

Chapter 34

LAND DIVISIONS AND SUBDIVISIONS*

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ARTICLE I. IN GENERAL

Sees. 34-1-34-25. Reserved.

ARTICLE II. LAND DIVISIONS**Sec. 34-26. Purpose.**

The purpose of this article is to carry out the provisions of the state land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.); to prevent the creation of parcels of property which do not comply with applicable ordinances and such act; to minimize potential boundary disputes; to maintain orderly development of the community; and otherwise provide for the health, safety and welfare of the residents and property owners of the township by establishing reasonable standards for prior review and approval of land divisions within the township. (Ord. No. 97-06, § II, 9-23-1997)

Sec. 34-27. Definitions.

For purposes of this article, certain terms and words used in this article shall have the following meanings:

Applicant means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

Divide and *division* mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109 of the state land division act (MCL 560.108, 560.109). The terms "divide" and "division" do not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the state land division act, and the requirements of other applicable local ordinances.

Exempt split and *exempt division* mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent. For a property transfer between two or more adjacent parcels, if the property/taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the state land division act or the requirements of an applicable local ordinance.

Forty acres or the equivalent means either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

Land means all land areas occupied by real property.

Parcel means a continuous area or acreage of land which can be described as provided for in the state land division act.

Plat means a map or chart of a subdivision of land.

Tract means two or more parcels that share a common property line and are under the same ownership. (Ord. No. 97-06, § III, 9-23-1997)

Cross reference-Definitions generally, § 1-2.

State law reference-Similar definitions, MCL 560.102.

Sec. 34-28. Prior review and approval required; exemptions.

Land in the township shall not be divided without the prior review and approval of the township assessor, in accordance with this article and the state land division act; provided that the following shall be exempted from this requirement:

- (1) A parcel proposed for subdivision through a recorded plat pursuant to the state land division act.
- (2) A lot in a recorded plat proposed to be divided in accordance with the state land division act.
- (3) An exempt split or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the state land division act.

(Ord. No. 97-06, § IV, 9-23-1997; Ord. No. 00-09, 6-13-2000)

Sec. 34-29. -Application.

An applicant shall file a completed application to the township assessor for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development. Incomplete applications shall not be reviewed by the township. A complete application shall include all of the following:

- (1) A completed application form on such form as may be approved by the township board.
- (2) Proof of fee ownership of the land proposed to be divided by submission of a copy of the deed to the property.
- (3) A sealed survey drawn to scale, including an accurate legal description of each proposed division, and showing the boundary lines, actual and proposed right-of-way for roads, easements and the accessibility of each division for automobile traffic and public utilities and distances between any existing structures and proposed property lines to verify setbacks.
- (4) Proof that all standards of the state land division act and this article have been met.
- (5) If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.

- (6) A fee of \$50.00 to cover the costs of review of the application and administration of this article and the state land division act. Such \$50.00 shall be charged for each parcel created in excess of the original parcel.
- (7) Where applicable on all major roads, in accordance with the township's sidewalk regulation in article II of chapter 58, the applicant will be required to sign a sidewalk agreement that sets forth the future construction of a sidewalk along the parcel's road frontage at the owner's expense.
(Ord. No. 97-06, § V, 9-23-1997; Ord. No. 00-09, 6-13-2000)

Sec. 34-30. Application review procedure.

(a) The township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this article's requirements and the state land division act, and shall promptly notify the applicant of the decision and, if denied, the reasons for denial.

(b) Any person or entity aggrieved by the decision of the assessor may, within 30 days of such decision, appeal the decision to the township board or such other body or person designated by the township board, which shall consider and resolve such appeal by a majority vote of such board or by the appellate designee.

(c) The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

(d) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations nor that the resulting parcel is a buildable lot.

(e) The township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise; and any notice of approval shall include a statement to this effect.

(Ord. No. 97-06, § VI, 9-23-1997; Ord. No. 00-09, 6-13-2000)

Sec. 34-31. Approval criteria.

A proposed land division reviewable by the township shall be approved if the following criteria are met:

- (1) All parcels created by the proposed divisions have a minimum width equal to the lot width requirement of the zoning district in which the parcel is located, as measured at the front property line and required front setback line.
- (2) All such parcels shall contain a minimum area as required by the applicable zoning district standards.
- (3) The ratio of depth to width of any parcel created by the division does not exceed a four-to-one ratio exclusive of access roads, easements, proposed road rights-of-way, or nondevelopment sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel

from the abutting road right-of-way or proposed right-of-way, whichever is greater, to the most remote boundary line point of the parcel from the point of commencement of the measurement.

- (4) The proposed land divisions comply with all requirements of this article and the state land division act.
 - (5) All parcels created and remaining have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.
- (Ord. No. 97-06, § VII, 9-23-1997)

Sec. 34-32. Violation.

(a) Any division of land in violation of any provision of this article shall not be recognized as a land division on the township tax roll, and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this article.

(b) An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law. (Ord. No. 97-06, § VIII, 9-23-1997)

Secs. 34-33-34-65. Reserved.

ARTICLE III. SUBDIVISIONS*

DIVISION 1. GENERALLY

Sec. 34-66. Purpose.

The purpose of this division is to regulate and control the subdivision of land within the township in order to promote the safety, public health, and general welfare of the community. These regulations are specifically designed to:

- (1) Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies.
- (2) Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities.
- (3) Achieve individual property lots of maximum utility and livability.
- (4) Ensure adequate provisions for water, drainage, and sanitary sewer facilities, and other health requirements.

***Cross references**-Streets, sidewalks and other public places, ch. 58; utilities, ch. 66.

(5) Plan for the provision of adequate recreational areas, school sites, and other public facilities.
(Comp. Ords. 1987, § 17.020)

Sec. 34-67. Legal basis.

This division is enacted pursuant to the statutory authority granted by the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.); Public Act No. 246 of 1945 (MCL 41.181 et seq.), authorizing township boards to adopt ordinances and regulations to secure the public health, safety, and general welfare; and Public Act No. 168 of 1959 (MCL 125.321 et seq.), providing for approval by the township planning commission and consistency with the township's comprehensive development plan.
(Comp. Ords. 1987, § 17.030)

Sec. 34-68. Scope.

This division shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to August 21, 1981, except for the further dividing of lots; nor is it intended by this division to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants, or other private agreements, or with restrictive covenants running with the land to which the township is a party. Where this division imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of this township, the provisions of this division shall control.
(Comp. Ords. 1987, § 17.040)

Sec. 34-69. Administration.

The approval provisions of this division shall be administered by the township board in accordance with the land division act.
(Comp. Ords. 1987, § 17.050)

Cross reference-Administration, ch. 2.

Sec. 34-70. Schedule of fees.

The township board shall adopt a schedule of fees by resolution, which shall provide for assessing the costs incurred by the township in reviewing and processing the preliminary and final plats, including the costs of the township retaining a consultant and/or other expertise to advise the township in regards to the particular plat.
(Comp. Ords. 1987, § 17.060)

Sec. 34-71. Definitions.

