



CASCADE CHARTER TOWNSHIP

SUBDIVISION ORDINANCE

(ORDINANCE #5 OF 2003)

(AMENDED BY ORD NO 4 OF 2010; 3/10/10)

ADOPTED DATE APRIL 30, 2003

CASCADE TOWNSHIP SUBDIVISION ORDINANCE

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

BE IT ORDAINED by the Cascade Township Board, Kent County, Michigan, as follows:

ARTICLE I
General Provisions

Section 1.1 - Short Title

This Ordinance shall be known and may be cited as the "Cascade Township Subdivision Ordinance."

Section 1.2 - Purpose

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

- 1) To provide for orderly growth and harmonious development of the Township consistent with the General Development Plan and Zoning Ordinance;
- 2) To carry out the purpose and intent of the Subdivision Control Act of 1967, PA1967, No. 288 (MCLA 560.101), as amended; and to carry out the purpose and intent of the Condominium Act of 1978, PA1978, No. 59 (MCLA 559.101)
- 3) To provide for, the extension of utility services, streets and other necessary land improvements;
- 4) To require that land be suitable, and suitably improved, for building sites;

- 5) To provide for adequate drainage;
- 6) To prevent the premature development of land;
- 7) To provide for proper ingress and egress to lots;
- 8) To promote proper surveying, monuments and legal descriptions;
- 9) To provide for safe and convenient traffic circulation and traffic movement;
- 10) To insure against the creation of unsafe or undesirable conditions;
- 11) To conserve the value of property;
- 12) To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplain and wetlands;
- 13) To reduce soil erosion and sedimentation by the retention of existing vegetation and the minimization of development of steep slopes;
- 14) Permit reasonable development that is in accordance with the principle of open space conservation;
- 15) Preserve the scenic and rural character of the Township;
- 16) To promote the creation of neighborhoods with direct access to open land, with the amenities in the form of neighborhood open space;
- 17) To provide for the conservation of open land within the Township for the active and passive use by residents;
- 18) Connectivity to other subdivisions for purposes of utility, pedestrian and emergency and non-emergency vehicles connections;
- 19) To establish rules and procedures for the approval of subdivisions;
- 20) To provide penalties for the violation of this Ordinance; and

21) To provide for the variation of these rules and requirements.

Section 1.3 - Legal Basis

This Ordinance is enacted pursuant to Michigan Act 288 of 1967, as amended, the Subdivision Control Act of 1967 and Michigan Act 59 of 1978, as amended the Condominium Act of 1978 and Michigan Act 177 of 2001.

Section 1.4 - Scope

This Ordinance shall not apply to any lot or lots in a plat that has received either preliminary or final approval from the Township Board nor to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except in the case of any further division of lots located therein. This Ordinance shall not apply to Land Divisions exempted by the Land Division Act (act 288 of 1967). This Ordinance shall not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of this township, the provision of this Ordinance shall control.

Section 1.5 - Schedule of Fees

The fees for the review of plats pursuant to this Ordinance shall be in accord with the fee schedule adopted by resolution of the Township Board.

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ARTICLE II
Rules Applying to Text
and Definitions

Section 2.1 - Rules Applying to Text

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

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

Section 2.2 - Definitions

The following listed terms and words are defined for the purposes of this Ordinance and shall apply in the interpretation and enforcement of

this Ordinance unless otherwise specifically stated.

1. Acreage, Gross: The total land area within a parcel of land.
2. Acreage, Net: A measure of developable land after excluding non-developable land area.
3. Alley: A public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.
4. As-Built Plans: Revised construction plans in accordance with all approved changes made in the field.
5. Block: An area of land within a subdivision that is entirely bounded by streets, highways, or the exterior boundary or boundaries of the subdivision.
6. Board: The Township Board of Cascade Township.
7. Building Line (Building Setback): The measurement from the property line to the nearest point of the main wall of the building or structure (refer to the Cascade Township Zoning Ordinance, as amended), the purpose being to prohibit construction of buildings or structures within the area between the property line and the building line.
8. Caption: The name by which the plat is legally and commonly known.
9. Commercial Development: A planned commercial center providing building areas parking area, service areas, screen planting and widening, turning movement and safety lane roadway improvements.
10. Condominium Act: means Public Act 59 of 1978, as amended.
11. Condominium dwelling: means the building constructed upon a lot or condominium unit which is intended for residential purposes.

12. County Drain Commissioner: The Kent County Drain Commissioner.
13. County Health Department: The Kent County Health Department.
14. County Plat Board: The Kent County Plat Board
15. County Road Commission: The Kent County Road Commission
16. Crosswalkway or Pedestrian Walkway: A right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.
17. Dedication: The intentional appropriation of land by the owner to public use.
18. Developable Land Area: The portion of the site that can be used for density calculations. This is the land that is suitable as a location for structures that can be developed free of hazards and without disruption of, or have significant impact on, natural resource areas.
19. Easement: The right to use property owned by another for specific purposes or to gain access to another property.
20. Engineer: Any person who is registered in the State of Michigan as a Professional Engineer.
21. Flood Plain: That area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which will be inundated by a flood which can reasonably be expected to occur once in 100 years for that area.
22. General Development Plan: The basic plan, also known as the Master Plan or Comprehensive Plan, as amended from time to time, adopted by the Township pursuant to Michigan Act 168 of 1959, as amended. Such plan may include all or any part or parts of the elements described in subparagraph (2) of Section 7 of Michigan Act 168 of 1959, as amended, and may include maps, plats, charts, and descriptive, explanatory and other related matter.
23. Governing Body: The Township Board of the Township of Cascade.
24. Greenbelts of Planting Strips: A buffer strip as defined in the Cascade Township Zoning Ordinance.
25. Improvements: Any structure incidental to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other appropriate items with appurtenant construction.
26. Industrial Development: A planned, industrial area designed specifically for industrial use providing screened buffers, wider streets and turning movement, and safety lane roadway improvements, where necessary.
27. Lake: A permanent body of open water five acres or more in size.
28. Lot: A piece or parcel of land abutting a street whether or not the piece or parcel be part of a recorded plat.
 - a) Lot Depth: The distance between the front and rear lot lines, measured along a line midway between the side lot lines.
 - b) Lot Width: The distance between the side lot lines measured at the building setback line and at a right angle to the lot depth.
29. Lot Division:
 - a) The combination of existing lots in a recorded plat into one (1) parcel; or
 - b) The alteration of an existing lot line in a recorded plat which does not change the number of lots; or
 - c) The alteration of existing lot lines in a recorded plat which creates an additional lot.

