



PLANNING COMMISSION WORKSHOP MEETING

April 11, 2023 | 5:00 PM | Township Hall Board Room

Meeting will be held in-person and available via Zoom at:

<https://us02web.zoom.us/j/83003743185>

- ITEM 1. **CALL TO ORDER**
- ITEM 2. **ROLL CALL**
- ITEM 3. **PUBLIC COMMENTS**
- ITEM 4. **ADOPTION OF MEETING AGENDA**
- ITEM 5. **APPROVAL OF MEETING MINUTES**
 - A. March 28, 2023, Regular Meeting Minutes
- ITEM 6. **NEW BUSINESS**
 - A. **Review Draft Site Condominium and Subdivision Ordinance Amendments**
Request: Review current drafts and discuss strategy moving forward to streamline the review process
- ITEM 7. **OLD BUSINESS**
 - A. **Review Draft Miscellaneous Ordinance Amendments**
Request: Continued review and consideration of draft ordinance amendments for Front Yard Sport Courts, Land Divisions and Site Plan Review Table.
 - B. **Riparian Ordinance Amendment Updates**
Request: Review resident comments from the February 15, 2023, Public Listening Session and discuss comments/process moving forwards.
- ITEM 8. **COMMISSIONER COMMENTS**
- ITEM 9. **PUBLIC COMMENTS**
- ITEM 10. **ADJOURNMENT**



7110 West Q Avenue
Kalamazoo, MI 49009
P: 269.375.1591
www.texastownship.org

STAFF MEMO

Meeting Date: April 11, 2023

Date: April 6, 2023

To: Planning Commission

From: John Lovely
Zoning Administrator

Regarding: Site Condominium and Subdivision Ordinance Amendments

Agenda Item: 6A

Attached is the most recent draft of the combined subdivision/site condominium ordinance. Included with the draft are several definitions that are either new (in red text) or are amendments to existing definitions. The subdivision/site condominium ordinance will be a repeal and replace of Section 36-6.2: Site Condominium Approval, so the entirety of the ordinance is “new” and therefore is not shown in red text. However, much of the language was drawn from the existing subdivision ordinance in the General Ordinances for the Township and the site condominium ordinance in ClearZoning. Some text is highlighted in yellow, which are sections staff wanted to be sure to review with Planning Commissioners. The amendments were initially reviewed by the Planning Commission at the August 24, 2021, Meeting.

This ordinance is very large and will likely require many review meetings to complete. Tackling the ordinance in small sections may be the best approach to accomplish the review. The intent is to resume this review process and prepare the draft amendments for a public hearing as soon as possible.

Thank You.

Attachments: Draft Site Condominium and Subdivision Ordinance Amendments
August 24, 2021, Planning Commission Regular Meeting Minutes

DRAFT – 10/12/2021
SUBDIVISION AND SITE CONDOMINIUM ORDINANCE

Amend Chapter 16 – Land Division and Subdivision Control of the General Ordinances and repeal and replace Section 36-6.2: Site Condominium Plan Review

SECTION 36-6.2: SUBDIVISION AND SITE CONDOMINIUM ORDINANCE

1. Purpose.

- A. Regulate the Division of Land. To regulate and control the subdivision of land into plats, pursuant to the Land Division Act, P.A. 288 of 1967, and as thereafter amended; or the development of land under the provisions of the Condominium Act, P.A. 59 of 1978, as thereafter amended, where the intent is to develop individual building sites with the objective interest of achieving the same characteristics and land use results as a general subdivision.
- B. Orderly Growth that Protects Public Health, Safety, and Welfare. To provide for the orderly growth and harmonious development of the Township; to secure adequate traffic circulation through coordinated street systems with relation to primary roads, adjoining developments, and public facilities; to achieve individual lots/building sites of maximum utility and livability; to secure adequate provisions for water supply, drainage and sanitary sewerage, and other health requirements; and, to provide logical procedures for the achievement of these purposes that promote and protect public health, safety and welfare.
- C. Balance Growth and the Natural Environment. Balance the need for future residential development and the intrinsic public value of preserving the natural environment. Preservation of natural environments help maintain habitats and biodiversity; reduce run-off, flooding, and soil erosion; lessen the effects of heat, noise, and light produced by human development; improve air quality; safeguard ground water recharge areas; and protect water quality.
- D. Establish Review Process. To provide for the process for which projects are reviewed to ensure conformance with all applicable ordinances.

2. Authority. This Section is enacted pursuant to the authority granted by the **Michigan Planning Enabling Act (Public Act 33 of 2008, as amended)**, Michigan Land Division Act (Public Act 288 of 1967, as amended), the Michigan Condominium Act (Public Act 59 of 1978, as amended) and Public Act 246 of 1945, as amended, which authorizes Township Boards to adopt ordinances to secure the public health, safety, and general welfare.

3. Compliance Standards.

- A. Ordinance Compliance. It shall be unlawful for any proprietor to divide or partition or to combine, any lot, building site, ~~or outlot, or other parcel of land~~ or any other recorded plat ~~or plan, or unplatted parcel, or tract of land~~, except in accordance with the provisions of this Section and state law.
- B. Zoning District Requirements. Two or more contiguous lots ~~or building sites, or parcels~~ or parts of lots ~~or building sites, or parcels~~, that have been combined shall not be divided or split, nor shall such combination be otherwise reversed or vacated, unless the resulting lots ~~or building sites, or parcels~~ comply with all area and road frontage requirements for the zoning district in which they are located.
- C. Approval Prior to Development. The approvals required under the provisions of this Section shall be obtained prior to any improvements on the property, which shall include the removal of any natural features, including trees; the grading of the site; or installation of any project improvements of a subdivision/site condominium within the Township. All subdivision/site condominium improvements within the Township shall comply with all the provisions and requirements of this Section or any other related ordinance referenced herein.

4. Self-Imposed Restrictions. If the proprietor places restrictions on any of the land contained in the subdivision/site condominium greater than those required by this Section or the regulations of other ordinances referenced herein, such restrictions or reference to those restrictions may be required to be indicated on the subdivision plat/ site condominium plan, or the Township Board, based on a recommendation from the Planning Commission, may require the restrictive covenants be recorded with the County Register of Deeds in a form to be approved by the Township Attorney.

5. Interpretation. The provisions of these regulations shall be held to be the minimum requirements adopted for the promotion and preservation of the environment and public health, safety, and general welfare of the Township. These regulations are not intended to repeal, retract, annul or in any manner interfere with existing regulations or laws of the Township, nor conflict with any statutes of the state or county, except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws, or regulations.

6. Subdivisions and site condominiums created or under review prior to the adoption of this Ordinance on (date), are exempt from *Subsection 7: Design and Layout Standards* herein.

7. Design and Layout Standards.

The subdivision/site condominium design layout standards set forth under this subsection are required and shall be incorporated into project development.

A. **Project Name.** The name of the new subdivision/site condominium shall not duplicate the name of any other previously approved projects unless it is an addition or phase to a contiguous development. The first development or phase of the project shall be number 1, and all additions or phases shall be consecutively ordered.

B. Public Utilities.

- i. Public water and sanitary sewer shall be extended to the subdivision/site condominium where such existing utilities are within one-half mile (2,640 feet) of the development site, based on a recommendation from the Township Engineer and Planning Commission, and approval from the Township Board.
- ii. All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through the new development to promote the logical extension of public infrastructure. The Township may require the proprietor of a subdivision/site condominium to extend off-site improvements, if needed, to reach the development.

C. Utility Easements.

- i. Utilities shall be located within public or private rights-of-way or within easements outside of the right-of-way.
- ii. Easements dedicated for public water shall be a minimum of 20 feet and public sanitary sewer shall be a minimum of 30 feet in width.
- iii. If not located in the road right-of-way, private utility line easements shall generally be provided along the rear or side of lots/building sites as necessary for utilities.
- iv. Easements centered on rear or side lot/building site property lines provided for utilities shall be at least 12 feet wide, typically six feet dedicated from each lot/building site, except side easements granted for street lighting dropouts, which shall be three feet wide. All other easements shall be at least 10 feet wide. These easements shall be direct and continuous from block to block.
- v. Recommendations on the proposed layout of easements for such things as telecommunication, cable, and electric should be sought from the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the

preliminary plat/plan to all appropriate public utility agencies prior to seeking Township approval.

D. Storm Water Management.

- i. Storm water management basins should be "free form," following the natural features of the land to the greatest extent possible. If such features do not exist, the basin should be shaped to emulate a naturally formed depression.
- ii. Side slopes must be varied to imitate natural conditions but shall not be steeper than 3:1 (H:V). Where basins are to be maintained as a mown lawn to the water's edge, side slopes shall be not steeper than 4:1 (H:V) to facilitate mowing.
- iii. Design standards and best management practices for storm water management basins as described in the Kalamazoo County Drain Commissioner's Site Development Rules shall be utilized to the extent practicable.
- iv. Storm water management basins shall be clearly identified as to type (retention or detention), nature (wet or dry), with design elevations and functional benchmarks (storage volume, time to drain, etc.). A permanent survey point for elevation control shall be located within 200 feet of the design high water mark as a permanently accessible operational benchmark.
- v. Redistributing soils from basin construction to create natural landforms around the perimeter of the basin is encouraged. These forms should be located strategically to filter views or redirect and soften the views from residential areas. Total screening is not intended.
- vi. Access for maintenance equipment must be considered in the design of the basin.
- vii. Water retention basins adjacent to properties without public sewer shall be setback 40 feet from any exterior property boundary of the development as measured from the designed high-water mark. Retention basins adjacent to all other properties shall be setback 15 feet.
- viii. Naturalized planting themes are required for retention basins. Trees and shrubs should be grouped in informal patterns to emulate the natural environment. The intent is to soften the views of these basins and not to totally screen them from view. A minimum of one evergreen tree shall be planted for every 50 feet of basin perimeter, the size of plantings to meet the landscaping material requirements of *Section 36-5.3: Screening, Fencing, and Landscaping*.
- ix. The ground surface and edges of the basin are encouraged to be covered with a water tolerant mixture of native grasses and herbaceous flowering plants or other approved

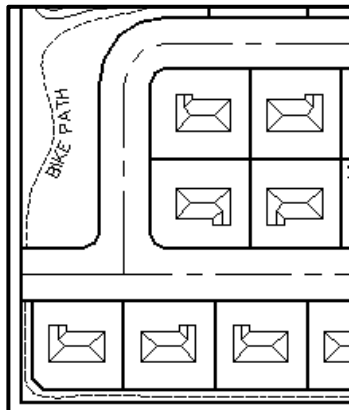
ground cover. It is the intent of these standards to provide for a sustainable natural planting throughout the basin that will not require regular mowing or fertilization.

- x. Any necessary public storm water easements shall be indicated and dedicated to the Kalamazoo County Drain Commissioner. Private easements and their maintenance shall be included in any master deed documents.
- xi. Detention ponds located in subdivisions without homeowner's associations shall be public and dedicated to the Kalamazoo County Drain Commissioner.