The following definitions shall apply in the interpretation and enforcement of this division, unless otherwise specifically stated:

Alley means a public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.

As-built plans means revised construction plans in accordance with all approved field changes.

Block means an area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys, and the exterior boundary or boundaries of the subdivision.

Building line and *setback line* mean a line parallel to a street right-of-way line, shore of a lake, edge of a stream or riverbank, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building between such line and a right-of-way, other public area, or the shore of a lake, or the edge of a stream or riverbank.

Caption means the name by which the plat is legally and commonly known.

Commercial development means a planned commercial center providing building areas, parking areas, service areas, screen planting and widening, turning movement and safety lane roadway improvements.

Comprehensive development plan (or master plan) means a plan adopted by the township for the physical development of the township showing the general location for major streets, parks, public building sites, land use and other similar information. The plan may consist of maps, data and other descriptive matter.

County drain commissioner means the Saginaw County Drain Commissioner.

Land division act means Public Act No. 288 of 1967 (MCL 560.101 et seq).

Planned unit development means a land area which has both individual building sites and common property, such as a park, and which is designated and developed under one owner or organized group as a separate neighborhood or community unit.

Planning commission means the planning commission of the township, as established under Public Act No. 168 of 1959 (MCL 125.321 et seq.).

Plat means a map or chart of a subdivision of land.

- (1) *Pre-preliminary plat* means an informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.
- (2) *Preliminary plat* means a map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.
- (3) *Final plat* means a map of a subdivision of land made up in final form ready for approval and recording.

Proprietor, subdivider and *developer* mean a natural person, firm, association, partnership, corporation or combination of any of them which may hold any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as the owner.

Public open space means land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways, and public parking spaces.

Public utility means all persons, firms, corporations, copartnerships, or municipal or other public authorities providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation, or other services of a similar nature.

Right-of-way means land reserved, used, or to be used for a street, alley, walkway, or other public purpose.

Sight distance means the unobstructed vision on a horizontal plane along a street centerline from a driver's-eye height of 3.75 inches and an object height of six inches.

Sketch plan means a pre-preliminary plat.

Street means a right-of-way which provides for vehicular and pedestrian access to abutting properties.

- (1) *Freeway* means those streets designed for high speed, high volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.
- (2) *Expressway* means those streets designed for high speed, high volume traffic, with full or partially controlled access, some grade crossings, but no driveway connections.
- (3) *Parkway* means a street designed for noncommercial, pleasure-oriented traffic moving at moderate speeds, between and through scenic areas and parks.
- (4) *Arterial streets* means those streets of considerable continuity which are used or may be used primarily for fast or heavy traffic.
- (5) *Collector streets* means those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.
- (6) *Cul-de-sac* means a minor street of short length having one end terminated by a vehicular turnaround.
- (7) *Marginal access street* means a minor street which is parallel and adjacent to arterial streets, and which provides access to abutting properties and protection from through traffic and not carrying through traffic.
- (8) *Minor street* means a street which is intended primarily for access to abutting properties.
- (9) *Street width* means the shortest distance between the lines delineating the right-ofway of streets.

Subdivide and *subdivision* mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the land division act by sections 108 and 109 (MCL 560.108, 560.109). The term "subdivide" or "subdivision" does not include a property transfer between two or more adjacent parcels, if the property

taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the land division act or the requirements of an applicable local ordinance.

Surveyor means either a land surveyor who is registered in the state as a registered land surveyor or a civil engineer who is registered in the state as a registered professional engineer.

Topographical map means a map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

Water resources commission means the water resources commission of the state department of conservation.

(Comp. Ords. 1987, § 17.075)

Cross reference-Definitions generally, § 1-2.

Sec. 34-72. Enforcement.

No subdivision plat required by this division or the land division act shall be admitted to the public land records of the county, or received or recorded by the county register of deeds, until such subdivision plat has received final approval by the township board. No public board, agency, commission, official or other authority shall proceed with the construction of, or authorize the construction of, any of the public improvements required by this division unless such public improvement shall have already been accepted, opened or otherwise received the legal status of a public improvement prior to the adoption of this division, unless such public improvement shall correspond in its location and to the other requirements of this division.

(Comp. Ords. 1987, § 17.380)

Sec. 34-73. Penalty for violation.

The penalty for failure to comply with the provisions of this division shall be as follows: Violation of any of the provisions of this division or failure to comply with any of its requirements shall constitute a misdemeanor and be punished as provided in section 1-7. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalty provided in this section. Nothing contained in this section shall prevent the township board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this division or of the land division act.

(Comp. Ords. 1987, § 17.390)

Sec. 34-74. Amendment procedures.

The township board may, from time to time, amend, supplement, or repeal the regulations and provisions of this division in the manner prescribed by the land division act. A proposed amendment, supplement, or repeal may be originated by the township board, township planning commission, or by

petition. All proposals not originating with the planning commission shall be referred to it for a report thereon before any action is taken of the proposal by the township board.
(Comp. Ords. 1987, § 17.410)

Sec. 34-75. Appendices relating to development.

The township building inspector shall be consulted for appendices dealing with flow chart, application forms, and other data dealing with subdivision development.
(Comp. Ords. 1987, § 17.440(app.))

Secs. 34-76-34-100. Reserved.

DIVISION 2. PLATTING PROCEDURES AND DATA

Sec. 34-101. Purpose of pre-application contact and sketch plan.

(a) The purpose of the pre-application contact and sketch plan (optional pursuant to section 107 of the land division act (MCL 560.107)) shall be to:

- (1) Provide guidelines for the subdivider concerning development polices of the township.
- (2) Acquaint the subdivider with the platting procedures and requirements of the township board and planning commission, and other agencies.
- (3) Provide the planning commission and other affected agencies with general information concerning the proposed development.

(b) Acceptance of the sketch plan does not ensure acceptance of the preliminary plat.
(Comp. Ords. 1987, §§ 17.090, 17.091)

Sec. 34-102. Pre-preliminary plat-Requirements.

(a) *Sketch plan schematics.* The sketch plan shall show the subdivision's entire development scheme in schematic form, including the area for immediate development, and shall include the following:

- (1) General layout of streets, blocks and lots in sketch form.
- (2) Existing conditions and characteristics of the land on and adjacent to the site.
- (3) Any general area set aside for schools, parks, and other community facilities.

(b) *Engineering letter.* An engineering letter from the surveyor concerning the general feasibility of the land for subdividing shall be required.

(c) *Ownership.* The township board and planning commission may require such proof of ownership of the land proposed to be subdivided as they deem necessary.
(Comp. Ords. 1987, § 17.092)

Sec. 34-103. Same-Procedure.

The following procedure shall apply to pre-preliminary plats:

- (1) The subdivider shall submit two copies of the pre-preliminary plat to the township clerk ten days before the next meeting of the planning commission.
 - (2) The township clerk shall promptly transmit the two copies of the pre-preliminary plat to the planning commission.
 - (3) The planning commission or subdivision committee of the commission will review the plan with the subdivider or his agent. The commission may also require that copies of the pre-preliminary plat be submitted to other affected public agencies for review.
 - (4) The planning commission shall inform the subdivider or his agent of the township's development policies and make appropriate comments and suggestions concerning the proposed development scheme.
 - (5) The planning commission shall inform the township board of the results of the review of the pre-preliminary plat.
- (Comp. Ords. 1987, § 17.093)

Sec. 34-104. Preliminary plat-Final approval.

