

**VILLAGE OF MATAWAN**  
**SUBDIVISION CONTROL ORDINANCE**  
**ORDINANCE NO. 142**

An Ordinance to regulate the subdivision of land in the Village of Mattawan, Van Buren County, Michigan; to require and regulate the preparation and presentation of Preliminary and Final Plats, to establish minimum standards which must be met or guaranteed by the subdivider, to set forth a procedure to be followed by the Village in applying regulations and standards, and to prescribe penalties for the violation of the provisions of this Ordinance.

**THE VILLAGE OF MATTAWAN ORDAINS:**

ARTICLE I GENERAL PROVISIONS, DEFINITIONS, FEES AND PENALTY

A. Title

This Ordinance shall be known and may be cited as the "Village of Mattawan Subdivision Control Ordinance" or just the "Subdivision Control Ordinance".

B. Purpose

The purpose of this Ordinance is to regulate and control the subdivision of land within the Village of Mattawan in order to promote the public safety, health and general welfare.

C. Compliance

After the effective date of this Ordinance, no person shall subdivide or re-subdivide land within the corporate limits of the Village of Mattawan, nor commence construction of any building or improvement of such land, prior to the final approval of the Preliminary Plat by the Council, and approval of final construction plans. Nothing in this ordinance shall be deemed to prevent the Village from instituting appropriate actions at law or equity to restrain, correct or abate threatened or continued violations of these regulations.

D. Interpretation; Conflicts of Law

This Subdivision Control Ordinance shall be held to be the minimum requirements adopted for the promotion and preservation of the public health, safety and general welfare of the Village. This Subdivision Control Ordinance is not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the Village or conflict with any statute of the State or the County, except that the Subdivision Control Ordinance shall prevail in cases where this Subdivision Control Ordinance imposes a greater restriction than is provided by existing statutes, laws or regulations.

E. Severability

If any section, paragraph, clause, phrase or other part of this Ordinance is for any reason held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Subdivision Control Ordinance and the application of those provisions to any person or circumstance shall not be affected thereby.

F. Variances

Where the Village Council finds that extraordinary hardships may result from strict compliance with this Ordinance, it may permit a variance from the regulations so that substantial justice may be done if the public health, safety or general welfare will not be impaired; provided that such variation will not have the effect of nullifying the intent and purpose of the Subdivision Control Act of 1967, any officially adopted municipal plan, this Ordinance or any other

municipal Ordinance.

G. Definitions

For the purposes of this Ordinance, the following definitions shall apply:

1. "Village" shall mean the Village of Mattawan.
2. "Village Clerk" or "Clerk" shall mean the Village Clerk of the Village of Mattawan.
3. "Village Council" or "Council" shall mean the Village Council of the Village of Mattawan.
4. "Village Engineer" shall mean any firm, person or persons designated by the Village Council to perform on the behalf of the Village any review of subdivision plans or the preparation of any plans and specifications for or to oversee the construction of any improvements or designs provided for in this Ordinance.
5. "Planning Commission" shall mean the Planning Commission of the Village of Mattawan.
6. "Proprietor" shall mean a natural person, firm, association, partnership, corporation or combination of any of them which may hold any ownership interest in land whether recorded or not.
7. "Subdivision Control Act" shall mean the Subdivision Control Act of Michigan, being Public Act 288 of 1967, as amended, being MSA 26.430 (101) et. seq.
8. "Zoning Ordinance" shall mean the Zoning Ordinance of the Village of Mattawan.
9. For other definitions, the definitions of the Subdivision Control Act shall apply.

H. Fees, Assessments and Other Charges

Preliminary and Final Plat review fees, engineering fees, attorney fees, water assessments and connection fees, and other Village fees and costs shall be paid to the Village as follows:

1. Fees for Preliminary and Final Plat review, construction plan review, construction review, municipal review and administration, and attorney review shall be in accordance with the schedule of fees adopted by the Village Council.
2. Water connection charges for connection to the Village water system shall be as established by the Village Council.
3. All assessments as may be required or have been established under provisions in other ordinances or the Charter of the Village of Mattawan, including special assessments, and deferred assessments, for existing public improvements which lie within or serve lots within a proposed subdivision, shall be fully paid prior to Final Plat approval.
4. Any other Village cost plus twenty five percent, if not included in a schedule adopted by Council or by ordinance.

I. Penalty

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a civil infraction. Each day said requirements are found to be in violation shall constitute a separate infraction. Upon being found responsible by a court of competent jurisdiction, a penalty may be assessed by said court of up to \$500.00 for each infraction. Nothing herein contained shall prevent the Village Council, any public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance or the

subdivision control act.

