

17.025 SUBDIVISION PROCEDURE

The preparation of a **subdivision** for platting shall be preceded by a preliminary investigation and shall go through three phases: Pre-preliminary Plat Investigation, Preliminary Plat (Stages 1 & 2) and Final Plat, all in accordance with the procedure as follows:

(Ord. No. 269, eff. July 27, 1991)

17.030 Pre-preliminary plat investigation.

Sec. 300.

1. Prior to the preparation of a preliminary plat, it is suggested that the proprietor meet informally with the Planning Commission to investigate the procedures and standards of the Municipality with reference to this **Subdivision** Regulations Ordinance and with the proposals of the Master Plan as they affect the area in which the proposed **subdivision** is located.

The proprietor should concern himself with the following factors:

- a. The proprietor shall secure a copy of the Zoning Ordinance, **Subdivision** Regulations, engineering specifications, and other similar ordinances or controls relative to the **subdivision** and improvement of land so as to make himself aware of the requirements of the Municipality.
- b. The area for the proposed **subdivision** shall be properly zoned for the intended use.
- c. An investigation of adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to serve the proposed **subdivision** shall be made by the proprietor.
- d. The relationship of the proposed **subdivision** with respect to Major Thoroughfares and plans for widening of thoroughfares shall be investigated by the proprietor.
- e. Standards for sewage disposal, water supply and drainage of the City of Plainwell shall be investigated by the proprietor.
- f. The relationship of the proposed **subdivision** with the City's Master Land Use Plan.

(Ord. No. 269, eff. July 27, 1991)

17.031 Preliminary plat procedure (stage 1).

Sec. 301. The procedure, under this Stage 1, for preparation and submittal of a preliminary plat of the land area to be subdivided shall be as follows:

1. *Filing.*
 - a. Ten (10) copies of the preliminary plat of the proposed **subdivision**, together with written application in triplicate, shall be submitted to the

Clerk who shall transmit said plat to the Planning Commission for processing.

- b. Submittal with the Clerk shall be at least ten (10) days prior to the regular Commission meeting (which meeting shall be considered as the date of filing). Should any of the data required in this Section 301 [17.031] of this Ordinance be omitted, the Planning Commission shall direct the Clerk to notify the proprietor of the additional data required and Commission action shall be delayed until the required data is received. The Commission will act on the preliminary plat within thirty (30) days after the date of filing unless the proprietor agrees to an extension of time in writing.
- c. Written statement verifying prior submission of the preliminary plat to the City Council and the Allegan County Drain Commission, Michigan Department of Transportation, Michigan Department of Natural Resources, Allegan County Health Department, Allegan County Plat Board, and all public utilities.

2. *Identification and description.* The preliminary plat (Stage 1) shall include:

- a. Proposed name of **subdivision**.
- b. Location by Section, Town and Range, or by other legal description.
- c. Names and addresses of the proprietor, owner proprietor, and the planner, designer, engineer or surveyor who designed the **subdivision** layout. The proprietor shall also indicate his interest in the land.
- d. Scale of plat, 1" = 100' as minimum acceptable scale.
- e. Date.
- f. Northpoint.

3. *Existing conditions.* The preliminary plat (Stage 1) shall include:

- a. An over-all area map showing the relationship of the subdivision to surrounding areas within one-half mile; information on the area map shall include such things as section lines and/or major streets or collector streets. Scale shall be not less than 1" = 500'.
- b. Boundary lines of proposed **subdivision**, section or corporation lines within or adjacent to the tract and over-all property dimensions.
- c. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for **subdivision** including those of areas across abutting roads.
- d. Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the tract being proposed for **subdivision**, including those located across abutting roads.
- e. Existing zoning of proposed **subdivision** and zoning of adjacent lands and/or parcels.

