

**EXHIBIT B**  
**CHARTER TOWNSHIP OF TEXAS**  
**COUNTY OF KALAMAZOO**

**ORDINANCE NO. 377**  
**AN ORDINANCE TO AMEND THE ZONING ORDINANCE**  
**REGARDING SECTIONS 36-2.2 AND 36-6.2.**

**Section 1. PURPOSE.**

The purpose of this Ordinance is to amend Sections 36-2.2, Definitions, and 36-6.2, Site Condominium Plan Review, of the Township's Zoning Ordinance to repeal certain existing language and provide clarity to language and terms used to discuss Subdivisions with Site Condominium developments.

**Section 2. AMENDMENT TO SECTION 36-2.2 OF THE TEXAS TOWNSHIP ZONING ORDINANCE.**

Chapter 36 – Zoning, Article 2.0 – Definitions, Section 2.2 – Definitions is hereby amended to read as follows:

**“36-2.2 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* means that portion of 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 (built to public standards) as required by the Zoning Ordinance.

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contractible* means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the expressed provisions in the site condominium documents and in accordance with this Section and the Condominium Act.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

*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 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.

*Flag lot* means a lot which abuts and connects to a road by means of a strip of land (the access pole) that does not comply with the dimensional requirements for the minimum lot frontage for the zoning district in which the lot is located. A flag lot has six (6) sides. (Insert graphic)

*Greenbelt buffer* means a strip of land privately restricted or publicly dedicated as open space located between uses and adjacent to roads or rights-of-way for the purpose of protecting and enhancing the residential environment.

*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 unless the term for parcel or building site is expressly used.

*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 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.

*Out lot* means a lot set aside for purposes other than building a residence; an out lot may be a park or other land dedicated for subdivision or site condominium resident private use.

*Parcel* means a continuous area, tract, or acreage of 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:

1. *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 Section 36-6.2 of this Chapter. Tentative Preliminary Plat approval establishes the location of lots, lot area and dimensions, circulation and access, and general layout.
2. *Preliminary Plat* means an engineered plan based on the Tentative Preliminary Plat and prepared in conformance with the Land Division Act and Section 36-6.2 of this Chapter showing the salient features of a proposed subdivision to allow approval of infrastructure construction.
3. *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 Section 36-6.2, 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 a retention pond with an impermeable bottom.

*Right-of-way* means a dedication or easement not associated with a lot which has been established for purposes of public or private access to accommodate vehicular or non-motorized transportation systems and any necessary public infrastructure.

*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:

1. *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.

2. *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.
3. *Neighborhood road* means a right-of-way internal to a subdivision/site condominium that provides access to residential homes.
4. *Private road* means a right-of-way approved by the township that is owned and maintained by a property owner association or other non-governmental agency. Private roads constructed after the effective date of this section shall be built to public standards.
5. *Cul-de-sac road* means a short minor right-of-way having one end permanently terminated by a vehicular turnaround.
6. *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.

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

1. *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 Article 6 of this Chapter.
2. *Preliminary Plan* means an engineered Plan based on the tentative Preliminary Plan and prepared in conformance with the Condominium Act and Section 36-6.2 of this ordinance showing the salient features of the proposed site condominium to allow approval of infrastructure construction.
3. *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 Section 36-6.2 of this ordinance, 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 the Certified Surveys Act, Act 132 of 1970, as amended.

*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.

### **Section 3. AMENDMENT TO SECTION 36-6.2 OF THE TEXAS TOWNSHIP ZONING ORDINANCE.**

Chapter 36 – Zoning, Article 6.0 – Development Procedures, Section 6.2 – Site Condominium Plan Review is hereby repealed in its entirety and amended to read as follows:

#### **“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, as amended) or the development of land under the provisions of the Condominium Act (P.A. 59 of 1978, as 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 (P.A. 33 of 2008, as amended); Land Division Act (P.A. 288 of 1967, as amended); the Condominium Act (P.A. 59 of 1978, as amended); and Township Ordinances Act (P.A. 246 of 1945, as amended), which authorizes Township boards

to adopt ordinances to secure the public health, safety, and general welfare. This Section shall comply with all other ordinances and statutes as applicable herein.

### **3. Compliance Standards.**

- A. Ordinance Compliance.** It shall be unlawful for any proprietor to divide, partition, or combine any lot, building site, out lot, or other recorded Plat or Plan, 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 parts of lots or building sites, which 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 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 infrastructure 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.
- D. 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.
- E. 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.
- F. Exemption.** Subdivisions and site condominiums created or under review prior to the adoption of this Ordinance are exempt from *Subsection G: Design and Layout Standards* herein.
- G. 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:

