

Chapter 90 SUBDIVISIONS AND OTHER DIVISIONS OF LAND¹

ARTICLE 1. IN GENERAL

Secs. 90-1—90-30. Reserved.

ARTICLE 2. SUBDIVISIONS²

Sec. 90-31. Definitions.

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

Act means the Land Division Act (MCL 560.101 et seq.).

Block means a tract of land bounded by actual or platted streets, waterways or other definite boundaries, or a combination thereof.

City means the City of Kentwood, Kent County, Michigan, and any other City-owned property outside the City limits.

City Engineer means the registered City Engineer of the City of Kentwood, or a duly authorized representative designated by the City Commission.

Cul-de-sac means a street having one terminus open for vehicular or pedestrian access and the other terminated by a vehicular turnaround.

Dead-end street means a street having one terminus open for vehicular and pedestrian access and the other end terminated on a temporary basis without a permanent vehicular turnaround.

Easement means a grant by the property owner for the use of a strip or parcel of land by the public or public utilities, or for any private purpose.

Improvements means any or all street pavements, curbs and gutters, sidewalks, water mains, sanitary sewers and their laterals and services, storm drains and drainage facilities, topsoil between the curb and sidewalks, street trees, grading, street signs and crosswalks, and may also include walkways, streetlights or any other items normally considered as public improvements.

Local street means a street which serves primarily to provide access to abutting properties.

¹Cross reference(s)—Any ordinance dedicating, accepting or vacating any plat saved from repeal, § 1-11Cross reference(s)—(13); natural resources, ch. 30Cross reference(s)—; streets, sidewalks and other public places, ch. 54Cross reference(s)—; utilities, ch. 70Cross reference(s)—; buildings and building regulations, ch. 74Cross reference(s)—; environment, ch. 78Cross reference(s)—; planning and miscellaneous restrictions, ch. 86Cross reference(s)—; zoning, app. A.

²State law reference(s)—Land Division Act, MCL 560.101 et seq.

Lot means a parcel of land, exclusive of any adjoining street or street right-of-way, which parcel is or may be occupied by one building or use and any accessory building. Such term shall mean a plot or parcel. A lot is separated from other parcels by a legal description, subdivision of record, survey map or master deed recorded with the register of deeds. Such term may also include a condominium unit itself, if such condominium unit meets the minimum yard and area requirements required by this article, or a condominium unit and any limited common element under and surrounding such condominium unit, which, together, meet the minimum yard and area requirements required by this article.

Major thoroughfare plan means the current adopted element of the City master plan detailing requirements and specifications for streets within the City.

Master plan means the master plan of the City as currently adopted by the Planning Commission.

Pedestrian way means a walkway to provide pedestrian access to schools, playgrounds or other community facilities.

Planning commission means the City Planning Commission created under Public Act No. 285 of 1931 (MCL 125.31 et seq.). The term "community development department" means the community development department of the City.

Proprietor means the applicant or owner of the land being subdivided or platted, or the sponsor of any plat, or their agents and representatives appointed or selected to act legally on their behalf.

Public street means a public thoroughfare which affords traffic circulation and principal means of access to abutting property (e.g., avenue, place, way, drive, lane, boulevard, highway, road and other thoroughfare), except an alley.

Public utility means all persons, firms, corporations, copartnerships, municipal or other public authorities providing gas, electric, water, steam, sewer, telecommunications, cable television or other services of a similar nature.

Residential street means a street providing exclusive access to residential properties. Any street serving other than residential properties shall not be considered as a residential street.

Street means a platted or actual right-of-way, dedicated to public use, or a private right-of-way serving more than one ownership.

Subdivision, plat and *subdivide* have the meanings assigned to such terms in the act.

Substandard right-of-way means any right-of-way which has a width of less than the standard width established in the major thoroughfare plan.

Zoning administrator means the individual appointed by the City Commission to administer the zoning ordinance (appendix A of this Code) or other ordinances and to accomplish other duties as required by the City Commission.

(Comp. Ords. 1987, § 17.004; Ord. No. 12-02, § 4, 5-7-2002)

Cross reference(s)—Definitions generally, § 1-2Cross reference(s)—.