- f. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for **subdivision**, as well as any existing overhead utilities.
 - g. Topography drawn as contours with an interval of at least two (2) feet. Topography to be based on U.S.G.S. datum.
4. *Proposed conditions.* The preliminary plat (Stage 1) shall include:
- a. Layout of streets indicating proposed street names, right-of-way widths, and connections with adjoining platted streets and also the widths and location of alleys, easements and public walkways. Street names shall be indicated as approved by the City Council.
 - b. Layout, numbers and dimensions of lots, including building setback lines showing dimensions.
 - c. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the **subdivision**.
 - d. An indication of the ownership, and existing and proposed use of any parcels identified as "excepted" on the preliminary plat. If the proprietor has an interest or owns any parcel so identified as "excepted", the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.
 - e. An indication of system proposed for sewage by a method approved by the City Council and the Department of Public Works.
 - f. An indication of system proposed for water supply by a method approved by the City Council and the Department of Public Works provided by the proprietor.
 - g. An indication of storm drainage proposed by a method approved by the City Council, and the Department of Public Works and if involving County drains, the proposed drainage shall be acceptable to the Allegan County Drain Commissioner.
 - h. In the case where the proprietor wishes to subdivide a given area but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the over-all plan in order to illustrate clearly the method of development which the proprietor intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the proprietor is subdivided.
5. *Preliminary plat (stage 1) review by planning commission.*
- a. The Planning Commission shall transmit a copy of the preliminary plat to the City Engineer and the City Planner for their technical review and recommendation.

- b. It shall be the duty of the Clerk to send a notice by first class mail to the owners of land immediately adjoining the property to be platted of the presentment of the preliminary plat and the time and place of the meeting of the Commission to consider said preliminary plat; said notice shall be sent not less than five (5) days before the date fixed therefor.
- c. The Planning Commission shall review all details of the proposed **subdivision** within the framework of the Zoning Ordinance, within the various elements of the Master Plan and within the standards of this **Subdivision** Regulations Ordinance.
- d. The Planning Commission shall approve conditionally, disapprove, or approve the preliminary plat.
 - (1) Should the approval be a conditional approval and therefore tentative, the preliminary plat shall not be forwarded to the City Council until said conditions have been satisfied by the proprietor. The proprietor shall submit the revised preliminary plat to the Planning Commission for review.
 - (2) Should the Planning Commission disapprove the preliminary plat, it shall record the reasons in the minutes of the regular meeting. A copy of the minutes shall be sent to the proprietor. The proprietor may submit a revised preliminary plat to the Planning Commission for review.
 - (3) Should the Planning Commission find that all conditions have been satisfactorily met, it may give approval to the preliminary plat; the Chairman shall make a notation to that effect on each copy of the preliminary plat and distribute copies of same as follows:
 - (a) Return one (1) copy to the proprietor;
 - (b) Retain one (1) copy which shall become a matter of permanent record in the Commission files;
 - (c) The balance of the copies shall be retained by the City which may keep them for their records.

(Ord. No. 269, eff. July 27, 1991)

17.032 Preliminary plat (stage 2).

Sec. 302. The procedure for the preparation and review of a preliminary plat (stage 2) requires tentative and final approval as follows:

- 1. *Preliminary plat (stage 2)--tentative approval.*
 - a. *Filing.*
 - (1) The preliminary plat shall comply with the provisions of the **Subdivision** Control Act.

- (2) The preliminary plat (stage 2) shall conform substantially to the preliminary plat (stage 1) as approved and it may constitute only that portion of the approved preliminary plat which the proprietor proposes to record and develop at the time; provided, however, that such portion conforms to this Subdivision Regulations Ordinance.
- (3) The proprietor shall submit as evidence of title, an abstract of title certified to date with the written opinion of an attorney-at-law thereon, or at the option of the proprietor, a policy of title insurance for examination in order to ascertain as to whether or not the proper parties have signed the plat.
- (4) Ten (10) copies of the preliminary plat of the proposed subdivision, together with written application in triplicate, shall be submitted to the Clerk at least ten (10) days prior to the regular Commission meeting (which meeting shall be considered as the date of filing). The Clerk shall transmit five (5) copies to the City Engineer.
- (5) The City Engineer shall check the proposed plat for completeness. Should any of the data required in Subdivision Control Act or Section 301.1 through Section 301.4 [17.031] of these regulations be omitted, the Clerk shall be directed to inform the proprietor of the data required, and that the application will be delayed until the required data is received.
- (6) The City Engineer shall transmit a copy of the preliminary plat to the City Planner for his technical review and recommendation.