For final approval of preliminary plats, see sections 112 to 120 of the land division act (MCL 560.112-560.120). (See appendix I, approval flow chart, p. 1.1.)
(Comp. Ords. 1987, § 17.100)

Cross reference-Appendices relating to development, §. 34-75.

Sec. 34-105. Same-Requirements.

The requirements for preliminary plats shall be as follows:

- (1) *Submittal.* The subdivider shall submit ten copies of the preliminary plat on a topographic map to the township clerk at least ten days before a meeting of the planning commission.
- (2) *Size and scale.* The preliminary plat may be on paper and shall be not less than 24 inches by 36 inches, at a scale of at least one inch to 100 feet showing the date and north arrow.
- (3) *Information.* The following shall be shown on the preliminary plat or submitted with it:
 - a. Name of the proposed subdivision.
 - b. Names, addresses and telephone numbers of the subdivider and the surveyor preparing the plat.
 - c. Location of the subdivision, giving the numbers of section, township, and range, and the name of the township and county.
 - d. Names of abutting subdivisions.

- e. Statement of intended use of the proposed plat, such as residential single-family, two-family and multiple-family.
(Comp. Ords. 1987, § 17.101)

Sec. 34-106. Same-Procedure.

The following procedure shall apply to preliminary plats:

- (1) *Validation.* The subdivider shall first submit to the township clerk for validation a sufficient number of copies of the preliminary plat to meet the requirements of sections 112(1) and/or 113 to 119 of the land division act (MCL 560.112(1), 560.113-560.119). The subdivider shall also submit a written application for approval and also the fee established by this division for review of plats and as further described in the rules of procedure adopted by the planning commission.
- (2) *Tentative approval.* The township board may tentatively approve or reject the preliminary plat under section 112(4) of the land division act (MCL 560.112(4)» before distribution to other approving authorities; save as provided in section 34-107(3).
- (3) *Distribution to authorities.* The subdivider shall submit to the various approving authorities the number of validated copies of the preliminary plat required by sections 112 to 119 of the land division act (MCL 560.112-560.119) and the following:
 - a. *County planning commission.* Two copies of the preliminary plat only to the county planning commission for verification that the street names do not duplicate or conflict with existing street names.
 - b. *School board.* Two copies of the preliminary plat only to the school board of the respective school district in which the plat is to be located, for informational purposes.
 - c. *County drain commissioner.* The required number of copies to the county drain commissioner as the designated agent administering soil erosion and sedimentation control under part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.).
 - d. *County technical coordinating committee.* The required number of copies to the county technical coordinating committee.
- (4) *List of authorities filed.* The subdivider shall then file with the township clerk a list of all authorities to whom validated copies of the preliminary plat have been distributed.
(Comp. Ords. 1987, § 17.102)

Sec. 34-107. Same-Actions.

The following actions shall be taken with respect to preliminary plats:

- (1) *Delivery of approvals.* When the subdivider has secured the approvals of the various approving authorities, as required by sections 113 to 119 of the land division act (MCL 560.113-560.119), he shall deliver all copies to the township clerk, who shall promptly transmit them to the planning commission.

2) *Planning commission.*

- a. The planning commission shall review the preliminary plat and, if it meets all requirements:
 - 1. Shall provide for an adequate hearing, giving due notice to all parties in interest and, in particular, owners of contiguous properties.
 - 2. May determine that the preliminary plat fails to meet acceptable design standards as described in appendix V to Ordinance No. 81-1-SD, and may further determine that the land area which is the subject of the preliminary plat application is particularly suited for an open space subdivision layout as provided in the township's zoning ordinance.
- b. If the preliminary plat does not meet all requirements, the planning commission shall notify the subdivider by letter, giving the earliest date for resubmission of the plat and additional information required.
- c. The planning commission shall give its report to the township board not more than 60 days after submission of the preliminary plat in accordance with subsection (1).
- d. The 60-day period may be extended if the applicant consents. If no action is taken within 60 days, the preliminary plat shall be deemed to have been approved by the planning commission.

(3) *Township board.*

- a. The township board shall not review, approve or reject a preliminary plat until it has received from the planning commission its report and recommendations as provided by Public Act No. 168 of 1959 (MCL 125.321 et seq.).
- b. The township board shall consider the preliminary plat at its next meeting, but no later than 20 days after receipt from the planning commission.
- c. The township board shall, within 20 days, either reject the preliminary plat and give its reasons, or set forth in writing the conditions for granting approval.

(Comp. Ords. 1987, § 17.103)

Cross reference-Appendices relating to development, § 34-75.

Sec.-34-108. Same-Conditions and duration of approval.

(a) *Conditions.* Approval of a preliminary plat shall not constitute approval of the final plat, but rather that final plat approval shall be conditioned on all requirements being met.

(b) *Duration.*

- (1) Approval of the preliminary plat by the township board shall be for a period of two years from the date of its approval after approval by the other required authorities.
- (2) The township board may extend the two-year period if applied for and granted in writing, but only concerning its own requirements.

(Comp. Ords. 1987, § 17.104)

Sec. 34-109. Final plat-Requirements.

The following requirements shall apply to final plats:

- (1) Final plats shall be prepared and submitted as provided for in the land division act.
 - (2) A written application for approval and the recording fee shall accompany all final plats.
 - (3) The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to the date of the proprietor's certificate, or a policy of title insurance currently in force.
 - (4) The township may require such other information as it deems necessary to establish whether the proper parties have signed the plat.
 - (5) Final plats shall be submitted to the township clerk at least ten days before a meeting of the planning commission.
- (Comp. Ords. 1987, § 17.111)

Sec. 34-110. Same-Procedure for submittal to approving authorities.

The subdivider shall submit the final plat and as-built engineering plans, where required, for approval to the following:

- (1) Road commission, for approval or rejection.
 - (2) Drain commissioner, for approval or rejection.
 - (3) County health department, for issuance of a letter of approval or rejection.
 - (4) Planning commission (through the township clerk), for recommendations to the township board.
 - (5) Township clerk, for approval or rejection by the township board.
- (Comp. Ords. 1987, § 17.112)

Sec. 34-111. Same-Actions.

The following actions shall be taken with respect to final plats:

- (1) *Planning commission.*
 - a. The planning commission shall examine the plat at its next regular meeting, or within 30 days of receipt thereof, for conformance to:
 1. The provisions of the land division act.
 2. The provisions of this division.
 3. The preliminary plat, as approved.
 - b. The time for review and recommendations by the planning commission may be extended by agreement with the subdivider.

- c. If the planning commission recommends disapproval of the plat by the township board, it shall state its reasons in its official minutes and forward such reasons to the township board, and recommend that the township board disapprove the final plat until the objections causing disapproval have been changed to meet with the approval of the planning commission.
- d. Recommendations for approval of the plat by the township board shall be accompanied by a report.

