

NOTICE OF POSTING OF A PROPOSED ZONING TEXT AMENDMENT ORDINANCE AND NOTICE OF POSTING OF PROPOSED SUBDIVISION CONTROL ORDINANCE

PLEASE TAKE NOTICE that a Tallmadge Charter Township Text Amendment Ordinance had its first reading at a meeting of the Tallmadge Charter Township Board held on May 10, 2022 and is scheduled for a second reading on June 14, 2022.

The Zoning Text Amendment Ordinance will revise Section 3.05 – Condominium Regulations by allowing private roads in condominium developments to be constructed to the Tallmadge Charter Township Private Road Ordinance, by establishing required content for a condominium plan, required building envelopes and compliance with the Township Subdivision Control Ordinance, and to require a public hearing for condominium development. Further, the Zoning Text Amendment Ordinance will add Section 15.06(g) – Table of Required Number of Parking Spaces, Deferred Parking to allow the Planning Commission to defer required parking when written evidence is provided that the proposed parking is sufficient for the use. The language also requires that the deferred parking is accommodated within the site plan with sufficient storm water controls, and provides for its construction when required.

PLEASE TAKE ADDITIONALL NOTICE that a Tallmadge Charter Township Subdivision Control Ordinance had its first reading at a meeting of the Tallmadge Charter Township Board held on May 10, 2022 and is scheduled for a second reading on June 14, 2022.

The Subdivision Control Ordinance will provide for its purpose, legal basis, scope, definition of terms, compliance provisions, a schedule of fees, platting procedures, subdivision design standards, subdivision improvements, variances, enforcement and penalties, amendment procedures, and miscellaneous provisions, to regulate plats within the Township.

PLEASE TAKE FURTHER NOTICE that the Ordinances have been posted in the office of the Tallmadge Charter Township Clerk, Tallmadge Charter Township, 0-1451 Leonard Road, N.W., Grand Rapids, Michigan (telephone: 616-677-1248), and on the Township website at www.tallmadge.com.

Dated: May 22, 2022

Lenore Cook, Clerk
Tallmadge Charter Township

The following Zoning Text Amendment Ordinance was introduced and a first reading completed at the Tallmadge Charter Township Board meeting on May 10, 2022.

ORDINANCE NO. _____

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE TALLMADGE CHARTER TOWNSHIP ZONING ORDINANCE BY AMENDING SECTION 3.05 – CONDOMINIUM REGULATIONS, BY ADDING SECTION 15.06(G) – TABLE OF REQUIRED NUMBER OF PARKING SPACES, DEFERRED PARKING, TO PROVIDE FOR SEVERABILITY, TO PROVIDE FOR REPEAL, AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. Condominium Regulations. Section 3.05 of the Tallmadge Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 3.05 – Condominium Regulations.

The following regulations shall apply to all condominium projects within Tallmadge Township:

(a) Initial Information: Pursuant to Section 71 of Public Act 59 of 1978, as amended (MCL 559.171), a person, firm or corporation intending to develop a condominium project shall provide to the Township the following information with respect to the project:

1. The name, address and telephone number of the following:

- All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example: fee owner, optionee, or land contract vendee).
- All engineers, attorneys, architects or registered land surveyors associated with the project.

- The developer or proprietor of the condominium project.
2. The legal description of the land on which the condominium project will be developed, together with appropriate tax identification numbers.
 3. The acreage content of the land on which the condominium project will be developed.
 4. The purpose of the project (for example: residential, commercial, industrial, etc.).
 5. Approximate number of condominium units to be developed on the subject parcel.
 6. What type of water supply and sewage disposal systems are proposed.

The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued.

- (b) Site Plans, Engineering, and Inspections. Prior to recording of the Master Deed required by Section 72 of Public Act of 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval by the Planning Commission in accordance with Chapter 18 of this Ordinance. Prior to approving the site plan, the condominium project developer shall furnish the Planning Commission with one (1) copy of all restrictive covenants. All single family detached condominium projects shall comply with the provisions of Subsection (h) below. The Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificate of Occupancy.
- (c) Change or Expansion of Project. Prior to the expansion or a change in a condominium project which has been approved by the Planning Commission, the new phase or change shall undergo site plan review in accordance with Chapter 18.
- (d) Master Deed and "As Built" Survey. The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants, and two (2) copies of an "as built survey". The "as built survey" shall be reviewed by the Township Engineer for compliance with Township ordinances. Fees for this review shall be established by resolution of the

Township Board.

- (e) Monuments Required. All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection:
1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
 2. All Monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
 3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection of the lines of streets with the boundaries of the condominium project, and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line; and at the intersection of all limited common elements and all common elements.
 4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
 5. All required monuments shall be placed flush with the ground where practical.
 6. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
 7. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1)

year, on the condition that the proprietor deposits with the Township Clerk cash, a certified check, or an irrevocable bank letter of credit running to the Township of Tallmadge, in an amount not less than one hundred dollars (\$100), the total amount of which shall be figured at the rate of twenty-five dollars (\$25) per monument. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

- (f) Federal, State, and Local Laws. All condominium projects shall comply with all Federal and State Statutes and local Ordinances.
- (g) State and County Approval. The developer or proprietor of the condominium projects shall provide proof that all appropriate State, County, and Township approvals have been received with regard to the water supply and sewage disposal systems for the proposed project.
- (h) Single Family Detached Condominium. Single family detached condominiums shall be subject to all requirements and standards of the Zoning District including minimum floor area, lot size, lot width, and setback requirements.
- (i) Mobile Home Projects. Mobile home condominium projects shall conform to all requirements of this ordinance and shall be located only in the R-4 mobile home park district.
- (j) Streets and Roadways. All streets and roadways shall meet the minimum standard set for such facilities in accordance with the Tallmadge Charter Township Private Road Ordinance for private roads and by the Ottawa County Road Commission for public roads.
- (k) Condominium Plan – Required Content. All condominium subdivision plans shall include information required by Section 66 of the Condominium Act and the following:
 - 1. A survey plan of the condominium subdivision.
 - 2. A floodplain plan, when appropriate.
 - 3. A site plan showing the location, size, shape, area and width of all condominium units.

4. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair, and maintenance of all utilities.
 5. A street construction, paving, and maintenance plan for all private streets within the proposed condominium subdivision.
 6. A storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities.
- (l) Site Condominium Projects. All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall provide in the condominium plan a building envelope for each unit that complies with the setbacks and area requirements for a lot under this Ordinance. Further, condominium projects shall meet the provisions of Article 3 and Article 4 of the Tallmadge Charter Township Subdivision Control Ordinance, as amended. Where conflict may exist between this Section 3.05 and the Tallmadge Charter Township Subdivision Control Ordinance, the more restrictive shall control.
- (m) Public Hearing. The Planning Commission shall hold a public hearing on the proposed condominium project. At least fifteen (15) days in advance of such hearing, notice shall be published in a local newspaper of general circulation and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice of public hearing must contain the following information: time and place of the hearing, description of the property in question, the use being proposed, and when and where written comments may be accepted.

Section 2. Table of Required Number of Parking Spaces, Deferred Parking. Section 15.06(g) of the Tallmadge Charter Township Zoning Ordinance shall be added to state in its entirety as follows.

Section 15.06(g) – Table of Required Number of Parking Spaces, Deferred Parking

In order to avoid excessive amounts of impervious surface and to allow for an opportunity to provide parking which meets the demonstrated needs of a proposed use, the Planning Commission may approve a site plan for which the

applicant requests to defer installing a portion of the minimum number of parking spaces required herein according to the following requirements:

1. The applicant must provide written evidence to the Planning Commission that the parking proposed to be installed on the site for the proposed use is sufficient to meet the parking needs of those who will patronize the use as well as the parking needs for employees during the largest working shift. Such evidence may consist of:
 - a. Arrangements for nearby shared parking;
 - b. Evidence that the proposed use will also be patronized by pedestrians or by those using bus service;
 - c. Evidence from the parking history of the proposed use or a use similar to the proposed use at other locations.
2. The site plan shall illustrate the location and layout of the required number of parking spaces which are being requested for deferred installation to verify that there is sufficient space on the site for the required parking to be provided if it becomes necessary at a later time. In addition, the applicant shall provide evidence that the storm water system can accommodate the deferred parking without modification to handle the increased water runoff if the deferred parking is actually constructed.
3. If a site plan is approved to allow fewer parking spaces than required by this Section 15.06 above, such parking plan shall only apply to the stated use. Any other use of the site shall comply with the requirements of Section 15.06 before an occupancy permit is issued or such use shall first obtain approval from the Planning Commission in accordance with the requirements of this subsection (g) before an occupancy permit is issued.
4. The number and location of parking spaces deferred by the Planning Commission shall be installed by the property owner if the Zoning Administrator, upon review of the parking conditions on the site, determines that the parking is needed. The Zoning Administrator shall send a written notice of the need to install the deferred parking spaces to the property owner who must install the deferred spaces within six (6) months of the date of the letter. Failure to comply with this order shall be deemed a violation of this Zoning Ordinance and subject to penalties within Section 20.03 herein.

