

**Appendix B**

**City of Rockford**

**Subdivision**

**Ordinance**

**(INCLUDING REVISIONS THROUGH  
DECEMBER 31, 2010)**

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**CHAPTER 1**  
**TITLE, PURPOSE, AND DEFINITIONS**

**SECTION 1.1      TITLE AND PURPOSE**

- (A) Title. This Ordinance shall be known and may be cited as the “Subdivision Control Ordinance” of the City of Rockford.
- (B) Authority. The regulations of the Ordinance are adopted pursuant to the statutory authority of Act No. 288 of the Michigan Public Acts of 1967, as amended, the Land Division Act.
- (C) Scope and Purpose.
  - (1) The approvals and requirements of this Ordinance shall be satisfied prior to the construction or installation of any subdivision within the City of Rockford. The approvals and requirements of this Ordinance shall be satisfied prior to the replatting of any subdivision.
  - (2) The purpose of this Ordinance is to provide regulations dealing with the subdivision or platting of land within the City of Rockford and to further promote and protect the public health, safety and general welfare of the people of the City by providing for the orderly development of land within the City.
  - (3) In its interpretation and application, provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion, protection and enhancement of the public health, safety, morals and general welfare. Among other purposes, such provisions are intended to provide for the proper and orderly subdivision of land and for the establishment and regulation of residential plats, so as to provide for adequate and essential public improvements and utilities.
  - (4) Design standards of this ordinance may be superseded by standards of a Planned Unit Development Ordinance for the property.

**SECTION 1.2      DEFINITIONS**

The definitions of the Land Division Act of 1967, as amended are hereby included and made a part of this Ordinance. Additional definitions are noted in the following Section.

**SECTION 1.3      ADDITIONAL DEFINITIONS**

- (A) Act means the Land Division Act, being Act 288 of the Michigan Public Acts of 1967, as amended.
- (B) Applicant means the proprietor as defined by the Land Division Act of 1967, as amended.

- (C) As-built plans means revisioned construction plans drawn in accordance with all approval field changes.
- (D) Block means property abutting one side of a street and lying between the two nearest intersection streets; or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.
- (E) City means City of Rockford.
- (F) City Attorney means the legal counsel for the City of Rockford.
- (G) City Council means the City of Rockford City Council.
- (H) City Engineer means the professional consulting planner for the City of Rockford.
- (I) City Planner means the professional consulting planner for the City of Rockford.
- (J) Clerk means the City of Rockford Clerk.
- (K) Planning Commission means the City of Rockford Planning Commission.
- (L) Easement means a grant by the owner of the use of a strip of land by the public, a corporation, or persons, for specific uses and purposes, to be designated as a “public” or “private” easement, depending on the nature of the use.
- (M) Improvements means grading, street surfacing, curbs, gutters, sidewalks, sanitary sewers, storm drainage systems, culverts, bridges, utilities, and other additions to the natural state of land which increases its value, utility or habitability.
- (N) Master Plan means the City of Rockford Master Plan.
- (O) Natural features and amenities means, but is not limited to, existing lakes, ponds, watercourses, floodplains, woodlands, and topography of the land.
- (P) Soil Erosion and Sedimentation Control Act means Act 347 of the Michigan Public Acts of 1972, as amended and also the City Soil Erosion and Sedimentation Control Ordinance.
- (Q) Street means any street, avenue, boulevard, road, land, parkway, viaduct, alley, or other way which is an existing state, county or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way on a plat duly filed and recorded in the office of the County Register of Deeds. A street includes a right-of-way dedicated to public use.
- (R) Zoning Ordinance means the Zoning Ordinance of the City of Rockford.

## CHAPTER 2 PRELIMINARY PLAT

### SECTION 2.1      PRELIMINARY PLAT

(A)    Application.

- (1)    An application for a tentative preliminary plat approval shall be submitted to the Clerk at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission.
  
- (2)    The application shall consist of the following materials. Applications which do not have all of the materials noted below shall be considered incomplete and shall not be accepted.
  - (a)    A completed application form supplied by the City.
  - (b)    An application fee established by the Council by resolution from time to time.
  - (c)    Fifteen (15) copies of a preliminary plat drawing at a scale of not more than one (1) inch equals one hundred (100) feet that complies with the Act and shows, at a minimum, the following:
    - (i)    A scaled location map showing the location of the proposed preliminary plat within the City relative to streets, section lines, watercourses, and other subdivisions within one-half (1/2) mile of the proposed plat.
    - (ii)    The zoning classification of adjoining lands and names of adjoining subdivisions, including future phases of any proposed subdivision, or the owners and addresses of abutting parcels of land, if not within a subdivision.
    - (iii)    The names, right-of-way, and pavement widths of adjoining and proposed streets, including the location of all driveways on adjoining streets within one hundred (100) feet of the proposed plat.
    - (iv)    Exterior dimensions of the parcel or parcels being subdivided.
    - (v)    The location, type, and dimensions of any easements, streets, alleys or other public ways crossing the parcel or parcels being subdivided, if any.
    - (vi)    The locations and nature of any natural features and amenities.

- (vii) The location, size, and dimensions of proposed lots.
- (viii) The location, dimensions, and use of any land set aside for public or private use, other than that proposed for the plat, if any.
- (ix) The location and dimensions of proposed drainage and utility easements.
- (x) The location and size of all existing and proposed drainage ways and underground or above ground utilities.
- (xi) Site topography at two (2) foot intervals.
- (xii) The date of preparation, and the names of the Plat, applicant, and the firm or individual preparing the Plat.
- (xiii) Scale, north arrow, permanent parcel number, and legal description.
- (xiv) The buildable area of each lot, defined by the required front, side, and rear yard setbacks.

## **SECTION 2.2 REVIEW PROCESS**

### **(A) City Manager Review - Tentative Preliminary Plat.**

- (1) The City Manager shall receive and check for completeness the tentative preliminary plat as required under Section 2.1 hereof. If complete and substantially in conformance with applicable municipal requirements, the City Manager shall place the proposal on the agenda of the next regular Planning Commission meeting.
- (2) The City Manager shall transmit a copy of the tentative preliminary plat to the City Engineer and the City Planner for their technical review and recommendation.

