

VILLAGE OF AUGUSTA ORDINANCE NO. 130

VILLAGE SUBDIVISION CONTROL ORDINANCE

ADOPTED: SEPTEMBER 12, 1977

EFFECTIVE: OCTOBER 12, 1977

ARTICLE I

GENERAL PROVISIONSSection 1.1 Title

This Ordinance shall be known as the VILLAGE SUBDIVISION CONTROL ORDINANCE.

Section 1.2 Purpose

The purpose of this Ordinance is to regulate and control the subdivision of land within the Village in order to promote the public safety, health and general welfare.

Section 1.3 Authority

This Ordinance is enacted pursuant to the authority granted by the Subdivision Control Act of 1967, Act 288 of the Public Acts of 1967 as amended, and Act 246, Public Acts of 1945 as amended, which authorize Village Councils to adopt ordinances, to secure the public health, safety and general welfare.

Section 1.4 Review

The Village Planning Commission, hereinafter referred to in this Ordinance as The Board, is hereby appointed as the designated party responsible for receiving, examining and approving the plats and specifications required by this ordinance.

Section 1.5 Cost Responsibility

The cost of installing all improvements required by this Ordinance, or by the Board, shall be for the account of, and shall be borne by, the proprietor of the Subdivision.

ARTICLE II

PLATTING PROCEDURE

Section 2.1 Submission of Preliminary Plat for Tentative Approval

Every person, firm or corporation which shall hereafter submit a proposed preliminary plat to the Board for tentative approval, shall submit not less than 4 or more than 10 legible copies of said proposed preliminary plat. Said copies must contain, as a minimum, the following information and fees:

- A. Show relief or area proposed to be platted with not more than 4 foot contour intervals.
- B. Indicate road layout.
- C. Indicate lot layout, showing size and shape of proposed lots.
- D. Indicate whether proposed plat will be served by sanitary sewer and/or water.
- E. Indicate the general location and size of any flood plain possibly located within the area to be platted, to include base flood elevation data.
- F. Indicate in general the methods proposed for storm water disposal.
- G. When the proprietor of an existing plat owns or plans to acquire and anticipates platting adjoining land, he shall submit, with the preliminary plat for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.
- H. A fee equal to the sum of \$1.00 multiplied by the number of residences contained in the proposed subdivision, but not less than \$50.00 shall be paid by the proprietor of the proposed plat at the time of submission of the proposed plat to the Board.

Section 2.2 Board Review - Preliminary Plat for Tentative Approval

Upon receipt of copies of said proposed plat for tentative approval, the Board shall forward one copy each to the Village Council, the County Planning Commission, Local Soil Conservation District and the County Road Commission and/or the State Highway Department, where applicable, for recommendation and shall examine said proposed preliminary plat with such assistance and review by the Village Engineer

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and Village Attorney as the Village Council shall require. The Board shall determine whether said proposed preliminary plat complies with all Village Ordinances and State Statutes as well as makes adequate provision for the following:

A. Streets.

1. Compliance with a major street thoroughfare plan adopted by the Village, if any.
2. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new subdivision.
3. Where adjoining areas are not subdivided, the arrangement of streets in the proposed subdivision shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjoining areas.
4. Where the proposed subdivision abuts or contains a county primary road or major thoroughfare as defined in the Village/County Major Thoroughfare Plan, the Board may require marginal access streets approximately parallel to the right-ofway of the primary road or major thoroughfare and may require such other adequate protection of residential properties and to afford separation of through and local traffic.
5. Private streets may be required by the Board if the Board finds that private streets within the plat will not adversely affect public health, safety or welfare.
6. 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". "Land"; "Path"; "Road" or "Trail", etc., and cul-de-sacs shall be named "Circle" "Court", "Way" or "Place" etc. The Board is empowered to approve, disapprove or change any street name the Board deems to be in conflict with the public welfare.
7. Streets should intersect at 90° or closely thereto and in no case less than 80°.
8. 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.
9. All primary road rights-of-way, as designated by the Board, within or abutting plats hereafter recorded, shall provide a 50 foot half-width. All other rights-of-way within or abutting such plats shall be not less than 66 feet in width. Permanent

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dead-end streets in excess of 660 feet in length shall be prohibited except upon prior approval of the Board, to be granted only where the topography of the area, rivers, streams, other natural conditions or the prior development of the area prevents a through street from being constructed.

10. All subdivisions or extensions of existing subdivisions must be developed so as to provide two or more access streets.

B. Lots

1. Size of lots must comply with the Village Zoning Ordinance. Lots will have 100 ft. minimum frontage.
2. Corner lots must have extra width to permit appropriate building setback from both streets.

C. General Provisions

1. Privately held reserve strips controlling access to streets shall be prohibited.
2. Existing natural features which add value to residential development, that enhance the attractiveness of the community (such as streams, water courses, trees, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the subdivision.
3. Lands subject to flooding or otherwise determined by the Board 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.

If the Board determines that the proposed preliminary plat complies with all applicable ordinances and statutes and the provisions set forth above, it shall grant tentative approval of the preliminary plat, which approval shall confer upon the proprietor for a period of one (1) year from date of approval, lot size, lot orientation and street layout. Such tentative approval may be extended in the discretion of the Board upon application of the proprietor.

