

**VILLAGE OF GRAND BEACH  
BERRIEN COUNTY  
STATE OF MICHIGAN**

**ORDINANCE NO. 2010-81**

**Effective Date: September 11, 2010**

**SUBDIVISIONS**

**An ordinance to regulate the creation and use of subdivision developments within the Village and to promote and protect the health, safety and general welfare of the public.**

**THE VILLAGE OF GRAND BEACH ORDAINS:**

**Section 1 – Purpose**

The purpose of this Ordinance is to regulate the creation and use of subdivision developments within the Village and to promote and protect the health, safety and general welfare of the public. These regulations and controls shall in no way repeal, annul or in any way interfere with the provisions and standards of any other State and Federal laws and regulations.

**Section 2 – Compliance Required**

All plats shall comply with the provisions of the Michigan Land Division Act (1967 PA 288, as amended), and with the provisions of this Ordinance.

**Section 3 – Tentative Approval of Preliminary Plat (Step 1 Approval)**

- A. Submission: Every person, firm, or corporation who shall hereafter submit a preliminary plat plan to the Village Clerk for tentative approval shall submit ten (10) legible copies of said proposed preliminary plan. Said preliminary plan shall be prepared by a Registered Civil Engineer, Land Surveyor, or other person authorized by law. Said copies must contain, at a minimum, the following information and fees:
1. Show relief of area proposed to be platted with not more than four foot (4') contour intervals.
  2. Indicate road layout.
  3. Indicate lot layout, showing size and shape of proposed lots, as well as any dedicated common open space.
  4. Indicate whether the proposed plat will be served by public sanitary sewer and/or water system.
  5. Indicate the general location and size of any flood plain possibly located within the proposed plat.
  6. Indicate, in general, the methods for storm water disposal.
  7. When the proprietor owns or plans to acquire and anticipates platting adjoining land, the proprietor shall submit with the preliminary plat for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.
  8. A fee established by resolution of the Village of Grand Beach Village Council.

- B. Planning Commission Review: Upon receipt of said proposed preliminary plat plan for tentative approval, the Village Clerk shall forward a copy of the same to the Planning Commission for its review of the plan for its compliance with the applicable standards set forth in Section 6 below and for the Planning Commission's recommendation regarding the same.
1. Prior to review or a decision by the Planning Commission, the Zoning Administrator and/or the Planning Commission may distribute the proposed application and materials to the Public Works Director, Police Chief, Fire Chief, Village Engineer, Village Planner, Village Attorney, and/or other staff or consultants as appropriate and necessary. If such plans are distributed, these parties shall review the materials and provide feedback and recommendations prior to the public hearing to ensure the Village stays within the time requirements and that the Commission is well informed at the hearing.
  2. At this time, the Planning Commission shall conduct a public hearing regarding the proposed development. Not less than 15 days before the date of the hearing, notice of the date, time, and place of the hearing shall be sent to the applicant by mail and shall be published in a newspaper of general circulation in the Village. Notice shall also be mailed to the owners of land immediately adjoining the proposed platted land.
  3. Following the public hearing and after consideration of the standards for the zoning district, any reviews or recommendations received from staff and consultants, and the criteria for approval of a subdivision shown in Section 6, the Planning Commission shall make a recommendation of approval, approval with conditions, or denial within 63 days of the submittal of the plat to the Planning Commission.
- C. Village Council Review: After receipt of the Planning Commission's recommendation or the passage of 63 days from the Planning Commission's receipt of the plan (whichever occurs first), the Village Council shall examine said preliminary plan with such assistance and review by the consultants and the Village Attorney as the Village Council shall request. The Village Council shall determine whether said proposed preliminary plat plan complies with all Village Ordinances and address the standards for subdivision approval provided in Section 6 of this Ordinance.
1. The Village Council shall tentatively approve and note its approval on the copy of the preliminary plat plan, or tentatively approve it subject to conditions and note its approval and conditions on the copy of the preliminary plat plan, to be returned to the proprietor, or set forth in writing its reasons for rejection and requirements for tentative approval, within the following time period, as applicable:
    - a. Within 60 days after it was submitted to the Village Clerk if the development is a plat and a pre-application review meeting was held pursuant to Section 111(3) of the Michigan Land Division Act (1967 PA 288, as amended).
    - b. Otherwise, within 90 days after it was submitted to the Village Clerk.
  2. Tentative approval under this section confers upon the proprietor for a period of one (1) year from the date thereof approval for refinement of engineering and infrastructure details, further definition of the development layout and design, and obtaining necessary permits and reviews from required outside entities and agencies. The tentative approval may be extended if applied for by the proprietor and granted by the Village Council in writing.

