

RESTATEMENT OF SUBDIVISION
ORDINANCE

FOR

JAMESTOWN CHARTER TOWNSHIP
OTTAWA COUNTY, MICHIGAN

ORIGINALLY ADOPTED ON MARCH 28, 1994 AND EFFECTIVE ON APRIL 5, 1994
(Incorporating all amendment ordinances prior to August 1, 2016)

JAMESTOWN TOWNSHIP
SUBDIVISION ORDINANCE

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JAMESTOWN TOWNSHIP SUBDIVISION ORDINANCE

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

BE IT ORDAINED by the Jamestown Township Board, Ottawa County, Michigan as follows:

ARTICLE I

GENERAL PROVISIONS

Section 1.1 – Short Title

This Ordinance shall be known and may be cited as the “Jamestown Township Subdivision Ordinance.”

Section 1.2 – Purpose

The purpose of this Ordinance is to regulate and control the subdivision of land within the Township in order to promote the safety, public health and general welfare of the Township. Without limiting the generalities of the foregoing, this Ordinance is specifically designed to:

- 1) Provide for orderly growth and harmonious development of the Township consistent with orderly growth policies;
- 2) Secure adequate traffic circulation through coordination street systems with property relation to major thoroughfares, adjoining subdivision and public facilities;
- 3) Achieve adequate provisions for water, drainage, and sanitary facilities and other health requirements;
- 4) Encourage the provision of recreational areas and facilities, school sites and other public facilities; and
- 5) Provide procedures for the achievement of these purposes.

Section 1.3 – Legal Basis

This Ordinance is enacted pursuant to Michigan Act 246 of 1945, as amended and Michigan Act 288 of 1967, as amended (The Subdivision Control Act of 1967).

Section 1.4 – Scope

This Ordinance shall not apply to any lot or lots in a plat that has received either preliminary or final approval from the Township Board nor to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except in the case of any further division of lots located therein. This Ordinance shall not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon the property by deed, to which the Township is a party. Where the Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of this Township, the provision of this Ordinance shall control.

Section 1.5 – Administration

The approval provisions of this Ordinance shall be administered by the Township Board in accordance with Subdivision Control Act (PA 288 of 1967) as amended.

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 either: (1) provide a written extension of time until the Township Board's second following meeting; or (2) pay all actual costs incurred in calling and conducting a special meeting of the Township Board as necessary to meet the applicable deadlines for action provided by the Land Division Act, in which case the subdivider shall deposit in advance the cost as estimated by the Township Clerk to be applied against the actual cost of the special meeting.

Section 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.

ARTICLE II

RULES APPLYING TO TEXT AND DEFINITIONS

Section 2.1 – Rules Apply to Text

The following listed rules of construction apply to the text of this Ordinance:

- 1) The particular shall control the general.
- 2) The headings which title various articles and subsections and the statements of purpose are for convenience only and are not be considered in any construction or interpretation of the Ordinance or as enlarging or restricting the terms and provisions of the Ordinance in any respect.
- 3) The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- 4) Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- 5) The word “building” includes the word “structure.”
- 6) A “building” or “structure” includes any part thereof.
- 7) The word “person” includes a firm, association, partnership, joint venture, corporation, or combination of any of them as well as a natural person.
- 8) The word “used” or “occupied,” as applied to any land or building, shall be construed to include the words “intended,” “arranged,” “designed to be used” or “occupied.”
- 9) Any word or term not defined herein shall be used with a meaning of common or standard utilization.
- 10) The term “adjoining lots and parcels” is intended to include lots and parcels separated by highways, roads, streets or rivers.

Section 2.2 – Definitions

The following listed terms and words are defined for the purposes of this Ordinance and shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

- 1) Alley: A public or private right-of-way shown on a plan which provides secondary access to a lot, block or parcel of land.
- 2) As-Built Plans: Revised construction plans in accordance with all approved changes made in the field.
- 3) Block: An area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.
- 4) Board: The Township Board of Jamestown Township.
- 5) Building Line or Setback Line: A line parallel to a street right-of-way line, shore of a lake, edge of a stream or river bank, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building between such lines and a right-of-way, other public area, the shore of a lake, or the edge of a stream or river bank.
- 6) Caption: The name by which the plat is legally and commonly known.
- 7) Commercial Development: A planned commercial center providing building areas, parking areas, service areas, screen planting and widening, turning movement and safety lane roadway improvements.
- 8) County Drain Commissioner: The Ottawa County Drain Commissioner.
- 9) County Health Department: The Ottawa County Health Department.
- 10) County Plat Board: The Ottawa County Plat Board.
- 11) County Road Commission: The Ottawa County Road Commission.
- 12) Crosswalkway or Pedestrian Walkways: Right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.
- 13) Dedication: The intentional appropriation of land by the owner to public use.
- 14) Engineer: Any person who is registered in the State of Michigan as a Professional Engineer.
- 15) Flood Plain: That area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which will be inundated by a flood which can reasonably be expected to occur once in 100 years for that area.
- 16) Master Plan: The basic plan, as amended from time to time adopted by the Township pursuant to Michigan Act 168 of 1959, as amended. Such plan may include all or any part or parts of the elements described in subparagraph (2) of

Section 7 of Michigan Act 168 of 1959, as amended, and may include maps, plats, charts, and descriptive explanatory and other related matter.

