. All plats and drawings submitted hereunder shall be prepared and sealed by a registered surveyor and/or engineer, as applicable.

ARTICLE 11

Preliminary Plat Application and Review Procedures

Section 2.01 Submission of Plats. The Proprietor of any land proposed to be subdivided shall submit 10 copies of a preliminary plat, together with supplementary documents, containing the information required by Act 288 and this Ordinance, to the Township Clerk who shall forward the plans to the Planning Commission.

Section 2.02 Preliminary Plat; Required Information.

The Following information shall be submitted for tentative approval of the preliminary plat. Maps shall be at a scale of not more than 100 feet to one inch.

- (a) The name or title of the proposed subdivision.
- (b) Legal description of the proposed plat.
- (c) The name, address and telephone number of the Proprietor, developer, record owner and subdivider.
- (d) A statement of the intended use for the proposed plat and showing land intended to be dedicated or set aside for public use or for the common use of property owners in the subdivision, and stating the location, dimensions and purpose of such land.
- (e) A small-scale vicinity map showing location of project within the Township, and the name and location of abutting subdivisions and site condominiums.
- (f) The location, dimensions and approximate grade and radius of proposed and existing streets, alleys and highways included in the plat.
- (g) The location of all existing features affecting the subdivision, such as railroads, buildings, trees, ditches, watercourses and other physical features.
- (h) Location and size. of all existing and proposed public water, sanitary sewer and storm drainage pipes, equipment, fire hydrants, catch basins and other facilities.
- (i) Location of utility and drainage easements.
- (j) If the proposed plat is contiguous to other lands owned by the applicant, a map showing the proposed street layout and access for subsequent development.
- (k) If the proposed subdivision is not to be served by public sewer and water systems, a written statement or other indication from the Kent County Health Department regarding the general suitability of the soils for on-site septic systems.
- (l) Location and dimension of lots, radii of all curves and approximate location of all setback lines. Lot width shall be shown for each lot, at the required setback line.
- (m) When any part of the subdivision lies within or abuts a floodplain area:
 - (1) The floodplain, as established by the state department of natural resources, shall be shown within a contour line.
 - (2) The contour line shall intersect the sidelines of the lots.

(3) The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line.

(4) The floodplain area shall be clearly labeled on the plat with the words "floodplain area."

(n) Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within one hundred (100) feet of the site.

(o) Existing, and proposed topographic elevations at two (2) foot intervals on the site and to a distance of fifty (50) feet outside the boundary lines of the site.

(p) Direction of storm water drainage and how storm water runoff will be handled, as well as a statement on the storm water management plan describing where storm water will be ultimately discharged such as a creek, stream, lake or wetland.

(q) Location of the following: abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site; driveways opposite the site and driveways within one hundred (100) feet on either side of the site; and driveway width, curb radii and design of proposed deceleration lanes.

(r) Street fighting, if any.

(s) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands.

(t) Location of existing and proposed slopes which are twelve (12) percent or greater, which may be altered by the development or the construction of buildings within the development.

(u) Zoning and use of the proposed subdivision. Zoning and use of adjacent properties.

Section 2.03 Preliminary Plat; Tentative Approval Procedure.

(a) Preliminary plats shall be referred to the Planning Commission, which shall consider the preliminary plat and make a recommendation to the Township Board. Such consideration and recommendation shall take place following a public informational meeting held by the Planning Commission on the preliminary plat. For such meeting, at least ten days notice shall be given by ordinary mail, sent to the owners of or parties in interest in the lands within 300 feet of the lands to be included in the plat, as the names of such owners and other parties are given in the current Township tax assessment rolls. The preliminary plat, together with minutes showing the recommendation of the Planning Commission thereon, shall then be referred to the Township Board.

(b) The Township Board shall tentatively approve or disapprove the preliminary plat not

later than 90 days after the preliminary plat was first submitted by the proprietor. A resolution approving a plat shall state: (i) the nature and character of the improvements that will be required to be made by the Proprietor; (ii) the periods of time within which the respective improvements must be completed; and (iii) any conditions relating thereto. If the preliminary plat is not approved, the Township Board shall set forth in writing a its reasons for rejection. The Township Board shall record its approval or disapproval on the plat and return one copy to the Proprietor.

(c) Tentative approval under this section shall confer upon the Proprietor, for a period of one year, approval of lot sizes, lot orientation and street layout. The duration of such tentative approval may be extended by the Township Board.

Section 2.04 Preliminary Plat: Final Approval Procedure.