- i. **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.
- ii. **Public Utilities.** Public water and sanitary sewers 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. 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.
- iii. **Utility Easements.** Utilities shall be located within public or private rights-of-way or within easements outside of the right-of-way.
  - (a) Easements dedicated for public water shall be a minimum of 20 feet in width and public sanitary sewer easements shall be a minimum of 30 feet in width for sewers greater than 10 feet in depth, and a minimum of 20 feet in width for sewers 10 feet or less in depth.
  - (b) If not located in the public right-of-way, private utility line easements shall generally be provided along the rear or side of lots/building sites as necessary for utilities.
  - (c) Easements centered on rear or side lot/building site property lines provided for utilities shall be at least 12 feet wide, typically six (6) 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.
  - (d) Recommendations on the proposed layout of easements for such things as telecommunication, cable, and electricity shall 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.
- iv. **Storm Water Management.** Storm water management basins shall be "free form," following the natural features of the land to the greatest extent possible. If such features do not exist, the basin shall be shaped to emulate a naturally formed depression.
  - (a) Side slopes shall not be steeper than 3 to 1 (horizontal distance to vertical

distance). Where basins are to be maintained as a mown lawn to the water's edge, side slopes shall be no steeper than 4 to 1 (horizontal distance to vertical distance) to facilitate mowing.

- (b) 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.
- (c) Storm water management basins shall be clearly identified as to type (i.e., retention or detention), nature (i.e., wet, or dry), with design elevations and functional benchmarks (e.g., storage volume and time to drain). 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.
- (d) Redistributing soils from basin construction to create natural landforms around the perimeter of the basin is encouraged. These forms shall be located strategically to filter views or redirect and soften the views from residential areas. Total screening is not required.
- (e) Access for maintenance equipment shall be considered in the design of the basin.
- (f) Water retention basins adjacent to properties without a public sanitary sewer available shall be setback 40 feet from any exterior property boundary of the development (as measured from the designed high-water mark, if applicable). Retention basins adjacent to all other properties shall be setback 15 feet.
- (g) Naturalized planting themes are required for retention basins. Trees and shrubs shall be grouped in informal patterns to emulate the natural environment. The intent is to soften the views of these basins and not totally screen them from view. A minimum of one (1) large tree shall be planted for every 50 linear feet of basin perimeter, the size of plantings to meet the landscaping material requirements of *Section 36-5.3.3: Screening, Fencing, and Landscaping*.
- (h) The ground surface and edges of the basin shall 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 sustainable natural planting throughout the basin that will not require regular mowing or fertilization.
- (i) Any necessary public storm water easements and agreements shall be indicated and dedicated to the Kalamazoo County Drain Commissioner. Private easements and their maintenance shall be included in any Master Deed documents.
- (j) Detention ponds located in subdivisions without homeowner's associations shall be public and dedicated to the Kalamazoo County Drain Commissioner.



**v. Lots and Building Sites.**

(a) Size of lots and building sites. Lot dimensions, frontage, and area requirements shall not be less than the minimum required by the zoning district in which the subdivision/site condominium is located.

(b) Lots and building sites created after the effective date of this section shall have a lot width which is equal to, or greater than, one-fourth the depth of the lot.

(c) Flag Lots. Flag lots shall not be permitted. In exceptional circumstances where unique topographic features or other special physical conditions deem the necessity of a flag lot, a dimensional variance from the Zoning Board of Appeals is required.

(1) In no circumstance shall a flag lot be granted to avoid the construction of a street.

(2) If a dimensional variance is granted, the area of the 'pole' portion of the lot, connecting the lot to the street, shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.

(3) The stacking of the 'pole' on flag lots shall be prohibited. (Figure 36-2.3.G.iv(3))