### **(B) Planning Commission Review - Tentative Preliminary Plat.**

- (1) The Planning Commission shall conduct at least one (1) public hearing for the purpose of receiving comments on the proposed Plat. Notification of the public hearing shall be given as follows:
  - (a) Upon receipt of an application for a subdivision application, the Zoning Administrator shall cause notice to be given of a subdivision application public hearing, in accordance with the requirements of the City or Village Zoning Act, as follows:

- (b) The notice of public hearing shall be published in a newspaper of general circulation in the City and shall be sent by mail or personal delivery to the owners of the property for which approval is being considered, to all persons whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet, except that the notice shall be given not less than five (5), and not more than fifteen (15) days before the application will be considered.
- (c) If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, business or organizations, one (1) occupant of each unit or special unit shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other district spatial areas or organization, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- (2) Following the public hearing, the Planning Commission shall recommend to the Council approval, denial, or approval with the conditions, based on the standards of Section 3.2(A). The Commission shall state its reasons for such recommendation. The minutes containing the record of the public hearing and the Commission’s recommendation, shall be forwarded to the City Council and to the applicant prior to the Council’s consideration of the plat.

(C) Council Review - Tentative Preliminary Plat.

- (1) The Council shall not consider the preliminary plat until receiving the recommendation of the Planning Commission.
- (2) The Council shall consider the preliminary plat at its next regularly scheduled meeting after receiving the recommendation of the Commission.
- (3) The Council shall approve, approve with conditions, or deny the tentative preliminary plat within ninety (90) days of the initial filing with the Clerk of a complete preliminary plat, in accordance with the requirements of Section 2.1(A)(2), stating its reasons in writing for such approval, approval with conditions, or denial. Such reason shall be based upon the standards of Section 3.2 of this Ordinance and shall be provided to the applicant.

(D) Tentative Preliminary Plat Approval.

- (1) Tentative preliminary plat approval by the Council shall confer upon the applicant approval of the lot sizes, lot orientation, and street layout of the proposed Plat for a period of one (1) year.

- (2) A tentative preliminary plat approval may be extended by the City Council if such extension is applied for in writing prior to the expiration of the tentative Plat approval period and is supported by reasonable evidence justifying the extension.
- (3) Following tentative approval of the preliminary plat, the applicant shall submit copies of such preliminary plat for the approval of the applicable State and County authorities specified in the Land Division Act.

(E) Council Review - Final Preliminary Plat Review.

- (1) An application for a preliminary plat shall be submitted to the Clerk at least twenty (20) days prior to the next regularly scheduled meeting of the Council.
- (2) The application shall consist of the following materials. Applications which do not have all of the materials noted below shall be considered incomplete and shall not be accepted.
  - (a) The requirements of Section 3.2(B) of this Ordinance.
  - (b) Proof of approval of the preliminary plat from each of the authorities having jurisdiction as required by the Land Division Act, Sections 112-119. These proofs of approval shall include copies of all permits as may be required and issued by these authorities.
- (3) The Council shall consider the preliminary plat at its next regularly scheduled meeting after the filing of the fully completed application, or within twenty (20) days.
- (4) The Council shall approve, approve with conditions, or deny the final preliminary plat, stating in writing its reasons for such approval, approval with conditions, or denial. Such reasons shall be based upon the standards of Section 3.2 of this Ordinance and shall be submitted to the applicant.

(F) Final Preliminary Plat Approval.

- (1) Final preliminary plat approval shall confer upon the applicant for a period of two (2) years from the date of approval, the conditional right that the general terms and conditions under which final preliminary plat approval was granted will not be changed.
- (2) A final preliminary plat approval may be extended by the Council if such extension is applied for in writing prior to the expiration of the tentative preliminary plat approval period and is supported by reasonable evidence justifying the extension.
- (3) No construction, grading, or clearing shall occur until final preliminary plat approval and engineering and public works approval for street, utility, drainage,



and other improvements has been received, and detailed construction drawings submitted and approved by City staff.

## **CHAPTER 3 FINAL PLAT**

### **SECTION 3.1      FINAL PLAT**

**(A)      Application.**

- (1)      An application for a final plat approval shall be submitted to the Clerk at least twenty (20) days prior to the next regularly scheduled meeting of the Council.
- (2)      The application shall consist of the following materials. Applications which do not have all of the materials noted below, shall be considered incomplete and shall not be accepted.
  - (a)      One (1) Mylar copy and three (3) paper copies of the final plat.
  - (b)      Two (2) paper copies of as-built plans for all completed improvements.
  - (c)      An abstract of the title certified to date, or, at the option of the applicant, a policy of title insurance for examination in order to ascertain whether or not the proper parties have signed the final plat.
  - (d)      Certification of a licensed engineer indicating that construction of improvements has been satisfactorily completed in accordance with approved plans and specifications, including evidence of inspections.
  - (e)      Cost estimates for any improvements that have not been completed.
  - (f)      As-built drawings, in both paper and acceptable electronic format.

**(B)      Review.**

- (1)      The City Council shall consider the final plat at its next regularly scheduled meeting or within twenty (20) days after the filing of the complete application.
- (2)      The Council shall grant final plat approval provided that the standards of Section 3.2 of this Ordinance are met.
- (3)      In lieu of completing all, or a portion of all improvements, final plat approval may be granted, with the specific consent of Council, provided that as a condition of such approval, the applicant shall deposit with the City a true copy of an agreement showing that the applicant has deposited with a bank or other agent acceptable to the City, cash, certified check, irrevocable bank letter of credit, bond or other form of surety in an amount sufficient to guaranty the City the satisfactory construction, installation, completion and dedication of required improvements.

- (a) The amount of such deposit shall represent one hundred percent (100%) of the estimated construction costs of completion of the required improvements, as determined by the City Engineer. The applicant shall be responsible for providing a cost estimate to the City Engineer for review.
- (b) Such deposit shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution, as set forth in this Ordinance.
- (c) The City shall not accept dedication of required improvements, nor, release or reduce the guaranty or surety until:
  - (i) The applicant has certified in a manner approved by the City Attorney that the improvements have been completed and are free and clear of all liens and encumbrances;
  - (ii) The City Engineer has certified that the required improvements have been satisfactorily completed as required by this Ordinance; and
  - (iii) The applicant shall have provided certification indicating that construction of required improvements has been satisfactorily completed. This certification shall include evidence of inspections as required by the Land Division Act.
- (d) The guaranty or surety shall be reduced and refunded upon actual completion of required improvements and then only to the ratio that the completed improvement bears to the total improvements for the plat. In no event shall the surety be reduced below ten percent (10%) of the principal amount before final acceptance of all improvements by the Council.
- (e) The City Building Inspector shall not issue building permits for construction of buildings or structures as regulated by the City Building Code, except for signs permitted by the Zoning Ordinance, prior to the completion and acceptance of the required improvements.