(a) Following tentative approval of the preliminary plat by the Township Board, the Proprietor shall:

(1) Submit the preliminary plat to all other reviewing authorities as required by Act 288.

(2) Submit a list of all such authorities to the Township Clerk, certifying that the list shows all approving authorities as required by Act 288.

(3) Submit all approvals from other reviewing authorities to the Township Clerk after they have been secured.

(b) Following a determination that all required approvals have been secured, the Clerk shall forward the approved copies of the preliminary plat, together with all communications from the reviewing agencies, to the Township Board.

(c) The Township Board shall then:

(1) Consider and review the preliminary plat and approve it if the proprietor has met all conditions specified for approval of the preliminary plat.

(2) Instruct the Township Clerk to notify the Proprietor of approval or rejection in writing

(d) Final approval of the preliminary plat under this section shall confer upon the Proprietor for a period of two years from the date of approval, the rights granted under Act 288. This period may be extended by the Township Board.

ARTICLE III

Final Plat Application and Review Procedure

Section 3.01 Requirements.

- (a) Final plats shall be prepared and submitted as provided in Act 288.
- (b) A written application for approval and Township fees shall accompany all final plats.
- (c) The Proprietor shall submit proof of ownership of the land included in the final plat in a form satisfactory to the Township.
- (d) If common areas are to be reserved for use by the residents of the subdivision, copies of an agreement or other legal instrument indicating how the area will be maintained shall be submitted.
- (e) The Township may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

Section 3.02 Procedure; Final Plat.

- (a) The final plat shall be submitted according to the applicable schedule for submission of Township Board items. For any plat submitted thereafter, the applicant shall pay an additional fee established by resolution, for the cost of calling, a special meeting to comply with Section 167 of Act 288, unless the Proprietor waives compliance with Section 167.
- (b) The Township Board shall examine the final plat at the next regularly scheduled meeting, or within 20 days after submission of the plat, and the Board shall either approve or disapprove the plat.

Section 3.03 Improvements and Facilities.

- (a) Before final approval of a plat, all required improvements shall be completed, or security shall be given as provided in Section 3.04.
- (b) Monuments shall be set in accordance with Act 288 and the rules of the State Department of Treasury.
- (c) Upon completion of all required improvements, one complete copy of as-built engineering plans for all required public improvements and utilities shall be filed with the Township Clerk within six months of completion of required improvements.

Section 3.04 Security for Completion.

(a) In lieu of completion of some or all required improvements, the Township Board may give final plat approval conditioned upon the Proprietor providing a financial guaranty for performance as provided in this section.

(b) Security shall be in an amount equal to the total estimated cost for completion of the improvement, including reasonable contingencies. Security shall not be required for an improvement for which security has been furnished to another governmental agency.

(c) Security shall remain in force for a time to be specified by the Township Board.

(d) Security shall be in the form of an irrevocable bank letter of credit issued by a bank, in a form satisfactory to the Township, or in the form of cash escrow or certified check. A performance, bond in a form satisfactory to the Township, from a surety company authorized to do business in the State of Michigan and acceptable to the Township, may be substituted in lieu of such security only if the applicant can satisfy the Township that an irrevocable letter of credit, cash escrow or certified check cannot reasonably be made available.

(e) The Proprietor may request periodic reductions in the amount of security as public improvements are completed. Township staff may approve such reductions, to an amount estimated to be equal to the remaining cost of improvements, plus a reasonable contingency.

Section 3.05 Certificates on Final Plat. The final plat shall include proper certificates or the Township Clerk to certify the approval of the plat by the Township Board, and the acceptance on behalf of the public of all dedications shown thereon by the governmental body having jurisdiction over such dedication.

ARTICLE IV

Improvements and Regulations

Section 4.01 General. The following standards shall apply to all subdivisions within the Township.

Section 4.02 Lots.

(a) All lots shall face upon, and have direct access to, a public or private street or other access easement which complies with the Zoning Ordinance.

(b) The side lines of lots shall be approximately at right angles or radial to the street upon which the lots face.

(c) All lots shall conform to the requirements of the Zoning Ordinance for the zoning district in which the plat is located.

(d) Comer lots for residential use shall have the minimum required lot width on both streets adjacent to the lot.

(e) The depth of a lot shall not exceed four times the width. The depth of a lot shall be measured along a horizontal line located midway between the side lot lines and connected to the front and rear lines, or the two front lines of a through lot. The width of the lot shall be measured between the side lot lines parallel to the front lot line at the minimum required front setback line.

(f) Comer lots shall have sufficient extra width so as to permit appropriate building setback from both streets or orientation to both streets.