Section 3. Severable Provisions. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 5. Effective Date. This amendment to the Tallmadge Charter Township Zoning Ordinance was approved and adopted by the Township Board of Tallmadge Charter Township, Ottawa County, Michigan on _____, 2022, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on _____, 2022, and after posting and publication following such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on _____, 2022, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Amendment Ordinance in the *Grand Rapids Press*, as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

Mark Bennett
Township Supervisor

Lenore Cook,
Township Clerk

CERTIFICATE

I, Lenore Cook, the Clerk for the Charter Township of Tallmadge, Ottawa County, Michigan, certify that the foregoing Tallmadge Charter Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on _____, 2022. The following members of the Township Board were present at that meeting: _____

_____. The following members of the Township Board were absent: _____.

The Ordinance was adopted by the Township Board with members of the Board _____

_____ voting in favor and members of the Board _____

_____ voting in opposition. Notice of Adoption of the Ordinance was published in the *Northwest* and *Grand Rapid Press* on _____, 2022.

Lenore Cook, Clerk
Tallmadge Charter Township

AFFIDAVIT OF POSTING
(Zoning Text Amendment Ordinance)

STATE OF MICHIGAN)

)ss

COUNTY OF OTTAWA)

The undersigned, Lenore Cook, the Tallmadge Charter Township Clerk, being first duly sworn, deposes and says as follows:

1. That she posted a proposed Zoning Text Amendment Ordinance for Tallmadge Charter Township, after its first reading at a meeting of the Tallmadge Charter Township Board held on _____, 2022 in the Township Clerk's office and on the Township's website at www.tallmadge.com on _____, 2022.

Lenore Cook, Clerk
Tallmadge Charter Township

Subscribed and sworn to before this
____ day of _____, 2022.

Notary Public, Ottawa County, Michigan
Acting in Ottawa County, Michigan
My commission expires: _____

The following Subdivision Control Ordinance was introduced and a first reading completed at the Tallmadge Charter Township Board meeting on May 10, 2022.

**TALLMADGE CHARTER TOWNSHIP
SUBDIVISION CONTROL ORDINANCE**

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

IT IS ORDAINED by the Tallmadge Charter Township Board, Ottawa County, Michigan as follows.

ARTICLE 1

GENERAL PROVISIONS

Sec. 1-1. – Short Title.

This ordinance shall be known and may be cited as the “Tallmadge 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:

- (1) Provide for orderly growth and harmonious development of the community;
- (2) Secure adequate traffic circulation through the coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities;
- (3) Require individual property lots of maximum utility and livability;
- (4) Ensure adequate provision for water, drainage, and sanitary sewer facilities, and other health requirements; and

- (5) Ensure the provision for adequate recreational areas, school sites, and other public facilities.

Sec. 1-3. – Legal Basis.

This ordinance is enacted pursuant to the land division act, as well as Public Act No. 359 of 1947 (MCL 41.181 *et seq.*), the charter township act.

Sec. 1-4. – Scope.

This ordinance shall not apply to any plat that has received preliminary approval from the township board under the land division act or its predecessor before the effective date of the ordinance, or to any plat created and recorded prior to the effective date of the 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 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, county, or state, the provisions of this ordinance shall control.

Sec. 1-5. – Definitions.

Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition and the land division act. The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

40 acres or the equivalent means 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

As-built plans means construction plans revised as necessary to reflect all approved field changes.

Block means an area of land within a subdivision that is entirely bounded by streets and/or the exterior boundary or boundaries of the subdivision.

Building line or setback line means a line measured parallel to the front lot line at a distance equal to the required front yard as specified in the zoning ordinance. No buildings are allowed between the front lot line and the building setback line.

Caption means the name by which the plat is legally and commonly known.

Commercial development means a planned commercial center providing building areas, parking areas, service areas, screen planting and widening, turning movement, and safety lane street improvements.

Crosswalkway or pedestrian walkway means 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.

Cul-de-sac means a street of short length having one end terminated by a vehicular turnaround.

Dedication means the intentional appropriation of land by the owner to public use.

EGLE means the Michigan Department of Environment, Great Lakes, and Energy, or a successor agency.

Floodplain means that area of land adjoining a river or stream which will be inundated by a 100-year flood. A 100-year flood has a one percent chance of occurring or being exceeded in any given year

Greenbelt or buffer park means a strip or parcel of land, privately restricted or publicly dedicated as open space, consisting of evergreen trees or shrubs which are a minimum three feet in height, but capable of attaining growth to at least six feet in height, and which are spaced so as to provide a continuous visual screen from adjacent properties.

Improvements means 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.

Industrial development means a planned industrial area designed specifically for industrial use providing screened buffers, wider streets, turning movement, and other safety street improvements, where necessary. The term “industrial development” shall include industrial parks.

Land division act means Public Act No. 288 of 1967 (MCL 560.101 *et seq.*).

Land use plan means the township master plan, as amended.

Legal record means 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 county register of deeds.

Lot means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

- (1) *Lot depth* means the horizontal distance measured perpendicular to the front lot line, between the front line and the rear lot line, as such terms are defined in the

zoning ordinance. In case of irregularly shaped lots, the average of the maximum depth and minimum depth shall be used.

- (2) *Lot width* means the horizontal distance parallel to the front lot line between opposing side lot lines, as such terms are defined in the zoning ordinance.

MDOT means the Michigan Department of Transportation, or a successor agency.

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

Parcel means a continuous area or acreage of land which can be described as provided for in the land division act.

Planned unit development means a development which is governed by and in compliance with the planned unit development chapter of the zoning ordinance.

Plat means a map or chart of a subdivision of land.

- (1) *Final plat* means the final map of a subdivision in a form ready for final approval and recording.
- (2) *Preliminary plat* means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

Proprietor, subdivider or developer means an individual, firm, association, partnership, corporation, or combination of any of them that holds an interest in land, whether recorded or not.

Public open space means land dedicated to or reserved for use by the general public. It includes, without limiting the generality of the foregoing, parks, recreation areas, school sites, community or public development sites, streets, and public parking spaces.

Public utility means a person, firm, corporation, copartnership, or municipal or other public authority providing gas, electricity, water, steam, telephone, sewer, or other services of a similar nature.

Replat means 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.

Right-of-way means land reserved, used, or to be used for a street, alley, or other public purposes.

Sight distance means the unobstructed vision on a horizontal plane as determined by MDOT and/or the county road commission.

Street means a public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

- (1) *County local road.* The county local roads collect and distribute traffic to and from higher classification roads, with curb cuts providing increased access to adjacent property but decreasing overall traffic mobility. County local roads may be paved or graveled and generally have speed limits in the 35 to 55 miles per hour range.
- (2) *County primary road.* The county primary roads serve longer trips within urban areas or link adjacent population centers. County primary roads are designed to accommodate moderate to large traffic volumes, at a range of design speeds generally between 35 to 55 miles per hour, with access to adjacent development usually provided, although some design constraints affect the extent of access. County primary roads are designated as either class A for all weather or all season roads, or class B for seasonal roads.
- (3) *State trunk line.* The state trunk lines are under the jurisdiction of MDOT, existing primarily for the movement of regional traffic between communities but allowing some direct access to adjacent properties.
- (4) *Subdivision street.* Subdivision streets are located within subdivisions.

Street width means the shortest distance between the lines delineating the right-of-way of the street.

Subdivide or subdivision means the partitioning or splitting of a parcel or tract of land by the proprietor, or by the proprietor's heirs, executors, administrators, legal representatives, successors, or assigns, for the purpose of sale, or lease of more than one year, or of building development, that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the land division act. This does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this ordinance and the zoning ordinance.

Surveyor means a professional licensed surveyor who is registered in the state as a registered land surveyor, or a civil engineer who is registered in the state as a registered professional engineer.

Topographical map means a map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

Township engineer means any person designated by the township board to perform on behalf of the township any review of subdivision plans or the preparation of any plans and specifications for or to oversee the construction of any improvements or designs provided for in this ordinance.