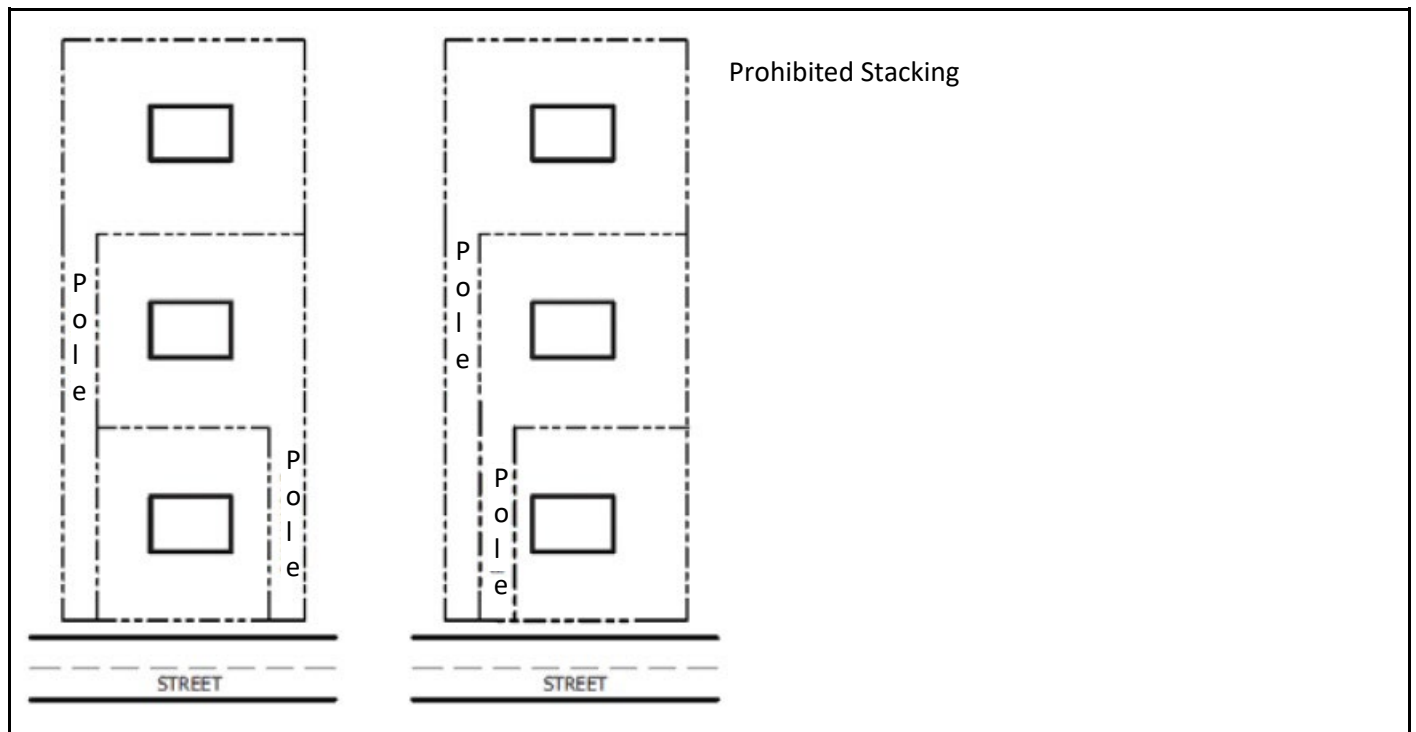


Figure 36-2.3.G.iv.(3): Illustration shows the stacking of flag lots, which is prohibited.

- (4) The 'pole' shall have a minimum width of 20 feet.
- (5) No structures, except for fences and walls allowed by this code, shall be permitted in the 'pole' portion of the lot.
- (6) The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in Figure 36-6.2.3.G.iv(6).

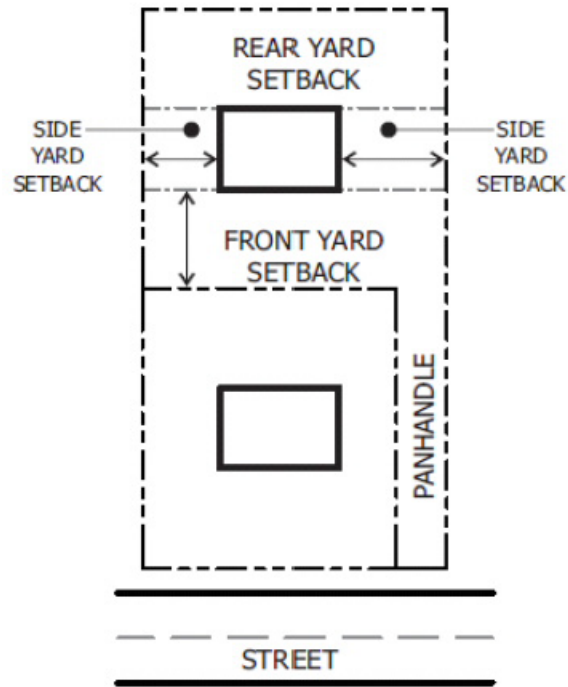


Figure 36-6.2.3.G.iv(6): Yard and front yard setback locations on a flag lot.

- (d) Lots and building sites shall be numbered consecutively, continuing throughout any additions or phases of the subdivision/site condominium.
- (e) Each proposed lot/building site shall have access to an approved public or private right-of-way, or access drive built to Kalamazoo County Road Commission Road standards.
- (f) The minimum size of lots/building sites abutting more than one street or future street extension shall provide the minimum 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.
- (g) 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.

- (h) No lot, out lot, 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.
- (i) Double frontage (through lot) 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, orientation, or natural features like lakes.
- (j) Corner lots/building sites and through lots/building sites shall designate the front lot line to be used to meet the minimum continuous lot frontage and for addressing purposes. Access to a through lot or corner lot from a primary or secondary road shall be prohibited.
- (k) On curvilinear streets, the minimum front yard setback is measured along a curve parallel to the front lot line. (Figure 36-6.2.3.G.viii)

