

## **CHAPTER 10 SUBDIVISIONS**

**Section 10.1 Short Title.** This Chapter may be known and cited as the “Subdivision Control Ordinance of Courtland Township.”

**Section 10.2 Authority.** The regulations of this Chapter are adopted pursuant to the statutory authority of Act No. 288 of the Michigan Public Acts of 1967, as amended, the Land Division Act (the “Act”).

**Section 10.3 Scope and Purpose.**

- A. The approvals and requirements of this Chapter shall be satisfied prior to the construction or installation of any subdivision within Courtland Township. The approvals and requirements of this Chapter shall be satisfied prior to the replatting of any subdivision. Standards and procedures for land divisions, as defined by the Act, are provided in a separate Chapter of this Code.
- B. The purpose of this Chapter is to provide regulations dealing with the subdivision or platting of land within Courtland Township and to further promote and protect the public health, safety, and general welfare of the people of the Township by providing for the orderly development of land within the Township.

**Section 10.4 Administration.** This Chapter shall be administered by the Courtland Township Board and Planning Commission in accordance with the procedures of this Chapter and the Subdivision Control Act of 1967, as amended.

**Section 10.5 Definitions.**

- A. **Definitions.** The definitions of the Land Division Act, as amended, are hereby included and made a part of this Chapter. Additional definitions are noted in this Section.
- B. **Additional Definitions.**
  - 1. **Act** means the Land Division Act, Act 288 of the Public Acts of 1967, as amended.
  - 2. **Applicant** means the proprietor as defined by the Land Division Act, as amended.
  - 3. **As-Built Plans** means revised construction plans drawn in accordance with all approved field changes.
  - 4. **Board** means the Courtland Township Board of Trustees.
  - 5. **Clerk** means the Courtland Township Clerk.

6. **Commission** means the Courtland Township Planning Commission.
7. **Improvements** means grading, street surfacing, curbs, gutters, sidewalks, sanitary sewers, storm drainage systems, culverts, bridges, utilities, and other additions to the natural state of land which increases its value, utility, or habitability.
8. **Master Plan** means the Courtland Township Master Plan.
9. **Natural Features and Amenities** means, but is not limited to, lakes, ponds, watercourses, floodplains, woodlands, and topography of the land.
10. **Soil Erosion and Sedimentation Control Act** means Part 91 of the Michigan Natural Resources and Environmental Protection Act, as amended.
11. **Township** means Courtland Township.
12. **Township Attorney** means the legal counsel for Courtland Township.
13. **Township Engineer** means the professional consulting engineer for Courtland Township.
14. **Zoning Ordinance** means the Zoning Ordinance of Courtland Township, as amended.

## **TENTATIVE AND FINAL PRELIMINARY PLAT**

### **Section 10.6 Application for Plat Approval.**

- A. An application for a tentative Preliminary Plat approval shall be submitted to the Clerk at least thirty (30) days prior to the next regularly scheduled meeting of the Commission.
- B. The application shall consist of the following materials. Applications which do not have all of the materials noted below shall be considered incomplete and shall not be accepted.
  1. A completed application form, supplied by the Township.
  2. An application fee as established by the Board by resolution from time to time.
  3. Ten (10) copies of a Preliminary Plat drawing at a scale of not more than one (1) inch equals one hundred (100) feet that complies with the Act and shows, at a minimum, the following:
    - a. A scaled location map showing the location of the proposed Preliminary Plat within the Township relative to streets, section

lines, watercourses, and other subdivisions within one (1) mile of the proposed Plat.

- b. The names of adjoining subdivisions, or the owners and addresses of abutting parcels of land, if not within a subdivision.
- c. The names, rights-of-way, and pavement widths of adjoining and proposed streets, including the location of all driveways within one hundred (100) feet of the proposed Plat on adjoining streets.
- d. Exterior dimensions of the lot or lots being subdivided.
- e. The location, type, and dimensions of any easements or streets crossing the lot or lots being subdivided, if any.
- f. The locations and nature of any natural features and amenities.
- g. The location, size, and dimensions of proposed lots.
- h. The location, dimension, and use of any land set aside for public or private use, other than that proposed for the plat, if any.
- i. The location and dimensions of proposed drainage and utility easements.
- j. The location and size of all existing underground utilities.
- k. Site topography at two (2) foot intervals.
- l. The date of preparation, and the names of the Plat, applicant, and the firm or individual preparing the Plat.
- m. Scale, north arrow, permanent parcel number, and legal description.