- 17) Governing Body (or Township Board): The Township Board of the Township of Jamestown.
- 18) Greenbelts or Buffer Parks (Optional): A strip or parcel of land, privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the residential environment.
- 19) Improvements: Any structure incidental to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other appropriate items with appurtenant construction.
- 20) Industrial Development: A planned industrial area designed specifically for industrial use providing screened buffers, wider streets and turning movement, and safety lane roadway improvements, where necessary.
- 21) Lot: A measured portion of a parcel or tract of land which is described and fixed in a recorded plat.
 - a) Lot Depth: The horizontal distance between the front and rear lot lines, measured along a line midway between the side lot lines.
 - b) Lot Width: The horizontal distance between the side lot lines measured at the setback line and at a right angle to the lot depth.
- 22) Major Thoroughfare Plan: Major thoroughfare plan shall mean that part of the Master Plan which describes the existing street system in the Township and outlines future street planning needs.
- 23) Outlot: When included within the boundary of a recorded plat, an outlot is a lot set aside for purposes other than a building site, park or other land dedicated for public use or reserved for private use.
- 24) Parcel or Tract: A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act, as amended.
- 25) Planning Commission: The Jamestown Township Planning Commission as established pursuant to Michigan Act 268 of 1959, as amended.
- 26) Planned Unit Development: A land area which has both individual building sites and common property, such as a park, and which is designated and developed under one (1) owner or organized groups as a separate neighborhood or community unit.

- 27) Plat: A map or chart of a subdivision of land. The precise content and scope of various types of plats are described in Article III of this Ordinance.
- a) Sketch Plat: An informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.
 - b) Preliminary Plat: A map showing the important features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.
 - c) Final Plat: A map of a subdivision of land made up in final form ready for approval and recording.
- 28) Proprietor, Subdivider, or Developer: A natural person, firm, association, partnership, joint venture, corporation or combination of any of them, which may hold any record ownership interest in land. The proprietor is also sometimes referred to as the “owner.”
- 29) Public Utility: Any person, firm, association, corporation, partnership, joint venture, or municipal or other public authority or combination of any of them providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation or other services of a similar nature.
- 30) Public Open Space: Land dedicated or reserved for use by the general public, including, without limiting the generality of the foregoing, parks, parkways, recreation areas, school sites, community or public building sites, streets and highways, and public parking spaces.
- 31) Replat: The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.
- 32) Right-of-Way: A street, alley, thoroughfare, easement or strip of land used, or intended to be used, for pedestrian or vehicular access or other public purposes by the general public and not reserved for the exclusive right of any individual.
- 33) Sight Distance: The unobstructed vision on a horizontal plane along a street centerline from a driver-eye height of 3.75 feet and an object height of 6 inches.
- 34) Street or Road: A right-of-way which provides for vehicular and pedestrian access to abutting properties.

- a) Freeway: Those streets designed for high speed, high volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.
 - b) Expressway: Those streets designed for high speed, high volume traffic, with full or partially controlled access, some grade crossings but no driveway connections.
 - c) Parkway: A street designed for noncommercial, pleasure-oriented traffic moving at moderate speeds, between and through scenic areas and parks.
 - d) Arterial Street: Those streets of considerable continuity which are used or may be used primarily for fast of heavy traffic. Arterial streets may include major county and minor county primary roads as shown on the Jamestown Township Thoroughfare Plan, as adopted.
 - e) Collector Street: Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments. Collector streets may include major county primary and minor primary roads as shown on the Jamestown Township Thoroughfare Plan, as adopted.
 - f) Cul-de-sac: A minor street of short length having one end terminated by a vehicular turn-around.
 - g) Marginal Access Street: A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic and not carrying through traffic.
 - h) Minor Street: A street which is intended primarily for access to abutting properties.
 - i) Street Width: The shortest distance between the lines delineating the right-of-way streets.
- 35) Subdivide or Subdivision: The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of a building development, where the act of division creates five or more parcels of land, each of which is 10 acres or less in area; or five or more parcels of land, each of which is 10 acres or less in area are created by successive divisions within a period of 10 years.
- 36) Subdivision Control Act: Michigan Act 288 of the Public Acts of 1967, as amended.
- 37) Surveyor: Either a land surveyor who is registered in this state as a Registered Land Surveyor or a Civil Engineer who is registered in the state as a Registered Professional Engineer.

- 38) Topographical Map: A map showing existing physical characteristics with contour lines at sufficient intervals to permit determination of proposed grades and drainage.
- 39) Township: The Township of Jamestown.
- 40) Water Resources Commission: The Water Resources Commission of the Michigan Department of Natural Resources.

ARTICLE III

PLATTING PROCEDURE AND DATA REQUIRED

Section 3.1 – Sketch Plan

A sketch plan may be submitted and a preapplication conference may be requested by the subdivider to provide guidelines for the subdivider concerning development policies of the Township, to acquaint the subdivider with the platting procedures and requirements of the Township Board and Planning Commission, and to provide the Planning Commission and other affected agencies with general information concerning the proposed development. Acceptance of the sketch plan does not constitute or assure acceptance of the preliminary plan.