E. Lots and Building Sites.

- i. Lots shall be numbered consecutively, continuing throughout any additions or phases of the subdivision/site condominium.
- ii. Each proposed lot/building site must have access to an approved public or private right-of-way.
- iii. The frontage and area requirements of lots/building sites shall comply with the minimum requirements of the zoning district in which the subdivision/site condominium is located.
- iv. The minimum size of lots/building sites abutting more than one street or future street extension must be sufficient to provide area to meet building setback requirements of a front yard from all such abutting streets. The front yard setbacks of corner lots/building sites shall be provided on the plat/plan.
- v. Wherever feasible, lots/building sites shall be arranged so that the rear yard does not adjoin the side yard of an adjacent lot/building site.
- vi. No lot, outlot, or building site may be isolated from a public or private right-of-way, nor may any adjoining land of the proprietor or others be isolated from the same, thereby creating unbuildable land. Such isolation may be avoided through a dedicated easement for ingress and egress, and all public utilities, shown upon the recorded plat/plan, which easement shall be of suitable width of not less than sixty-six feet (66 feet), assuring permanent access to such lot, outlot, building site, or parcel of land by a future road.
- vii. Double frontage and reversed frontage lots/building sites shall be avoided except where necessary to provide separation of residential development from primary roads or to overcome specific disadvantages of topography, ~~and~~ orientation, or natural features like lakes.

- viii. Residential lots/building sites shall not derive direct access from a primary or secondary road.
- ix. In commercial or industrial zoning districts where driveway access from a primary road may be necessary for several adjoining lots/building sites, the Township shall require that such lots/building sites be served by a combined access drive, with appropriate access easements and maintenance agreements, to limit possible traffic hazards on the street. Where applicable, driveways shall be designed and arranged to avoid vehicles backing onto primary roads.
- x. Lots/building sites shall be laid out to provide positive drainage away from all buildings, and individual lot/building site drainage shall be coordinated with the general storm drainage pattern for the area. In no event shall sheet drainage from an individual lot/building site onto an adjacent lot, parcel or building site exceed the runoff rate which existed prior to development. Drainage shall be designed to avoid concentration of storm water runoff from or across individual lots/building sites and onto adjacent lots, parcels or building sites. If concentrated flow is unavoidable or pre-existing, an engineered solution is required (i.e., designated swales or engineered drains).
- xi. Lots/building sites adjacent to storm water management areas shall be restricted so that the lowest structural opening is at least two feet above the designed high-water mark or the one percent chance rainfall event (whichever is greater) of the adjacent water management area. A note shall be placed on the plat/plan to that affect.
- xii. The subdivision/site condominium design shall be such that lots/building sites across from a "T" intersection shall be off set from the perpendicular street to reduce impacts of vehicular traffic on the principal building.



F. Blocks.

- i. Blocks in residential areas shall not exceed 1,320 feet in length. The Township Board, after recommendation from the Planning Commission, may require roundabouts at intervals of no less than 660 feet to ensure adequate fire and emergency vehicles access.
- ii. Blocks shall have sufficient width to provide for two tiers of lots/building sites of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to primary or secondary roads, railroads, or waterways.

G. Entryways.

- i. The new right-of-way extending perpendicular from a County primary or secondary road must be 86-feet in width extending at least 180 feet for a primary road and 160 feet for a secondary road from the centerline of the County right-of-way.
- ii. A common open space element within the first 50 feet must be developed to define the entry into the subdivision/site condominium. For an OSP: Open Space Preservation development, the common open space element must be 100 feet. *(Is this also saying the landscape element should be 50 feet in length?)*

H. Road Rights-of-Way.

- i. The arrangement of roads shall provide for their continuation between adjoining properties. Continuation of roads is necessary for movement of traffic, emergency services, and efficient provision of utilities.
- ii. Roads interior to the subdivision/site condominium shall be designed to discourage through traffic.
- iii. Where adjoining properties are undeveloped and the road must temporarily be a dead-end, the 66-foot right-of-way shall be extended to the property line to make provision for the future continuation of the road. The dead-end shall be designed as either a stub road or a cul-de-sac per Road Commission standards but shall not allow access or be considered frontage for the adjacent undeveloped property.
- iv. Where a road is not intended to extend beyond the boundaries of the subdivision/site condominium and its continuation is not required by the Township for access to adjoining properties, its terminus shall be at least 50 feet from such boundary. A cul-de-sac turnaround shall be provided at the end of the permanent dead-end road in accordance with Road Commission standards. The Township may require an easement or a reservation of easement to accommodate drainage facilities, pedestrian access, or utilities.

- v. Privately held reserve strips or outlots controlling access to roads shall be prohibited.
- vi. For all Primary roads, a 50-foot right-of-way from the centerline of the road shall be provided. All other rights-of-way within or abutting subdivisions/site condominiums shall not be less than 66 feet in width.
- vii. A dead-end road (whether temporary or permanent) in excess of 660 feet in length as measured from the nearest right-of-way or private street easement shall be prohibited except upon recommendation from the Planning Commission and approval from the Township Board, to be granted only where the topography of the area, lakes, streams, other natural conditions or the prior development of the area cause practical difficulties in layout, and a dead end road in excess of 660 feet can be granted without creating a safety hazard.
- viii. All roads shall be constructed to Road Commission standards, including traffic control devices and signs.
- ix. Not more than two streets shall intersect at any one point unless specifically approved by the Township in cases of a traffic circle or roundabout.
- x. Not less than two primary points of ingress and egress shall be provided for subdivisions/site condominiums containing 50 or more residential lots/building sites. Where adjoining areas are undeveloped and two access points cannot be practicably developed as determined by the Planning Commission, a temporary dead-end street designed for the provision of a future access point shall be required.
- xi. Road grades shall be related appropriately to the original topography. All roads shall be arranged to locate as many lots/building sites as possible at, or above, the grades of the roads. Lots/building sites with grades lower than the street may be allowed provided adequate drainage is demonstrated in the design to the satisfaction of the Township Engineer. In addition, the right-of-way shall be prepared in such a way to ensure proper sidewalk continuity and accessibility that is ADA compliant. Grading and centerline gradients shall be in accordance with plans and profiles approved by Township Engineer.
- xii. Concrete curbing shall be installed throughout the entirety of the road. Curb cuts and sidewalk ramps shall be integral to the construction of the concrete curb.
- xiii. Private Roads. Private roads may be allowed by the Township Board, after recommendation from the Planning Commission, for a site condominium if they will not adversely affect public health, safety, or welfare. In determining whether private roads are allowable, the following shall be required:

- a. All private roads must be established by recorded easement of a 66-foot right-of-way that indicates the responsible party for the private road maintenance.
 - b. The master deed must include any private road easements and who is responsible for maintaining the private road.
 - c. The master deed must also authorize the Township to make required repairs to the private road, if necessary, with the cost assessed equally to each property owner within the site condominium.
 - d. The private road must be constructed to Road Commission standards for design, except that pavement width may be reduced by four feet if approved by the Township Board, after recommendation from the Planning Commission.
 - e. A 10-foot-wide utility easement must be provided adjacent to the private road right-of-way.
- xiv. Road names shall be sufficiently different in sound and spelling from other road names in the Township so as not to cause confusion. Roads which are, or are planned as, continuations of an existing roads shall bear the same name. The Township shall reject a plat/plan showing a road name duplicating one already in use in the County, except in continuing a road. The Township shall also reject a new road name that is so like one already in existence in the County that permitting such naming may be confusing for purposes of assessing, mail delivery and locating by the public. All new roads shall be named as follows: Roads with predominant north- south directions shall be named, "Street;" Roads with predominant east-west directions shall be named, "Avenue;" meandering roads shall be named, "Drive," "Lane," "Path," "Road" or "Trail," etc., and culs-de-sac shall be named, "Circle," "Court," "Way" or "Place," etc. All road names shall be reviewed and approved by the Kalamazoo County Planning and Development Department.

I. Lighting.

- i. Light fixtures shall be placed at any intersections with a primary or secondary public road.
- ii. Light fixtures shall be full cut-off design and mounted to be parallel to the ground.
- iii. If lighting along the roadway is proposed internal to the subdivision/site condominium, it shall be designed to promote safe movement of pedestrians and vehicular traffic. The street lighting system shall consist of poles placed at points of road intersection, at dead ends, and all other areas requiring lighting as may be recommended by the Township Planning Commission.

- iv. The Planning Commission may accept a lighting plan prepared by the appropriate local utility having jurisdiction. Such plans shall indicate: the type of poles and luminaries to be used; the placement of all light fixtures; and the expected lighting levels.
- v. All street lighting shall be included in a special assessment district as part of the subdivision/site condominium approval.

J. Nonmotorized Facilities.

- i. Sidewalks not less than four feet in width shall be included within the dedicated non-pavement portion of the right-of-way on both sides of all roads within a subdivision/site condominium.
- ii. The construction requirements of General Ordinance Article VII: Sidewalks, Pathways, and Trails shall be met.
- iii. All barrier free standards for sidewalks required by the American with Disabilities Act shall be met. Barrier free crosswalks shall be required at all intersections where sidewalks are located.
- iv. If applicable to the subdivision/site condominium based on the Township's Parks and Trails Plan, a nonmotorized trail shall be established. Construction of nonmotorized trails shall comply with General Ordinance Article VII: Sidewalks, Pathways, and Trails.
- v. If any nonmotorized facility is located outside of a road right-of-way, it shall be dedicated as either a private (sole use of the project residents) or public facility, with an easement noted on the plat/plan.
 - a. For private infrastructure within a site condominium, the nonmotorized facility shall be dedicated as a general common element in the master deed with maintenance the responsibility of the homeowner's association.
 - b. For private infrastructure within a subdivision, the nonmotorized facility shall be dedicated through an easement with maintenance either the responsibility of a homeowner's association or the lots immediately adjacent to the facility.
 - c. Public facility - ??
 - d. Easement documents are to be recorded with the Kalamazoo County Register of Deeds.

K. Natural Features

i. Slopes. The minimum standards that shall apply to sloped areas are as follows:

- a. No more than 50 percent of land may be cleared or developed on areas where slopes are between 12 and 18 percent and have erodible soils at a K factor of 0.25 or higher as they are susceptible to detachment and produce runoff.
- b. Development or vegetative clearing is prohibited on any area with a slope greater than 18 percent.

ii. Wooded Areas. Projects that include wooded areas, as defined by this Chapter, shall be required to preserve trees within the regulated side and rear yard setbacks of the lots/building sites. Only the front yard and buildable area of the lot/building site may be cleared.

iii. Individual Trees (outside of wooded areas).

- a. All trees 12 inches in diameter at a point on the trunk 4 ½ feet above the ground outside of wooded areas and in good health shall be identified on the existing conditions sheet of the subdivision plat/site condominium plan.
- b. The proprietor shall investigate designs that would allow for individual tree preservation. The proprietor shall discuss with the Planning Commission during the Step 1 review why individual tree(s) were removed.
- c. In determining which individual trees to preserve, first choice shall be species native to Southwest Michigan with desirable non-invasive species native to the Midwest region as second choice.
- d. If the Planning Commission determines that viable design alternatives exist, they may require the site design be modified to preserve the tree(s) or require the proprietor to replace the tree(s) elsewhere on the site at a ratio of one (1) caliper inch for every one (1) caliper inch of the tree removed.

iv. Water Resources. The provisions herein shall apply to development adjacent to any water resources such as a lake, pond, stream, river, wetland and adjacent to the 100-year floodplain.

- a. Lands subject to flooding or otherwise determined to be uninhabitable by the Township Board, after recommendation from the Planning Commission, shall not be platted or developed into building sites. Such lands within a subdivision/site condominium may be set aside as open space.