## **Section 10.7 Review Process.**

### **A. Commission Review – Tentative Plat Approval.**

- 1. The Commission shall conduct at least one (1) public hearing for the purpose of receiving public comments on the proposed Plat. Notification of the public hearing shall be the same as that required by Section 71 of the Michigan Planning Enabling Act.
- 2. Following the public hearing the Commission shall recommend to the Board approval, denial, or approval with the conditions. The Commission shall state its reasons for such recommendation. The minutes containing the record of the public hearing and the Commission’s recommendation shall be forwarded to the Board and to the applicant prior to the Board’s consideration of the Plat.

**B. Board Review - Tentative Plat Approval.**

1. The Board shall not consider the Preliminary Plat until receiving the recommendation of the Commission.
2. The Board shall consider the Preliminary Plat at its next regularly scheduled meeting after receiving the recommendation of the Commission.
3. The Board shall grant tentative approval, approval with conditions, or denial of the Preliminary Plat within ninety (90) days of filing with the Clerk, stating its reasons in writing for such approval, approval with conditions, or denial. Such reasons shall be based upon the standards of Section 3 of this Chapter and shall be submitted to the applicant.

**C. Tentative Plat Approval.**

1. Tentative Preliminary Plat approval by the Board shall confer upon the applicant approval of the lot sizes, lot orientation, and street layout of the proposed Plat for a period of one (1) year.
2. A tentative Plat approval may be extended for such period of time as determined by the Board if such extension is applied for in writing prior to the expiration of the tentative Plat approval period and is supported by reasonable evidence justifying the extension. Provided, however, such extension shall not be granted if the lots in the subdivision do not comply with the minimum lot size requirements of the Zoning Ordinance which are will be applicable to the subdivision at the time of expiration of approval.
3. Following tentative approval of the Plat, the applicant shall submit copies of such Plat for the approval of the authorities as required by the Act.

**D. Board Review - Final Preliminary Plat Review.**

1. An application for a Preliminary Plat shall be submitted to the Clerk not less than twenty (20) days prior to the next regularly scheduled meeting of the Board. For any Plat submitted thereafter, the applicant shall pay an additional fee established by the resolution for the cost of calling a special meeting to comply with the deadlines for review provided in the Act, unless the proprietor waives in writing compliance with such deadlines. The Township Board shall examine the application at a meeting within twenty (20) days after submission of the Plat, or at the next regular meeting thereafter, if such time requirement is waived in writing by the proprietor.
2. The application shall consist of the following materials. Applications which do not have all of the materials noted below shall be considered incomplete and shall not be accepted.

- a. The requirements of Section 10.6(b) of this Chapter.
  - b. Proof of approval of the Plat from each of the authorities having jurisdiction as required by the Act. These proofs of approval shall include copies of all permits as may be required and issued by these authorities.
3. The Board shall grant final approval, approval with conditions, or denial of the Preliminary Plat, stating in writing its reasons for such approval, approval with conditions, or denial. Such reasons shall be based upon the standards of this Chapter and shall be submitted to the applicant.

**E. Final Preliminary Plat Approval.**

1. Final Preliminary Plat approval shall confer upon the applicant for a period of two (2) years from the date of approval, the conditional right that the general terms and conditions under which final Preliminary Plat approval was granted will not be changed.
2. A final Preliminary Plat approval may be extended for such period of time as determined by the Board if such extension is applied for in writing prior to the expiration of the tentative Plat approval period and is supported by reasonable evidence justifying the extension and further provided that the lot sizes in the subdivision will be not less than the minimum lot sizes of the Zoning Ordinance in effect at the time of the expiration of the extension.

