

The following Subdivision Ordinance was adopted at a Jamestown Charter Township Board meeting on October 21, 2013.

**ORDINANCE #13-004**

**AN ORDINANCE TO AMEND THE JAMESTOWN TOWNSHIP SUBDIVISION ORDINANCE**

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

Section 1.     **Extension of Time.** The Jamestown Township Subdivision Ordinance is hereby amended by the addition of Section 1.6 thereto as follows:

Section 1.6 – Extension of Time

Time periods for completion of review under this Ordinance may be extended by written waiver of the subdivider. The waiver shall specify the length of the extension and shall be filed with the Township Clerk. In case of a waiver of the time for Planning Commission recommendation on a tentative preliminary plat, the extension shall allow for Township Board review for at least thirty (30) days following the Planning Commission’s recommendation. If an application for final preliminary plat, or final plat approval is made less than 14 days before the next Township Board meeting, the developer shall provide a written extension of time until the Township Board’s second following meeting, or pay all actual costs incurred in calling and conducting a special meeting, and deposit in advance the cost as estimated by the Township Clerk to be applied against the actual cost of the special meeting.

Section 2.     **Land Division Act Reference.** The Jamestown Township Subdivision Ordinance is hereby amended by the addition of Section 1.7 thereto as follows:

1.7 Land Division Act

References to the “Subdivision Control Act” in this Ordinance shall mean the Land Division Act, MCL 560.101, as amended.

Section 3.     **Tentative Preliminary Plat Approval - Procedures.** Section 3.2 of the Jamestown Township Subdivision Ordinance is hereby amended, so as to read in its entirety as follows:

Section 3.2 Preliminary Plat (Tentative and Final Preliminary)

A preliminary plat and topographic map shall be prepared by the subdivider and submitted to the Township Clerk in accordance with the following requirements and in accordance with the Land Division Act, as amended.

1) Requirements

a) The preliminary plat shall be drawn to a scale of not more than two hundred (200) feet to one (1) inch and may be an original drawing or reproduction. The preliminary plat and topographic map shall be combined on the same drawing.

b) The following shall be clearly shown on the plat or submitted in a separate instrument with the plat.

(1) The name of the proposed subdivision.

(2) Legal description of the area to be platted.

(3) Name, address and telephone number of the subdivider.

(4) Name, address and seal of the Registered Land Surveyor or Professional Engineer who prepared the preliminary plat.

(5) Location of the subdivision, giving the numbers of section, township and range, and the name of the township and county.

(6) The name of abutting subdivisions, if any.

(7) Statement of intended use of the proposed plat, such as: residential single family, two family and multiple housing; commercial; industrial; recreational; or agricultural.

In addition, the preliminary plat shall show proposed sites, if any, for multifamily dwellings, shopping centers, churches, industry, and other non-public uses, exclusive of single family dwellings, as well as any sites proposed for parks, playgrounds, schools or other public uses.

(8) A map of the entire area scheduled for development if the proposed plat is a portion of a larger holding intended for subsequent development.

(9) A location map showing the relationship of the proposed plat to the surrounding area.

(10) The land use and existing zoning of the proposed subdivision and the adjacent tracks including identification of zoning district, lot

size and yard requirements as well as proof of any variances or special exceptions which may have been granted.

(11 Streets, street names, right-of-way and roadway widths including features such as adjoining plats, streets, streams, railroads, utilities, cemeteries, parks, county drains or any other features which may influence the street layout.

(12 Lot lines and dimensions to the nearest foot and the total number of lots by block. The subdivider shall also submit a table listing the proposed lots by number, and the respective lot area for each lot.

(13 Contours at five (5) foot intervals shall be shown where the slope is greater than ten (10) percent and at two (2) foot intervals where the slope is ten (10) percent or less. The direction of drainage shall also be shown.

(14 A site report as described in the rules of the State Department of Public Health, as amended, shall be provided if the proposed subdivision will not be served by public sewer and water systems.

