

**BLOOMINGDALE TOWNSHIP  
SUBDIVISION AND SITE CONDOMINIUM ORDINANCE**

**Township of Bloomingdale  
County of Van Buren, State of Michigan**

**Ordinance No. 10-98**

**Adopted: October 21, 1998**

An Ordinance to regulate the division of land in Bloomingdale Township, Van Buren County, Michigan; to require and regulate the preparation and presentation of preliminary and final plats and site condominium projects, to establish minimum standards which must be met or guaranteed by the proprietor, to set forth a procedure to be followed by the Township in applying regulations and standards, and to prescribe penalties for the violation of the provisions of this Ordinance.

The Township of Bloomingdale, Van Buren County, Michigan ordains:

**SECTION 1.01**

This Ordinance shall be known as the Bloomingdale Township Subdivision and Site Condominium Ordinance.

**SECTION 1.02      PURPOSE**

The purpose of this ordinance is to regulate and control the divisions of land within the township in order to promote the public safety, health and general welfare.

**SECTION 1.03      WELFARE**

This Ordinance is enacted pursuant to the authority granted by Public Act 288 of 1967, as amended which authorizes township boards to adopt ordinances to secure the public health, safety and general welfare, and Public Act 59 of 1978, as may be amended from time to time.

**SECTION 2.0 SUBMISSION OF PRELIMINARY PLAT AND SITE  
CONDOMINIUM PLAN FOR TENTATIVE APPROVAL**

Every person, firm or corporation which shall hereafter submit a proposed preliminary plat or site condominium plan to the Township Planning Commission and the Township Board for tentative approval shall submit not less than four (4) or no more than ten (10) legible copies of said proposed plat or plan. Said copies must contain a minimum of the following information and fees:

- A. Show relief of area proposed to be platted or divided with two (2) foot contour intervals.
- B. Indicate road layout.
- C. Indicate lot layout, showing size and shape of proposed lots with square foot calculations.
- D. Indicate whether proposed plat or plan will be served by sanitary sewer and/or municipal water.
- E. Indicate the general location and size of any floodplain possibly located within the area to be platted or divided.
- F. Indicate, specifically, the methods and design proposed for storm water disposal.
- G. When the proprietor owns or plans to acquire and anticipates platting or dividing adjoining land, he/she shall submit, with the preliminary plat or plan for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.
- H. The proprietor shall provide title documents.
- I. A fee may from time to time be established by the Township Board to cover the cost of review.

**SECTION 3.0 TOWNSHIP BOARD REVIEW – PRELIMINARY PLAT OR  
PLAN FOR TENTATIVE APPROVAL**

Upon receipt of copies of said proposed plat or plan for tentative approval, the Township shall examine the proposed plat or plan with such assistance and review of an engineer or attorney, if required and approved by the Township Supervisor. If the fee for this service exceeds the amount determined by the current fee resolution, the additional actual costs shall be paid by the proprietor. The Township Board shall determine whether said

proposed plat or plan complies with all Township Ordinances and State Statutes as well as make adequate provision of the following:

A. Streets

1. Compliance with a major street thoroughfare plan adopted by the Township or Van Buren County Road Commission, if any.

2. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new subdivision.

3. Where adjoining areas are not subdivided, the arrangement of streets in the proposed plat or plan shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjoining areas; provided, however, that minor streets within the plat or plan shall be so laid out that their use by through traffic will be discouraged.

4. Where the proposed plat or plan abuts or contains a county primary road and major thoroughfare, the Township may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of residential properties and to afford separation of through and local traffic.

5. Street names should be unique. Commonly used names such as Oak Street, Pine Street, Elm Street, etc., should be avoided to eliminate confusion.

6. Streets should intersect at 90 degrees or closely thereto and in no case be less than 89 degrees.

7. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect such cross street closer than 175 feet from such opposite existing street, as measured from the centerline of said streets.

8. The minimum length allowed for residential blocks shall be 1,000 feet.

9. All right-of-way within or abutting such plats or plans shall be not less than 66 feet in width. Permanent dead-end streets in excess of 660 feet in length shall be prohibited. Exceptions may be granted by the Township Board only where the topographic of the area, rivers, streams, other natural conditions or the prior development of the area prevents a through street from being constructed.

10. A plat or extension of an existing plat or a site condominium plan or extension of an existing plan creating a total of 50 or more lots must be developed so as to provide two (2) or more access streets.