State law reference(s)—State definitions, MCL 560.102.

Sec. 90-32. Purpose.

The purpose of this article is to:

- (1) Provide for the proper arrangement and construction of streets;
- (2) Ensure proper relationship of streets to existing or planned streets;

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- (3) Ensure compliance with the current City master plan;
 - (4) Ensure adequate access for firefighting apparatus;
 - (5) Provide appropriate recreation areas;
 - (6) Reference specifications for the installation of underground utilities, drainage facilities and all other public infrastructure devices; and
 - (7) Generally promote the health, safety and welfare of the people of the City, both present and future.

(Comp. Ords. 1987, § 17.001; Ord. No. 12-02, § 1, 5-7-2002)

Sec. 90-33. Compliance.

Compliance with the regulations of this article shall be prerequisite to the approval of any subdivision, except insofar as they may conflict with any applicable state statute.

(Comp. Ords. 1987, § 17.010; Ord. No. 12-02, § 10, 5-7-2002)

Sec. 90-34. Preliminary plat application and review procedures.

- (a) The proprietor of a proposed preliminary plat or his designated representative shall submit 15 copies of the proposed plat and an 8½-inch by 11-inch reduction of the preliminary plat to the community development department, which shall distribute copies to the Planning Commission and City staff, as appropriate, and such copies shall contain the following information, at a minimum:
 - (1) Date, north arrow and scale. The scale shall not be more than one inch equals 100 feet, although plat plans at larger scales are encouraged. Smaller scale plans may be accepted with prior permission of the community development department and the City Engineer.
 - (2) Name and firm address of the professional individual responsible for the preparation of the plat plan.
 - (3) Names and addresses of the property owner of record and the proposed plat proprietor.
 - (4) Locational sketch, drawn to scale.
 - (5) Legal and common description of the subject property.
 - (6) Size, in acres, of the property to be subdivided.
 - (7) All lots and/or property lines, with approximate bearings and dimensions.
 - (8) Site topography in contours at not more than five-foot intervals.
 - (9) Location, pavement width and right-of-way width of all proposed and existing streets or easements in or abutting the plat. Land must be reserved and shown on the plat for any streets proposed in the major thoroughfare plan of the City master plan that would go through or abut any part of the plat.
 - (10) Size and location of existing and proposed utilities, including connections to public sewer and water supply systems.
 - (11) Location and estimated size of all subsurface and surface water drainage facilities, existing and proposed, and any floodplain areas, wetlands or bodies of water on the site.
 - (12) When only a portion of a tract is proposed to be subdivided, a general layout of the remainder of the area shall be shown.
 - (13) Name of the proposed plat.