(2) Township board.

- a. The township board shall review the final plat and the report from the planning commission at its next regular meeting, or at a meeting to be called within 20 days of receipt from the planning commission.
- b. The township board shall approve the plat or disapprove it. If disapproved, the township board shall give the subdivider its reasons in writing and rebate the recording fee and whatever portion of the review fee as provided for in this division.
- c. The township board shall instruct the clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection, and to sign the municipal certificate on the approved plat on behalf of the township board.

(3) Improvements and facilities required by township.

- a. The township board may require all improvements and facilities to be completed before it approves the final plat.
- b. If improvement and facilities are not required to be completed by the township board before plat approval, the final plat shall be accompanied by a contract between the subdivider and the township board for completion of all required improvements and facilities.
- c. Performance of the contract shall be guaranteed by a cash deposit, certified check, surety bond, or irrevocable bank letter of credit.
- d. The township board shall not require a bond duplicating any bond required by another governmental agency.
- e. Such surety shall be rebated or credited to the account of the proprietor as the work progresses, as included in a written agreement between the township and the subdivider.

(Comp. Ords. 1987, § 17.113)

Secs. 34-112-34-140. Reserved.

DIVISION 3. DESIGN STANDARDS

Sec. 34-141. Trafficways on streets and roads-General standards.

The standards set forth in this division shall be the minimum standards for streets, roads and intersections. Any higher standards adopted by the road commission shall prevail. Generally, all streets shall be dedicated to public use. Arterial streets shall be dedicated to public use in all cases.

(Comp. Ords. 1987, § 17.131)

Cross references-Streets, sidewalks and other public places, ch. 58; traffic and vehicles, ch.62.

Sec. 34-142. Same-Location.

(a) *Street location and arrangements.* When a major street plan has been adopted, subdivision streets shall be required to conform to the plan.

(b) *Local or minor streets.* Such local or minor streets shall be so arranged as to discourage their use by through traffic.

(c) *Street continuation and extension.* The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions, unless otherwise approved by the planning commission and the county road commission.

(d) *Stub streets.* Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas. (See section 34-168.)

(e) *Relation to topography.* Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable gradients.

(f) *Alleys.* Alleys shall not be permitted in areas of detached single-family or two-family residences. Alleys shall be provided in multiple dwellings or commercial subdivisions unless other provisions are made for service access, off-street loading, and parking. Dead-end alleys shall be prohibited.

(g) *Marginal access streets.* Where a subdivision abuts or contains an arterial street, the township may require:

(1) Marginal access streets approximately parallel to and on each side of the right-of-way.

(2) Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic.

(h) *Acceleration /deceleration lanes.* Where entrances to a plat are from an arterial street, the township may require that an acceleration/deceleration lane be provided for outside of the arterial street right-of-way if such a right-of-way is determined insufficient for future purposes.

(i) *Cul-de-sac streets.* Culs-de-sac shall not be more than 600 feet in length. Special consideration shall be given to longer cul-de-sacs under certain topographic conditions or other unusual situations. Culs-de-sac shall terminate with an adequate turnaround, with a minimum radius of 60 feet for the right-of-way. The planning commission may vary this provision where unusual conditions justify or for large rural estate lots.

(j) *Half streets.* Half streets shall generally be prohibited, except where unusual circumstances make it essential to the reasonable development of a tract in conformance with these regulations and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract, according to the requirements of the county road commission.

(k) *Private streets.* Private streets and roads shall generally be prohibited.
(Comp. Ords. 1987, § 17.132)

Sec. 34-143. Same-Specifications.

(a) *Street rights-of-way; roadway widths.* Street and road rights-of-way and roadway widths shall conform to the adopted township major thoroughfare plan and the standards adopted by the county road commission, as evidenced by the county master right-of-way plan and the rules of the county road commission and the state department of highways. The specifications for design of various right-of-way types are provided in the following table:

Functional Classification¹
Year 2000 Highway Networks

Classification-Function	Design	Operation	Spacing			Right-of-Way Width ⁵			Pavement Width			Posted Speed (mph)	Traffic Volumes ⁷		
			Urban	Suburban	Rural	Urban	Suburban	Rural	Urban	Suburban	Rural		Urban	Suburban	Rural
Freeway/interstate Provide statewide and regional continuity and unity.	Grade separated; depressed in urban and suburban areas. Requires service drives and buffering. ²	Full control of access. Minimum speed posted. Can have express lanes. ³	Variable; depends upon land use density.			350' or more	350' or more	275' or more	2 at 48'	2 at 36' to 2 at 48'	2 at 24' to 2 at 36'	55—70	144,000	92,000—128,000	58,000—92,000
Regional major arteries Provide regional continuity and unity.	Generally at grade. Intersections with other regional majors and majors are grade separated. Can require service drives and buffering.	Partial control of access. Traffic signals are limited and interconnected. Can have express lanes.	Variable; depends upon land use density.			150'—250'	150'—250'	225	84' or 2 at 48'	84', 2 at 36' to 2 at 48'	2 at 24'	45—65	54,000	48,500	23,000
Major arterial Provide intercounty continuity and unity. "Feed" regional majors and freeways.	At grade. Multilane.	No parking. Signals are interconnected. Can have express lanes.	1—2 mi.	2—4 mi.	3—6 mi.	120'	120'	120'	60'—84'	60'—84'	24'—60'	35—65	30,000—42,000	27,000—38,000	8,000—19,000
Intermediate arterial Provide intracounty and intercommunity continuity.	Multilane in urban and suburban areas.	No parking.	½—1 mi.	1—2 mi.	1—5 mi.	120'	120'	120'	44'—60'	60'	24'	35—65	22,000	25,000	7,000
Minor arterial Collect local traffic and "feed" intermediates.	Multilane in urban and suburban areas.	Parking may be allowed.	¼—½ mi.	½—1 mi.	½—2½ mi.	86'	86'	86'	44'	44'	24'	30	17,000	16,000	6,000
Service drive Provide access to land adjacent to freeways. Serve freeway ramp traffic.	One-way roadways.	Parking allowed.	Adjacent to freeways and regional majors.			Within freeway or regional major right-of-way.			34'	34'	Normally not constructed.	30	9,000	8,000	
Ramp Provide ingress and egress for freeways. Serve turning movements at grade separated intersections.	Single-lane directional roadways.	No parking.	Along freeways, 1 mi. or greater.	Along freeways, 1 mi. or greater.	Along freeways, 2 mi. or greater.	Within freeway right-of-way.			12'	12'	12'	Not applicable.	Not applicable.		
Collector/industrial Collect and distribute traffic from local neighborhoods (both residential and nonresidential) to and from higher classified roads.	Multilane preferably.	Parking allowed.	Not applicable.			76'	76'	66'	32' to 40'	32' to 40'	24' to 24'	30	Not applicable.		
Local streets Provide direct access to all adjacent lanes.	Two-lane roadway.	Parking allowed.	Not applicable.			66'	60'	60'	24' to 30'	24' to 30'	20' to 28'	25	Not applicable.		