1) Requirements

When a sketch plan is submitted, it shall contain at least the following data:

- a) The outlines, intended layout, including stages, property owned or represented by the Subdivider.
- b) General layout of streets, blocks and lots in sketch form.
- c) Existing conditions and characteristics of the land on, and adjacent to, the site such as significant topographical, flood plains, and physical features.
- d) Any general area set aside for parks and/or other community facilities.
- e) Name of proposed plat, north point, approximate scale and date.
- f) Current proof of ownership of land to be platted or evidence of a contractual ability to acquire such land such as an option or purchase contract.
- g) A statement from the Ottawa County Health Department indicating the suitability of the land for the operation of septic tanks, if proposed.

2) Procedures

The following procedure will be followed in the review of any sketch plan that is submitted.

- a) The subdivider shall submit two (2) copies of the sketch plan to the Township Clerk at least ten (10) days before the first meeting of the Planning Commission at which the sketch plan is to be considered.

- b) The Township Clerk shall promptly transmit all copies of the sketch plan to the Planning Commission.
- c) The Planning Commission shall review the sketch plan with the subdivider or his agent. In the event that the Planning Commission shall reasonably determine that other public agencies are affected, the Planning Commission may recommend that copies of the sketch plan be submitted by the subdivider to such other affected agencies for review.
- d) The Planning Commission shall inform the subdivider or his agent of the Township's development policies and make appropriate comments and suggestions concerning the proposed development.
- e) The Planning Commission shall inform the Township Board in writing of the results of its review of the sketch plan.

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 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 Township Board.

- 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.

ARTICLE IV

SUBDIVISION DESIGN STANDARDS

Section 4.1 – Streets and Roads

The provisions of this Ordinance shall be the minimum Township requirements for streets, roads and intersections. In the event that any other public agencies having jurisdiction shall adopt any statutes, ordinances, rules or regulations imposing additional, different, or more stringent requirements, the terms of such statutes, ordinances, rules or regulations shall govern.

1) Street Location and Arrangement

When a major Thoroughfare Plan has been adopted, subdivision streets shall generally conform to the adopted plan.

2) Minor Streets

Such streets shall be so arranged as to discourage their use by through traffic.

3) Street Continuation and Extension

The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions.

4) Stub Streets

Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projections of streets into adjacent areas. Stub streets be subject to the requirements of Section 4.7, Paragraph 2) b.

5) Relation to Topography

Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable gradients.

6) Alleys

Alleys shall not be permitted in areas of detached single or two family residences.

Alleys shall be provided in multiple family, commercial or industrial subdivisions unless other provisions are made for service access, off-street loading, and parking. Dead-end alleys shall be prohibited.

7) Marginal Access Street

Where a subdivision abuts or contains an arterial street, the Township Board may require:

- a) Marginal access streets approximately parallel to, and on each side of, the right-of-way.
- b) Such other treatment as it deems reasonably necessary for the adequate protection of residential properties and to afford separation of through and local traffic such as planned buffer strips or the redesign of all or part of the street layout within the proposed plat.

8) Dead-End Streets

Permanent dead-end streets are prohibited unless approved by the Township Board and the Ottawa County Road Commission. Dead-end streets may be allowed in those cases where no alternative design solution is feasible.

9) Cul-de-sac Streets

All temporary and permanent (where allowed) dead-end streets shall be provided with cul-de-sacs (turnarounds) at their termini. Temporary turnarounds shall be provided at the termini of streets where a future extension is contemplated. Temporary turnarounds need not be a part of the dedicated right-of-way; however, easements must be furnished to the Ottawa County Road Commission for their use.

Cul-de-sacs shall not be more than seven (7) times the average lot width in length. Cul-de-sacs shall have a minimum radius of sixty (60) feet for right-of-way and thirty-five (35) feet for pavement.

10) Half Streets

Half streets shall be prohibited except where unusual circumstances make it essential to the reasonable development of a tract in conformance with the provisions of this Ordinance and where satisfactory assurance for dedication of the remaining part of the street is provided. Wherever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract, according to the requirements of the Ottawa County Road Commission.

11) Private Streets

Private streets and roads shall be prohibited.

12) Street Rights-of-Ways and Roadway Widths

Street and road rights-of-way and roadway widths shall conform to the adopted Major Thoroughfare Plan and the rules of the Ottawa County Road Commission and the Michigan State Department of State Highways and Transportation.

<u>Street Types</u>	<u>Rights-of-Ways Widths</u>
Arterial (Major or County Primary)	100-176 feet
Section Lines:	
Quarter Line (1/4) and 1/8 Section Line Roads	86-100 feet
Minor or Local (Subdivision Streets)	66 feet

13) Street Gradients

a) Maximum Grades

Street grades on centerline shall not exceed seven (7) percent.

b) Minimum Grades

No street grade shall be less than zero point four (0.4) percent for concrete curb sections, and zero point six (0.6) percent for bituminous valley gutter sections.

c) Ditch Grades

In general, ditch grades shall be the same as the centerline street grade.