## ARTICLE 2 PLATTING PROCEDURE

### A. Submission of Preliminary Plat for Tentative Approval

The procedure for submittal and tentative approval of the Preliminary Plat is as follows:

1. The proprietor shall submit twelve (12) copies of the proposed Preliminary Plat to the Village Clerk together with payment of Preliminary Plat review fees. The date of filing shall be that date when all data is received and review fees paid.
2. The proprietor shall submit twelve (12) copies of any proposed covenants and deed restrictions, or a statement in writing that none is proposed. If common areas are to be reserved for use of the residents of the subdivision, ten (10) copies of an agreement showing how the area will be maintained shall also be submitted.
3. The proprietor shall submit a statement indicating the proposed use of the subdivision, along with a description of any type of residential buildings and number of dwelling units contemplated or the type of business or industry to allow consideration of the effect of the development on traffic, fire hazards, congestion of population, and demands on municipal services.
4. Identification and Descriptions. The Preliminary Plat shall include:
  - a. The proposed name of the subdivision;
  - b. The location by section, town and range or by other legal description;
  - c. The names, addresses and telephone numbers of the proprietor, the owner proprietor and the engineer or the surveyor or who designed the subdivision layout;
  - d. The seal of the surveyor;
  - e. All contiguous holdings of the proprietor with an indication of the portion of which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holding so land were acquired, together with the liber and page of each conveyance to the present owner as recorded in the County Register of Deeds office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date contract of sale was executed, and, if any corporations are involved, a complete list of all directors and officers of each corporation;
  - f. The scale of the plat, for which the minimum acceptable scale is one inch to equal one hundred feet;
  - g. The date;
  - h. The north point.
5. Existing conditions. The Preliminary Plat shall include:
  - a. An overall area map showing the relationship of the subdivision to surrounding areas within one-half mile. Information on the area map shall include such things as section lines and/or major streets or collector streets. The minimum acceptable scale for such map is one inch to equal eight hundred feet;

- b. The boundary line of the proposed subdivision, section or corporation lines within or adjacent to the tract and the overall property dimensions;
  - c. Identification of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for subdivision, including those of areas across abutting roads;
  - d. The location, widths and names of existing or prior platted streets and private streets, and public and private easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads;
  - e. The location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision;
  - f. The topography drawn as contours with an interval of not more than two feet. Elevations shall be based on United States Geological Survey data;
  - g. For a subdivision that is lying within a flood hazard area as identified by the Michigan Department of Natural Resources, the Van Buren County Drain Commissioner, or the Federal Emergency Management Agency, base flood elevation data shall be provided. Base flood elevation shall indicate the anticipated high water level during a flood having one-percent (1%) chance of being equaled or exceeded in any given year;
  - h. Significant natural and man-made features which could influence the layout and design of the subdivision.
6. Proposed conditions. The Preliminary Plat shall include:
- a. The layout of streets indicating proposed street names, right-of-way widths and connections with adjoining platted streets, cross-sections of all streets, and the widths and location of all alleys, easements and public walkways. Street names shall be indicated as approved by the Village Engineer and the Village Council.
  - b. The layout, numbers and dimensions of lots, including building setback lines showing dimensions;
  - c. An 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;
  - d. An indication of the ownership and the existing and proposed use of any parcel identified as "excepted" on the Preliminary Plat. If the proprietor has an interest in 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;
  - e. An indication of the system proposed for sewage by a method meeting the requirements of Council, the County Health Department, and the Michigan Department of Natural Resources;
  - f. An indication of the system proposed for water supply by a method meeting the requirements of Council and the Michigan Department of Health;
  - g. An indication of the storm drainage system showing all storm lines, catch basins, curb and gutter and the method to dispose of said storm drainage. All storm drainage plans shall be reviewed by the Village Engineer who shall recommend approval, denial, or changes before said plat shall be approved by the Village Council;

- h. In a case where a proprietor wishes to subdivide a given area but wishes to begin with only a portion of the total area, the Preliminary Plat shall include the proposed general layout for the entire area. The part, which is proposed to be subdivided first, shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development, which the proprietor intends to follow;
  - i. An indication of the placement of sidewalks showing their location in relation to all roadways, easements, public utilities, driveways and structures. All sidewalks shall be constructed five feet in width, four inches thick except at the intersection of a driveway where they shall be six inches thick with reinforcement. All sidewalk plans shall be reviewed by the Village Engineer who shall recommend approval, denial, or changes before said plat shall be approved by the Village Council;
  - j. Landscaping shall be done in conformance with Ordinance number 136. All landscaping plans shall be approved by the Village Council before said plat shall be approved.
- 7. The proprietor shall provide a letter or document from the school board or school superintendent indicating awareness of the proposed subdivision.
  - 8. Any anticipated variance from the provisions of this Subdivision Control Ordinance must be requested in writing upon the submission of the Preliminary Plat.
  - 9. Review by Planning Commission
    - a. The Village Clerk shall place the Preliminary Plat on the agenda of the Village Planning Commission. Notice shall be sent to the proprietor by registered mail of the time and place of such meeting not less than 5 days before the date fixed therefor. Regular mail notice shall be mailed to the owners of land immediately adjoining the platted land and within 300 feet, according to the names, which appear on the records of the Village Assessor, of the time and place not less than 5 days before the date.
    - b. The Planning Commission shall review the Preliminary Plat and other documents submitted with it, receive and consider any comments from any involved Village official and comments received at the meeting. All persons attending the meeting shall be afforded an opportunity to address the Planning Commission concerning the proposed plat under such rules as the Commission may establish for the reasonable conduct of its business. If the Preliminary Plat meets all conditions required to be met, the Planning Commission shall recommend to the Village Council tentative approval of the Preliminary Plat.
    - c. If the Preliminary Plat does not meet all the conditions required to be met, the Planning Commission shall notify the proprietor of this fact by letter, giving its reasons for disapproval. The Village Council shall receive a report of the findings by the Planning Commission and its recommendation for disapproval.
    - d. The Planning Commission shall file its report with the Village Clerk not more than 60 days after the filing date of the Preliminary Plat. The 60-day period may be extended for a stated period if the proprietor consents in writing. If no action is taken by the Planning Commission within 60 days, or within the period of time consented to, the Preliminary Plat shall be deemed to have been recommended for approval to the Village Council by the Planning Commission. Upon receiving the report of the Planning Commission, or upon the passage of the time limitations provided for herein, whichever shall first occur, the Village Clerk shall place the Preliminary Plat upon the Council's agenda for tentative approval.