Section 2.3 Submission of Preliminary Plat for Final Approval

Every person, firm or corporation which shall hereafter submit copies of a proposed preliminary plat to the Board for final approval shall submit the following relevant data and fees:

- A. Evidence that all requirements imposed by the Board at the time of granting tentative approval have been incorporated into the proposed plan.

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- B. Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private roads within and adjoining said plat. Prior to submitting copies of the preliminary plat to the Board for final approval, the developer shall document consultation with all public utilities which will be servicing the subdivision to resolve any conflicts in location between public utility facilities and other improvements.

- C. A fee equal to the sum of \$2.00 multiplied by the number of residences contained in the proposed subdivision, but not less than \$100.00, shall be paid to the Village by the plat proprietor at the time of submission of the preliminary plat for final approval.

Section 2.4 Board Review - Preliminary Plat - Final Approval

Upon receipt of all required copies of the preliminary plat for final approval, the Board shall examine the same with such assistance and review by the Village Engineer and Village Attorney as said Board shall request. Upon completing its review, the Board shall determine whether said proposed preliminary plat complies with the requirements imposed by the Board at the time of tentative approval; has obtained the required statutory approval of other governmental agencies and in addition, meets the following requirements:

- A. All road grades shall not exceed a 7% grade or be less than .5% grade except upon special approval of the Village Engineer.
- B. All roads shall have curb and gutter installed. Said curb and gutter is to be set apart not less than 35 feet as measured from back to back and fully paved, with asphalt, between the lip of the gutters.
- C. All road rights-of-way within or abutting such plat shall be constructed to conform to the more restrictive of the standards and regulations set forth by the Michigan State Highway Department or the Kalamazoo County Road Commission.
- D. All rights-of-way shall be graded to the full width thereof for proper drainage and prospective future widening and improving. Road grading shall be accomplished so as to establish a .5 foot higher elevation at the boundary of the right-of-way than at the crown of the traveled roadway. All trees or other obstructions within the right-of-way which interfere with the grading and/or drainage shall be removed. The foregoing .5 foot elevation and tree and obstruction removal may be varied or adjusted by the Board upon recommendation of the Village Engineer where valuable trees or obstacles are involved and as long as drainage and safety will not be impaired.
- E. Permanent dead-end streets shall be provided at the closed end with a turn-around having an outside improved roadway diameter of at least 125 feet as measured from the centerline of the gutter or back of curb and a street property line diameter of at least 150 feet. Temporary deadend streets shall be provided at the closed end with a turn-around constructed the full width of the right-of-way.

- F. All surface waters shall be adequately drained with-
in each plat by a separate system of drainage structures
or through the connection of such separate system to an
adequate adjoining system. Where storm sewers are used,
inlet basins must not be spaced further apart than 200
feet except upon express approval of the Board, upon
recommendation of the Village Engineer, to be granted
only where other equivalent and sufficient drainage in-
lets are provided. Where such outlets are not thus
available, such drainage structures may consist of
leaching basins so spaced that water shall not be re-
quired to run on the surface of the road further than
150 feet to such basin, or so spaced as to afford
equivalent and sufficient drainage. The determination
of what is equivalent and sufficient drainage shall be
left to the Board upon the recommendation of the Village
Engineer.
- G. Connection to sanitary sewers and/or water mains shall be
required by the Board, when the Board determines, in its
discretion, that said sewers and/or water mains are reason-
able available to the proposed subdivision.
- H. Subject to prior review and approval by the Board, the
proprietor shall make arrangements for the installation
of all distribution lines for telephone, electric, tele-
vision and other similar types of services distributed by
wire or cable to be placed underground entirely through
residential subdivided area. Electric distribution lines
shall be defined in accordance with the rules and regula-
tions promulgated by the Michigan Public Service Commission.
Such conduits or cables shall be placed within private
easements provided to such service companies by the pro-
prietor or within dedicated public ways. All such facilities
placed in dedicated public ways shall be planned so as not to
conflict with other underground utilities. All such facili-
ties shall be constructed in accordance with standards of
construction approved by the Michigan Public Service Com-
mission. Private easements for underground utilities shall
be shown on the preliminary plat.
- I. Storm water disposal methods proposed for the subdivision
must be adequate to insure each building site and roadway
will not be flooded and that all necessary easements for
storm sewers or open drains can feasibly be dedicated to the
public for such purposes.
- J. No land within the subdivision may be isolated from a
public highway nor may any adjoining land of the pro-
prietor or others be isolated from a public thoroughfare
thereby creating land-locked parcels.
- K. Street lighting shall be required by the Board at intervals
not to exceed 250 feet and of intensity of not less than
7500 lumens per light. Incandescent type lights are pro-
hibited.
- L. Sidewalks shall be required by the Board for pedestrian
safety, public health, and welfare. Sidewalks shall be con-
structed of concrete, 3 feet in width, 4 inches in depth,
upon a 2-inch minimum sand base with expansion joints set at
a minimum of 50 feet; sidewalks built across driveways shall
be constructed of concrete, 6 inches in depth.