30. Major Thoroughfare Plan: Major thoroughfare plan shall mean that part of the General Development Plan which describes the existing street system in the Township and outlines future street planning needs.
31. Non-developable Land Area: The portion of the site that can not be used for density calculations. This includes land that cannot be used for habitable structures due to steep slopes, soils, wetland areas, road right-of-way, etc.
32. Non-Motorized Path: A bituminous or concrete paved pathway intended for use by pedestrians, bicycles, and other non-motorized traffic, which is typically separated from the traveled portion of the roadway, located in the public road right-of-way and/or a public easement, and is typically 10 feet wide but may vary according to AASHTO standards and the Township Engineer.
33. Outlot: When included within the boundary of a recorded plat, an outlot is a lot set aside for purposes other than a building site, park, or other land dedicated for public use or reserved for private use.
34. Parcel or Tract: A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act as amended.
35. Planning Commission: The Cascade Township Planning Commission as established pursuant to Michigan Act 268 of 1959, as amended.
36. Planned Unit Development: A land area which is zoned Planned Unit Development and has both individual building sites and common property, such as a park, and which is designated and developed under one (1) owner or organized group as a separate neighborhood or community unit.
37. Plat: A map or chart of a subdivision of land. The precise content and scope of various types of plats are described more fully in Article III of this Ordinance.
- a) Sketch Plat: An informal plan or sketch drawn to scale showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.
- b) Preliminary Plat: A map showing the important features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.
- c) Final Plat: A map of a subdivision of land made up in final form ready for approval and recording.
38. Pond: A permanent body of open water that is less than five acres in size.
39. Private Open Space: means a natural state preserving natural resources, natural features, or scenic or wooded conditions: agricultural uses or a similar use or condition. Open Space does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway or linear park. Open Space may be, but is not required to be dedicated to the public.
40. Proprietor, Subdivider, or Developer: A natural person, firm, association, partnership, joint venture, corporation or combination of any of them, which may hold any record ownership interest in land. The proprietor is also sometimes referred to as the "owner".
41. Public Utility: Any person, firm, association, corporation, partnership, joint venture, or municipal or other public authority, or combination of any of them duly authorized to furnish gas, electricity, water, steam, telephone, storm sewers, sanitary sewers, transportation or other services of a similar nature.
42. Public Open Space: Land dedicated or reserved for use by the general public including, without limiting, the generality of the foregoing parks, parkways, recreation areas, school sites, community or public building sites, streets and highways, and public parking spaces. Public open space shall include rights for the general public to access the land dedicated to the public.
43. Replat: The process of changing, or the map or plat which changes, the boundaries of a

recorded subdivision plat or part thereof. A lot split, or the legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot, is not a replat.

44. Right-of-Way: A street, alley, thoroughfare, easement or strip of land used or intended to be used for pedestrian or vehicular access or other public purpose by the general public and not reserved for the exclusive right of any individual.
45. Rivers: Those areas where surface waters produce a defined channel or bed.
46. Sidewalk: A paved pedestrian surface a minimum of 5 feet wide.
47. Sight Distance: The unobstructed vision on a horizontal plane along a street centerline from a driver-eye height of 3.75 feet and an object height of 6 inches.
48. Slope, Moderate: Those slopes that are between 12 and 25% as defined in the Kent County Soil Survey.
49. Slope, Steep: Those slopes that are greater than 25% as defined by the Kent County Soil Survey.
50. Stream: Those areas where surface waters produce a defined channel or bed. The channel or bed need not contain water year round.
51. Street or Road: A right-of-way which provides for vehicular and pedestrian access to abutting properties.
 - a) Freeway: Those streets designed for high speed, high volume through traffic, with completely controlled access, no at-grade crossings, and no private driveway connections.
 - b) Arterial Street: Those streets of considerable continuity which are used, or may be used, primarily for fast or heavy traffic.
 - c) Collector Street: Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.
 - d) Cul-de-sac: A minor street of short length having one end terminated by a vehicular turn-around.
 - e) Half-Street: Half the required width of the required right-of-way.
 - f) Marginal Access Street: A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic but no carrying through traffic.
 - g) Minor Street: A street which is intended primarily for access to abutting properties.
 - h) Street Width: The shortest distance between the lines delineating the right-of-way of streets.
52. Street Trees: A tree that is located or proposed for planting along streets or highways. Such trees can be located on private property or on public property, with permission from the appropriate public agency. Street trees are typically planted in a linear fashion and provide a spatial enclosure as well as other aesthetic benefits.
53. Subdivide or Subdivision: The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrations, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Subdivision Control Act by sections 108 and 109
54. Subdivision Control Act: Michigan Act 288 of the Public Acts of 1967, as amended.
55. Surveyor: Either a land surveyor who is registered in this state as a Registered Land Surveyor.
56. Topographical Map: A map showing existing physical characteristics with contour lines at sufficient intervals to permit determination of proposed grades, drainage and other pertinent information.

57. Township: The Township of Cascade.
58. Tree: A woody plant material that normally grows to a height of at least 13 feet and has a diameter of four (4) inches or more at a point four feet from the ground.
59. Water Resources Commission: The Water Resources Commission of the Michigan Department of Natural Resources.
60. Water bodies/Watercourses: Permanently or temporarily flooded lands that lie below the deepwater boundary of wetlands. The depth of the water is such that the water is the principal medium which prevalent organisms live. Water bodies/Watercourses include rivers, streams, lakes and ponds. This definition is not meant to include artificially created storm or surface water runoff devices.
61. Wetland: Land that is characterized by the presence of water which is sufficient to support and normally supports wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh. This includes all those lands designated as wetlands by the U.S.G.S. National Wetland Inventory and/or as identified by the Michigan Department of Environmental Quality.

ARTICLE III
Platting Procedure and
Data Required

Section 3.1 - Sketch Plan

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

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

- a) The outlines and intended layout, including stages and property owned or represented by the subdivider.
- b) General layout of streets, blocks and lots in sketch form.
- c) Existing conditions and characteristics of the land on, and adjacent to, the site such as significant topographical features, 100-year flood plains, wetlands, moderate and steep slopes, and other physical features.
- d) Any general area set aside for parks and/or other community facilities.
- e) Name of proposed plat, north arrow, approximate scale and date.
- f) Current proof of ownership of the land to be platted or evidence of a contractual ability to acquire such land, such as an option or purchase contract.
- g) General description and layout of storm water management plan.

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

- a) The subdivider shall submit a copy of the sketch plan to the Township Planner before an application is made for plat approval.
- b) The Township Planner shall review the sketch plan with the subdivider or his agent. In the event that the Township Planner shall reasonably determine that other public agencies are affected, the Township Planner may recommend that copies of the sketch plan be submitted by the subdivider to such other affected agencies for review.
- c) The Township Planner shall inform the subdivider or his agent of the Township's development policies and make appropriate comments and suggestions concerning the proposed development.

Section 3.2 - Preliminary Plat – Tentative Approval Procedure

A preliminary plat may be submitted for tentative approval in accordance with the following requirements and in accordance with the Subdivision Control Act, as amended.

1) Requirements: When a Tentative approval of a Preliminary Plat plan is requested the plan shall contain at least the following data:

- a) The name of the proposed subdivision.
- b) The preliminary plat shall be drawn to a scale of not more than two hundred (200) feet to one (1) inch. The size of the site plan shall be no larger than 22" x 34". At least one copy shall be 11" x 17".
- c) For projects which involve multiple sheets, a cover sheet that includes a sheet index and a sheet layout map shall be provided.
- d) Legal description of the area to be platted.