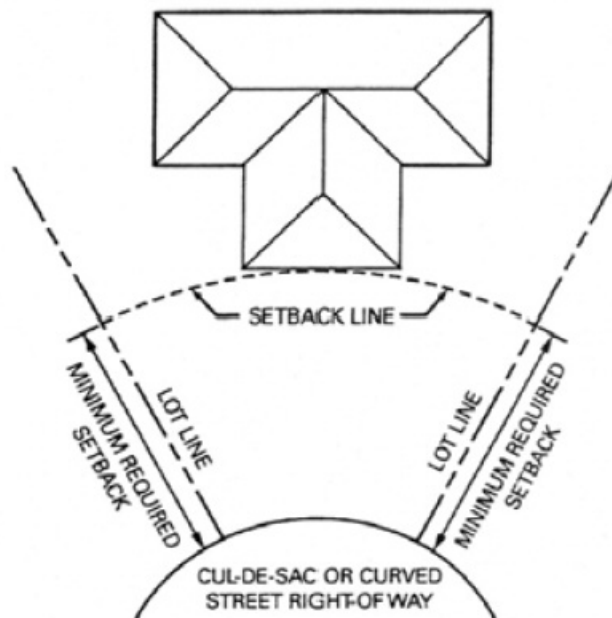
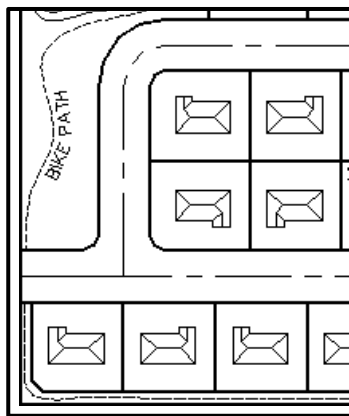


Figure 36-6.2.3.G.viii : Setback line of a lot with frontage on a curved street or cul-de-sac.

- (l) Other Lot Configurations. Where there is an instance of a lot configuration not addressed in this sections (e.g., interior, corner, flag lot, etc.), or where there is an atypical building orientation on any lot, the Planning Director shall have the authority to make a determination regarding where front, rear, and side yard setbacks are required.
- (m) Residential lots/building sites in a subdivision or condominium development shall not have direct access from or onto a county primary or secondary road. All residential lots/building sites shall have access via an internal neighborhood roads. Driveway locations shall be designated on each lot/site to confirm compliance with this requirement.

- (n) 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 in commercial or industrial districts shall be designed and arranged to avoid vehicles backing onto primary roads.
- (o) 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).
- (p) 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.
- (q) The subdivision/site condominium design shall be such that lots/building sites across from a "T" intersection shall have driveways off set from the perpendicular street to reduce impacts of vehicular traffic on the principal building.



- vi. **Blocks.** 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. Blocks shall have sufficient width to provide for two tiers of lots/building sites of appropriate depths.

**vii. Entryway.**

- (a)** The new right-of-way extending perpendicular from a county primary or secondary road shall 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. (Insert Graphic)
- (b)** An out lot or common open space element within the first 50 feet shall be developed to define the entry into the subdivision/site condominium. This common open space element shall also be provided along all exterior site boundaries containing frontage on a county primary or secondary road. For an Open Space Preservation development, the common open space element shall be 100 feet.

**viii. Road Rights-of-Way.** 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.

- (a)** Roads interior to the subdivision/site condominium shall be designed to discourage through traffic. Where adjoining properties are undeveloped and the road shall 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.
- (b)** 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.
- (c)** Privately held reserve strips or out lots controlling access to roads shall be prohibited.
- (d)** All internal local rights-of-way within subdivisions/site condominiums shall not be less than 66 feet in width.
- (e)** 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:
  - 1)** the topography of the area, including, but not limited to, the presence of lakes, streams, and other natural conditions or
  - 2)** the prior development of the area causes practical difficulties in layout. A

dead-end road in excess of 660 feet can be granted without creating a safety hazard.

- (f) All roads shall be constructed to Road Commission of Kalamazoo County standards, including curb and gutter and meet Michigan Uniform Traffic Code (MUTC) for traffic control devices and signage.
  - (g) 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.
  - (h) No 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.
  - (i) 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.
  - (j) 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.
- ix. **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 shall 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 shall include any private road easements and the responsible party(ies) for maintaining the private road.
  - (c) The Master deed shall 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 shall be constructed to Road Commission of Kalamazoo County standards for design and meet Michigan Uniform Traffic Code standards.
  - (e) A 10-foot-wide utility easement shall be provided adjacent to the private road

right-of-way.

- (f) Addresses will be assigned by the Township utilizing a name that has been approved through the Kalamazoo County Road naming policies.

**x. Lighting.**

- (a) Light fixtures shall be placed at any intersections with a county primary or secondary public road.
- (b) Light fixtures shall be fully cut-off design and mounted to be parallel to the ground.
- (c) 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 other areas as may be recommended by the Planning Commission.
- (d) The Planning Commission may accept a lighting plan prepared by the appropriate local utility having authority. Such plans shall indicate the height and type of poles and luminaries to be used, the placement of all light fixtures, and the expected lighting levels.
- (e) All street lighting shall be included in a special assessment district as part of the subdivision/site condominium approval.

**xi. Nonmotorized Facilities.**

- (a) Sidewalks, not less than five (5) 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. The Planning Commission may approve an 8-foot-wide pathway on one side of all roads as an alternative.
- (b) The construction requirements of General Ordinance Article VII: Sidewalks, Pathways, and Trails shall be met.
- (c) All barrier free standards for sidewalks required by The Americans with Disabilities Act, 42 US Code §12101, shall be met. Barrier free crosswalks shall be required at all intersections where sidewalks are located.
- (d) If the Township's Parks and Trails Master Plan shows non-motorized trailways in, or connections to trailways from within the subdivision or site condominium, the planned nonmotorized trail shall be established and Constructed in compliance with General Ordinance Article VII: Sidewalks, Pathways, and Trails.
- (e) 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:
  - (1) For public and 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.