In addition, the preliminary plat shall show the location and depth of soil borings and the location of percolation test holes if the proposed subdivision will not be served by public sewer and water systems.

(15 A statement indicating the method or methods by which drainage, sewage disposal, and water supply will be provided.

(16 Six (6) copies of proposed protective covenants and deed restrictions, or a written statement that none are proposed.

(17 Utility easements, showing location, width, and purpose.

(18 A statement of the lot area of the smallest lot in the subdivision.

(19 Building setback lines showing the dimensions from all streets.

(20 Site data including total acreage, number of residential lots, average lot size and acreage in parks and other nonresidential uses.

(21 North point, scale, date.

(22 Trees with a trunk of over six (6) inches in diameter when required by the Planning Commission.

(23 Flood plain elevations when the proposed plat abuts, includes or is adjacent to a stream, drain or other body of water for which the flood plain has been established.

2) Procedures (Tentative and Final Preliminary)

(a) The subdivider shall submit to the Township Clerk six (6) copies of the preliminary plat prepared on a topographic map at least fifteen (15) days before the first meeting of the Planning Commission at which the preliminary plat is to be considered.

In addition, the subdivider shall submit copies of the preliminary plat, as necessary, to the following authorities as provided in Sections 112 to 119 of the Land Division Act: Ottawa County Road Commission (3 copies); Ottawa County Water Resources Commissioner (3 copies); Michigan Department of Transportation (3 copies); Michigan Department of Environmental Quality (2 copies); Michigan Water Resources Commission (3 copies); Ottawa County Health Department (3 copies); Ottawa County Plat Board (3 copies); and such public utilities as are serving the area (3 copies each).

(b) The Township Clerk shall promptly transmit all copies of the preliminary plat to the Planning Commission.

(c) The Planning Commission shall review the preliminary plat and give its report and recommendation to the Township Board not more than sixty (60) days after submission of the plat, or thirty (30) days if a pre-application conference was held in accordance with Section 111(3) of the Land Division Act. If no action is taken within sixty (60) days, the Township Board shall review the plan without recommendation of the Planning Commission.

(1 If the preliminary plat does not meet all requirements, the Planning Commission shall notify the subdivider by letter indicating any additional information or changes required.

(2 If the preliminary plat does meet all requirements, the Planning Commission shall so inform the developer by letter.

(d) The Township Board, within ninety (90) days from the date of filing or sixty (60) days if a pre-application conference was held in accordance with Section 111(3) of the Land Division Act, shall tentatively approve and note its approval on the copy of the preliminary plat to be returned to the subdivider or set forth in writing its reasons for rejection and the requirements that must be met for tentative approval.

(1 The Township Board shall not review, approve or reject a preliminary plat until it has received a report and recommendation from the Planning Commission provided, however, that the Township Board can act without a report and recommendation from the Planning Commission if the

Planning Commission does not issue such a report and recommendation within sixty (60) days or within such extended time period as may be agreed upon by the subdivider.

(2) TENTATIVE APPROVAL shall guarantee that the general terms and conditions under which preliminary plat approval was granted will not be changed by the Township and, further, shall confer upon the subdivider approval of lot sizes, lot orientation, and street layout for a period of one (1) year from the date of tentative approval. Such tentative approval may be extended if applied for by the subdivider and granted by the Township Board in writing.

(e) For FINAL APPROVAL of the preliminary plat, the subdivider shall submit a copy of the reviews of all of the approving authorities to the Township Clerk, certifying that all authorities as required in Section 3.2 2) a) (Sections 112 to 119 of the Land Division Act) have reviewed and approved the preliminary plat. The subdivider shall also submit copies of the approved preliminary plat map to the Township Clerk after all necessary approvals have been secured.

f) The Township Board, after receipt of the necessary approvals of the preliminary plat, shall consider and review the preliminary plat at its next meeting or within twenty (20) days from the date of submission of the approved copies and approve the preliminary plat if the subdivider has met all conditions laid down for approval of the preliminary plat. The Township Clerk shall promptly notify the subdivider of approval or rejection in writing and, if rejected, will give the reasons.