1. Criterion enumerated and not absolute.
2. Landscaping, walls, et.c., which soften the impact. of the road.
3. Lanes reserved for bus transit. and/or pools .
4. Volumes are at level of service "C.II
5. Minimum width; local communities may opt for additional right-of-way.

(b) *Street gradients.*

(1) *Maximum grade.* Street grades shall not exceed eight percent on either local streets or six percent on collector streets.

(2) *Minimum grade.* No street grade shall be less than 0.4 percent.

(c) *Street alignment.*

(1) *Horizontal alignment.* When street lines deflect from each other by more than ten degrees, in alignment, the centerlines shall be connected by a curve with a minimum radius of 500 feet for arterial streets, 300 feet for collector streets, and 150 feet for local or minor streets. Between reverse curves, on minor streets, there shall be a minimum tangent distance of 100 feet, and on collector and arterial streets, 200 feet.

(2) *Vertical alignment.* Minimum sight distances shall be 500 feet for minor streets and 750 feet for collector streets.

(Comp. Ords. 1987, § 17.133)

Sec. 34-144. Same-Street names.

(a) Street names shall not duplicate any existing street name in the township, except where a new street is a continuation of an existing street. Street names that may be spelled differently but sound the same shall be avoided also. Duplications can be avoided by checking new street names with the planning commission's master listing and with the county road commission.

(b) All new streets shall be named as follows: streets with predominant north-south directions shall be named "Avenue" or "Road;" streets with predominant east-west directions shall be named "Street" or "Highway;" meandering streets shall be named "Drive," "Lane," "Path," or "Trail;" and culs-de-sac shall be named "Circle," "Court," "Way," or "Place."

(Comp. Ords. 1987, § 17.134)

Cross reference-Streets, sidewalks and other public places, ch. 58.

Sec. 34-145. Intersections-Angles.

Streets shall intersect at 90 degrees or closer thereto and, in no case, at less than 80 degrees.

(Comp. Ords. 1987, § 17.141)

Sec. 34-146. Same-Sight triangles.

Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is 125 feet from the center of the intersection.

(Comp. Ords. 1987, § 17.142)

Sec. 34-147. Same-Number of streets.

No more than two streets shall cross at anyone intersection.

(Comp. Ords. 1987, § 17.143)

Sec. 34-148. Same-IT" types.

Except on arterials and certain collectors, "T" type intersections shall be used where practical.
(Comp. Ords. 1987, § 17.144)

Sec. 34-149. Same-Centerline offsets.

Slight jogs at intersections shall be avoided. Where such jogs are unavoidable, street centerlines shall be offset by a distance of 125 feet or more.
(Comp. Ords. 1987, § 17.145)

Sec. 34-150. Same-Vertical alignment.

A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be carried back 50 to 100 feet each way from the intersection. An allowance of two percent maximum intersection grade in rolling and four percent in hilly terrain will be permitted.
(Comp. Ords. 1987, § 17.146)

Sec. 34-151. Pedestrian ways-Crosswalks.

Rights-of-way for pedestrian crosswalks in the middle of long blocks shall be required where necessary to obtain convenient pedestrian circulation to schools, parks, or shopping areas. The right-of-way shall be at least ten feet wide and extend entirely through the block.
(Comp. Ords. 1987, § 17.151)

Sec. 34-152. Same-Sidewalks.

Sufficient right-of-way shall be provided so sidewalks may be installed on both sides of all streets; however, general minimum right-of-way requirements are sufficient to accommodate sidewalks and, further, this subsection is not to be construed to require sidewalks.
(Comp. Ords. 1987, § 17.152)

Cross reference-Streets, sidewalks and other public places, ch. 58.

Sec. 34-153. Easements-Location.

Easements shall be provided along lot lines for utilities and also along side lot lines when necessary. The total width shall not be less than six feet along each lot, or a total of 12 feet for adjoining lots. (See also section 34-163 for backup lots.)
(Comp. Ords. 1987, § 17.161)

Sec. 34-154. Same-Drainageway.

The subdivider shall provide drainageway easements as required by the rules of the county drain commissioner.
(Comp. Ords. 1987, § 17.162)

Sec. 34-155. Blocks-Arrangement.

A block shall be so designed as to provide two tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary.

(Comp. Ords. 1987, § 17.171)

Sec. 34-156. Same-Minimum length.

Blocks shall not be less than 500 feet long.

(Comp. Ords. 1987, § 17.172)

Sec. 34-157. Same-Maximum length.

The maximum length allowed for residential blocks shall be 1,320 feet long from center of street to center of street.

(Comp. Ords. 1987, § 17.173)

Sec. 34-158. Lots-Conformance to zoning ordinance.

The lot width, depth, and area shall not be less than the particular district requirements of the zoning ordinance, except where outlots are provided for some permitted purpose.

(Comp. Ords. 1987, § 17.181)

Sec. 34-159. Same-Side lot lines.

Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.

(Comp. Ords. 1987, § 17.182)

Sec. 34-160. Same-Width and depth.

Narrow deep lots shall be avoided. The depth of a lot generally shall not exceed 2 1/2 times the width as measured at the building line.

(Comp. Ords. 1987, § 17.183)

Sec. 34-161. Same-Corner.

Corner lots shall have extra width to permit appropriate building setback from both streets for orientation to both streets. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.

(Comp. Ords. 1987, § 17.184)

Sec. 34-162. Same-Uninhabitable areas.

Lands subject to flooding or otherwise deemed by the planning commission to be uninhabitable shall not be platted for residential purposes or for uses that may, in the judgment of the planning commission,

increase the danger to health, life, or property, or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as parks or other open space.

(Comp. Ords. 1987, § 17.185)

Sec. 34-163. Same-Backup.

Lots shall back into such features as freeways, arterial streets, shopping centers, or industrial properties, except where there is a marginal access street, unless a secondary access is provided. Such lots shall contain a landscaped easement along the rear at least 20 feet wide in addition to the utility easement to restrict access to the arterial street to minimize noise and to protect outdoor living areas. Lots extending through a block and having frontage on two local streets shall be prohibited.

(Comp. Ords. 1987, § 17.186)

Sec. 34-164. Same-Frontage.

All lots shall front upon a publicly dedicated street. Variances may be permitted for approved planned community unit developments.

(Comp. Ords. 1987, § 17.187)

Sec. 34-165. Same-Division of parcels; future lot arrangements.

Where parcels of land are subdivided into unusually large lots (such as when large lots are required for septic tank operations), the parcels shall be divided, where feasible, so as to allow for resubdividing into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever such future resubdividing or lot splitting is contemplated, the plan for such shall be approved by the planning commission prior to the taking of such action.

(Comp. Ords. 1987, § 17.188)

Sec. 34-166. Same-Division.

The division of a lot in a recorded plat is prohibited, unless approved following application to the township planning commission. The application shall be filed with the township clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four parts and the resulting lots shall be not less in area than permitted by the township zoning ordinance. No building permit shall be issued, or any building construction commenced, until the division has been approved by the township planning commission and the suitability of the land for building sites has been approved by the county or district health department. The division of a lot resulting in a smaller area than prescribed in this section may be permitted, but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

(Comp. Ords. 1987, § 17.189)

Sec. 34-167. Strips-Planting.

