

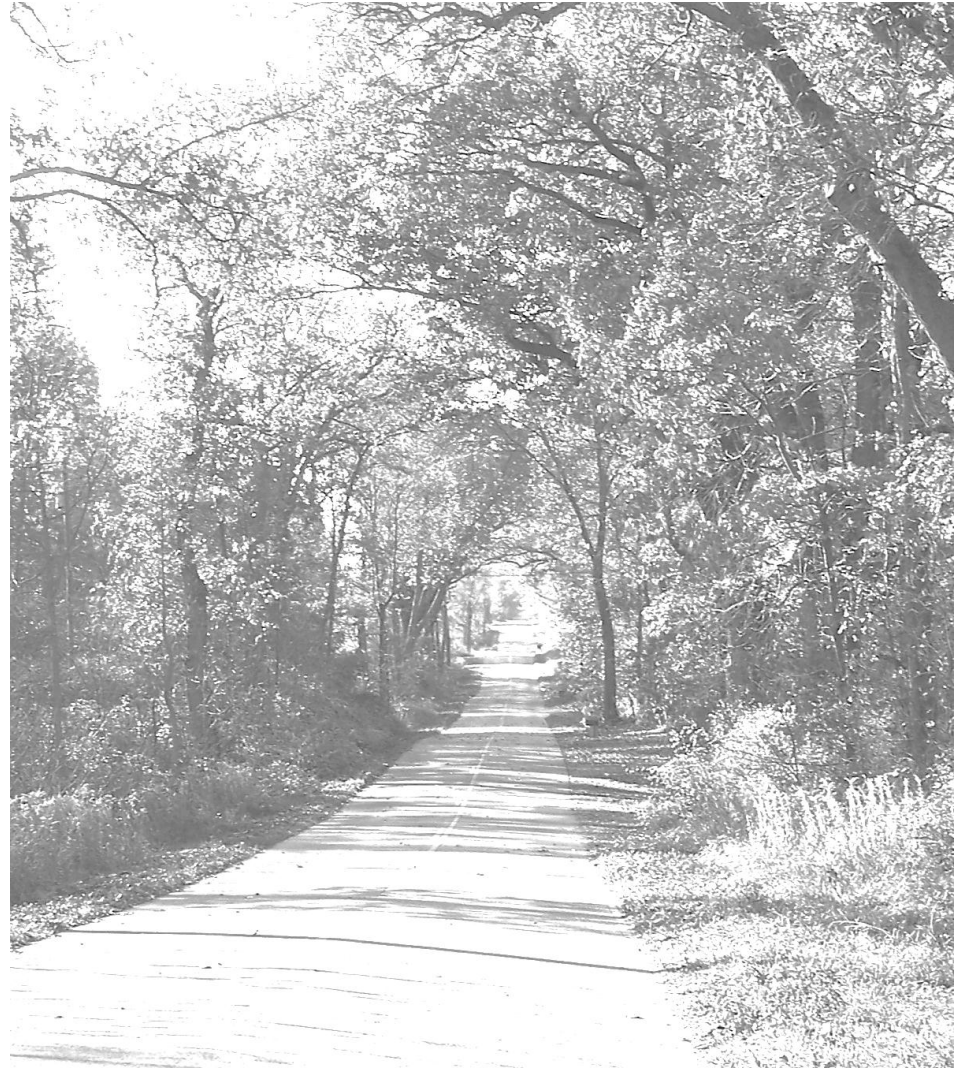
**Van Buren County, Michigan**

**Ordinance Number 54**

**Adopted: February 8, 2011**

**Amended: September 8, 2020**

**Antwerp  
Township  
Land Division and  
Subdivision  
Ordinance**



**ANTWERP TOWNSHIP LAND DIVISION AND SUBDIVISION ORDINANCE  
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ORDINANCE NUMBER: 54

AN ORDINANCE ENACTED UNDER ACT 288, PUBLIC ACTS OF 1967, AS AMENDED, AND ACT 33, PUBLIC ACTS OF 2008, AS AMENDED, OF THE STATE OF MICHIGAN ESTABLISHING REGULATIONS GOVERNING THE SUBDIVISION OF LAND: PROVIDING STANDARDS, PROCEDURES AND RULES FOR APPLICATIONS FOR LAND DIVISIONS, BOUNDARY LINE ADJUSTMENTS, THE PREPARATION AND FILING OF PLATS OF SUBDIVISION, AND TO PROVIDE FOR

PRELIMINARY AND FINAL APPROVAL OR REJECTION OF SUCH PLATS OF SUBDIVISION BY THE TOWNSHIP OF ANTWERP, VAN BUREN COUNTY, MICHIGAN; AND IMPOSING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE TOWNSHIP OF ANTWERP ORDAINS:

## CHAPTER 1 TITLE AND PURPOSE

### Section 1.1. *Short title*

This ordinance shall be known and be cited as the Antwerp Township Land Division and Subdivision Ordinance.

### Section 1.2. *Purpose*

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended), to prevent the creation of parcels of property which do not comply with applicable ordinances and the Land Division Act, to minimize potential boundary disputes, to ensure all parcels are accessible year-round for both passenger and emergency vehicles, to promote creation of parcels that are buildable, to maintain orderly development of the community, and otherwise provide for the health, safety, and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions, combinations, boundary line adjustments and plats of subdivision within the Township.

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**CHAPTER 2 DEFINITIONS**

For the purposes of this ordinance, certain terms and words used herein shall have the following meaning:

**Section 2.1. Definitions A – E**

**Accessible:** Having the minimum contiguous parcel frontage required by the Zoning Ordinance on an improved and certified public road or a private road easement that has received final approval by the Township as follows:

- A. Access to a public road shall be from an improved public road that is maintained by the Michigan Department of Transportation (MDOT) or the Van Buren County Road Commission (VBCRC), as applicable.
- B. Access to a private road or shared driveway shall be by a road or shared driveway that has received final approval by the Township and meets the requirements of Section 3.17, Private Roads, of the Township Zoning Ordinance.
- C. Where construction, extension or improvement is required to a public or private road or shared driveway to satisfy the requirements of this section, the roadways must be complete and approved in accordance with the requirements of MDOT or the VBCRC or Section 3.17 of the Township Zoning Ordinance, as applicable. Until such time as the necessary road improvements are complete and approved, any proposed division shall not be considered “accessible” and any land division application shall be considered incomplete.
- D. An unimproved public road right-of-way, a nonconforming private road or other form of access easement shall not constitute a valid means of access under this ordinance.

**Applicant:** A person or a firm, association, partnership, corporation or similar entity, or any combination thereof, that holds an ownership interest in a parcel whether recorded or not, including the current deed holder(s) and/or land contract holder(s). In the case of a boundary line adjustment, the owner of each parcel affected shall be an applicant. See also *proprietor*.

**Boundary line adjustment:** A splitting of land from a parcel with a simultaneous transfer of such land to a contiguous parcel by moving the common lot line(s) between the parcels, without the creation of any new parcel or lot (see *Figure 2-1*).

**Combine or Combination:** The assembling of two or more existing lots or parcels into fewer parcels than existed prior to combination (see *Figure 2-1*).

**Complete land division application:** A submittal that contains all of the required information specified in Section 3.3.B of this ordinance,

**Divided or Division:** The partitioning or splitting of a parcel or tract of land by the proprietor 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 a building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act.

**Exempt split or Exempt division:** The partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors, or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or

easements, or through areas owned by the owner of the parcel that can provide such access.