10. Review by Village Council.

- a. The Village Council shall review said Preliminary Plat and within 90 days of its filing date shall tentatively approve or disapprove said Plat. The Village Council shall record its approval on the Plat and return one copy to the proprietor or set forth in writing its reasons for rejection and requirements for tentative approval.
- b. Tentative approval by the Village Council shall confer upon the proprietor, for a period of one year, approval of lot sizes, lot orientation and street layout, storm and sidewalk layout. Such time may be extended if applied for by the proprietor and consented to in writing by the Village Council.

B. Submission of Preliminary Plat for Final Approval

The procedure for submittal and final approval of the Preliminary Plat and final approval of the detailed plans for all improvements within the proposed subdivision is as follows:

1. Filing

- a. Twelve (12) copies of the Preliminary Plat of the proposed subdivision together with an eight and one-half (8-1/2) inch by eleven (11) inch reduced reproduction of the Preliminary Plat, payment of review fees and a written application, shall be submitted to the Village Clerk at least ten working days prior to the regular Village Council meeting, which meeting shall be considered as the date of filing.
- b. The Preliminary Plat submitted for final approval shall conform substantially to the Preliminary Plat as tentatively approved, and it may constitute only that portion of the approved Preliminary Plat, which the proprietor proposes to record and develop at the time. However, such portion shall conform to this Subdivision Control Ordinance.
- c. The proprietor shall also submit twelve (12) sets of detailed working drawings and calculations showing plans for grading, drainage structures, as well as curbs and gutters, all proposed utilities (including street lighting plans), road construction plans (including traffic control devices) for roads within and adjoining the plat, sidewalks and soil erosion and sedimentation measures.
- d. Utility plans shall be prepared and sealed by a Michigan licensed professional engineer.
- e. The proprietor shall provide proof of approval of plats from each of the necessary authorities required for approval in Section 112 through 119 of the Subdivision Control Act.

2. Contents of detailed working drawings/plans.

- a. Plans submitted shall be on 24" x 36" white prints having blue or black lines.
- b. For projects or subdivisions having more than one sheet of plans, a general plan having a scale one (1) inch to equal one hundred (100) feet shall be provided showing the overall project or subdivision and indicating the location of all improvements shown in the detailed plans. Street names, street and easement width, sidewalk width, storm lines and drainage structures, including curbs and gutters, lot lines, lot dimensions and lot numbers shall be shown on all plans. Superimposed on this general plan shall be two (2) foot contours of the area and the area outside the boundaries of the proposed subdivision to the extent necessary to demonstrate that the drainage patterns of adjacent properties will not be adversely affected. Detailed plan sheets showing all improvements should be prepared at one (1) inch to equal forty (40) feet.

- c. All sewers shall be shown in the plan and profile. Profiles of sewers shall indicate the size, class of pipe, invert and slope of the sewer and shall indicate the existing ground along the route of the sewer and the proposed easement grade, or existing or proposed top or curb or centerline of pavement grades. The location of compacted granular backfill required shall be indicated on the profile together with other intersecting, existing or proposed utilities.
  - d. Elevations shall be based on United States Geological Survey data. There shall be at least two (2) benchmarks established within the site, and at least two benchmarks shall be shown on each plan sheet.
  - e. Finished grades of utility structures shall be indicated on the plan or profiled for all utilities.
3. When construction drawings are submitted to the Village for approval they shall include all proposed construction within the development. All required improvements shall be shown to the boundaries of the subdivision. A complete plan shall include sidewalks, water mains, storm sewers, curbs and gutters, storm detention/retention areas, street light locations, sign location, street layouts with cross-sections, paving, and utility locations. A single plan submittal cannot be approved without all other utilities shown.
4. When the complete set of plans is approved, three sets of plans shall be provided the Village of Mattawan before construction may begin.
5. Review
- a. The detailed working drawings and calculations shall be reviewed by the Village Engineer and Department of Public Works for compliance with the Subdivision Control Act, the Village of Mattawan construction standards and other applicable codes and ordinances and this Subdivision Control Ordinance.
  - b. The Preliminary Plat shall be reviewed for compliance with the approved tentative Preliminary Plat, the Master Land Use Plan, Zoning Ordinance and this Subdivision Control Ordinance.
6. Final Approval
- a. Council shall take action on the Preliminary Plat upon receipt of the review recommendations outlined herein, within twenty (20) days of the filing date.
  - b. If the Preliminary Plat conforms substantially to the plat tentatively approved by Council, meets all conditions laid down for final approval and has been approved by the necessary agencies in Sections 112 through 119 of the Subdivision Control Act, Council shall approve the Preliminary Plat.
  - c. The Village Clerk shall promptly notify the proprietor of approval or rejection of the Preliminary Plat in writing. If rejected, reasons therefore shall be given.
  - d. Final approval of the Preliminary Plat shall be effective for a period of two (2) years from the date of approval. The two-year period may be extended if applied for by the proprietor and granted by Council in writing.
  - e. No installation or construction of any improvement shall be made before the Preliminary Plat has received final approval of Council and the engineering plans have been certified to conform to Village construction standards and approved by the Village Engineer. The proprietor shall be responsible for obtaining all necessary construction permits from the involved regulatory agencies prior to the start of construction.