Planting strips may be required to be placed next to incompatible features, such as highways, railroads, commercial or industrial uses, to screen the view from residential properties. Such screens shall be a minimum of 20 feet wide, and shall not be a part of the normal roadway right-of-way or utility easement. (Comp. Ords. 1987, § 17.201)

Sec. 34-168. Same-Reserve.

(a) *Private.* Privately held reserve strips controlling access to streets shall be prohibited.

(b) *Public.* A one-foot reserve may be required to be placed at the end of stub or dead-end streets which terminate at subdivision boundaries and between half streets. These reserves shall be deeded in fee simple to the township for future street purposes. (Comp. Ords. 1987, § 17.202)

Sec. 34-169. Public sites and open spaces-Public uses.

Where a proposed park, playground, school or other public use shown on the comprehensive development plan is located in whole or in part within a subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase. If, within two years of plat recording, the purchase is not agreed on, the reservation may be cancelled or shall automatically cease to exist. (Comp. Ords. 1987, § 17.211)

Sec. 34-170. Same-Natural features.

Existing natural features which add value to residential development and enhance the attractiveness of the community, such as trees, watercourses, historic spots and similar irreplaceable assets, shall be preserved, insofar as possible, in the design of the subdivision. (Comp. Ords. 1987, § 17.212)

Sec. 34-171. Large scale developments-Modification.

This division may be modified in accordance with sections 34-256-34-258 in the case of a subdivision large enough to constitute a complete community or neighborhood, consistent with the township zoning ordinance in respect of planned unit development and the provisions of the zoning ordinance relative to open space subdivisions. (Comp. Ords. 1987, § 17.221)

Sec. 34-172. Same-Neighborhood characteristics.

A community or neighborhood under the provision of large scale developments shall generally be consistent with the comprehensive development plan and contain 500 living units or more; contain or be

bounded by major streets or natural physical barriers as necessary; and shall contain reserved areas of sufficient size to serve its population for schools, playgrounds, parks, and other public facilities. Such reserves may be dedicated.

(Comp. Ords. 1987, § 17.222)

Sec. 34-173. Open space subdivision.

An open space subdivision generally is intended to offer the proprietor an alternative method of developing land by providing for smaller lot sizes than required by the zoning ordinance for the provision of private or public open space.

(Comp. Ords. 1987, § 17.223)

Sec. 34-174. Modification for commercial and industrial developments.

These subdivision design standards may be modified -in accordance with sections 34-25634-258 in the case of subdivisions specifically designed for commercial or industrial development, including shopping districts, wholesaling areas, and planned industrial districts. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation.

(Comp. Ords. 1987, § 17.231)

Secs. 34-175-34-200. Reserved.

DIVISION 4. IMPROVEMENTS

Sec. 34-201. Purpose.

It is the purpose of this division to establish and define the public improvements which will be required to be constructed by the subdivider as conditions for final plat approval, and also to outline the procedures and responsibilities of the subdivider and the various public officials and agencies concerned with the administration, planning design, construction, and financing of public facilities, and to further establish procedures for assuring compliance with these requirements.

(Comp. Ords. 1987, § 17.250)

Sec. 34-202. Construction plans.

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared, by a registered engineer, a complete set of construction plans, including profiles, cross section, specifications, and other supporting data, for the public streets, utilities, and other facilities required in this division. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies shown.. All construction plans shall be prepared in accordance with their standards or specifications.

(Comp. Ords. 1987, § 17.260)

Sec. 34-203. Submittal procedure.

When construction has been completed at the time of filing the final plat, one complete copy of as-built engineering plans of each required public improvement shall be filed with the township clerk coincident with the filing of the final plat. Other requirements and procedures in the submittal of final plats shall be as provided in sections 34-109-34-111.

(Comp. Ords. 1987, § 17.271)

Sec. 34-204. Required public improvements-Subdivider to install.

Every subdivider shall be required to install the public and other improvements in accordance with the conditions and specifications set forth in sections 34-205-34-215.

(Cop.1p. Ords. 1987, § 17.280)

Sec. 34-205. Same-Monuments.

Monuments shall be set in accordance with the land division act and the rules of the state department of treasury. Final plats can be approved prior to placement of all lot irons and monuments, provided cash surety is posted with the township guaranteeing the placement of lot irons and monuments within one year of approval of the final plat. The amount of security to be posted will be in accordance with the fee schedule adopted by the township board.

(Comp. Ords. 1987, § 17.281)

Sec. 34-206. Same-Streets and alleys.

All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the county road commission and the township board, whichever is the more restrictive, but which in no case shall exceed engineering standards normally deemed adequate for climatic conditions unique to the county. (Comp. Ords. 1987, § 17.282)

Cross reference-Streets, sidewalks and other public places, ch. 58.

Sec. 34-207. Same-Curbs and gutters.

(a) Curbs and gutters shall be required on all neighborhood access streets and minor streets and shall be constructed in accordance with the standards and specifications adopted by the county road commission and the township board, whichever is the more restrictive, but which in no case shall exceed engineering standards normally deemed adequate for climatic conditions unique to the county.

(b) The township board may waive the requirement for curbs and gutters in those subdivisions where the average frontage of lots is 200 feet or greater and where the density of all lots in the subdivision is one dwelling unit per acre or less. In these subdivisions, culverts (at driveways) and drainage swales (sodded or other rip/rap material) will be permitted.

(Comp. Ords. 1987, § 17.283)

Sec. 34-208. Same-Installation of public utilities.

Public utilities and driveways shall be located in accordance with the rules of the township board. The underground work for utilities shall be stubbed to the property line.

(Comp. Ords. 1987, § 17.284)

Cross reference-Utilities, ch. 66.

Sec. 34-209. Same-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. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the engineer, planner, and commission and the approval of the township board at the time of final plat approval where it is determined that overhead lines will 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 not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor.

(Comp. Ords. 1987, § 17.285)

Sec. 34-210. Same-Driveways.

All driveway openings in curbs shall be as specified by the county road commission or the department of state highways when these are contiguous to an arterial street or state highway.

(Comp. Ords. 1987, § 17.286)

Sec. 34-211. Same-Storm drainage.

(a) An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the county drain commissioner and the township board.

(b) Construction shall follow the specifications and procedures established by the county drain commissioner. All proposed storm drainage construction plans for proposed plats shall be approved by the county drain commissioner.

(Comp. Ords. 1987, § 17.287)

Cross reference-Utilities, ch. 66.

Sec. 34-212. Same-Water supply system.

(a) When a proposed subdivision is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the subdivider in accordance with the requirements of the township board.

(b) If there is no existing or accessible public water supply system, the subdivider may be required to install a water supply system for the common use of the lots within the subdivision in accordance with the requirements of part 127 of Public Act No. 368 of 1978 (MCL 333.12701 et seq.). When such a system is established, the proprietor shall provide assurances for perpetual operation and maintenance to the satisfaction of the township board. The proprietor or his assigns may offer the system to the township, who may or may not deem to accept the system for operation and maintenance.

