

Lima Township

Subdivision Control Ordinance

An Ordinance regulating the subdivision of land in Lima Township, requiring and regulating the preparation and presentation of preliminary and final plats for such purpose; establishing minimum subdivision standards; providing for minimum improvements to be made or guaranteed to be made by the proprietor; setting forth the procedures to be followed by the Township Board and Planning Commission in applying these rules, regulations and standards; and prescribing penalties for the violation of its provisions. Now, therefore, the Township of Lima, ordains:

ARTICLE I GENERAL PROVISIONS

100.0 SHORT TITLE: This Ordinance shall be known and may be cited as the Lima "Township Subdivision Control Ordinance."

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

100.11 Provide for orderly growth and harmonious development of the community, consistent with adopted development policies of the Township.

100.12 Secure proper arrangement of streets in relation to adequate traffic circulation through coordinated existing and planned streets and to the adopted General Development Plan, and adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, ad-

joining subdivisions, and public facilities.

100.13 Achieve individual lots of maximum utility and livability, and lots of such size and layout as to be in harmony with the existing and proposed development pattern of the area.

100.13 Insure adequate provisions for water, drainage and sanitary sewer facilities, and other health requirements.

100.15 Insure adequate provision for recreational areas, school sites and other public facilities.

100.2 LEGAL BASIS: This Ordinance is enacted pursuant to the statutory authority granted by the Township Planning Commission Act, Act 168, P.A. of 1959 as amended; and the Subdivision Control Act, Act 288, P.A. of 1967 as amended.

100.3 SCOPE: This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance, except for further dividing of existing lots. Nor is it intended by this Ordinance 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 running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of the Township the provisions of this Ordinance shall prevail.

100.4 ADMINISTRATION: The provisions of this Ordinance shall

be administered in accordance with Act 288, P.A. of 1967 as amended, and Act 168, P.A. of 1959, as amended.

100.5 FEES: The schedule of fees for the review of plans and plats, the inspection of improvements for the administration of this Ordinance, and for other costs incurred by the Township in the platting process, shall be determined, and may be modified from time to time, by ordinance of the Township Board.

100.6 CEMETERIES: Cemeteries shall not be included in the definition of subdivision and shall not be subject to the provisions of this Ordinance.

100.7 CONFORMANCE WITH ZONING ORDINANCE: All plats reviewed under these regulations shall conform to all zoning ordinance provisions for the district in which the proposed plat is to be located. All required zoning charges shall be made prior to tentative approval of the preliminary plat by the Township Board.

ARTICLE II DEFINITIONS

200.0 RULES APPLYING TO THE TEXT: For the purpose of this Ordinance certain rules of construction apply to the text, as follows:

200.1 Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.

200.2 The term "shall" is always mandatory and not discretionary; the work "may" or "should" is permissive.

200.3 The word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.

201.0 DEFINITIONS: The following definitions shall apply in the interpretation and enforcement

of this Ordinance, unless otherwise specifically stated.

ALLEY: 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: Revised construction plans in accordance with all approved field changes.

BLOCK: An area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys, or between streets, highways, or ways and a railroad right-of-way, unsubdivided acreage, river, live stream or marsh, or any other barrier to the continuity of development.

BUILDING LINE OR SETBACK LINE: A line parallel to a street right-of-way line, shore of a lake, edge of a stream or river bank, or other property line, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building or structure between such building line, and a right-of-way, other public area or the shore of a lake, or the edge of a stream or river bank, or other property line.

CAPTION: The name by which the plat is legally and commonly known.

COMMERCIAL SUBDIVISION: A subdivision of land, as defined in this Article, in which the land is to be developed for retail stores, wholesale businesses, offices, business services, and similar use.

COMMON OPEN SPACE: An area within a subdivision held out of development by the proprietor and designed for the common use or enjoyment of residents of the subdivision. Common open space may contain such complementary structures as are necessary and appropriate for the use or enjoyment of the subdivision. Thus common open space may include areas for recreational use, wildlife or plant preserves, and nature study areas.

COMPREHENSIVE DEVELOPMENT: A residential cluster subdivision, a commercial or industrial park as defined in this Article.

COUNTY DRAIN COMMISSIONER: The Washtenaw County Drain Commissioner.

COUNTY HEALTH DEPARTMENT: The Washtenaw County Health Department.

