

ORDINANCE NO. 2020-6

AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE OF ALLENDALE CHARTER TOWNSHIP, OTTAWA COUNTY, MICHIGAN, AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Preliminary Plat. Section 3.2(1) of the Allendale Charter Township Subdivision Ordinance shall be amended to add Section 3.2(1)t, which shall state in its entirety as follows:

1. Requirements

- t. Evidence of approval from the Ottawa County Road Commission for the placement of street trees in accordance with Section 5.3.1(m) of this Ordinance.

Section 2. Final Plat. Section 3.3(2) of the Allendale Charter Township Subdivision Ordinance shall be amended to state in its entirety as follows:

2. Procedure

- a. The sub-divider shall submit the final plat with construction plans and/or as-built drawings and all other required documents to the Zoning Administrator. The Zoning Administrator shall promptly transmit all copies of the plat and supporting documents to the Township Board.
- b. The Township Board shall review the plat at its next regular meeting or within (30) days of receipt thereof for the final plat's conformance to the provisions of the Subdivision Control Act, the provisions of this Ordinance, and the preliminary plat, as approved.

The time period for review by the Township Board may be extended by a written agreement between the sub-divider and the Township. Any such written agreement shall contain a specific delineation of the time period in which the Township must act to either approve or disapprove the final plat. A copy of any agreement between the Township and the sub-divider with respect to an extension of time shall be provided to the Township Clerk.

- c. The Township Board shall review the final plat and make a determination to either approve or reject the final plat.

- (1) The Township Board shall either approve or reject the final plat. If rejected, the Township board shall cause the Township Clerk to give the reasons in writing to the sub-divider as set forth in the minutes of the meeting, and return the plat to the sub-divider.
- (2) If the final plat is approved, the Township Board shall instruct the Clerk to sign the municipal certificate on the approved plat on behalf of the Township Board and to comply with all requirements of the Subdivision Control Act.
- (3) Recording of the final plat shall have the effect of an irrevocable offer to dedicate all streets and other public ways, all park areas, school sites, and other such areas to the public use unless a notation is placed in the plat by the sub-divider stating there is no such offer of dedication of certain areas or ways.
- (4) Recording of the final plat, however, shall not impose any duty upon the Township, County or other governmental unit concerning improvement or maintenance of any such dedicated or reserved area until the proper authorities have agreed to accept the same by legal action.

Section 3. Public Improvements. Section 5.3.1.g and 5.3.1.h-m of the Allendale Charter Township Subdivision Ordinance shall be amended to state in its entirety as follows:

g. Water Supply and Sanitary Sewer.

- (1) Definitions. The following listed words and phrases are defined for the purpose of their use in this Ordinance. These definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.
 - a) Public Water: Water that is supplied to the general public through a system that is constructed to the Township's Standard Construction requirements and governed by the local authority.
 - b) Public Sewer: Waste water that is collected and conveyed into a collection system that is constructed to the Township's Standard Construction requirements and governed by the local authority.
 - c) Private Sewer System: An onsite collection system, such as a septic tank and drain field, that services one (1) individual residence or business and is not connected to the Public Sewer.

- d) Private Water Supply: Water that supplies one (1) individual residence or business from a well, and is not connected to the Public Water supply.
- e) Utility District: The Utility District shall consist of those properties located within the highlighted portion of the map attached hereto as Exhibit A.

- (2) Public Sewer System. A Public Sewer System shall be provided in every residential and non-residential plat within the Utility District. For property situated outside of the Utility District, a Public Sewer System shall be provided in every residential and non-residential plat with an average density greater than one dwelling unit per acre. This system shall be acquired, constructed and completed by the developer at the developer's sole cost. Laterals for sanitary sewer shall be provided for each buildable lot from the Public Sewer line to the lot side edge of the utility easement.

All Public Sewer improvements within a plat shall, once accepted by the Township, be transferred to and become the property of the Township and can be utilized by the Township as part of its Public Sewer System as the Township sees fit including, but without limitation, connecting additional customers to such improvements without any obligation to reimburse the developer.

- (3) Public Water System. Public Water shall be provided to every residential and non-residential plat in the Township regardless of whether the properties are situated within the Utility District or outside of the Utility District. This system shall be acquired, constructed and completed by the developer at the developer's sole cost. Laterals for water service shall be provided for each buildable lot within the subdivision from the water main to the edge of the utility easement.

All Public Water System improvements shall, once accepted by the Township, be transferred to and become the property of the Township and can be utilized by the Township as part of its Public Water System as the Township sees fit including, but without limitation, connecting additional customers to such improvements without any obligation to reimburse the developer in accordance with the Allendale Charter Township Water System Ordinance.

- (4) Extensions. In all cases where internal Public Water and/or Public Sewer Systems are required to be installed as set forth above, the Developer shall pay one hundred percent of the cost to extend the existing facilities to connection points with the systems being constructed for the plat. These extensions shall be sized as shall be reasonably required by the Township. After the extensions are completed, the systems in the plat shall be connected to the extensions.

- (a) The Public Water System extension shall include valves, hydrants and other appurtenances.