- e) Name, address and telephone number of the subdivider and the Surveyor or Engineer who prepared the preliminary plat.
- f) Location of the subdivision, giving the numbers of section, township and range, and the name of the township and county.
- g) The name of abutting subdivisions, if any.
- h) Statement of intended use of the proposed plat, such as: residential single family, two family and multiple housing; commercial; industrial; or recreation.
- i) In addition, the preliminary plat shall show proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other non-public uses, exclusive of single family dwellings, as well as any sites proposed for parks, playgrounds, schools or other public uses.
- j) A map of the entire area scheduled for development if the proposed plat is a portion of a larger holding intended for subsequent development.
- k) A location map showing the relationship of the proposed plat to the surrounding area.
- l) The land use and existing zoning of the proposed subdivision and the adjacent tracts including identification of zoning district, lot size and yard requirements as well as proof of any variances or special exceptions which may have been granted.
- m) Streets, street names, right-of-way (both existing and proposed) and roadway widths including features such as adjoining plats, streets, streams, railroads, utilities, cemeteries, parks, county drains, or any other features which may influence the street layout or lot orientation.
- n) All areas designated as Wetlands by the State of Michigan and those by the U.S.G.S. on the National Wetland Inventory.
- o) All 100-year floodplain areas.
- p) All slopes over 12% as defined by the Kent County Soil Survey.
- q) All public or private open space planned for the subdivision.
- r) Locations, type and size of all trees 4 inches or larger in caliper measure 4 feet from grade. This includes those trees planned to be saved as part of the development and those that are scheduled for landscaping as part of the subdivision. This includes the required street trees.
- s) Location, type and size of all streetlights planned for the subdivision.
- t) Lot lines and dimensions to the nearest foot and the total number of lots by block. The subdivider shall also submit a table listing the proposed lots by number, and the respective lot area for each lot.
- u) Existing contours at five (5) foot intervals or less shall be shown where the slope is greater than twenty-five (25) percent and at two (2) foot intervals where the slope is twelve (12) percent or less. All proposed contours shall be shown with bolded lines.
- v) Existing storm and sanitary sewers and water mains, and a statement indicating the method or methods by which drainage, sewage disposal, and water supply will be provided. The direction of drainage shall also be shown.
- w) Six (6) copies of proposed protective covenants and deed restrictions, or a written statement that none are proposed.
- x) Utility easements showing location, width, and purpose.
- y) A statement of the lot area of the smallest lot and the average lot area in the subdivision.
- z) Building setback lines showing the dimensions from all streets.
- aa) Site data, including total acreage, number of residential lots, typical lot size, and acreage in parks and other non-residential uses.
- bb) North arrow, scale, and date.
- cc) Flood plain elevations when the proposed plat abuts, includes, or is adjacent to, a

stream, drain or other body of water for which the flood plain has been established.

dd) All subdivision plans shall be presented in order to clearly show the following plans*:

- 1) Existing drainage plan
- 2) Proposed grading plan
- 3) Developable Land Area plan
- 4) Proposed Utility plan (sewer, water, storm)
- 5) Site Plan
- 6) Soil Erosion Plan

*Separate sheets are encouraged and may be required if the Planning Director feels that it would provide for a more easily understood project.

2) Procedures: The following procedure will be followed in the review of an application seeking Tentative Preliminary Plat Approval.

- a) The subdivider shall submit to the Township Clerk **ten (10)** copies of the preliminary plat prepared on a topographic map together with an application and fee in accord with the schedule adopted by the Township Board at least **thirty (30)** days before the first meeting of the Planning Commission at which the preliminary plat is to be considered.
- b) The Planning Commission, together with the Township Planner, shall review the preliminary plat and give its report and recommendation to the Township Board not more than sixty (60) days after submission of the plat. This sixty (60) day period may be extended by a written agreement between the subdivider and the Planning Commission. Any such written agreement shall contain a specific delineation of the time period in which the Planning Commission must act to either tentatively approve or disapprove the plat. A copy of any agreement reached by the Planning Commission and the subdivider with respect to an extension of time shall be transmitted to the Township Clerk. If no action is taken within sixty (60) days, the Planning Commission shall be deemed to have recommended approval of the preliminary plat.

- 1) If the preliminary plat does not meet all requirements, the Planning Commission shall notify the subdivider

by letter indicating any additional information or changes required.

2) If the preliminary plat meets all requirements, the Planning Commission shall so inform the developer by letter.

c) The Township Board, within ninety (90) days from the date of filing [unless the time period for approval has been extended pursuant to Section 3.2(2)(b)], shall tentatively approve and note its approval on a copy of the preliminary plat to be returned to the subdivider, or set forth in writing its reasons for rejection and the requirements that must be met for tentative preliminary plat approval.

d) Tentative Approval of a Preliminary Plat shall guarantee that the general terms and conditions under which approval was granted will not be changed by the Township, and further, shall confer upon the subdivider approval of lot sizes, lot orientation, and street layout for a period of one (1) year from the date of tentative approval. Such tentative approval may be extended if applied for by the subdivider and granted by the Township Board in writing.

e) The Township Board shall not review, approve or reject a preliminary plat until it has received a report and recommendation from the Planning Commission; provided, however, that the Township Board may act without a report and recommendation from the Planning Commission if the Planning Commission does not issue such a report and recommendation within sixty (60) days or within such extended time period as may be agreed upon between the subdivider and the Planning Commission.

Section 3.3 - Preliminary Plat – Final Approval Procedure

The Subdivider may, if he or she chooses, apply for Final Preliminary Plat approval at the same time as Tentative Preliminary Plat approval.

1) Requirements: When a Final approval of a Preliminary Plat plan is submitted, it shall contain at least the following data:

In addition to the requirements of Tentative approval of a Preliminary Plat, the subdivider

shall submit the review comments of the preliminary plat, of the following authorities as provided in Sections 112 to 119 of the Subdivision Control Act:

- Kent County Road Commission
- Kent county Drain Commission
- Michigan Department of State Highways and Transportation
- Michigan Department of Natural Resources
- Michigan Water Resources Commission
- Kent County Health Department
- Kent County Plat Board

2) Procedures: The following procedure will be followed in the review of an application seeking Final Preliminary Plat Approval.

a) For final approval of the preliminary plat, the subdivider shall submit a copy of the reviews of all of the approving authorities to the Township Clerk, certifying that all authorities as required in Section 3.3(1) (Sections 112 to 119 of the Subdivision Control Act) have reviewed and approved the preliminary plat. The subdivider shall also submit all of the approved copies of the preliminary plat to the Township Clerk after all necessary approvals have been secured. In addition, the subdivider shall submit the following to the Township Clerk:

1) Six (6) copies of a site report as described in the rules of the State Department of Public Health, as amended, if the proposed subdivision will not be served by public sewer and water systems. The preliminary plat shall show the location and depth of soil borings and the location of percolation test holes if the proposed subdivision will not be served by public sewer and water systems.

2) Six (6) sets of preliminary engineering plans for streets, water, sewers, storm sewers, sidewalks, trees, lighting and other required improvements. Such engineering plans shall contain enough data and information, including profiles, to enable the Township Engineer to make a preliminary determination as to the conformance of the proposed improvements to applicable Township Ordinances.

b) The Township Clerk shall forward the preliminary plat to the Township Planner,

together with copies of the approvals, site report, and engineering plans noted in Section 3.3(2)(a).

c) The Township Engineer and Planner shall examine the preliminary plat and the accompanying material for conformance with applicable Township ordinances and regulations, and the provisions of the Subdivision Control Act, as amended.

d) The Planning Commission shall review the preliminary plat at its next regular meeting or within thirty (30) days after receipt of the materials submitted in accordance with Section 3.3) and copies of the Township Engineer's and Planner's reports as required in Section 3.3(c).

e) The Planning Commission, together with the Township Planner, shall review the preliminary plat and also review the reports of the other government agencies and give its report and recommendation to the Township Board not more than sixty (60) days after submission of the plat and other related data as required by this ordinance. This sixty (60) day period may be extended by a written agreement between the subdivider and the Planning Commission. Any such written agreement shall contain a specific delineation of the time period in which the Planning Commission must act to either tentatively approve or disapprove the plat. A copy of any agreement reached by the Planning Commission and the subdivider with respect to an extension of time shall be transmitted to the Township Clerk. If no action is taken within sixty (60) days, the Planning Commission shall be deemed to have recommended approval of the preliminary plat.

