

**VILLAGE OF LAKEWOOD CLUB
SUBDIVISION CONTROL ORDINANCE**

TABLE OF CONTENTS

Sec. 101	Purpose, Authority, and Conformity	2
Sec. 102	Definitions	2
Sec. 103	Preparation and Filing of Plats	3
Sec. 104	Preliminary Plat Review by Planning Commission	5
Sec. 105	Approval of Final or Record Plat	6
Sec. 106	Required Public Improvements	7
Sec. 107	Subdivision Design Standards.....	8
Sec. 108	Performance Bond.....	10
Sec. 109	Variances	11

VILLAGE OF LAKEWOOD CLUB

SUBDIVISION CONTROL ORDINANCE

SECTION 101. PURPOSE, AUTHORITY AND CONFORMITY

- (1) **PURPOSE.** It is the purpose of this ordinance to provide for the orderly and efficient development of the Village of Lakewood Club by providing for the coordination of streets and other public facilities within proposed subdivisions; for the dedication or reservation of rights-of-way, easements, or sites for streets, utilities, open space, recreation areas and other public facilities; for the protection of historic resources and natural environment; and for the distribution of population and which shall create conditions essential to public health, safety and the general welfare.
- (2) **AUTHORITY.** The Village of Lakewood Club hereby establishes and adopts these regulations governing the subdivision or resubdivision of land pursuant to the authority granted in Public Act 288 of 1967, the Subdivision Control Act; Public Act 59 of 1978 and other applicable General and Special Statutes of the State of Michigan.
- (3) **FEEES.** A fee shall be established for preliminary and final plat review and shall be paid at the time of the submission of the Preliminary Plat.

SECTION 102. DEFINITIONS.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Alley or service drive* shall mean a passage or way affording generally a secondary means of vehicular access to abutting properties.
- (2) *Block* shall mean an area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys, and the exterior boundary or boundaries of the subdivision.
- (3) *BMP* means Best Management Practices
- (4) *Improvements* shall mean streets, sanitary sewers, storm sewers, water mains, curb and gutter and may include pavements, sidewalks, graded-out lawns, tree plantings, street signs, gas, electric and telephone service installations.
- (5) *Local street* shall mean a street intended to serve and to provide access to neighborhoods.
- (6) *Major street, highway, or parkway* shall mean a street or road which serves or is intended to serve as a major traffic way and is designated in the major street plan.
- (7) *Master Plan* shall mean the comprehensive plan or development plan which has been adopted by the Planning Commission as specified in Act 168, Public Acts of Michigan of 1959, as amended.
- (8) *Plat* shall mean the map or chart on which the subdivider's plan of subdivision is presented and which he or she submits for approval and intends in final form to record.

- (9) *Subdivide or subdivision* means the partitioning or dividing of a parcel or tract of land by the subdivider thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five (5) or more parcels of land each of which is ten (10) acres or less in area; or five (5) or more parcels of land each of which is ten (10) acres or less in area are created by successive divisions within a period of ten (10) years.
- (10) *Subdivider or owner* shall mean any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing and maintaining proceedings under this ordinance to effect a subdivision of land hereunder for himself or herself or for another.

SECTION 103. PROCEDURE FOR THE PREPARATION AND FILING OF PLATS.

- (1) **PRE-APPLICATION.** Persons considering the subdivision of land are encouraged to meet informally with the Village staff to learn the procedures and standards of the Village of Lakewood Club and the intent of the Master Plan in the area of the proposed subdivision. Although such conferences are not required, they may help to conserve time, effort and expense in preparing and submitting the required plans and plats.
- (2) **PRELIMINARY PLAT.** The subdivider shall prepare eight (8) copies of a preliminary plat, together with improvement plans and other supplementary material as specified below:

- (A) **PRELIMINARY PLAT - EXISTING CONDITIONS**

- 1. The title of the proposed subdivision.
- 2. The names, addresses and telephone numbers of the owner and/or owners, and the surveyor preparing the plat, and the seal of such surveyor.
- 3. A legend indicating the total acreage contained within the plan, the total acreage and percentage in lots, road allowances, parks and other uses, and any site proposed for parks, playgrounds, schools, or other public uses.
- 4. The date, north arrow and a scale (not more than two hundred (200) feet to the inch).
- 5. An over-all area map showing the relationship of the subdivision to surrounding areas within one-half mile; information on the area map shall include items such as section lines and/or major streets or collector streets.
- 6. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for subdivision including those of areas across abutting roads.
- 7. The land use and existing zoning of the proposed subdivision and the adjacent tracts.

8. Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.
9. Location of existing utility lines, both above and below ground; location sizes, elevations of existing sewer and water lines, culverts, or other subsurface structures of lines. The proposed and existing storm and sanitary sewers and water mains, if required.
10. The areas designated for storm water retention.
11. Location of water bodies, streams, drainage ways, floodways,
12. Existing contours, with source reference. At the smallest interval; available from existing mapping, but not more than five (5) feet for the entire area to be subdivided and extended into adjoining property for a distance of one hundred (100) feet at all points where street rights-of-way connect to the adjoining property.
13. Other rights-of-way or easements, showing the location, width, and purpose, as available.
14. The location of the floodplain according to the Michigan Department of Natural Resources, as identified on the Flood Insurance Rate Map (FIRM) for the Village, or if the plat includes or is adjacent to such lands as may be flooded.
15. All existing structures and other physical features which influence the layout and design of the subdivision.
16. All parcels of land proposed to be dedicated to public use and the conditions of such dedications.
17. The lot lines and dimensions and the total number of lots in each block or other portion.

(B) PRELIMINARY PLAN – PROPOSED CONDITIONS

1. Location of proposed streets labeled as public or private, with their proposed names and widths.
2. Proposed street rights of way and improvements, including typical cross sections and other plans as required by the Village of Lakewood Club. Adjusted contours at two (2) foot intervals for the entire site.
3. Location, width and designation by purpose of all proposed easements and rights-of-way for water, storm sewer, sanitary sewer, at such time as it may be available, gas, electric, and communication system facilities;

4. The location of all proposed storm drainage, open and enclosed, with grades, inverts and sizes indicated together with a map of the drainage area or areas tributary to the proposed storm drains.
5. Lot lines and total number of lots by block, shown by numerical order, commencing with Number 1 and with no omissions or duplications. Also, setback requirements and area of lots shall be shown along with any lands reserved for public use and the conditions of dedication. The location of all natural features or site elements to be preserved.
6. Certification by a registered professional land surveyor that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.
7. Base flood elevation data.
8. In the case where the subdivider wishes to subdivide a given area but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the over-all plan in order to illustrate clearly the method of development which the subdivider intends to follow.

(C) NOTICE OF SUBMITTAL TO AGENCIES. A written statement verifying prior submission of the preliminary plat to the Village Council and the Muskegon County Drain Commissioner, Michigan Department of Transportation, Michigan Department of Natural Resources, (if necessary) and all public utilities.

SECTION 104. PRELIMINARY PLAT REVIEW BY PLANNING COMMISSION

- (1) The Planning Commission shall transmit a copy of the preliminary plat to the Village Engineer and the Village 's planning consultant for technical review and recommendation.
- (2) It shall be the duty of the Clerk to send a notice by first class mail to the owners of land immediately adjoining the property to be platted of the presentment of the preliminary plat and the time and place of the meeting of the Commission to consider said preliminary plat; said notice shall be sent not less than five (5) working days before the date of the meeting.
- (3) The Planning Commission shall review all details of the proposed subdivision within the framework of the Zoning Ordinance, within the various elements of the Master Plan and within the standards of this Subdivision Regulations Ordinance.
- (4) The Planning Commission shall approve conditionally, deny, or approve the preliminary plat.
 - (A) Should the approval be a conditional approval and therefore tentative, the preliminary plat shall not be forwarded to the Village Council until said conditions

have been satisfied by the subdivider. The subdivider shall submit the revised preliminary plat to the Planning Commission for review.

- (B) Should the Planning Commission disapprove the preliminary plat, it shall record the reasons in the minutes of the regular meeting. A copy of the minutes shall be sent to the subdivider. The subdivider may submit a revised preliminary plat to the Planning Commission for review.
- (C) Should the Planning Commission find that all conditions have been satisfactorily met, it may give approval to the preliminary plat; the Chairman shall make a notation to that effect on each copy of the preliminary plat and distribute copies of same as follows:
 - 1. Return one (1) copy to the subdivider;
 - 2. Retain one (1) copy which shall become a matter of permanent record in the Commission files;
 - 3. The balance of the copies shall be filed in the office of the Clerk.