**SECTION 3.2 REVIEW STANDARDS**

- (A) Tentative Preliminary Plat Approval.
  - (1) The Planning Commission shall recommend, and City Council shall grant tentative preliminary plat approval upon making the following findings:
  - (2) That the proposed lots comply with the requirements of the City of Rockford Zoning Ordinance for the district in which the plat is located.

- (3) That the streets within the plat provide adequate and safe circulation and that sufficient consideration has been given to providing access to adjacent streets and parcels within the same or compatible zoning district.
- (4) That streets are designed and lots oriented to:
  - (a) ensure safety of access to any street including adequate sight distance and safe intersections;
  - (b) provide the most efficient and safe traffic flow;
  - (c) take best advantage of existing topography; and
  - (d) preserve existing natural features and amenities.
- (5) That the plat conforms to the requirements of this Ordinance and any other applicable, federal, state or local laws or ordinances, and all applicable design/construction standards for streets, utilities, drainage, and other side improvements.

(B) Final Preliminary Plat Approval.

- (1) The Council shall grant final preliminary plat approval upon making the following findings:
  - (a) That the final preliminary plat substantially conforms to the tentative preliminary plat approval, including any conditions placed on such approval.
  - (b) That all required reviews have been completed and appropriate documentation of such approval is provided.
  - (c) That the plat conforms to the requirements of this Ordinance and any other applicable federal, state, or local laws or ordinances, and all applicable design/construction standards for streets, utilities, drainage, and other site improvements.

(C) Final Plat Approval.

- (1) The Council shall grant final plat approval upon making the following findings:
  - (a) That the final plat substantially conforms to the preliminary plat approval, including any conditions placed on such approval.
  - (b) That all required reviews have been completed and appropriate documentation of such approvals is provided.

- (2) That the plat conforms to the requirements of this Ordinance and any other applicable federal, state or local laws or ordinances, and all applicable design/construction standards for streets, utilities, drainage, and other site improvements.
- (3) That construction of all improvements as required by this Ordinance has been completed and financed, or a satisfactory form of financial guarantee submitted in accordance with the provisions of Section 3.1(B)(3) of this Ordinance.

(D) Required Improvements - Engineering and Design.

- (1) Streets and Access. All streets within the plat, and improvements to streets adjoining the plat, shall be constructed to the standards required by the City of Rockford, Kent County Road Commission, or Michigan Department of Transportation, as applicable.
- (2) City Streets. Streets under the jurisdiction of the City of Rockford shall comply with the following requirements:
  - (a) Rights-of-way: Local streets: sixty-six (66) feet; Collector streets: eighty (80) feet; Arterial streets: one hundred (100) feet; Cul-de-sac radius: fifty (50) feet.
  - (b) Pavement width: shall be twenty-four (24) feet for local streets (twenty-eight (28) feet including gutter pans), subject to increase to thirty-two (32) feet (thirty-six (36) feet with gutter pans) for collector and arterial streets, as determined by the City). Cul-de-sac pavement radii shall be a minimum of forty (40) feet.
  - (c) Pavement construction shall comply with the requirements of the City specifications for the appropriate classification of street.
  - (d) Intersections shall be constructed at as close to ninety (90) degree angles as possible, but in no case shall be less than thirty (30) degrees.
  - (e) Centerline radii minimums: Local streets - one hundred (100) feet; Major streets - five hundred (500) feet.
  - (f) Street grades shall not be less than one-half percent (.5%) nor greater than six percent (6%).
  - (g) Six (6) inch head, concrete curbs shall be required for all streets and shall be not less than twenty-four (24) inches in width.
  - (h) Access to lots within the plat shall only be provided by interior streets proposed as part of the plat. The Council may grant individual lots direct

access to existing public streets provided that at least one (1) of the following conditions is met:

- (i) The proposed plat contains fewer than five (5) lots;
  - (ii) The proposed plat has less than four hundred (400) feet of frontage on the existing public street; and
  - (iii) No practical alternative exists for access due to physical features located on the site.
- (3) **Offsetting Streets.** Offsetting streets at an intersection are prohibited unless the centerlines thereof are offset a minimum of one hundred twenty five (125) feet.
- (4) **Block Length.** Block lengths shall not exceed one thousand two hundred (1,200) feet in length unless waived by the City Council, after receiving a recommendation from the Planning Commission and City Engineer, based on a finding that at least one (1) of the following conditions exists:
- (a) That topography or other significant natural features preclude access to any other public street or adjoining property on which a public street may be constructed. Such significant natural features shall be clearly identified and marked on the proposed plat.
  - (b) That not allowing a longer block would result in inefficient use of land. Alternate development plans demonstrating that no other development is feasible shall be submitted by the applicant and reviewed by the City Council prior to confirming this finding.
  - (c) That other methods of access are available such that emergency vehicles are assured a safe and unimpeded route of travel to the properties located within the block. Such access shall be reviewed by the Fire Chief and a recommendation forwarded to the Planning Commission.
- (5) **Street Layout.**
- (a) Grid street systems shall be encouraged. Cul-de-sac streets, not to exceed a length of eight hundred (800) feet, as measured from the nearest right-of-way line of the intersecting street to the center of the cul-de-sac turnaround, may be permitted by the City Council after receiving a recommendation from the Planning Commission and City Engineer, based on a finding that at least one (1) of the following conditions exists:
    - (i) That topography or other significant natural features preclude access to any other public street or adjoining property on which a public street may be constructed. Such significant natural features shall be clearly identified and marked on the proposed plat.

- (ii) That not allowing a cul-de-sac would result in inefficient use of land. Alternate development plans demonstrating that no other development is feasible shall be submitted by the applicant and reviewed by the City Council prior to confirming this finding.
  - (iii) That other methods of access are available such that emergency vehicles are assured a safe and unimpeded route of travel to the properties located along the cul-de-sac. Such access shall be reviewed by the Fire Chief and a recommendation forwarded to the Planning Commission.
- (b) Landscaped or planted islands, designed for safety and ease of maintenance, may be required for cul-de-sacs.
- (c) Public walkways may be required on any cul-de-sac streets to facilitate pedestrian circulation to other public ways or public areas.
- (6) Reserve Strips. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed in the City under conditions approved by the City Council.
- (7) Easements. When deemed appropriate and necessary by the City Council, easements for public purposes shall be provided. A variable easement of public necessity shall be provided along water courses, and particularly in areas subject to periodic flooding.
- (8) Adjoining Street Systems
  - (a) New subdivisions shall make provisions for the continuation of existing streets in adjoining or adjacent subdivisions. Such streets shall be of a width as great as that of the streets so continued or projected. The centerline of such streets shall continue with the centerline of existing streets.
  - (b) Streets shall extend to the boundary of the subdivision to provide the proper access to adjoining property, and provide for proper connection with the interior circulation system of contiguous land.
  - (c) Where the Planning Commission has adopted a plan or precise plat for a neighborhood or area of which the proposed subdivision is a part and the proposed subdivision provides coordination with the street system of the City different from that of said continuations or projections of existing streets and the subdivider's plat conforms to such neighborhood or area plat or plan of the City Planning Commission, the Planning Commission may approve the subdivider's plat.