COUNTY PLANNING COMMISSION: The Washtenaw County Metropolitan Planning Commission.

COUNTY PLAT BOARD: The Washtenaw County Plat Board.

COUNTY ROAD COMMISSION: The Washtenaw County Road Commission.

CUL DE SAC STREET: A local street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic.

DEDICATION, The intentional transfer by the proprietor to the public of the ownership of, or an interest in, land for a public purpose. Dedication may be effected by compliance with the statutes relating to dedication of land, by formal deed of conveyance, or by any other method recognized by the law of Michigan.

DEVELOPMENT: Means any subdivision of land as herein defined or any material change in the use or appearance of any parcel of land subject to the provisions of this Ordinance, or the act of building structures and installing site improvements.

EASEMENT: An interest in land owned by another which entitles the owners or owners of the easement to a limited use or enjoyment of the land. An easement may be created in favor of the public generally, federal and state agencies, municipal and private corporations, and individuals. An affirmative easement authorizes a use of land, which, if no easement existed,

would give the landowner a cause of action. A negative easement precludes the landowner from uses of his land which, if no easement existed, would be perfectly lawful.

FLING DATE: The date of the Planning Commission or Township Board meeting at which a complete application is received from the Township Clerk.

FLOOD PLAIN: That area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

GENERAL DEVELOPMENT PLAN: A comprehensive plan or part or parts thereof for Lima Township which, through any combination of texts, charts, and maps, sets forth proposals for general locations and extent of land uses, streets, and public facilities, and general standards and density of development, adopted and published in accordance with the Rural Township Planning Commission Act. (Act 168, P.A. of 1959) as amended.

GREENBELT OR BUFFER: A strip or tract of land located between incompatible land uses which is subject to private use restrictions or a negative easement or is dedicated to public use as open space, for the purpose of protecting the environment of a subdivision or to enhance a street right-of-way, or both.

IMPROVEMENTS: Any structure or material change incident to servicing or furnishing facilities for a subdivision such as, but not limited to grading, street surfacing, curb and gutter, driveway approaches, sidewalks, pedestrian ways, water mains and lines, sanitary sewers, storm sewers, culvert bridges, utilities, lagoons, slips, waterways, lakes, bays, canals, and other appropriate items, with appurtenant construction; demolition

of structures; planting; or removal of trees and other vegetation cover.

INDUSTRIAL SUBDIVISION: A subdivision of land, as defined in this Article, in which the land is to be developed for manufacturing plants, trucking and warehouse facilities, and similar activities.

LOT. A measured portion of a parcel or tract of land, described and fixed in a recorded plat or in a plat proposed to be recorded, and is considered as a unit.

CORNER LOT: A lot with two (2) adjacent sides abutting upon streets or other public or open spaces.

INTERIOR LOT: A lot which faces on one street.

MATERIAL CHANGE: Includes but is not limited to any commencement of mining, excavation, grading, or land clearance; deposit of refuse, waste, or fill on land not already used for that purpose, or permitted to be used for that purpose by the Zoning Ordinance, or which extends the height of any existing deposit above the level of the land adjoining the site; alteration of a shore, bank or flood plain of a river, stream, or of any lake or pond, natural or artificial.

MOBILE HOME: A detached single family dwelling unit with all of the following characteristics:

a. Designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

b. Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels, and to be moved from one site to another.

c. Arriving at the site where it is to be occupied as a complete dwelling, including major appliances, and furniture and ready for

occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

d. Designed to be used with a permanent foundation.

This definition does not include travel trailers, nor the so called "modular homes" commonly built by mobile home manufacturers and made into permanent residences by attaching two or more units together on foundations, slabs, or basements. Modular homes shall be treated, under this Ordinance as standard housing and not as mobile homes.

OPEN SPACE: Land dedicated or reserved for use by the general public or for use by residents of the subdivision, or land held out of development and retained in its natural condition, with or without public access. Open space includes but is not limited to parks parkways, playgrounds, school sites, wildlife or plant life preserves, and nature study areas.

OUTLOT: When included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

PARCEL OR TRACT: A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act.

PEDESTRIAN WAY: A separate right-of-way dedicated to or reserved for public use by pedestrians, which crosses blocks or other tracts of land for the purpose of facilitating pedestrian access to adjacent streets and properties.

PLANNING COMMISSION: The Planning Commission of Lima Township as established under Act 168, P.A. of 1959, as amended.