(g) The width of a lot as measured between side lot lines along the rear lot line shall not be less than 20 feet.

(h) Lots in subdivisions bounded by existing Kent County primary roads and State highways shall only have access from internal streets constructed to serve the subdivision and not directly to such existing streets. The Planning Commission and Township Board may waive this requirement if it is determined that there is no practical way to provide an internal access street due to insufficient lot depth, topography or other natural features of the land to be subdivided or if other lands in the immediate vicinity generally have access on existing streets.

(i) Landscaping shall be provided between a residential subdivision and any adjacent Kent County primary streets and State highways. The plat shall show the location of the landscaping which shall be of sufficient size and number, or otherwise in compliance with Township landscaping requirements, to provide a landscaped area to serve as a visual separation between the houses and the street. An earthen berm may be provided in conjunction with plantings.

Section 4.03 Usable Land. Land in the discretion of the Township Board may be platted for common or public areas if adequate provision is made for continued maintenance of such areas, unless such provision for continued maintenance is waived or deemed unnecessary by the Township. For private streets and other areas under the control of a subdivision property owners association or similar organization, the Township may require a recorded agreement whereby the Township may at its discretion maintain the area and charge the cost thereof as a lien against all properties in the subdivision if the association fails to adequately maintain the areas.

Section 4.04 Dedication. Streets and other land areas may be dedicated to the public. Any street not dedicated to the public shall comply with the design standards of the private road provisions of Township Ordinance, and shall include easements for public utilities within the street and at least ten feet on either side thereof.

Section 4.05 Street Names. Street names shall be approved by the Kent County Road Commission

before printing on the final plat. All streets which are extensions of existing, streets must carry the names of, such existing streets.

Section 4.06 Street Alignment and Layout.

(a) All proposed public and private streets shall be continuous and in alignment with existing, planned or platted streets insofar as practicable. Where streets in new subdivisions are extensions of existing streets, the platted streets shall be at least as wide as the existing streets that are being extended.

(b) A sufficient number of streets shall extend to the boundary of the subdivision so as to provide sufficient access to adjoining developable property and to future development on contiguous land.

(c) No dead end street or street terminating in a cul-de-sac shall provide access to more than 75 dwelling units.

(d) In order to reserve public access to adjoining, properties, a reserve strip shall be provided between the terminus of the public street and the plat boundary. The reserve strip shall be a minimum of ten feet deep across the entire width of the road right-of-way.

The Proprietor shall grant to the Kent Count Road Commission a deed for the entire area of the reserve strip prior to final plat approval by the Township Board. The reserve strip shall be illustrated on the preliminary plat.

Section 4.07 Public Street Design Standards. Public streets, intersections, and cut-desacs in plats shall conform to the design, drainage, grade, layout, right-of-way width and construction requirements of the Kent County Road Commission.

Section 4.08 Sidewalks. If sidewalks are to be installed within the subdivision, the sidewalks shall be constructed according to the standards and regulations adopted by the Township Board.

Section 4.09 Street Lighting. Adequate street lights may be required to be provided.

Section 4.10 Street Trees. The Planning Commission may require that trees be planted within the right-of-way adjacent to the street subject to the approval of the Kent County Road Commission.

Section 4.11 Public Utilities.

(a) Public electricity, telephone, and gas service shall be furnished to each lot in the subdivision.

(b) Public sanitary sewer and water, or either of them, shall be provided, except where they, or either of them, are not reasonably available. The Township may, however, require

connection to public sewer and water systems if available within 200 feet.

(c) All utilities shall be installed and maintained underground and in appropriate easements.

(d) Utility easements shall be provided along rear lot lines, and also along side lot lines when necessary. The total width of such easements shall be not less than ten feet.

(e) When a proposed subdivision is to be served by a publicly-owned or privately-owned community water system, fire hydrants and other required water system appurtenances shall be provided by the Proprietor.

Section 4.12 Natural Features. Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic sites, and similar assets) shall be preserved, insofar as practical, in the design of the subdivision.

Section 4.13 Drainage.

(a) An adequate storm drainage system, including the necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided in accordance with the requirements of the Township and the County Drain Commissioner. Such facilities shall be designed and constructed so as to have no adverse affect on adjoining lands, or upon lots within the subdivision.

(b) Storm drainage facilities shall be designed to respect the natural drainage pattern of the site. Measures shall be taken to reduce roadway and parking area oil and gas residues and other pollutants from being discharged to the natural drainage systems.

(c) Storm water detention ponds, if necessary for the containment of estimated surface water run off, shall be designed to avoid steep slopes. Vegetation that provides natural drainage along existing and planted drainage-ways shall be encouraged so as to help eliminate or reduce the need for storm water detention ponds.