(1) Approval of a preliminary plat shall not constitute approval of the final plat, but rather that final plat approval shall be conditioned on all requirements being met.

(2) Final approval of the preliminary plat by the Township Board shall be for a period of two (2) years from the date of its approval. The Township Board may extend the two (2) year period if applied for and granted in writing but only concerning the Township's own requirements.

Section 4. Final Plat – Procedures. Section 3.3 of the Jamestown Township Subdivision Ordinance is hereby amended by the deletion of subsection 2) b), so as to read in its entirety as follows:

Section 3.3 – Final Plats

1) Requirements

a) Final plats shall be prepared and submitted as provided in the Land Division Act (Sections 131 to 198).

b) A written request for approval and the recording fee shall accompany all final plats.

c) The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to a date on or after the proprietor's certificate, or a policy of title insurance currently in force.

d) Three (3) sets of construction plans for streets, water, sewer, storm drainage, sidewalks and other required public improvements shall be submitted to the Township in order for the Township, and other agencies, to make a determination as to the conformance of the proposed improvements to State, County, and Township Specifications and Ordinances. The subdivider shall also submit copies of the final plat and construction plans, as required, to the Ottawa County Water Resources Commissioner, the Ottawa County Road Commission and the Ottawa County Health Department for review and approval.

e) The Township may require such other information as shall be reasonably necessary to establish whether the proper parties have signed the plat.

## 2) Procedures

a) The subdivider shall submit the final plat with construction plans or other data where required to the Township Clerk. The plat shall be accompanied by a letter of approval from the Ottawa County Health Department. The Township Clerk shall promptly transmit all copies of the plat and supporting documents to the Planning Commission.

b) The Township Board shall review the final plat at its next regular meeting, or at a meeting to be called within twenty (20) days of receipt of the final plat.

(1 The Township Board shall either approve or disapprove the plat. If disapproved, the Township Board shall give the subdivider its reasons in writing.

(2 If the plat is approved, the Township Board shall instruct the Clerk to sign the municipal certificate on the approved plat on behalf of the Township board.

(3 Recording of the final plat shall have the effect of an irrevocable offer to dedicate all streets and other public ways, all park areas, school sites, and other such areas to the public use unless a notation is placed in the plat by the subdivider stating there is no such offer of dedication of certain areas or ways.

(4 Recording of the plat, however, shall not impose any duty upon the Township, County or other governmental unit concerning improvement or maintenance of any such dedicated or reserved area until the proper authorities have agreed to accept the same by legal action.

Section 5.     **Coordination with Zoning Approvals.** Article 4 of the Jamestown Township subdivision ordinance is hereby amended by the addition of Section 4.10 thereto as follows:

“Section 4.10 – Coordination with Zoning Approval.

In case of a development which has been approved by the Township as a planned development, cluster development or similar mechanism, the layout approved for such planned development shall be as provided for in the planned development or other approval, and shall supersede the subdivision design standards of this ordinance.”

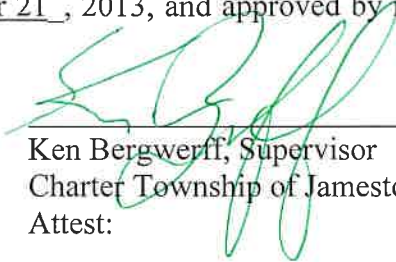
Section 6.     **Publication/Effective Date.** This Ordinance shall become effective seven days after the publication of a summary of its provisions in a local newspaper of general circulation.


AYES:           Altman, Brouwer, Pruis, Bergwerff, Oskin, Jensen and Tacoma.

NAYS:           None.

ORDINANCE DECLARED ADOPTED.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on October 21, 2013, and approved by me on October 24, 2013.

  
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Ken Bergwerff, Supervisor  
Charter Township of Jamestown  
Attest:

  
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Ruth Pruis, Township Clerk

First Reading:           August 19, 2013

Ordinance becomes effective: November 2, 2013