PERSONS, An individual, corporation, government, or governmental agency, business trust, es-

tate trust, partnership or association, two or more persons having a joint or common interest, or any legal entity.

PLAT: A map or chart of a subdivision of land.

PROPRIETOR: Any person or combination of persons, including a government agency undertaking any development as defined in this Ordinance. The term Proprietor includes such commonly used references as subdivider, developer, and owner.

PUBLIC OPEN SPACE: An area within a subdivision held out of development by the proprietor and conveyed or otherwise dedicated to, or reserved for purchase by, a municipality, municipal agency, board of education, state or county agency, or other public body for recreation or conservation uses.

PUBLIC USE AREAS: Public parks, playgrounds, or other recreational areas; scenic or historic sites; school sites or sites for other public buildings; and other areas dedicated to public use or enjoyment.

PUBLIC UTILITY: All persons, firms, corporations, co-partnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation, or other services of a similar nature.

REPLAT: The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

RESERVE: To hold subdivision land out of development for the purpose (a) of limiting it to use by the residents of the subdivision by means of easements and private use restrictions, or (b) permitting its future acquisition for

public use by Lima Township or some other appropriate public agency.

RESIDENTIAL CLUSTER SUBDIVISION: A subdivision of land, as defined in this Article, which contains one or more clusters of housing units with each cluster directly accessible to an open space system that is an integral, planned part of the subdivision.

RIGHT-OF-WAY: The area covered by a public street, alley, pedestrian way, or bike way, or by a private easement for assess or passage.

SIDEWALK: A facility, placed within the right-of-way of existing streets, or a facility connecting with buildings, parking lots, or other activities having access to the street right-of-way, for the purpose of providing safe movement of pedestrians.

SOIL CONSERVATION DISTRICT: Washtenaw County Soil Conservation District.

STREET: Any street, avenue, boulevard, road, lane, parkway, or other way which is an existing state, county or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way on a plat duly filed and recorded in the office of the County Register of Deeds. A street or way may be public or private and includes the land between the street lines whether improved or unimproved, and may consist of pavement, shoulders, gutters, sidewalks, parking areas, and lawns.

STRUCTURE: Any object or assembly of materials constructed or installed on, above or below the surfact of a parcel and includes, but is not limited to, any combination of materials, whether portable or fixed, having a roof, to form a building for occupancy by persons, animals, or property; anything attached to a building; any pole, pipeline, or other part of a

distribution system whether located on, above or below the surface of the parcel. A structure is any improvement, as defined in this Article, other than an improvement which consists only of a material change, as defined in this Article.

SUBDIVIDE OR SUBDIVISION: The partitioning 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 (1) year, or of building development, where the act of division creates five (5) or more parcels of land each of which is ten (10) acres or less in area, are created by successive divisions within a period of ten (10) years, dated from January 1, 1968, in accordance with the Subdivision Control Act. The term subdivision also refers to any area which is subdivided within the foregoing definition.

SUBDIVISION ADVISORY COMMITTEE (SAC): A committee created by resolution of the County Planning Commission, for the purpose of reviewing the technical aspects of proposed plats.

SUBDIVISION CONTROL ACT: Act 288, P.A. of 1967, as amended.

SURVEYOR: Either a land surveyor who is registered in the State of Michigan as a registered land surveyor or a civil engineer who is registered in this State as a registered professional engineer.

TOPOGRAPHICAL MAP: A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

TOWNSHIP: The Township of Lima, Washtenaw County, Michigan.

WATER RESOURCES COMMISSION: The Water Resources Com-

mission of the Michigan Department of Conservation.

ZONING ORDINANCE: The Lima Township Zoning Ordinance.

ARTICLE II PLAT PROCEDURES AND SPECIFICATIONS

300.0 INITIAL PROCEDURES: The proprietor is encouraged to consult the general development plans and detailed plans of any unit of government that affect the tract to be subdivided and the area surrounding it before he submits a preliminary plat for review. He should also become acquainted with the Zoning Ordinance, this Ordinance, and other ordinances which regulate the subdivision of land in Lima Township. He should also discuss the concepts of the proposed subdivision with the Planning Commission, the staff of the County Planning Commission, and the public utility companies serving the area.