14) Street Alignment

a) Horizontal Alignment

Horizontal curves shall be used, as practical, at all changes in direction of the centerline of a continuous street. When the street lines deflect from each other by more than ten (10) degrees in alignment, the centerlines shall be connected by a curve with a minimum radius of five hundred (500) feet for arterial streets and three hundred fifty (350) feet for collector streets and minor streets. Between reverse curves, on minor streets, there shall be a minimum tangent distance of one hundred (100) feet, and on collector and arterial streets, two hundred (200) feet.

b) Vertical Alignment

Vertical curves shall be used at all changes in grade. The minimum vertical sight distances shall be five hundred (500) feet. Proposed platted

streets that intersect with existing through streets shall also be so located that a minimum of five hundred (500) feet vertical sight distance is provided for both streets.

15) Street Names

Street names shall not duplicate any existing street name in the County except where a new street is a continuation of an existing street of the same name.

Any street name which is spelled differently but sounds the same as an existing street name in the County is prohibited.

All new streets shall be named as follows: Streets with predominant east-west directions shall be named "Street" or "Roads;" streets with predominant north-south direction shall be named "Avenue;" meandering streets shall be named "Drive," "Lane," "Path," or "Trail," and cul-de-sacs shall be named "Circle," "Court," "Way," or "Place."

16) Outlots

Outlots which are to become the right-of-way for future streets must be described as such on the plat.

Section 4.2 – Intersections

1) Angle of Intersection

Streets shall intersect at ninety (90) degrees or as closely thereto as practical. In no event shall the angle of an intersection be less than eighty (80) degrees.

2) Sight Triangles

Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred twenty-five (125) feet from the center of the intersection. No fence, wall, embankment, structure, sign, or planting shall obstruct vision in this area.

3) Number of Streets

No more than two (2) streets shall meet at any one intersection.

4) "T" Intersections

"T" intersections shall be used where practical at intersections of minor streets with any street.

5) Centerline Offsets

Slight jobs at intersections shall be eliminated where practical. Where such jogs cannot be practically avoided, street centerlines shall be offset by a distance of one hundred twenty-five (125) feet or more.

6) Vertical Alignment of Intersection

A nearly flat grade with appropriate drainage slopes is required within intersections. This flat section shall be carried back a minimum of fifty (50) feet each way from the intersection. An allowance of two (2) percent minimum intersection grade in rolling and four (4) percent in hilly terrain will be permitted.

Section 4.3 – Pedestrianways

1) Crosswalks

Right-of-way for pedestrian crosswalks in the middle of long blocks shall be provided where necessary to obtain convenient pedestrian circulation to schools, parks, shopping areas, or other activity centers.

Such pedestrian right-of-way shall be at least ten (10) feet wide and extend entirely through the block.

2) Sidewalks

Sufficient right-of-way shall be provided so that five (5) foot wide sidewalks may be installed on both sides of all streets.

Section 4.4 – Easements

1) Easement Location

Easements shall be provided along front or rear lot lines for utilities and also along side lot lines when necessary. The total width shall not be less than six (6) feet along each lot, or a total of twelve (12) feet for adjoining lots except in the case of those lots included within the provisions of Section 4.6 6) hereafter.

2) Drainageway

Where a subdivision is traversed by a watercourse, drainage-way, channel, floodplain, or stream, a storm water easement or drainage right-of-way should be provided which conforms substantially with the lines of such watercourse or right-of-way to minimize the flooding during periods of heavy rain.

The subdivider shall provide drainageway easements as required by the rules of the Ottawa County Drain Commissioner.

Section 4.5 – Blocks

1) Arrangements

A block shall be designed to provide two (2) tiers of lots, except in those cases where lots back onto an arterial street, natural feature or subdivision boundary.

2) Minimum Length

Blocks shall not be less than five hundred (500) feet long from center of street to center of street.

3) Maximum Length

The maximum length allowed for residential blocks shall be approximately one thousand (1,000) feet long from center of street to center of street.

Section 4.6 – Lots

1) Conform to Zoning

The lot width, depth, building setback line, and area shall not be less than the particular district requirements of the Township Zoning Ordinance, as amended, except where outlots are provided for some permitted purpose.

2) Lot Lines

Side lot lines shall be as close to right angles to straight streets and radial to curve streets as practical.

3) Width Related to Length

The depth of a lot shall not exceed three (3) times the width as measured at the building line.

4) Corner Lots

Corner lots shall have sufficient width so as to permit appropriate building setback from both streets or orientation to both streets. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.

5) Uninhabitable Areas

Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes, or for uses that may in the judgment of the Planning Commission and Township Board increase the danger to health, life, or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as parks or other open space.

6) Back-up-Lots

Lots shall back into such features as freeways, arterial streets, shopping centers, or industrial properties, except where there is a marginal access street, or unless a secondary access is provided. Such lots shall contain a landscaped easement along the rear at least twenty (20) feet wide in addition to the utility easement to restrict access to the arterial street to minimize noise and to protect outdoor living areas.

7) Double Frontage Lots

Lots extending through a block and having frontage on two (2) local street shall be prohibited.

8) Lot Frontage

All lots shall front upon a publicly dedicated street. Variances may be permitted for approved planned unit developments.

9) Future Arrangements

Where parcels of land are subdivided into unusually large lots (such as when large lots are required for septic tank operations), the parcels shall be divided, where feasible, so as to allow for resubdividing into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever future resubdividing or lot splitting is to be undertaken, the plan therefor shall first be approved by the Planning Commission prior to submission to the Township Board for approval pursuant to Section 4.6 10) hereafter.