b. *Planning Commission Review (Tentative Approval).*

- (1) The City Clerk shall place plats filed with all necessary information on the next regular Planning Commission agenda, at which meeting the proprietor will be scheduled to appear. The Planning Commission will act on the preliminary plat within twenty (20) days after the date of filing of the preliminary plat (stage 2) unless the proprietor agrees to an extension in writing, of time required for approval by the City Council and Planning Commission.
- (2) The preliminary plat (stage 2) shall be reviewed by the City Engineer as to compliance with the approved preliminary plat (stage 1) and plans for utilities and other improvements.
- (3) The City Engineer shall notify the Commission of his recommendation for either approval or rejection of the preliminary plat.
- (4) The preliminary plat (stage 2) documents shall be reviewed by the Planning Commission as to compliance with the approved preliminary plat (stage 1).
- (5) Should the Planning Commission find that the preliminary plat

(stage 2) is in close agreement with the preliminary plat (stage 1), it shall approve same and notify the City Council of this action in its official minutes and forward the same, together with all accompanying data to the City Council for their review.

- (6) Should the Planning Commission find that the preliminary plat (stage 2) does not conform substantially to the previously approved preliminary plat (stage 1) and/or that it is not acceptable, they shall record the reasons in their official minutes and forward same together with all accompanying data to the City Council; and recommend that the Governing Body disapprove the preliminary plat until the objections causing disapproval have been changed to meet with the approval of the Commission.

c. *Preliminary Plat (Stage 2) Review By City Council: (Tentative Approval).*

- (1) The City Council will not review a preliminary plat (stage 2) until it has received the review and recommendations of the Planning Commission. Following the receipt of such recommendations, the City Council shall consider the preliminary plat at such meeting that the matter is placed on the regularly scheduled agenda. The City Council shall take action on the preliminary plat (stage 2) within thirty (30) days of its filing date.
- (2) The City Council shall take action on the preliminary plat within twenty (20) days of the submission of all necessary approved plats.
- (3) If the preliminary plat conforms substantially to the plat tentatively approved by the City Council and meets all conditions laid down for tentative approval, the City Council shall approve the preliminary plat.
- (4) The clerk shall promptly notify the proprietor of approval or rejection in writing; if rejected, reasons shall be given.

- d. No installation or construction of any improvements shall be made before the plat has received approval of the City Council and the engineering plans have been approved by the City Engineer.

(Ord. No. 269, eff. July 27, 1991)

17.033 Final plat.

Sec. 303. The procedure for preparation and review of a final plat shall be as follows:

1. *Preparation.*

- a. The final plat shall comply with the provisions of the **Subdivision** Control Act, as amended.
- b. The final plat shall conform substantially to the preliminary plat as approved and it may constitute only that portion of the approved preliminary plat which the proprietor proposes to record and develop at

the time; provided, however, that such portion conforms to this Subdivision Regulations Ordinance.

- c. The proprietor shall submit as evidence of title, an abstract of title certified to date with the written opinion of an attorney-at-law thereon, or at the option of the proprietor, a policy of title insurance for examination in order to ascertain as to whether or not the proper parties have signed the plat.

2. *Final plat review.*

- a. One (1) mylar copy and three (3) paper prints of the final plat shall be filed by the proprietor with the City Clerk and he shall deposit such sums of money as the City Council may require herein or by other ordinance or resolution.
- b. Prior to approving the final plat, the proprietor shall file with the City Clerk a true copy of an escrow agreement showing that the proprietor has deposited with a bank or other agent acceptable to the City, cash, certified check or irrevocable bank letter of credit, sufficient to guarantee payment for and faithful completion of all improvements within the time specified. Amount of the deposit shall be 125% of the completion estimate by the City Engineer. The escrow agreement shall provide that the funds so deposited will only be released for payment of work completed on approval by the City Council.
- c. The final plat shall be reviewed by the City Engineer as to compliance with the approved preliminary plat (stage 2) and plans for utilities and other improvements.
- d. The City Engineer shall notify the City Council of his recommendation for either approval or rejection of the final plat.
- e. The City Council shall review all recommendations and take action on the final plat within twenty (20) days of its date of filing.
- f. Upon the approval of the final plat by the City Council, the subsequent approvals shall follow the procedure set forth in the Subdivision Control Act. The three (3) prints of the final plat shall be forwarded, one (1) to the Planning Commission, and one (1) to the Building Department, and one (1) to the Department of Public Works office.
- g. When all necessary improvements have been approved and accepted by the City Council, a certified approved plat shall be transmitted to the Clerk of the County Plat Board. One paper print and one mylar copy of the utilities as built shall be filed with the Department of Public Works.