- (9) Adjacent Lands. Where the plat submitted covers only a part of the subdivider's tract, the subdivider must submit a plan of the development of the total tract integrated with the initial phase, including street layout, proposed lot layout, proposed land use, lot sizes, land contours and proposed utilities. If the proposed land use differs from current zoning or the Master Plan, an application for the change in zoning district and/or amendment of the Master Plan must be submitted simultaneously with said development plan.
- (10) Alleys.
- (a) A street or alley lying along the boundary of a subdivision may be dedicated one-half of the required width if it is practical to require the dedications of the other half when the adjoining property is subdivided. Such portions of a street shall be distinctly designated upon the map or plat as being a portion of a street and not the street of full width.
- (b) Whenever there already exists a dedicated and recorded half street or alley on an adjoining plat, the other half must be dedicated on the proposed plat to make the street or alley complete.
- (11) Utilities.
- (a) Public sanitary sewer and water shall be extended at the applicant's expense to serve the proposed plat.
- (b) Public sanitary sewer and water and all other utilities shall be placed within private easements provided to such utility agencies, or within dedicated public rights-of-way, as permitted by the agencies governing such rights-of-way.
- (c) All utilities shall conform to the construction standards of the City of Rockford, or other agency having jurisdictions, and shall be installed underground.
- (12) Sidewalks
- (a) Sidewalks shall be required on both sides of all streets, including connector streets without lots fronting on them.
- (b) Sidewalks shall be five (5) feet wide, located within the road right-of-way. The distance between the inner face of the curb and the sidewalk shall not be less than thirteen (13) feet, reduced only as necessary because of street width.
- (c) Sidewalks shall be constructed according to the standards of the City of Rockford.



- (d) If not installed before final plat approval, sidewalks shall be installed in front of each lot before a certificate of occupancy is issued for the building on the lot. All sidewalks shall be constructed throughout the subdivision when certificates of occupancy are issued for sixty (60) percent of the lots in the subdivision, or two (2) years after the first certificate of occupancy is issued within the subdivision, whichever occurs first. Upon any failure to install sidewalks when required, the City shall do so and specially assess the cost against the abutting lot.

(13) Storm Drainage

- (a) All storm drainage systems shall be designed, constructed, and maintained to the standards required by the Kent County Drain Commissioner, the Michigan Department of Environmental Quality, the City of Rockford, and any applicable City ordinance. Release rates and outlet design for storm water facilities shall be designed to minimize negative impacts on lakes, streams, and wetlands.
- (b) No storm water shall be discharged into the sanitary sewers.
- (c) Fencing or other barriers may be required around drainage.
- (d) Easements for City access to drainage facilities shall be provided.

(14) Soil Erosion. The applicant shall comply with the Soil Erosion and Sedimentation Control Act and City ordinance and provide a general description of the manner in which they intend to meet the requirements of that Act.

(15) Existing Natural Features and Amenities

- (a) Existing Natural Features and Amenities shall be preserved within the plat, unless the City finds one of the following:
  - (i) that the properties of the land that is part of the plat are such that no practical alternative design is possible that would preserve such features.
  - (ii) That the removal or alteration of such features will not have an adverse effect on adjacent properties with respect to drainage, views, or other significant environmental effect.
- (b) If permitted, removal or alteration of such features shall comply with all applicable federal, state and local law and ordinances. Financial considerations alone shall not justify the removal or alteration of such features. Planned unit development zoning shall be used to promote the preservation of Natural Features and Amenities.

- (c) Final grading shall be shown on the final plat, or other drawing filed with the City. Additional grading shall not be permitted except as provided in the approval plat. All plat drawings shall designate which lots may be further graded after final grading to permit construction of the walk out levels or daylight windows on the lowest level. Such buildings shall only be constructed on the lots so designated on the plat. Grading for buildings shall be reviewed and approved prior to issuance of a building permit. Notice of these requirements shall be noted on the final plat.
- (16) Trees. Street trees (within the right-of-way) are required at an average distance of forty (40) feet o.c. (on center) and shall be a 2-1/2" caliper deciduous canopy tree. Trees shall be planted at the times provided for installation of sidewalks. Trees shall comply with Section 15.2(I) of the Zoning Ordinance.
- (17) Street Lighting. The design, height, and spacing of street lighting shall be in accordance with standards approved by the City. The City shall adopt a standard approved design or designs for streetlights.
- (18) Lots.
  - (a) Every lot shall have frontage on a public, dedicated street and each lot shall meet the requirements of the Zoning Ordinance as to lot width and area.
  - (b) Every lot shall contain sufficient buildable area to permit construction of a principal building in compliance with the requirements of the Zoning Ordinance.
  - (c) Where, after receiving an opinion from the City Manager, City Engineer, City Planner, or Building Inspector, there is a question about sufficient buildable area due to factors such as soil formations, flood conditions, high water table, or similar conditions, the Planning Commission shall withhold approval of such lots until a sufficient buildable area is provided.
  - (d) Corner lots in subdivisions located within any residential zoning district shall be platted at least ten (10) feet wider than the minimum width required by the Zoning Ordinance.
  - (e) The depth-to-width ratio of lots shall not exceed 4:1.
- (19) Open Space.
  - (a) Fifteen percent (15%) of the subdivision, not less than one and one-half (1-1/2) acres shall be set aside for common area or for protected open space.

- (b) The areas shall be of a size and location to be usable for either meaningful recreation or preservation of natural features and amenities, or both. Areas set aside for drainage or utilities shall not qualify to satisfy this requirement, unless established that these areas will provide for meaningful recreation or preservation of natural features and amenities. Only fifty percent (50%) of designated wetlands areas shall count toward meeting this requirement. Walkways or trails shall be provided for access to and through common areas.
  - (c) Areas within lots designated as open space shall be protected by deed restrictions. Any common areas shall be designated for the use of the owners of lands within the subdivisions, and suitable provisions shall be made for preservation and maintenance of the areas. In the alternative, the subdivider may offer some or all of the areas for the dedication to the City. Acceptance of dedication shall be within the discretion of the City.
- (20) Landscaping and Screening.
- (a) Landscaping and screening may be required to screen existing adjacent rights-of-way.