10) Lot Division

a) Prohibition of Division: No lot, outlot or other parcel of land located in a recorded plat shall be further partitioned or divided unless such partition or division is first approved by the Township Board.

b) Application for Permission: Any proprietor who desires to partition or divide a lot, outlot or other parcel of land located in a recorded plat shall first make application to the Township Board in writing on such application form or forms as shall be provided by the Township. Such application shall be filed with the Township Clerk and shall include a

detailed statement of the reasons for the requested partition or division, a sketch map or maps prepared in scale showing the proposed division or partition and all adjoining lots, streets and parcels of land and a statement from the Ottawa County Health Department indicating the effect of the proposed division or partition upon the safe operation of necessary septic tanks and wells.

- c) Building Permit: No building permit shall be issued to any proprietor or his agent or any other person, firm, association, or corporation with reference to the lot, outlot or other parcel of land which is to be divided unless the partition or division shall first have been approved by the Township Board.
- d) Division Resulting in Smaller Area: A division or partition of a lot, outlot or other parcel of land which is not served by public sewer and public water systems and which results in the creation of a parcel or parcels containing a smaller area or width than is required by the Subdivision Control Act of 1967, as amended and the Jamestown Township Zoning Ordinance, may be approved by the Township Board, in its discretion, provided the parcel or parcels created by such division or partition which are smaller than said area and width requirements are contiguous with other lots or parcels owned by the proprietor which, when added to the parcels created by such division or partition, will comply with the area and width requirements of the Subdivision Control Act of 1967 and the Jamestown Township Zoning Ordinance, as amended. If approval of any such division or partition is granted pursuant to this section, then the parcel established by the division or partition and the contiguous lot or parcel of land required to meet said area and width requirements shall be considered as one (1) building lot and parcel for all purposes.
- e) Conditions: In granting its approval for any such requested division or partition, the Township Board may condition its approval with such reasonable conditions as shall be deemed desirable by the Township Board and which are in accordance with the purposes of the Subdivision Control Act of 1967, as amended, as the same are embodied in its preamble.

11) Division of Unplatted Parcel

The division of an unplatted parcel of land into two (2), three (3), or four (4) lots involving the dedication of a new street shall require the approval of the Township Board prior to taking such action. All such applications shall be made in writing and shall be accompanied by a drawing of the proposed division. The Township Board shall not approve such application nor shall a building or occupancy permit be issued in such cases until the subdivider has secured the approval of the Ottawa County Health Department and the

Ottawa County Road Commission, and evidence of such approvals submitted to the Township Board.

Section 4.7 – Planting Strips and Reserve Strips

1) Planting Strips

Planting strips may be required to be placed next to incompatible features such as highways, railroads, commercial, or industrial uses where necessary or desirable to screen the view from residential properties. Such screens shall be a minimum of twenty (20) feet wide, and shall not be a part of the normal roadway right-of-way or utility easement.

2) Reserve Strips

a) Reserve Strips – Private

Privately held reserve strips controlling access to streets shall be prohibited.

b) Reserve Strips – Public

A one-foot reserve shall be required to be placed at the end of “stub” or “dead-end” streets which terminate at subdivision boundaries and between half streets. These reserves shall be deeded in fee simple to the Township for future street purposes.

Section 4.8 – Public Sites and Open Spaces

1) Public Uses

When a Master Plan has been adopted by the Township and proposed park, playground, school or other public use shown on the Master Plan is located in whole or in part within a proposed subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase.

The Township Board may, at its option, at a later date, release any such reservation for public purchase on a showing that the lands in question are no longer needed or required for the public purpose or purposes indicated by the Master Plan.

2) Natural Features

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

Section 4.9 – Commercial and Industrial Developments

1) Commercial or Industrial Modification

These subdivision design standards may be modified in accordance with Article VI in the case of subdivisions specifically for commercial or industrial development, including shopping districts, wholesaling areas, and planned industrial districts. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation.

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.”

ARTICLE V

SUBDIVISION IMPROVEMENTS

Section 5.1 – Purpose

The improvements described in this Article will be required to be constructed by the subdivider as conditions for final plat approval.

Section 5.2 – Responsibility for Plans

- 1) It shall be the responsibility of the subdivider of every proposed subdivision to have prepared a Registered Professional Engineer or a Registered Land Surveyor, a complete set of construction plans, including profiles, cross section, specifications, and other supporting data, for the hereinafter required streets, utilizes, storm drainage, and other facilities. Such construction plans shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the approving bodies listed in Article III, Section 3.3 and shall be prepared in accordance with the standards or specifications of the respective body.
- 2) Upon completion of the required improvements, one (1) complete copy of as-built engineering plans for each required public improvement shall be filed with the Township Clerk. Other requirements and procedures in the submittal of final plats shall be as provided in Section 3.3.