C. Final Plat Approval

The procedure for submittal and final approval of the Final Plat is as follows:

1. Filing

- a. One (1) mylar copy and three (3) paper prints of the Final Plat and an eight and one-half (8-1/2) by eleven (11) inch reduced reproduction of the Final Plat shall be filed by the proprietor with the Village Clerk. The proprietor shall deposit such sums of money as Council may require under this Ordinance or by other ordinances. The Clerk shall transmit the mylar copy and two (2) paper prints to the Village Engineer.
- b. Two (2) paper prints and one (1) mylar copy of "as built plans" for utilities and other improvements shall be filed by the proprietor with the Village Clerk.
- c. The Final Plat shall comply with provisions of the Subdivision Control Act.
- d. The proprietor shall submit, as evidence of title, a policy of title insurance for examination in order to ascertain whether or not the proper parties have signed the plat.
- e. The proprietor shall provide a copy of the receipt(s) from the Village Treasurer indicating that all connection charges, assessments, engineering fees and any other Village costs as required by this and other ordinances have been paid. The Final Plat shall not be signed by the Village Treasurer prior to such payment.
- f. With the specific consent of Council, Final Plat approval may be authorized prior to the completion of all the improvements required by these regulations. In lieu of completion, Council may require the proprietor to deposit with the Clerk a true copy of an acceptable agreement showing the proprietor has deposited with a bank or other agent acceptable to the Village sufficient funds to guarantee payment for faithful completion of all improvements as required by these regulations and in the same manner as provided elsewhere herein.
- g. Council shall review all recommendations and take action on the Final Plat within twenty (20) days of its date of filing. The date of filing shall be that date on which all required information has been provided.

2. Review

- a. The Final Plat shall be reviewed by the Village Engineer as to the compliance with the approved Preliminary Plat and approved plans for utilities and other improvements.
- b. 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 proprietor proposed to record and develop at the time. However, such portion shall conform to this Ordinance.
- c. The Village Clerk shall prepare a report including recommendations from the Village Engineer for either approval or rejection of the Final Plat.

3. Approval

- a. Upon the approval of the Final Plat by Council, subsequent approvals shall follow the procedure set forth in the Subdivision Control Act.



- b. When all necessary improvements have been approved and accepted by Council, or in lieu thereof-specific consent authorized by Council, a certified approved copy of the Final Plat shall be transmitted by the Clerk to the Clerk of the County Plat Board.

ARTICLE 3 DESIGN STANDARDS

The improvement standards set forth in this article are to be considered the minimum acceptable standards. All those improvements for which construction and design standards are not specifically set forth shall be subject to review by the Village Engineer and the approval of the Village Council. All improvements are subject to the approval of Council. All subdivision's plans must be reviewed and approved by the Village Council.

A. Streets

- 1. All streets and appurtenances thereto shall be constructed in accordance with this article, The Village of Mattawan standards and as otherwise approved by Council.
- 2. The minimum width of pavement exclusive of curb and gutter shall be as follows:

<u>Street Type</u>	<u>Pavement Width Standards</u>
Major Street	44 feet
Industrial Service	32 feet
Multi-family	32 feet
Local Residential	26 feet
Industrial Cul-de-sac	63 feet (radius)
Residential Cul-de-sac	38 feet (radius)
Boulevard	As determined by Council