(Ord. No. 269, eff. July 27, 1991)

17.034 Subdivision lot division.

Sec. 304. After a **subdivision** has been recorded, platted lots may thereafter be partitioned or divided with the approval of the City into not more than four (4) parts, provided

that the resulting lots or parcels of combinations or portions of two or more divided lots shall not be less in width or size than the more restrictive of this Ordinance, the City Zoning Ordinance or the Michigan **Subdivision** Control Act of 1967, and provided further that such resulting lots shall each have direct access to a public roadway or private roadway constructed to the standards of this Ordinance, and also to public utilities necessary or required to service such lot, and provided further, that all such resulting lots shall conform in all particulars to the requirements of the Michigan **Subdivision** Control Act of 1967 and all City Ordinances.

(Ord. No. 269, eff. July 27, 1991)

ARTICLE IV

17.045 DESIGN LAYOUT STANDARDS

The **subdivision** design layout standards set forth under this section are development guides for the assistance of the proprietor. All final plans must be reviewed and approved by the City Council.

(Ord. No. 269, eff. July 27, 1991)

17.050 Streets.

Sec. 400. Streets shall conform to at least all minimum requirements of the general specifications and typical cross-sections as set forth in this Design Layout Standards section of this Ordinance, and other conditions set forth by the City Council.

1. *Location and arrangement.*
 - a. The proposed subdivision shall conform to the various elements of the Master Plan and shall be considered in relation to the existing and planned major thoroughfares and collector streets, and such part shall be platted in the location and the width indicated on such plan.
 - b. The street layout shall provide for continuation of collector streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.
 - c. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
 - d. Should a proposed subdivision border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
 - e. Should a proposed subdivision border on or contain a railroad, expressway, or other limited access highway right-of-way, the Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for

parks in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.

2. *Right-of-way widths.* Street right-of-way widths shall conform to at least the following minimum requirements:

TABLE INSET:

STREET TYPE		RIGHT-OF-WAY WIDTHS
a.	Major Thoroughfare	In conformance with the Major Thoroughfare Plan
b.	Collector Streets	86'
c.	Industrial Service Streets	66'
d.	Multiple-Family Residential Streets where Platted	66'
e.	Minor (Single-Family Residential) Streets	66'
f.	Marginal Access Streets	50'
g.	Turn-around (Loop) Street	120'
h.	Alley	20'
i.	Cul-de-sac Streets--Turn-Arounds	
	(1) Industrial	75' radius
	(2) Residential and Others	60' radius
j.	Maximum length for residential cul-de-sac streets shall generally be 1,000 feet. Maximum length for industrial and other cul-de-sac streets may exceed 1,000 feet subject to the approval of the City Council.	

3. *Street grades.* For adequate drainage, the minimum street grade shall not be less than 0.5%. The maximum street grade shall be 6%,
4. *Street geometrics.* Standards for maximum and minimum street grades, vertical and horizontal street curves and sight distances shall be established by resolution of the City Council and shall in no case be less restrictive than the standards of the City of Plainwell.
5. *Street intersections.* Streets shall be laid out so as to intersect as nearly as possible to ninety (90°) degrees. Curved streets, intersecting with major thoroughfares and secondary thoroughfares shall do so with a tangent section of centerline fifty (50) feet in length, measured from the right-of-way line of the major or secondary thoroughfare.

Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect such cross street closer than 175 feet from such opposite existing street, as measured from the centerline of said streets.

6. *Grading and centerline gradients.* Per plans and profiles approved by the City Engineer.
7. *Street naming.* All new streets shall be named as follows: Streets with predominant north-south directions shall be named "Street"; streets with predominant east-west direction shall be named "Avenue"; meandering streets

shall be named "Drive", "Lane", "Path", "Road", or "Trail", etc., and cul-de-sacs shall be named "Circle", "Court", "Way", or "Place", etc.