- b. Historic drainage patterns and surface flow rates shall be maintained, where possible.
- c. Erosion control protection measures and native shoreline landscaping shall be provided for developments that include lakes, ponds, or streams.
- d. If development causes any disturbance within the upland buffer area of a lake, pond, or stream, the proprietor shall undertake restoration and mitigation measures to restore any damaged or lost natural resources.
- e. No buildings for residential purpose shall be located on any portion of a lot located in a floodplain, unless approved by the Department of Environment, Great Lakes, and Energy.
- f. Restrictive deed covenants shall be recorded for floodplain areas that will be left in their natural state.
- g. If floodplains are filled, then equal compensating excavation must be provided on the site as required by the permitting process of the Department of Environment, Great Lakes, and Energy.
- h. The minimum structural opening on lots/building sites adjacent to low areas susceptible to flooding shall be two feet above the high-water elevation and denoted on the plat or on exhibit B of the master deed.
- i. Where land contiguous to a lake, river, stream, or pond is intended to be dedicated for the purposes of gaining riparian access for owners and occupants of a subdivision/site condominium, such dedication shall be subject to the following conditions and limitations:
 - (1) The land must be dedicated at the time of recording of such subdivision/site condominium for use solely by the owners and occupants of the lots/building sites within the subdivision/site condominium.
 - (2) That the land shall contain at least 20 lineal feet of water frontage for each lot/building site to whom such privileges are dedicated, but in no instance shall such land have less than 300 lineal feet of water frontage regardless of the number of lots/building sites to which such privileges are extended.
 - (3) The depth of the land dedicated shall not be less than 150 feet.
 - (4) There shall be no full-time or part-time residence on this land.

- (5) In no event shall the frontage used for this land consist of a wetland, swamp, marsh, or bog as shown on the most recent United States geological survey maps, or manmade canals.
 - (6) No structures are permitted on this land, except for temporary docks, which do not allow mooring, and which must be dismantled during the winter months, and shall comply with state regulations.
 - (7) The title to such land shall be dedicated to a homeowner's association, which shall be established as part of the subdivision/site condominium. Such dedication shall be recorded with the Kalamazoo County Register of Deeds.
 - j. **When a subdivision/site condominium abuts improvements such as county drains, lagoons, slips, waterways, lakes, bays, or canals, which connect with or are proposed to connect with or enlarge public waters, the included or abutting portions of such proposed improvements shall be shown on the plat/plan.**
 - v. **Connectivity.** Plats/plans shall be designed so that open space or natural areas preserved within the development shall connect to open space or natural feature areas located on adjacent developments, where present. Such connections shall be maintained to allow for the continuance of existing wildlife movement and to enhance the opportunity to establish new connections and greenway corridors.
 - vi. **Construction Requirements.**
 - a. No construction activity of any kind, including grading, excavation, stockpiling of fill material, or storage of building equipment, supplies or vehicles shall be permitted in those areas of the site preserved in their natural state.
 - b. Prior to any development or site clearing, barrier fencing shall be installed at the limits of soil disturbance adjacent to protected areas and around individual preserved trees. Barrier fencing shall be a minimum of four (4) feet in height and shall remain in place in good condition until the Township authorizes the developer to remove the fencing. No filling, excavating, or storage of materials, debris, or equipment shall take place within the fenced area and/or critical root zone.
- L. **Landscaping**
- i. Large deciduous trees shall be planted along the right-of-way of roads internal to the subdivision/site condominium. One canopy tree shall be planted for every lot/building site. The tree shall be located no farther than six feet from the public road right-of-

way. For private roads, the tree may be planted between the road pavement and sidewalk, but no farther than six feet from the right-of-way. A waiver may be granted by the Planning Commission as part of the Step 1 process if there are trees growing along the right-of-way which are intended to be preserved and, in the opinion of the Planning Commission, comply with these regulations.

- ii. To preserve view sheds on Township primary and secondary roads that abut subdivisions/site condominiums, a 20-foot buffer shall be preserved measured from the right-of-way. To the extent feasible, existing trees and vegetation found outside of the road right-of-way shall be preserved to provide screening from the roadway. One new large deciduous canopy tree and two small deciduous flowering trees shall be planted for every 50 feet of frontage. The Planning Commission may grant a waiver from the new planting requirement as part of the Step 1 process if, in the opinion of the Planning Commission, existing trees found outside of the road right-of-way can be shown to adequately meet this requirement.
- iii. New vegetation required pursuant to this subsection shall be planted as follows:
 - a. Large deciduous tree shall be at least 2.5-inch caliper and small flowering deciduous trees shall be at least two-inch caliper at a point on the trunk six inches above the ground.
 - b. Large evergreen trees shall be six feet in height and small evergreen trees shall be at least 36 inches in height.
- vii. New and existing trees to be preserved shall be protected during construction. No alteration or disturbance of existing grade or storage of construction materials or equipment can occur within the critical root zone. Fencing shall be placed around the critical root zone to ensure protection of the tree and root system. Tree protection fencing must be constructed of a rigid material a minimum of four feet in height.
- viii. Required trees shall be maintained to ensure their survival. At the discretion of the Township Board, after receiving recommendation from the Planning Commission, a performance guarantee may be required to ensure that proposed landscaping is maintained for a period of at least 18 months after planting. Such guarantee may take the form of an irrevocable letter of credit, cash escrow, or performance bond.

M. **Common Elements.** All general and limited common elements must be clearly defined on the plat/plan. Ownership and maintenance of the common elements must be established, and legal responsibility clearly detailed through the appropriate legal documents depending on the type of development.\

N. Monuments and Lot Pins.

- i. Monuments shall be in the ground at all angles in the boundaries of the subdivision/site condominium; at the intersection lines of streets; at the intersection of the lines of streets with the boundaries of the subdivision/site condominium; 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 at all angles of an intermediate traverse line.
- i. All monuments used shall be made of solid iron or steel bars at least 1/2 inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.
- ii. All lot/building site corners shall be monumented in the field by iron or steel bars or iron pipes called lot pins that are at least 18 inches long and ½ inch in diameter.
- iii. All monuments and lot pins shall be placed flush with the ground.

8. Approval Procedures.

The preparation of a subdivision plat/site condominium plan shall be carried out in accordance with the following steps:

- Pre-Application Review (voluntary)
- Step One: Tentative Preliminary Plat/Plan
- Step Two: Preliminary Plat/Plan
- Step Three: Final Plat/Plan

These steps are cumulative, resulting in one subdivision/site condominium plan set that includes all three steps of the process. While each step has specific information that must be provided, the aggregate in its totality will govern the development of the subdivision/site condominium. For example, zoning information is not often shown on Step 3 plans (which are as-builts), however the zoning or design and layout requirements provided or conditioned on the plans as part of Step 1 or 2 approvals continue to be binding on the development.

A. Pre-Application Review.

An applicant may request an initial voluntary pre-application review meeting take place by submitting a written request and a copy of the concept plan for the subdivision plat/site condominium plan to the Township. This pre-application meeting will be with the Township Planner, Engineer, and Fire Marshal, and any other staff specifically requested. The purpose of the meeting is to conduct an informal review of the concept design for the plat/plan.

An applicant may also request general input from the Planning Commission on a concept design for a subdivision plat/site condominium plan prior to the submission of a formal application. The applicant may submit the concept design in sketch format without meeting the formal requirements of this Section. The general discussions of the Planning Commission shall not in any way be binding upon the Planning Commission at the time of its final review and recommendation.

B. Step One: Tentative Preliminary Plat/Plan.

A tentative preliminary plat shall be required for a subdivision application and a tentative preliminary plan shall be required for a site condominium application, with the following requirements:

i. Filing Procedure.

- a. Submittal of a review and escrow fee as determined by resolution of the Township Board based upon the cost of processing the application and as on file with the Township Clerk for public information. An escrow account will be established to cover the actual costs for the Township Engineer, Attorney, and any outside consultants, as needed. Residual escrow fees will be returned to the applicant.
- b. One copy of the completed application form, including any required attachments.
- c. A digital PDF of the proposed tentative preliminary plat/plan, plus ~~addition~~ **at least four** paper copies. **The need for** additional copies ~~the number of which~~ to be determined by the Township Planning Department.
- d. Documentation. Any additional documentation as required by this Section.

ii. Tentative Preliminary Plat/Plan Requirements. A tentative preliminary plat/plan shall be submitted pursuant to the requirements below and as required by *Subsection 7. Design and Layout Standards* herein.

- a. All plats/plans are to be drawn on uniform sheets.
- b. The name of the project, name and address of the preparer, and date prepared.
- c. All plats/plans shall be of a scale not less than one-inch equals fifty feet and in sufficient detail that the reviewing body can readily interpret the plat/plan.
- d. All plats/plans are to be accurately sealed by an engineer, architect, surveyor, or licensed landscape architect, as appropriate for the plats/plans provided.

e. Existing conditions sheet.

- (1) Full legal description of the subject property, **and name of the township and county.**
- (2) Vicinity map showing the location of the subject property in relation to the surrounding street system.
- (3) Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the subject property, including those across abutting roads and rights-of-way.
- (4) Zoning of subject property and all adjacent lands.
- (5) Location of natural features as required by *Subsection 7. Design and Layout Standards* herein.
- (6) Existing rights-of-way and easements within the subject property.
- (7) Adjacent rights-of-way or easements, including the location of existing drives on the frontage adjacent and opposite the subject property to be development.
- (8) Location of existing sewers, water mains, drainage pipes, and other underground utilities within or adjacent to the subject property.
- (9) Existing topography at two-foot contour intervals, and its relationship to adjoining land (arrows should indicate direction of drainage).

f. Subdivision plat/condominium plan sheet.

- (1) Tentative plans showing the feasibility of the development of adjoining land if the developer owns and anticipates future development of said land.
- (2) Adjacent rights-of-way or easements, including the location of existing drives on the frontage adjacent and opposite the subject property to be development.
- (3) Location and dimensions of existing and proposed rights-of-way and easements for sewers, water mains, drainage pipes, and other underground utilities within or adjacent to the subject property.

- (4) Grading plan at two-foot contour intervals, and its relationship to adjoining land (arrows should indicate direction of drainage).
- (5) Location of natural features intended for preservation, including isolated trees (outside of wooded area).
- (6) Location and type of required landscaping.
- (7) Location of any required tree protection fencing.
- (8) Percentage of land reserved for open space, where applicable.
- (9) Indication if individual lots/building sites will be served by wells and/or septic systems.
- (10) General location and type of storm water management.
- (11) Dwelling unit density.
- (12) Road layout and dimensions, including connections to existing streets and placement of stub streets into adjacent properties.
- (13) Location and dimensions of nonmotorized and/or pedestrian pathways, including sidewalks.
- (14) Indication of lots/building sites, showing size and shape, and dimension of building area, frontage, and square footage calculations.
- (15) Any additional requirements of *Subsection 7. Design and Layout Standards*, as applicable.

iii. Process. The Township Clerk, upon receipt of the application and tentative preliminary plat/plan, shall request the Planning Department to:

- a. Review the application for completeness.
- b. Schedule the tentative preliminary plat/plan before the Planning Commission, who shall act within 30 days on a complete application, which shall be determined by the Township Planner.