## **CHAPTER 4 GENERAL REGULATIONS**

### **SECTION 4.1      ADMINISTRATION, VALIDITY, AND PENALTIES**

**(A)      Administration.**

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

**(B)      Waiver of Requirements.**

The City Council may waive or vary any requirements of this Ordinance after obtaining a recommendation from the Planning Commission and City Manager. Application for such modification of requirements shall demonstrate that there are special circumstances or conditions affecting the property in question; that such modification is necessary for the preservation and enjoyment of a substantial property right of the applicant ; and that the modification, if granted, will not be materially detrimental to the public welfare or injurious to other property in the vicinity. In waiving or varying any requirement, the City Council may attach conditions to substantially carry out the objectives of the requirements so varied or modified.

**(C)      Validity.**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**(D)      Violations.**

Any violation of any provision of this Ordinance is hereby declared to be a nuisance, per se. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished for each offense by a fine of not more than five hundred dollars (\$500.00), and costs of prosecution, or imprisonment in the County jail for a period not exceeding ninety (90) days, or both fine and imprisonment, in the discretion of the court.

(E) Controlling Provisions.

In the event of any conflict between this Ordinance and other City Ordinances, this Ordinance shall control.

**SECTION 4.2 IMPROVEMENTS AND REGULATIONS**

- (A) Improvements Required. Before acceptance of the final map and approval by the City Council of a plat, the following improvements shall be provided and the City Council shall be provided with a certified check or performance bond in an amount necessary to insure compliance with this Ordinance and to secure completion of the required improvements. Sewer and water facilities shall be installed to serve each building before occupancy, and street construction and sidewalk construction shall be completed before final acceptance of the plat.
- (B) Lands Dedicated. All lands offered to the City for streets, highways, alleys or other public purposes or use, where no approval of the City Planning Commission has been secured, shall be referred to the City Planning Commission for a report and recommendations before being accepted by the City Council.
- (C) Subdivisions Vacated. Upon receipt of notice by the City of court action to vacate any subdivision or part thereof, a copy of said notice shall be referred to the City Planning Commission, which shall review the conditions to determine the interest of the City and the necessity for, or desirability of, being present at the time the application to vacate is heard by the court.
- (D) Adjoining Street Systems.
- (1) New subdivisions shall make provisions for the continuation of principal existing streets in adjoining or adjacent subdivisions insofar as they may be necessary for public requirements. In general, such streets shall be of a width as great as that of the streets so continued or projected. The center line of such streets shall continue with the center line of existing streets.
  - (2) In general, the streets shall extend to the boundary of the subdivision to provide the proper access to adjoining property, and provide for proper connection with the highway system for contiguous land.
  - (3) Where the City Planning Commission has adopted a plan or plat of a neighborhood or area of which the subdivision is a part and the proposed plat provides coordination with the street system of the City different from that of said continuations or projections of existing streets and the subdivider's plat conforms to such neighborhood or area plat or plan of the City Planning Commission, the City Planning Commission may approve the subdivider's plat.
  - (4) Where the plat submitted covers only a part of the subdivider's tract, the subdivider must submit a plan of the development of the total tract integrated with

the initial phase, including street layout, proposed lot layout, proposed land use, lot sizes, land contours and proposed utilities. If the proposed land use differs from current zoning or the master plan an application for change in the zoning district or master plan must be submitted simultaneously with said development plan.

- (E) Access. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed in the City under conditions approved by the City Council. The subdividing of the land shall be such as to provide each lot by means of either a public street or way or permanent easement with satisfactory access to an existing public highway or to a thoroughfare as shown on the official map, which public street, easement or way shall be graded and graveled and of a width of at least twenty-five (25) feet.
- (F) Easements. When deemed appropriate and necessary by the Planning Commission, easements for public purposes shall be provided. A variable easement of public necessity shall be provided along water courses, and particularly in areas subject to periodic flooding.
- (G) Streets and Alleys.
- (1) Residential street right of ways shall have a width of 66', secondary street right of ways shall have a width of 80', and primary street right of ways shall have a width of 100'. No street shall have a width between the curbs of less than 36'. Where approved, dead-end streets terminating in a cul-de-sac shall not exceed 600' in length, and the cul-de-sac shall have a 50' minimum radius on the property line and a 40' minimum radius of paved surface. Unless otherwise approved, the surface of all streets shall be bituminous concrete or concrete in accordance with specifications approved by the City Manager.
  - (2) A street or alley lying along the boundary of a subdivision may be dedicated one-half of the required width if it is practical to require the dedications of the other half when the adjoining property is subdivided. Such portion of a street shall be distinctly designated upon the map or plat as being a portion of a street and not the street of full width.
  - (3) Whenever there already exists a dedicated and recorded half street or alley on an adjoining plat, the other half must be dedicated on the proposed plat to make the street or alley complete.
  - (4) If alleys are provided at the rear of residence lot, they shall be not less than twenty-five (25) feet in width.
  - (5) Intersections of streets shall be at an angle of ninety degrees (90) or as close to such an angle as practical, but in no case less than thirty degrees (30). Termination of streets at intersections shall be clearly defined.

- (6) Alleys intersecting other alleys or streets shall be increased in width at the intersection in conformity with the standards approved by the City Manager.
- (7) Block corners shall be cut off or rounded.
- (8) Streets shall be so arranged that as far as possible grades shall be not less than one-half of one percent.
- (9) Center line radii of a major street shall be in general not less than five hundred (500) feet.
- (10) Center line radii of local streets shall not be less than one hundred (100) feet.
- (11) Reverse curves on major and local streets shall be separated by a tangent of not less than one hundred (100) feet.
- (12) Curbing shall be required in all cases and shall be not less than twenty-four inches (24") in width.

(H) Blocks.

- (1) Streets shall be platted a distance apart to allow for a block width sufficient for two (2) tiers of lots.
- (2) No block shall be longer than twelve hundred (1200) feet between street lines, except where, in the opinion of the Planning Commission, extraordinary conditions prevail, a greater distance between street lines may be permitted or required by the Planning Commission.