- (b) The Public Sewer System extension shall include lift stations and other appurtenances.
- (c) All Public Water and Public Sewer extensions shall, once accepted by the Township, be transferred to and become the property of the Township and can be utilized by the Township as part of its water and sewer systems as the Township sees fit including, but without limitation, connecting additional customers to such extensions without any obligation to reimburse the developer.
- (d) The Public Water and Public Sewer Systems shall be designed and constructed in accordance with all requirements of the Township, the County Road Commission, the County Health Department and the State of Michigan, and also any requirements imposed by any contract which the Township has for the operation or maintenance of its water and sewer systems, including Township policies concerning the water system pressure and the manner of connection. In case of conflict among the requirements of the Township, County Road Commission, County Health Department or the State of Michigan, the more rigorous requirement shall apply. Approvals of these agencies shall be obtained prior to construction when required. Two sets of construction plans shall be submitted to the Township for approval.
- (e) Two complete sets of as-built construction plans, with all changes shown, shall be furnished to the Township promptly upon completion of construction. These as-built plans shall be sealed by the engineer and shall contain a certificate signed by the engineer stating that all changes from the original approved plans are appropriately marked and identified on the as-built plans and that the as-built plans are a true and correct depiction of the water supply and sewage system improvements as built. In addition, a computer disk compatible with the Township computer system then being utilized with respect to the Township Public Water and Public Sewer improvements, shall also be furnished to the Township promptly upon completion of construction; this disk shall show the Public Water and Public Sewer System improvements as built.

h. Street Name Signs.

Street name signs shall be installed by the County Road Commission at the developer's cost.

i. Sidewalks and Crosswalks.

- (1) Sidewalks shall be required on both sides of streets within the street right-of-way.

- (2) Crosswalks, when required by Section 4.4.1 shall have easements at least ten (10) feet in width, shall include a paved bituminous or concrete walk at least five (5) feet in width located generally along the centerline of the easement, and shall be dedicated as a public pedestrian walkway.
- (3) Sidewalks shall be concrete and a minimum of five (5) feet in width.
- (4) On a street or road which is subject to MDOT jurisdiction, sidewalks and crosswalks shall be construed in accordance with MDOT standards, rules, regulations, and specifications. For all other streets and roads, sidewalks and crosswalks shall be constructed in accordance with the standards, rules, regulations, and specifications adopted by the County Road Commission. With respect to streets and roads under MDOT jurisdiction, a permit for construction shall be obtained from MDOT. For all other streets and roads, a permit for construction shall be obtained from the County Road Commission.

j. Street Lighting.

Street lights shall be installed at developer's expense with a maximum spacing of five hundred (500) feet and at all intersections, cul-de-sacs and dead ends in the plat. All such lighting shall comply with all Township requirements as well as the requirements of the electric utility providing such lighting. The developer shall cooperate with the Township, as the Township shall request, in establishing a lighting special assessment district to pay for the cost of the maintenance and operation of the street lights.

k. Greenbelts and Screen Plantings.

Greenbelts or landscaped screen plantings shall be provided between a plat and adjacent streets. Landscaped plantings shall also be provided to screen all above ground power transformers, telephone terminals, lift stations, and all other public utility type structures.

l. Traffic Control Signs.

Traffic control signs and/or warning devices shall be installed as may be determined necessary by the County Road Commission. These signs and warning devices shall be installed by the Road Commission at the developer's expense.

m. Street Trees.

Street trees shall be provided at a minimum as follows:

- (1) The planting stock, size and species of all street trees shall be in accordance with County Road Commission Tree Planting Guidelines.

- (2) All street trees shall be located on each side of the street in accordance with Ottawa County Road Commission standards. However, street trees shall not be located over utilities to avoid conflict with utilities. Street trees shall be planted to result in a clear space of not less than five (5) feet at maturity for the area in front of and completely around all fire hydrants, manholes, service boxes, and valve boxes. The clear space shall be free of all obstructions such as parked cars, utilities, service vehicles, construction work, snow and similar items.
- (3) On lots containing right-of-way frontage of less than 100 feet in width, a minimum of one (1) tree shall be planted along each side of the street. On lots containing right-of-way frontage of 100 feet or greater in width, not less than (1) tree for every fifty (50) feet of frontage along each side of the street. Trees shall be a minimum of one (1) tree per interior lot and at least two (2) trees shall be provided for a corner lot.
- (4) A modification of the number of trees required pursuant to subsection (3) above may be granted to the Township Board, upon the recommendation of the Planning Commission. During its review, the Planning Commission shall consider the following criteria to modify required street trees:
 - a) Topography
 - b) Existing trees
 - c) The effect the trees would have on the proposed lot layout
 - d) Whether modification would result in an increase in light pollution, noise pollution or otherwise cause unnecessary adverse effects on adjoining land uses

Section 4. Severability. This Ordinance and its various parts are hereby declared to be severable. If any portion of this Ordinance is declared to be invalid such declaration shall not affect the validity of the remainder of this Ordinance.

Section 5. Effective Date. This Ordinance was approved and adopted by the Township Board of the Charter Township of Allendale, Ottawa County, Michigan, on October 12, 2020 after introduction and a first reading on September 28, 2020 and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on December 1, 2020, which date is at least 30 days after publication of the Ordinance.

Adam Elenbaas, Township Supervisor

Laurie Richards, Township Clerk

CERTIFICATE

I, Laurie Richards, the Clerk for the Charter Township of Allendale, Ottawa County, Michigan, certify that the foregoing Ordinance was adopted at a regular meeting of the Township Board held on October 12, 2020. The following members of the Township Board were present at that meeting: Elenbaas, Richards, VanderVeen, Hoekstra, Kraker, Zeinstra. The following members of the Township Board were absent: VanderWall. The Ordinance was adopted by the Township Board with members of the Board Elenbaas, Richards, VanderVeen, Hoekstra, Kraker, Zeinstra voting in favor and members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Rapids Press* on October 18, 2020.

Laurie Richards, Clerk
Allendale Charter Township