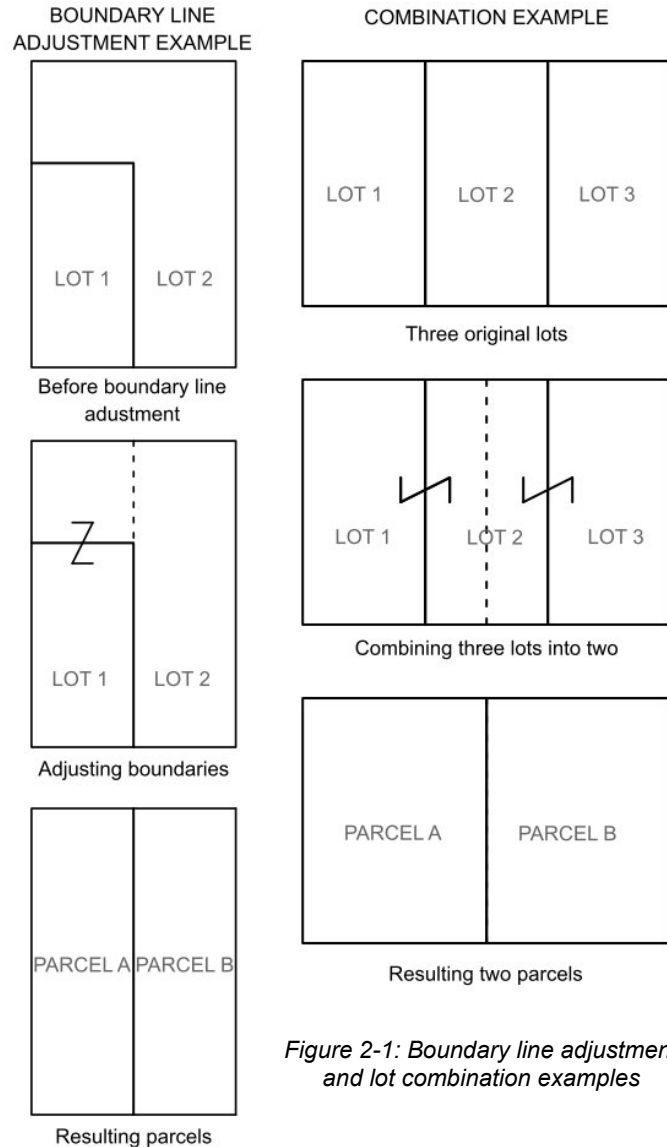


Figure 2-1: Boundary line adjustment and lot combination examples

## Section 2.2. Definitions F – P

**Forty acres or the equivalent:** Either, 40 acres, a quarter—quarter section containing not less than 30 acres, or a governmental parcel containing not less than 30 acres.

**Land Division Act or State Land Division Act:** The Michigan Land Division Act, Public Act 288 of 1967, as amended.

**MDOT:** The Michigan Department of Transportation, which is the agency with jurisdiction over designated state highways within Antwerp Township.

**Planning Commission:** The Antwerp Township Planning Commission.

**Private road:** A privately owned and maintained thoroughfare, located within a private road right-of-way easement, that is not a public road and that provides or has the potential to provide access to three or more lots, and that has been reviewed and approved by the Township in accordance with Section 3.17 of the Township Zoning Ordinance.

**Proprietor:** The person or entity that has ownership control or interest over a parcel of land. Also see *Applicant*.

**Public road:** Any road or portion of a road which has been dedicated to and accepted by the VBCRC or MDOT, as applicable.

**A. Improved:** A public road that has been constructed to VBCRC or MDOT public road standards, certified for public passage and accepted by the appropriate jurisdiction for maintenance.

**B. Unimproved:** A public road right-of-way that has been dedicated to MDOT or the VBCRC through plat or quit claim, but has not been improved and certified for public passage.

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**Section 2.3. Definitions Q – Z**

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**Shared driveway:** A driveway that provides the primary access from a public road to two contiguous lots which, because of their zoning, configuration, or other circumstance related to the land, cannot be or are unlikely to be split into future additional lots, and that has been reviewed and approved by the Township in accordance with Section 3.17 of the Township Zoning Ordinance.

**Special flood hazard area:** The land in the floodplain delineated in the Township subject to a one percent or greater chance of flooding in any given year, as depicted on the National Flood Insurance Programs map(s) created by the Federal Emergency Management Agency.

**Submerged land:** Land area that is located below the ordinary high water mark of any permanent body of water of a lake, river or stream.

**Subdivide or Subdivision:** The partitioning or splitting of a parcel or tract of land by the applicant 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 that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of Section 108 and 109 of the State Land Division Act.

**Survey:** A land survey prepared by a professional land surveyor licensed by the State of Michigan pursuant to the survey map requirements of Public Act 132 of 1970 as amended (MCL 54.211) showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), combination, or boundary line adjustment, the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic from existing public roads and/or private roads.

**Township Assessor:** The person and/or agency hired to do assessing for the Township of Antwerp and in charge of the Assessing Department.

**Township Board:** The Antwerp Township Board of Trustees.

**Township Supervisor:** The Antwerp Township Supervisor.

**VBCRC:** The Van Buren County Road Commission, which is the public agency with jurisdiction over public roads (except for designated state highways) within Antwerp Township.

**Zoning Administrator:** The Township Zoning Administrator appointed by the Township Board or, in the event that such position is vacant or that the Zoning Administrator is absent, the Township Supervisor until such time as a replacement is made by the Township Board.

**Zoning Ordinance:** The Antwerp Township Zoning Ordinance, as adopted and amended.



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**CHAPTER 3 LAND DIVISION, COMBINATION AND BOUNDARY LINE ADJUSTMENT****Section 3.1. *Prior approval required***

- A.** Land in Antwerp Township shall not be divided or combined, including boundary line adjustment(s), without prior review and approval as set forth in this ordinance and the State Land Division Act. This ordinance regulates divisions of land, combination of parcels and boundary line adjustments, including the division, boundary line adjustment or combination of unplatted parcels or parcels or lots that are part of a subdivision platted according to Chapter 4 of this Ordinance and the State Land Division Act.
- B. Exemptions.** The following shall be exempted from the requirements of this Chapter:
1. A parcel proposed for subdivision through a recorded plat pursuant to Chapter 4 of this Ordinance and the State Land Division Act.
  2. A parcel proposed as a site condominium pursuant to the Antwerp Township Zoning Ordinance and the Michigan Condominium Act, Michigan Public Act 59 of 1978, as amended. A dimensional change to an approved condominium unit is not a division of land, but is an amendment to a condominium site plan and is subject to the Township regulations pertaining to the amendment of condominium site plans.
  3. An exempt split as defined by this ordinance.
- C.** Where a division is proposed to a parcel created by a previous combination, the parcel together with previous combinations shall be considered a single parcel and subject to the requirements of this Ordinance.

**D. Nonconformities.**

1. No lot which is nonconforming to the requirements of the Zoning Ordinance due to inadequate lot area, lot width or lot width-to-depth ratio may be divided, unless such division reduces or eliminates the nonconformity thereof.
2. Where a nonconformity has been eliminated through combination of parcels or boundary line adjustment into a conforming parcel, the resulting parcel shall not retain nonconforming parcel of record status and will hereafter be required to comply with the parcel requirements of this ordinance.
3. Where a nonconformity has been reduced through combination of parcels into a more conforming parcel, that parcel shall not be divided, adjusted or combined unless the division, boundary line adjustment or combination further decreases its nonconformity.

**Section 3.2. *Land division, combination and boundary line adjustment requirements***

- A. Accessibility.** All parcels resulting from a land division or boundary line adjustment shall be required to have frontage on an improved public road under the jurisdiction of the VBCRC or an approved private road as described herein in order to be considered “accessible.” Dividing, partitioning, adjusting boundary lines or combining parcels must also be in compliance with the Antwerp Township Zoning Ordinance, including lot area, lot width and lot width to depth ratio requirements.

1. Existing private roads. Where a division is proposed on an existing private road or requires extension of an existing private road, documentation shall be provided that adds the newly created parcel(s) to the private road maintenance agreement and reapportions the cost of maintaining the private road amongst the parcel owners in accordance with the existing private road maintenance agreement and the applicable sections of the Township Zoning Ordinance. Approval of adding lots to or extension of a private road shall occur according to Section 3.17 of the Township Zoning Ordinance, as amended, prior to approval of the land division.
2. New road construction
  - a. Any land division that requires construction of a new private road, shared driveway or public road, or an extension or improvement to an existing private road or public road to meet the accessibility requirement of this ordinance, shall require the submission of a land division application with a private road application or a conceptual plan for any public road(s).
  - b. The proposed road(s) shall first be reviewed and approved following the procedures and requirements of Section 3.17 of the Township Zoning Ordinance, as amended, for private roads and shared driveways, or MDOT or the VBCRC for public roads, prior to review and approval of the land division application.
3. Applications for land divisions or boundary line adjustments shall not be considered complete until such time as the proposed parcel(s) have access to an improved public road that has been dedicated to and approved by MDOT or the VBCRC, as applicable, or to

a private road or shared driveway that has been constructed in accordance with the Zoning Ordinance and has received final approval from the Township Board.

**B. Zoning requirements:** A proposed land division, combination or boundary line adjustment shall be approved if the following criteria are met:

1. All the parcels to be created by the proposed land division, combination or boundary line adjustment shall fully comply with applicable Zoning Ordinance provisions, including minimum lot area, minimum lot width, and maximum lot width to depth ratio. Compliance with minimum lot area and lot width provisions shall be exclusive of public road rights-of-way, private road or shared driveway easements, and submerged lands.
2. Existing non-conforming parcels that are divided, combined or adjusted with other parcels shall be approved if the resulting divisions/combinations or parcels will attain or increase compliance with applicable Zoning Ordinance provisions.
3. A land division or combination shall not result in a single parcel that is bisected by a private road easement or public road right-of-way.