SECTION 105. PROCEDURE FOR APPROVAL OF FINAL OR RECORD PLAT

- (1) Before submission of the plat in its final and permanent form, the subdivider may submit one (1) advance paper copy to the Village engineer for inspection, verification of detail and checking.
- (2) The final plat shall be submitted to the Village engineer for approval within two (2) years after final approval of the preliminary plat. Otherwise, the approval of the preliminary plat becomes null and void unless an extension of time is applied for and granted by the Council.
- (3) Application for approval of the final plat shall be submitted in writing to the Village engineer at least two (2) weeks prior to the meeting of the Planning Commission at which it is to be considered.
- (4) The final plat shall be prepared by a registered professional engineer or a registered land surveyor, licensed to practice in the state and shall be presented in accordance with the provisions of the Subdivision Control Act (MCL 560.101 et seq., MSA 26.430(101) et seq.).
- (5) Five (5) permanent typed copies of the final plat and other exhibits required for approval shall be submitted.
- (6) After the foregoing recommendations and certificates have been received, and provided that the final plat is found to conform with the preliminary plat as approved, and the requirements of the subdivision control act (MCL 560.101 et seq., MSA 26.430(101) et seq.), the Planning Commission will, within forty (40) days of its first meeting after receiving the final plat, enter such approval or disapproval thereon in writing by the secretary. The approval of the final plat by the Planning Commission shall not be deemed to constitute or affect an acceptance by the public of the dedication of any street or other proposed public way or open space on the plat.

- (7) After approval by the Planning Commission, the commission will deliver the five (5) copies of the final plat along with certification of title consisting of either an attorney's opinion or title insurance, to the Village Council for approval and necessary action on any proposed dedications. Action by the Council to approve or disapprove the final plat shall be taken within thirty (30) days after the action of the Planning Commission.
- (8) The Council shall have final authority to approve or disapprove any plats submitted.
- (9) Approval of the final plat by the Council does not in and of itself constitute acceptance for maintenance by the Village of streets or other improvements that have been made.
- (10) Approval of the final plat shall become null and void unless the plat is filed for record within ninety (90) days.

SECTION 106. REQUIRED PUBLIC IMPROVEMENTS.

Every subdivider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows as well as meet all requirements of the zoning ordinance for the district in which the subdivision is located:

- (1) **MONUMENTS.** Monuments shall be set in accordance with the Subdivision Control Act of 1967, as amended, and the rules of the State Department of Treasury.
- (2) **STREETS.** Roadway construction for all streets shall be constructed in accordance with the requirements of Regulatory Ordinance # 52 of the Village of Lakewood Club. The subdivider shall pay one hundred (100%) percent of the installation cost. All lots must have access to a public or private street.
- (3) **UTILITIES.** The subdivider shall make arrangements for all distribution lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely through the subdivided area. Conduits, cables and gas mains shall be placed within private easements provided to public utilities by the subdivider or within dedicated public ways. All utilities shall be so planned so as not to conflict with each other. All underground public utility installations, including privately owned property, shall be protected by easements granted by the subdivider.
- (4) **STORM DRAINAGE.** An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges and other appurtenances, shall be required in all subdivisions.
- (5) **WATER SUPPLY.** The developer shall construct water main to service the development and connect to the Village's existing water service, or private wells if no municipal water supply exists, in accordance with the requirements of the Village's Department of Public Works and/or the Muskegon County Environmental Health Department.
- (6) **SANITARY SEWER** The developer shall construct sanitary sewer service to and within the development and connect to the Village's existing sewer service, or private septic systems if no municipal sanitary sewer system exists, in accordance with the requirements of the Department of Public Works.

- (7) **STREET NAME SIGNS.** Street name signs shall be installed by the subdivider in the appropriate locations at each street intersection in accordance with the requirements of the Village.
- (8) **LIGHTING.** Street lights will be required to be installed at intersections only, throughout the subdivision.
- (9) **SIDEWALKS.** Pedestrian sidewalks may be required on both sides of the street at a minimum width of five (5') feet or on one side of the street at a minimum width of ten (10') feet.

(10)
SECTION 107. SUBDIVISION DESIGN STANDARDS

All lands included within the subdivision shall be suitable for the various purposes proposed in the request for subdivision approval.

- (1) **LOCATION AND ARRANGEMENT.** Subdivision streets are to be so arranged as to discourage their use by through traffic.
 - (A) The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions, unless otherwise approved by the Planning Commission and the Village Council. Where adjoining areas are not subdivided, the arrangement of streets and utilities in new subdivisions shall be extended to the boundary line of the plat to provide for the future projection of streets into adjacent areas. A one (1) foot reserve may be required to be placed at the end of dead-end streets which terminate at subdivision boundaries and between half streets. These reserves are to be deeded in fee simple to the Village for future street purposes.
 - (B) Where a subdivision abuts or contains an arterial street, the Village may require that marginal access streets be approximately parallel to and on each side of the right-of-way.
 - (C) Cul-de-sacs shall not be allowed.
 - (D) Half streets shall generally be prohibited.
 - (E) Private streets and roads shall be permitted when designed in accordance with the Village standards and where the developer prepares and records a covenant applying to all parcels on said streets accepting responsibility for the entire cost of maintenance, and an easement for utilities.
 - (F) Street layout shall not isolate lands from existing public streets or roads.
 - (G) Public street, roadway and road-right of way widths shall conform to the rules of the Village of Lakewood Club.
 - (H) The centerline of streets shall continue with the centerlines of existing streets and streets shall extend to the boundary of the subdivision to provide for proper connection with the street system.