(2) For public and 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.

(3) Easement documents are to be recorded with the Kalamazoo County Register of Deeds.

**xii. Water Resources.** The provisions for riparian lots (Section 36-5.5) 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) Erosion control protection measures shall be provided for developments that include lakes, ponds, or streams in accordance with the Kalamazoo County Drain Commissioner's requirements and Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act.

(b) 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 in accordance with applicable local, state, and federal laws and regulations.

(c) No buildings for residential purposes shall be located on any portion of a lot located in a floodplain, unless approved by the Department of Environment, Great Lakes, and Energy.

(d) All other applicable requirements within the Zoning Ordinance regarding riparian regulations shall be met.

**xiii. Connectivity of Natural Areas.** 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.

**xiv. Construction Requirements.** 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.

**xv. Landscaping.**

(a) Street Trees. Large deciduous trees, meeting the requirements of Section 36-5.5.3, Landscaping, shall be planted along the right-of-way of roads internal to



the subdivision/site condominium. One (1) 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 One process if there are trees growing along the right-of-way, which are intended to be preserved and meet the dimensional and species regulations of Section 36-5.5.3.

(b) To preserve view sheds on Township primary and secondary roads that abut subdivisions/site condominiums, a 20-foot greenbelt buffer shall be preserved along the actual and/or preserved 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 in the 20-foot buffer for every 50 feet of frontage.

(c) The Planning Commission may accept one (1) existing tree within the 20-foot greenbelt buffer in exchange for one (1) required new planting as part of the Step One process if the existing tree is at least 80% of the required size (at planting) per Section 36-5.3.3.

(d) Within the 20-foot greenbelt buffer, the Planning Commission may accept fewer trees than required by ordinance if the existing trees have a total diameter in breast height equivalent to that required by the ordinance.

*(For example, if 10 deciduous canopy trees are required within the 20 foot buffer, measuring 2.5 caliper inches per tree (at planting), the Planning Commission may accept a fewer number of existing trees (in the 20 foot buffer) if the total caliper inches of the existing trees is the equivalent of 250 caliper inches.)*

(e) The 20-foot greenbelt buffer may be within a required 50-foot common open space requirement and may satisfy the buffer and common open space requirements simultaneously.

**xvi. Common Elements.** All general and limited common elements shall be clearly defined on the Plat/Plan. Ownership and maintenance of the common elements shall be established, and legal responsibility clearly detailed through the appropriate legal documents depending on the type of development.

**xvii. Monuments and Lot Pins.**

(a) 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.

(b) 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.

(c) 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 1/2 inch in diameter.

(d) All monuments and lot pins shall be placed flush with the ground.

#### **4. Approval Process.**

A. The preparation of a subdivision plat/site condominium plan shall be conducted 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

B. 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 shall 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 Three Plans (which are as built); however, the zoning or design and layout requirements provided or conditioned on the plans as part of Step One or Step Two approvals continue to be binding on the development.

#### **5. Pre-Application Review.**

A. An applicant may request an initial voluntary pre-application review meeting 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.

B. 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 be binding upon the Planning Commission at the time of its final review and recommendation.

#### **6. Step One: Tentative Preliminary Plat/Plan.**

Tentative review of the Preliminary Plat/Plan involves a public informational meeting, review of basic street layout and lot arrangement, and review of additional information

required under this section. 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:

- A. Filing Procedure.** 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 hard copy of the completed application form, including any required attachments. A digital PDF of the completed application shall accompany the plat/plan submittal.
- C.** A digital PDF of the proposed Tentative Preliminary Plat/Plan, plus three paper copies. The need for additional copies is to be determined by the Township Planning Department.
- D. Documentation.** Any additional documentation as required by this Section.
- E. Tentative Preliminary Plat/Plan Requirements.** A Tentative Preliminary Plat/Plan shall be submitted pursuant to the requirements in Table 36-6.2.6.E below and as required by *Subsection 7. Design and Layout Standards* herein:

<b>Table 36-6.2.6.E: Submission Requirements for Step One, Tentative Preliminary Plat/Plan</b>		✓
All Plats/Plans are to be drawn on uniform sheets.		
The name of the project, name and address of the preparer, and date prepared.		
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.		
All Plats/Plans are to be accurately sealed by an engineer, architect, surveyor, or licensed landscape architect, as appropriate for the Plats/Plans provided.		
Existing conditions sheet.	Full legal description of the subject property, and name of the township and county.	
	Vicinity map showing the location of the subject property in relation to the surrounding street system.	
	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.	
	Zoning of subject property and all adjacent lands.	
	Location of natural features as required by <i>Subsection 7. Design and Layout Standards</i> herein.	
	Existing rights-of-way and easements within the subject property	
	Adjacent rights-of-way or easements, including the location of existing drives on the frontage adjacent and opposite the subject property to be developed.	