300.1 PURPOSE: The purpose of the initial procedures stage of the platting process is to acquaint the proprietor with the planning policies of Lima Township as they apply to the property to be subdivided, to give the Planning Commission an opportunity to discuss the subdivision with the proprietor before expensive surveys and drawings are made, and to discuss the concepts and basic organization of the proposed development in relation to existing and future conditions on and around the site. The basic decisions as to the interpretation of planning policy for the site and area in question, and modification of such policy as a result of the proposed development will be made in this stage. The consensus reached in this state will form the basis of the preliminary plat.

300.2 SUGGESTED INFORMATION: In order to gain maximum benefit from the initial procedures phase the proprietor should

submit the following information to the Planning Commission for the entire tract of land, whether or not the tract will be developed in stages. Information may be combined on one or more drawings.

300.21 Description of features, existing, and proposed, surrounding the site, or importance to the proposed development.

300.22 Description of general topographic and general soil conditions on the site. (Information available from the county Planning Commission and the Soil Conservation District.)

300.23 Location and description of existing and future man-made features of importance to the proposed development.

300.24 A site analysis showing which of the site conditions the proprietor intends to retain or modify as part of the basic design of the subdivision.

300.25 The concept, objectives, general layout, and location and extent of the various uses and facilities to be incorporated within the subdivision.

300.26 Stages of development.

300.27 Property dimensions and area.

300.28 Aerial photograph of the site and surrounding area, with the site clearly defined. (Photos are available from the Washtenaw County Tax Description office.)

300.29 Proprietor's interest in the land.

300.3 SUBDIVISION ADVISORY COMMITTEE: The proprietor may present his preliminary development ideas to the Subdivision Advisory Committee for its comments and advice. The Planning Commission may request comments and advice from the Committee on the proposed layout.

301.0 PRELIMINARY PLAT - TENTATIVE APPROVAL:

301.1 FILING PROCEDURES: The proprietor shall file 8 copies of the preliminary plat together

with a completed application form and plat review fees with the Township Clerk at least 10 days prior to the regular Planning Commission meeting at which the plat is to be considered. The Clerk shall check the completeness of the submittal, and, if complete, transmit same to the Planning Commission in adequate time for inclusion on the agenda for the Planning Commission's next regular meeting. If the application is not complete, the Clerk shall so notify the applicant in writing and shall list deficiencies.

301.2 INFORMATION REQUIRED: The following information is required for all preliminary plats submitted for tentative approval. The required information may be combined for presentation on one or more drawings or maps. The Planning Commission may request that the information be presented on drawings or maps in addition to those submitted.

1. Name of proposed subdivision.
2. Legal description of the entire site to be subdivided.
3. Scale, (not more than 100 feet to one inch), date, and north point shall be indicated on each map or plan.
4. Name and address of proprietor; other owners, if any, and planner, engineer, surveyor, or designer who designed the subdivision layout.
5. Names of adjacent subdivisions, layout of streets indicating street names, right-of-way widths, and connections with adjoining platted streets, widths and locations of alleys, easements, and public walkways adjacent to or connecting with the proposed subdivision; layout and dimensions of lots adjacent to the proposed subdivision; names and addresses of owners of record of all adjacent property.

6. Topography, existing and proposed, at two (2) foot intervals. Proposed grading and land filling shall be indicated on the plans along with a description of measures to be used to control sedimentation and erosion. All topographic data shall relate to USGS data.

7. Plans and specifications of soil erosion and sedimentation control measures in accordance with standards and specifications of the Soil Conservation District.

8. A site report as described in Rule 560.402 of the Michigan Administrative Code, shall be required for subdivisions that will not be served by public water and sewer. The information listed therein and not required elsewhere in this Ordinance, shall be submitted as part of the application for preliminary plat approval.

9. Proposed deed restrictions or protective covenants; if none, a statement of such in writing.

10. Layout and width of right-of-way and surfacing of all streets or public ways proposed for the subdivision.

11. Lot layout, dimensions, setback requirements, area (in square feet or acres) and lot numbers of proposed lots.

12. All parcels or lands to be dedicated or reserved for public use or for use in common by property owners in the subdivision shall be indicated on the preliminary plat, along with any conditions of such dedication or reservation.

13. Location and size of all existing sanitary sewer, storm sewer and water supply facilities; location of, and points of connection to, proposed lines; elevations and grades, direction of flow, profiles; location of valves and hydrants; location of electricity, telephone, and gas supply lines; location, description, and details of any on-site facilities to serve the entire subdivision.