Tract means two or more parcels that share a common property line and are under the same ownership.

Zoning ordinance means the zoning ordinance of the township, as amended.

Sec. 1-6. – Compliance.

After the date of the ordinance, no person shall subdivide or resubdivide land within the township, or commence construction of any building or improvement of such land, prior to the final approval of the preliminary plat by the township board, and approval of final construction plans. Nothing in this ordinance shall be deemed to prevent the township from instituting appropriate actions at law or equity to restrain, correct, or abate threatened or continued violations of these regulations.

Sec. 1-7. – Administration.

The approval provisions of this ordinance shall be administered by the township board in accordance with the land division act.

Sec. 1-8. – Schedule of Fees.

- (a) A schedule of fees for the administration of this ordinance shall be established by resolution of the township board. The fees shall be submitted by the subdivider to the township at the time of submission of the proposed subdivision for preliminary and final approval, or as soon thereafter as the township can calculate the fees and advise the subdivider of those fees.
- (b) Preliminary and final review fees, engineering fees, attorney fees, water and sewer assessments and connection fees, and other township fees and costs shall be paid to the township as follows.
 - (1) Fees for preliminary and final plat review, construction plan review, construction review, municipal review and administration, special planning commission or township board meetings, and attorney review shall be in accordance with a schedule of fees adopted by resolution of the township board.
 - (2) Charges for water and sewer connection shall be as established by ordinance or resolution.
 - (3) All assessments as may be required or as have been established under provisions in other ordinances or resolutions of the township, including special assessments and deferred assessments, for existing public improvements which lie within or

serve lots within a proposed subdivision, shall be fully paid prior to final plat approval.

- (4) Any other township cost, if not included in a schedule adopted by the township board or by ordinance and if the cost is incurred by the township in reviewing or monitoring any subdivision, shall be fully paid prior to final plat approval.

ARTICLE 2

PLATTING PROCEDURE

Sec. 2-1. – Preapplication Review Meetings.

The proprietor may request that a preapplication review meeting take place by submitting a written request to the chairperson of the county plat board and submitting copies of a concept plan for the preliminary plat to the township and to each officer or agency entitled to review the preliminary plat under sections 113 to 118 of the land division act (MCL 560.113–560.118). A preapplication review meeting shall take place not later than 30 days after the written request and concept plan are received. The meeting shall be attended by the proprietor, representatives of each officer or agency entitled to review the preliminary plat under sections 113, 114, and 118 of the land division act (MCL 560.113, 560.114, 560.118), and a representative of the township. Representatives of each agency entitled to review the preliminary plat under sections 115 to 117 of the land division act (MCL 560.115–560.117) shall be informed of the meeting and may attend. The purpose of the meeting is to conduct an informal review of the proprietor’s concept plan for the preliminary plat.

Sec. 2-2. – Submission of Preliminary Plat for Tentative Approval.

The procedure for submittal and tentative approval of the preliminary plat is as follows.

- (1) *Submittal to township clerk.* The proprietor shall submit ten copies of the proposed preliminary plat to the township clerk, together with payment of preliminary plat review fees. The date of filing shall be that date when all data is received and review fees paid.
- (2) *Submittal of proposed covenants and deed restrictions.* The proprietor shall submit ten copies of any proposed covenants and deed restrictions, or a statement in writing that none are proposed. If common areas are to be reserved for use of the residents of the subdivision, ten copies of an agreement showing how the area will be maintained shall also be submitted.
- (3) *Statement of proposed use.* The proprietor shall submit a statement indicating the proposed use of the subdivision. To allow consideration of the effect of the subdivision on traffic, fire hazards, congestion of population, and demands on public services, the proprietor shall also submit a description of any type of

residential buildings, the number of dwelling units contemplated, or the type of business or industry contemplated.

- (4) *Identification and descriptions.* The preliminary plat shall include the following:
- a. The proposed name of the subdivision;
 - b. The location by section, town, and range or by other legal description;
 - c. The names, addresses, and telephone numbers of the proprietor and the surveyor or whoever designed the subdivision layout;
 - d. The seal of the surveyor;
 - e. All contiguous holdings of the proprietor with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership (the affidavit shall include the dates the respective holdings of land were acquired, together with the liber and page of each conveyance to the present owner as recorded in the county register of deeds office; the affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date the contract of sale was executed, and, if any corporations are involved, a complete list of all directors and officers of each corporation);
 - f. The scale of the plat, for which the minimum acceptable scale is one inch to equal 100 feet;
 - g. The preparation date; and
 - h. The north point.
- (5) *Existing conditions.* The preliminary plat shall include the following:
- a. An overall area map showing the relationship of the subdivision to surrounding areas within one-half mile (information on the area map shall include such things as section lines and/or county primary roads; the minimum acceptable scale for such map is one inch to equal 800 feet);
 - b. The boundary line of the proposed subdivision, the section or corporation lines within or adjacent to the parcel, and the overall property dimensions;
 - c. Identification of adjacent parcels of subdivided and unsubdivided land shown in relation to the parcel being proposed for subdivision, including those of areas across abutting streets;

- d. The location, widths, and names of existing or prior platted streets and private streets, and public and private easements within or adjacent to the parcel being proposed for subdivision, including those located across abutting streets;
- e. The location of existing sewers, water mains, storm drains, and other underground facilities within or adjacent to the parcel being proposed for subdivision;
- f. The topography drawn as contours with an interval of not more than two feet (elevations shall be based on United States Geological Survey data);
- g. For a subdivision that is lying within a flood hazard area as identified by the state, the county water resources commissioner, or the Federal Emergency Management Agency, base flood elevation data shall be provided (the base flood elevation shall indicate the anticipated high-water level during a flood having a one percent chance of being equaled or exceeded in any given year); and
- h. Significant natural and manmade features which could influence the layout and design of the subdivision.

(6) *Proposed conditions.* The preliminary plat shall include the following:

- a. The layout of streets indicating proposed street names, right-of-way widths and connections with adjoining platted streets, and also the widths and location of easements and public walkways (street names shall be indicated as approved by the township and the county planning commission);
- b. The layout, numbers, and dimensions of lots, including building setback lines showing dimensions;
- c. An indication of any parcels or partial parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision;
- d. An indication of the ownership and the existing if proposed use of any parcel identified as excepted on the preliminary plat (if the proprietor has an interest in or owns any parcel so identified as excepted, the preliminary plat shall indicate how this parcel could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat);

- e. An indication of the system proposed for sewage by a method meeting the requirements of the township board, the county health department, and EGLE;
 - f. An indication of the system proposed for water supply by a method meeting the requirements of the township board, the county health department, and EGLE;
 - g. An indication of storm drainage method and disposal area; and
 - h. In a case where a proprietor wishes to subdivide a given area but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area (the part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the proprietor intends to follow).
- (7) *Letter to school board.* The proprietor shall provide a letter or document from the school board or school superintendent indicating awareness of the proposed subdivision.
- (8) *Variances requested at time of submission.* Any anticipated variance from the provisions of this ordinance must be requested in writing upon the submission of the preliminary plat.
- (9) *Review by planning commission.* Preliminary plat review procedure by the planning commission is as follows.
- a. The township clerk shall place the preliminary plat on the agenda of the planning commission. Notice shall be sent to the proprietor by registered mail, of the time and place of such meeting, not less than 15 days before the date fixed therefor. Regular mail notice of the time and place of the meeting shall be mailed to the owners of land immediately adjoining the platted land and within 300 feet, according to the names which appear on the records of the township assessor, and such notice shall be published in a newspaper of general circulation in the township, all not less than 15 days before the date.
 - b. The planning commission shall review the preliminary plat and other documents submitted with it, and shall receive and consider any comments from any involved township official and from any person present at the meeting. Specifically, the preliminary plat shall be submitted to the township fire chief, the township water and sewer department, and the township engineer, all of whom shall make written reports to the planning commission. All persons attending the meeting shall be afforded a reasonable opportunity to address the planning commission concerning the

proposed plat under such rules as the planning commission may establish for the reasonable conduct of its business. If the preliminary plat meets all conditions required to be met, the planning commission shall recommend to the township board tentative approval of the preliminary plat.