	Location of existing sewers, water mains, drainage pipes, and other underground utilities within or adjacent to the subject property.	
	Existing topography at two-foot contour intervals, and its relationship to adjoining land (arrows shall indicate direction of drainage).	
Subdivision Plat/Condominium Plan sheet	Tentative Plans showing the feasibility of the development of adjoining land if the developer owns and anticipates future development of said land.	
	Adjacent rights-of-way or easements, including the location of existing drives on the frontage adjacent and opposite the subject property to be developed.	
	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.	
	Grading Plan illustrating existing and proposed contours at two-foot intervals, and its relationship to adjoining land (arrows are also helpful to indicate direction of drainage).	
	Location of natural features intended for preservation.	
	Location and type of required landscaping.	
	Percentage of land reserved for open space, where applicable.	
	Indication if individual lots/building sites will be served by wells and/or septic systems	
	General location and type of storm water management.	
	Dwelling unit density.	
	Road layout and dimensions, including connections to existing streets and placement of stub streets into adjacent properties.	
	Location and dimensions of nonmotorized and/or pedestrian pathways, including sidewalks	
	Indication of lots/building sites, showing size and shape, and dimension of building area, frontage, and square footage calculations.	
	Any additional requirements of <i>Section 36-6.2.3.G Design and Layout Standards</i> , as applicable.	

**F. Process.** The Township, upon receipt of the application and Tentative Preliminary Plat/Plan, shall request the Planning Department to:

- i. Review the application for completeness.
- ii. When the Township Planning Director determines the application is complete, the Township shall schedule the Tentative Preliminary Plat/Plan before the Planning

Commission, who may act in no less than 30 days of submission of a complete application. An application shall be deemed complete when all required information and documentation has been submitted and all ordinance standards are met.

- iii. 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.
- iv. Notify the applicant in writing of the comments reviewed and/or changes which need to be made to the Tentative Preliminary Plat/Plan.
- v. If revised Plats/Plans are required, the applicant shall resubmit within the time frame provided by the Planning Department. The Township Planning Director 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.
- vi. The applicant shall be notified of the date, time, and place of Planning Commission review not less than 30 days prior to such date.
- vii. A public hearing notice, as required by the Land Division Act, shall be provided for Subdivision Plats and Site Condominiums, including the date, time, and place of the hearing. The notice 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.

#### **G. Planning Commission Review.**

- i. The Township Planning Director 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 decision.
- ii. The Planning Commission shall hold the required public hearing, allowing public comments to be entered into the meeting record.
- iii. The Planning Commission shall determine whether the 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.
- iv. Should the Planning Commission find that the Tentative Preliminary Plat/Plan meets these requirements, it shall approve or approve with conditions.
- v. Conditions of Site Plan Approval. As part of an approval to any site Plan, the Planning Commission may impose any additional conditions or limitations as in

its judgment may be necessary to ensure that public services and facilities can accommodate the proposed site plan and its activities, to protect significant natural features and the environment, and to ensure compatibility with adjacent land uses. Such conditions shall be considered necessary by the Planning Commission to ensure compliance with the review standards of Section 36-6.4 Standards for Site Plan Approval, and necessary to meet the intent and purpose of this Article. Approval of a site plan, including conditions made as part of the approval, shall be attached to the property described as part of the application and not to the owner of such property or holder of the site plan. A record of conditions imposed shall be recorded on the site plan and maintained.

- vi. 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, 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.
- vii. Approval of the Tentative Preliminary Plat/Plan from the Planning Commission shall be effective for a period of 18 months from the date of approval and confers upon the applicant approval of lot/building site size, orientation, individual driveway location, street layout, and other design considerations of the subdivision/site condominium. Shall the Preliminary Plat/Plan in whole or in part not be submitted for review within this time limit, the Tentative Preliminary Plat/Plan shall again be submitted to the Planning Commission for review and approval. Approval of the Tentative Preliminary Plat/Plan shall not constitute final approval of the Preliminary Plat/Plan.
- viii. Extensions. The Planning Commission may grant an extension of the Tentative Preliminary Plat/Plan approval (Step One) 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.

## **7. Step Two: Preliminary Plat/Plan.**

The Preliminary Plat/Plan finalizes the construction plans and details to implement the Tentative Preliminary Plat approval granted in Step One.

### **A. Filing Procedure.**

- i. 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.
- ii. 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 Planning Director 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.

iii. One (1) hard copy of the completed application form, including any required attachments. A digital PDF of the completed application shall accompany the plat/plan submittal

(a) A digital PDF of the proposed Tentative Preliminary Plat/Plan, plus three (3) additional paper copies shall be submitted to the Township Planning Department.

(b) 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. Step Two applications will be accepted, processed, and reviewed internally, however, approvals from authorities, agencies, and bodies, shall be received before review by the Planning Commission.

(c) Any additional documentation as required by this Section.