Section 5.3 – Required Improvements

- 1) Every subdivider shall be required to install the following public and other improvements in accordance with the provisions of Section 5.3 a) through 5.3 n) of this Ordinance.
 - a) Monuments

Monuments shall be set in accordance with the State Subdivision Control Act of 1967, Act No. 288 of the Public Acts of 1967 (Section 125), and the rules of the State Department of Treasury.
 - b) Streets, Roads and Alleys

All streets, roads and alleys shall be constructed in accordance with the standards and specifications adopted by the Ottawa County Road Commission.
 - c) Curbs and Gutters

Curbs and gutters may be required and shall be constructed in accordance with the standards and specifications adopted by the Ottawa County Road Commission.

d) Installation of Public Utilities

All telephone and electrical utilities shall be installed underground. In addition, all public utilities and driveways shall be installed in accordance with the Subdivision Control Act and the rules of the Michigan Public Service Commission as amended.

e) Driveways

All driveway openings in curbs shall be as specified by the Department of State Highways and Transportation on State and Federal roads and as specified by the Ottawa County Road Commission for all other roads in the Jamestown Township.

f) Storm Drainage

- (1) An adequate storm drainage system including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision
- (2) Construction of storm drainage systems shall be in accordance with the standards and specifications adopted by the Ottawa County Drain Commissioner. All proposed storm drainage construction plans for the proposed plats shall be approved by the Ottawa County Drain Commissioner.

g) Water Supply System

A water supply system shall be provided by one or more of the following alternatives:

- (1) With respect to every new plat with an average density greater than one (1) dwelling unit per acre, and every commercial/industrial plat within 2,640 feet of public water, a public water system shall be provided within the plat by the developer. The measurement of the 2,640 feet shall be made along the shortest route using street and other public rights-of-ways from any point of the proposed plat to the nearest public water main. The water system shall include valves, hydrants, and other appurtenances, and laterals to each buildable lot from the water line to the edge of the street right-of-way. This water system shall be designed and constructed in accordance with all requirements of the Township, Ottawa County,

and the State of Michigan, and any requirements imposed by any contract which the Township has for the operation and maintenance of its water system, including Township policies concerning the pressure of system and the manner of connection.

The plans and specifications for the water distribution shall be approved in advance of construction in writing by the Township.

- (a) If public water is adjacent to the plat, the water system provided shall be connected to the public water by the developer at the developer's sole expense.
- (b) If public water is within 1,320 feet from any point of the plat, then the developer shall pay 100% of the cost to extend the public water system to a connection point with the water system being constructed for the plat. The public water extension shall be sized as shall be reasonably required by the Township. The Township and the developer shall enter into a contract on reasonable terms pertaining to the design, acquisition, construction, and completion of this public water extension, reimbursement to the developer as other parties connect to this public water extension and other pertinent matters. After such extension is completed, the water system shall be connected to the public water extension.
- (c) If public water is not adjacent to and is not required to be extended to the plat as provided in the preceding paragraph (b), then the water system constructed within the plat shall be capped in such reasonable manner as is satisfactory to the Township. On-site individual well systems may be utilized as long as these wells comply completely with all requirements of Ottawa County Health Department, the State of Michigan, and its agencies and the Township.

If public water is not adjacent to the plat and is not going to be immediately extended to the plat as provided above, then the Township Board may, in its discretion, require that the developer execute a contract with the Township agreeing to the imposition of a special assessment on the lands included within the plat to cover a fair share of the costs of extending water lines to the plat. This contract shall be in such form as shall be necessary, in the reasonable opinion of the Township, to effectuate the purposes of this provision.

- (2) If the proposed plat is further than 2,640 feet away from an existing public water supply line, the water distribution system may, with the approval of the Township Board after consultation with the

Planning Commission, the township Engineer, the Ottawa County Health Department, be connected to a central well or wells to be provided by the subdivider. Such well or wells shall be in conformance with all requirements of Ottawa County, the Michigan Department of Public Health, and the Township. The Township may, at its option, choose to operate and maintain such system; or, in the alternative, the Township can delay assuming operation and maintenance of such system until a later date. At such time as water transmission lines are adjacent to the subdivision, use of the central water system shall cease and terminate and connection shall be made forthwith to the water transmission lines at the expense of the subdivider.

h) Sanitary Sewer System

A sanitary sewer system, or septic tank shall be provided by one or more of the following alternatives:

- (1) With respect to every new plat with an average density greater than one (1) dwelling unit per acre, and every commercial/industrial plat within 2,640 feet of public sewer, a sanitary sewer system shall be provided within the plat by the developer. The measurement of the 2,640 feet shall be made along the shortest route using street and other public rights-of-ways from any point of the proposed plat to the nearest public sewer. The sanitary sewer system shall include lift stations and other appurtenances and laterals to each buildable lot from the sewer line to the edge of the street right-of-way. This sanitary sewer system shall be designed and constructed in accordance with all requirements of the Township, Ottawa County, and the State of Michigan, and any requirements imposed by any contract which the Township has for the operation and maintenance of its sanitary sewer system or the treatment and disposal of its sewage, including Township policies concerning the type of system and the manner of connection.

The plans and specifications for the sanitary service system shall be approved in advance of construction in writing by the Township.