- 3. Grades. Grades shall be not less than one-half percent (0.5%) nor more than six percent (6%).
- 4. Geometrics. Standards for vertical and horizontal street curves and sight distances are as follows:
  - a. Centerline radius shall be not less than four hundred seventy five (475) feet for major street, three hundred (300) feet for interior residential collector streets, and one hundred (100) feet for local streets.
  - b. Vertical curves shall be provided where the grade break exceeds one-half percent (0.5%) for major streets and one percent for local streets.
  - c. The minimum length of vertical sight distance shall be five hundred feet, measured from three and one-half (3.50) feet eye height and height of object at one half (0.5) feet. Minimum horizontal sight distance shall be three hundred (300) feet for major streets and one hundred (100) feet for local streets, except where speed limits or other conditions may dictate greater lengths.
  - d. Tangent length between reverse curves shall be not less than one hundred (100) feet.
  - e. The centerline of pavement shall coincide with the centerline of the right-of-way, except for irregular right-of-way widths.
- 5. Intersections. Streets shall be laid out so as to intersect as nearly as possible to ninety (90) degrees. Curved local streets, when intersecting a major or collector street, shall do so with a centerline tangent length of at least fifty (50) feet, measured from the major street right of way line. Where a local street

intersects a major street, the local street shall be widened as may be required to provide for turning movements. A widening may be required on major streets between approaches if the distance between intersecting local streets is less than two hundred and fifty (250) feet. A widening of the major street will be required on the opposite side if the conditions so indicate.

6. Curb and Gutter. Major, local, and industrial streets shall have concrete curb and gutter. Minimum curb radius shall be thirty-five (35) feet for local intersections, forty-five (45) feet at intersections involving major streets, and a minimum of fifty (50) feet at intersections involving industrial streets.
7. The maximum length for a residential cul-de-sac street shall be five hundred (500) feet. The maximum length for other cul-de-sac streets may exceed five hundred (500) feet subject to review and approval of the Council.
8. Minimum cross section for local residential streets shall be six (6) inches of aggregate base material with bituminous surface of at least two and one-half (2-1/2) inches placed in two lifts. Subgrade shall be adequately drained. A suitable granular sub-base shall be provided. Bituminous materials shall meet the Michigan Department of Transportation requirements for 1100L for leveling courses and 1100T for surface courses. Major and industrial streets will be subject to higher strength requirements, as conditions may dictate, and as approved by Council.
9. Width of street rights-of-way shall conform to the following minimum requirements:

<u>Right-of-Way Width Standards</u>	
<u>Street Type</u>	<u>Right-of-Way Width</u>
Major Street	100 feet
Industrial Service	66 feet
All residential streets	66 feet
Industrial Cul-de-sac	75 feet (radius)
Residential Cul-de-sac	60 feet (radius)
Boulevard	As determined by Council

10. Location and Arrangement:
  - a. Local residential streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
  - b. The proposed subdivision shall conform to the various elements of the Master Land Use Plan and shall be considered in relation to the existing and planned major streets, and such parts shall be platted and the location and width indicated on such plan.
  - c. The street layout shall provide for the continuation of streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided.
  - d. Should any proposed subdivision border on or contain an existing or proposed major street, the Council may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection for residential properties and to afford separation and reduction of traffic hazards.
  - e. Should a proposed subdivision border on or contain a railroad, expressway or other limited access highway right of way, the Council may require the location of streets approximately parallel to and on each side of such right of way at distances suitable for the development of an appropriate use of the intervening land, such as for parks in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future

grade separation.

- f. Half streets are prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of this Subdivision Control Ordinance and where the Council finds that it is practical to require the dedication of the other half when the adjoining property is developed. Wherever there exists, adjacent to the tract to be subdivided, a dedicated or platted and recorded half street, the other half shall be platted.
  - g. Whenever the area to be subdivided is to utilize existing street frontage, such street shall be suitably improved including storm drainage systems, structures, curb and gutters and sidewalks.
  - h. A subdivision or an extension of an existing subdivision shall be platted so as to provide sufficient access streets.
  - i. On-street parking of vehicles will be prohibited on both sides of major street types and on at least one side of all local street types.
11. Street name signs shall be placed at all street intersections. Other signs such as no parking signs, stop or yield signs, speed limit signs, and warning signs will be required in conformance with the Michigan Manual of Uniform Traffic Control Devices. Appropriate pavement markings shall also be provided. All signs and traffic control devices shall be indicated on the street layout plan.

B. Sidewalks

- 1. Sidewalks are required for all new developments.
- 2. Concrete sidewalks shall be not less than five feet in width and not less than four (4) inches in thickness and not less than six (6) inches in thickness, with reinforcement, at driveways. The location for sidewalks shall be in the road right-of-way one foot from the right-of-way line nearest the proposed buildings.

C. Utilities

- 1. Underground wiring. The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable, to be placed underground entirely throughout a subdivided area, except for major thoroughfare rights-of-way. Conduit or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All transformer boxes and similar devices shall be located so as not to be unsightly or hazardous to the public. Overhead lines may be permitted only upon approval of Council at the time of final approval of the Preliminary Plat where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, plat design and character of the subdivision. All such facilities placed in dedicated public ways shall be planned so as to not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installation, which traverse privately, owned property shall be protected by easements granted by the proprietor.
- 2. Water supply. A public water supply system, including water mains, fire hydrants and required water system appurtenances shall be provided by the proprietor. The system shall be constructed to adequately serve all lots shown on the plat for domestic use and fire protection in accordance with the regulations in this chapter and as otherwise approved by Council.
  - a. Water mains shall be at least six (6) inches in diameter. Larger sizes may be required in certain locations to comply with the Village's Master Water Main Plan or to provide adequate flows and pressure at fire flow or other peak demand.
  - b. A one-inch diameter service lead with curb box shall be provided for each lot. The service leads

shall be installed to the property line, with the curb box installed at the right-of-way or as approved by the Department of Public Works and the Village Engineer.