(c) Individual wells may be permitted in accordance with the requirements of the county health department.

(Comp. Ords. 1987, § 17.288)

Cross reference-Utilities, ch. 66.

Sec. 34-213. Same-Sanitary sewer system.

(a) When a proposed subdivision is to be serviced by a public sanitary sewer system, sanitary sewers and other required appurtenances thereto shall be provided by the subdivider in accordance with the requirements of the township board. Sewer systems shall comply with the requirements of part 127 of Public Act No. 368 of 1978 (MCL 333.12701 et seq.).

(b) If there is no existing or accessible public sewer system, a sewer system for the common use of the lot owners may be required to be provided by the subdivider if feasible, in the judgment of the planning commission, with the advice of the township engineer and county (or district) health department, and shall comply with the requirements of part 127 of Public Act No. 368 of 1978 (MCL 333.12701 et seq.). When such a system is established, the proprietor shall provide assurances for perpetual operation and maintenance to the satisfaction of the township board. The proprietor or his assigns may offer a system to the township, who may or may not deem to accept the system for operation and maintenance.

(c) Where it is determined, in the judgment of the planning commission, with the advice of the township engineer and the county health department, that a subdivision cannot be economically connected with an existing public sewer system or that a public sewer system cannot be provided for the subdivision itself, then approved septic tanks and disposal fields may be approved which shall comply with the requirements of the county health department. However, where studies by the township planning commission or the township engineer indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided appears probable within a reasonably short time (up to three years), sanitary sewer mains and house connections shall be installed and capped.

(Comp. Ords. 1987, § 17.289)

Cross reference-Utilities, ch. 66.

Sec. 34-214. Same-Street name signs.

Street name signs are to be provided in the manner prescribed by the county road commission.

(Comp. Ords. 1987, § 17.290)

Sec. 34-215. Same-Sidewalks and crosswalks.

(a) Sidewalks shall be required on both sides of the street. Where the average width of lots, as measured at the street frontage line or at the building setback line, is over 100 feet, sidewalks on one side may be required by the township, or the township may choose to waive the requirements entirely.

(b) Crosswalks, when required by the township, shall have easements at least ten feet in width and include a paved walk at least five feet in width, adequately fenced and lighted and located generally along the centerline of the easement, dedicated as a public pedestrian walkway.

(c) Sidewalks and crosswalks shall be constructed in accordance with the requirements of the township board.

(Comp. Ords. 1987, § 17.291)

Sec. 34-216. Optional public improvements-Recreational.

Where a school site, neighborhood park, recreation area, or public access to water frontage, as previously delineated or specified by official action of the planning commission, is located in whole or part in the proposed subdivision, the township board may request the reservation of such open space for school, park and recreation or public access purposes. All such areas shall either be reserved for the respective school district, in the case of school sites, or for the township in all other cases; however, voluntary dedication of these land areas will be accepted.

(Comp. Ords. 1987, § 17.301)

Sec. 34-217. Same-Greenbelts.

It is desirable for the protection of residential properties to have greenbelts or landscaped screen plantings located between a residential development and adjacent major arterial streets and railroad rights-of-way. Where a subdivider desires to protect his development in this respect, a proposed subdivision plat shall show the location of such greenbelts and provide for their maintenance pursuant to section 34-220.

(Comp. Ords. 1987, § 17.302)

Sec. 34-218. Same-Street trees.

(a) Street trees of a variety and size in accordance with the standards adopted by the township board may be required between the street curb and sidewalk.

(b) Generally, the township board will provide that a tree be planted in front of each lot and should a tree not be in place prior to platting each lot, then provisions for planting additional trees on those lots without trees may be required.

(Comp. Ords. 1987, § 17.303)

Sec. 34-219. Same-Street lighting.

Streetlights may be required to be installed at intersections only throughout the subdivision. In these cases, a subdivider shall conform to the requirements of the township and the public utility providing such lighting.

(Comp. Ords. 1987, § 17.304)

Sec. 34-220. Same-Guarantees to maintain greenbelts and decorative entranceways.

Where the proprietor/subdivider elects to provide greenbelts and/or constructs decorative or other improved entranceways, financial or other guarantees shall be made to the township board to ensure continued upkeep and maintenance of all improvements. Such guarantees may consist of a deed restriction or covenant which requires all future purchasers of lots in the plat to belong to a homeowners' association and to pay an annual fee adequate to maintain and upkeep the improvements to their original condition. Failure to provide adequate funds to accomplish this to the satisfaction of the township board shall empower the township to carry out the improvements and upkeep and to make such assessments as are required to pay the costs incurred to the township against the owners of the lots contained within the plat.

(Comp. Ords. 1987, § 17.305)

Sec. 34-221. Completion-Financial guarantee arrangements, exceptions.

In lieu of the actual installation of required public improvements, the township board, on recommendation of the planning commission, may permit the subdivider to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of the county road commission, county drain commissioner, or any other agency responsible for the administration, operation, and maintenance of the applicable public improvement. In case these improvements are specified, completion shall be required prior to the issuance of occupancy permits.

(1) *Performance or surety bond.*

- a. *Accrual.* The bond shall accrue to the township, covering construction, operation, and maintenance of the specific public improvement.
- b. *Amount.* The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement, including contingencies, as estimated by the township board.
- c. *Term length.* The term length in which the bond is in force shall be for a period to be specified by the township board for the specific public improvement.
- d. *Surety company.* The bond shall be with a surety company authorized to do business in the state, acceptable to the township board.
- e. *Escrow agreement.* The escrow agreement shall be drawn and furnished by the township board.

(2) Cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit.

- a. *Treasurer, escrow agent or trust company.* A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the township board, shall accrue to the township. These deposits shall be made with the township treasurer, or deposited with a responsible escrow agent, or trust company, subject to the approval of the township board.
- b. *Dollar value.* The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit shall be equal to the total estimated cost of construction of the specific public improvement, including contingencies, as estimated by the township board.
- c. *Escrow time.* The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit shall be for a period to be specified by the township board.
- d. *Progressive payment.* In the case of cash deposits or certified checks, an agreement between the township and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond, or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered-into agreement.

(Comp. Ords. 1987, § 17.311)

Sec. 34-222. Same-Conditional approval with respect to financial guarantees.

With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

- (1) The construction of improvements required by this division shall have been completed by the subdivider and approved by the township board.
- (2) Surety acceptable to the township shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit, or surety bond.

(Comp. Ords. 1987, § 17.312)

Sec. 34-223. Same-Special agreement for street trees and lights.

A special agreement shall be entered into between the subdivider and the township board where street trees and streetlights have been required by the township board.

(Comp. Ords. 1987, § 17.313)

Sec. 34-224. Same-Inspection of construction.

Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the township board shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans, except for those improvements that fall within the jurisdiction of the county road commission.

(Comp. Ords. 1987, § 17.314)

Sec. 34-225. Same-Failure to complete.