- c. If the preliminary plat does not meet all the required conditions, the planning commission shall notify the proprietor of this fact by letter, giving its reasons for disapproval. The township board shall receive a report of the findings by the planning commission and its recommendation for disapproval.
- d. The planning commission shall file its report with the township clerk not more than 60 days after the filing date of the preliminary plat. The 60-day period may be extended for a stated period if the proprietor consents in writing. If no action is taken by the planning commission within 60 days, or within the period of time consented to by the proprietor, the preliminary plat shall be deemed to have been recommended for approval to the township board by the planning commission. Upon receiving the report of the planning commission, or upon the passage of the time limitations provided for herein, whichever shall first occur, the township clerk shall place the preliminary plat upon the township board's agenda for tentative approval.

(10) *Review by the township board.* Preliminary plat review procedure by the township board is as follows.

- a. The township board shall tentatively approve and note its approval on the copy of the preliminary plat, or tentatively approve it subject to conditions and note its approval and conditions on the copy of the preliminary plat, to be returned to the proprietor, or set forth in writing its reasons for rejection and requirements for tentative approval, within the following time period, as applicable:
 - 1. Within 60 days after it was submitted to the clerk, if a preapplication review meeting was conducted under section 2-1; or
 - 2. Within 90 days after it was submitted to the clerk, if a preapplication review meeting was not conducted under section 2-1.
- b. Tentative approval by the township board shall confer upon the proprietor, for a period of one year, approval of lot sizes, lot orientation and street layout. Such time may be extended if applied for by the proprietor and consented to, in writing, by the township.

Sec. 2-3. – Submission of Preliminary Plat for Final Approval.

The procedure for submittal and final approval of the preliminary plat and final approval of the detailed plans for all improvements within the proposed subdivision is as follows.

- (1) *Filing.* The filing procedure for the preliminary plat is as follows.
 - a. Ten copies of the preliminary plat of the proposed subdivision, together with an 8½-inch by 11-inch reduced reproduction of the preliminary plat, payment of review fees, and a written application, shall be submitted to the township board. The township board shall consider the preliminary plat at its next meeting or within 20 days of the date of submission. If the preliminary plat is not submitted at least ten working days, excluding weekends and holidays, before the next regular township board meeting, the township board shall have the option of scheduling a special meeting to consider the preliminary plat, at the proprietor's expense. The cost of such a special meeting shall be established according to the terms of this ordinance. Rather than require the township board to schedule a special meeting to consider the preliminary plat, the proprietor may give the township a written extension of the review period until the next regular township board meeting which is at least ten working days after the submission of the preliminary plat, or such later date as the proprietor may desire.
 - b. The preliminary plat submitted for final approval shall conform substantially to the preliminary plat as tentatively approved, and it may constitute only that portion of the approved preliminary plat which the proprietor proposes to record and develop at the time. However, such portion shall conform to this ordinance.
 - c. The proprietor shall also submit ten sets of detailed working drawings and calculations showing plans for grading, drainage structures, all proposed utilities (including a street lighting plan), street construction plans (including traffic control devices) for streets within and adjoining the plat and soil erosion and sedimentation measures.
 - d. Utility plans shall be prepared and sealed by a state-licensed professional engineer.
 - e. The proprietor shall provide proof of approval of plats from each of the necessary authorities required for approval in the land division act.
- (2) *Contents.* The contents of detailed working drawings and plans of the preliminary plat shall be as follows.

- a. Working drawings/plans submitted shall be on white prints with blue or black lines. The prints shall be at least 24 inches by 36 inches.
 - b. For projects or subdivisions having more than one sheet of working drawings/ plans, a general plan having a scale of one inch to equal 100 feet shall be provided, showing the overall project or subdivision and indicating the location of all improvements shown in the detailed plans. Street names, street and easement widths, lot lines, lot dimensions, and lot numbers shall be shown on all plans. Superimposed on this general plan shall be two-foot contours of the area and the area outside the boundaries of the proposed subdivision to the extent necessary to demonstrate that the drainage patterns of adjacent properties will not be adversely affected. Detailed plan sheets showing all improvements should be prepared at a scale of one inch to equal 40 feet.
 - c. All sewers and water mains shall be shown in the plan and profiled. Profiles of sewers and water mains shall indicate the size, class of pipe, and slope; the invert of the sewer shall also be shown. The profiles shall also indicate the existing ground along the route of the sewers and water mains and the proposed easement grade; or existing or proposed top of curb or centerline of pavement grades; the profiles shall indicate if the curb centerline is being used. The location of compacted granular backfill required shall be indicated on the profiles together with other intersecting, existing, or proposed utilities.
 - d. Elevations shall be based on United States Geological Survey data. There shall be at least two benchmarks established within the site, and at least two benchmarks shall be shown on each plan sheet.
 - e. Finished grades of utility structures shall be indicated on the plans or profiles for all utilities.
- (3) *Construction drawings.* When construction drawings are submitted to the township for approval, they shall include all proposed construction within the development. All required improvements shall be shown to the boundaries of the subdivision. A complete plan shall generally include sidewalks, water mains, sanitary sewers, storm sewers, streetlight locations, signs, and paving. A single plan submittal cannot be approved without all other utilities shown.
- (4) *Upon approval, the township will be provided with three copies.* When the complete set of plans is approved, three sets of plans shall be provided to the township before construction may begin.
- (5) *Review.* The preliminary plats will be reviewed for compliance with the following.

- a. The detailed working drawings/plans and calculations shall be reviewed by the township for compliance with the land division act, the township construction standards, and other applicable codes and ordinances, including this ordinance.
 - b. The preliminary plat shall be reviewed by the township for compliance with the approved tentative preliminary plat, the land use plan, the zoning ordinance, this ordinance, any other township ordinances, and the township's master utility plans.
- (6) *Final approval.* Final approval or disapproval procedure of the preliminary plat and the time limit for effectiveness of approval is as follows.
- a. The township board shall take timely action on the preliminary plat upon receipt of the review recommendations outlined in this ordinance.
 - b. If the preliminary plat conforms substantially to the plat tentatively approved by the township board, meets all conditions laid down for final approval, and has been approved by the necessary agencies specified in the land division act, the township board shall approve the preliminary plat.
 - c. The township clerk shall promptly notify the proprietor of approval or rejection of the preliminary plat, in writing. If rejected, reasons shall be given.
 - d. Final approval of the preliminary plat shall be effective for a period of two years from the date of approval. The two-year period may be extended if an extension is applied for by the proprietor and granted by the township board, in writing.
 - e. No installation or construction of any improvement shall be made before the preliminary plat has received final approval of the township board and the detailed working drawings/plans have been certified to conform to township construction standards and approved by the township. The proprietor shall be responsible for obtaining all necessary construction permits from the involved regulatory agencies prior to the start of construction.

Sec. 2-4. – Final Plat Approval.

The procedure for submittal and final approval of the final plat is as follows.

- (1) *Filing.* The filing procedure for final plat approval is as follows.

- a. One Mylar copy and three paper prints of the final plat and an 8½-inch by 11-inch reduced reproduction of the final plat shall be filed by the proprietor with the township clerk. The proprietor shall deposit such sums of money as the township board may require under this ordinance or by other ordinances.
- b. Two paper prints and one Mylar copy of “as-built” plans for utilities and other improvements shall be filed by the proprietor with the township clerk.
- c. The final plat shall comply with provisions of the land division act.
- d. The proprietor shall submit, as evidence of title, a policy of title insurance for examination in order to ascertain whether or not the proper parties have signed the plat.
- e. The proprietor shall provide a copy of the receipts from the township treasurer indicating that all connection charges, assessments, engineering fees, and any other township costs as required by this ordinance and other ordinances have been paid. The final plat shall not be signed by the township representative prior to such payment.
- f. With the specific consent of the township board, final plat approval may be authorized prior to the completion of all the improvements required by these regulations. In lieu of completion, the township board may require the proprietor to deposit with the township clerk a true copy of an acceptable agreement showing the proprietor has deposited with a bank or other agent acceptable to the township sufficient funds to guarantee payment for faithful completion of all improvements as required by these regulations and in the same manner as provided in this ordinance.
- g. The township board shall review all recommendations and take action on the final plat at its next regular meeting or within 20 days of its date of filing. The date of filing shall be that date on which all required information has been provided.

(2) *Review.* The final plats will be reviewed for compliance with the following.

- a. The final plat shall be reviewed by the township as to compliance with the approved preliminary plat and approved plans for utilities and other improvements.
- b. The final plat shall conform substantially to the preliminary plat as approved and it may constitute only that portion of the approved preliminary plat which the proprietor proposed to record and develop at the time. However, such portion shall conform to this ordinance.