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- (14) Seal of the surveyor.
- (b) Upon receipt of the preliminary plat plans, the Community Development Department shall place the application on the agenda in accordance with the procedures adopted by the Planning Commission. The Community Development Department shall forward to the Planning Commission the comments of the Fire Department, Engineering Department, Community Development Department and any other department wishing to comment on the proposed plat. Such comments will be considered by the Planning Commission and included, as appropriate, in their recommendation to the City Commission. Any department shall be permitted to forward their comments to the City Commission should they not be included in the Planning Commission's recommendation.
- (c) Within 90 days from the date of a complete submission of the preliminary plat to the City, the Planning Commission must make a recommendation to the City Commission as to the approval, with or without conditions, or disapproval of the plat. The new plat will be deemed complete when the Planning Commission sets the date for the public hearing. If the recommendation is for disapproval, a list of items necessary to render the plat acceptable shall be submitted in writing to the proprietor and the City Commission.
- (d) The City Commission shall, within 110 days from the date of a complete submission of the preliminary plat to the City, act upon the recommendation of the Planning Commission. The City Commission shall either tentatively approve, with or without conditions, or reject the plat. The reasons for rejection shall be set forth in writing, along with the actions needed to obtain approval.
- (e) The time limits noted in subsections (c) and (d) of this section may be waived if agreed to by the proprietor and Planning and/or City Commission.
- (f) Tentative approval of the preliminary plat shall, for a period of one year, confer upon the proprietor approval of lot sizes, lot orientations, street layouts and application of the then current subdivision regulations. Three individual one-year extensions may be granted by the City Commission if applied for in writing prior to the date of expiration of the plat. Once all extensions have been granted, the plat shall expire if substantial construction has not commenced. Notices of extensions and expirations shall be sent to the proprietor and other approving authorities.
- (g) After tentative approval by the City Commission, the proprietor shall submit copies of the preliminary plat to each officer or agency entitled to receive those copies under Sections 113 to 118 of Public Act of 1967 as amended.
- (h) After the preliminary plat is approved or is approved subject to conditions pursuant to Sections 113 to 119 of Public Act 288 of 1967, as amended the proprietor shall:
- (1) Submit to the City Clerk a list of all authorities required by Sections 113 to 119 of Public Act 288 of 1967 as amended, to review the preliminary plat.
 - (2) Submit all written approvals to the City Clerk.
- (i) The City Commission shall consider and review the preliminary plat at its next meeting or within 20 days from the date of submission of ten approved copies of the preliminary plat. The City Commission shall grant final approval of the preliminary plat if the proprietor has met all conditions set down by the City for approval of the preliminary plat.
- (j) Final approval of the preliminary plat shall, for a period of two years, confer upon the proprietor approval of lot sizes, lot orientations and street layouts. Three individual one-year extensions may be granted by the City Commission if applied for in writing prior to the date of expiration of the plat. Once all extensions have been granted, the plat shall expire if substantial construction has not commenced. Notices of extensions and expirations shall be sent to the proprietor and other approving authorities.

(Comp. Ords. 1987, § 17.005; Ord. No. 12-02, § 5, 5-7-2002; Ord. No. 10-08, § 4, 8-29-2008)

State law reference(s)—Preliminary plats, MCL 560.105 et seq., 560.111 et seq.

Sec. 90-35. Final plat application and review procedures.

- (a) A final plat must be approved by the City Commission prior to the issuance of any building permit for any structure within the plat, unless there are structures already occupied prior to the approval of the preliminary plat. Prior to issuance of a building permit for any building in the plat, the following items must be fulfilled, unless waived by the appropriate City department:
 - (1) Improvement plan approval.
 - (2) Block grading, floodway and soil erosion plan approval.
 - (3) Basement elevation and building opening restriction approval.
 - (4) Construction of hydrant water, adequate fire access, stormwater detention, floodways and soil erosion controls.
 - (5) Security for noncompleted construction.
 - (6) Approval of the final plat.

The City Commission may consider the issuance of building permits prior to the approval of the final plat in exceptional or unusual circumstances. If so, financial, engineering and liability assurances, including an indemnification agreement, shall be provided by the proprietor in a form satisfactory to the City. Recommendations to the City Commission on the permit issuance shall be made by the City community development, engineering, and fire and police departments. The City Commission shall adopt a policy and fees and charges to implement this section.

- (b) To receive approval for a final plat, the proprietor shall submit ten copies of the plat to the City Engineer, who shall place the final plat on the agenda of the City Commission as required in subsection (c) of this section. Such plat is to contain the information required by the act. Copies of the final plat shall be distributed to the appropriate City departments for their review and comment to the City Commission.
- (c) At its next regular meeting or a meeting called within 20 days of the date of submission, the City Commission shall examine the final plat for general compliance with the preliminary plat and the act. The proprietor may request an extension of the 20-day time limit, which the City Commission may grant at their discretion.

(Comp. Ords. 1987, § 17.006; Ord. No. 12-02, § 6, 5-7-2002)

State law reference(s)—Final plats, MCL 560.106, 560.131 et seq.

Sec. 90-36. Design standards.

- (a) *Lots.* All platted lots shall comply with the applicable provisions of the City zoning ordinance (see appendix A to this Code).
- (b) *Streets.*
 - (1) *Generally.*
 - a. Subdivision streets shall be classified according to the street use classification of the current major thoroughfare plan of the City master plan, except as modified in this section for residential streets, and shall generally conform to the plan.
 - b. All streets within a subdivision developed according to the regulations set forth in this section shall be dedicated public streets.