- c. Forward the tentative preliminary plat/plan application and all supporting documentation to the applicable Township departments and/or consultants who shall review the materials and return written comments to the Planning Department.
 - d. Hold a review meeting with the applicant to include the Township Planner, Township Engineer, and Fire Marshal.
 - e. Notify the applicant in writing of the comments reviewed and/or changes which need to be made to the tentative preliminary plat/plan.
 - f. If revised plats/plans are required, the applicant shall resubmit within the time frame provided by the Planning Department. The Township Planner will determine which Township departments and/or consultants require a second review. Any final comments will be provided to the applicant prior to the Planning Commission meeting.
 - g. The applicant shall be notified of the date, time, and place of the hearing not less than 15 days prior to such date.
 - h. Notice of said hearing, including the date, time, and place of the hearing, shall be mailed to the applicant, proprietor, and all property owners within 300 feet of the proposed plat/plan as well as published in a newspaper of general circulation not less than 15 days before the hearing.
- iv. Planning Commission Review.
- a. The Township Planner shall provide a Staff Report to the Planning Commission that consolidates departmental and/or consultant comments and any additional information needed for the Planning Commission to make an informed review.
 - b. The tentative preliminary plat/plan documents shall be reviewed by the Planning Commission as to compliance with the approved pre-preliminary plat/plan, if submitted under the pre-application voluntary review.
 - c. The Planning Commission shall hold the required public hearing, allowing public comments to be entered into the meeting record.
 - d. The Planning Commission shall determine whether said proposed tentative preliminary plat/plan complies with all Township Ordinances, including the zoning district requirements as they relate to the development of a subdivision/site condominium and referenced herein, which has been adopted in conformance with the Township Master Land Use Plan and all state statutes.

- e. Should the Planning Commission find that the tentative preliminary plat/plan meets these requirements, it shall approve or approve with conditions, and direct the Township Planner to notify the applicant of the same.
- f. Should the Planning Commission find that the tentative preliminary plat/plan does not conform substantially to the requirements of this Section and all other ordinances by reference, and that it is not acceptable, it shall record the reason in the official minutes and forward same together with all accompanying data to the applicant. The Planning Commission may also table the tentative preliminary plat/plan until the objections causing disapproval are changed to meet the requirements of this Section and all other ordinances by reference.
- g. Approval of the tentative preliminary plat/plan from the Planning Commission shall be effective for a period of 12 months from the date of approval and confers upon the applicant approval of lot/building site size, orientation, street layout, and other design considerations of the subdivision/site condominium. Should the preliminary plat/plan in whole or in part not be submitted for review within this time limit, the tentative preliminary plat/plan must again be submitted to the Planning Commission for review and approval.
- h. Approval of the tentative preliminary plat/plan shall not constitute final approval of the preliminary plat/plan.
- v. Extensions. The Planning Commission may grant an extension of the tentative preliminary plat/plan approval (Step 1) for a period of up to 12-months if the request is made by the proprietor or applicant before the end of the initial approval period.

C. Step Two: Preliminary Plat/Plan.

- i. Filing Procedure.
 - a. Submittal of a review fee as determined by resolution of the Township Board based upon the cost of processing the review and as on file with the Township Clerk for public information.
 - b. Submittal of an escrow account against which actual fees for the Township Engineer, Attorney, and/or any outside consultants, as needed, will be charged. Escrow fees will be determined by the Township Planner after consultation with the Township Engineer based on the expected complexity of the preliminary plat/plan review and the need for on-site visits during the construction of improvements. Residuals will be returned to the applicant.
 - c. One copy of the completed application form, including any required attachments.

- d. A digital PDF of the proposed tentative preliminary plat/plan, plus additional paper copies the number of which to be determined by the Township Planning Department.
 - e. Copies of the required approvals from all authorities detailed in sections 112 to 119 of the Land Division Act (MCL 560.112—560.119). These include, but may not be limited to, the Road Commission of Kalamazoo County; Kalamazoo County Drain Commissioner; Kalamazoo County Department of Health and Community Services; City of Kalamazoo; City of Portage; and the Department of Environment, Great Lakes, and Energy.
 - f. Any additional documentation as required by this Section.
- ii. Preliminary Plat/Plan Requirements. Engineered plans shall be submitted pursuant to the requirements below and as required by *Subsection 7: Design and Layout Standards*:
- a. The requirements of tentative preliminary plat/plan unless modified by this subsection and all conditions of Step One approval.
 - b. Finalized grading plan showing proposed and existing elevations, including management of water for the entire site.
 - c. Finalized storm water management system for the entirety of the site, including plan and profile of drainage infrastructure, any easements, open drains, basin details, etc., and finalized points of discharge for all drains and pipes. Any required private or public agency storm water agreements shall be included in draft form. The following local agencies are common participants: Drain Commission of Kalamazoo County, Road Commission of Kalamazoo County, and Texas Charter Township.
 - d. Incorporation of any wellhead protection standards, if applicable.
 - e. Temporary and permanent soil erosion controls.
 - f. Finalized road and nonmotorized facilities layout, including connections to existing streets and placement of stub streets into adjacent properties, approved by the Road Commission of Kalamazoo County.
 - g. Finalized street names approved by Kalamazoo County Planning and Development.

- h. Layout of well and/or septic, dry well or tile field based on requirements from the appropriate County agency, if applicable.
 - i. Location of water lines, including the proposed service and hydrants or other appurtenances as required by the Fire Department, if applicable, and approved by the City of Kalamazoo.
 - j. Finalized location of sanitary sewer lines, including the size of proposed service, if applicable, and approved by the appropriate agencies.
 - k. Location of easements for public infrastructure.
 - l. Location of easements for private utility infrastructure, such as telephone, electric, cable, gas, etc.
 - m. Location and detail of proposed streetlights and a letter of agreement by the proprietor that the same shall be added to the Township's standard lighting special assessment district.
 - n. Location of road signs.
 - o. Standard details for shared and common infrastructure improvements to be installed by the proprietor.
 - p. Local standard specifications of the appropriate agency shall be identified and referenced where applicable.
- iii. Process. The Township Clerk, upon receipt of the application and preliminary plat/plan, shall request the Planning Department to:
- a. Review the application for completeness.
 - b. Forward the preliminary plat/plan application and all supporting documentation to the applicable Township departments and/or consultants who shall review the materials and return written comments to the Township Planner.
 - c. Notify the applicant in writing of the comments received or if changes need to be made to the preliminary plat/plan.
 - d. If a revised plat/plan is required, the applicant shall resubmit within the time frame provided by the Planning Department. The Township Planner will determine which Township departments and/or consultants require a second review. Any final comments will be provided to the applicant prior to the Township Board meeting.

- e. The Planning Commission shall make a recommendation on the preliminary plat/plan at its next regular meeting or at a meeting called within 20 days of the submission of a complete preliminary plat/plan and all necessary supporting documentation.
- iv. Planning Commission Review.
- a. The Township Planner shall provide a Staff Report to the Planning Commission that consolidates departmental and/or consultant comments, and any other information needed for the Planning Commission to make an informed decision.
 - b. If the preliminary plat/plan conforms substantially to the plat/plan tentatively approved by the Planning Commission and meets all conditions outlined for approval, the Planning Commission shall make a recommendation of approval or approval with conditions of the preliminary plat/plan to the Township Board.
 - c. Should the Planning Commission find that the preliminary plat/plan does not conform substantially to the requirements of this Section and all other ordinances by reference, and that it is not acceptable, it shall record the reason in the official minutes and forward same together with all accompanying data to the Township Board and applicant.
 - d. The Planning Commission may also table the preliminary plat/plan until the objections causing disapproval are changed to meet the requirements of this Section and all other ordinances by reference.
- v. Township Board Review.
- a. The preliminary plat/plan shall be placed on the next available Township Board agenda **or within 20 days of the Planning Commission review.**
 - b. The Township Planner shall provide a Staff Report to the Township Board that consolidates Planning Commission comments and recommendation, departmental and/or consultant comments, and any other information needed for the Township Board to make an informed decision.
 - c. If the preliminary plat/plan meets all conditions outlined for final approval, the Township Board shall give final approval or final approval with conditions to the preliminary plat/plan.

- d. The Township Clerk shall request the Township Planner notify the applicant of approval, approval with conditions, or rejection in writing; if rejected, reasons shall be given.
 - e. The Township Board may also table the preliminary plat/plan to allow the applicant time to resolve any issues which may be preventing approval.
 - f. The effective period of preliminary plat/plan shall be for 24 months from the date of the Township Board approval. It shall confer upon the proprietor the right that the general terms and conditions under which preliminary approval was granted shall not be changed.
 - g. If substantial infrastructure development progress has not been made within the 24-month period, the preliminary plat/plan shall become void, and the applicant will be required to receive Planning Commission and Township Board approval to continue. Substantial progress shall be defined as completion of site grading.
 - h. No installation or construction of any improvements shall be made before the preliminary plat/plan has received final approval by the Township Board, and any required deposits have been received by the Township.
- vi. Addressing. Immediately following Township Board approval, the applicant shall submit the Step 2 approved plan to the Township Engineer for address assignment.
 - vii. Extensions. The Township Board may grant an extension of the preliminary plat/plan approval (Step 2) for a period of up to 12-months if the request is made by the proprietor or applicant before the end of the initial approval period.

D. STEP THREE: Final Plat/Plan.

- i. Filing Procedure.
 - a. Submittal of a review and escrow fee as determined by resolution of the Township Board based upon the cost of processing the application and as on file with the Township Clerk for public information. An escrow account will be established to cover the actual costs for the Township Engineer, Attorney, and any outside consultants, as needed. Residual escrow fees will be returned to the applicant.
 - b. One copy of the completed application form, including any required attachments.
 - c. A PDF of the survey and true copy of the final plat/plan prepared by the surveyor in accordance with the Township approved preliminary plat/plan and all the requirements of the Land Division Act, P.A. 288 of 1967 and the Condominium Act,

P.A. 59 of 1978 and as thereafter amended. The number of copies to be determined by the Township Planning Department.

- d. Evidence that all requirements imposed by the Township Board at the time of the preliminary approval have been incorporated into the proposed plat/plan.
 - e. An abstract of title or title insurance policy showing merchantable title in the proprietor of the subdivision.
 - f. Copies of the required approvals and/or executed agreements from all authorities required in sections 112 to 119 of the Land Division Act (MCL 560.112—560.119). The applicant shall also provide approved copies of plats/plans from each of the required authorities.
 - g. Documentation that the developer is responsible for the maintenance or repair of any sidewalk or nonmotorized path/facility for a period of one year from the date of final inspection and approval by the Township. A letter acknowledging this requirement shall be provided.
 - h. A legal opinion from the Township Attorney showing the legal and equitable owners of the land to be platted and/or developed, plus all grants, reservations, deed restrictions and easements of record which condition the use of the property.
 - i. Master deeds, bylaws and any other pertinent exhibits required of a site condominium per Condominium Act, P.A. 59 of 1978, as applicable.
- ii. Process. The Township Clerk, upon receipt of the application and final plat/plan, shall request the Planning Department to:
- a. Review the application for completeness.
 - b. Forward the final plat/plan application and all supporting documentation to the Township Attorney who shall review the materials and return written comments to the Planning Department.
 - c. Forward the final plat/plan application, exhibit B of the master deed, and all supporting documentation to the Township Engineer who shall review the materials, complete an on-site review, and return written comments to the Planning Department.
 - d. Notify the applicant in writing of the comments received or if changes need to be made to any of the final documents.