**B. Preliminary Plat/Plan Requirements.** Engineered Plans shall be submitted pursuant to the requirements In Table 36-6.2.7.B and as required by *Section 36-6.2.3.G Design and Layout Standards*:

<b>Table 36-6.2.7: Submission Requirements for Step Two: Preliminary Plat/Plan</b>	✓
The requirements of Tentative Preliminary Plat/Plan unless modified by this subsection and all conditions of Step One approval	
Finalized grading Plan showing proposed and existing elevations, including management of water for the entire site.	
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.	
Incorporation of any wellhead protection standards, if applicable.	
Temporary and permanent soil erosion controls.	
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.	
Finalized street names approved by Kalamazoo County Planning and Development.	
Layout of well and/or septic, dry well or tile field based on requirements from the appropriate County agency, if applicable.	
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.	
Finalized location of sanitary sewer lines, including the size of proposed service, if applicable, and approved by the appropriate agencies.	
Location of easements for public infrastructure.	
Location of easements for private utility infrastructure, such as telephone, electric, cable, gas, etc.	
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.	
Location of road signs.	
Standard details for shared and common infrastructure improvements to be installed by the proprietor.	
Local standard specifications of the appropriate agency shall be identified and referenced where applicable.	
Documentation of Preliminary plat/plan approval from the following agencies: (if applicable): 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	

**C. Process.** The Township Clerk, upon receipt of the application and Preliminary Plat/Plan, shall request the Planning Department to:

- i. Review the application for completeness.
- ii. 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 Planning Director.
- iii. Notify the applicant in writing of the comments received or if changes need to be made to the Preliminary Plat/Plan.
- iv. Conformance to Tentative Preliminary Plat/Plan. The Preliminary Plat/Plan shall conform to the approved Tentative Preliminary Plat/Plan and all provisions of the Zoning Ordinance. If a revised Plat/Plan is required, the applicant shall resubmit within the time frame provided by the Planning Department. The Township Planning Director shall determine which Township departments and/or consultants require a second review.
- v. Major changes. If the proprietor makes any major changes to the plat/plan following Tentative approval, the Township has the authority to require the proprietor to resubmit the plat/plan for tentative approval to allow the Township and the public to respond to the changes. Major changes shall include, but not be limited to, the following changes: adds lots to the plat/plan; deletes or adds a road or access point; alters the basic layout of the street system; or significantly alters the previously approved topography or drainage plan; eliminates or reduces recreational facilities; alters the phasing by adding lots, extending streets beyond the maximum length permitted, or deletes areas in a phase that



had been designated for open space; results in any lot or infrastructure element not meeting any Township ordinance; due to the location of utilities, there is a loss of natural features and landscaping that is not being replaced; boundaries of EGLE regulated wetlands are changed to alter lot layout or road arrangement.

Major changes made by the proprietor to the Preliminary Plat/Plan following tentative approval shall relieve the Township from its commitment to honor the general terms and conditions of the Tentative Preliminary Plat/Plan approval, since such major changes may result in changes to the basic premise on which the tentative approval was given. If the proprietor does not agree with the Planning Director's decision as to a major change determination, they may appeal the decision to the Township Board.

- vi. The Planning Commission shall make a recommendation on the Preliminary Plat/Plan at the next eligible regular meeting.

#### **D. Planning Commission Review.**

- i. The Township Planning Director 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.
- ii. If the Preliminary Plat/Plan conforms substantially to the Tentative Preliminary 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.
- iii. Shall 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.
- iv. 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.

#### **E. Township Board Review.**

- i. The Preliminary Plat/Plan shall be placed on the next available Township Board agenda.
- ii. The Township Planning Director 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.

- iii. 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.
- iv. The Township Clerk shall request the Township Planning Director notify the applicant of approval, approval with conditions, or rejection in writing; if rejected, reasons shall be given.
- v. 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. Effective Dates.**

- i. No installation or construction of any improvements shall be made before the Preliminary Plat/Plan has received final approval by the Township Board and all required departments, and outside agencies, and any required deposits have been received by the Township.
- ii. Final approval of the Preliminary Plat/Plan confers upon the proprietor the right that the general terms and conditions under which Preliminary approval was granted shall not be changed and authority to construct and complete utilities (water and waste management, electricity, and gas) and install the base coat of the roadway. The effective period of Preliminary Plat/Plan shall be for 36 months from the date of the Township Board approval.
- iii. If the installation of infrastructure (all utilities and base coat of roadway) has not been completed and approved by the Township Engineer within the 36-month period, the Township Board may grant an extension of the Preliminary Plat/Plan approval (Step Two) for a period of up to 24-months if the request is made by the proprietor or applicant before the end of the initial approval period and the Plan meets all current zoning ordinance requirements.

**G. Addressing.** Immediately following Township Board approval, the Township will assign addresses.

**8. Step Three: Final Plat/Plan.**

- A.** Final Plat/Plan approval conveys upon the proprietor the right to apply for building permits and commence construction on a lot or building site.
- B.** Required improvements and documents. Before the Final Plat/Plan is approved by the Township, the proprietor shall be required to complete all of the following improvements at his/her expense and without reimbursement from any public agency or any improvement district (except as may be permitted by state law), and in accordance with the conditions and specifications contained in this ordinance. The proprietor shall dedicate these improvements to the applicable governmental unit, free and clear of all liens and encumbrances on the dedicated property and public improvements. These improvements shall be completed in accordance with the approved Preliminary Plat/Plan, the approvals of other authorities, the regulations in this ordinance and the requirements of other applicable ordinances, laws, and regulations, and shall be subject to inspection by the Township Engineer

and other authorities having jurisdiction over such improvements.