(Ord. No. 269, eff. July 27, 1991)

17.051 Blocks.

Sec. 401. Blocks within subdivisions shall conform to the following standards:

1. *Sizes.*
 - a. Maximum length for blocks shall not exceed 1,000 feet in length, except where in the opinion of the Commission, conditions may justify a greater distance.
 - b. Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.
2. *Public walkways and/or bikeways.*
 - a. Location of public walkways and/or bikeways or crosswalks may be required by the Commission to obtain satisfactory pedestrian access to public or private facilities such as, but not limited to schools and parks.
 - b. Widths of public walkways shall be at least twelve (12) feet and shall be in the nature of an easement for this purpose.
3. *Easements.*
 - a. Location of private and public utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. However, whenever feasible utilities shall be installed within the public right-of-way. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than twelve (12) feet wide, six (6) feet from each parcel.
 - b. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the approved preliminary plat to all appropriate public utility agencies.
 - c. Easements three (3) feet in width shall be provided where needed along side lot lines so as to provide for street light dropouts (electric cable encased in conduit). Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific lots. A notation shall be made on the final plat indicating: "The side lot lines between lots (indicate lot numbers) are subject to street light dropout rights granted to the (utility) Company".

(Ord. No. 269, eff. July 27, 1991)

17.052 Lots.

Sec. 402. Lots within **subdivisions** shall conform to the following standards:

1. *Sizes and shapes.*
 - a. The lot size, width, depth and shape in any **subdivision** proposed for residential uses shall be appropriate for the location and the type of development contemplated.
 - b. Lot areas and widths shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the **subdivision** is proposed.
 - c. Building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance.
 - d. Corner lots generally should have extra width to permit appropriate building setback from both streets.
 - e. Excessive lot depth in relation to width should be avoided. A depth-to-width ratio of 3 to 1 should normally be considered a maximum.
 - f. Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking; setbacks and other requirements in accordance with the Zoning Ordinance.
2. *Arrangement.*
 - a. Every lot shall abut on a street.
 - b. Residential lots abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain shall be platted with extra depth to permit generous distances between building and such trafficway.
 - c. Where lots border upon bodies of water, the front yard may be designated as the waterfront side of such lot provided the lot has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.

(Ord. No. 269, eff. July 27, 1991)

17.053 Natural features.

Sec. 403. The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.

(Ord. No. 269, eff. July 27, 1991)

17.054 Flood plain.

Sec. 404. Any areas of land within the proposed subdivision which lie either wholly or in part within the flood plain of a river, stream, creek or lake, or any other areas which are subject to flooding. Lands subject to flooding or otherwise determined by the City Council to be uninhabitable should not be platted for residential, commercial or industrial purposes. Such lands within a subdivision may be set aside for other purposes such as parks and/or open space. The City will consider accepting land on a case by case basis.

(Ord. No. 269, eff. July 27, 1991)

ARTICLE V

17.065 IMPROVEMENTS

The improvements set forth under this section are to be considered as a minimum acceptable standard. All those improvements for which standards are not specifically set forth shall have said standards set by other ordinance of the City Council. All improvements must meet the approval of the City Council.

Prior to the undertaking of any improvements, the proprietor shall file with the City Clerk a true copy of an escrow agreement showing that the proprietor has deposited with a bank or other agent acceptable to the City, cash, certified check, or irrevocable bank letter of credit, sufficient to guarantee payment for and faithful completion of all improvements within the time specified. Amount of the deposit shall 125% of the completion estimate based on an estimate by the City Engineer. The escrow agreement shall provide that the funds so deposited will only be released for payment of work completed on approval of the City.

Prior to the acceptance by the City of Plainwell of improvements, a two-year maintenance bond in an amount set by the City Council shall be posed by the proprietor.

Improvements shall be provided by the proprietor in accordance with the standards and requirements established in this ARTICLE V [17.065] and/or any other such standards and requirements which may from time to time be established by Municipal ordinance.

(Ord. No. 269, eff. July 27, 1991)

17.070 Streets.

Sec. 500. All subdivision streets covered under this ordinance shall be constructed of asphalt over base stone or full depth asphalt as recommended by the City Engineer and approved by the City Council. All subdivision streets shall be constructed with concrete curb and gutter in accordance with current City standards for material and design.

- 1. *Street pavement width standards.*

TABLE INSET:

	STREET TYPE	PAVEMENT WIDTH
		(measured from back of curb to back of curb, in a, b, and c, from pavement edge to pavement edge in e, f, g, and h.)