14. Identification, location, and nature of all uses other than single family residences to be included within the subdivision.

15. Staging of development of the entire subdivision shall be clearly shown on the plat, and the relation of each stage to the entire subdivision plan shall be clearly indicated.

16. Location, dimensions, and purpose of all easements shall be shown on the plat.

17. Location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, man-holes, catch basins and underground conduits.

18. Zoning status of property included in the preliminary plat and of all adjacent properties; civil jurisdiction of all such properties.

301.3 REVIEW PROCEDURES:

301.31 The Planning Commission shall review the preliminary plat for conformance to general development plans and to standards and specifications set forth in the Subdivision Control Act and in this Ordinance. If the Planning Commission determines that there is substantial conformance, it shall transmit one copy of the preliminary plat to the County Planning Commission for design review, one copy to the Subdivision Advisory Committee for technical review, and information about the preliminary plat to the Superintendent of Schools of the School District in which the proposed subdivision is to be located.

301.32 After receiving comments and recommendations, if any, from the County Planning Commission staff, Subdivision Advisory Committee and the Superintendent of Schools, the Planning Commission shall re-evaluate the preliminary plat in view of the new information it has received, and may request modifications in the preliminary plat. The Plan-

ning Commission shall then approve, conditionally approve, or disapprove the preliminary plat and transmit all copies of the preliminary plat together with the reasons for its action to the Township Board.

301.321 The Planning Commission shall take action on the preliminary plat within 60 days of the date of filing of the plat. The review period may be extended by written agreement between the Planning Commission and the proprietor. If no action is taken by the Planning Commission within the 60 day period, and if no extension is secured, the Township Board shall request that the Planning Commission take appropriate action.

301.33 The Township Board shall, within thirty (30) days of receiving the Planning Commission's recommendation, tentatively approve or disapprove the preliminary plat.

301.4 EFFECT OF TENTATIVE APPROVAL OF PRELIMINARY PLAT: Tentative approval of the preliminary plat shall confer upon the proprietor for a period of one (1) year from the approval date, approval of the lot sizes, lot orientations and street layout of the proposed subdivision. The tentative approval may be extended if an extension is applied for by the proprietor and granted in writing by the Township Board.

301.5 EXPIRATION OF TENTATIVE APPROVAL: If the preliminary plat is not submitted to the Township Board for final approval within one (1) year of the date of the tentative approval thereof by the Township Board, the Township Board may declare tentative approval to have expired and to be of no effect, unless good cause can be shown for the delay. If the Township Board so declares, the proprietor shall submit a new preliminary

plat for approval in accordance with this ordinance and the Subdivision Control Act.

302.0 PRELIMINARY PLAT—FINAL APPROVAL:

302.1 FILING PROCEDURES:

The preliminary plat, as tentatively approved by the Township Board and approved by all county and state plat approval authorities as required by the Subdivision Control Act, together with the required information, completed application form, and fees, shall be submitted to the Clerk at least 10 days prior to the meeting of the Township Board at which the preliminary plat is to be considered for final approval. The Clerk shall determine if the application is complete, and if complete, transmit same to the Township Board in adequate time for inclusion on the agenda for the Board's next meeting. If the application is not complete the Clerk shall so notify the proprietor in writing and shall list deficiencies.

302.2 INFORMATION REQUIRED FOR FINAL APPROVAL OF PRELIMINARY PLAT: The proprietor shall submit the following information to the Township Board to obtain final approval of the preliminary plat:

302.21 A list of all county and state authorities required by the Subdivision Control Act to approve the preliminary plat, certifying that the list is complete and that each authority has approved the preliminary plat.

302.22 One approved copy of the preliminary plat from each county and state authority required by the Subdivision Control Act to approve the preliminary plat.

302.23 Copy of receipt from the Township Treasurer that all fees required under this Ordinance have been paid.

302.24 Certificates of approval as set forth in Section 501.34 herein, and construction schedules.

302.3 REVIEW BY THE TOWNSHIP BOARD:

302.31 The Board shall review the preliminary plat at its next regular meeting after submittal of the complete application, or within 20 days of the date of submission to the Clerk. The Board shall finally approve the preliminary plat if it conforms to the preliminary plat as tentatively approved by the Board and if all other required approvals have been obtained by the proprietor. The Clerk shall promptly notify the proprietor of the final approval, in writing.