- c. The water main system shall be looped by connecting to at least two (2) outside sources. If only one (1) source is available, adequate provisions shall be made for future looping connections.
  - d. Fire hydrants in residential subdivision shall be located not more than five hundred (500) feet apart and situated such that all portions of buildings are within two hundred and fifty (250) feet of any fire hydrant. The proprietor shall install hydrant signs on ground-installed signposts three (3) feet behind (opposite the street side) all fire hydrants.
  - e. Valves shall be placed at all intersections on all lines and in such a manner that no more than twenty (20) dwelling units may be isolated. Valve spacing shall otherwise be no more than one thousand (1,000) feet between valves.
  - f. Dead end water mains shall not be permitted. When it is required to loop water mains by crossing a proposed lot, easements shall be made allowing the Village access to said water mains.
  - g. No connections to existing water main shall be made until pressure and bacteriological tests of the new main have been successfully completed and approved by the Village.
  - h. A note must be included on the plans stating that all work shall be in accordance with the Village construction standards.
3. Storm drainage. An adequate storm drainage system, including necessary retention/detention facilities, storm sewers, curb and gutter, catch basins, manholes, culverts, bridges and other appurtenances shall be provided for by the proprietor in accordance with the regulations in this chapter and as otherwise approved by the Village Engineer.
- a. The design of the storm drainage system shall include the retention of runoff within the development. Sufficient capacity shall be provided in the storm sewer system for upstream drainage.
  - b. The subdivider shall submit hydrologic and hydraulic calculations, along with soil borings and a topography map, to support the storm drainage plan. A lot grading plan with proposed lot elevations, including each corner lot, the building finish grade and top of four elevations, shall also be submitted. Soil borings shall be submitted to the Village Engineer as follows: One (1) for each one thousand (1000) feet of roadway, but not less than two (2), and one (1) centrally located for each retention basin. The depth of the soil borings shall not be less than five (5) feet below the deepest excavation. Additional borings shall be submitted for review as required by the Village Engineer.
  - c. All facilities for the conveyance for storm runoff shall be designed using a design frequency of at least ten (10) years and the "rational method" of computing runoff. The initial time to the first catch basin or inlet incorporated in the formula for rainfall intensity shall be fifteen (15) minutes. The coefficient of runoff shall be as follows:

Paved Areas	0.9
Single family residential	0.25 - 0.40
Multiple family residential	0.5 - 0.8
Cultivated and woods	0.1
Commercial/Industrial	0.6 - 0.9
  - d. Minimum storm sewer velocity shall be two and one-half (2-1/2) feet per second.

- e. Retention basin volume shall be designed using a design frequency of one hundred (100) years. Size shall allow for an outlet rate no greater than the theoretical undeveloped discharge rate, or for percolation if there is no suitable outlet.
- f. Maximum basin depth should not be greater than the depth to the historic high water table minus two feet; and two feet of freeboard shall be provided.
- g. Storm drainage retention areas can have a negative affect on existing and proposed development. To the extent possible, the retention area must be designed to minimize the impact on adjacent development. Retention areas shall be screened from neighboring development and adjacent thoroughfares with shrubbery and landscaping. Appropriate fencing of all retention areas shall be required.
- h. All storm drainage structures shall be four (4) feet in diameter, or larger as may be necessary. Where appropriate, two (2) foot diameter catch basins may be allowed opposite four (4) foot structures.
- i. All four (4) ft. diameter structures shall be of the dry-well type.
- j. In the event that a county drain is involved, the subdivider shall obtain the written approval of the Van Buren County Drain Commissioner for the detailed design of those improvements under the Commissioners' jurisdiction.
- k. Flood computations shall be provided as may be required by the Michigan Department of Natural Resources.
- l. Storm sewers shall be at least twelve (12) inches in diameter.
- m. Catch basins shall be located as follows:
  - i) At or within five (5) feet of the end of radius.
  - ii) At all low points.
  - iii) No more than one hundred fifty (150) feet of street drainage will be allowed to flow around a corner.
  - iv) A relief basin will be required at the highest end of a radius where drainage is required to cross an intersection longitudinally.
  - v) At intermediate points so that surface drainage flow will not exceed three hundred (300) feet. No more than five hundred (500) feet of street drainage shall drain into one basin (from two directions).
- n. Manholes will be required at all junctions, deflections and grade changes, opposite catch basins for storm sewers forty-two (42) inches or smaller and as otherwise may be required by the Village.
- o. All storm sewers shall be placed within road or street rights-of-way where possible. Easements shall be provided for off site storm drainage systems.
- p. If off site storm sewers are part of the development, work will commence at the outlet and work within the site shall not start until the off site storm system has been installed to within the site.
- q. Adequate soil erosion and sedimentation control measures shall be provided.
- r. A note shall be included on the plans stating that all work shall be in accordance with the Village of Mattawan construction standards.