- C. Application for Step Three may not occur until all utilities and infrastructure are complete and all items from *Table 36-6.2.8, Submission Requirements for Step Three: Final Plat/Plan*, are complete.

<b>Table 36-6.2.8: Submission Requirements for Step Three: Final Plat/Plan</b>		✓
One (1) copy of the completed application form, including any required attachments.		
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 and the Condominium Act. The number of copies is to be determined by the Township Planning Department.		
Evidence that all requirements imposed by the Township Board at the time of the Preliminary approval have been incorporated into the proposed Plat/Plan. A cover sheet itemizing the requirements imposed by the Board must be included with the application.		
An abstract of title or title insurance policy showing merchantable title in the proprietor of the subdivision.		
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.		
Documentation of the following:		
	A letter acknowledging that the developer is responsible for the maintenance or repair of any sidewalk or nonmotorized path/facility for a period of one (1) year from the date of final inspection and approval by the Township.	
	Proof of the legal ownership 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.	
	Master deeds, bylaws, and any other pertinent exhibits required of a site condominium per Condominium Act.	
	Proof that all monuments required to be placed have either been placed or a cash or equivalent deposit will be made with the Township and a Deposit Agreement executed.	
	Copies of approvals for all road, streets, bridges, and culverts by the Road Commission of Kalamazoo County for public facilities and by the Township Engineer for private.	
	As built Plans verifying 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.	
	Easements granted by the proprietor and approved by the public utility for underground utility installations, including lines for street lighting systems, which traverse privately-owned property.	
	Evidence that all public improvements, such as streetlights and fire hydrants, which have been required by the Township Board, have been completed, installed, reviewed, and approved by the Township Engineer.	
	Evidence that 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.	
	Evidence that 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. No cash deposit or equivalent will be permitted	
	An escrow deposit of funds or equivalent, deposited with the Township, and an executed Deposit Agreement with the Township for the installation of sidewalks abutting an individual lot/building if completion is deferred	

**4. Filing Procedure.** 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.

**5. Process.** The Township, upon receipt of the application and Final Plat/Plan, shall request the Planning Department to:

- i. Review the application for completeness.
- ii. 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.
- iii. 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.

- iv. Notify the applicant in writing of the comments received or if changes need to be made to any of the final documents.
- v. 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.
- vi. The Township Board shall act on the Final Plat/Plan and any supporting documents at its next regular meeting called after the submission of a complete Final Plat/Plan and all necessary supporting documentation.

## **6. Township Board Review.**

- i. The Township Planning Director 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.
- ii. 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 Three approval.
  - (2) All roads, 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 widths, and names. All curved portions shall be defined by curved data including points of curvature, radii of curves, and the length of bearing of its long chord.
- iii. 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 (EGLE) 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.
- iv. 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.
- v. 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 instruments.

- vi. All public improvements, such as streetlights and fire hydrants, which have been required by the Township Board, have been completed, installed, reviewed, and approved by the Township Engineer.
- vii. 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.
- viii. Sidewalks.
  - 1. 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. No cash deposit or equivalent will be permitted.
  - 2. Installation of sidewalks abutting an individual lot/building site may be installed at one time or lot/site by lot/site. Should sidewalks be installed as each lot/site is built, when the total number of constructed lots/sites in the development reaches 85% of the total number of lots/site in the development, or five years after the date of Step Three approval, the remaining sidewalk network shall be installed by the developer. If sidewalks are not developed at one time and installed before the build out of individual lots/sites, a surety bond in the equivalent of 1.5 times the cost of sidewalk installation shall be provided and approved by the Township Board.
- ix. 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.

## **7. Standards for Approval.**

If the Final Plat/Plan conforms 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. The Township Clerk shall request the Planning Director 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.

## **8. As Built Drawings.**

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 (2) ties to Government Section Corners. Additionally, the following shall 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.

- 9. Township Certification.** 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.
- 10. Certificate of Taxes.** The Township Treasurer shall sign a certificate of taxes.
- 11. Execution of Plat.** 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.
- 12. 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 One procedures.
- 13. Site Plans with Multiple Phases.** Subdivisions and site condominiums with multiple phases shall submit all phases (conceptual layout for future phases and out lots shown on the plans to ensure proper development of the overall site) during Step One. Each future phase shall be reviewed starting with Step Two. While a future phase of development is identified on a Step One Site Plan, the Planning Commission is not bound by any aspect of that portion of the Plan until a Phase 2 Site Plan meeting the requirements of this section has been provided.
- 14. 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:
- i. 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.
  - ii. Township Board Approval. Any partition, division, or re-description that results in a net increase in lots/building sites shall be reviewed by the Planning Commission and approved by the Township Board.
- 15. 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.
- 16. Noncompliance.**
- i. 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.
  - ii. 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.

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

**17. Validity.** Shall the Court declare any subsection, clause, or provision of this Section 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.

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