**F. Final Plat Application and Review.**

1. An application for a Final Plat shall be submitted to the Clerk not less than twenty (20) days prior to the next regularly scheduled meeting of the Board. For any Plat submitted thereafter, the applicant shall pay an additional fee established by the resolution for the cost of calling a special meeting to comply with the deadlines for review provided in the Act, unless the proprietor waives in writing compliance with such deadlines. The Township Board shall examine the application at a meeting within twenty (20) days after submission of the Final Plat, or at the next regular meeting thereafter, if such time requirement is waived in writing by the proprietor.
2. The application shall consist of the following materials. Applications which do not have all of the materials noted below shall be considered incomplete and shall not be accepted.
  - a. One (1) mylar copy and three (3) paper copies of the Final Plat.
  - b. Two (2) paper copies of as built plans for all improvements.
  - c. An abstract of the title certified to date, or, at the option of the applicant, a policy of title insurance for examination in order to

ascertain whether or not the proper parties have signed the Final Plat.

- d. Certification of a qualified individual indicating that construction of improvements has been satisfactorily completed, including evidence of inspections.
  - e. Cost estimates for any improvements that have not been completed.
3. The Board shall grant Final Plat approval provided that the standards of this Chapter are met.
  4. In lieu of completion of all or a portion of all improvements and with the specific consent of the Board, Final Plat approval may be granted, provided that as a condition of such approval, the applicant shall deposit with the Township a true copy of an agreement showing that the applicant has deposited with a bank or other agent acceptable to the Township, cash, certified check, irrevocable bank letter of credit, or other form of surety in an amount sufficient to guaranty the Township the satisfactory construction, installation, completion and dedication of required improvements.
    - a. The amount of such deposit shall represent one hundred percent (100%) of the estimated construction costs of completion of the required improvements, including a reasonable contingency, as determined by the Township Engineer. The applicant shall be responsible for providing a cost estimate to the Township Engineer for review who shall determine its sufficiency.
    - b. Such deposit shall comply with all statutory requirements and shall be satisfactory to the Township Attorney as to form, sufficiency and manner of execution, as set forth in this Chapter.
    - c. The Township shall not accept dedication of required improvements, nor release nor reduce the guaranty or surety until:
      - i. The applicant has certified in a manner approved by the Township Attorney that the improvements have been completed and are free and clear of all liens and encumbrances;
      - ii. The Township Engineer has certified that the required improvements have been satisfactorily completed as required by this Chapter; and
      - iii. The applicant shall have provided certification indicating that construction of required improvements has been satisfactorily completed. This certification shall include evidence of inspections as required by the Act.

- iv. The guaranty or surety shall be reduced and refunded upon actual completion of required improvements and then only to the ratio that the completed improvement bears to the total improvements for the Plat. In no event shall the surety be reduced below ten percent (10%) of the principal amount before final acceptance of all improvements by the Board.
- v. The Township Building Inspector shall not issue building permits for construction of buildings or structures as regulated by the Township Building Code, except for signs permitted by the Zoning Ordinance.

**Section 10.8 Review Standards.**

A. **Tentative Plat Approval – Commission and Board.** The Commission and Board shall grant tentative Preliminary Plat approval upon reaching the following findings:

- 1. That the proposed lots comply with the requirements of the Courtland Township Zoning Ordinance.
- 2. That the design of the streets within the Plat provide adequate and safe circulation within the Plat and that sufficient consideration has been given to providing access to adjacent vacant parcels within the same zoning district.
- 3. That lots are oriented to ensure safety of access to any street, to take best advantage of existing topography, and to preserve existing natural features and amenities.
- 4. That the Plat conforms to the requirements of this Chapter and any other applicable federal, state, or local laws or ordinances.
- 5. That the Board has received the recommendation of the Commission regarding the Preliminary Plat.

B. **Tentative Plat Approval - Board.** The Board shall grant tentative Preliminary Plat approval upon reaching the following findings:

- 1. That the Preliminary Plat substantially conforms to the tentative Preliminary Plat approval, including any conditions placed on such approval;
- 2. That all required reviews have been completed and appropriate documentation of such approvals is provided; and
- 3. That the Plat conforms to the requirements of this Ordinance and any other applicable federal, state, or local laws or ordinances.