**C. Utility systems.**

1. No land division, boundary line adjustment or combination shall be approved that results in a septic system or portion thereof being located within or under any lot other than the lot containing the use that the system serves, except for a drainfield or sewer lines located within a dedicated easement which allows for access to and maintenance of the lines or drainfield by the owner of the property it serves and that has been

approved by the Township and recorded with the Van Buren County Register of Deeds.

2. This subsection shall not prohibit a community utility system serving multiple properties, provided that ownership and maintenance of the system by the affected owners or other private entity is outlined within a Master Deed or other covenant and the system is approved by the Township and the Van Buren County Health Department.
3. The Township shall not accept ownership and/or maintenance of any private utility system. Utility systems shall function according to applicable Federal, State and County requirements. The Township may take necessary steps to ensure protection of the public health, safety and welfare, acting on its own authority or in concert with other relevant agencies, to the extent authorized by law, should the owner of the private utility system fail to maintain it or should an incident occur that threatens the public health, safety and welfare.

**D. Number of divisions:** The proposed land division(s) shall comply with all the requirements of the State Land Division Act and as follows:

1. Divisions of unplatted lots: The proposed land divisions shall comply with all the requirements of the State Land Division Act and this ordinance and shall not result in more than the number of parcels allowed under Section 108 of the State Land Division Act, as amended. Submerged land shall not be counted towards the parent parcel area for the purpose of determining the number of permitted divisions.
2. Divisions of lots within recorded subdivision plats. A lot, outlot or other parcel of land in a recorded subdivision

plat shall not be partitioned or divided into more than four parts under the provisions of this Ordinance, nor shall more than a total of four new lots be created beyond the original number of lots that were platted when the subdivision plat was originally recorded. A division to a subdivision lot that creates more than four parts or increases the total number of lots within a recorded plat by more than four shall require approval as a subdivision under Chapter 4 of this Ordinance, subject to State and other applicable requirements.

**E. Depth to width ratio:**

1. The ratio of depth to width of any parcel created by the division, combination or boundary line adjustment shall not exceed a four to one ratio exclusive of road easements or road right-of-way. The depth of a lot is the average distance between the front lot line and the rear lot line. The average shall include measurements of the side lot lines, if extending from front lot line to rear lot line, and the shortest and longest measurement from the front lot line to the rear lot line. The width of a lot is the horizontal distance between the side lot lines, measured at the two points where the minimum front setback line intersects the side

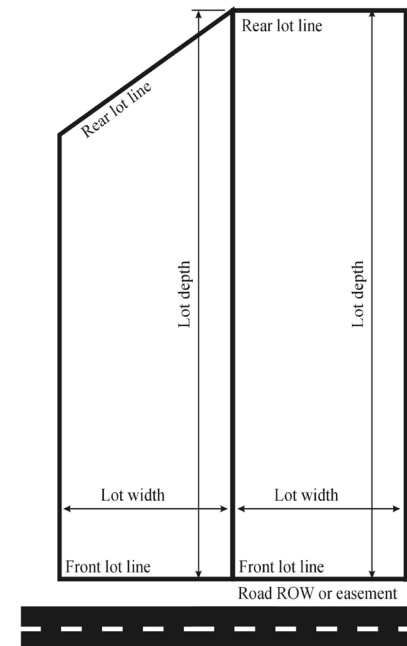


Figure 3-1: Depth to width ratio

lot lines. The permissible minimum width shall be as required in the Antwerp Township Zoning Ordinance (see *Figure 3-1*).

2. On a corner lot, as defined by the Zoning Ordinance, the depth to width ratio shall be determined according to the narrowest frontage.
3. Notwithstanding the above, the Township Board, after recommendation by the Planning Commission, may approve a parcel that exceeds the maximum ratios allowed above if the greater depth is necessitated by conditions of the land in question, such as topography, road accessibility, soils, wetlands or floodplain; provided that creation or use of the lot will not conflict with other ordinances or regulations..
4. The above requirements shall not apply to resulting lots and parcels which are 10 acres or greater.

**F. Divisions to platted lots:** Where a division or combination is proposed to a lot within a recorded subdivision plat, any new resulting lots shall comply with the lot requirements contained in the Zoning Ordinance, in addition to the requirements of this Section.

### Section 3.3. Application

**A. Pre-application review.** An applicant for land division, combination or boundary line adjustment is strongly encouraged to request an optional pre-application review by the Zoning Administrator and Township Assessor prior to filing a complete land division application, The purpose of this review is to determine if a proposed land division, combination or boundary line adjustment will meet the requirements of this Ordinance, the Township Zoning Ordinance and the State Land Division Act prior to the

applicant incurring the cost of a complete land division application and survey.

1. The applicant shall provide a scaled conceptual drawing or sketch of the parcel proposed to be divided, combined or adjusted, containing the proposed divisions or combinations with acreage calculations and dimensions.
  - a. In the case of a boundary line adjustment, the conceptual drawing or sketch shall indicate the lot area and lot line dimensions of the existing parcels, the area of the land to be transferred via the boundary line adjustment, and the area and lot line dimensions resulting from the boundary line adjustment.
  - b. Calculations shall be provided for both the gross parcel area and the net parcel area exclusive of any public road right-of-way or private road or shared driveway easement, or submerged lands.
  - c. The drawing shall illustrate the general locations of submerged land, if any.
  - d. All existing buildings shall be illustrated with setbacks dimensioned from all existing and proposed lot lines.
  - e. The location of existing septic system(s), if any, shall be shown, including drainfields, tanks, sewers and other appurtenances.
2. The Zoning Administrator and Township Assessor shall advise the applicant as to the number of divisions that are permitted and the conformance of the proposed division, combination or boundary line adjustment with this ordinance, the Township Zoning Ordinance and the State Land Division Act. This pre-application

conference shall be advisory only and shall not obligate the Township or the applicant with regard to the advice provided.

### **B. Complete land division application**

1. An application shall be filed with the Zoning Administrator or other official designated by the Township Board for review of completeness for a proposed land division, combination or boundary line adjustment before making any division, combination or boundary line adjustment either by deed, land contract, lease for more than one year, or for building development. A copy of the application and all related surveys and documents shall be supplied to the Township Assessor to determine if divisions are allowed. In the case of a boundary line adjustment, the owners of all parcels affected by the adjustment shall be co-applicants.
2. Review of the application shall not commence until the Zoning Administrator has determined that the application is a complete land division application.
3. A complete land division application shall include the following:
  - a. An application form provided by the Township. The application shall include an affidavit form to be signed and fully executed by the applicant acknowledging that approval of a land division, combination or boundary line adjustment does not guarantee the suitability of a parcel or parcels for building purposes and that issuance of a building permit may be denied unless each resulting parcel complies with all zoning ordinance requirements, and further acknowledging the Township takes no responsibility regarding compliance with standards for issuing permits from the applicable County and/or State agencies in the approval of on-site water supply and sewage disposal, or related to other applicable regulations.
  - b. Evidence of fee ownership of the parcel proposed to be divided or combined, or in the case of a boundary line adjustment, evidence of ownership of each of the parcels affected by the boundary line adjustment. The application shall be signed by the legal parcel owner and all equitable owners of the parcel proposed to be divided, adjusted or combined. Where a parcel is subject to a land contract, the owner of the land contract must also sign the application.
  - c. If required by the Township Assessor, a deed containing language as required by the Land Division Act regarding the number of divisions conveyed, if any, to the grantee and the submission of the form as prescribed by the State Tax Commission under Section 27a of the General Property Tax Act, 1893 PA 206, MCL 211.27(a) to the Township Assessor where the property is located.
  - d. For land divisions, proof of tax payments or tax apportionment as required by Section 109(i) of the Land Division Act.
  - e. A description of the intended use of the resulting parcel(s).
  - f. The fee as established by the Township Board for land division, combination or boundary line adjustment reviews pursuant to this Ordinance.
  - g. Survey. The application shall be accompanied by a survey together with legal descriptions of the

proposed or resulting parcels, created and sealed by a professional land surveyor licensed in the State of Michigan. The survey drawing shall show, at minimum:

- i. The area and lot dimensions of all proposed parcels and of the parent parcel; or in the case of a boundary line adjustment, the survey drawing shall indicate the lot area and lot line dimensions of the existing parcels, the area of the land to be transferred via the boundary line adjustment, and the area and lot line dimensions of all parcels resulting from the boundary line adjustment.
- ii. Calculations shall be provided for both the gross parcel area and the net parcel area exclusive of any public road right-of-way, private road or shared driveway easement or any submerged lands.
- iii. The drawing shall illustrate the general locations of submerged land, if any.
- iv. All existing buildings shall be illustrated with setbacks dimensioned from all existing and proposed lot lines.
- v. The location of existing septic system(s), if any, shall be shown, including drainfields, tanks, sewers and other appurtenances.
- vi. Existing or proposed right-of-way shall be shown and identified as a public road, private road or shared driveway, with right-of-way or easement dimensions indicated.