1) If the Final Preliminary Plat meets all of the requirements, the Planning Commission shall indicate its recommendation for final approval on one copy of the preliminary plat and forward it to the Township Board. the Planning Commission shall also inform the developer by letter.

2) If the preliminary plat does not meet all of the requirements, the Planning Commission shall submit its findings in writing to the Township Board. The Planning Commission shall notify the subdivider by letter indicating any additional information or changes required.

f) The Township Board, after receipt of the necessary approvals of the preliminary plat, the reports of the Township Engineer and Planner, and the recommendations of the Planning Commission, shall consider and review the preliminary plat at its next meeting or within twenty (20) days from the date of submission of all of the materials to the Township Board. The Township Board shall approve the preliminary plat if the subdivider has met all conditions laid down for approval of the preliminary plat. The Township Clerk shall promptly notify the subdivider of approval or rejection in writing and, if rejected, will give the reasons.

1) Approval of a preliminary plat shall not constitute approval of the final plat, but rather that final plat approval shall be conditioned on all requirements being met.

2) Final approval of the preliminary plat by the Township Board shall confer upon the proprietor 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. The Township Board may extend the two (2) year period if applied for by the subdivider and granted in writing, but only concerning the Township's own requirements. Written notice of such an extension shall be sent by the Township Clerk to the other approving authorities.

Section 3.4 - Final Plats

1) Requirements

a) Final plats shall be prepared and submitted as provided in the Subdivision Control Act (Sections 131 to 198).

b) The subdivider shall submit a written request for approval and the recording fee shall accompany all final plats.

c) The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to a date on or after the proprietor's certificate, or a policy of title insurance currently in force.

d) Three (3) sets of approved as-built or final construction plans for streets, water, sewer, storm drainage, sidewalks and other required public improvements shall be submitted

to the township in order for the township, and other agencies, to make a determination as to the conformance of the proposed improvements to State, County and Township Specifications and Ordinances.

e) The subdivider shall submit one (1) copy of the final deed restrictions or restrictive covenants, if any.

f) The subdivider shall submit deeds to any properties to be dedicated to the Township or other public entity.

g) The subdivider shall submit a copy of any performance or installation agreements for any improvements not controlled or regulated by other agencies, such as sidewalks, street lights and new trees.

h) Payment and installation of all streetlights proposed in the subdivision.

i) One (1) copy of any financing arrangements between the Township and the proprietor for the installation of required improvements.

j) Such other information as the Township shall deem to be reasonably necessary to establish whether the proper parties have signed the plat.

2) Final Plat Approval Procedure

a) The subdivider shall submit the final plat with construction plans and other data, where required, to the Township Clerk. The plat shall be accompanied by a letter of approval from the Kent County Health Department. The Township Clerk shall promptly transmit all copies of the plat and supporting documents to the Township Board.

b) The Township Board shall review the final plat at its next regular meeting, or at a meeting to be called within twenty (20) days of receipt of the final plat.

1) The Township Board shall either approve or disapprove the plat. If disapproved, the Township Board shall transmit to the subdivider its reasons in writing.

2) If the plat is approved, the Township Board shall instruct the Clerk to sign the

municipal certificate on the approved plat on behalf of the Township Board showing the date approved on the plat and instruct the Clerk to record all proceedings in the minutes of the meeting which shall be open for inspection.

3) Recording of the final plat shall have the effect of an irrevocable offer to dedicate all streets and other public ways, all park areas, school sites, and other such areas to the public use unless a notation is placed in the plat by the subdivider stating there is no such offer of dedication of certain areas or ways.

4) Recording of the plat, however, shall not impose any duty upon the Township, County or other governmental unit concerning improvement or maintenance of any such dedicated or reserved area until the proper authorities have agreed to accept the same by legal action.

5) No building permits for the subdivision will be issued until the final plat has been approved by the Township and recorded at the Kent County Register of Deeds.

ARTICLE IV
Site Condominium Procedure and
Data Required

Section 4.1 Site Condominium Subdivision Approval.

Pursuant to authority conferred by Section 141 of the Condominium Act, (MCLA 559.241), Public Act 59 of 1978, as amended, all site condominium subdivisions must be approved by the Cascade Township Board, upon recommendation from the Planning Commission.

In determining whether to approve a site condominium subdivision, the Township Board shall consult with the Planning Commission, Township Attorney, Township Engineer, Fire Marshall and Planning Department regarding the adequacy of the site condominium plans, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act.

1. Definitions: The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Subdivision Ordinance (Ordinance No. 1 of 1978) with the Condominium Act.

a. Condominium Act: means Public Act 59 of 1978, as amended.

b. Condominium dwelling: means the building constructed upon a lot or condominium unit which is intended for residential purposes.

c. Condominium structure: means a building or structure constructed upon a lot or condominium unit which is intended for office, industrial, business, or recreational purposes.

d. Condominium unit: means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

e. Lot: shall mean the same as "Homesite" and "Condominium Unit".

f. Master deed: means the site condominium document recording the site condominium project to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved site condominium subdivision plan for the project.

g. Site Condominium Subdivision - shall be a division of land on the basis of condominium ownership which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended.

Section 4.2 Zoning Compliance:

All site condominium subdivisions and structures therein shall comply with all the use, size, sign, height and area (setback) regulations of the underlying zoning district in which the subdivision is located. The permitted use(s) and density (if applicable) shall be consistent with the Cascade Township Comprehensive Plan. The review procedures shall be governed by Section 4.3 below.

Section 4.3 Site Condominium Subdivision Review Procedures:

a. At least twenty-eight (28) days before the first meeting of the Planning Commission at which the proposal is to be considered, the developer shall submit to the Township all the materials required by Section 4.4, (hereinafter referred to as "site condominium plans") together with a fee in accordance with the schedule adopted by the Township Board.

b. The Planning Commission, together with the Township Planning Department, shall review the site condominium plans and give its report and recommendation to the Township Board not more than seventy-five (75) days after submission of the site condominium plans. This seventy-five (75) day period may be extended by a written agreement between the developer and the Planning Director. Any such written agreement shall contain a specific delineation of the time period in which the Planning Commission must act to either approve or disapprove the site condominium plan. A copy of any agreement reached by the Planning Director and the developer with respect to an extension of time shall be transmitted to the Planning Commission. If no action is taken

within seventy-five (75) days, or within any agreed extension thereof, the Planning Commission shall be deemed to have recommended approval of the site condominium plans.

c. The Township Board, within one hundred twenty (120) days from the date of filing (unless the time period for approval has been extended pursuant to Section 4.3(b), shall approve and note its approval on a copy of the site condominium plans to be returned to the developer or set forth in writing its reasons for rejection and the requirements that must be met for site condominium plan approval.

d. The Township Board shall not review, approve or reject a site condominium plan until it has received a report and recommendation from the Planning Commission; provided, however, that the Township Board may act without a report and recommendation from the Planning Commission if the Planning Commission does not issue such a report and recommendation within seventy-five (75) days or within such extended time period as may be agreed upon between the developer and the Planning Director.

e. Approval by the Township Board shall guarantee that the general terms and conditions under which approval was granted will not be changed by the Township and, further, shall confer approval of lot sizes, lot orientation, and street layout for a period of one (1) year from the date of site condominium plan approval. Such plan approval may be extended if applied for by the developer and granted by the Township Board in writing.