- c. Provisions shall be made for the continuation of principal existing streets in adjoining or adjacent subdivisions, unless deemed unnecessary by the City Commission, upon recommendation by the Planning Commission. The Planning Commission shall consider emergency equipment access and utility continuity in its determination of street continuations, as well as efficient and safe movement of traffic and concern for the traffic through the residential area.
- d. Every subdivision shall have access to a dedicated street right-of-way.
- e. Streets shall intersect one another at right angles or as nearly at right angles as conditions permit. Intersections with offsets of less than 125 feet should be avoided, where possible.
- f. Nonresidential local streets shall have a minimum right-of-way width of 60 feet. Nonresidential streets, other than local streets, shall conform to the requirements of the current major thoroughfare plan. The proprietor shall only be required to dedicate, at his expense, not more than 120 feet of right-of-way width, unless the connecting street is of a greater width, in which case, he shall dedicate a right-of-way equal to the connecting street.
- g. Grade Limits are as follows:

	Concrete Surfaces	Others	Local Street	Other Street
Minimum	0.4%	0.5%	—	—
Maximum	—	—	7%	6%

The City Commission may approve grades in excess of the maximum, where deemed necessary.

- h. Wherever a dedicated or platted substandard street right-of-way exists adjacent to the tract to be subdivided, additional width shall be platted to bring the street right-of-way to the standard required by the major thoroughfare plan. The proprietor shall be required to dedicate, at his expense, not more than 50 feet to meet the standard required.
 - i. Streets must be named in a manner to avoid confusion in identification. Streets that are not continuous, or which have 90-degree turns, shall have different names. All street segments shall be designated by the City.
 - j. Subdivisions which abut or contain an existing or proposed minor arterial, major arterial or freeway, as defined on the major thoroughfare plan, shall not permit direct access to such streets for individual lots.
 - k. Dead-end streets shall be permitted when planned to continue or connect to an existing or proposed street, except that such streets shall be subject to a maximum block length of 1,320 feet. The term "proposed street" means a street that has been approved as part of a preliminary plat or precise plat.
 - l. Specifications for public streets, including, but not limited to, road curvature, etc., shall be in accordance with the design specifications of the county road commission or the City as amended from time to time, unless provided otherwise in this section.
- (2) *Cul-de-sac.*
- a. The maximum length of a cul-de-sac street shall be 1,320 feet, if a public hydrant is available within 500 feet of any proposed building site. The maximum length shall be 500 feet in the absence of a public hydrant.
 - b. At or near the entrance to the circular terminal area, an unobstructed (no driveway, mailbox or other obstruction) space of at least 30 feet along the curblin of the street shall be provided for the purposes of snow storage. At least one such space shall be provided on each side of any circular terminal area.

- c. Circular terminal area for nonresidential permanent cul-de-sac streets shall have a right-of-way diameter of 150 feet, with a pavement diameter of 100 feet.
- d. Circular terminal areas for residential permanent culs-de-sac (without center islands) shall have a right-of-way diameter of 100 feet, and a pavement diameter of 70 feet minimum.
- e. Hammerhead design will not be allowed; however, alternate designs, such as landscape center islands for cul-de-sac streets, may be considered by the City Commission, upon recommendation of the Fire Marshal, zoning administrator, traffic safety specialist and City Engineer to ensure that a sufficient turnaround area is provided.

(3) *Classifications.* For residential streets the following standards apply:

Pavement Width (feet)	Right-of-Way Width (feet)	Required Sidewalks	On-Street Parking
30	60	2 sides	2 sides

- a. Pavement width includes two feet of concrete curb and gutter on each side of the street.
- b. Wherever practical, hydrants should be placed on the north and/or west sides of streets.

(Comp. Ords. 1987, § 17.007; Ord. No. 12-02, § 7, 5-7-2002; Ord. No. 10-08, § 5, 8-29-2008)

Sec. 90-37. Improvements.