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If the Board determines that the preliminary plat has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth above in this Ordinance, the Board shall confer upon the proprietor for a period of two (2) years from date of approval the conditional right that the general terms and conditions under which said approval was granted will not be changed. Said two-year period may be extended in the discretion of the Board upon application by the proprietor.

Section 2.5 Submission of Final Plat for Final Approval

Every person, firm or corporation which shall hereafter submit a proposed final plat to the Board for final approval shall also submit the following relevant data and fees:

- A. An abstract of title or title insurance policy showing merchantable title in the name of the proprietor of the subdivision.
- B. A fee equal to the sum of \$2.00 multiplied by the number of residences contained in the proposed subdivision, but not less than \$100.00.

Section 2.6 Review by the Board - Final Plat - Final Approval

The Board shall review the proposed final plat and determine that:

- A. All monuments required to be placed in the subdivision have either been placed or a cash or equivalent deposit has been made with the Village and Deposit Agreement executed by the proprietors.
- B. All roads, streets, bridges and culverts have been completed, and installed or a cash or equivalent deposit has been made with the Village and a Deposit Agreement executed by the proprietors.
- C. If the subdivision has any water ways or lagoons, etc., as set forth in Section 188 of the Michigan Subdivision Control Act, that all such waterways, etc., shall be installed or a cash or equivalent deposit made to the Village and a Deposit Agreement executed by the proprietors.
- D. If any flood plains are involved in the proposed subdivision, such flood plains shall be restricted as provided by the Michigan Subdivision Control Act and such restrictions shall be submitted to the Board for review and approval prior to recording and thereafter shall be recorded in the Office of the Register of Deeds contemporaneously with the recording of the plat.
- E. All utilities servicing the plat have been installed and water and sanitary sewer mains have been stubbed to the lot line or a cash or equivalent deposit has been made with the Board sufficient in amount to insure completion thereof within the time specified and a Deposit Agreement executed by the proprietors.

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- F. 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. The easements shall be recorded on the final plat as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for utilities shall be at least 12 feet wide, usually 6 feet dedicated from each lot or parcel, except side lot easements 3 feet wide granted for street lighting drop-outs. These easements should be direct and continuous from block to block.
- G. All public improvements such as street lights, fire hydrants, sidewalks, parks etc., which have been required by the Board, have been completed and installed or a cash or equivalent deposit has been made with the Village sufficient in amount to insure completion within the time specified and a Deposit Agreement executed by the proprietors.
- H. The proposed final plat complies with all applicable state statutes and Village Ordinances and has received the requisite statutory approval of other governmental agencies.
- I. That the dedication is executed by all required owners.

Section 2.7 Penalty in Case of Failure to Complete the Construction of a Public Improvement

In the event the subdivision proprietor shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Board to promptly notify the Village Council.

Upon such notice, the Village Council shall proceed to have such work completed, reimbursing the Village for the cost and expense thereof by appropriating the security deposit which the subdivision proprietor has deposited with the Village, or the Village Council may take such steps as may be necessary to require performance in accordance with the Deposit Agreement executed by the proprietor.

ARTICLE III
SUBDIVISION LOT DIVISION

Section 3.1 Lot Division

After a subdivision has been recorded, platted lots may thereafter be partitioned or divided with the approval of the Board into not more than four (4) parts, provided that the resulting lots or parcels or

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combinations or portions of two or more divided lots shall not be less in width or size than the more restrictive of this Ordinance, or the Michigan Subdivision Control Act of 1967, as amended, 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 all 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, as amended, and to all Village Ordinances.

ARTICLE IV VARIANCE PROCEDURE

Section 4.1 Procedure

Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance, the Village Council shall have the power in passing upon proposed subdivisions to vary or modify any of the terms and provisions of this Ordinance so that the spirit of the Ordinance shall be observed and public health, safety and welfare secured.

Section 4.2 Appeal

The Village Council shall be empowered to act as a Board or Review and Appeal in the event of any dispute between the Village Planning Commission and a plat proprietor.

ARTICLE V ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE

Section 5.1 Penalties

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00

or imprisoned for not more than 90 days or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Board, a public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or the Subdivision Control Act.

ARTICLE VI
AMENDMENTS

Section 6.1 Procedures

The Board may from time to time amend, supplement or repeal the regulations and provisions of this Ordinance in the manner prescribed by law for the amendment of Ordinances.

ARTICLE VII
MISCELLANEOUS PROVISIONS

Section 7.1 Severability

Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 7.2 Effective Date

This Ordinance shall take effect on OCTOBER 12, 1977. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Richard D. McArthur
Village President

Marce C. Schwarz
Village Clerk

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C E R T I F I C A T E

I, MARCEA C. SCHWARTZ, Clerk of the Village of Augusta, hereby certify that said Ordinance No. 130 was duly enacted by the Village Council at a regular meeting of the Council held September 12, 1977; copies of said Ordinance were posted at three public places within the Village, being; United States Post Office, Baxter's Pharmacy and Village Hall Bulletin Board.


Marcea C. Schwartz, Clerk

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