- C. **Final Plat Approval.** The Board shall grant Final Plat approval upon reaching the following findings:
1. That the Final Plat substantially conforms to the Preliminary Plat approval, including any conditions placed on such approval;
  2. That all required reviews have been completed and appropriate documentation of such approvals is provided;
  3. That the Plat conforms to the requirements of this Ordinance and any other applicable federal, state, or local laws or ordinances; and
  4. That construction of all improvements as required by this Ordinance has been completed and financed, or security submitted in accordance with the provisions of Section 2.F.4 of this Chapter.

## **Section 10.9 Required Improvements - Engineering and Design.**

### **A. Streets and Access.**

1. **Public and Private Streets.** All streets within the Plat, and improvements to streets adjoining the Plat, shall be public streets constructed to the standards required by the Kent County Road Commission or the Michigan Department of Transportation, whichever is applicable, unless a private street is approved in accordance with the standards and procedures of the Zoning Ordinance.
2. **Street Lengths.**
  - a. No public street shall (1) extend for a distance of more than 2,640 feet in length from the nearest public street right-of-way from which access is gained, as measured along the centerline of the street to the furthest point of any street, or (2) exceed the length permitted by the Kent County Road Commission, whichever is less, without a street access complying with this Section being provided to another public street.
  - b. The maximum length of a proposed street may be exceeded if permitted by the Kent County Road Commission and the Township Board, after recommendation of the Planning Commission, finds that at least one (1) of the following conditions exists:
    - i. That topography or other significant natural features preclude access to any other public street or adjoining property on which a public street may be constructed. Such significant natural features shall be clearly identified and marked on the proposed plat.



- ii. That not allowing a longer street would result in inefficient use of land. Alternate plat plans demonstrating that no other development is feasible shall be submitted by the applicant and reviewed by the Township Board prior to confirming this finding.
    - iii. That other methods of access are available such that emergency vehicles are assured a safe and unimpeded route of travel to the properties served by the street. Such access shall be reviewed by the Fire Chief and the recommendation forwarded to the Planning Commission.
  - c. The Township Board, upon a finding that at least one (1) of the above conditions exists, shall establish the maximum length of the proposed street.
- 3. Any Plat shall be designed so that no lots have direct access to a State Trunkline, County Primary or County Local Road. Access to lots within the Plat shall only be provided by streets proposed as part of the Plat. The Board may grant direct access to such State Trunkline, County Primary or County Local Road provided that all of the following conditions are met:
  - a. A permit for such direct access is obtained from the Kent County Road Commission or the Michigan Department of Transportation, whichever is applicable, for each lot;
  - b. The proposed Plat contains fewer than five (5) lots;
  - c. The proposed Plat has less than four hundred (400) feet of frontage on the existing State Trunkline, County Primary, or County Local Road; and
  - d. The entire property under the ownership or control of the applicant, including any portion which is excluded from the Plat, has less than three hundred (300) feet of lot depth.
- 4. Any lot(s) permitted direct access to a State Trunkline, County Primary or County Local Road shall have a required front yard setback equal to one and one-half (1 and 1/2) times that required by the Zoning Ordinance.

**B. Utilities.**

- 1. Public sanitary sewer and/or water shall be extended at the applicant's expense to serve the proposed Plat if required by applicable water or sewer ordinance.

2. Where such connections are not available the applicant may either pay for the extension of such utilities, or provide suitable private utilities, subject to the approval of the Kent County Health Department.
3. All other utilities shall be installed underground at the applicant's expense. All such utilities shall be placed within private easements provided to such utility agencies, or within dedicated public rights-of-way, as permitted by the agencies governing such rights-of-way.
4. All utilities shall conform to the construction standards of the Kent County Board of Public Works, or other appropriate agency or ordinance.

**C. Sidewalks.**

1. Sidewalks shall be required in any subdivision within the R-1 District of the Courtland Township Zoning Ordinance where sanitary sewer is provided and where fifty percent (50%) or more of the lots within the proposed subdivision have less than one hundred (100) feet of lot frontage.
2. Sidewalks may be required by the Board in the following circumstances at their discretion, upon recommendation of the Planning Commission.
  - a. Where other public sidewalks are available on any adjoining State Trunkline, County Primary or County Local Road within five hundred (500) feet of the boundary of the proposed Plat and on the same side of the Road as the Plat.
  - b. Where the length of any portion of a street within such Plat exceeds eight hundred (800) feet from an existing State Trunkline, County Primary or County Local Road; or
  - c. Where the Board determines that sidewalks are necessary.
  - d. Sidewalks shall be constructed according to the Kent County Road Commission's standards.