- e. If revised documents are required, the applicant shall resubmit within the time frame provided by the Planning Department. Planning staff will determine which Township departments and/or consultants require a second review. Any final comments will be provided to the applicant prior to the Township Board meeting.
 - f. The Township Board shall act on the final plat/plan and any supporting documents at its next regular meeting or at a meeting called within 20 days of the submission of a complete final plat/plan and all necessary supporting documentation.
- iii. Township Board Review.
- a. The Township Planner shall provide a Staff Report to the Township Board that consolidates departmental and/or consultant comments and any other information needed for the Township Board to make an informed decision for either approval or denial of the final plat/plan, and any supporting documents.
 - b. The Township Board shall review the proposed final plat/plan and determine that:
 - (1) All monuments required to be placed have either been placed or a cash or equivalent deposit has been made with the Township and Deposit Agreement executed by the proprietors **to allow placement of monuments and lot pins within six months of Step 3 approval.**
 - (2) All road, streets, bridges, and culverts have been completed and approved by the Road Commission of Kalamazoo County for public facilities and by the Township Engineer for private. **The plat/plan shall include all streets and roads by their bearings, widths, and names. All curved portions shall be defined by curved data including points of curvature, tangency, compound curvature, radii of curves, central angles, and the length of bearing of its long chord.**
 - (3) If any flood plain is involved in the proposed plat/plan, then such flood plain shall be restricted as provided by the Land Division Act, and such restrictions shall be submitted to the Michigan Department of Environment, Great Lakes, and Energy, Township or Kalamazoo County Drain Commissioner for review and approval prior to recording and thereafter shall be recorded in the Office of the Register of Deeds as part of the plat/plan.
 - (4) All utilities servicing the plat/plan have been installed, and public water and sanitary sewer mains have been stubbed to the lots/building sites, are available for connection, and easements dedicated.

- (5) All underground utility installations, including lines for street lighting systems, which traverse privately-owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded as part of the plat/plan as private easements for public utilities or easements provided by separate instrument.
 - (6) All public improvements, such as streetlights, fire hydrants, etc., which have been required by the Township Board, have been completed and installed and reviewed and approved by the Township Engineer.
 - (7) All stormwater management improvements have been completed and any agreements resolved with the Kalamazoo County Drain Commissioner, if applicable. For private systems, dedication to the homeowner's association with requirements for maintenance outlined in the master deed documents.
 - (8) All sidewalks not associated with an individual lot/building site have been constructed to the Township standards and reviewed and approved by the Township Engineer or their designee. All common area sidewalks are required to be installed. No cash deposit or equivalent will be permitted.
 - (9) The proposed final plat/plan has complied with all applicable state statutes and Township Ordinances and has received the requisite statutory approval from other governmental agencies.
- c. If the final plat/plan conforms substantially to the approved preliminary plat/plan, including plans for utilities and other improvements, and meets the requirements outlined herein, the Township Board shall grant final approval of the subdivision plat/condominium plan.
 - d. The Township Clerk shall request the Township Planner to notify the applicant of approval in writing; if rejected, reasons shall be given. The Clerk shall note all proceedings in the minutes of the meeting, which minutes shall be open for inspection.
 - e. Upon the approval of the final plat/plan by the Township Board, two prints of the final plat/plan and as-built drawings in PDF format of the public water and sewer mains, prepared to scale, shall be forwarded to the Township. In addition, digital copies shall be provided in AutoCAD (.dwg) or (.dxf) format. Each digital file shall include a minimum of two ties to Government Section Corners. Additionally, the following should be included and provided as their own unique layers in the electronic file: lot/unit numbers; dimensions; lot/building site lines; boundaries; rights-of-way; street names; easements; section lines and section corners; utility

lines; adjacent plat corners; and, other information deemed appropriate to the plat.

- f. The Township Clerk shall execute the Township's certification required for a subdivision plat, which shall show the date of the meeting that plat was approved and the date the certificate was signed.
 - g. A certificate of taxes shall be signed by the Township Treasurer.
 - h. The plat/plan shall be executed by all required owners and recorded with the County Register of Deeds and filed with the Township before issuance of any building permits.
9. Amendments to Subdivisions/Site Condominiums. The Township Board, after receiving a recommendation from the Planning Commission, shall approve any amendments to a subdivision plat/site condominium plan. The Planning Commission shall hold a public hearing and public notice shall be given as outlined herein under the Step 1 procedures.
10. Lot/Building Site Division. After a subdivision plat or site condominium master deed has been recorded, the lots/building sites may be divided through the following process:
- A. Administrative Approval. Any re-description that does not result in a net increase in lots/building sites may be approved administratively through the Township's property line adjustment application process.
 - B. Township Board Approval. Any partition, division, or re-description that results in a net increase in lots/building sites must be reviewed by the Planning Commission and approved by the Township Board.
 - C. Ordinance Compliance. The resulting lots/building sites shall conform in all particulars to the requirements of this Section, the Land Division Act, the State Condominium Act, and all Township Zoning Ordinances.
11. Noncompliance.
- A. If the proprietor shall fail to complete the public improvements within the time required by any conditions of approval and/or guarantees for completion, the Township Board may proceed to have the improvements completed by utilizing the security which the proprietor has provided.
 - B. Any division of land in violation of any provision of this Section shall not be recognized by the Township and building permits shall not be issued. The Township shall further have

the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Section.

C. Any person, firm, corporation, or other entity violating this Section shall also be subject to the penalties provided in this Chapter.

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

Section 2.2: Definitions

Applicant means a property owner or any person or entity acting as an agent for the property owner in an application for development proposal, permit, or approval.

Block means property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and any other barrier, natural or man-made, to the continuity of development.

Building site ~~Within a condominium development~~ means that portion of a ~~lot or parcel~~ **property** which is a two-dimensional condominium unit of land (i.e., envelope, footprint), along with any designated space above or below the land **within a site condominium development**, designed for the construction of a principal building and accessory structures. All building sites shall have frontage on a public or private street as required by the Zoning Ordinance.

Common element means the portions of a condominium project other than the condominium units **and are owned and maintained by the condominium association.**

Condominium, contractible means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the expressed provisions in the site condominium documents and in accordance with this Section and the Condominium Act.

Condominium, expandable means a condominium project to which additional land may be added in accordance with this Section and the Condominium Act.

Critical root zone means the area around the tree that is measured from the base of the tree and equals one foot for every inch of tree diameter at its widest.

Developable land means land that is not currently developed, does not have any approved site plan, subdivision plat, or site condominium plan, or is not encumbered by impediments for development and is available for development consistent with the Township Master Plan.

Developer means a person, partnership, corporation, or other entity engaged in the business of developing a condominium project the improvement of property.

Easement means a grant by the owner of the use of land by the public, a corporation, or persons, for specific uses and purposes, to be designated as a public or private easement depending on the nature of the use.

Improvement means additions to the natural state of land which increases its value, utility, or habitability, such as grading, street surfacing, sidewalks, water or sanitary sewer infrastructure, storm management, utilities, or building construction.

Lot means a single unit or division of land, whether it be numbered, lettered, or otherwise designated, which has frontage on a public or private road for the construction of a principal building and any accessory buildings. For ease of use, "lot" is utilized herein to encompass a parcel of unplatted land, a platted subdivision lot, or a unit in a site condominium subdivision and is utilized herein to encompass all of these land development types unless the term for parcel or building site is expressly used.

Lot, reverse frontage means a lot where the front yard is not considered adjacent to the road right-of-way but is located adjacent to an aesthetic or natural feature, typically a lake.

Master deed, consolidating means the final amended master deed for a contractible site condominium project, an expandable site condominium project, or a site condominium project containing convertible land or convertible space, which shall describe the condominium project as complete and shall supersede any previously recorded master deed for the condominium and all prior amendments.

Master plan means a comprehensive plan prepared and adopted by the Planning Commission adopted by the Township in accordance with the Michigan Planning Enabling Act, PA 33 of 2008, to satisfy the requirement of section 203(1) of the Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3203, including recommendations for the physical development of the Township, any plans separately adopted, and any amendments to such plan duly adopted by the Township.

Outlot means an unbuildable lot set aside for purposes other than single-family construction and is typically dedicated for public use or reserved for private use when included within the boundary of a recorded subdivision or site condominium.

Parcel means a continuous area, tract, or acreage of land real property measured in distances, angles, and directions which results in a legal description that is recorded in the official county record pursuant to, and/or in accordance with the Land Division Act, P.A. 288 of 1967, as amended and which has been created through an unplatted division of land.

Plat means a map, chart, or plan of a subdivision of land as required for the development of lots, and includes the following:

- A. Tentative preliminary plat means a plan indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for planning review and to meet the requirements and procedures set forth in this Section.
- B. Preliminary plat means an engineered plan based on the tentative preliminary plat and prepared in conformance with the Land Division Act and this Section showing the salient features of a proposed subdivision to allow approval of infrastructure construction.
- C. Final plat means an as-built plan of a subdivision based on the preliminary plat and prepared in conformance with the requirements of the Land Division Act and this Section, and suitable for recording by the County Register of Deeds.

Proprietor means a person or firm or combination of either, which may hold any ownership interest in land, whether recorded or not.

Reserve strip means land that is perpendicular to a public street or right-of-way, and which separates the public street or right-of-way from connecting to existing or planned public streets or rights-of-way, or from land to be developed in the future.

Retention pond means a flood control device that holds a permanent pool of water generally known as a wet storm water basin. The level of water in the pond is maintained by design. This may include setting an outlet structure above the natural groundwater elevation or constructing the retention pond with an impermeable bottom.

Right-of-way means a ~~right-of-way dedication or easement not associated with a lot~~ which has been established for purposes of ~~public or private access to accommodate whether for vehicular or non-motorized use~~ **transportation systems and any necessary public infrastructure**. ~~A public road right-of-way may be primary or secondary and are generally 66 feet in width. Where such primary road is intended to support future development, a preserved right-of-way of 100 feet in width may be utilized for purposes of building setbacks or parking areas. The last 17 feet of width on each side of the expanded right-of-way may be utilized for sidewalks or signs where permitted.~~

Right-of-way, preserved means land that is designated and available for additional right-of-way on **designated** County primary roads, ensuring a 50-foot width from the centerline of the road, for a total of 100-feet of right-of-way.

Road means any right-of-way described as a street, avenue, boulevard, lane, parkway, alley, or other way which is an existing state, county, or municipal roadway; or, a street or way shown in a plat/plan approved pursuant to law or approved by official action. A road encompasses the land between the right-of-way lines, whether improved or unimproved, and may comprise

pavement, shoulders, gutters, sidewalks, parking areas, and lawns. Roads include, but are not limited to:

- A. Primary road means a right-of-way of significant continuity, which is intended to serve large volumes of traffic for both the Township and surrounding region and are designated by the Road Commission of Kalamazoo County and the Township Master Plan.
- B. Secondary road means a right-of-way less heavily traveled than primary roads and are designed to connect neighborhoods to each other and to nearby businesses and are designated in the Township Master Plan.
- C. Neighborhood road means a right-of-way internal to a subdivision/site condominium that provides access to residential homes.
- D. ~~Road, private~~ Private road means a private right-of-way or easement approved by the township as part of a PUD district, OSP project or site condominium development that is owned and maintained by a property owner association or other non-governmental agency. ~~Private roads shall adhere to the minimum road construction standards established by the Road Commission of Kalamazoo County, except geometric and layout requirements.~~
- E. Cul-de-sac road means a short minor right-of-way having one end permanently terminated by a vehicular turnaround.
- F. Dead-end, permanent means a right-of-way which is not anticipated to be extended.

Road Commission means the Board of County Road Commissioners for Kalamazoo County.