- (3) *Approval.* Upon approval of the final plat, the following procedure shall apply.
 - a. Upon the approval of the final plat by the township board, subsequent approvals shall follow the procedure set forth in the land division act.
 - b. When all necessary improvements have been approved and accepted by the township board, or in lieu thereof specific consent authorized by the township board, a certified approved copy of the final plat shall be transmitted by the township clerk to the clerk of the county plat board.

ARTICLE 3

SUBDIVISION DESIGN STANDARDS

Sec. 3-1. – Streets–Minimum Requirements.

The provisions of this article 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. 3-2. – Same–Requirements Within Plats.

The streets within a plat shall be designed and laid out as follows.

- (1) *Dedication.* All 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.
- (2) *Location and arrangements.* If a capital improvements program has been adopted by the township, subdivision streets shall conform with it.
- (3) *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.
- (4) *Stub streets.* Subject to section 3-11(2), where adjoining lands are not subdivided, the township board may require that streets in the proposed plat be extended to the boundary line of the proposed plat to make provision for the future projection of such streets onto adjoining lands.
- (5) *Relation to topography.* Streets shall be arranged in proper relation to the plat topography so as to result in usable lots, safe streets, reasonable gradients,

efficient drainage, and utility systems, and a minimum number of streets necessary to provide convenient and safe access.

- (6) *Traffic separation.* The township board may require 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.
- (7) *Cul-de-sac streets.* A cul-de-sac shall meet all of the requirements for culs-de-sac which have been instituted at such time by the county road commission.
- (8) *Half-streets.* Half-streets (i.e., having only one-half of the required street right-of-way) 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 parcel in conformance with this ordinance, and unless satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a parcel to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such parcel in accordance with the requirements of the county road commission.
- (9) *Railroad or limited-access highway right-of-way.* Should a proposed subdivision border on or contain a railroad or a limited-access highway right-of-way, the township board may require the location of streets approximately parallel to and on each side of such right-of-way at distances suitable for the development of an appropriate use of the intervening land, such as for parks in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.
- (10) *Existing street frontage.* Whenever the area to be subdivided has existing street frontage, such street shall be suitably improved.
- (11) *Access streets.* A subdivision or an extension of an existing subdivision shall be platted so as to provide sufficient access streets.
- (12) *On-street parking.* On-street parking of vehicles will generally be allowed only on one side of subdivision streets, unless the township board, upon recommendation of the planning commission, determines that other parking regulations should apply.
- (13) *Conformance with land use plan.* The proposed subdivision shall conform to the various elements of the land use plan and shall be considered in relation to the existing and planned streets.

Sec. 3-3. – Same–Specifications.

The streets within a plat shall be constructed by the following specifications.

- (1) *Right-of-way and pavement widths.* Street right-of-way and pavement widths shall be as required by any township capital improvements program, the county road commission, and MDOT, whichever applicable requirements are the greatest.
- (2) *Gradients.* A street grade shall not exceed seven percent, unless the proprietor presents valid and sufficient reasons to justify a steeper grade. No street grade shall be less than 0.6 percent on streets with bituminous curbing and no less than 0.4 percent on streets with concrete curbing.
- (3) *Alignment.* The following are specifications for the alignment of streets.
 - a. *Horizontal alignment.* When street lines deflect from each other by more than ten degrees in alignment, the centerlines shall be connected by a curve with a minimum radius of 500 feet for county primary roads, 300 feet for county local roads, and 100 feet for subdivision streets. Between reverse curves, there shall be a minimum tangent distance on subdivision streets of 50 feet, and on county primary and county local roads a minimum tangent distance of 200 feet.
 - b. *Vertical curve.* All streets shall comply with the MDOT rules and regulations concerning vertical curves and sight distances.
 - c. *Pavement centerline.* The centerline of pavement shall coincide with the centerline of the right-of-way, except for irregular right-of-way widths approved by the township board.

Sec. 3-4. – Same–Names and Signs.

- (a) *Street names.* Street names shall not duplicate any existing street name in the county, except where a new street is a continuation of an existing street. Street names that may be spelled differently but sound the same are also prohibited. All new streets shall be named as follows.
 - (1) Streets with predominant north-south directions shall be named avenue or road;
 - (2) Streets with predominant east-west directions shall be named street or highway;
 - (3) Meandering streets shall be named drive, lane, path or trail; and
 - (4) Culs-de-sac shall be named circle, court, way or place.
- (b) *Signs.* Street name signs shall be placed at all street intersections in accordance with the requirements of the county road commission. Other signs such as no parking signs, stop or yield signs, speed limit signs, and warning signs will be required in conformance with the state manual of uniform traffic control devices. Appropriate pavement markings shall

also be provided. All signs and traffic control devices shall be indicated on the street layout plan for the subdivision.

Sec. 3-5. – Intersections.

All intersections within a plat shall be designed, laid out, specified and constructed as follows.

- (1) *Angle.* Streets shall intersect at 90 degrees or as closely thereto as practical, and in no case shall the angle of intersection be less than 80 degrees.
- (2) *Sight triangle.* The minimum sight distance at all street intersections shall permit vehicles to be visible to the driver of another vehicle when each is 100 feet from the center of the intersection.
- (3) *Limited number of streets.* No more than two streets shall cross at any one intersection.
- (4) *T-type.* Intersections of the T-type shall be used if practical where streets intersect.
- (5) *Centerline offset.* 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 125 feet or more.
- (6) *Vertical alignment.* A nearly flat grade with appropriate drainage slopes is required within intersections. This flat section shall be carried back at least 50 feet each way from the intersection. All allowance of two percent maximum intersection grade in rolling and four percent maximum intersection grade in hilly terrain shall be permitted.
- (7) *Width.* Curved subdivision streets, when intersecting a county primary or a county local road, shall do so with a centerline tangent length of at least 50 feet, measured from the right-of-way line of the county primary or county local road. Where a subdivision street intersects a county primary or a county local road, the subdivision street shall be widened as may be required to provide for turning movements. A widening may be required on county primary or county local roads between approaches if the distance between intersecting subdivision streets is less than 250 feet. A widening of the county primary or county local roads will be required on the opposite side if the conditions so indicate.

Sec. 3-6. – Separate Accesses.

If a plat will have more than 30 dwelling units, then the plat must have at least two separate accesses from a public right-of-way. These separate accesses must be at least 300 feet from each other, measured along one or more public rights-of-way.

Sec. 3-7. – Construction Materials, Curb and Gutter.

All streets within a plat shall consist of the following materials.

- (1) *Surface and subbase materials.* Streets within a plat shall be constructed with surface and subbase materials according to and as required by the standards of the county road commission.
- (2) *Curb and gutter.* Subdivision streets shall have a two-foot-wide bituminous wedge curb to facilitate drainage, unless the county road commission requires otherwise. All other streets shall have concrete curb and gutter. The minimum curb radius shall be 25 feet for intersections of subdivision streets and 30 feet at intersections involving county primary or county local roads.

Sec. 3-8. – Pedestrianways.

All pedestrianways within a plat shall be designed, laid out, specified, and constructed as follows.

- (1) *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 15 feet wide and extended through the entire block, and it shall be established in the nature of an easement for this purpose.
- (2) *Sidewalks.* Sufficient public rights-of-way shall be provided so that sidewalks or nonmotorized pathways (i.e., pathways intended to be used by nonmotorized devices such as a bicycle rather than by motorized vehicles or pedestrians) may be installed on both sides of all streets.
 - a. *When required.* Sidewalks shall be required when the township board decides they are necessary to facilitate safe and convenient travel from a pedestrian generator such as an existing or proposed school, park, institution, work place, neighborhood commercial area, or developed residential neighborhood. However, in any event, sidewalks shall be required as follows when the plat is located within the Urban Growth Boundary identified on the Tallmadge Charter Township Master Plan Map, or when the following standards are met:
 1. On one side of every street for a plat with an average lot width of less than 120 feet but greater than 90 feet; and
 2. On both sides of every street for a plat with an average lot width that does not exceed 90 feet.

- b. *Sidewalk thickness.* Concrete sidewalks shall be not less than five feet in width and not less than four inches in thickness, but not less than six inches in thickness at driveways. The location for sidewalks shall be in the right-of-way, one foot from the right-of-way line.
- c. *Nonmotorized pathway.* The minimum cross section for nonmotorized pathways shall be 12 inches of MDOT class II granular subbase material compacted in place to 95 percent maximum unit weight and six inches of 22A aggregate base material compacted in place to 98 percent maximum unit weight, with a bituminous surface of at least #240/square/yard placed in two lifts.

Sec. 3-9. – Easements.

Easements shall be provided within a plat as follows.