**D. Storm Drainage.**

1. All storm drainage systems shall be designed, constructed, and maintained to the standards required by the Kent County Drain Commissioner, the Michigan Department of Environmental Quality, and any applicable Township ordinance.
2. The applicant shall demonstrate their intention to comply with the Soil Erosion and Sedimentation Control Act and provide a general description of that intent.

**E. Existing Natural Features and Amenities.**

1. To the extent possible, existing natural features and amenities shall be preserved, or where appropriate, replaced within the Plat.
2. Where such features are required to be removed or altered as part of the Plat design, the applicant shall certify to the Commission and Board:
  - a. That the properties of the land which is part of the Plat are such that no practical alternative design is possible that would preserve such features;
  - b. That the removal or alteration of such features will not have an adverse effect on adjacent properties with respect to drainage, views, or other significant environmental effect;
  - c. That the removal or alteration of such features complies with all applicable federal state, and local laws and ordinances; and
  - d. That financial considerations alone are not used to justify the removal or alteration of such features.
  - e. The Board may require the installation of street trees or other landscaping or other action to compensate for the removal or alteration of natural features or amenities or to provide screening from adjacent properties where deemed appropriate.

**F. Street Lighting.**

1. Street lighting may be required by the Board where deemed necessary to ensure pedestrian or vehicular safety.
2. If required, street lighting shall be installed in accordance with the standards of the Kent County Road Commission or other appropriate agency or utility.

**G. Platted Lots.** All lands included in a subdivision shall be part of a platted lot unless dedicated to the public or assurances are provided to the Township that all costs for maintenance of such areas shall be the responsibility of the property owners or a property owners association formed for such purpose or other purposes.

**H. Recreational Trails.**

1. In connection with any subdivision approved under this chapter, the Township may require the dedication of right-of-way for public recreational trails, or may require dedication at a future time on request of the Township, along: (1) the entire frontage of the proposed subdivision along existing public streets; or (2) through the interior of the subdivision, in open space

areas or adjacent to internal public or private roadways, or at another location.

2. **Procedures.** As part of its review of a subdivision, the Planning Commission shall specifically consider whether a right-of-way for recreational trails along or through the proposed subdivision would achieve the public purposes of promoting bicycle and pedestrian trails throughout the Township, providing a network of non-motorized trails to connect neighborhoods with other neighborhoods, schools, parks, churches, shopping, services, and other trail systems, and in general providing a safe means of pedestrian use and non-motorized transportation throughout the Township. If the Planning Commission determines that recreational trails are necessary to achieve these public purposes, it shall approve an appropriate location for such trails. In making this determination, the Planning Commission shall consider, in addition to other relevant factors, all of the following:
  - a. Vehicle traffic likely to be generated by the proposed development.
  - b. Pedestrian, bicycle and other non-motorized traffic likely to be generated by the proposed development.
  - c. The importance of the required recreational trails to provide a safe means for access to schools, churches, parks, shopping, other trail networks, and other amenities.
  - d. The location of the development and the proposed recreational trail to provide connectivity to planned routes for recreational trails.
  - e. The cost of construction of the required recreational trails.
  - f. The fair market value of any right-of-way or easement required to be dedicated for the recreational trails.
3. The Planning Commission shall provide the proprietor with a reasonable opportunity at a Planning Commission meeting to provide the proprietor's position with respect to the need for recreational trails.
4. Dedication of right-of-way for recreational trails may not be required if the Township specifically determines that the location of the subdivision is such that the standards described in subsection 1 above do not weigh in favor of construction of recreational trails, or that the location is one at which there is no reasonable likelihood of a recreational trail becoming part of an interconnected trailway system.
5. The Township Board shall review and consider the Planning Commission's report and recommendation concerning recreational trails and make a final determination based upon the preceding standards of this section. Based

upon the recommendation of the Planning Commission and its own findings, the Township Board shall decide what right-of-way for recreational trails, if any, are to be required for the subdivision.”