- (I) Street names shall not duplicate any existing street name in the Village of Lakewood Club, either by sound or sight.
- (2) **PEDESTRIAN SIDEWALKS.** Sidewalks may be required on both sides of a street at a minimum width of five (5') feet or on one side of the street at a minimum width of ten (10') feet, or, in very low-density areas, may be excepted entirely, according to the discretion of the Village Council based on recommendation of the Planning Commission. Street rights-of-way shall be sufficient to provide for sidewalks on both sides of the street.
- (3) **STREETS DRAINAGE.** All street drainage shall be directed to a Village approved outlet.
- (4) **BLOCK LENGTH.** No block shall be more than one thousand, three hundred twenty (1,320') feet in length, except along major roads. In blocks nine hundred (900') feet in length or more, the Planning Commission may require a walkway or easement for public utilities at or near the middle of the block. The number of intersecting streets along highways and major streets shall be held to minimum.
- (5) **LOTS.** Lots within subdivisions shall conform to the following standards.
 - (A) The lot width, depth and area shall not be less than the particular district requirements of the Zoning Ordinance except where out lots are provided for some permitted purpose.
 - (B) Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.
 - (C) All lots shall have access from internal streets. Driveways are not permitted on main roads adjacent to the plat.
 - (D) Through lots are prohibited, berming and other open space options are required in cases where lots abut or back up to other roads.
 - (E) Land subject to flooding or otherwise deemed by the Planning Commission or Village Council to be uninhabitable shall not be platted for uses that may increase the danger to health, life or property or increase the flood hazard. Such land shall be set aside for parks or other open space.
- (6) **PARK LAND AND OPEN SPACE.** Where a proposed park, playground, school or other public use is shown on the Master Plan and is located in whole or part within a subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase. If, within two years of plat recording, the purchase is not agreed on, the reservation may be cancelled or shall automatically cease to exist. Where a subdivision abuts public land, public pedestrian access shall be provided to that land.
- (7) **NATURAL FEATURES.** Wherever possible the preservation of all natural features which add value to the proposed subdivision and to the community at large such as large trees, groves of trees, water-courses, vistas, historic spots and features, wildlife habitats, ecological areas and similar irreplaceable assets shall be required.

- (8) **STORMWATER DRAINAGE.** All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with except as approved or made by the Village Department of Public Works.
- (A) The subdivider may be required to carry away by pipe or open ditch, in appropriate easements, any spring or surface water that might exist either previous to or as a result of the subdivision.
 - (B) A culvert or other drainage facility to be provided in the proposed subdivision shall, in each case, be large enough to accommodate potential runoff from its entire upstream area whether that area is inside or outside the subdivision. Where, in the judgment of the County Drain Commissioner, the additional runoff resulting from development of a subdivision will overload an existing downstream drainage facility during a ten (10) year storm, the plat shall not be approved until provision has been made for improvement of said condition.
 - (C) The Village retains the right to have the developer install storm drainage system as per the BMP's if the Village Engineer deems it necessary. Appropriate easements will be provided by the developer.

SECTION 108. PERFORMANCE BOND.

- (1) The subdivider shall:
 - (A) Install all the required improvements prior to final approval by the Village Council of the final plat, in accordance with the specifications and under the supervision of the Village officials having jurisdiction; or
 - (B) Put up a performance bond which shall
 1. Run to the Village;
 2. Be in an amount determined by the Village engineer to be sufficient to complete the improvements and installations for the subdivision in compliance with this ordinance;
 3. Be with surety by a company entered and licensed to do business in the state;
 4. Specify the time for the completion of the improvement and installations; or
 5. Put up a cash deposit in the full amount as determined by the Village engineer, necessary to complete the improvements and installations for the subdivision in compliance with this ordinance. Such cash deposit may be withdrawn in direct proportion to the amount of work completed as approved by the council
- (2) The building inspector will not be permitted to issue a building permit for any structure upon any lot within a subdivision until the improvements as specified above have been completed, or satisfactory arrangements have been made with the Village for the completion of the improvement.
- (3) Such other certificates, affidavits, endorsements or deductions as may be required by the Village engineer and by the Village Council in the enforcement of this ordinance.

SECTION 109. VARIANCES.

Variations, exceptions, modifications to the requirements of this ordinance may be made by the Village Council where, in its opinion, the general intent of this ordinance is upheld. Variances may be made to accommodate a planned unit development. Justification for variances, exceptions, or modifications shall be based upon at least one of the following:

- (1) That there are special circumstances or conditions affecting the property such that strict compliance to the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the proprietor.
- (3) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

SUBDIVISION REVIEW FLOW CHART