(I) Lots

- (1) All lots shall face upon a public street.
- (2) The side lines of lots shall be approximately at right angles or radial to the street upon which the lots face.
- (3) All residential lots shall have a width of not less than seventy (70) feet except those lots located at the end of a dead-end street, or loop, may have a minimum width at the front line of not less than twenty-five (25) feet, provided the average width of such lots is not less than fifty (50) feet at the building line.
- (4) The area of all residential lots shall conform to the requirements of the Zoning Ordinance for the zone in which the plat is located.
- (5) Lots having a width in excess of 90 feet may require side-walks; in all other cases, sidewalks shall be required. Where required, sidewalks shall be a minimum of four feet (4') in width, four inches (4") thick, and constructed of 5-1/2 bag mix.

- (6) Corner lots shall be of sufficient width to allow conformance with building lines.
- (7) In case a tract is subdivided into larger parcels than normal building lots, such parcels shall be arranged to allow for the opening of future streets and logical subdivision.
- (J) Topography. In general, streets shall have appropriate regard to water courses and other topographical features.
- (K) Street Lighting and Utilities. Street lighting shall be required on all residential, secondary and primary streets, and the City Manager shall approve the type, size and spacing of the street lighting. Sanitary sewer mains and City water mains shall be not less than 8" in diameter; storm sewers shall be provided adequate to carry off all surface drainage and shall meet the approval of the City Manager. No storm water shall be discharged into the sanitary sewers. Utility wiring for telephone and electrical power to be installed underground according to rules and regulations promulgated pursuant to Section 1.1(N) of the Code.
- (L) Railroads. Where subdivisions are adjacent to a railroad, a parallel street shall border the railroad at a sufficient distance to make possible a grade separation if necessary, and serve as an interceptor street for minor streets and form a barrier strip of land along the railroad, desirably used in residential districts as a park, but used for business and industrial structures in appropriate districts if needed for these purposes.
- (M) School and Recreation Area Sites. Due consideration shall be given by the subdivider and the City Planning Commission to the provision of sites for future school, park, recreation area and other open spaces.
- (N) Appeal or Suspension of Rules. A suspension of any requirement of this Ordinance, except the requirement on improvements, may be granted by the City Council in a particular case after obtaining the recommendation of the City Planning Commission. Application for such suspension must show that there are special circumstances or conditions affecting the property in question; also, that such suspension is necessary for the preservation and enjoyment of a substantial property right of the applicant; also, that such suspension, if granted, will not be materially detrimental to the public welfare or injurious to other property in the territory.
- (O) Variances. A variance from the provisions of this Ordinance may be granted as follows:
- (1) If the proprietor can clearly demonstrate that literal enforcements of the terms of this Ordinance is impractical, or will impose undue hardship in the use of his land because of peculiar conditions pertaining to his land, the City Council may permit such variance or variances as in its sound discretion, it finds reasonable and within the general policy and purpose of this Ordinance. Provided that no variance shall be granted unless the City Council finds that:



- (a) There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the proprietor of the reasonable use of his land.
  - (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the proprietor.
  - (c) The granting of the variance will not be detrimental to the public welfare or be injurious to property in the area in which said property is situated.
- (2) Conditions. The City Council may, in granting approval of variances, require such conditions as will in its judgment secure substantially the objectives of the requirements so varied or modified.
  - (3) Procedure. A petition for any such variance shall be submitted in writing by the proprietor at the time the preliminary plat is filed for consideration by the Planning Commission. This petition shall fully state the grounds for such variance.

**SECTION 4.3 ENFORCEMENT**

(A) Enforcement.

- (1) No plat shall be transmitted to any county or state approving authority for official action until each plat shall have, in the first instance, been approved by the City Council in accordance with the regulations of this Ordinance.
- (2) No person shall sell or convey any lot in any plat by reference thereto until such plat has been duly recorded in the office of the County Register of Deeds.
- (3) The description of any lot or parcel in a plat of a subdivision, filed hereafter, by metes and bounds in the instrument of transfer or other documents used in the process of selling or transfer, is a violation of these regulations.
- (4) Any sale or option or contract to sell, contrary to the provisions of these regulations, shall be voidable at the option of the buyer or person contracting to purchase, his heirs, personal representatives or assigns within two (2) years after the execution of the document of sale or contract but such document shall be binding upon the vendor, his assigns, heirs or devisees.
- (5) Public sewer or water service shall not be provided for any dwelling or other structure located on a lot or plot subdivided or sold in violation of these regulations, excepting that such service may be installed in any structure when deemed necessary by the Health Department for the protection of the public health.

- (6) No building permit shall be issued for the construction of any structure located on a plot which does not front directly on a public street or on any lot or plot subdivided or sold in violation of these regulations, except as provided in section designated "Access."
- (7) Any act or failure to act done in violation of the provisions of this Ordinance is hereby declared to a nuisance per se and any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Ordinance shall be responsible for a municipal civil infraction punishable as provided in Section 1.1(K) of the City Code. Each day that a violation is permitted to exist shall constitute a separate offense.
- (8) The City may bring an action in its own name to restrain or prevent any violation of the Ordinance or any continuance of such violation. In such case the person found violating this Ordinance shall pay the City's costs and expenses in enforcing this Ordinance including its attorneys fees.

**SECTION 4.4 FEES**

- (A) Fees. Any person filing a plat pursuant hereto, shall pay such fees as may be set from time to time by resolution of the City Council and until the fee is paid said plat shall not be considered or reviewed.

**SECTION 4.5 LOT LINE ALTERATIONS AND LOT SPLITS**

No parcel or platted lot shall be split, or lot line altered, unless in conformance with applicable Zoning Ordinance, Land Division Act and Health Department requirements. The splitting of platted lots shall result in no more than four (4) lots; the number of parcels allowed as a result of division of non-platted land shall be governed by the Land Division Act. The splitting of a platted lot that would result in more than four (4) lots must be replatted.

- (A) Definitions. Unless the context specifically indicates otherwise, the meaning of terms in this Ordinance shall be as follows:
  - (1) "Accessory use" shall mean a use, which is naturally and normally incidental, ancillary and subordinate to the main use of the premises, such as a garage or driveway for a residence.
  - (2) "Lot line alteration" shall mean the change in the line between adjoining lots or parcels resulting from the conveyance by the owner(s) of one lot or parcel of a portion of that lot or parcel to the owner(s) of an adjoining lot or parcel, which alteration will permit an accessory use on the lot or parcel enlarged, but which will not permit an additional principal use without a zoning change or variance.
  - (3) "Lot split" shall mean the division of one platted lot or parcel into two lots or parcels, which is not a lot line alteration.