- (a) If public sewer is adjacent to the plat, the sanitary system provided shall be connected to the public sewer by the developer at the developer's sole expense.
- (b) If public sewer is within 1,320 feet from any point of the plat, then the developer shall pay 100% of the cost to extend the public sewer to a connection point with the sanitary sewer collector system being constructed for the plat. The public sewer extension shall be sized as shall be reasonably required

by the Township. The Township and the developer shall enter into a contract on reasonable terms pertaining to the design, acquisition, construction, and completion of this public sewer extension, reimbursement to the developer as other parties connect to this public sewer extension and other pertinent matters. After such extension is completed, the sanitary system shall be connected to the public sewer extension.

- (c) If public sewer is not adjacent to and is not required to be extended to the plat as provided in the preceding paragraph (b), then the sanitary sewer system constructed within the plat shall be capped in such reasonable manner as is satisfactory to the Township. On-site sewage septic systems may be utilized as long as these wells comply completely with all requirements of Ottawa County Health Department, the State of Michigan, and its agencies and the Township.

If public sewer is not adjacent to the plat and is not going to be immediately extended to the plat as provided above, then the Township Board may, in its discretion, require that the developer execute a contract with the Township agreeing to the imposition of a special assessment on the lands included within the plat to cover a fair share of the costs of extending sanitary sewer lines to the plat. This contract shall be in such form as shall be necessary, in the reasonable opinion of the Township, to effectuate the purposes of this provision.

- (2) Plats not located within 2,640 feet (measured as provided above) of a public sewer may be developed with on-site sewage septic systems as long as these systems comply completely with all of the requirements of Ottawa County and its agencies, the State of Michigan, and its agencies and the Township. In each such instance, the developer shall execute a contract with the Township agreeing to the imposition of a special assessment to cover the costs of constructing appropriate sewer lines, lift stations, and other sanitary sewer system appurtenances within the plat, as well as a fair share of the cost of extending public sewer to serve the Development. This contract shall be in such form as shall be necessary, in the reasonable opinion of the Township, to effectuate the purposes of this provision.

- i) Street Name Signs

Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the Ottawa County Road Commission.

j) Sidewalks and Crosswalks

- (1) Where the average width of lots, as measured at the building setback line, is one hundred ten (110) feet or less, sidewalks shall be required on one side of the street. Sidewalks shall be required on both sides of the street where the density of the development and the expected traffic volume may present a hazard to the safety of pedestrians. Where the average width of lots, as measured at the building setback line, is over one hundred (100) feet, the requirement for sidewalks on one side may be waived by the Township.
- (2) Crosswalks, when required by Section 4.3 1), shall have easements at least ten (10) feet in width and include a paved, bituminous or concrete walk of at least five (5) feet in width, located generally along the centerline of the easement, dedicated as a public pedestrian walkway.
- (3) Sidewalks shall be concrete and a minimum of five (5) feet in width. Sidewalks and cross walks shall be constructed in accordance with the standards and specifications adopted by the Ottawa County Road Commission.

k) Street Lighting

Street lights shall be required to be installed every five hundred (500) feet and at all intersections in the subdivision. All such lighting shall comply with all applicable Township ordinances as well as the requirements of the public utility providing such lighting.

l) Greenbelts

Where it is generally necessary for the protection of residential properties to have greenbelts or landscaped screen plantings located between a residential development and adjacent major arterial streets, said greenbelts or landscaped screen plantings shall be provided.

m) Traffic Control Signs

Traffic control signs and/or warning devices shall be installed as may be determined necessary by the Ottawa County Road Commission.

n) Street Trees

Street trees shall be provided as required by the Planning Commission, and as follows;

- (1) Species. The trees should be species which are most resistant to damage and disease in this part of the country and which are not likely to cause interference with underground utilities, street lighting or street pavements. Oaks, honey locust, and hard maples are examples of long lived trees considered acceptable. The following are the common names of tree species that are considered unacceptable:

Box Elder	White Pine
Tree of Heaven	Mulberry
Birch	Black Walnut
Catalpa	Black Locust
Russian Olive	Hawthorn
Female Ginkgo	Horsechestnut
Osage Orange	Hickory
Mulberry	Silver Maple
Cottonwood	American Elm
Poplar, Aspen	Siberian Elm
Cherry, Plum	Slippery Elm
Willow	Red Elm

- (2) Location. On each side of the street, shade trees shall be placed in a planned pattern and consistent manner. Trees shall be placed at a distance no greater than will allow an approximately ten foot gap between branch tips when the trees are fully grown. No tree shall be planted closer than 18 feet to any streetlight pole. Approaches to buildings should be considered when locating trees.
- (3) Tree Size. Street trees shall be at least one and one half (1 ½) inches in diameter at the trunk when planted. Any tree which dies within two (2) years after planting shall be replaced by the subdivider.
- (4) Number. A minimum of one (1) tree shall be planted for every fifty (50) feet of frontage along each street. There shall be a minimum of one (1) tree per interior lot and at least two (2) trees shall be provided for a corner lot.
- (5) Waivers from the above required number of trees may be granted upon the recommendation of the Building Inspector. Such waiver shall be granted only if there are naturally occurring trees growing on the lot which, in the opinion of the Building Inspector, comply with these regulations and at the time of granting of an occupancy permit for the lot, are no longer in danger of damage or destruction due to construction activity.