4. Sidewalk Lighting shall be provided for as follows to maximize safe and harmonious pedestrian and vehicular traffic patterns:
  - a. Decorative sidewalk lighting poles are required at the intersections of all driveways and sidewalks. The decorative sidewalk poles shall provide for lighting to be not less than sixty (60) watts.
  - b. The street layout plan shall indicate proposed lighting pole locations.
  - c. The proprietor shall be responsible for all costs of the installation and maintenance of the sidewalk lights.
  - d. A sidewalk lighting plan shall be provided by the appropriate utility, subject to approval by the Village Council.

D. Blocks

Blocks in subdivisions shall conform to the following standards:

1. Sizes.
  - a. The maximum length for a block is one thousand four hundred (1,400) feet, except where, in the opinion of the Commission, conditions may justify a greater distance.
  - b. Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout. Generally, a block shall be so designed as to provide two (2) tiers of lots.
2. Public Walkways.
  - a. Location of public walkways or crosswalks may be required by the Council to obtain satisfactory pedestrian access to public or private facilities such as, but not limited to, schools and parks.
  - b. Public walkways shall be at least twelve (12) feet wide and shall be in the nature of an easement for this purpose.
3. Easements.
  - a. Location of utility line easements shall be provided along the rear of side lot lines as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than twelve (12) feet wide, six (6) feet from each parcel.
  - b. Recommendations on the proposed layout of telephone and electric company easements shall be sought from all the utility companies serving the area. The proprietor shall submit copies of the approved Preliminary Plat to all appropriate utilities.
  - c. Easements three (3) feet in width shall be provided where needed along side lot lines so as to provide for street light dropouts. Prior to the approval of the Final Plat for a proposed subdivision, a statement shall be obtained from the appropriate utility indicating that easements have been provided along specific lots. A notation shall be made on the Final Plat, indicating the following: "The side lot lines between lots...(indicate lot numbers)...are subject to streetlight dropout rights granted to.. (utility).. company".

E. Lots

Lots in subdivisions shall conform to the following standards:

1. Size and shape.
  - a. The lot size, width, depth and shape in a subdivision proposed for residential use shall be appropriate for the location and the type of development contemplated.
  - b. Lot areas and widths shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision is proposed.
  - c. Building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance for the Zoning District in which it is located.
  - d. Corner lots shall be platted at least twenty (20) feet wider than the minimum width permitted by the Zoning Ordinance in order to permit conformity with setback lines or side-lotted streets.
  - e. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of three-to-one (3 to 1) shall normally be considered the maximum.
2. Arrangement.
  - a. Every lot shall front or abut on a public street.
  - b. Side lot lines shall be as nearly as possible at right angles or radial to the street lines.
  - c. Residential lots abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots, or with side lot lines parallel to these streets. Lots which back or side into such features as freeways, major streets, shopping centers and industrial properties shall incorporate in the lot depth or width for buffering purposes an additional twenty (20) feet.
  - d. Lots shall have a front-to-front relationship across all streets, where possible.
  - e. Where lots border upon bodies of water, the front yard may be designated as the waterfront side of such lot, provided that the lot has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front yard setback on the street side as well as on the waterfront side.

F. Natural Features and Amenities

1. Existing features which would add value to residential development or to the Village as a whole, such as trees, natural groves, water courses, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. The preservation of drainage and natural stream channels must be considered by the proprietor, and provision of adequate barriers, where appropriate, shall be required.
2. The proprietor will provide landscaping as required by Ordinance No. 136 of the Village Code of Ordinances, within the subdivision. All landscape plans will first be approved by the Village Council before the plat is approved. Trees and other shrubbery may be provided by the proprietor within public rights-of-way. A recommendation on any proposed public street-landscaping program by the proprietor shall

be formulated by the Village Manager and Village Engineer for consideration by the Council.

3. Where necessary to provide an adequate buffer from adjacent business or industrial land uses and adjacent major thoroughfares, tree planting, berming and similar natural screening/barrier requirements shall be required as per Ordinance No. 136 of the Village Code of Ordinances

G. Non- Residential Subdivisions

Subdivisions intended to accommodate industrial and commercial development shall conform to at least the following minimum requirements in addition to requirements set forth by Council.

1. General. A nonresidential subdivision shall be subject to all the requirements of these regulations, and shall be specifically designed for such purposes and shall have adequate provision for off-street parking, setbacks and other requirements in accordance with the Zoning Ordinance.
2. Standards. In addition to the principals and standards in this Subdivision Control Ordinance, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate that the street, parcel, and block pattern proposed is suitable for the uses anticipated and takes into account other uses in the vicinity. The following general principles and standards shall be observed:
  - a. Proposed commercial or industrial parcels shall be suitable in area and dimensions to the types of commercial or industrial development anticipated.
  - b. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
  - c. Special requirements may be imposed with respect to street, curb, gutter and sidewalk design and construction.
  - d. Special requirements may be imposed with respect to the installation of public utilities, including water mains and storm water drainage.
  - f. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision for a permanently landscaped buffer strip.
  - g. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

ARTICLE 4 COMPLETION OF IMPROVEMENTS

A. Completion of Improvements

1. Prior to the start of construction, proprietor shall deposit sufficient funds with the Village of Mattawan to cover costs for construction observation, testing, administrative time, and any other costs related to the construction of improvements for a proposed subdivision. Proprietor shall promptly replenish such deposit upon depletion.
2. Before the approval of the Final Plat by Council, the proprietor shall be required to complete all the street, water and other improvements including lot improvements on individual lots of the subdivision as required in this Subdivision Control Ordinance, as specified in the Final Plat and as approved by Council and to dedicate same to the Village of Mattawan free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
3. The proprietor shall build and pay for all costs of temporary improvements required by Council and shall



maintain same for the period specified by Council.