- (1) *Location of utility easements.* Location of utility line easements shall be provided along the rear and side lot lines as necessary for utility lines. Easements shall give access to every lot, park, or public grounds. Such easements shall be a total of not less than 40 feet wide if for the installation of sewer, or not less than 20 feet wide if no sewer is to be installed in such easements. Clearing will be required only to the extent required for installation of the utilities.
- (2) *Notification of utilities.* Recommendations on the proposed layout of telephone and electric company easements shall be sought from all the utility companies serving the area. The proprietor shall submit copies of the approved preliminary plat to all appropriate utilities.
- (3) *Easements for streetlight dropouts.* Easements three feet in width shall be provided where needed along side lot lines so as to provide for streetlight dropouts. Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained from the appropriate utility indicating that easements have been provided along specific lots. A notation shall be made on the final plat, indicating the following: “The side lot lines between lots . . . (indicate lot numbers) . . . are subject to streetlight dropout rights granted to the . . . (utility) . . . company.”
- (4) *Drainageway.* The subdivider shall provide drainageway easements as required by the rules of the county water resources commissioner.

Sec. 3-10. – Blocks.

The blocks within a plat shall be designed and laid out as follows.

- (1) *Arrangements.* A block shall be so designed as to provide two tiers of lots, except where lots back onto a state trunk line, county primary road, natural feature, or subdivision boundary
- (2) *Minimum length.* Blocks shall not be less than 500 feet long from center of street to center of street.
- (3) *Maximum length.* The maximum length allowed for a residential block shall be 1,400 feet long from center of street to center of street.

Sec. 3-11. – Lots.

All lots within a plat shall be designed and laid out as follows.

- (1) *Conform to zoning.* The lot width, depth, and area shall not be less than required by the zoning ordinance for the zone in which the plat is located, except where outlots are provided for some permitted purpose.
- (2) *Lot lines.* Side lot lines shall be as close to right angles to straight streets and radial to curved streets as practical.
- (3) *Depth related to width.* The lot depth shall not exceed four times the lot width. An exception to this limitation may be granted by the township board on recommendation from the planning commission, based upon a consideration of the following factors:
 - a. The topographical conditions of the lot;
 - b. The physical conditions of the lot; and
 - c. The compatibility of the lot with surrounding land.
- (4) *Corner lots.* Corner lots shall have an extra 50 feet of width to permit appropriate building setback from and orientation to both streets.
- (5) *Uninhabitable areas.* Lands in the floodplain or otherwise deemed by the township board, on recommendation from the planning commission, to be uninhabitable shall not be platted for residential purposes, for any use which may increase the flood hazard, or for any use that may increase the danger to health, life, or property. Such land within a subdivision shall be set aside for other uses, such as parks or other open space.
- (6) *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.

- (7) *Backup lots.* Lots shall back into such features as limited access highways, shopping centers, or industrial properties, unless a secondary access is provided. Such lots shall contain a landscaped easement along the rear lot line, at least 20 feet wide, to restrict access, to minimize noise and to protect outdoor living areas. The landscaped easement shall not count toward satisfying the minimum lot size as established by the zoning ordinance. The portion of the landscaped easement on a particular lot shall be maintained by the owner of that lot. See also the requirements for planting strips in the next section.
- (8) *Lot division.* Further partition or division of lots must meet the following requirements:
- a. *Prohibition of division.* No lot, outlot, or other parcel of land located in a recorded plat shall be further partitioned or divided unless such partition or division is first approved by the township board, after review and consideration by the planning commission. No lot, outlot, or other parcel of land located in a recorded plat shall be further partitioned or divided into more than four parts.
 - b. *Application for permission.* Any proprietor who desires to partition or divide a lot, outlot, or other parcel of land located in a recorded plat shall first make application to the township board in writing on such application form or forms as shall be provided by the township. The 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.
 - c. *Building permit.* No building permit shall be issued to any proprietor or any other person, firm, association, or corporation with reference to the lot, outlot, or other parcel of land which is to be divided unless the partition or division shall first have been approved by the township board.
 - d. *Division resulting in smaller area.* A division or partition of a lot, outlot, or other parcel of land which is not served by public sewer and public water systems and which results in the creation of parcels containing a smaller area or width than is required by the land division act may be approved by the township board, in its discretion, provided the parcels created by such division or partition which are smaller than those 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 land division 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 the area

and width requirements shall be considered as one building lot and parcel for all purposes and the owner shall, if required, sign an agreement in recordable form to this effect.

e. *Conditions.* In granting its approval for any such requested division or partition, the 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 land division act.

(9) *Frontage.* All lots shall front upon a public street. Private roads shall be prohibited unless approved pursuant to section 3-2(1).

Sec. 3-12. – Planting Strips; Reserve Strips; Public Sites; Open Spaces.

Planting strips, reserve strips, public sites and open spaces shall be provided within the plat as follows.

(1) *Planting strips.* The township may require planting strips to be placed next to incompatible features such as limited access highways, railroads, commercial uses, or industrial uses to screen the view from residential properties. Such screens shall be a minimum of 20 feet wide, and they shall not be a part of the normal road right-of-way or utility easement or any lot. See also the requirements for backup lots in section 3-11(7).

(2) *Reserve strips.* A privately held reserve strip controlling access to streets is prohibited. The township may require a one foot reserve to be placed at the end of stub or dead-end streets which terminate at subdivision boundaries. These reserves shall be deeded in fee simple to the county road commission for future street purposes.

(3) *Public sites.* Where a proposed park, playground, school, or other public use shown on the master 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.

(4) *Open spaces.* Existing natural features which add value to residential development and enhance the attractiveness of the community (e.g., trees, watercourses, historic spots, and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision.

Sec. 3-13. – Large-Scale Developments.

Large-scale developments shall be planned, developed, and completed as follows.

(1) *Modification.* This ordinance may be modified in accordance with article 5 of this ordinance in the case of a subdivision large enough to constitute a complete

community or neighborhood, consistent with the land use plan. Such a subdivision must provide and dedicate adequate public open space. When fully developed and populated, the subdivision must meet any required needs for traffic circulation, recreation, education, light, air, and service.

- (2) *Neighborhood characteristics.* A community or neighborhood under this section shall be generally consistent with the land use plan, shall contain 500 living units or more, shall contain or be bounded by county primary or county local roads or natural physical barriers as necessary, and shall contain reserved areas of sufficient size to serve its population with schools, playgrounds, parks, and other public facilities. Such reserves may be dedicated.

Sec. 3-14. – 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 5 of this ordinance. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation.

ARTICLE 4

SUBDIVISION IMPROVEMENTS

Sec. 4-1. – 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. 4-2. – Plans.

The subdivider of the proposed subdivision shall have prepared, by an engineer registered in the state, 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 other 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 exercise discretion to 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 any such inspection shall be paid by the subdivider.

Sec. 4-3. – Procedure.

When construction of an improvement has been completed at the time of filing the final plat, one 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. 4-4. – Required Improvements.

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

- (1) *Monuments.* Monuments shall be set in accordance with the land division act and rules promulgated by the Michigan department of treasury or any successor agency having similar jurisdiction.
- (2) *Streets.* All streets shall be constructed in accordance with the standards and specifications adopted by the county road commission and in accordance with this article.
- (3) *Curbs and gutters.* All curbs and gutters shall be constructed in accordance with the standards and specifications adopted by the county road commission and in accordance with this ordinance.
- (4) *Public utilities.* Public utilities shall be located in accordance with the rules of the county road commission. The proprietor shall make arrangements for all utility lines, such as telephone, electric, television, and other similar services distributed by wire or cable, to be placed entirely underground throughout a subdivided area, except for county primary roads and limited access highways. Conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All transformer boxes and similar devices shall be located so as not to be unsightly or hazardous to the public. Overhead lines may be permitted only upon approval of the township board at the time of final approval of the preliminary plat, if the township board determines that overhead lines will not constitute a detriment to the health, safety, general welfare, plat design, and character of the subdivision and the surrounding area. All such facilities placed in dedicated public ways shall be planned so as to not conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission or any successor agency having similar jurisdiction. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor. The underground work for all utilities shall be stubbed to the lot line of each premises served.
- (5) *Driveways.* All driveway openings in curbs shall be constructed in accordance with the standards and specifications of the county road commission or MDOT,

based on which such public agency has jurisdiction, and, if applicable, any township ordinance pertaining to driveways.

- (6) *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 water resources commissioner. The construction plans for each drainage system shall be approved by the county water resources commissioner.