## **ADMINISTRATION, VALIDITY, AND PENALTIES**

### **Section 10.10 Administration.**

- A. This Ordinance shall be administered by the Planning Commission, Township Supervisor, and Township Board. The rules, regulations, and standards imposed by this Ordinance shall be considered to be the minimum requirements for the protection of the public health, safety, and welfare of the citizens of the Township; and in interpreting and applying them, primary consideration shall be given to these factors.
- B. The Township Board may establish by resolution inspection fees, inspection requirements, specification standards, and administrative procedures as provided by law and such shall be deemed to be requirements of this Ordinance.

## **DIVISION OF PLATTED LOTS**

**Section 10.11 Prohibition.** No lot or other parcel of land located within a recorded plat shall be partitioned, altered or divided or a building permit issued for a partitioned or divided lot, unless such partition or division is first approved by the Township Land Division Administrator designated by the Township Land Division Ordinance, No. 120, (the “Administrator”) in compliance with the provisions of this ordinance.

**Section 10.12 Application.** Before any platted lot is partitioned or divided, an application shall be filed with the Zoning Administrator or Township Assessor (“Administrator”), on a form approved by the Administrator. In addition to any information or materials required by the Administrator, the application shall be accompanied by the following:

- A. The legal descriptions of the existing lots affected, the legal description of the portions of the lots being divided or partitioned, and the legal descriptions of any parcels being created or altered. Unless waived by the Administrator, all legal descriptions shall be certified as accurate by a registered land surveyor.
- B. A survey or drawing showing the lot area and dimensions of the lots or parcels to be created or altered, the locations of all adjacent structures as necessary for verification of setbacks and similar issues, and the location of the public street or the right-of-way which provides access. Unless waived by the Administrator, the drawing shall be prepared and/or certified by a registered land surveyor.
- C. The signature of all parties with an interest in the affected lots or parcels, stating that they are consenting to the lot division or partition.
- D. Proof satisfactory to the Administrator that the persons signing the application are all the parties of interest in the lots or parcels affected by the lot division.

- E. If applicable, a statement by the owner of the lot or parcel to which property is to be added as a result of the partition or division, stating the anticipated use of the property conveyed.
- F. If a division is proposed to be a separate building lot, proof satisfactory to the Administrator that the lot would be approved for on-site septic and water supply by the Kent County Health Department.
- G. If applicable, proposed easements for access and utilities to for a lot or lot to be created.
- H. The application shall be accompanied by a nonrefundable application fee in the same amount required under the Land Division Ordinance, or such other fee established by resolution of the Township Board.

### **Section 10.13 Standards for Review and Approval.**

- A. Once a complete application and application fee have been submitted, the land division administrator shall review the application and determine whether all requirements of this ordinance have been met. If they have, the lot division shall be approved, or approved upon conditions which will ensure compliance with the ordinance. If it does not meet the requirements of this ordinance, the land division administrator shall disapprove the application, in writing.
- B. If a division or partition results in a new lot, the lot shall comply with all requirements of the Township zoning ordinance, with respect to lot area, width, access, width to depth ratio, and all other relevant and applicable requirements for new lots.
- C. The division shall not cause a nonconformity with the zoning ordinance with respect to building or other setbacks, access, or any other provision of the zoning ordinance. If a nonconformity already exists, the partition or division shall not increase the extent of the nonconformity.
- D. If partitioned lands are to be added to adjacent property, the addition shall not result in any nonconformity with the Township zoning and other applicable ordinances. If such nonconformity already exists, the partition or division shall not increase the extent of the nonconformity.
- E. Not more than four new building lots, each of which must comply with applicable zoning and other ordinance requirements, shall be created from any one original platted lot. This does not include lands added to an adjacent lot.
- F. All lots shall be provided with legal access to a public street, private street, or access easement complying with Township ordinance, and shall, if applicable, have adequate easements for public utilities.

- G. Any new building lot shall have or be capable of being provided with safe and adequate provision for disposal of sanitary sewer and provision of potable water.
- H. No division or partition shall be approved if there are any unpaid property taxes or special assessments on the parcel.