- h. Waiver. The Zoning Administrator may waive the requirement for a survey under the following circumstances:
  - i. The request is for a combination of recorded lots that merely removes the boundary or boundaries separating the lots, resulting in one parcel;
  - ii. The request is for a boundary line adjustment where the resulting boundaries create a simple rectilinear parcel without arcs or complex angles.

In this case, the Zoning Administrator may accept a drawing to scale, based on Van Buren County Geographic Information System maps, Township property tax card data or other reliable source, provided that there is sufficient information to determine that all structures and uses on the resulting parcel(s) will conform to the Zoning Ordinance. The Zoning Administrator shall have sole discretion to determine if a combination or boundary line adjustment is simple enough to waive the survey requirement; this determination may be appealed to the Zoning Board of Appeals in accordance with Chapter 13 of the Zoning Ordinance.
- i. Land in Flood Plain. If the property contains land within the Special Flood Hazard Area as depicted on the National Flood Insurance Programs map(s) by the Federal Emergency Management Agency, the Zoning Administrator may require the survey to include additional information, including site elevations and flood plain contours. This information is subject to review by a civil engineer, the cost of which review shall be paid by the applicant.

**Section 3.4. Procedures for review**

- A.** In those instances where a rezoning is necessary for a land division or combination to meet the requirements of the Zoning Ordinance, the applicant shall make application for and complete the rezoning prior to submitting a complete land division application.
- B.** In those instances where a land division or combination requires construction of a new private road or public road or extension or shared driveway, or improvement to or extension of an existing private road or public road, the proposed road shall first be reviewed and approved following the procedures and requirements of the VBCRC or the Township Zoning Ordinance, as applicable, prior to review and approval of the land division application. Applications for land divisions or combinations shall not be considered complete until such time as the proposed parcel will have access to an improved public road that has been dedicated to the VBCRC, or to a private road or shared driveway that will be constructed in accordance with the Township Zoning Ordinance and has received final approval from the Township Board.
- C.** In those instances where a Complete Land Division Application has been denied following a recommendation by the Zoning Administrator because of insufficient parcel size, lot width, setbacks or other reasons under the Zoning Ordinance, the Applicant is entitled to file an Application for a variance from the Zoning Ordinance to the Zoning Board of Appeals, provided that the request meets the applicable standards for dimensional variances. If the Zoning Board of Appeals grants the variance request within one year of denial of the Land Division Application, the Application may be resubmitted, without payment of a reapplication fee, to the Zoning Administrator for consideration under the procedure outlined herein. The resubmitted application shall state the date and decision of the Zoning Board of Appeals in relation to the application.
- D.** The Township Assessor shall review the proposed division, combination or boundary line adjustment to determine if the property is eligible for the proposed divisions, combination or boundary line adjustment, according to the requirements of Section 3.2.D, and the State Land Division Act.
- E.** The Zoning Administrator shall review all land division, combination and boundary line adjustment applications for completeness and to determine compliance with this ordinance, the Township Zoning Ordinance and the State Land Division Act.
- F.** The Zoning Administrator shall approve or disapprove a proposed division no more than 45 days after a complete land division application, with all required submittals, has been received by the Zoning Administrator.
- G.** If the application meets all requirements for a complete land division application, the requirements of this ordinance, the Township Zoning Ordinance and the State Land Division Act, it shall be approved.
- H.** The Zoning Administrator shall indicate his/her approval or denial of the division, combination or boundary line adjustment on a form provided by the Township. Approval may be subject to conditions, which may be necessary to ensure that the requirements of this ordinance and all other applicable laws are met and that the public health, safety and welfare are secured.
- I.** The Township Assessor or his/her designee shall maintain an official record of all approved and recorded land divisions, combinations or boundary line adjustments, along with records of all disapproved applications.



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**Section 3.5. Effect of approval**

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- A.** Approval shall be void one year after the date of approval by the Zoning Administrator if all divisions are not transferred. The applicant shall provide the signed approval form plus all other required documents and surveys to the Van Buren County Register of Deeds for recording. The division, combination or boundary line adjustment shall not be considered complete until it has been recorded and the resulting parcel(s) are accessible according to Section 3.2.A.
- B.** Approval of a land division, combination or boundary line adjustment according to this Chapter shall not constitute a determination that any resulting parcel complies in all respects with the Antwerp Township Zoning Ordinance or any other general Township ordinances or chapters; nor shall the Township accept any liability for any parcel approved under this ordinance that does not meet the requirements of the Zoning Ordinance, the Van Buren County Health Department, the Michigan Department of Natural Resources and Environment or any other applicable statutes, codes or ordinances. A notice of approval under this Chapter shall state that the Township shall not be liable for approving a land division, combination or boundary line adjustment if other required permits from the Township, the County or any other governmental body or agency having jurisdiction are not approved or issued.

## CHAPTER 4 SUBDIVISION PROCESS

### Section 4.1. *Plat preparation*

The preparation of a subdivision for platting shall be carried out through two phases: preliminary plat and final plat, all in accordance with the procedure that follows.

### Section 4.2. *Initial Investigation*

- A.** Prior to the preparation of a preliminary plat, it is recommended that the applicant meet informally with the Zoning Administrator and other Township officials to investigate the procedures and standards of the Township with reference to this Chapter and with the recommendation of the Antwerp Township Master Plan as they affect the area in which the proposed subdivision is located.
- B.** In preparing a preliminary plat, an applicant shall consider the following:
1. The applicant shall secure a copy of the Zoning Ordinance, subdivision regulations, engineering specifications, and other similar ordinances or controls relative to the subdivision and improvement of land so as to become aware of the requirements of the Township.
  2. The area for the proposed subdivision shall be properly zoned for the intended use. No subdivision plat that requires a rezoning shall be considered prior to approval of the rezoning by the Township Board.
  3. An investigation of adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to serve the proposed subdivision shall be made by the applicant.

4. The relationship of the proposed subdivision with respect to major thoroughfares and plans for widening of thoroughfares by the VBCRC shall be investigated by the applicant.
5. Requirements for sewage disposal, water supply and drainage of the State of Michigan, Van Buren County and of the Township shall be investigated by the applicant.

### Section 4.3. *Subdivisions within a planned unit development*

A subdivision review may be conducted simultaneously with the review process for Planned Unit Developments (PUD) under the Zoning Ordinance. The plans required for the PUD shall be submitted in a form to satisfy both the requirements of these Subdivision Regulations and the Zoning Ordinance. No subdivision plan that is being developed under PUD shall be considered prior to approval of the PUD rezoning by the Township Board.

### Section 4.4. *Pre-application review meeting*

- A.** The applicant may, at his/her option, submit a request for a pre-application review meeting to the Chair of the County Plat Board. The purpose of the meeting is to conduct an informal review of the applicant's concept plan for a preliminary plat.
- B.** At the time of requesting a pre-application review meeting, the applicant shall submit a concept plan that contains, at minimum, the following, to the Township and each agency entitled to review the preliminary plat:

1. A subdivision concept plan prepared by a professional land surveyor licensed in the State of Michigan, drawn to a minimum scale of one inch equals 100 feet.
2. The proposed name of the subdivision.
3. Name(s) and address(es) of the applicant and the owner of record of the land to be subdivided.
4. An overall location map at a scale of not less than 1" = 2,000' showing the relationship of the subdivision to its surroundings, such as section lines, municipal boundaries, major or collector streets, etc.
5. A legal description of the site.
6. Bearing and distance of all parcel lines.
7. All existing and proposed lots, public rights-of-way, private road easements, and areas reserved for open space within the parcel.
8. Existing natural features upon and within 50 feet of the parcel, including wetlands, flood plains, slopes over 12 percent, and outlines of woodland areas.
9. All existing public rights of way, easements, drains, rivers, and/or lakes upon and within 50 feet of the limits of the parcel.
10. Existing and proposed public sanitary sewer and water lines, if applicable, with enough detail to show how the proposed utility extensions will be connected to existing systems and how the proposed lots will be served.
11. Existing zoning of the site and all abutting properties.
12. Width of all proposed lots, rights-of-way, and/or private street easements or shared driveways.
13. Area of all proposed lots and dedicated open space areas and total area of the site.

14. Areas within or likely to be within flood plains, if applicable.

- C.** The applicant shall present the concept for the preliminary plat and solicit comments from the Township staff and represented agencies. The purpose of the concept plan is to provide the applicant with information on the requirements of the Township and other agencies prior to the preparation of a preliminary plat. Review of the concept plan shall not constitute approval of the proposed preliminary plat, but shall serve primarily as guidance to the prospective applicant. Any conclusions or recommendations are advisory only and shall not be binding upon the Township or any other agency. If, as a result of the pre-application review, the applicant is notified that other approvals are necessary, from the Township or from any other regulating agency, those approvals shall be solicited and approved prior to submitting the tentative preliminary plat to the Township.