B. Lots

1. Corner lots generally should have extra width to permit appropriate building setback from both streets.

C. General Provisions

1. Privately held reserve strips controlling access to streets shall be prohibited.

2. Existing natural features which add value to residential development, that enhance the attractiveness of the community (such as streams, water courses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the subdivision.

3. Lands subject to flooding or otherwise determined to be unsuitable for development by the Township Board should not be divided for residential, commercial or industrial purposes. Such lands within a plat or site condominium plan may be set aside for other purposes such as parks, open space or common elements.

4. The Township Board shall review maps of existing and/or proposed electrical or gas utility easements, on record with the Township, which are within 500 feet of the boundary of the proposed plat or plan.

5. Elevation contours shall not be altered more than two (2) feet as shown on the preliminary plan for any building site unless a licensed professional engineer certifies that the elevation change will not adversely affect the drainage plan for the plat or plan. All roads and drainage infrastructure shall be built in accordance with a licensed professional engineer's stamped profile.

If the Township Board determines that the proposed plat complies with all applicable ordinances and statutes and the provisions set forth above, tentative approval of the preliminary plat shall be granted. Said approval shall confer upon the proprietor for a period of one (1) year from the date of approval.

**SECTION 5.0 TOWNSHIP BOARD REVIEW PRELIMINARY PLAT,  
FINAL APPROVAL; REQUIREMENTS FOR SITE  
CONDOMINIUM PROJECTS, IF REQUESTED**

Upon receipt of all required copies of the preliminary plat for final approval, the Township Board shall examine the same with such assistance and review by an engineer or attorney if required and approved by the Township Supervisor. If the fee for this service exceeds the amount determined by the current fee resolution of this Ordinance, the additional actual costs shall be paid by the proprietor. Upon completing its review, the Township Board shall determine whether said proposed preliminary plat complies with the requirements imposed by the Township at the time of tentative approval; has obtained the required statutory approval of other governmental agencies; and meets any or all of the following requirements as requested at tentative preliminary review:

A. Connection to sanitary sewers and/or water mains, if required by the Township Board, when it is determined that the services are reasonably available to the project site.

B. The proprietor shall make arrangements for all distribution lines for telephone, electric, cablevision and other similar services distributed by wire or cable to be placed underground entirely through the residential subdivided area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. Such conduits or cables shall be placed within private easements provided to such services companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. Private easements for underground utilities shall be shown on the preliminary plat or plan.

C. Storm water disposal methods proposed for the subdivision must be adequate to insure each building site and roadway will not be flooded and that all necessary easements for storm sewers or open drains can feasibly be dedicated to the public for such purposes.

D. No land within the subdivision may be isolated from a public thoroughfare thereby crating land-locked parcels.

E. Street lighting will be required by the Township Board for public health, safety and welfare.

F. Sidewalks may be required by the Township Board when it is determined that the sidewalks are necessary for pedestrian safety, public health and welfare. When required, sidewalks shall be constructed of concrete, four (4) feet in width, four (4) inches in depth upon a two (2) inch minimum sand base with expansion joints set at a minimum of 50 feet; sidewalks built across driveways shall be constructed of concrete, six (6) inches in depth.

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

**SECTION 6.0 SUBMISSION OF FINAL PLAT FOR FINAL APPROVAL**

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

- A. A title insurance policy showing merchantable title in the proprietor of the land to be subdivided.
- B. Evidence that all other governmental reviewing agencies have approved the final plat.

**SECTION 6.01 REVIEW BY THE TOWNSHIP BOARD FOR FINAL PLAT APPROVAL**

- A. All monuments required to be placed in the subdivision have either been placed or a cash or equivalent deposit has been made the Township of Bloomingdale and Deposit Agreement executed by the proprietors.
- B. All roads, streets, bridges, culverts, waterways or lagoons have been completed and approved or a cash or equivalent deposit has been placed with the property County agency.
- C. All utilities serving the plat or plan have been installed and water and sanitary sewer mains have been stubbed to the lot line or a cash or equivalent deposit has been made with the Township, sufficient in the amount to insure completion thereof within the time specified and a Deposit Agreement executed by the proprietors.
- D. All underground utility installations, including lines for street lighting systems which traverse privately-owned property, shall be protected by easements granted by the proprietor approved by the public utility company. These easements shall be recorded on the final plat as private easements for public utilities or easements provided by separate instrument easements across lots or centered on rear or side lot lines provided for utilities shall be at least 12 feet wide, six (6) feet dedicated from each lot or parcel, except side lot easements three (3) feet wide granted for street lighting drop-outs. These easements shall be direct and continuous from block-to-block.