Site condominium project means a development consisting of not less than two building sites of land established in conformance with, and pursuant to, the Condominium Act, P.A. 59 of 1978, as amended.

Site condominium plan means the plan required for the development of building sites, and includes the following:

- A. Tentative preliminary plan means a plan indicating the proposed layout of the site condominium in sufficient detail to provide adequate basis for planning review and to meet the requirements and procedures set forth in this Section.
- B. Preliminary plan means an engineered plan based on the tentative preliminary plan and prepared in conformance with the Condominium Act and this Section showing the salient features of the proposed site condominium to allow approval of infrastructure construction.

- C. Final plan means an as-built plan of a site condominium providing substantial conformance to the preliminary plan and prepared in conformance with the requirements of the Condominium Act and this Section, and suitable for recording by the County Register of Deeds.

Storm water management basin means a land feature designed and constructed for the purpose of storm water management. Its function is the mitigation of development impacts which inhibit natural infiltration of precipitation into native soils, and which increase storm water runoff volumes and rates of flow. When designed in accordance with best management practices, basins also provide pollutant removal and aesthetically pleasing wet-habitat functions.

Survey means a certified survey as defined by MCL 54.211 et seq.

Wooded area means a habitat where trees are the dominant plant form. The individual tree canopies generally overlap and interlink, often forming a more or less continuous canopy which shades the ground to varying degrees.

Chapter 16 LAND DIVISIONS AND SUBDIVISION CONTROL

~~ARTICLE I. IN GENERAL~~

~~Secs. 16-1—16-30. Reserved.~~

~~ARTICLE II. LAND DIVISIONS~~

~~Sec. 16-31.~~ Purpose.

The purpose of this article is to carry out provisions of the state land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), parts of which were formerly known as the subdivision control act, to prevent the creation of parcels of property which do not comply with applicable ordinances and such Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the municipality by establishing reasonable standards for prior review and approval of land divisions and combinations within the township.

~~Sec. 16-32.~~ Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Except as otherwise defined in this section, words, terms, and phrases used in this article shall have the meanings set forth in the Act.

Act means the state land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.).

Applicant means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

Combination or combined means:

- (1) A property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel: or
- (2) The consolidation of one or more adjacent parcels under a single tax identification number, including platted lots regardless of whether the plat has been amended.

Divide and *division* mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109 of the Act (MCL 560.108, 560.109). The terms "divide" and "division" do 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 the Act, and the requirements of applicable local ordinances.

Exempt split and *exempt division* mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns that does not result in one or more parcels of less than 40 acres or the equivalent.

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

Property transfer means a property line adjustment where property is transferred between two or more adjacent parcels.

Sec. 16-33. ~~Prior approval requirement for land divisions and combinations.~~

~~Land in the township shall not be divided or combined without the prior review and approval of the township board, or other officials designated by the township board, in accordance with this article and the Act. However, the following shall not be subject to this requirement:~~

- ~~(1) Subdivision of a parcel or tract of land that is not exempted from platting by sections 108 and 109 of the Act (MCL 560.108, 560.109), which shall be platted as required by the Act.~~
- ~~(2) A lot in a recorded plat proposed to be divided in accordance with the Act.~~
- ~~(3) An exempt split, as defined in this article, or other partitioning or splitting of a parcel or tract that only results in parcels of 20 acres or more in size if the parcel or tract is not accessible and the parcel or tract was in existence on March 31, 1997, or the parcel or tract resulted from an exempt split or other partitioning or splitting under section 109b of the Act (MCL 560.109b).~~

Sec. 16-334. Application for land division/combination/*transfer* approval.

An applicant shall file all of the following with the official designated by the township board for review and approval of a proposed land division, ~~or combination,~~ *or property transfer* before making ~~any division or combination~~ *such* either by deed, land contract, lease for more than one year, or for building development:

- (a) A completed application form ~~on such form as may be provided by the township.~~
- (b) Proof of fee ownership of the land ~~proposed to be divided or combined~~ *involved in the application.*
- (c) An adequate and accurate legal description of each resulting parcel and a tentative parcel map drawn to scale showing the approximate dimensions of the parcel(s), the area of each, parcel lines, public utility easements, accessibility, and all other requirements of the Act.
- (d) Proof that all standards of the Act and this article have been met.
- (e) If a transfer of division rights is proposed, detailed information about the terms and availability of the proposed division rights transfer.
- (f) The fee as may from time to time be established by resolution of the township board for land division or combination reviews pursuant to this article to cover the costs of review of the application and administration of this article and the Act.

Sec. 16-435. ~~Procedure for review of applications.~~

- (a) The township shall approve or disapprove the ~~land division or combination applied for~~ *request* within 45 days after receipt of a complete application conforming to the requirements of this article and the Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- (b) Any applicant aggrieved by the decision of the township may, within 30 days of the decision, appeal the decision to the township board, which shall consider and decide such appeal by majority vote of the board at its next regular meeting or a meeting affording sufficient time for a 20-day written notice to the applicant of the time and date of such meeting and hearing.
- (c) The township assessor or designee shall maintain an official record of all approved and accomplished land divisions, combinations, or transfers.

- (d) Approval of a division or combination is not a determination that the resulting parcel(s) comply with other ordinances or regulations.

Sec. 16-536. Standards for approval of land divisions, and combinations, and property transfers.

- (a) A proposed land division, or combination, or property transfer that the township is required to review shall be approved if the following criteria are met:
- (b) Each parcel created by the division or combination has a width that is not less than that required by the applicable provisions of the charter township zoning ordinance.
- (c) Each parcel created by the division or combination has an area that is not less than that required by the applicable provisions of the charter township zoning ordinance.
- (d) The ratio of depth to width of each parcel created by the division or combination does not exceed four to one. A greater depth to width ratio than that required by this subsection may be permitted, in the township's discretion, if: (a) the resulting parcel(s) exhibit exceptional topographic or physical conditions such as wetlands, woodlands and/or steep slopes, (b) if a greater ratio is consistent with the land development pattern of the surrounding area or (c) if failure to allow a greater depth to width ratio would result in practical difficulty or unnecessary hardship. The depth to width ratio requirements of this subsection shall also apply to parcels larger than ten acres but shall not apply to the remainder of the parent parcel or parent tract retained by the proprietor.
- (e) The proposed land divisions, or combinations, or property transfers comply with all requirements of this article and the Act, including but not limited to the requirements that each resulting parcel is accessible. If access is to be from a new public road, such public road shall first be reviewed and approved by the planning commission under site plan review. Each resulting parcel that is a development site shall have adequate easements for public utilities from the parcel to existing public utility facilities.
- (f) Each resulting parcel shall be buildable and shall meet the requirements of the township's zoning ordinance including, but not limited to, the requirements of the zoning district in which the parcel is located and any applicable access management requirements.

Sec. 16-637. Parcel less than one acre.

- (a) If a parcel resulting from a division, or combination, or property transfer is less than one acre in size, a building permit shall not be issued for the parcel unless the parcel has all of the following:
 - (1) Public water or health department approval for the suitability of an on-site water supply under the same standards that apply to lots in plats.
 - (2) Public sanitary sewer or health department approval for on-site sewage disposal under the health department standards that apply to lots in plats.
- (b) A notice of approval of a proposed division, or combination, or property transfer resulting in a parcel less than one acre in size shall include a statement that the township and its officers and employees are not liable if a building permit is not issued for such a parcel for the reasons set forth in this section.

Sec. 16-738. Consequences of noncompliance with land division or combination approval requirements.

Any division, ~~or combination~~, or property transfer of land in violation of any provision of this article shall not be recognized as a ~~land division or combination~~ on the township tax roll or assessment roll until the assessing officer refers the suspected violation or potential nonconformity to the county prosecuting attorney and gives written notice to the person requesting the division, ~~combination~~, or property transfer and the person suspected of the violation or potential nonconformity of such referral to the prosecuting attorney. The township shall also have the authority to initiate actions for injunctive or other relief to prevent any violation or continuation of any violation of this article. Any division, ~~or combination~~, or property transfer of land in violation of this article shall not be eligible for any zoning or building permit for any construction or improvement thereto. In addition, any person, firm, or corporation who violates any of the provisions of this article shall be deemed to be responsible for a municipal civil infraction as defined by state statute, which shall be punishable by a civil fine determined in accordance with the following schedule:

First offense \$ 325.00

Second or greater offense within a three-year period* 500.00

*Determined on the basis of the dates of the offenses.

along with costs which may include all expenses, direct and indirect, to which the township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. A violator of this article shall also be subject to such additional sanctions and judicial orders as are authorized under state law. Pursuant to section 267 of the Act (MCL 560.267), any sale of lands partitioned or split in violation of the Act shall be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, all as provided for in the Act.

Sec. 16-839. Provisions regarding two or more contiguous parcels or lots.

Two or more contiguous parcels or lots, or parts of parcels or lots, that have been combined shall not be divided or split, nor shall such combination be otherwise reversed or vacated, unless the resulting lots or parcels comply with all lot width, area, and road frontage requirements for the zoning district in which they are located, and shall not be considered a building site unless they conform to the requirements of all applicable federal, state, and local statutes, ordinances, rules, and regulations.

~~Secs. 16-40—16-60. Reserved.~~

ARTICLE III. SUBDIVISION CONTROL

DIVISION 1. GENERALLY

Sec. 16-61. Purpose.

The purpose of this article is to regulate and control the subdivision of land within the township in order to promote the public safety, health and general welfare.

~~(Comp. Ords. as Rev. 12-1999, § 17.112)~~

~~Sec. 16-62. Authority.~~

~~This article is enacted pursuant to the authority granted by the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), and Public Act No. 246 of 1945 (MCL 41.181 et seq.), which authorizes township boards to adopt ordinances, to secure the public health, safety and general welfare. (Comp. Ords. as Rev. 12-1999, § 17.113)~~

~~Sec. 16-63. Procedure.~~

~~Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this article, the township board shall have power in passing upon proposed subdivisions to vary or modify any of the terms and provisions of this article so that the spirit of this article shall be observed and public health, safety and welfare secured. (Comp. Ords. as Rev. 12-1999, § 17.151)~~

~~Sec. 16-64. Enforcement and penalties for failure to comply with article; sanctions.~~

~~Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this article shall be deemed to be responsible for a municipal civil infraction as defined by state statute which shall be punishable by a civil fine determined in accordance with the schedule in section 18-62(a). (Comp. Ords. as Rev. 12-1999, § 17.161)~~

~~Secs. 16-65—16-80. Reserved.~~

~~DIVISION 2. PLATTING PROCEDURE~~

~~Sec. 16-81. Submission of preliminary plat for tentative approval.~~

~~Every person who shall hereafter submit a proposed preliminary plat to the township board for tentative preliminary approval shall submit not less than four nor more than ten legible copies of the proposed preliminary plat that contain, at a minimum, the following information. In addition, the applicant shall pay such fees as the township board shall establish in accordance with section 16-88. The proprietor may request that a preapplication review meeting take place by submitting a written request to the county plat board, and copies of a concept plan to the township and to other reviewing authorities in accordance with the Land Division Act. Where such a preapplication review is requested, the informal review shall be conducted in accordance with the Land Division Act.~~