If the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the township board to proceed to have such work completed. In order to accomplish this, the township board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the township board and the subdivider.

(Comp. Ords. 1987, § 17.315)

Sec. 34-226. Same-Temporary improvements.

The applicant shall build and pay for all costs of temporary improvements required by the township board and shall maintain such improvements for the period specified by the township board. Prior to construction of any temporary facility or improvement, the developer shall file with the township board a separate suitable bond for temporary facilities, which bond shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

(Comp. Ords. 1987, § 17.316)

Sec. 34-227. Same-Acceptance of dedication offers.

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the township board. The approval by the planning commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the local government of any street, easement, or park shown on such plat. The planning commission may require such plat to be endorsed with appropriate notes to this effect.

(Comp. Ords. 1987, § 17.317)

Sec. 34-228. Same-Conditions for dedication acceptance, release or reduction of performance bond.

(a) *Certificate of satisfactory completion.* The township board will not accept dedication of required improvements nor release nor reduce a performance bond, until the township engineer has submitted a certificate stating that all required improvements have been; satisfactorily completed and until the applicant's engineer or surveyor has certified to the township engineer, through submission of a detailed as-built survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the planning commission or township engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision and that a title insurance policy has been furnished to and approved by the township attorney indicating that the improvements shall have been completed, are ready for dedication to the local government, and are free and clear of any

and all liens and encumbrances. Upon such approval and recommendation, the township board shall thereafter accept the improvements for dedication in accordance with the established procedure.

(b) *Reduction of performance bond.* A performance bond shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a performance bond be reduced below 25 percent of the principal amount.

(Comp. Ords. 1987, § 17.318)

Sec. 34-229. Same-Maintenance.

(a) The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until acceptance of such improvements by the township board. If there are any certificates of occupancy on a street not dedicated to the township, the township may, on 12 hours' notice, plow the street or effect emergency repairs and charge the same to applicant.

(b) The applicant shall be required to file a maintenance bond with the township board, prior to dedication, in an amount considered adequate by the township engineer and in a form satisfactory to the township attorney, in order to ensure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots, for a period of one year after the date of their acceptance by the township board and dedication of the improvements to the township.

(Comp. Ords. 1987, § 17.319)

Sees. 34-230-34-255. Reserved.

DIVISION 5. VARIANCES

Sec. 34-256. Findings by planning commission.

(a) The township planning commission may recommend to the township board a variance from the provisions of this article on a finding that undue hardship may result from strict compliance with specific provisions or requirements of the article or that application of such provision or requirement is impracticable. The planning commission shall only recommend variances that it deems necessary to or desirable for the public interest. In making its findings, as required in this section, the planning commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the planning commission finds, after a public hearing, that:

- (1) There are such special circumstances or conditions affecting such property that the strict application of the provisions of this article would clearly be impracticable or unreasonable. In such

cases, the subdivider shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the planning commission.

- (2) The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which such property is situated.
- (3) Such variance will not violate the provisions of the land division act.
- (4) Such variance will not have the effect of nullifying the interest and purpose of this article and the comprehensive development plan of this township.

(b) The planning commission shall include its findings and the specific reasons therefor in its report of recommendations to the township board and shall also record its reasons and actions in its minutes.
(Comp. Ords. 1987, § 17.340)

Sec. 34-257. Topographical, physical limitations.

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this article would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions, or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of this article, the planning commission may recommend to the township board that variance modification or a waiver of these requirements be granted, pursuant to the township zoning ordinance providing for an open space subdivision development.

(Comp. Ords. 1987, § 17.350)

Sec. 34-258. Planned unit developments.

The developer may request a variance from specified portions of this article in the case of a planned unit development. If, in the judgment of the planning commission, such a plan provides adequate public spaces and includes provisions for efficient circulation, light and air, and other needs, the planning commission shall make findings as required in this section. The planning commission shall take into account the nature of the proposed use of land and existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The planning commission shall report to the township board whether the proposed project will constitute a desirable and stable community development and be in harmony with adjacent areas.

(Comp. Ords. 1987, § 17.360)

Secs. 34-259-34-290. Reserved.

ARTICLE IV. REAR LOT DRAINAGE FOR SUBDIVISIONS AND CONDOMINIUMS**Sec. 34-291. Purpose and intent.**

The township board hereby recognizes that the construction of new subdivisions and condominiums significantly alters the natural drainage pattern of land; therefore, to minimize any potential harm or damage from inadequate drainage, all newly constructed plats and condominiums must provide rear lot drainage in accordance with the Township Standard Specifications and Details. Further, such provisions shall be shown on the preliminary plat (for subdivisions) or site plan (for condominiums), and submitted to the township for review and approval. Any fees for such review shall be established separately by the township board.

(Ord. No. 95-02, § 1, 5-23-1995)

Sec. 34-292. Standards and Requirements

The standards and requirements for rear lot drainage are as follows:

- (1) Rear lot drainage shall consist of a minimum of four-inch polyethylene perforated plastic tile with a fabric sock installed, with a minimum of four inches of 2NS sand under the pipe and backfilled with a cover of six inches of 2NS sand. A minimum of six inches of topsoil shall be placed over the backfill mixture. Pipe shall have a minimum cover of two feet. A four-inch drain line shall not serve any more than one gross acre of land.
- (2) Two-foot diameter or larger precast concrete catchbasins shall be installed at all natural depressions; however, they shall not be spaced more than 300 feet apart, unless a better alternative can be made effective and is approved by the township planning commission. Any bends, 90-degree turns, or dead ends shall include a two-foot diameter catchbasin.
- (3) Where a proposed subdivision/condominium abuts the rear of an existing subdivision/condominium with rear lot drainage, the proposed development will be required to install its own lot drainage system, or the developer may obtain a written agreement with the existing subdivision/condominium owners to use the existing rear lot drainage if it is approved by the planning commission and the township engineer. Such agreement shall be recorded with the country register of deeds.
- (4) All drains must connect to an approved stormwater drainage system.
- (5) Where a proposed subdivision/condominium abuts the rear of an existing subdivision/condominium with inadequate rear lot drainage, the proposed subdivision must install rear lot drainage.
- (6) Rear lot drainage systems shall be owned and maintained by the subdivision/condominium. Public utility maintenance easements ten feet wide shall be provided for the rear lot drainage system in all cases, even when rear lot drainage may not be required, as stated under subsection (3) of this

section. Such easements shall be written so as to permit neighboring property or condominium owners with a specific interest in the rear lot drainage to maintain such drainage as it may affect their property. For example, a lot owner in a subdivision may repair a drain tile which extends through his neighbor's lot in order to maintain his drainage, provided the neighbor's lot is restored to its original condition.

- (7) It shall be the responsibility of the developer to construct the rear lot drainage system at 100 percent his cost prior to final plat or site plan approval. The proprietor and engineer of the plat or condominium shall certify that the rear lot drainage system has been installed in accordance with the proposed plan and specifications prior to final plat approval.

(Ord. No. 95-02, § 2, 5-23-1995)

Chapters 35-37

RESERVED

CD35:1