4. All required improvements shall be made by the proprietor at his expense without reimbursement by the Village of Mattawan. All required improvements shall be constructed to the boundaries of the subdivision unless otherwise approved by the Village Engineer.
5. No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) be less than two (2), for the final two (2) lots in the subdivision, until all public improvements required by Council have been fully completed and dedicated to the Village of Mattawan and accepted by Council.

B. Surety for Improvements

1. In lieu of completion of all improvements and with the specific consent of Council, Final Plat approval may be authorized. (See 2.5.a.6). As a condition of approval prior to the undertaking of any improvement, the Council may require the proprietor to deposit with the Village a true copy of an acceptable agreement showing the proprietor has deposited with a bank or other agent acceptable to the Village, cash, certified check, irrevocable bank letter of credit or surety bond, in an amount estimated by the Village Engineer as sufficient to secure to the Village of Mattawan the satisfactory construction, installation and dedication of the required improvements. The amount of deposit shall also secure all lot improvements on the individual lots of the subdivision as required in this Subdivision Control Ordinance. The amount of the deposit shall represent 125% of the estimated construction costs of completion of the required improvements. Such deposit shall comply with all statutory requirements and shall be satisfactory to the Village Attorney as to form, sufficiency and manner of execution as set forth in this ordinance.
2. If the required improvements are not completed within the time period specified by Council, the Village of Mattawan may thereupon declare the guaranty or surety to be in default and require that all the improvements be installed regardless of the extent of building development at the time the guaranty or surety is declared to be in default.
3. Reduction of Surety.
  - a. The Council will not accept dedication of required improvements nor release nor reduce the guaranty or surety until: the proprietor has certified in a manner approved by the Village Attorney, that the improvements shall have been completed and are free and clear of any and all liens and encumbrances; the Village Engineer has certified that the required improvements have been satisfactorily completed; and until the proprietors engineer has certified to the Village Engineer, through submission of detailed, reproducible "as built" plans that the layout and design of the improvements are in accordance with approved construction plans for the subdivision. Upon such approval and recommendation, the Council shall accept the improvements for dedication in accordance with the established procedure.
  - b. The surety shall be reduced upon actual completion of improvements and then only to the ratio that the completed improvement bears to the total improvements for the subdivision. In no event shall the surety be reduced below ten percent (10%) of the principal amount before final acceptance of all improvements by Council.

C. Inspections of Improvements

The Village Engineer shall be responsible for the inspections of the construction of all improvements and shall certify that their construction has been satisfactorily completed. If the Village Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the Final Plat, the Village of Mattawan construction standards or as required by Council, the proprietor shall be responsible for completing the improvements. Wherever the cost of improvements is covered by guaranty or surety, the proprietor and the bank, bond company or other agent shall be severally and jointly liable for completing the improvements according to specifications.

D. Certificates of Occupancy

1. No certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements, dedication of the same to the Village of Mattawan, and acceptance by Council except as provided in 4.4.b.
2. Whenever, by reason of the season of the year, any lot improvement required by the Subdivision Control Ordinance cannot be performed, the building inspector may issue a certificate of occupancy, provided there is no danger to health, safety or general welfare, upon the Village accepting a cash deposit in an amount to be determined by the Village Engineer for the cost of said improvement. The surety covering such lot improvement shall remain in full force and effect.
3. All required improvements for which a deposit has been accepted by the Village of Mattawan at the time of issuance of certificate of occupancy shall be installed by the proprietor within one (1) year. In the event that the improvement has not been properly installed at the end of the time period, the Village Manager shall give two (2) weeks written notice to the proprietor requiring installation of same. In the event that the improvement is not installed, the Village Manager may then request the Council to authorize the Village Engineer to contract out the work for the installation of the necessary improvement at a sum not to exceed the escrow deposit. At the time of issuance of this certificate of occupancy for which a deposit was made with the Village of Mattawan, the proprietor shall obtain and file a notarized statement from the purchaser(s) of the premises authorizing the installation of the improvement at the end of the one (1) year if same has not been duly installed by the proprietor.

ARTICLE 5 REPEAL CLAUSE

Ordinance No. 103 and all other ordinances of the Village of Mattawan inconsistent with the provisions of this ordinance are hereby repealed.

ARTICLE 6 EFFECTIVE DATE

This ordinance shall become effective upon publication date of 3/31/95.