- (4) “Owner(s)” shall mean the present or anticipated persons of interest in the real property.
  - (5) “Principal use” shall mean a use, as defined in Zoning Ordinance, which is the primary and predominant use or intended use of the premises according to the zone district requirements.
  - (6) All other terms contained in this Section shall have the meanings and definitions contained in the Zoning Ordinance.
- (B) Application. Before any lot line alteration or lot split is made pursuant to this Ordinance, an application therefore shall be filed with the City Manager. The application shall be in a form approved by the City Manager and shall, in addition to any information or materials required by the City Manager, include or be accompanied by the following:
- (1) The legal description(s) of the existing lot(s) or parcel(s) affected, the legal description(s) or the portion(s) of the lot(s) or parcel(s) being transferred, and the legal description(s) of the parcel(s) being created. All descriptions supplied shall include the acreage and/or square footage within the description. Unless waived by the City Manager or his designee all legal descriptions shall be certified as accurate by a registered land surveyor.
  - (2) A survey or drawing showing the dimensions of the lots or parcels affected and created by the lot line alteration or lot split, the location of public water and sewer, the location of all structures and in the case of lot splits, the location of the nearest public street or dedicated right-of-way, which survey or drawing shall, if required by the City Manager, be prepared and/or certified by a registered land surveyor.
  - (3) The signatures by all parties of interest in the affected lots or parcels below a statement stating they are consenting to the lot line alteration or lot split.
  - (4) Information satisfactory to the City Manager that the person(s) signing the application are all the parties of interest in the lots or parcels affected by the lot line alteration or lot split.
  - (5) A statement by the owner(s) of the lot or parcel to which property is to be added as a result of the lot line alteration or lot split stating the anticipated use of the property conveyed.
- (C) Lot Line Alteration Approval. The City Manager shall, after making a determination that all requirements of this Ordinance have been met, approve a lot line alteration, in which case no further City approval for said lot line alteration shall be necessary.
- (D) Disapproval. If the City Manager disapproves an application for lot line alteration or lot split the decision shall be considered final and the applicant(s) may not reapply for a lot line alteration or lot split for a period of one year after such disapproval.

- (E) Tax Requirements. No lot line alteration or lot split shall be approved pursuant to the provisions of this Ordinance if there are any due and unpaid city taxes, county taxes, school taxes, utility charges or assessments of any kind on or for any affected lot or parcel.
- (F) Zoning and Use Requirements. No lot line alteration or lot split shall be approved pursuant to the provisions of this Ordinance if any zoning, use or other provision of Ordinance 20 would be violated as a result of the lot line alteration or lot split.
- (G) Access to Public Way. No lot line alteration or lot split shall be approved pursuant to the provisions of this Ordinance if any lot or parcel resulting from the lot line alteration or lot split will not adjoin a public street or dedicated right-of-way.
- (H) Fee. All applications for a lot line alteration or lot split pursuant to this Ordinance shall be accompanied by a non-refundable application fee of an amount established from time to time by the City Council.
- (I) Violations and Penalties. Any person who conveys property with the effect of altering a lot line or splitting a lot without first obtaining City approval therefor pursuant to this Ordinance or the other Chapters of this Ordinance shall, upon conviction, be guilty of a misdemeanor punishable as provided in Section 1.1(K) of the City Code. In addition, no lot line alteration or lot split made without such approval shall be recognized by the City Assessor or City Treasurer.

## CHAPTER 5 CONDOMINIUM SUBDIVISIONS

### SECTION 5.1 CONDOMINIUM SUBDIVISION REGULATIONS

#### (A) TITLE AND PURPOSE

- (1) Short Title. This Ordinance shall be known and may be cited as the “Condominium Subdivision Ordinance” of the City of Rockford.
- (2) Purpose. It is the purpose of this Ordinance to provide for the proper and orderly use and subdivision of land pursuant to the Condominium Act, Act 59 of the Public Acts of Michigan of 1978, as amended. All reviews and proceedings hereunder shall be conducted with due consideration for maintenance of reasonable conditions regarding traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and ground water quality and other similar considerations having an effect on public health, safety and general welfare.

#### (B) DEFINITIONS

- (1) Definitions. The following terms are defined both in the context of the Condominium Act and in the manner intended to make comparison possible between the use of such terms in this Section, “Zoning” section, and “Subdivision Regulations” section of the City Code:
  - (a) “Condominium Act” means the Condominium Act, Act 59 of the Public Acts of Michigan of 1978, as presently amended, and as may be amended from time to time.
  - (b) “Condominium dwelling” means the building constructed upon a lot or condominium unit which is intended for residential uses.
  - (c) “Condominium structure” means a building or structure constructed upon a lot or condominium unit which is intended for office, commercial, industrial or recreational purposes.
  - (d) “Condominium subdivision” means the equivalent of the term “subdivision” as defined in the Land Division Act, Act No. 288 of the Public Acts of Michigan of 1967, as amended.
  - (e) “Condominium subdivision plan” means a plan meeting the requirements of Section 5.1(D) hereof.

- (f) “Condominium unit” means that portion of a condominium project to be developed pursuant to the Condominium Act which is designed and intended for separate ownership and use as described in the master deed.
- (g) “Lot” means condominium unit.
- (h) “Master deed” means the condominium document recording the condominium project as required by the Condominium Act and to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.

(C) REVIEW AND APPROVAL PROCEDURES

- (1) General. All condominium subdivisions containing condominium dwellings and/or condominium structures shall be approved by the City Council upon recommendation of the Planning Commission. In determining whether to approve a condominium subdivision, the City Council shall consult with the Planning Commission, the Zoning Administrator, the City Attorney, the City Engineer, and such other City officials, employees and consultants as it deems necessary regarding the adequacy of the condominium subdivision plan, the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all the requirements of the Condominium Act and this Ordinance. Any costs incurred by the City in connection with such consultations shall be paid by the applicant seeking approval under this Ordinance regardless of whether or not approval is granted.
- (2) Compliance with Underlying Zoning. All condominium subdivisions shall comply with all requirements of the underlying zone district in which the condominium project is to be located including, but not limited to, all use, size, sign, height, area and setback regulations. Provided, however, nothing herein shall prohibit the developer of a condominium project from requesting zoning variances pursuant to Chapter 17 of the Zoning Ordinance, special exception uses pursuant to Chapter 16 of the Zoning Ordinance, zoning amendments pursuant to Chapter 18 of the Zoning Ordinance, or planned residential development districts pursuant to Chapter 13 of the Zoning Ordinance in conjunction and simultaneously with the proceedings under this Ordinance.
- (3) Application and Review Procedures. An application for approval of a condominium subdivision shall be on a form supplied by the Zoning Administrator and shall be submitted, reviewed and acted upon in accordance with the following procedures:
  - (a) Submission of Application. Application for condominium subdivisions shall be submitted to the Zoning Administrator at least twenty (20) days prior to the first meeting of the Planning Commission at which the project is to be considered. The application shall contain the condominium subdivision plan as described in Section 5.1(D) hereof.