	STREET TYPE	PAVEMENT WIDTH
a.	Major Thoroughfares	In conformance with the standards and specifications established by the Municipal Engineer or the Governing Body. This width is generally established as 48 feet.
b.	Collector Streets	48'
c.	Industrial Streets	40'
d.	Multiple-Family Residential Streets where dedicated	36'
e.	Minor Residential Streets	36'
f.	Marginal Access Streets	24'
g.	Turn-Around (Loop) Streets	Not less than 80' diameter at terminating loop--36' wide pavement
h.	Alley	20'
i.	Cul-de-sac Streets--Turn-Arounds	
	(1) Industrial	65' radius
	(2) Residential and others	45' radius

(Ord. No. 269, eff. July 27, 1991)

17.071 Utilities.

Sec. 501.

1. *Requirements for underground wiring.* The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout a subdivided area, except for major thoroughfare right-of-way, and such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the City Engineer, City Planner, Planning Commission, and the approval of the City Council at the time of final plat approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, plat design and character of the subdivision. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor.
2. *Street lighting.* The proprietor shall provide street lighting in residential **subdivisions** in accordance with local utility company standards.
3. *Sewage disposal.* The proprietor shall cause the design and construction of a sanitary sewer collection system which will deliver the sewage to existing sanitary sewers now flowing to the Plainwell Treatment Plant. Said sanitary sewer collection system shall be extended to each lot in the **subdivision**. In the event that grades of existing sewers are not low enough for gravity flow from the proposed **subdivision**, the proprietor shall cause sewage lift station(s) to be designed and constructed to move the sewage to existing active sanitary sewers.

In the event that the size of existing sewers are not large enough to receive the proposed additional flow, the proprietor shall cause the design and construction of larger sanitary sewers extended to a location at which the existing sanitary sewer will accommodate the additional flow. All features of said sewage disposal system shall be designed and constructed using current City standards for materials and design. All design features must be reviewed and approved by the City Engineer with approval by the City Council.

4. *Water supply and distribution.* The proprietor shall cause the design and construction of an extension to the existing Plainwell Municipal Water System which will serve all lots in the proposed subdivision, both for domestic use and fire protection. All features of said water distribution system shall be designed and constructed using current City standards for materials and design. All design features must be reviewed and approved by the City Engineer with approval by the City Council.
5. *Storm drainage system.* All surface waters shall be adequately drained within each plat by a system of catch basins and underground piping which leads either to a recharge basin, or, into an adjoining system which is designed to accommodate the additional flow.

Adequate provision shall be made for property drainage of storm water run-off from side and rear yards. Each yard shall be self-contained and shall be drained from rear to front except where topographical features make this approach unreasonable. Rear yards shall slope at a minimum grade of 0.5%.

All features of said drainage system shall be designed and constructed using current City standards for material and design. All design features must be reviewed and approved by the City Engineer with approval of the City Council.

(Ord. No. 269, eff. July 27, 1991)

17.072 Other improvements.

Sec. 502.

1. *Sidewalks.*
 - a. *Major Thoroughfares.* A five foot wide concrete sidewalk located one foot from the property line on the side or sides of the roadway abutting the **subdivision** shall be provided.
 - b. *Collector Streets.* A five foot concrete sidewalk located one foot from the property line on each side of the roadway shall be provided.
 - c. *Minor Streets.* A five foot concrete sidewalk located one foot from the property line on each side of the roadway shall be provided.
 - d. *Marginal Access Streets.* A four foot concrete sidewalk located one foot from the property line on the private property side of the roadway shall be provided.
 - e. *Public Walkways.* The surface of the walkways shall be developed in concrete. Planting pockets shall be provided in public walkways for tree

and shrub planting. The planting plan and surface treatment shall meet the approval of the Planning Commission. Fences and/or other improvements may also be required if the Planning Commission and/or City Council determines they are necessary to protect the adjacent property owners.

2. *Street trees.* Builder responsibility.
 - a. *General.* Builders shall be required to fulfill tree planting and protection requirements as provided under the ordinances and policies of the City of Plainwell and its City Parks and Tree Commission including, but not limited to, subdivision regulations and site plan requirements.
 - b. *Minimum Planting Requirements.* One street tree of an approved species measuring at least one and one-half inch (1 1/2") caliper shall be planted on all new construction sites, residential or otherwise, for each site or lot of seventy-five (75') feet or less, and at least two trees for every lot in excess of seventy-five (75') feet frontage. Corner lots shall require at least one tree for each street. The builder shall be responsible for fulfilling these requirements.