**Section 4 – Final Approval of Preliminary Plat Plan (Step 2 Approval)**

- A. Submission: Every person, firm, or corporation who shall hereafter submit copies of a proposed preliminary plat plan for final approval shall submit the following relevant data and fees to the Village Clerk:
1. Evidence that all requirements imposed by the Village Council at the time of granting tentative approval have been incorporated into the proposed plan.
  2. Detailed working drawings showing grades, drainage structures, proposed utilities, and road construction plans for public and/or private roads within and adjoining said plat. Prior

to submitting copies of the preliminary plat plan to the Village Council for final approval, the developer shall document consultation with all public utilities which will be servicing the development to resolve any conflicts in location between public utility facilities and other improvements.

3. A list of all authorities required by statute to review the preliminary plat plan and written approvals from all such authorities.
  4. A fee established by resolution of the Village of Grand Beach Village Council.
- B. Village Council Review: The Village Council shall examine the plan with such assistance and review by consultants, Village Departments, and Village Attorney as the Village Council shall request. The Council may, if time permits, forward the plans to the Planning Commission for their review and recommendation. Upon completing its review, the Village Council shall determine whether said plat plan complies with the requirements imposed by it at the time of tentative approval, has obtained the required statutory approval of other governmental agencies and, in addition, continues to meet the requirements of Section 6.
- C. Approval: If the Village Council determines that the preliminary plat plan has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth in this Ordinance, the Village Council shall, at its next meeting following plan submission or within twenty (20) days from the date of submission, grant final approval of the preliminary plan which shall confer upon the proprietor for a period of two (2) years from the date of approval the conditional right that the general terms and conditions under which said approval was granted will not be changed. Said two (2) year period may be extended in the discretion of the Village Council upon application by the proprietor one time for a period not to exceed one (1) year.

#### **Section 5 – Final Approval of Final Plat Plan (Step 3 Approval)**

- A. Submission. Every person, firm, or corporation who shall hereafter submit a proposed final plat plan for final approval shall also submit the following relevant data and fees to the Village Clerk:
1. An abstract of title or title insurance policy showing merchantable title in the proprietor of the proposed final plat.
  2. A digital copy of the final plat plan in an AutoCAD (.dwg) format or a .DXF format as well as .pdf format on a disk, CD, or through e-mail to the Village. Each digital copy shall show a minimum of two ties to government section corners. Each digital copy shall include at a minimum the following information:
    - Lot Numbers
    - Dimensions
    - Lot Lines
    - Boundaries
    - Right-of-Ways
    - Street Names
    - Easements
    - Section Lines & Section Corners
    - Utility Lines (if available)
    - Adjacent Plat Corners (if available)
  3. A fee established by resolution of the Village of Grand Beach Village Council.
- B. Village Council Review: The Village Council shall, at its next regular meeting or within twenty (20) days from the date of submission, review the proposed final plat plan and grant final approval if it determines that it satisfies all requirements of the Ordinance, including the standards for subdivision approval in Section 6:

#### **Section 6 – Criteria for Approval**

At each stage of review, the Village Council and/or Planning Commission shall consider the following items when making a determination about the proposed application:

- A. The impact or anticipated impact of the proposed development on the health, safety, and welfare of the surrounding community.
- B. Provision for a safe and efficient circulation system arranged to provide connections to and from current and future development.
- C. Stormwater management and drainage shall be managed in compliance with the Village Storm Water Management Plan so as not to create an impact on the health, safety, and welfare of the surrounding community. The proposed development shall not result in any greater storm water runoff to adjacent property after development than existed prior to development.
- D. Compliance with the standards of the Village of Grand Beach Zoning Ordinance land development standards for the zoning district in which the proposed development is located and the goals and objectives of the Village of Grand Beach Master Plan. Particular details of the proposed development shall also comply with any applicable standards adopted by the Village of Grand Beach.

**Section 7 – Waiver of Timing Requirements**

Upon the agreement of both the applicant and the Village, the specific time requirements and deadlines indicated in this Ordinance may be waived. If the time requirements are waived, reasonable progress shall be made to ensure efficient processing of the request.

**Section 8 – Performance Guarantee**

As a condition of approval of the subdivision, the Village Council may require a surety by the developer to make the improvements shown on the plan and to insure completion of filing requirements in accordance with the requirements of Section 13.17 of the Village of Grand Beach Zoning Ordinance.

**Section 9 – As-Built Plans**

After approval of the Final Plat and prior to issuance of the Certificate of Occupancy of the first dwelling within the development (with the exception of a model home to be used for sales purposes), the applicant shall submit as-built plans to the Village as required in Section 13.19 of the Village of Grand Beach Zoning Ordinance.

**Section 10 - Effective Date**

This Ordinance was adopted by the Council of the Village of Grand Beach on the 18th day of August, 2010 and was ordered to be made effective ten (10) days following its publication.

**ORDINANCE DECLARED ADOPTED.**

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JAMES BRACEWELL, President

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MARY ROBERTSON, Clerk

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 18th day of August, 2010, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

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MARY ROBERTSON, Clerk