Section 5.4 – Guarantee of Completion of Improvements Required by the Township

1) Guarantee Arrangements, Exceptions

The construction of all improvements required by this Ordinance shall be completed by the subdivider and approved by the Township Board prior to final plat approval. In lieu of the actual installation and approval of all public improvements required by this Ordinance prior to final plat approval, the Township Board may, in its discretion, for those requirements which are over and beyond the requirements of the Ottawa County Road Commission, Ottawa County Drain Commissioner, or any other agency responsible for the operation and maintenance of the applicable public improvements, permit the subdivider to guarantee completion of such required improvements in one or a combination of the following arrangements. In each instance where the subdivider is to guarantee completion of required improvements, the Township and the subdivider shall enter into a written agreement specifying in detail the nature of the required improvements, the time in which these improvements are to be completed, provisions for checking or inspecting the construction of each such improvement to determine its conformity to the submitted construction plans and specifications, and the nature of the financial guarantee of performance which is to be provided by the subdivider for each such improvement. The Township Board may, on recommendation from the Planning Commission, waive financial guarantees of the completion of required improvements in the case of sidewalks, street lights, or street trees.

2) Financial Guarantees Shall be Provided as Follows:

a) Performance or Surety Bond

(1) Accrual

The bond shall accrue to the Township and shall cover the full cost of constructing and installing the specific public improvement and, where applicable, placing the specific public improvements in operation.

(2) The bond shall be in an amount equal to the total estimated cost for completing construction and installation of the specific public improvement, including contingencies as estimated by the Township Board, as well as, where applicable, the total estimate of the cost of placing the specific public improvement in operation, including contingencies, as estimated by the Township Board.

(3) Term

The term of the bond shall be for such period as shall be specified by the Township Board.

(4) Bonding or Surety Company

The bond shall be written by a surety company authorized to do business in the State of Michigan acceptable to the Township.

b) Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credits

(1) Treasurer, Escrow Agent or Trust Company

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

(2) Dollar Value

The cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit shall be in an amount equal to the total estimated cost of construction and installation of the specified public improvement including contingencies, as estimated by the Township Board.

(3) Term

The deposit shall be retained by the Township Board for a period to be specified by the Township Board.

c) The agreement between the Township and the subdivider may provide that the amount of the bond provided pursuant to subsection a) above or the deposit provided pursuant to subsection b) above be progressively reduced as the specified public improvements is completed.

3) Penalty in Case of Failure to Complete the Construction of a Public Improvement

In the event the subdivider shall, in any case, fail to complete a public improvement within the period of time specified in his agreement with the Township for the completion of said public improvements, the Township Board may, at its option, proceed to have the public improvement completed. The agreement between the subdivider and the Township shall

provide that all costs and expenses incurred by the Township in completing the public improvement shall be reimbursed from the bond or deposit provided pursuant to subsection 2) a) or 2) b) above.

ARTICLE VI

VARIANCES

Section 6.1 – General

The Township Board may, on written application from the subdivider and after receipt of a recommendation from the Planning Commission, grant a variance from the provisions or requirements of this Ordinance which are under the Board's control. A public hearing shall be held by the Planning Commission prior to making its recommendation to the Township Board. Notice of this hearing shall be given in the same manner as is provided in the Township Rural Zoning Act, Michigan Act 184 of 1943, as amended, with respect to the adoption or amendment of a Township Zoning Ordinance. No variance shall be recommended by the Planning Commission or granted by the Township Board unless there is a finding:

- 1) That there are such special circumstances or conditions affecting the property in question such that strict application of the provisions or requirements of this Ordinance would clearly be impracticable or unreasonable.
- 2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the areas in which the subdivision is situated.
- 3) That the variance will not violate the provisions of the Subdivision Control Act, as amended.
- 4) That the variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Master Plan.

After the completion of the public hearing, the Planning Commission shall make a written recommendation to the Township Board which shall include its findings and specific reasons for its recommendation. On receipt of such written recommendation, the Township Board shall act to either grant or deny the variance.

ARTICLE VII

ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE

Section 7.1 – Enforcement

No plat required by this Ordinance or the Subdivision Control Act, as amended, shall be admitted to the public land records of the County or received or recorded by the Ottawa County Register of Deeds, until such plat has received final approval by the Township Board. No public board, agency, commission, official or other authority shall proceed with the construction of, or authorize the construction of, any of the public improvements required by this Ordinance (unless such public improvement shall have already been accepted, opened or otherwise received the legal status of a public improvement prior to the adoption of this Ordinance) unless such public improvement shall comply in its location and in all other respects with the requirements of this Ordinance.

Section 7.2 – Penalties

Penalties for failure to comply with the provisions of this Ordinance shall be as follows: Violation for any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100) or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. The land, owner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or of the Subdivision Control Act, as amended.

ARTICLE VIII

AMENDMENTS

Section 8.1 – Procedures

The Township Board may, from time to time, amend, supplement, or repeal this Ordinance. A proposed amendment, supplement, or repeal may be originated by the Township Board or by the Planning Commission. All proposals not originating with the Planning Commission shall be referred to it for a report thereon before any action is taken on the proposal by the Township Board. Such report shall be submitted in writing to the Township Board within sixty (60) days from the date on which the proposal is referred to the Planning Commission. If such report is not received within sixty (60) days, then the Township Board may act on the proposal without the report of the Planning Commission.