If the Township Board determines that the site condominium plan as submitted complies with all applicable ordinance and statutes and provisions set forth above, final plan approval shall be granted subject to the following:

A. Submission for review to Van Buren County Board of Road Commissioners, Van Buren County Planning Director, Van Buren County Drain Commissioner and the Van Buren County Health Department.

B. Copy of review recommendations with approval/non-approval from the names county offices.

C. Copy of the Master Deed.

D. A copy of the restrictive covenants, if any.

E. A mylar "as built" drawing at a scale of 1" = 200' or less for Township use.

F. Compliance with section subsection A through F inclusive, if required by the Township Board.

**SECTION 4.0 SUBMISSION OF PRELIMINARY PLAT FOR FINAL APPROVAL; MONUMENTATION FOR SITE CONDOMINIUMS**

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

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

B. Evidence that all governmental reviewing bodies have granted tentative preliminary approval.

C. A copy of the restrictive covenants.

D. Drawing showing monuments as outlined below:

1. Monuments shall be located in the ground and made according to the following requirement, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the plat or plan, if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.

2. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and 36 inches long and completely encased in concrete at least four (4) inches in diameter.

3. Monuments shall be located in the ground at all angles in the boundaries of the plat or plan at all intersection lines of streets, at the intersection of the lines of streets, at the intersection of alleys with the boundaries of the plat or plan; at all points or curvature, points of tangency, points of compound curvature, points of reserve curvature and angle points in all side lines of streets and alleys; at all angles of an intermediate traverse line and at intersections with elements and all common elements, if applicable.

4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.

6. All required monuments shall be placed flush with the ground where practical.

7. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half (1/2) inch in diameter, or other approved markers.

8. The Township Board may waive the placing of any of the required monuments and markers, not required by law, for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Treasurer cash or certified check, or irrevocable bank letter of credit running to the Township, which the proprietor selects, in an amount set by resolution of the Township Board. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a professional licensed surveyor that the monuments and markers have been placed as required within the time specified.

E. All public improvements such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the Township Board, have been completed and installed or a cash or equivalent deposit has been made with the Township sufficient in amount to insure completion within the time specified and a Deposit Agreement executed by the proprietors.

F. The proposed final plat complies with all applicable site statutes and Township ordinances and has received the requisite statutory approval of other governmental agencies.

G. That the dedication is executed by all required owners.

H. Actual costs incurred by the Township over the fee described in the current fee resolution have been paid.

#### **SECTION 7.0 PENALTY IN CASE OF FAILURE TO COMPLETE THE CONSTRUCTION OF A PUBLIC IMPROVEMENT**

In the event the proprietor shall in any case fail to complete such work within such a period of time as 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. In order to accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the security deposit which the proprietor has deposited with the Township or it may take such steps as may be necessary to require performance in accordance with the Deposit Agreement executed by the proprietors.

#### **SECTION 8.0 SUBDIVISION LOT DIVISION**

After a subdivision has been recorded, platted lots may thereafter be partitioned or devised in accordance with the Michigan Subdivision Contract Act of 1967 as amended. Resulting lots intended to be building sites shall each have direct access to a public roadway or private roadway constructed to the standards of this Ordinance, and also to public utilities necessary or required to service such lot.

#### **SECTION 9.0 VARIANCE PROCEDURE**

Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance, the Township Board shall have authority to grant variances so that the spirit of the Ordinance shall be observed and public health, safety and welfare secured.

**SECTION 10.0      ENFORCEMENT AND PENALTIES FOR FAILURE TO  
COMPLY WITH THIS ORDINANCE**

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than ninety (90) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Township Board or public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or Public Act 288 of 1967, as amended, or Public Act 59 of 1978, as amended.

MOTION BY BLY SECONDED BY MILLER TO ADOPT SUBDIVISION SITE  
CONDO ORDINANCE # 10-98. ROLL CALL VOTE. MOTION CARRIED

YEAS      BLY STANGE, SCAMEHORN, HASSING, MILLER

NAYS      NONE

ADOPTED      10-21-98