(d) A storm water management plan consistent with Kent County requirements shall be submitted along with the Final Plat. The plan shall provide information on how storm water will be controlled during, and after construction. The plan shall also establish Minimum Building Opening elevations for all buildings adjacent to drainage features. This plan shall be subject to the review and approval of the Township Engineer.

ARTICLE V

Modification of Plat Requirements

Section 5.01 A modification of the provisions of this Ordinance may be granted as follows:

(a) If the Proprietor demonstrates that literal enforcement of this Ordinance is impractical, or will impose undue hardship in the use of the land because of special or peculiar conditions pertaining to the land, the Township Board, after review and recommendation of the Planning Commission, may permit a modification of the plat requirements which are reasonable and within the general policy and purpose of this Ordinance. The Township Board may attach conditions to the modification.

(b) A petition for a modification shall be submitted along with the preliminary plat. Notice that request for a modification has been received shall be included in the notice of the public information meeting on the preliminary plat provided in Section 2.03, and the modification shall be considered during the process of considering the preliminary plat. If a request for a modification arises because of unforeseen circumstances after preliminary plat review, a request for a modification may be submitted to the Planning Commission. The Planning Commission shall provide notice of and hold a public informational hearing on the proposed modification prior to making a recommendation to the Township Board on the modification.

ARTICLE VI

Enforcement

Section 6.01 No plat shall be transmitted to any county or state approving authority for official action until each plat shall have been, in the first instance, approved by the Township Board in accordance with the requirements of this Ordinance.

Section 6.02 No person shall sell or convey any lot in any plat by reference thereto until such plat has been duly recorded in the office of the Kent County Register of Deeds.

Section 6.03 No building permit shall be issued, and no public sewer or water service shall be provided for any dwelling or other structure located on a lot or plot subdivided or sold in violation of these regulations. The fact that final plat approval has not been received from the State of Michigan shall not prevent a building permit from being granted for not more than three buildings, or for the maximum number of land divisions which would be permitted under Act 288 without plat approval, whichever is less. No building may be occupied or used, however, until all required improvements have been completed, and necessary utilities installed.

Section 6.04 Any act or failure to act done in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

Section 6.05

(a) Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$250.00, plus costs and other sanctions, for each violation (as authorized by Section 21 of Act No. 359 of the Public Acts of

1947, as amended, and the Grand Rapids Charter Township Municipal Civil Infraction Ordinance.)

(b) Repeat offenses under this Ordinance shall be subject to increased fines as provided by this Section, below. As used in this Section, "repeat offense" means a second (or any subsequent) violation of the same requirement or provision of this Ordinance (i) committed by a person within any 90 day period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:

The fine for any offense which is a first repeat offense shall be not less than \$500.00, plus costs.

(c) Each day on which any violation of this Ordinance occurs or continues constitutes a separate offense subject to separate sanctions.

(d) The Township Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations for violations of this Ordinance, as provided by the Grand Rapids Charter Township Municipal Civil Infraction Ordinance.

Section 6.07 In addition to any other available remedy, the Township may in its discretion bring, an action in its own name to restrain or prevent any violation of this Ordinance or any continuance of such violation. In such case the person found violating this Ordinance shall pay the Township's costs and expenses in enforcing this Ordinance, including its attorneys' fees.

ARTICLE VII

Division of Platted Lots

Section 7.01 Prohibition. No lot or other parcel of land located within a recorded plat shall be further partitioned or divided or a building permit issued for a partitioned or divided lot unless such partition or division is first approved by the Township Board as provided in this article. No partition or division of a lot may result in the creation of a lot that does not satisfy the particular minimum lot dimension requirements of the Township Zoning Ordinance.

Section 7.02 Approval of Lot Splits.

(a) Any proprietor or property owner who desires to partition or split a lot, outlot, or other parcel of land located in a recorded plat shall apply to the Township Clerk. The application shall include a detailed statement of the reasons for the requested partition or division, sketch, map or maps prepared to scale showing the proposed division or partition and all adjoining lots, streets, and parcels of land, and a statement from the Kent County Health Department indicating the effect of the proposed division or partition upon the safe operation of necessary septic tanks and wells.

(b) The Township Board may condition its approval of a division or partition upon such reasonable conditions as shall be deemed desirable by the Township Board.

ARTICLE VIII

Section 8.01 Effective Date.

This Ordinance shall take effect thirty days after publication in a local newspaper of general circulation.

[Ord. No. 389 Effective 1/31/00]