Section 4.4 Site Condominium Plans - Required Content:

All site condominium plans shall include the following:

a. Project description which describes the nature and intent of the proposed development.

b. A survey plan of the site condominium subdivision.

c. A floodplain plan, if the site lies within or abuts a floodplain area.

d. A site plan, consistent with Chapter 21, showing the location, size, shape, area and width of all site condominium units.

e. A utility plan pursuant to Section 4.5.

f. A street construction, paving, and maintenance plan for all private streets within the proposed site condominium subdivision.

g. A storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities.

h. A soil erosion and sedimentation control plan consistent with the Cascade Township Soil Erosion and Sedimentation Ordinance, (Ordinance #4 of 1998).

i. A description of the common elements of the project as will be contained in the Master Deed.

j. The use and occupancy restrictions as will be contained in the Master Deed.

k. A "Consent to Submission of Real Property to Condominium Project", stating all parties which have ownership interest in the proposed site condominium subdivision; or evidence of authority or right that the developer has a legal option to purchase the subject property from the owner(s) of record.

l. The plan preparation requirements; review and approval procedures; design, layout and improvement standards of Sections 3.2, 3.3, 5.1, through 5.6 and 6.3, through 6.5 of the Cascade Charter Township Subdivision Ordinance, as amended. The requirements of final plat approval in Section 3.3 of the Subdivision Ordinance shall not apply to site condominium subdivision plans, except that a deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Charter Township of Cascade to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the site condominium subdivision plan by the Township Board. Nothing in this Section shall be construed as requiring a site condominium subdivision to obtain plat approval under the Cascade Township Subdivision Ordinance or the Subdivision Control Act.

Section 4.5 Utilities:

a. The site condominium plans shall include all necessary easements (i.e. sewer/water,

sidewalks, bike paths, etc.) granted to Cascade Township and Kent County for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water and stormwater run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

provided to the Township within ten (10) days after such filing with the County.

b. The Township Board may require the developer to enter into an agreement with the Township for the imposition of a special assessment for the construction of sewer and water lines within all easements and/or rights of way within the site condominium subdivision. This requirement in as much as it deals with the establishment of a Special Assessment District under Act 188 of 1954, as amended, is not a waiver of any developer's or his grantees rights to contest the confirmation of any special assessment roll as provided in the Act.

Section 4.6 Private Streets:

If a site condominium subdivision is proposed to have private streets, the street(s) shall be built to the design standards of the Cascade Charter Township Private Road Ordinance, as amended

Section 4.7 Subdivision of Condominium Units:

All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and the building setback requirements and shall be approved by the Township Board, and these requirements shall be made part of the bylaws and recorded as part of the Master Deed.

Section 4.8 Master Deed - Contents:

All provisions of the site condominium plans which are approved by the Township Board pursuant to Section 4.3 must be incorporated, as approved, in the Master Deed for the site condominium subdivision. Any proposed changes to the approved site condominium plans must be reviewed and approved by the Township pursuant to the procedure set forth in Section 4.3 for the approval of site condominium plans. A copy of the Master Deed as filed with the Kent County Register of Deeds for recording must be

ARTICLE V
Subdivision Design Standards

Section 5.1 – Applicability

This section shall apply to all residential subdivisions, condominium, site condominium and Planned Unit Development projects.

Section 5.2 - Streets and Roads

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

1) Cul-de-sac Streets

All temporary and permanent (where allowed) dead-end streets shall be provided with cul-de-sacs (turnarounds), or any other turnarounds acceptable to the KCRC and the Township, at their termini. Temporary turnarounds shall be provided at the termini of streets where a future extension is contemplated. Temporary turnarounds need not be a part of the dedicated right-of-way; however, easements must be furnished to the Kent County Road Commission for their use. For Public Roads, the length of dead end streets shall be no longer than allowed by the KCRC.

2) Half Streets

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

3) Angle of Intersection

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

4) Sight Triangles

Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred

twenty-five (125) feet from the center of the intersection. No fence, wall, embankment, structure, sign, or planting shall obstruct vision in this area.

5) Number of Streets

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

6) "T" Intersections

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

7) Centerline Offsets

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

8) The "Requirements and Specifications for Plat Development" issued by the Board of County Road Commissioners of Kent County, Michigan, effective July 1, 1975, and any amendments thereto, are incorporated by reference as part of this ordinance as they pertain to all subdivisions or plats regulated by the Subdivision Control Act.

Any variance in these requirements or specifications also requires a variance in this Ordinance in accordance with the procedures established in Article VI.

Section 5.3 - Easements

1) Easement Location

Easements shall be provided along front or rear lot lines for utilities and also along side lot lines when necessary. The total width shall not be less than six (6) feet along each lot, or a total of twelve (12) feet for adjoining lots except in the case of those lots included within the provisions of Section 5.5, 7) hereafter.

2) Drainageway

Where a subdivision is traversed by a watercourse, drainage way, channel, floodplain, or stream, a storm water easement or drainage right-of-way should be provided. This drainageway shall be designed to prevent at least a ten-year storm event.

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

Section 5.4 - Blocks

1) Arrangements

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

2) Minimum Length

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

3) Maximum Length

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

Section 5.5 – Density & Lots

Determination of the maximum number of permitted lots on any given property shall be based upon the following:

1) Developable acreage of the site. The developable acreage shall be determined by deducting the following non-developable areas from the gross acreage of the site:

- a) All lands within existing or proposed right-of-ways or easements for public or private roads and highways.
- b) All areas designated as Wetlands by the State of Michigan and/or as defined as wetlands by the U.S.G.S. National Wetland Inventory.
- c) 50% of all lands designated within a 100-year floodplain.
- d) All lands that are characterized with steep slopes, unless public sewer is planned to be installed.
- e) 50% of all lands that are characterized with moderate slopes, unless public sewer is planned to be installed.
- f) All water bodies and watercourses.

2) Open Space. The area of open space shall be the area of the plat not used for lots outside of those areas described in 5.5.1 (a thru f). This does not preclude those areas described in 5.5.1 (a thru f) from being designated as open space, but no credit for open space under the following tables is given. In the case where public sewer will be installed in the subdivision those areas described in section 5.5.1.d and e may also be credited toward open space.

Any proposed open space areas shall be designed to provide opportunities to connect with other open space areas, for purposes of connecting parks, nature reserves, cultural features, or historic sites with each other for recreation or conservation purposes.