- (b) Application Fee. Each application shall be accompanied by a non-refundable fee in accordance with the schedule of fees adopted from time to time by the City Council to cover the cost of processing the application.
- (c) Zoning Administrator Review. Upon submission of the application, the Zoning Administrator shall review the application for completeness and, if complete, forward it to the Planning Commission. If the application is incomplete, it shall be returned to the applicant.
- (d) Public Hearing. Upon receipt of a complete application for a condominium subdivision, the Planning Commission shall set a public hearing on a date not more than thirty-five (35) days after the application is first presented to the Planning Commission by the Zoning Administrator for the purpose of receiving comments relative to the application and condominium subdivision. Notice of the public hearing shall be published in a newspaper of general circulation in the City and sent by mail or personal delivery to those persons indicated and in accordance with the provisions of Act 207 of the Public Acts of Michigan of 1921, as amended, and the provisions of Chapter in Zoning Ordinance hereof. The notice shall be published and given not less than five (5) nor more than fifteen (15) days before the date of the public hearing. The notice shall:
  - (i) describe generally the condominium subdivision;
  - (ii) identify the property which is the subject of the application;
  - (iii) set forth the time, date and place of the public hearing; and
  - (iv) indicate when and where written comments concerning the application will be received.
  - (v) At the time, date and place set, the Planning Commission shall conduct a public hearing on the condominium subdivision project. At such public hearing, the developer of the condominium project or his representatives shall describe the project and respond to questions of Planning Commission members. The Planning Commission shall also receive comments from the general public in attendance at the public hearing and receive any written comments regarding the project.
- (e) Planning Commission Review and Approval. Within sixty-five (65) days following the public hearing, the Planning Commission shall review the application including the condominium subdivision plan, the comments received at the public hearing and all other materials submitted related to the application and make a written report and recommendation to the City Council for approval or disapproval of the condominium subdivision. In making its recommendation, the Planning Commission shall determine

whether it complies with the following standards, as well as all other applicable standards contained elsewhere in the Zoning Ordinance:

- (i) The condominium subdivision shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area and in conformance with the then current master plan of the City.
  - (ii) The condominium subdivision shall be compatible with the character of existing and proposed land uses surrounding the project and in accordance with the City's Land Use Plan.
  - (iii) The condominium subdivision shall not place demands on public services and facilities in excess of their capacity.
  - (iv) The amount and type of traffic generated by the condominium subdivision shall not exceed the capacity of existing or proposed streets.
  - (v) The condominium subdivision shall be designed so that the additional traffic generated by the condominium subdivision will not create a substantial detrimental effect on neighboring properties or on the health, safety and welfare of City residents, including residents of the condominium subdivision.
  - (vi) The streets and pedestrian walkways within the condominium subdivision shall be designed so as to facilitate safe pedestrian and vehicular traffic.
  - (vii) The condominium subdivision shall have at least two (2) means of ingress and egress. All means of ingress and egress to and from the subdivision shall be located and designed to maximize safety. Buildings, structures and streets shall be located to maximize access for emergency vehicles.
- (f) Conditions. The Planning Commission may, as a part of its recommendation to the City Council, impose conditions which are necessary to ensure compliance with the standards for approval stated in this subsection and any other applicable standards contained elsewhere in this Ordinance.
- (g) City Council Review and Approval. At its next regular meeting after receipt of the report and recommendation of the Planning Commission, the City Council shall review the report and recommendation of the Planning Commission. If the condominium subdivision is in compliance with the requirements of this Ordinance, the City Council shall approve it. If the



condominium subdivision does not comply, the City Council shall reject it setting forth its reasons for rejection.

- (h) **Time Limitation on Approval.** Any approval granted by the City Council for a condominium subdivision shall automatically become null and void after a period of one (1) year from the date granted, unless the developer shall have taken substantial steps towards developing the condominium subdivision as approved by the City Council. Such approval may be extended for a period of time determined by the City Council if the developer within such one-year period requests an extension and the City Council subsequently grants an extension.

(D) **CONDOMINIUM SUBDIVISION PLAN**

- (1) **General Requirements.** All condominium subdivision plans shall include the following:
  - (a) A project description which describes the nature and intent of the proposed project.
  - (b) A survey of the condominium subdivision signed by a registered surveyor.
  - (c) A site plan consistent with Zoning Ordinance.
  - (d) A soil erosion and sedimentation control plan.
  - (e) A street construction, paving and maintenance plan for all private streets within the proposed condominium subdivision.
  - (f) A plan for water services and sanitary sewer treatment along with the plans for all other public utilities included in the project.
  - (g) A storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities.
  - (h) A description of all common elements of the project as will be contained in the master deed along with a plan for management and maintenance of such common elements.
  - (i) The use and occupancy restrictions that will be contained in the master deed.
  - (j) The condominium association bylaws to be attached to the master deed.
  - (k) A “Consent to Submission of Real Property to Condominium Project” stating all parties which have an ownership interest in the proposed project or evidence of authority or right that the developer has a legal option to

purchase the property included in the project from the owner(s) of record thereof.

- (2) Utilities. The condominium plan shall include all necessary easements required to be granted to the City for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing public utilities including, but not limited to, those used for the conveyance of sanitary sewage, water and storm water through and under the property subject to said easement.
- (3) Private Streets. If a condominium subdivision is proposed to have private streets, the private streets shall be developed to the minimum design, construction, inspection, approval and maintenance requirements of the Kent County Road Commission or as otherwise specified by the City. All private streets in the condominium subdivision shall have a paved driving surface of asphalt or concrete.

(E) INCORPORATION OF PLAN AND MASTER DEED

- (1) Condominium Subdivision Plan Included in Master Deed. All provisions of the condominium subdivision plan including any additional provisions imposed pursuant to Section 5.1(C)(3)(f) hereof as approved by the City Council pursuant to Section 5.1(C)(3)(g) hereof shall be incorporated, as approved, in the master deed for the condominium subdivision.
- (2) Changes. All changes to an approved condominium subdivision plan shall be reviewed and approved by the City pursuant to the procedures set forth in Section 5.1(C)(3) hereof for the initial approval of condominium subdivisions.
- (3) Filing of Master Deed. A copy of the master deed as recorded with the Kent County Register of Deeds shall be provided to the Zoning Administrator within ten (10) days after such recording with the Register of Deeds.

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