- (7) *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 the county, the state, the township, and any water supplier with which the township has contracted for water supply. If water transmission lines are adjacent to the subdivision, and if the plat is located within the Urban Growth Boundary identified on the Tallmadge Charter Township Master Plan Map, the subdivider shall connect to those water system transmission lines. If water transmission lines are not adjacent to the subdivision, but the plat is located within the Urban Growth Boundary identified on the Tallmadge Charter Township Master Plan Map, then the township board shall 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.
 - a. If water transmission lines for a public water supply are not adjacent to or extended to the subdivision, and if the township board grants a variance to those requirements pursuant to article 5 of this ordinance, then the township board may, in its discretion, require as a condition of that variance 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.

 - b. If a water distribution system is required of the subdivider by the township board, the following shall be the minimum construction standards to be used.
 1. Water mains shall be at least eight inches in diameter. Larger sizes may be required in certain locations to provide adequate flow and pressure at the fire flow or other peak demand.

2. A one-inch diameter service lead with curb box shall be provided for each lot. The service leads shall be installed to the property line, with the curb box installed at the right-of-way or as approved by the township.
 3. The water main system shall be looped by connecting to at least two outside sources. If only one source is available, adequate provisions shall be made for future looping connections.
 4. Fire hydrants in residential subdivisions shall be located not more than 500 feet apart and situated such that all portions of buildings are within 250 feet of any fire hydrant. The proprietor shall install hydrant signs on ground-installed signposts three feet behind all fire hydrants, opposite the street side.
 5. Valves shall be placed at all intersections and such other locations so that no more than 20 dwelling units may be isolated. Valve spacing shall not exceed 1,000 feet.
 6. Dead-end water mains serving culs-de-sac and other short street designs shall not exceed 500 feet in length. Where the length exceeds 500 feet, provisions for looping shall be provided as required herein.
 7. No service connections to existing water mains shall be made until pressure and bacteriological tests of the new main have been successfully completed and approved by the township board.
 8. A note must be included on the plans stating that all work shall be in accordance with the township construction standards.
- (8) *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 the county, the state, 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, and if the plat is located within the Urban Growth Boundary identified on the Tallmadge Charter Township Master Plan Map, the subdivider shall connect the sanitary sewer system provided by the subdivider to such transmission lines. If sanitary sewer transmission lines are not adjacent to the subdivision, but the plat is located within the Urban Growth Boundary identified on the Tallmadge Charter Township Master Plan Map, then the township board shall 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.

- a. If sanitary sewer transmission lines are not adjacent to or extended to the subdivision, and if the township board grants a variance to those requirements pursuant to article 5 of this ordinance, then the township board may, in its discretion, require as a condition of that variance 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.
- b. If a sanitary sewer system is required of the subdivider by the township board, the following shall be the minimum construction standards to be used.
 1. It is intended that the sanitary sewer shall be installed deep enough to provide by gravity flow service to the lowest floor of all buildings. Where sanitary sewer depth is minimal or too shallow for providing gravity service to basements, basement grades shall be shown for existing and proposed houses. Alternatively, the plans shall include a note stating that no basements will be served, or a description of the method of serving basements.
 2. Sanitary sewers shall be at least eight inches in diameter. Larger sizes may be required at certain locations.
 3. If sanitary sewers exist, all appropriate fees shall be paid prior to final plat approval.
 4. A six-inch diameter service lead shall be provided for each lot. Each lead shall be extended to the lot line, and shall be installed in accordance with the township construction standards.
 5. A six-inch diameter property line service lead riser shall be installed to within a depth of three feet of the elevation of the adjoining street.
 6. Maximum manhole spacing shall be 400 feet or as approved by the township engineer.
 7. The proprietor's engineer shall provide the basis of design as required by EGLE.

8. Manholes shall be placed at the end of every run receiving two or more connections, at intersections, at deflections in the sewer, at grade changes and at terminus runs of the sewer. Dead-end sewers shall be designated as follows:

“To facilitate future construction only; no house leads allowed until a terminus manhole is constructed.”
 9. An easement shall be designated on the plan for each run of public sewer not in a public right-of-way. The minimum easement width shall be 20 feet.
 10. Utility crossings shall be in accordance with the standards of EGLE and Michigan department of public health or any successor agency.
 11. When the sanitary sewer is parallel to a water main, a minimum horizontal clearance of ten feet, measured from the outside of one pipe to the outside of the other pipe, is required.
 12. Connection to an existing sanitary sewer will be permitted only after all required sewer tests have been successfully completed and approved by the township engineer.
 13. A note must be included on the plans stating that all work shall be in accordance with township construction standards.
- (9) *Street name signs.* Street name signs shall be installed in accordance with section 3-4(b).
- (10) *Crosswalks.* Crosswalks, when required, shall:
- a. Have easements at least ten feet in width;
 - b. Include paved walks at least five feet in width located generally along the centerlines of the easements;
 - c. Be dedicated as public pedestrian walkways; and
 - d. Be constructed in accordance with the standards and specifications adopted by the county road commission.
- (11) *Street lighting.* When the plat is located within the Urban Growth Boundary identified on the Tallmadge Charter Township Master Plan Map, decorative streetlights shall be installed at all intersections, curves, culs-de-sac, dead-end streets, every 500 feet along all streets in plats, and at such other locations as the township board, in its discretion, reasonably requires. Decorative streetlights may

be required to be installed at all intersections, curves, culs-de-sac, dead-end streets, every 500 feet along all streets in plats which have lot widths that average less than 120 feet, and at such other locations as the township board, in its discretion, reasonably requires. A street layout plan shall indicate proposed lighting pole locations. The streetlights shall be installed at the subdivider's expense. The subdivider shall sign an agreement with the township, agreeing to the imposition of a special assessment to cover the cost of operating the streetlights. 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. The agreement between the subdivider and the township shall terminate if the township board decides, in its discretion, not to specially assess the operating expenses of the streetlights to the lots in the subdivision. Streetlights shall be adequately shielded and screened so that no light will glare directly onto any adjacent property. Streetlights shall be directed toward the ground areas of streets, sidewalks and crosswalkways. No streetlight fixture may exceed 20 feet in height, and the maximum permitted illumination shall be 0.3 footcandles. A footcandle is a unit of illumination that is one foot from a uniform point source of one candle, and it equals one lumen per square foot.

- (12) *Gas.* Underground gas lines shall be installed whenever feasible.

Sec. 4-5. – 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 in the following manner.

- (1) *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 in 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.
- (2) *Greenbelt.* It is desirable for the protection of residential properties to have greenbelt or landscaped screen plantings located between a residential development and adjacent county primary roads, railroad rights-of-way, or commercial or industrial land uses.
- (3) *Street trees.* The variety and size shall be subject to the approval of the township board and the county road commission. Street trees may be planted between the

street curb and sidewalk; they shall be planted outside of but within ten feet of the street right-of-way.

- a. On each side of the street, shade trees shall be placed in a planned pattern and consistent manner. Trees shall be placed at a distance no greater than will allow an approximately ten foot gap between branch tips when the trees are fully grown. No tree shall be planted closer than 18 feet to any streetlight pole. Approaches to buildings should be considered when locating trees.
- b. Street trees shall be at least one and one half inches in diameter at the trunk when planted. Any tree which dies within two years after planting shall be replaced by the subdivider.
- c. A minimum of one tree shall be planted for every 50 feet of frontage along each street. There shall be a minimum of one tree per interior lot and at least two trees shall be provided for a corner lot.

- (4) *Landscaping.* The proprietor is encouraged to provide landscaping, trees, and shrubbery within the proposed subdivision. Trees and other shrubbery may be provided by the proprietor within public rights-of-way as approved by the county road commission, provided the clear vision requirements are still met when the plantings have become fully grown.

Sec. 4-6. – Nonresidential Subdivisions.

Subdivisions intended to accommodate industrial and commercial development shall conform to at least the following minimum requirements in addition to any other requirements set forth by the township board.

- (1) *General requirements.* A nonresidential subdivision shall be subject to all the requirements of these regulations, and shall be specifically designed for such purposes and shall have adequate provision for off-street parking, setbacks and other requirements in accordance with the zoning ordinance.
- (2) *Standards.* In addition to the principles and standards in this ordinance, which are appropriate to the planning of all subdivisions, the proprietor shall demonstrate that the street, parcel, and block pattern proposed is suitable for the uses anticipated and takes into account other uses in the vicinity. The following general principles and standards shall be observed.
 - a. Proposed commercial or industrial parcels shall be suitable in area and dimensions to the types of commercial or industrial development anticipated.