Table 5-1
ARC Zoning District

Proposed Type of Subdivision	Minimum Lot Width	Minimum Lot Area
No open space	225 feet	200,000 square feet
At least 25% of the developable acreage left as public or private open space	200 feet	100,000 square feet
At least 50% of the developable acreage left as public or private open space	115 feet	50,000 square feet
At least 50% of the developable acreage is dedicated as public open space	115 feet	43,560 square feet (1 Acre)

Table 5-2
R1 Zoning District¹

Proposed Type of Subdivision	Minimum Lot Width	Minimum Lot Area
No open space	150 feet	80,000 square feet
At least 25% of the developable acreage left as private open space.	100 feet	40,000 square feet
At least 25% of the developable acreage is dedicated as public open space	100 feet	35,000 square feet
At least 25% of the developable acreage left as public or private open space with public sewer and/or water.	100 feet	30,000 square feet
At least 25% of the developable acreage left as public or private open space with public sewer and water	90 feet	25,000 square feet
At least 50% of the developable acreage is left as public or private open space.	75 feet	21,000 square feet
At least 50% of the developable acreage is left as public or private open space with public sewer and water	65 feet	14,500 square feet

Table 5-3

¹ Per section 6.3.1.g.b and 6.3.1.h.b of this ordinance the Township Board may, at its discretion, require the subdivider to extend public water and sewer lines into the proposed subdivision.

R2 Zoning District¹

Proposed Type of Subdivision	Minimum Lot Width	Minimum Lot Area
No open space	95 feet	36,000 square feet
*At least 25% of the developable acreage left as public or private open space	85 feet	15,000 square feet
*At least 50% of the developable acreage is left as public or private open space	65 feet	10,000 square feet

* required to have public sewer and water

Table 5-4
FP zoning District**
Ord No 4 of 2010; 3/10/10

Proposed Type of Subdivision	Minimum Lot Width	Minimum Lot Area
No open space	225 feet	200,000 square feet
At least 50% of the gross acreage left as permanently protected farmland	115 feet	50,000 square feet

** applies to Farmland Preservation District only. See Section 5.10 for additional standards for Farmland Preservation District

3) Once the Developable acreage and minimum lot size are determined, the number of lots in a subdivision shall be determined by dividing developable acreage, less any open space, by the minimum lot area.

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

5) Lot Lines

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

6) Uninhabitable Areas

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

7) Back-Up Lots

¹ Per section 6.3.1.g.b and 6.3.1.h.b of this ordinance the Township Board may, at its discretion, require the subdivider to extend public water and sewer lines into the proposed subdivision.

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

8) Double Frontage Lots

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

9) Lot Division

a) Prohibition of Division of Platted Lots: No lot, outlot or other parcel of land located in a recorded plat shall be further partitioned or divided or a building permit issued for a partitioned or divided lot unless such partition or division is first approved by the Township Zoning Board of Appeals in accordance with the following restrictions:

1) No platted lot shall be further partitioned, divided, or split to create one or more additional residential building sites. This prohibition shall not be applicable to lots used for commercial, office or industrial purposes.

2) Where two or more platted lots have been combined for property tax purposes or where two or more lots are deemed combined pursuant to Section 22.08(4) of the Cascade Township Zoning Ordinance, as amended since one or more of the lots are nonconforming, no platted lot shall be detached or separated from the other platted lot or lots nor shall any of the platted lots be divided, partitioned, or split or property lines be reconfigured unless such division, split, partition or reconfiguration of lot lines is approved by the Township Zoning Board of Appeals. Additionally, no property line or boundary of a platted lot shall be altered or reconfigured without the prior approval of the Zoning Board of Appeals hereunder. No partition, division, split or reconfiguration of property lines shall occur or be approved by the Zoning Board of Appeals except as follows:

i. Prior to a decision being made, a hearing shall be held by the Zoning Board of Appeals. Prior written notice of the hearing shall be given to the owners of all property located within 300 feet of the property at issue at least 5 days prior

to the hearing, in the same fashion and in the same manner as would occur for a variance hearing pursuant to Chapter 23 of the Township Zoning Ordinance.

- ii. The decision of whether to approve or deny the request shall be within the discretion of the Zoning Board of Appeals.
- iii. In determining whether to grant the request for a partition, division, split or reconfiguration of the lot lines, the Zoning Board of Appeals shall consider the following standards:
 - (1) Whether the resulting lots will have a materially adverse affect on adjacent uses or properties.
 - (2) Whether the resulting lots will change the essential character of the surrounding area or neighborhood.
 - (3) Whether the resulting lots will place demands on public services, roads and facilities in excess of their capacities.
 - (4) Whether the resulting lots will establish a precedent which could adversely affect the long term goals of the Township Zoning Ordinance and Master Plan.
- iv. If the Zoning Board of Appeals grants the request, reasonable conditions may be attached to the approval.
 - (1) No partition, division, split or reconfiguration of lot lines shall be allowed that would result in the creation of a lot that does not satisfy the minimum requirements of the Township Zoning Ordinance, as amended.
 - (2) A decision rendered by the Zoning Board of Appeals with respect to this section may be appealed to the Township Board by any person aggrieved by such decision within 10 calendar days of the date on which the contested decision was rendered. Such appeal shall be made in writing to the Planning Director who shall, upon receipt of the appeal, provide notice of a second public hearing pursuant to section 5.4(9)(a) above, except that

such notice shall specify that the hearing is to be held before the Township Board. A decision rendered by the Township Board shall be final unless such decision is reversed or modified by a court of competent jurisdiction.

Section 5.6 - Greenbelts and Reserve Strips

- 1) Greenbelts
Greenbelts and planting strips may be required to be placed next to incompatible features such as highways, railroads, commercial or industrial uses where necessary or desirable to screen the view from residential properties. Such greenbelts shall not be a part of the normal road right-of-way or utility easement.
- 2) Reserve Strips
 - a) Reserve Strips - Private
Privately held reserve strips controlling access to streets and/or utilities shall be prohibited.

Section 5.7 - Public Sites and Open Spaces

- 1) Public Uses
When a proposed park, playground, school or other public site shown on the Comprehensive Plan is located in whole or in part within a proposed subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase.

The Township Board may, at its option at a later date, release any such reservation for public purpose on a showing that the lands in question are no longer needed or required for the public purpose or purposes indicated by the Comprehensive Plan.
- 2) Natural Features
Existing natural features which add value to residential development and enhance the attractiveness of the community (such as **trees**, watercourses, historic spots, and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision.

Section 5.8 - Planned Unit Developments

- 1) Modification
This Ordinance may be modified in accordance with Article VII in the case of a subdivision large enough to constitute a complete community or neighborhood, consistent with the Comprehensive Plan, which provides and dedicates adequate public open space and improvements of the circulation, recreation, education,

light, air, and service needs of the tract when fully developed and populated.

2) Neighborhood Characteristics

A community or neighborhood under this provision shall generally be consistent with the General Development Plan and contain five hundred (500) living units or more, contain or be bounded by major streets or natural physical barriers as necessary, and shall contain reserved areas of sufficient size to serve its population with schools, playgrounds, parks, and other public facilities. Such reserves may be dedicated.

Section 5.9 - Commercial and Industrial Developments

1) Commercial or Industrial Modification

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

****Section 5.10 Farmland Preservation District requirements and Design Standards:**

Ord No 4 of 2010; 3/10/10

1) The applicant shall provide a minimum of 50% percent of the total lot area in permanently protected and **contiguous farmland.