It shall be the responsibility of the proprietor of any subdivision to provide for the installation and construction of required improvements, except as otherwise noted in this section. Unless otherwise provided in this article, all improvements shall be subject to design standards and specifications as adopted by the City Commission and/or other appropriate reviewing agencies having jurisdiction.

- (1) *Streets.* Improvements to streets beyond those required for a 60-foot right-of-way street shall be borne by the City at-large, along residential frontage.
- (2) *Sanitary sewers and public water.* Public sanitary sewers and water shall be required in all new plats. If a public sewer and water is not available, the proprietor shall cause such sanitary sewer and water to be extended to serve the proposed plat, at his expense. In such cases, the City will, if practical, establish a deferred benefit charge roll covering the properties abutting the extension of the sewer and water, and enter into a payback agreement with the developer in a form as approved by the City Commission. Any oversizing of these utilities along low density residential uses shall be funded through trunkage funds established for such purpose. Extension of utilities is required through the development to serve adjacent property.
- (3) *Performance surety.* The City may require a cash deposit, certified check or irrevocable bank letter of credit, whichever the proprietor selects, or a surety bond acceptable to the City Commission, covering the estimated cost of construction to ensure the faithful performance of the agreement. The proprietor shall receive, in the form of a rebate, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.
- (4) *Sidewalks.* Sidewalks shall be installed by the proprietor for all subdivisions. Such sidewalks shall be constructed in accordance with the specifications and designs adopted by the City Commission.
- (5) *Streetlights.* Adequate streetlighting shall be installed in all new subdivisions in accordance with the standards and specifications required by the public utility responsible for streetlighting installation. Such requirement is not meant to prohibit specially designed streetlights, when approved by the zoning administrator and the public utility.
- (6) *Trees.* Street trees will be required in accordance with the zoning ordinance (appendix A of this Code) and any guidelines adopted by the City Commission.

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- (7) *Additional pedestrian easements and walkways.* Additional pedestrian easements and walkways may be required, where deemed appropriate by the City Commission.

(Comp. Ords. 1987, § 17.008; Ord. No. 12-02, § 8, 5-7-2002)

Sec. 90-38. Variances.

(a) *Planned unit developments.*

- (1) *Higher performance.* Traditional subdivision regulations with rigid construction controls may be inappropriate for some planned unit developments. Planned unit development zone districts are established to amend the traditional forms of development by seeking to substitute requirements with more innovative and modern design standards, and permit a developer to secure advantages which can be passed on to the public by virtue of more desirable, economical and environmentally sensitive developments. The City Commission may modify the design standards set forth in section 90-36 by allowing a wider variety of subdivision improvements within a controlled planned development concept. Relief from all other provisions of this article shall be processed in accordance with subsection (b) of this section.
- (2) *Review considerations.* Consideration for modifications will be based on the size of the development, the mixture of uses, open space patterns, site amenities, ability to provide public services and the relationship between individual lots, buildings, streets, parking areas and the land.
- (3) *Statement.* Within the written statement submitted as part of a planned unit development proposal, the proprietor shall identify the requested modifications to the design standards set forth in section 90-36. The statement shall fully state the grounds for the substitute requirements. Before such modifications are approved, recommendations to the City Commission shall be made by the City Planning Commission and the community development, engineering, fire and police departments.

(b) *Other subdivisions.*

- (1) *Demonstration of need.* If the proprietor can clearly demonstrate that literal enforcement of the terms of this article is impractical because of peculiar conditions pertaining to their land, the zoning board of appeals may at its discretion, permit such variances it finds reasonable and within the general policy and purpose of this article. No variance shall be granted unless the zoning board of appeals finds that:
- a. There are special circumstances or conditions affecting the property such that the strict application of the provisions of this article would deprive the proprietor of the reasonable use of his land.
 - b. The variance is necessary for the preservation and enjoyment of a substantial property right of the proprietor.
 - c. The granting of the variance will not be detrimental to the public welfare or be injurious to property in the area in which the property is situated.
- (2) *Conditions.* The zoning board of appeals, in granting approval of variances, may require such conditions as will secure substantially the objectives of the requirement varied or modified.
- (3) *Application.* An application for any such variance shall be submitted to the zoning board of appeals at the time the preliminary plat is filed with the community development department. The application shall fully state the grounds for such a variance.