(Ord. No. 269, eff. July 27, 1991)

ARTICLE VI

17.085 COMPLIANCE STANDARDS

The approvals required under the provisions of this Ordinance shall be obtained prior to the installation of any **subdivision** or project improvements within the City of Plainwell, in public streets, public alleys, public rights-of-way, and public easements, and/or under the ultimate jurisdiction of the City of Plainwell. All **subdivision** or project improvements within the City of Plainwell installed in public streets, public alleys, public rights-of-way or public easements, and/or under the ultimate jurisdiction of the City of Plainwell shall comply with all of the provisions and requirements of this or any other related ordinance.

(Ord. No. 269, eff. July 27, 1991)

ARTICLE VII

17.095 INTERPRETATION

The provisions of these regulations shall be held to be the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of the City of Plainwell. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the City of Plainwell, nor conflict with any statutes of the State of Michigan or Allegan County, except that these regulations shall prevail in cases where these regulations impose a greater restriction that is provided by existing statutes, laws or regulations.

(Ord. No. 269, eff. July 27, 1991)

ARTICLE VIII

17.105 FEES

Preliminary and final plat review fees, engineering fees, attorney fees, water and connection charges and other municipal fees shall be paid by the proprietor as follows:

(Ord. No. 269, eff. July 27, 1991)

17.110 Planning review fees.

Sec. 800. Fees shall be charged for the review of preliminary plats by the City Planner on the basis of the following schedule. There shall be no additional planner review fee charged for the preliminary or final plats which are in substantial conformance to a previously approved preliminary plat (stage 1).

1. Conventional **Subdivisions** Plats--\$150 plus \$2.00 per lot.
2. Planned Unit Development Plats--\$200 plus \$4.00 per lot.
3. Multiple-Family Residential Plats--\$150 plus \$1.00 per dwelling unit.
4. Special Meeting--Add \$100.00.

(Ord. No. 269, eff. July 27, 1991)

17.111 Engineering review fees.

Sec. 801. Fees shall be charged for the review of preliminary plats, final plats, construction drawings, and the construction of municipal improvements by the City Engineer and the Department of Public Works on the basis of the following schedule:

1. *Plat review.*
 - A. Single Family **Subdivision**--each submittal (tentative preliminary, final preliminary, and final plat)--\$100 plus \$2.00 per lot.
 - B. Commercial or Industrial **Subdivision** each submittal (tentative preliminary, final preliminary and final plat)--\$150 plus \$3.00 per acre.
 - C. Special Meeting--Add \$100.
2. *Construction drawing review.*
 - A. **Subdivision** Construction drawings, including streets, water mains and drainage--\$175 plus \$10.00 per lot.
 - B. Construction Review (inspection)--Time and materials Min. deposit 3% of Const.

(Ord. No. 269, eff. July 27, 1991)

ARTICLE IX

17.115 VIOLATIONS AND PENALTIES

A person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$500.00, plus costs and other sanctions, for each violation. Repeat offenses shall be subject to increased fines as provided by section 8(c)(2) of Ordinance 157 ("Code Adoption Ordinance").

(Ord. No. 269, eff. July 27, 1991; Ord. No. 318, adopt. Nov. 12, 2001)

ARTICLE X

17.125 SEVERABILITY

If any section, paragraph, clause, phrase, or part of these Subdivision Regulations is for any reason held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these Regulations; and the application of those provisions to any persons or circumstances shall not be affected thereby.

(Ord. No. 269, eff. July 27, 1991)

ARTICLE XI

17.135 REPEAL

All ordinances and amendments thereto enacted and/or adopted by the City Council inconsistent with the provisions of this Ordinance are hereby repealed, as of the effect date of this ordinance. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

(Ord. No. 269, eff. July 27, 1991)

ARTICLE XII

17.145 VARIANCE

The City Council may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the City Council shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required hereinbelow, the City Council shall take into account the nature of the proposed use of land in the vicinity, the number of persons to reside or work in the proposed conditions in the vicinity. No variance shall be granted unless the City Council finds:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

(Ord. No. 269, eff. July 27, 1991)

ARTICLE XIII

17.155 EFFECTIVE DATE

This Ordinance is an ordinance necessary for the health and safety of the people of the City of Plainwell and shall be in full force and effect from and after its passage, ten (10) days after publication thereof.

(Ord. No. 269, eff. July 27, 1991)