**2) The Farmland Preservation area shall include the following:

- a. Any area classified as unique or prime soils on the soil map on file with the Township.
- b. Areas abutting active farmland along mutual property boundaries.
- c. The required farmland area along the main roadway as described in item #3 below.

**3)The farmland shall be permanently protected using a mechanism approved by the Township's Attorney, including:

- a. conservation easement
- b. enrolled in PA 116
- c. purchase of development rights, or
- d. deed restriction

**4) Where there are existing residential lots with an area of less than ten (10) acres adjacent to the subject site, the lot/units shall be adjacent to such existing residential lots in an effort to cluster residential

development away from existing or potential farmland or open space.

**5) Scenic views along the roadway are preserved.

An open space area along and parallel to the roadway, a minimum of 50 feet in depth, not including road right-of-way, is maintained as open space. This area may be left in its natural state or landscaped to help reduce the view of houses on site from the roadway and preserve the rural view.

**6) The lots/units are contiguous unless the Planning Commission finds that the physical characteristics of the property, including the environmental conditions, property configuration, or other circumstances beyond the control of the applicant make this impractical.

**7) The proposed layout of the development shall be such that development and traffic shall not interfere with any neighboring or contiguous productive farmland to protect the agricultural integrity of the neighboring property and surrounding area.

**8) Residential development shall be situated to provide the greatest amount of separation between residential uses and surrounding agricultural uses.

**9) Design and layout of the proposed residential subdivision or residential site condominium not be located on any soils prime or unique soils as shown in the soils map on file with the Township Zoning Administrator.

ARTICLE VI
Subdivision Improvements

Section 6.1 - Purpose

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

Section 6.2 - Responsibility for Plans

1) It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a Registered Professional Engineer or a Registered Land Surveyor, a complete set of construction plans, including profiles, cross section, specifications, and other supporting data, for the hereinafter required streets, utilities, storm drainage, and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the approving bodies listed in Article III, Section 3.3 and shall be prepared in accordance with the standards or specifications of the respective body.

2) Upon completion of the required improvements, one (1) complete copy of as-built engineering plans for each required public improvement shall be filed with the Township Clerk coincident with the submission of the final plat. Other requirements and procedures in the submittal of final plats shall be as provided in Section 3.3.

Section 6.3 - Required Improvements

1) Every subdivider shall be required to install the following public and other improvements.

a) Monuments

Monuments shall be set in accordance with the State Subdivision Control and the rules of the State Department of Treasury.

b) Streets, Roads and Alleys

All public streets, roads and alleys shall be constructed in accordance with the standards and specifications adopted by the Kent County Road Commission. Private roads shall meet the standards and specifications adopted by Cascade Township.

c) Curbs and Gutters

Curbs and gutters shall be required on all marginal access streets and minor streets and

shall be constructed in accordance with the standards and specifications adopted by the Kent County Road Commission.

d) Installation of Public Utilities

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

e) Driveways

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

f) Storm Drainage

1) An adequate storm drainage system including necessary storm sewers, drain inlets, manholes, culverts, bridges and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the Kent County Drain Commissioner.

2) Construction of storm drainage systems shall be in accordance with the standards and specifications adopted by the Kent County Drain Commissioner. All proposed storm drainage construction plans for the proposed plats shall be approved by the Kent County Drain Commissioner.

g) Water Supply System

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

1) A water distribution system consisting of appropriate water distribution mains, fire hydrants, and other water system appurtenances shall be provided by the subdivider. These shall be installed to meet the Township, County and State requirements and any other municipality with which the Township has contracted for water service.

a) If water transmission lines are adjacent to the subdivision, the water system

provided by the subdivider shall be connected to such transmission lines by the subdivider.

b) If water transmission lines are reasonably proximate to the subdivision, then the Township Board may in its discretion, require the subdivider to bear the cost of extending such transmission lines to the subdivision. In considering whether or not to require the developer to extend public water, the Township Board shall consider the following:

1. Whether or not the soil is of a type that is limited in its ability to support private wells as part of the development. This shall be based, in part, on the information from the Kent County Soil Survey which lists several types of soil associations that are limited in their ability to serve developments with private well systems. The types of soils which are limited in their ability to serve private wells are those which have a seasonable high water table and moderately slow permeability (found in, Marlette-Capac-Metamora, Kibbie-Dixboro-Thetford, Capac-Parkhill-Marlette association); by flooding, ponding and the instability of organic soils (found in the Houghton-Cohoctah-Ceresco association); by seasonal high water table (found in some parts of Oakville-Thetford-Granby, Chelsea-Thetford-Selfridge, Metamora-Teasdale-Tekenink association); and by the slope (found in parts of the Marlette-Perrinton-Metea, Marlette-Chealsea-Boyer and Chelsea-Plainfiled-Boyer associations).
2. Any known contamination of the soils.
3. Any reported Septic and Well problems according to the Kent County Health Department that should limit the use of any additional septic and wells in the area.
4. Whether or not the proposed subdivision is located with the utility service boundary.

After such extension is completed, the water system provided by the subdivider shall be connected to the water transmission lines by the subdivider.

c) If water transmission lines are not adjacent to, or going to be extended to,

the subdivision, then the water system shall be charged and capped in such reasonable manner as is satisfactory to the Township Engineer.

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

3) If a central well or wells are not required by the Township, then individual wells may be utilized as long as they comply with all requirements of the County, the State of Michigan, and the Township.

4) If water transmission lines for a public water supply are not required to be extended to the subdivision, then the Township Board may, in its discretion choose one of the two following options:

- a) require that the subdivider execute an agreement agreeing to the imposition of a special assessment to cover the subdivision's share of the cost of providing the necessary public waste facilities to extend a public water supply to the subdivision. Such agreement shall be prepared by the Township and shall be in such form as shall be necessary, in the reasonable opinion of the Township attorney, to effectuate the purposes of this provision.
- b) require the developer to install a "dry" public water line.

c) Sanitary Sewer System

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

1) When connection to a public sanitary sewer system is probable within a reasonable period of time, a sanitary sewer system consisting of appropriate sewer lines, lift stations, and other sanitary sewer system appurtenances shall be provided by the subdivider. This system shall meet all requirements of the County, the State of Michigan, and Township, and any agency with which the Township has contracted for the treatment and disposal of its sewage.

a) If sanitary sewer transmission lines are adjacent to the subdivision, the sanitary sewer system provided by the subdivider shall be connected to such transmission lines by the subdivider.

b) If sanitary sewer transmission lines are reasonably proximate to the subdivision, then the Township Board may in its discretion, require the subdivider to bear the cost of extending such transmission lines to the subdivision. In considering whether or not to require the developer to extend public sewer, the Township Board shall consider the following:

1. Whether or not the soil is of a type that is limited in its ability to support septic tank and drainfields as part of the development. This shall be based, in part, on the information from the Kent County Soil Survey which lists several types of soil associations that are limited in their ability to serve developments with private septic systems. The types of soils which are limited in their ability to serve private septic systems are those which have a seasonable high water table and moderately slow permeability (found in, Marlette-Capac-Metamora, Kibbie-Dixboro-Thetford, Capac-Parkhill-Marlette association); by flooding, ponding and the instability of organic soils (found in the Houghton-Cohoctah-Ceresco association); by seasonal high water table (found in some parts of Oakville-Thetford-Granby, Chelsea-Thetford-Selfridge, Metamora-Teasdale-Tekenink association); and by the slope (found in parts of the Marlette-Perrinton-Metea, Marlette-Chealsea-Boyer and Chelsea-Plainfiled-Boyer associations).
2. Any known contamination of the soils.