- b. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- c. Special requirements may be imposed with respect to street, curb, gutter, and sidewalk design and construction.
- d. Special requirements may be imposed with respect to the installation of public utilities, including without limitation water mains, sanitary sewers, and stormwater drainage.
- e. All reasonable efforts shall be made to protect adjacent residential areas from potential nuisance caused by a proposed commercial or industrial subdivision, including the provision for a permanently landscaped buffer strip when necessary.
- f. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

Sec. 4-7. – Guarantee and Completion of Improvements.

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 in the following manner.

- (1) *Guarantee.* In lieu of the actual installation and approval of all improvements required by this ordinance prior to final plat approval, the township board may, in its discretion, for those requirements which water resources are over and beyond the requirements of the county road commission, county water resources 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 or a combination of the arrangements of this subsection. 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 waive financial guarantees of required improvements in the case of streetlights or street trees.
- (2) *Alternatives.* A financial guarantee for completion shall be provided pursuant to one of the two alternatives in this subsection. In either event, the written agreement between the township and the subdivider may provide that the amount

of the bond or deposit provided, as the case may be, shall be progressively reduced as specified improvements are completed.

a. *Performance or surety bond.* The following are surety bond requirements.

1. *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.
2. *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 the total estimated cost of placing the specific improvement in operation, where applicable, including contingencies, as estimated by the township board.
3. *Term.* The term of the bond shall be for such period as shall be specified by the township board.
4. *Bonding or surety company.* The bond shall be written by a surety company which is authorized to do business in the state and which is acceptable to the township board.

b. *Cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit.* The following are requirements for other forms of surety.

1. *Treasurer, escrow agent, or trust 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. 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.
2. *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.
3. *Term.* The deposit shall be retained by the township board for a period to be specified by the township board.

- (3) *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 (2) of this section and, if such bond or deposit shall be insufficient, from the subdivider.
- (4) *Inspections of improvements.* The engineer for the subdivider must certify with sealed documentation that all improvements have been constructed in full compliance with the final plat and the township construction standards, or as otherwise required by the township board. The township engineer shall also be responsible for inspecting the construction of all water main extensions, sanitary sewer extensions, and such other improvements as are assigned by the township, and certifying that their construction has been satisfactorily completed. The county road commission shall be responsible for the inspections of the construction of all streets under its jurisdiction and shall certify that the construction has satisfactorily been completed. If an inspection reveals that any of the required improvements have not been constructed in accordance with the final plat, the township construction standards, or as required by the township board, the proprietor shall be responsible for completing the improvements. Where the cost of improvements is covered by guarantee or surety, the proprietor and the bank, bond company, or other agent shall be severally and jointly liable for completing the improvements according to specifications.
- (5) *Certificates of occupancy.* No certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements, dedication of the same to the township, and acceptance by the township board, except as provided in this subsection. Whenever, by reason of the season of the year, any lot improvement required by this ordinance cannot be performed, the building inspector may issue a certificate of occupancy; provided there is not danger to health, safety, or general welfare, upon the township accepting a cash deposit in an amount to be determined by the township engineer for the cost of the improvement. The surety covering such lot improvement shall remain in full force and effect until the township engineer has certified that the construction of the improvement has been satisfactorily completed. All required improvements for which a deposit has been accepted by the township at the time of issuance of a certificate of occupancy shall be installed by the proprietor within one year. In the event that the improvement has not been properly installed at the end of the time period, the township board shall give two weeks' written notice to the proprietor requiring the improvement's installation. If the improvement is not timely installed, the township supervisor may then request the township board to authorize the township engineer to contract out the work for the installation of the necessary improvement at a sum not to exceed the escrow deposit. At the time of

issuance of this certificate of occupancy for which a deposit was made with the township, the proprietor shall obtain and file a notarized statement from the purchasers of the premises authorizing the township to arrange and contract for the installation of the improvement at the end of the one year if the improvement has not been duly installed by the proprietor.

ARTICLE 5

VARIANCES

Sec. 5-1. – Requirements; Public Hearing.

- (a) 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 Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 *et seq.*), 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 or the township board, as the case may be.
- (1) There are such special circumstances or conditions affecting the property in question that strict application of the provisions or requirements of this ordinance would such be impracticable or unreasonable.
 - (2) 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.
 - (3) The variance will not violate the provisions of the land division act.
 - (4) The variance will not have the effect of nullifying the interests and purposes of this ordinance.
- (b) 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. 5-2. – Planned Unit Development Exception.

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 5-1. In making its recommendation to the township board, the planning commission shall consider whether the planned unit

development provides adequate public spaces; whether it includes provisions for efficient circulation of adequate light and air and other needs; the nature of the proposed use of land and the existing use of land in the vicinity; the number of persons to reside or work in the proposed 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 6

ENFORCEMENT AND PENALTIES

Sec. 6-1. – Final Approval Required.

No plat required by this ordinance or the land division act shall be admitted to the public land records of the 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 improvement shall comply in its location and in all aspects with the requirements of this ordinance; this requirement shall not apply to any public improvements which have already been accepted, already been opened, or otherwise already received the legal status of a public improvement prior to the adoption of this ordinance.

Sec. 6-2. – Penalties.

- (a) Any person who violates this ordinance or fails to comply with any of its requirements shall be responsible for a municipal civil infraction, subject to a fine of \$50.00, plus costs and other sanctions, for each infraction. Each day during which any violation continues after due notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeat violations; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any 12-month period and for which a person admits responsibility or is determined to be responsible. An increased civil fine for repeat violations shall be as follows:
 - (1) The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions; and
 - (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.00, plus costs and other sanctions.
- (b) The township assessor, township zoning administrator, members of the county sheriff's department assigned to the township, members of any law enforcement agency whose services are contracted for by the township, and any other individuals who may, from time to time, be appointed by resolution of the township board are designated as the

authorized township officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction notices (directing alleged violators to appear at the township municipal ordinance violations bureau).

ARTICLE 7

AMENDMENTS

Sec. 7-1. – Authority.

The township board may, from time to time, amend the regulations and provisions of this ordinance as provided by law.

Sec. 7-2. – Proposal Procedure.

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 8

MISCELLANEOUS

Sec. 8-1. – Severability and Captions.

This ordinance and its various parts, sections, subsections, sentences, phrases, and clauses are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this ordinance shall not be affected. The captions included at the beginning of each section are for convenience only and shall not be considered a part of this ordinance.

Sec. 8-2. – Administrative Liability.

No township officer, agent, employee, or member of the township board shall be personally liable for any damage that may accrue to any person as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this ordinance.

Sec. 8-3. – Repeal.

All resolutions or ordinances in conflict in whole or in part with any provisions of this ordinance are, to the extent of such conflict, repealed.

Sec. 8-4. – Effective Date.

This ordinance was approved and adopted by the township board of Tallmadge Charter Township on _____, after introduction and first reading on _____, and after publication and posting following such first reading as required by Michigan Act 359 of 1947, as amended. This ordinance shall be effective 30 days after publication of a notice of adoption and posting in the Ottawa Advance.

Mark Bennett, Township Supervisor

Lenore Cook, Township Clerk

CERTIFICATE

I, Lenore Cook, Clerk for the Charter Township of Tallmadge, Ottawa County, Michigan, certify that the foregoing Tallmadge Charter Township Subdivision Control Ordinance No. _____ was adopted at a regular meeting of the Township Board held on _____, 20____. The following members of the Township Board were present _____ at _____ that _____ meeting:

_____. The following members of the Township Board were absent: _____.

The Ordinance was adopted by the Township Board with members of the Board:

_____ voting in favor and members of the Board:

_____ voting in opposition. A Notice of Adoption of the Ordinance was published in the *Grand Rapids Press* on _____, 20____.

Lenore Cook, Township Clerk

AFFIDAVIT OF POSTING
(Subdivision Control Ordinance)

STATE OF MICHIGAN)

)ss

COUNTY OF OTTAWA)

The undersigned, Lenore Cook, the Tallmadge Charter Township Clerk, being first duly sworn, deposes and says as follows:

1. That she posted a proposed Subdivision Control Ordinance for Tallmadge Charter Township, after its first reading at a meeting of the Tallmadge Charter Township Board held on _____, 2022 in the Township Clerk's office and on the Township's website at www.tallmadge.com on _____, 2022.

Lenore Cook, Clerk
Tallmadge Charter Township

Subscribed and sworn to before this
_____ day of _____, 2022.

Notary Public, Ottawa County, Michigan
Acting in Ottawa County, Michigan
My commission expires: _____