#### **Section 4.5. Tentative approval of preliminary plat.**

The procedure for preparation and submittal of a preliminary plat of the land area to be subdivided for tentative approval in accordance with Section 112 of the Land Division Act, shall be as follows:

##### **A. Filing.**

1. Copies of the preliminary plat of the proposed subdivision, in a number determined necessary by the Zoning Administrator, together with written application, shall be submitted to the Township
2. The preliminary plat shall be prepared in accordance with Section 111 of the Land Division Act and in accordance with the requirements of this article.

3. Submittal to the Township shall be at least 30 days prior to the regular Planning Commission meeting at which the applicant will be scheduled to appear. Should any of the data required in this ordinance be omitted, the Zoning Administrator shall notify the applicant of the additional data required and Planning Commission action shall be delayed until the required data is received.

**Section 4.6. Plat requirements**

The preliminary plat shall include the elements in Table 4-1:

<b>TABLE 4-1 PLAT SUBMITTAL REQUIREMENTS</b>		
<b>Submittal Requirements</b>	<b>Tentative Prelim. Plat</b>	<b>Final Prelim. Plat</b>
Proposed name of subdivision.	<b>X</b>	<b>X</b>
Name(s) and address of the applicant and the owner of record of the land to be subdivided. The applicant shall indicate interest in the land as to whether it is a land contract interest, or ownership of the property in fee simple.	<b>X</b>	<b>X</b>
Names, address and professional seals of the designer, engineer or land surveyor who designed the subdivision layout.	<b>X</b>	<b>X</b>
Location by Section, Town and Range, or by other legal description.	<b>X</b>	<b>X</b>
Scale of plat, 1" = 100' as minimum acceptable scale.	<b>X</b>	<b>X</b>
Date, revision dates, and north arrow.	<b>X</b>	<b>X</b>
<b>Existing Site Information</b>		
An overall area map at a scale of not less than 1" = 2,000' showing the relationship of the subdivision to its surroundings such as section lines and/or major streets or collector streets shall be provided.	<b>X</b>	<b>X</b>
Property lines of adjacent tracts within 200 feet of subdivided and unsubdivided land shown in relation to the tract being proposed for subdivision including those of areas across an abutting road with those unplatted landowners being designated by name.	<b>X</b>	<b>X</b>
Boundary lines with dimensions and angles for the subdivision. If plat is to be done in phases, the boundaries and dimensions for each phase shall be indicated. All phases shall be numbered in the order in which they are intended to be platted. An estimated time frame for platting of each phase shall also be provided.	<b>X</b>	<b>X</b>
Township boundary lines if in or within 200 feet of the proposed plat.	<b>X</b>	<b>X</b>
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.	<b>X</b>	<b>X</b>

<b>TABLE 4-1 PLAT SUBMITTAL REQUIREMENTS</b>		
<b>Submittal Requirements</b>	<b>Tentative Prelim. Plat</b>	<b>Final Prelim. Plat</b>
Zoning district classification for all land parcels within and adjacent to the plat.	<b>X</b>	<b>X</b>
Existing buildings or other structures in or within 100 feet of the proposed subdivision plat.	<b>X</b>	<b>X</b>
A written subdivision site report that includes soil boring logs and water table information. Additional borings may be required.		<b>X</b>
<b>Proposed Subdivision</b>		
Layout, numbers, dimensions, and lot areas in square feet, including building setback lines showing setback dimensions.	<b>X</b>	<b>X</b>
Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.	<b>X</b>	<b>X</b>
An indication of the ownership, and existing and proposed use of any parcels identified as "excepted" on the preliminary plat. If the applicant has an interest or owns any parcel so identified as "excepted", the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.	<b>X</b>	<b>X</b>
In the case where the applicant 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 that is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the applicant intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the applicant is subdivided.	<b>X</b>	<b>X</b>
Spot elevations of the proposed grading and road work.		<b>X</b>
<b>Natural Features</b>		
Topography drawn as contours at an interval of not less than two feet for the subject site and a general description of topography within 100 feet of the plat. Topography shall be based on NGV Datum. Existing and proposed topography lines shall be shown in a manner that is easily distinguishable.	<b>X</b>	<b>X</b>
Boundaries of regulated floodplain or wetlands, with documentation and credentials supporting that the boundary was determined by a qualified firm or individual.	<b>X</b>	<b>X</b>
Location and elevation of any floodplain areas	<b>X</b>	<b>X</b>

<b>TABLE 4-1 PLAT SUBMITTAL REQUIREMENTS</b>		
<b>Submittal Requirements</b>	<b>Tentative Prelim. Plat</b>	<b>Final Prelim. Plat</b>
<b>Streets</b>		
Name, location, and right-of-way widths of existing or proposed public or private streets in or within 100 feet of the proposed plat.	X	X
Method of connection with adjoining street system.	X	X
General layout of proposed streets	X	
Details on street design including curve radii, rights-of-way, cross sections, gradient, street signs, etc.		X
Names of proposed streets	X	X
Street Lighting: the location for any street lights shall be shown. A diagram of a typical street light planned to be installed, with photometric details, shall be provided.		X
Location of school bus stops, if required, and documentation from the school district.		X
<b>Sidewalks and Bike Paths</b>		
Locations of proposed sidewalks, bike paths and similar facilities	X	X
Details on the width, materials, grades, etc. of pedestrian facilities		X
<b>Landscaping</b>		
Location and details of street trees, buffer zones and green-belts, including plant lists.		X
Entry Features: A detailed drawing to scale of any proposed entrance features including dimensions of boulevards, walls, landscaping signs or lighting.		X
<b>Public Reservations and Easements</b>		
Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.	X	X
Documentation of dedication or reservation of public lands		X
Existing or proposed easements in or within 100 feet of the proposed plat. Information shall include the width and purpose for all easements.	X	X
<b>Utilities</b>		
Location, sizes and other information on underground utilities such as electricity, natural gas or other proposed utilities. Utility information shall be shown for the plat and for a distance of 100 feet outside of the plat.		X
General plans for storm water, including the location of detention basin and the route of the runoff from the site to the nearest drainage course.	X	

TABLE 4-1 PLAT SUBMITTAL REQUIREMENTS		
Submittal Requirements	Tentative Prelim. Plat	Final Prelim. Plat
Drainage: An indication of storm drainage proposed by methods acceptable to the Township and/or the Van Buren County Drain Commission. Detailed information shall be provided including location, size, material and slope of storm sewer lines. Storm water runoff, pipe and detention pond calculations shall be provided to analyze the adequacy of proposed drainage facilities.		X
<b>Miscellaneous</b>		
Declaration of Covenants, Conditions and Restrictions, if any		X
Proposed location of mail box clusters (if required).	X	X
Details on mail box cluster design and letter from Post Office.		X

**Section 4.7. Tentative preliminary plat review by planning commission; public hearing; approval**

- A. The Township Clerk shall receive the tentative preliminary plat for tentative review pursuant to MCL 560.112(1) and forward all of the information to the Zoning Administrator, who shall check the submission for completeness as required under this article. If complete and basically in conformance with applicable Township requirements, the Zoning Administrator shall cause a notice of a public hearing to be published for a future agenda of a Planning Commission meeting according to Planning Commission guidelines.
- B. The Zoning Administrator shall transmit a copy of the tentative preliminary plat to the Township Engineer for his/her technical review and recommendation.
- C. The Planning Commission shall consider the proposed subdivision in a public hearing, which shall be noticed in accordance with Sec. 71 of the Michigan Planning Enabling Act (PA 33 of 2008). 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, within the standards of this

Ordinance, engineering best practices as recommended by the Township Engineer, and any other adopted and published requirements.

- D. Following the public hearing, the Planning Commission shall recommend approval, approval with conditions, or rejection of a tentative preliminary plat to the Township Board.
  1. Should the Planning Commission find that all conditions have been satisfactorily met and the tentative preliminary plat conforms to the Land Division Act and this article, it shall recommend approval of the tentative preliminary plat. The chair of the Planning Commission shall make a notation to that effect on each copy of the tentative preliminary plat and shall return those copies to the Township Clerk.
  2. Should the recommendation be an approval with conditions, such conditions shall be satisfied by the applicant within the time set by the Planning Commission and approved by the Township Board or the plat shall be considered rejected.
  3. Should the Planning Commission recommend rejection of the preliminary plat, it shall record the reasons for

rejection and requirements for tentative approval in its minutes. Copies of the minutes shall be sent to the applicant and filed with the Township Clerk.