3. Any reported Septic and Well problems according to the Kent County Health Department that should limit the use of any additional septic and wells in the area.
4. Whether or not the proposed subdivision is located with the utility service boundary.

After such extension is completed, the sanitary sewer system provided by the subdivider shall be connected to the sanitary sewer transmission lines by the subdivided.

2) When connection to a public sanitary sewer is not required or probable within a reasonable period of time, then septic tanks and disposal fields may be utilized as long as they comply completely with all requirements of the County, the State of Michigan, and the Township. In such instance, the Township Board in its discretion may choose one of the two following options:

- a) require the subdivider to execute an agreement agreeing to the imposition of a special assessment to cover the cost of constructing appropriate sewer lines, lift stations, and other sanitary sewer system appurtenances within the subdivision as well as the cost of providing the necessary public sanitary sewer facilities to extend public sanitary sewer service to the subdivision. Such agreement shall be prepared by the Township and shall be in such form as shall be necessary, in the reasonable opinion of the Township Attorney, to effectuate the purposes of this provision.
- b) require the developer to install a “dry” public sewer line.

i) Street Name Signs

Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the Kent County Road Commission and/or Cascade Township.

j) Street Lighting

Street lights shall be required to be installed in every subdivision. All such lighting shall comply with all applicable Township ordinances as well as the requirements of the public utility providing such lighting. Streetlights shall be paid for and installed by the developer prior to final plat approval.

k) Traffic Control Signs

Traffic control signs and/or warning devices shall be installed as may be determined necessary by the Kent County road Commission **and/or Cascade Township.**

l) Trees

Existing trees to the extent feasible shall be left undisturbed in the new subdivision. New trees shall be required in every subdivision. New trees shall be of a type that are compatible with the surrounding neighborhoods and the soil types of the area.

The developer of the subdivision shall be required to provide a minimum of four (4) trees per lot. Any tree that is left remaining on each lot, that is at least four (4) inches in caliper a minimum of four (4) feet from grade may count towards the required number of trees. However, regardless of how many trees are left remaining, at least two (2) trees per lot shall be street trees. Street trees shall be planted a minimum of twenty (20) feet apart from one another.

All new trees shall be a minimum of eight (8) feet tall and a minimum two (2) inches in caliper a minimum of four (4) feet from the grade.

All new trees shall comply with all applicable Township regulations and any other governmental regulation that may apply. All newly planted trees shall be guaranteed for a minimum of two (2) years from planting.

m) Pedestrian Pathways

If the proposed subdivision connects to an existing Township Pedestrian Pathway the Township Board may, in its discretion require that the subdivider build a Pedestrian Path to the same specifications as the Township Pedestrian Path. The subdivision shall be considered connecting if separated by right-of-way. Furthermore, the Planning Commission may, at its discretion, recommend to the Township Board not to require the developer to build any sidewalk or pedestrian path if they feel that it will not connect to an existing or future pedestrian path or sidewalk.

Section 6.4 – Public Open Space

1) Where a school site, neighborhood park, recreation area, or other public open space is

planned as part of the proposed subdivision, the Township Board may accept the reservation of such open space for public access purposes. All such areas shall either be reserved for the respective school district in the case of school sites or for the Township in all other cases.

Section 6.5 - Guarantee of Completion of Improvements Required by the Township

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

2) Financial Guarantees Shall be Provided as Follows:

a) Performance or Surety Bond

1) Accrual

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

2) Amount

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

3) Term

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

4) Bonding or Surety Company

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

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

1) Treasurer, Escrow Agent, or Trust Company

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

2) Dollar Value

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

3) Term

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

c) The agreement between the Township and the subdivider may provide that the amount of the bond provided pursuant to subsection a) above or the deposit provided pursuant to subsection b) above be progressively

reduced as the specified public improvements are completed.

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

In the event the subdivider shall, in any case, fail to complete a public improvement within the period of time specified in his agreement with the Township for the completion of said public improvements, the Township Board may, at its option, proceed to have the public improvement completed. The agreement between the subdivider and the Township shall provide that all costs and expenses incurred by the Township in completing the public improvement shall be reimbursed from the bond or deposit provided pursuant to subsection 2) a) or 2) b) above.

ARTICLE VII Variances

Section 7.1 - General

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

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

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

Section 7.2 - Planned Unit Development Variance

A subdivider may request a variance of certain provisions or requirements of this Ordinance in the case of a planned unit development. Such request for a variance shall be considered and acted upon in the same manner as is provided in

Section 7.1 above. In making its recommendation to the Township Board, the Planning Commission shall consider:

- 1) Whether the planned unit development provides adequate public spaces and includes provisions for efficient circulation, light and air, and other needs.
- 2) The nature of the proposed use of land and existing use of land in the vicinity.
- 3) The number of persons to reside or work in the proposed planned unit development.
- 4) The probable effect of the proposed planned unit development upon traffic conditions in the vicinity.
- 5) Whether the proposed planned unit development will constitute a desirable and stable community development.
- 6) Whether the proposed planned unit development would be in harmony with adjacent areas.

ARTICLE VIII
Administration, Enforcement and
Penalties for Failure to
Comply With This Ordinance

Section 8.1 - Administration

This Ordinance shall be administered by the Township Board. The rules, regulations and standards imposed by the 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.

subdivider, builder, public official, or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or of the Subdivision Control Act.

Section 8.2 - Conformance to Requirements

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

Section 8.3 - Enforcement

The Township Board, by its duly constituted officers, the Building Inspector, or the attorney for the Township of Cascade, may cause complaint to be made for the violation of the provisions thereof.

Section 8.4 - Penalties

Penalties for failure to comply with the provisions of this Ordinance shall be as follows: Violation for any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100) or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. The land owner, tenant,

ARTICLE IX Amendments

Section 9.1 - Procedures

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

ARTICLE X
Miscellaneous Provisions

Section 10.1 - Administrative Liability

No officer, agent, employee, or member of the Planning Commission or Township Board shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

Section 10.2 - Conflict With Other Provisions

In cases of conflict with other provisions, hereof, of any other ordinances, the most restrictive provisions shall apply.

Section 10.3 - Severability

This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged constitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 10.4 - Repeal

The Township of Cascade does hereby repeal the Cascade Charter Township Subdivision Ordinance effective February 13, 1978, and all amendments thereto.

Section 10.5 - Effective Date

This Ordinance shall take effect 30 days following its publication (or summary thereof) after adoption. The foregoing Ordinance was offered by Board Member Goodyke, Supported by Board Member Carpenter. The roll call vote was as follows:

Yeas: Goodyke, Carpenter, Julien, Kleinheksel, Jones

Nays:

Absent: Timmons, Parrish

Marlene Kleinheksel
Township Clerk

CERTIFICATION

I hereby certify the foregoing to be true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the 30th day of April 2003.

Marlene Kleinheksel
Township Clerk