- ~~(1) Show topography as not more than four foot contour intervals of the land included in the plat through a superimposing of such plat on a topographical map of the area.~~
- ~~(2) Indicate road layout.~~
- ~~(3) Indicate lot layout, showing size, road frontage, area and shape of proposed lots. Road frontage and area shall be calculated excluding drainage easements and permanent and temporary road rights-of-way.~~
- ~~(4) Indicate whether proposed plat will be served by sanitary sewer and/or water.~~
- ~~(5) Indicate the general location and size of any floodplain possibly located within the area to be platted.~~
- ~~(6) Indicate in general the methods proposed for stormwater disposal.~~
- ~~(7) When the proprietor owns or plans to acquire and anticipates platting adjoining land, he shall submit, with the preliminary plat for tentative approval, a tentative plan showing the feasibility of the development of such adjoining plat.~~
- ~~(8) See section 16-88 regarding required fees.~~
- ~~(9) The names and addresses of the proprietors and the ownership interest of each in the land included in the preliminary plat.~~
- ~~(10) The name of the surveyor and contractors, if any, assisting the proprietor with respect to such subdivision.~~
- ~~(11) The type of street construction and drainage structures or facilities intended to be installed.~~

- ~~(12) Proof of legal and equitable ownership of the land to be platted, plus proof of all grants, reservations, deed restrictions, and easements of record which condition the use of the property, all in a form acceptable to the township board.~~
- ~~(13) Letter from the county road commission and the state highway department, where applicable, with their recommendation to the township as to the suitability of the street layout and conformity to the location, alignment and construction requirements of such commission and department.~~
- ~~(14) Letter from the county health department together with percolation tests and their analysis, with respect to the suitability of the land included in the plat for the use of septic tank and dry wells if individual sewage disposal systems are proposed and public sewage facilities are not available.~~
- ~~(15) A vicinity map showing the location of the property to be platted as related to adjacent or nearby schools, shopping centers, or other community facilities, and including a recitation of the zoning of adjacent lands as well as the lands to be platted.~~

(Comp. Ords. as Rev. 12-1999, § 17.121; Ord. No. 218, § 1, 1-13-2003; Ord. No. 245, § 11., 1-9-2006)

Sec. 16-82. Township board review—Preliminary plat for tentative approval.

~~(a) *Submission of preliminary plat.* Upon receipt of copies of such proposed plat for tentative approval, the township board shall examine it, and, within 60 days after it was submitted to the clerk if a preapplication review meeting was conducted, or within 90 days after it was submitted to the clerk if no preapplication review meeting was conducted, shall determine whether the proposed preliminary plat complies with all township ordinances and state statutes, as well as makes adequate provision for the following:~~

~~(1) *Streets.*~~

- ~~a. Compliance with a major street thoroughfare plan adopted by the township, if any.~~
- ~~b. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new subdivision.~~
- ~~c. Where adjoining areas are not subdivided, the arrangement of streets in the proposed subdivision shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjoining areas; provided, however, that minor streets within the subdivision shall be so laid out that their use by through traffic will be discouraged.~~
- ~~d. Where the proposed subdivision abuts or contains a county primary road or major thoroughfare as defined in the township major thoroughfare plan, the township board may require marginal access streets approximately parallel to the right of way of the primary road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of residential properties and to afford separation of through and local traffic.~~
- ~~e. All new streets shall be named as follows: Streets with predominant north-south directions shall be named "Street"; streets with predominant east-west direction shall be named "Avenue"; meandering streets shall be named "Drive," "Lane," "Path," "Road" or "Trail," etc., and culs-de-sac shall be named "Circle," "Court," "Way" or "Place," etc.~~
- ~~f. Streets shall not intersect at less than 80 degrees.~~
- ~~g. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it shall not intersect such cross street closer than 175 feet from such opposite existing street, as measured from the centerline of such street.~~
- ~~h. All primary road rights of way, as designated by the township board, within or abutting plats hereafter recorded, shall provide a 50-foot half width. All other rights of way within or abutting such plats shall be not less than 66 feet in width. Permanent dead-end streets in excess of 660 feet in length shall be prohibited except upon prior approval of the township board to be granted only where the topography of the area, rivers, streams, other natural conditions or the prior development of the area prevents a through street from being constructed.~~
- ~~i. A subdivision or extension of an existing subdivision creating a total of 50 or more lots must be developed so as to provide two or more access streets.~~

~~(2) *General provisions.*~~

- ~~a. Privately held reserve strips controlling access to streets shall be prohibited.~~
 - ~~b. Existing natural features which add value to residential development that enhance the attractiveness of the community (such as streams, watercourses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the subdivision.~~
 - ~~c. Lands subject to flooding or otherwise determined by the township board to be uninhabitable should not be platted for residential, commercial or industrial purposes. Such lands within a subdivision may be set aside for other purposes such as parks and/or open space.~~
 - ~~d. It shall be unlawful to offer existing or potential buyers of nonriparian lots riparian access to any body of water as a condition or term of sale except as permitted in this subsection. Where a parcel of land contiguous to a lake, river, stream, or pond is presented for subdividing under the provisions of this article or where lake access is offered to potential purchasers as a condition or term of sale of any lot situated within an existing or proposed subdivision, a recreational park bordering on such body of water may be dedicated for the purposes of gaining riparian access to such body of water, the privileges of which are to be reasonably enjoyed by the owners and occupants of lots included within the plat only subject to the following conditions and limitations:

 - ~~1. The recreational park is dedicated at the time of recording of such plat or subdivision for use solely by the owners and occupants of lots contained within the subdivision.~~
 - ~~2. That the recreational park shall contain at least 20 lineal feet of water frontage for each lot and owner thereof to whom such privileges are dedicated and the depth of the park shall not be less than 150 feet.~~
 - ~~3. That in no event shall such recreational park have less than 300 lineal feet of water frontage regardless of the number of lots to which such privileges are extended. There shall be no full-time or part-time residence in this park.~~
 - ~~4. That in no event shall the frontage used as a recreational park as provided in this section consist of a swamp, marsh, or bog as shown on the most recent United States geological survey maps, or manmade canals.~~
 - ~~5. That in no event shall the launching of boats or the construction of docks therefrom be permitted from any recreational park.~~
 - ~~6. That in no event shall any such recreational park be developed as provided in this article unless the recreational park is part of a recorded and developed subdivision or plat.~~
 - ~~7. The title to such recreational park shall remain with the plat proprietor or, in the alternative, title to the recreational park may be conveyed to one grantee only consisting of an individual person, a husband and wife jointly, a partnership, corporation, or association. The purpose of this subsection is to prevent conveyances of undivided interests in such recreational park so as to facilitate real tax assessments.~~~~
- ~~(b) *Granting tentative approval of preliminary plat.* If the township board determines that the proposed preliminary plat complies with all applicable ordinances and statutes and the provisions set forth in this section, it shall grant tentative approval of the preliminary plat, which approval shall confer upon the proprietor for a period of one year from date of approval, lot size, lot orientation and street layout. Such tentative approval may be extended in the discretion of the township board upon application of the proprietor.~~
- ~~(Comp. Ords. as Rev. 12-1999, § 17.122; Ord. No. 245, § 12., 1-9-2006)~~

Sec. 16-83. Submission of preliminary plat for final approval.

Every person who shall submit copies of a proposed preliminary plat to the township board for final approval shall submit the following relevant data and fees:

- (1) Evidence that all requirements imposed by the township board at the time of granting tentative approval have been incorporated into the proposed plan.
- (2) Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public roads within and adjoining such plat. Prior to submitting copies of the preliminary plat to the township board for final approval, the developer shall document consultation with all public utilities which will be servicing the subdivision to resolve any conflicts in location between public utility facilities and other improvements.

~~(3) See section 16-88 regarding required fees.~~

~~(Comp. Ords. as Rev. 12-1999, § 17.123)~~

~~Sec. 16-84. Township board review; preliminary plat; final approval.~~

~~(a) Upon receipt of all required copies of the preliminary plat for final approval, the township board shall examine the preliminary plat with such assistance and review by the township attorney as the township board shall request. Upon completing its review, the township board shall determine whether such proposed preliminary plat complies with the requirements imposed by the township board at the time of tentative approval; has obtained the required statutory approval of other governmental agencies; and, in addition, meets the following requirements:~~

- ~~(1) All road grades shall not exceed seven percent grade or be less than a 0.5 percent grade, except upon special approval.~~
- ~~(2) All roads shall require curb and gutter.~~
- ~~(3) All road rights of way within or abutting such plat shall be constructed with not less than six inch compacted gravel base covered with not less than two inches of bituminous aggregate pavement.~~
- ~~(4) All rights of way shall be graded to the full width thereof for proper drainage and prospective future widening and improving. Road grading shall be accomplished so as to establish a 0.5 foot higher elevation at the boundary of the right of way than at the crown of the traveled roadway. All trees or other obstructions within the right of way which interfere with the grading and/or drainage shall be removed. The 0.5 foot elevation and tree obstruction removal may be varied or adjusted by the township board where valuable trees or obstacles are involved, and as long as drainage and safety will not be impaired.~~
- ~~(5) Permanent dead end streets shall be provided at the closed end with a turnaround having an outside improved roadway diameter of at least 100 feet as measured from the centerline of the gutter or back of curb and a street property line diameter of at least 125 feet. Temporary dead end streets shall be provided at the closed end with a turnaround constructed the full width of the right of way.~~
- ~~(6) All surface waters shall be drained by an adequate storm sewer system approved by the township board.~~
- ~~(7) Connection to sanitary sewers and/or water mains may be required by the township board when the township board determines, in its discretion, that such sewers and/or water mains are reasonably available to the proposed subdivision.~~
- ~~(8) The proprietor shall make arrangements for all distribution lines for telephone, electric, television, and other similar services distributed by wire or cable to be placed underground entirely through the residential subdivided area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the state public service commission. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission. Private easements for underground utilities shall be shown on the preliminary plat.~~
- ~~(9) Storm sewer disposal methods proposed for the subdivision must be adequate to ensure each building site and roadway will not be flooded and that all necessary easements for storm sewers or open drains can feasibly be dedicated to the public for such purposes.~~
- ~~(10) No land within the subdivision may be isolated from a public highway nor may any adjoining land of the proprietor or others be isolated from a public thoroughfare thereby creating landlocked parcels.~~
- ~~(11) Street lighting may be required by the township board when the board determines that street lighting is necessary for public health, safety and welfare.~~
- ~~(12) Sidewalks may be required by the township board when the township board determines, in its opinion, that sidewalks are necessary for pedestrian safety, public health, and welfare. When required, sidewalks shall be constructed of concrete, five feet in width, four inches in depth, upon a two inch minimum sand base with expansion joints set at a maximum of 50 feet; sidewalks built across driveways shall be constructed of concrete, six inches in depth.~~

~~(13) The proprietor shall make arrangements for and assume the costs of the assignment of a street number for each lot proposed to be included within the subdivided area. Such arrangements shall be made with that person, firm, corporation, or agency who shall have the responsibility for the assignment of street numbers for individual parcels of land within the township. If the township shall have the responsibility for the assignment of street numbers for individual parcels of land, then and in such event the proprietor shall make such arrangements with that agent or employee of the township to whom the township has delegated this responsibility and shall pay a fee to the township, in addition to any and all other fees required under the provisions of this article, equal to the sum of \$25.00 for the first ten or less proposed lots plus the sum of \$1.00 for each additional lot beyond ten lots.~~

~~(b) If the township board determines that the preliminary plat has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth in subsection (a) of this section, the township board shall grant final approval of the preliminary plat which shall confer upon the proprietor for a period of two years from date of approval the conditional right that the general terms and conditions under which the approval was granted will not be changed. Such two year period may be extended in the discretion of the township board upon application by the proprietor.~~

~~(Comp. Ords. as Rev. 12-1999, § 17.124)~~

Sec. 16-85. Submission of final plat for final approval.