- E. Scheduling for Township Board.** The Township Clerk shall schedule a review of the Planning Commission's recommendation by the Township Board at the next available regular meeting following the Planning Commission's recommendation on a tentative preliminary plat.
- F. Township Board action.** The recommendation of the Planning Commission shall be considered and acted upon by the Township Board. The Township Board shall approve, approve with conditions, or reject the tentative preliminary plat in accordance with Section 112 of the Land Division Act and the following deadlines:
1. Within 60 days of filing with the Township a complete application meeting the requirements of this Ordinance, if the pre-application review meeting was conducted in accordance with Section 4.4 of this Ordinance.
  2. Within 90 days of filing with the Township a complete application meeting the requirements of this Ordinance, if the pre-application review meeting, in accordance with in Section 4.4 of this Ordinance, was not held.
- G. Filing of plat.** Following an approval of a tentative preliminary plat, the Township Clerk shall distribute copies as follows:
1. Return one copy to the applicant.
  2. Retain one copy which shall become a matter of permanent record in the Township's files.
  3. Forward one copy to the school board or school superintendent of the school district having jurisdiction in the area concerned.

4. File the remaining copies in the building department.

- H. Rights granted.** Approval of the tentative preliminary plat by the Township Board shall confer upon the applicant for a period of 12 months, approval of lot sizes, lot orientation, and street layout. Should the preliminary plat in whole or in part not be submitted for final approval within this time limit, a new tentative preliminary plat must be submitted to the Township for approval unless an extension is applied for by the applicant, and such request is granted in writing by the Township Board.

#### **Section 4.8. Approval of final preliminary plat**

The procedure for the preparation and review of a preliminary plat for final approval under Section 120 of the Land Division Act is as follows:

- A.** The applicant shall file a valid final preliminary plat with the Clerk together with a certified list of all authorities required for approval in Sections 113 to 119 of the Land Division Act. The applicant shall also provide approved copies of plats from each of the required authorities that have jurisdiction on the plat as follows:
1. Van Buren County Road Commission.
  2. Van Buren County Drain Commissioner.
  3. Michigan Department of Transportation if any of the proposed subdivision includes or abuts a state trunk line highway or includes streets or roads that connect with or lie within the right-of-way of state trunk line highways.
  4. Michigan Department of Natural Resources and Environment if any of the subdivision abuts a lake or stream or abuts an existing or proposed channel or



- lagoon affording access to a lake or stream where public rights may be affected.
5. Van Buren County Health Department if public water and public sewers are not provided to and are accessible to the land proposed to be subdivided.
  6. Van Buren County Plat Board.
  7. Any other agency as required by the Land Division Act.
- B.** The applicant shall submit as evidence of title, an abstract of title certified to date with the written opinion of an attorney-at-law thereon, or at the option of the applicant, a policy of title insurance for examination in order to ascertain as to whether or not the proper parties have signed the plat.
- C.** The Township Board shall take action on the final preliminary plat within 20 days of the submission of all necessary approved plats and certifications.
- D.** If the final preliminary plat conforms substantially to the tentatively approved preliminary plat and meets all conditions laid down for tentative approval, the Township Board shall give final approval to the preliminary plat.
- E.** If the applicant makes any major changes to the plat following tentative approval, the Township Board has the authority to require the applicant to resubmit the plat for tentative approval to allow the Township and the public to respond to the changes. Major changes shall include, but not be limited to, the following changes:
1. Addition of lots to the plat.
  2. Deletion or addition of a road or access point.
  3. Alteration of the basic layout of the street system.
  4. Significant alteration of the previously approved topography or drainage plan.
  5. Elimination or reduction of recreational facilities.
  6. Due to the location of utilities, there is a loss of natural features and landscaping that is not being replaced.
  7. The boundaries of Michigan Department of Natural Resources and Environment regulated wetlands are changed to alter lot layout or road arrangement.
- Major changes made by the applicant to the final preliminary plat following tentative approval shall relieve the Township from its commitment to honor the general terms and conditions of the Tentative Preliminary Plat approval, since such major changes may result in changes to the basic premise on which the tentative approval was given.
- F.** The Zoning Administrator shall promptly notify the applicant of approval or rejection in writing; if rejected, reasons shall be given.
- G.** Final approval shall be effective for a period of two years from the date of final approval. The two year period may be extended if applied for by the applicant and granted by the Township Board in writing. In determining whether to grant such extension, the Township Board shall consider whether the applicant has been diligently carrying on construction of subdivision improvements towards completion and can reasonably be expected to complete such improvements within the extension time period.
- H.** No installation or construction of any improvements shall be made before the preliminary plat has received final approval of the Township Board, engineering plans have been approved by the Township Engineer, and any deposits required under this article have been received by the Township.

### **Section 4.9. Final plat**

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

#### **A. Preparation.**

1. The final plat shall comply with sections 131 through 198 of the Land Division Act, as amended.
2. The final plat shall conform substantially to the preliminary plat as approved and it may constitute only that portion of the approved preliminary plat which the applicant proposed to record and develop at the time; provided, however, that such portion conforms to this Ordinance.
3. The applicant shall submit as evidence of title, a policy of title insurance for examination in order to ascertain as to whether or not the proper parties have signed the plat.
4. The applicant shall obtain final approval signatures on the final plat mylar from all of the agencies cited in Section 142 of the Land Division Act.

#### **B. Review.**

1. Five copies drawn on mylar or other approved material and three paper prints of the final plat shall be filed by the applicant with the Clerk and the applicant shall deposit such sums of money as the Township Board may require herein or by other ordinances.
2. The final plat shall be reviewed by the Zoning Administrator and/or the Township Engineer as to compliance with the approved preliminary plat and plans for utilities and other improvements. The final plat submittal shall not be considered as filed unless the Zoning Administrator finds that all required elements

are included on the plat and that any conditions of the preliminary plat have been satisfied.

3. The Zoning Administrator shall notify the Township Board of his or her recommendation for either approval or rejection of the final plat.
4. The Township Board shall review all recommendations and take action on the final plat within 20 days of its date of filing.
5. Upon the approval of the final plat by the Township Board, the subsequent approvals shall follow the procedure set forth in the Land Division Act. The three paper prints of the final plat shall be forwarded: one to the Clerk, one to the Planning Commission, and one to the building department. The remaining five copies shall be forwarded to the Clerk of the county plat board. The approved plat shall also be provided to Van Buren County in an electronic format, as determined by the County.

### **Section 4.10. Extension of review deadlines**

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Deadlines for the Township to take action on a preliminary or final plat, as specified in the Land Division Act and reiterated in this Ordinance, may be extended by mutual written consent of the applicant and the Township Clerk. A waiver of the review deadlines may be required to permit concurrent processing of related review applications (i.e. PUD rezoning). In the absence of written consent for such a waiver, denial of a plat shall be considered appropriate if the Township has not been given sufficient time within the deadline to evaluate the impact of a proposed plat on the public health, safety and welfare, pursuant to the regulations in this Ordinance.

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**CHAPTER 5 SUBDIVISION DESIGN REQUIREMENTS****Section 5.1. *Trafficways, streets and roads***

**A. Intent:** The standards set forth in this Chapter are for the guidance of applicants and represent desirable and acceptable practices. The required standards for streets, roads and intersections shall be the standards adopted by the Van Buren County Road Commission for this Township. Where the requirements of this Ordinance conflict with the standards of the VBCRC, the requirements of the VBCRC shall prevail. Generally, all streets shall be dedicated to public use, unless a private road or shared driveway is approved according to the requirements of the Zoning Ordinance. Arterial streets shall be dedicated to public use in all cases.

**B. General**

1. **Street location and arrangement:** When a major street plan has been adopted, subdivision streets shall be required to conform to the plan.
2. **Local or minor streets:** Such streets shall be so arranged as to discourage their use by through traffic.
3. **Street continuation and extension:** The arrangement of streets shall provide for the continuation of streets from adjoining areas into new subdivisions, unless otherwise required by the Van Buren County Road Commission.
4. **Stub streets:** Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas. Stub streets shall terminate within a temporary easement of adequate design to allow for temporary construction of a turn around which can accommodate service and emergency vehicles.
5. **Multiple street access:** Subdivisions shall be designed so that there will be more than a single means of access to the lots therein. This shall be accomplished through connection to streets in adjoining subdivisions; providing stub streets for future extension into subdivisions of adjacent property that can be reasonably expected to connect to the public street system; provision of an additional means of access for emergency vehicles only; or other means of providing more than one access. The Township Board may waive this requirement where, because of natural features, unusual topography, unusual shape of lots or parcels, location of existing streets, or established development patterns, it is not feasible to provide more than one means of access.
6. **Relation to topography and natural features:** Streets shall be arranged in proper relationship to topography and natural features so as to result in usable lots, safe streets, and reasonable gradients.
7. **Alleys:** Alleys are not desirable in areas of detached single or two-family residences. Alleys shall be provided in multiple dwellings or commercial subdivisions unless other provisions are made for service access, off-street loading, and parking.
8. **Marginal access streets:** Where a subdivision abuts or contains an arterial street, the Township may require:
  - a. Marginal access streets approximately parallel to and on one or both sides of the right-of-way.
  - b. Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic.