(Comp. Ords. 1987, § 17.009; Ord. No. 12-02, § 9, 5-7-2002)

Sec. 90-39. Partitions, divisions, combinations or boundary line changes after subdivision recording.

- (a) After a subdivision has been recorded, platted lots or other parcels of land within the subdivision may be partitioned, divided, combined or boundary lines changed into not more than four parts, with the approval of the City Commission, provided that the resulting lots or parcels meet the most restrictive width, size and other dimensional requirements of this article, the zoning ordinance (see appendix A to this Code) or the act; provided, further, that each resulting lot or parcel shall:
- (1) Have direct access to a public roadway or private roadway constructed to the standards of this article;
 - (2) Be serviced by public utilities necessary or required by law; and
 - (3) Conform in all particulars to the requirements of the act and all City ordinances.
- (b) The City Commission may impose reasonable conditions of approval in connection with all such modifications to platted lots.

(Ord. No. 12-02, § 10(a), 5-7-2002)

State law reference(s)—Further partitions, MCL 560.263.

Secs. 90-40—90-70. Reserved.

ARTICLE 3. LOT SPLITS

Sec. 90-71. Purpose.

The purpose of this article is to allow the City to prevent the creation of unbuildable lots, odd or irregularly shaped parcels and parcels with inadequate or inappropriate access to a public road.

(Comp. Ords. 1987, § 17.201)

Sec. 90-72. Compliance.

Compliance with this article shall be a prerequisite to the issuance of a building permit for any structure to be built after the effective date of the ordinance from which this article is derived.

(Comp. Ords. 1987, § 17.205(B))

Sec. 90-73. Applicability.

This article shall apply to all parcels which involve the division of a parcel of land into two or more parcels not otherwise regulated by article 2 of this chapter or the zoning ordinance (see appendix A to this Code).

(Comp. Ords. 1987, § 17.202)

Sec. 90-74. Enforcement.

The provisions of this article shall be administered and enforced by the City zoning administrator or his designated representative.

(Comp. Ords. 1987, § 17.205(A))

Sec. 90-75. Application procedures.

- (a) Prior to the issuance of any new construction or building permit involving a project on a lot created after the effective date of the ordinance from which this article is derived, planning staff approval will be required. The planning staff will review the lot split to ensure it meets the requirements of this article and the zoning ordinance (see appendix A to this Code). Persons contemplating a lot split should seek approval for such split with the planning staff.
- (b) The application for a lot split shall be made in writing, and shall be accompanied by a scaled drawing and legal description of the proposed lot split. If the lot split involves the use or creation of a private road or drive, approval of the private road or drive, as outlined by the City's private road regulations (see chapter 58 of this Code), must be obtained prior to approval of the lot split. In addition, the applicant must submit evidence of review and approval of the county road commission and the county health department, when necessary. The county health department must approve lots that will employ septic systems.
- (c) Any person aggrieved by a staff decision on a lot split has the right to appeal the decision to the City Planning Commission.
- (d) The requirements of this article and approval of a lot split under this article shall not preclude compliance with the requirements of article 2 of this chapter.

(Comp. Ords. 1987, § 17.203)

Sec. 90-76. Approval standards.

- (a) All lots must have adequate access onto a public or private road. The term "adequate access" means that lot frontage on the public or private road must be equal to the required lot width for the zoning district in which the lot is located and compliance with the public or private road regulations.
- (b) All lots shall meet the minimum requirements as outlined in the zoning ordinance (see appendix A to this Code) for the zoning district in which the lot is located. Such requirements shall include, but are not limited to, minimum lot width, lot area, allowance for front, rear and side yard setbacks, allowance for corner lot setbacks and allowance for a septic system, if needed.
- (c) Lots shall only be split so that all parcels resulting from the split are buildable under the zoning ordinance (see appendix A to this Code).

(Comp. Ords. 1987, § 17.204)