Every person who shall submit a proposed final plat to the township board for final approval shall also submit the following relevant data and fees:

- ~~(1) An abstract of title or title insurance policy showing merchantable title in the proprietor of the subdivision.~~
- ~~(2) A fee equal to the sum of \$3.00 multiplied by the number of lots contained in the proposed subdivision, but not less than \$150.00, plus actual costs incurred by the township for engineering and legal review.~~

~~(Comp. Ords. as Rev. 12-1999, § 17.125)~~

Sec. 16-86. Review by the township board; final plat; final approval.

The township board shall review the proposed final plat and determine that:

- ~~(1) All monuments required to be placed in the subdivision have either been placed or a cash or equivalent deposit has been made with the township and deposit agreement executed by the proprietors.~~
- ~~(2) All roads, streets, bridges and culverts have been completed and installed or a cash or equivalent deposit has been made with the township and a deposit agreement executed by the proprietors.~~
- ~~(3) If the subdivision has any waterways or lagoons, etc., as set forth in section 188 of the land division act, Public Act No. 288 of 1967 (MCL 560.188 et seq.), that all such waterways, etc., shall be installed or a cash or equivalent deposit made to the township and a deposit agreement executed by the proprietors.~~
- ~~(4) If any floodplains are involved in the proposed subdivision, then such floodplains shall be restricted as provided by the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.) and such restrictions shall be submitted to the township board for review and approval prior to recording and thereafter shall be recorded in the office of the register of deeds contemporaneously with the recording of the plat.~~
- ~~(5) All utilities servicing the plat have been installed and water and sanitary sewer mains have been stubbed to the lot line or a cash or equivalent deposit has been made with the township board sufficient in amount to ensure completion thereof within the time specified and a deposit agreement executed by the proprietors.~~
- ~~(6) All underground utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded on the final plat as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for utilities shall be at least 12 feet wide, usually six feet dedicated from each lot or parcel, except side lot easements three feet wide granted for street lighting dropouts. These easements should be direct and continuous from block to block.~~

~~(7) All public improvements such as street lights, fire hydrants, sidewalks, parts, etc., which have been required by the township board, have been completed and installed or a cash or equivalent deposit has been made with the township sufficient in amount to ensure completion within the time specified and a deposit agreement executed by the proprietors.~~

~~(8) The proposed final plat complies with all applicable state statutes and township ordinances, and all required fees have been paid.~~

~~(9) The dedication is executed by all required owners.~~

~~(Comp. Ords. as Rev. 12-1999, § 17.126; Ord. No. 245, § 13., 1-9-2006)~~

~~Sec. 16-87. Penalty in case of failure to complete the construction of a public improvement.~~

~~If the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the township board to proceed to have such work completed. In order to accomplish this, the township board shall reimburse itself for the cost and expense thereof by appropriating the security deposit which the subdivider has deposited with the township or it may take such steps as may be necessary to require performance in accordance with the deposit agreement executed by the proprietors.~~

~~(Comp. Ords. as Rev. 12-1999, § 17.127)~~

~~Sec. 16-88. Fees required.~~

~~Every person who shall submit to the township board a proposed preliminary plat for tentative approval or for final approval, or a proposed final plat for final approval, shall also pay fees in the amount and at the time established by the township board by resolution setting forth a schedule of fees, which schedule shall establish fees in an amount not less than \$175.00 for each review of a proposed plat of 20 lots or less plus \$3.00 per lot for each additional lot, plus such additional fees as shall be provided for by rule of the township and as part of the schedule of fees.~~

~~(Comp. Ords. as Rev. 12-1999, § 17.128)~~



1 **PLANNING COMMISSION MINUTES – August 24, 2021**

2
3 **CALL TO ORDER/ROLL CALL**

4
5 Chair Corfman called the Planning Commission meeting to order at 6:00 p.m. Secretary
6 Loeks called the roll. The following Commissioners were present: Chair Corfman, Vice
7 Chair Davis, Secretary Loeks, Treasurer Roberts, Mr. Eavey. Members absent: Mrs.
8 Buckham and Mr. Matson. Also present were Planner/Zoning Administrator Julie
9 Johnston and Planning/Zoning Assistant Jennie Miller

10
11 **CITIZEN COMMENT ON NON-AGENDA ITEMS**

12
13 Chair Corfman asked if there were any citizens interested in speaking on non-agenda
14 items. No citizens were present.

15
16 Chair Corfman moved on to the next agenda item.

17
18 **SET AGENDA**

19
20 Chair Corfman reviewed the agenda and asked if there were any additions or corrections.

21
22 **Motioned by Mr. Eavey, seconded by Secretary Loeks, to accept the agenda as**
23 **written. The motion carried unanimously.**

24
25 **MINUTES – August 10, 2021 Meeting**

26
27 Chair Corfman asked if there were any changes or corrections to the minutes.

28
29 **Motioned by Treasurer Roberts, seconded by Secretary Loeks, to approve the**
30 **August 10, 2021 minutes as written. The motion carried unanimously.**

31
32 Treasurer Roberts did not have any concerns with the minutes as presented but did state
33 she thought the Planning Commission may wish to rethink the terminology for mixed-use
34 developments in the draft Corners Business District ordinance, which was reviewed at
35 the previous meeting. Her concern was that most mixed-use developments are
36 considered both residential and commercial, and she did not think that was the intent of
37 the change that was discussed.

38
39 Chair Corfman moved to the next agenda item.

40
41 **NEW BUSINESS**

42
43 None to discuss.

44 **OLD BUSINESS**

45

46 A. Draft Subdivision/Site Condominium Ordinance

47

48 Planner Johnston recommended discussing the draft ordinance starting with any
49 overarching comments then reviewing the document page by page. The Planning
50 Commission began by reviewing the new and amended definitions provided. Discussion
51 was had regarding the following definitions:

52

53 • Building site, lot, parcel, and the differences between them. There was concern
54 about ensuring each term is used correctly in the subdivision/site condominium
55 ordinance as well as consistently throughout the Zoning Ordinance.

56

57 • A question was raised about the definition for “lot, reverse frontage,” and the type
58 of lot it is referencing. It was determined that these lots are generally found around
59 lakes or other natural features, which is the primary reason for a reverse frontage
60 lot. The definition should be amended to include these natural features.

61

62 At this point, it was decided that the text of the draft subdivision/site condominium
63 ordinance should be reviewed first to get a better understanding of how the terms in the
64 definition section will be utilized.

65

66 Secretary Loeks asked if this draft ordinance was going to replace the existing Section
67 36.6.2 of the Zoning Ordinance.

68

69 Planner Johnston confirmed that was the intent. The land division ordinance, which only
70 deals with metes and bounds parcels would remain in the General Ordinance.

71

72 Secretary Loeks was concerned that the Zoning Enabling Act was not referenced under
73 the subsection related to “Authority,” which was included in the original site condominium
74 ordinance.

75

76 Planner Johnston thought the Township’s authority was through the subdivision and
77 condominium acts, but she would confirm with the Township attorney.

78

79 The Planning Commission’s review continued, and the following was discussed:

80

81 1. Any mention of a parcel under the Compliance Standards subsection needs to be
82 removed. Parcels are covered under the land division ordinance.

83

84 2. Research needs to be conducted on how to handle common open space elements
85 in a subdivision that does not have a homeowner’s association.

86

87 3. A separate subsection for common elements needs to be added to the Design and
88 Layout Standards section.

89

90 4. Storm water easements need to be included in the Utility Easement subsection.
91

92 Secretary Loeks expressed some concerns regarding combining the subdivision
93 ordinance with the site condominium ordinance. He wanted to confirm that the Township
94 can require the same design standards regulated through the current site condominium
95 ordinance in a subdivision. Treasurer Roberts agreed that the Subdivision Act may be
96 more restrictive.
97

98 Planner Johnston stated she would review the Subdivision Act and confirm with the
99 Township attorney that the Township can combine these ordinances.
100

101 Treasurer Roberts thanked Planner Johnston for all her efforts.
102

103 Planner Johnston asked how the Commission would like to proceed with review of the
104 draft ordinance. Chair Corfman suggested it be consistently placed on the agenda under
105 “old business” and if there is time within the meeting, the Commission will continue to chip
106 away at the review.
107

108 Chair Corfman moved on to the next agenda item.
109

110 **COMMISSIONER COMMENTS** 111

112 Chair Corfman informed the Planning Commission that the draft Capital Improvement
113 Plan will be on the September 28th agenda. The Plan will only be for year 2022, but a
114 more robust process for the development of a five-year plan beginning in year 2023 will
115 occur in 2022.
116

117 Chair Corfman and Secretary Loeks informed the Planning Commission that they will not
118 be in attendance at the September 28th meeting. Planner Johnston asked them to review
119 the packet in advance and provide any thoughts or comments they may have on the
120 capital projects.
121

122 Chair Corfman continued telling the Commission that the Zoning Board of Appeals will
123 meet in August, which is the second time this year. One applicant is requesting a variance
124 setback on a home that was moved due to water issues, the other applicant is requesting
125 lot coverage and setback variances on a small lake lot.
126

127 Treasurer Roberts commented that the location of the requested variance on the lake lot
128 is adjacent to an existing easement, which was utilized to relieve flooding during the worst
129 years of flooding experienced around the lake. She hopes that will be a part of the Zoning
130 Board of Appeals discussion.
131

132 Treasurer Roberts provided some updates from the Township Board meeting. An
133 amendment to the sewer ordinance is in process, which will require mandatory sewer
134 connections by April 2023. The gentleman that purchased the Cracker Barrel property
135 attended the meeting and informed the Board that he was hoping to create a banquet hall
and event center. However, she heard about a report that food production would not be

136 allowed in the building for 10 years and was not sure if the County Health Department
137 would permit the use. Finally, the 2020 Census numbers have been released and it shows
138 Texas Township as one of the top 20 communities for growth in the state.
139

140 Mr. Eavey asked how the visual preference survey was coming along. Planner Johnston
141 informed the Commission that she attended a Tuesday evening and Saturday morning
142 farmers market to try and garner some interest in the survey and staff would be putting
143 out another Facebook and neighborhood blast. At this point, more than 500 people have
144 taken the survey.
145

146 Planner Johnston reminded the Commission that the Township Board will be joining the
147 September 14th meeting to discuss the results of the visual preference survey. The DDA
148 will also be invited to attend the joint meeting.
149

150 Secretary Loeks asked how the development of a property maintenance code was
151 coming along. Planner Johnston stated the Noxious Weeds and Vegetation Control
152 ordinance has been completed and is in effect, but nothing further has been done.
153

154 Secretary Loeks voiced concerns about the condition of the home at 6570 South 8th Street
155 and wondered if anything could be done to clean it up. Planner Johnston stated she would
156 speak with the Building Official and Ordinance Enforcement Officer.
157

158 **CITIZEN COMMENTS**
159

160 Chair Corfman asked if there were any citizens interested in speaking at this time. Hearing
161 none, asked for a motion to adjourn.
162

163 **ADJOURN**
164

165 **Motioned by Vice Chair Davis, seconded by Treasurer Roberts, to adjourn the**
166 **meeting. The motion carried unanimously.**
167

168 The meeting adjourned at approximately 7:35 pm
169

170 Submitted: Approved:
171

172 Larry Loeks, Secretary