9. Cul-de-sac and dead-end streets: Dead-end streets are not permitted unless they are stubbed to the edge of the subdivision in order to be extended into an adjacent property. A dead-end street system with only one access to the public street system, including cul-de-sac streets, shall not be more than 600 feet in length cumulatively. No individual cul-de-sac street shall be longer than 600 feet, measured along the center line from the center point of the intersection at the beginning of the cul-de-sac street to the center point of the cul-de-sac. Longer street systems with only one access to the public streets and longer cul-de-sac streets with certain topographic conditions or other unusual situations may be permissible if approved by the Van Buren County Road Commission and the Township.
10. Half streets. A half street with its future centerline on a subdivision boundary is prohibited, unless the other half is also approved, dedicated and constructed by the adjoining property owner concurrently with approval and construction of the subdivision.
11. Private roads: Private streets and roads may be permitted in accordance with the provisions of the Zoning Ordinance. All such streets shall be marked, at owner's expense, by a sign stating that the street or road is private. Maintenance agreements for private roads shall be presented to the Township Board prior to final approval, as required by the Zoning Ordinance.

### C. Street Specifications

1. Street right-of-way widths: Street and road right-of-way widths shall conform to the rules of the VBCRC, MDOT and the Township Zoning Ordinance, as applicable, with the following exception: In subdivision or site condominium developments, the street or road does

not have to be hard-surfaced to Road Commission and Zoning Ordinance standards until 65 percent of the residential construction has been completed; however, adequate access to all lots by emergency vehicles must be maintained.

2. Street gradients:

- a. Maximum Grades: Street grades shall not exceed five percent on either local streets or collector streets.
- b. Minimum Grades: No street grade shall be less than 0.5 percent.

3. Street alignment:

- a. Horizontal Alignment: When street lines deflect from each other by more than 10 degrees in alignment, the centerlines shall be connected by a curve with a minimum radius of 500 feet for arterial streets, 300 feet for collector streets and 150 feet for local or minor streets. Between reverse curves, on minor streets, there shall be a minimum tangent distance of 100 feet, and on collector and arterial streets, 200 feet.
- b. Vertical Alignment: Minimum sight distances shall be 200 feet for minor streets and 300 feet for collector streets, or the requirements of the VBCRC, whichever is more restrictive.

4. Cul-de-sacs. Cul-de-sac streets shall terminate with an adequate turnaround with a minimum radius of 75 feet for right-of way and 50 feet for pavement, or the requirements of the VBCRC, whichever is more restrictive.

**D. Street names**

1. Street names shall not duplicate any existing street name in the Township, except where a new street is a continuation of an existing street.
2. Street names that may be spelled differently but sound similar to existing street names shall also be prohibited.
3. All street names, including names of private streets, are subject to approval by the VBCRC.

**Section 5.2. Intersections**

- A. Angle of intersection** Streets shall intersect at 90 degrees or closely thereto and in no case at less than 80 degrees.
- B. Sight triangles:** Minimum clear sight distance at all minor street intersections shall meet VBCRC requirements.
- C. Number of streets:** No more than two streets shall cross at any one intersection.
- D. T" intersections:** Except on arterials and certain collector streets, "T" intersections shall be used where practical.
- E. Vertical alignment of intersection:** A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be carried back 50 feet to 100 feet each way from the intersection. An allowance of two percent maximum intersection grade in rolling terrain and four percent in hilly terrain is desirable.
- F. Paved and curbed approach.** All new public and private road connections to existing paved public roads under the jurisdiction of the Township, VBCRC or Michigan Department of Transportation shall be paved and shall have curbs meeting the specifications of the agency with jurisdiction over the existing road.

**Section 5.3. Non-motorized ways**

- A. Crosswalks:** Right-of-ways for non-motorized crosswalks in the middle of long blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas. A right-of-way shall be at least 10 feet wide and extend entirely through the block.
- B. Sidewalks:** Sufficient rights-of-way shall be provided so that sidewalks may be installed on both sides of all streets.
- C. Pathways.** Where possible, easements for non-motorized pathways shall be provided, in accordance with Township plans and policies. Previously recorded or planned pathway easements on adjacent land that terminate at the border of a subdivision shall be extended into and through the subdivision, and terminate at an edge of the subdivision so that it may be extended into adjacent properties.

**Section 5.4. Easements location**

When necessary, easements shall be provided along front, rear or side lot lines for utilities. When located along side or rear lot lines, the easement shall be centered along the adjoining lot lines, except where necessary to avoid natural features or due to other access considerations. The total easement width shall not be less than six feet along each lot (no less than 12 feet total).

**Section 5.5. Drainage ways**

The applicant shall provide drainage way easements as required by the Van Buren County Drain Commissioner.

### **Section 5.6. Blocks**

- A. Arrangements:** A block shall be so designed as to provide two tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary.
- B. Minimum length:** Blocks shall not be less than 500 feet long, measured from the centerlines of the intersecting streets..
- C. Maximum length:** The maximum length allowed for residential blocks shall be 1,320 feet, measured from the centerlines of the intersecting streets..

### **Section 5.7. Lots**

- A. Conform to zoning:** The lot width, depth, and area shall not be less than the particular district requirements of the Zoning Ordinance except where outlets are provided for some permitted purpose. Newly created lots in a plat of subdivision shall not exceed a depth to width ratio of greater than 4:1.
- B. Lot lines:** Side lot lines shall be essentially at right angles to straight streets and radial to curved streets and cul-de-sacs. This requirement may be waived in unusual situations where compliance is constrained by shape of the parent parcel, road alignment, natural features or other circumstance related to the land.
- C. Corner lots:** Corner lots shall have extra width to permit required minimum front yard building setbacks from both streets.
- D. Uninhabitable areas:** Lands subject to flooding or otherwise deemed by the Township Board to be uninhabitable shall not be platted for residential purposes, or for uses that may, in the judgment of the Township Board, increase the danger to health, life, or property or

increase the flood hazard. Such land within a subdivision may be set aside for other uses, including parks or other open space. This shall not be construed to prevent creation of lots with a portion of land that is uninhabitable, provided that sufficient land is available within the lot to site a building or use that meets the requirements of the Township.

- E. Lot frontage:** All lots shall front upon a public or private street or road and have the minimum contiguous width along the frontage required for the zoning district. Exceptions may be permitted for lots on lakes, rivers or streams, as required by the Zoning Ordinance.

### **Section 5.8. Reserve strips**

- A. Reserve strips, private:** Privately-held reserve strips controlling access to streets shall be prohibited.
- B. Reserve strip - public:** A one-foot public reserve may be required to be placed at the end of "stub" or "dead-end" streets and shall be deeded to the Township.

### **Section 5.9. Required public improvements**

- A.** Every applicant shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:
  1. **Monuments:** Monuments shall be set in accordance with the Land Division Act and the State Department of Treasury rules.
  2. **Streets and alleys:** All streets and alleys shall be constructed of a concrete or bituminous surface in accordance with VBCRC or MDOT standards and specifications, as applicable, except as provided in Section 5.1.C.1 of this Chapter.

3. Installation of public utilities: Public utilities shall be located in accordance with the rules of MDOT or the VBCRC, as applicable. All utilities must be installed below ground. Underground work for utilities shall be stubbed to the property line.
4. Driveways: All driveway openings on public roads shall be as specified by the VBCRC or MDOT, as applicable.
5. Storm drainage: An adequate storm drainage system shall be required in all subdivisions. The minimum requirements for each particular subdivision shall be established by the Van Buren County Drain Commissioner. All drainage structures and basins necessary for meeting drainage requirements resulting from the development shall be on land contained in the plat, unless otherwise specified by the Van Buren County Drain Commissioner. Construction shall follow the specifications and procedures established by the Van Buren County Drain Commissioner. All proposed storm drainage construction plans for proposed plats shall be prepared by the applicant. Curbs and gutters, in accordance with the standards and specifications adopted by the Van Buren County Road Commission, may be required on all or a portion of subdivision streets.
6. Water supply system: When a proposed subdivision is to be serviced by a public water supply system, an applicant may be required to provide fire hydrants and other required water system appurtenances.
7. Individual wells: Individual wells may be permitted in accordance with the requirements of the Van Buren County Health Department and applicable State and Federal agencies.
8. Sanitary sewer system: When a proposed subdivision is to be serviced by a public sanitary sewage system,

the applicant shall provide sanitary sewers and other required appurtenances thereto. Sewer systems shall comply with the requirements of State of Michigan Public Act 451 of 1994, as amended.

- a. If there is no existing or accessible public sewer system, the applicant may be required to provide a sewer system for the common use of the lot owners, if feasible, in the judgment of the Township Board with the advice of the Van Buren County Health Department and shall comply with the requirements of Public Act 451 of 1994, as amended. This system shall be privately owned and maintained by the owners of the properties that are served by the system. An association or other entity shall be formed, consisting of the property owners, to own and maintain the system. Ownership and maintenance of any private utility system shall not become the responsibility of the Township.
- b. Where in the judgment of the Township Board, with the advice of the Van Buren County Health Department, it is determined that a subdivision cannot be economically connected with an existing public sewer system or that a public sewer system cannot be provided for the subdivision itself, then septic tanks and disposal fields may be approved so long as they comply with the requirements of the Van Buren County Health Department.
- c. If a public sanitary sewer under the ownership of an adjoining city, village, township or other utility-owning entity is extended into the Township, the Township may require connection of any adjacent subdivided lands to the sewer, subject to any agreements between the Township and the owner of the utility. The subdivision design shall include



such extensions and service lines to the individual lots served.

9. Street name signs: Street name signs shall be required to be installed at the appropriate locations at each street intersection for both public and private streets, in accordance with the requirements of the Van Buren County Road Commission.
10. Sidewalks and crosswalks: Sidewalks shall be required on at least one side of the street in developments with lots typically under one-half acre.
11. Greenbelts and buffers: It is desirable for the protection of residential properties to have greenbelts or landscaped screen plantings located between a residential development and adjacent major arterial streets, businesses, commercial areas, and railroad rights-of-way. Where an applicant desires to protect his/her development in this respect, a proposed subdivision plat shall show the location of said greenbelts. When required by the Zoning Ordinance, greenbelts or buffers shall be provided.
12. Street trees: Street trees of a variety and size in accordance with the standards adopted by the Township may be planted between the street curb and sidewalk. The location of street trees shall be approved by the Van Buren County Road Commission so as not to interfere with clear vision areas.
13. Street lighting:
  - a. Streetlights may be required to be installed throughout the subdivision, at intersections and any other location deemed necessary for the public health, safety and welfare. The applicant shall conform to the requirements of the Township and the public utility providing such lighting.
  - b. The applicant shall form a street light district regardless of if the subdivision is required by the Township Board to have street lighting. A street light district shall be a special assessment district for the purpose of providing street lighting to the subdivision, created according to State of Michigan Public Act 188 of 1954, as amended.
14. Maintenance program: If privately-owned and maintained storm or sanitary sewers and wastewater treatment facilities, water systems, parks or greenbelt areas are contained within a plat, either by requirement or desire of the applicant, a permanent maintenance program must be created and approved by the Township before the sale of the fifth lot. The Township shall not accept ownership or maintenance of any utility system.
15. Driveway entrance: There shall be no more than one driveway entrance to a county primary road each 400 feet.
16. Connection to future roads: All streets, drives, roads, etc. abutting undeveloped or unplatted land must be shown to be capable of connecting to future roads.

#### ***Section 5.10. Guarantee of completion of improvements required by the township***

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- A. Financial guarantee arrangements, exceptions:** In those cases where installation of required public improvements are delayed or are likely to be delayed due to circumstances beyond control of the proprietor, the Township Board may permit the applicant to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements in the Ordinance which are over and above the requirements of the Van Buren County Road Commission, Van Buren

County Drain Commissioner or any other agency responsible for the administration, operation and maintenance of the applicable public improvement. The Township Board may waive financial guarantees of performance under this Ordinance for sidewalks, streetlights, or street trees. In case these improvements are specified, completion may be required prior to the issuance of occupancy permit.

**B. Performance or surety bond:**

1. Accrual: The bond shall accrue to the Township, covering construction, operation and maintenance of the specific public improvement.
2. Amount: The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement, including contingencies, as estimated by the Township Board.
3. Term length: The term length in which the bond is in force shall be a period to be specified by the Township Board for the specific public improvement.
4. Bonding or surety company: The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the Township Board.

**C. Other forms of surety:**

1. Treasurer, escrow agent or trust company: A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit qualifies as surety that may be accepted by the Township Board and shall accrue to the Township. These deposits shall be made with the Township Treasurer, or deposited with a responsible escrow agent or trust company, subject to the approval of the Township Board.

2. Dollar value: The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specific public improvement including contingencies, as estimated by the Township Board.
3. Escrow time: The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period to be specified by the Township Board.
4. Progressive payment: In the case of cash deposits or certified checks, an agreement between the Township and the applicant may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with an agreement previously entered.

**Section 5.11. Inspection of public improvements under construction**

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Before final approval of a plat, an agreement between the applicant and the Township Board shall be made to provide for checking or inspecting the construction of public improvements and conformity to plans.

**Section 5.12. Public improvements; penalty; failure to complete**

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- A.** In the event the applicant shall, in any case, fail to complete such work within the period of time required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. To accomplish this, the Township Board shall reimburse itself

for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the applicant shall have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, as included in a written agreement between the Township Board and the applicant.

- B.** The Township is not responsible for the enforcement of plat restrictions or private covenants, conditions or restrictions that are more restrictive than Township zoning restrictions.

### **Section 5.13. Variances**

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- A.** The Township Board may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Township Board shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein, the Township Board shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Township Board finds:
1. That there are special circumstances or conditions affecting the property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land.
  2. That the variance is necessary for the preservation and enjoyment of a substantial property right.

3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.
- B.** Notwithstanding the above, the Township Board may not grant variances to Zoning Ordinance requirements as they apply to subdivisions of land, unless such variances are part of an approved Planned Unit Development rezoning according to the Zoning Ordinance. Variances to such requirements may be granted only by the Zoning Board of Appeals, in accordance with the requirements of the Zoning Ordinance. No plat of subdivision (other than those approved via Planned Unit Development rezoning) that proposes any variance to the requirements of the Zoning Ordinance shall be considered unless the variance is first approved by the Zoning Board of Appeals

**Chapter 6 ADMINISTRATION, ENFORCEMENT AND PENALTIES****Section 6.1. Amendment**

This Ordinance may be amended by action of the Township Board, in accordance with the Township Ordinances Act, PA 246 of 1945, as amended.

**Section 6.2. Violations**

- A.** Any division or subdivision of land in violation of any provision of this Ordinance shall not be recognized as a valid division on the Township tax rolls and no construction thereon shall be allowed. A violation of this Ordinance shall be considered a nuisance per se, and the Township shall have the authority to initiate an action in the Courts of Van Buren County or any other applicable court of jurisdiction, including seeking injunctive relief and/ or any other relief to prevent any violation or continuance of any violation of this ordinance.
- B.** Any unlawful division or split shall be voidable at the option of the purchasers pursuant to the Land Division Act and shall subject the seller to the forfeiture of all considerations received or pledged thereof, together with any damages sustained by the purchaser recoverable in an action at law under the Land Division Act.
- C.** The Township Board, or their duly authorized representative(s), is hereby charged with the duty of enforcing the Ordinance and are hereby empowered to commence and pursue any and all necessary and appropriate actions and/or proceeds, including injunctive relief and other appropriate equitable actions, in the Courts of Van Buren County, Michigan, or any other Court having jurisdiction, to restrain and/or prevent any noncompliance with or violation of any of the provisions of this Ordinance,

and to correct, remedy and/or abate the non-compliance or violation.

- D.** In addition to any and remedies available thru Antwerp Township Ordinance No. 48, the Township shall have the right to recover all of its actual legal fees, costs and expenses in bringing such action. The cost of prosecution, cost of recovery and cost of removal (if sought and awarded), or abatement shall become a special assessment on the property upon which the violation has taken place.

**Section 6.3. Severability**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**Section 6.4. Repeal.**

All previous land division and subdivision ordinances affecting unplatted land divisions and subdivisions are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinance, Building Code, or other ordinances or titles of the Township not in conflict with this Ordinance shall remain in full force and effect notwithstanding any land division or subdivision approval hereunder.

**Section 6.5. Effective Date**

- A.** The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are

hereby ordered to become effective seven days after publication of a "Notice of Ordinance Adoption" in a newspaper circulating within Antwerp Township. Publication shall be preceded by approval of the Antwerp Township Board, following a public hearing and recommendation by the Planning Commission, in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended.

- B.** This Ordinance shall become effective on the 25<sup>th</sup> day of February, 2011.

I, Heather Mitchell, the duly elected clerk for Antwerp Township, Van Buren County, Michigan, do hereby certify that the foregoing Land Division and Subdivision Ordinance, Ordinance #54, was duly adopted at a regular meeting of the Antwerp Township Board on February 8, 2011.