302.32 The Board shall disapprove the preliminary plat if it does not conform to the preliminary plat as tentatively approved by the Board, or if any of the other approvals required by the Subdivision Control Act have not been obtained. The Clerk shall promptly notify the proprietor of the disapproval and the reasons therefor, in writing. The reasons for the disapproval shall be recorded in the minutes of the meeting of the Board. Notice of disapproval shall be recorded in the minutes of the meeting of the Board. Notice of disapproval shall be sent to each of the other plat approval authorities by the Clerk.

302.33 In case of disapproval of the preliminary plat, further consideration of a plat for subdividing the same land can be obtained only if the proprietor applies for tentative approval of a preliminary plat.

302.34 In order to reach a reasonable compromise as expeditiously as possible when the Board indicates that it is going to disapprove the preliminary plat, the proprietor and the Board may agree in writing to extend the 20 day review period. Any changes made in the plat during the period of extension shall be sent to each of the other author-

ities which have approved the preliminary plat. Approval of such changes by each such authority shall be obtained before the Board may finally approve the preliminary plat. This provision is intended to be used only in situations where, in the opinion of the Board, objections to final approval are minor.

302.4 EFFECT OF FINAL APPROVAL OF PRELIMINARY PLAT: Final approval of the preliminary plat 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 the final approval of the preliminary plat was granted will not be changed. The two (2) year period may be extended if an extension is applied for by the proprietor and granted by the Township Board in writing. Written notice of any extension shall be sent by the Board to all other plat approval authorities.

303.0 FINAL PLAT:

303.1 FILING PROCEDURES:

Final plats shall be submitted in the form required in the Subdivision Control Act, together with a) the completed application form, b) fees for filing and recording and plat review, and inspection of improvements; and c) agreement and security required to guarantee performance, and shall be submitted to the Clerk at least 10 days prior to the meeting of the Township Board at which the plat is to be considered. The Clerk shall determine if the submittal is complete, and if complete, transmit same to the Board in adequate time for inclusion on the agenda for the Board's next meeting. If the application is not complete the Clerk shall so notify the applicant in writing and shall list deficiencies. A final plat shall not be accepted for review after the date of expiration of the final approval of the preliminary plat. The final plat

shall be submitted to the following agencies, in the indicated order, and the proprietor shall obtain signatures from the agency thereon, in the indicated order, prior to filing the final plat with the Board for approval.

County Treasurer
County Drain Commissioner
County Road Commission

The final plat shall be signed by the registered land surveyor or professional engineer and by the proprietor(s) prior to filing with the Township Clerk.

303.2 INFORMATION REQUIRED: All final plats shall be in the form, and contain the information, required by the Subdivision Control Act.

303.21 One (1) reproducible copy on mylar or other dimensionally stable material, and four (4) paper prints thereof, and the filing and recording fees shall be filed by the proprietor with the Township Clerk.

303.22 Abstract of title or other certificate establishing ownership interests and to ascertain if proper parties have signed the plat, for all land included in the subdivision.

303.23 The proprietor shall provide the Township Clerk with a certificate from his engineer indicating that improvements have been installed in conformance with the approved engineering drawings, with any changes noted therein and attached in drawings, and proof of a guarantee of completion for those improvements to be installed after final plat approval, as finally approved in the preliminary plat.

303.24 A detailed estimate of all costs of all required improvements not to be installed prior to final plat approval, as provided in Article V, herein. The estimate of costs shall be checked and approved by the Township Engineer prior to review of the final plat by the Township Board.

303.3 REVIEW OF FINAL PLAT:

303.31 The final plat shall con-

form closely to the preliminary plat as finally approved. The final plat may cover only a portion of the area covered by the preliminary plat as finally approved.

303.32 All improvements and facilities to be provided by the proprietor shall be installed, or adequate security in lieu thereof shall be provided, and all dedications and easements shall be evidenced as having been made before the Township Board may approve the final plat. However, approval of the final plat shall not constitute acceptance of items for dedication. All installations shall be inspected and approved by the Township Engineer before the Board may approve the final plat. All as-built corrections to the preliminary plat as finally approved shall be made prior to approval to the final plat by the Board.

303.33 The Township Board shall review all recommendations and either approve or disapprove the final plat at its next regular meeting after the date of submission, or at a meeting called within 20 days of the date of submission. The Board shall approve the plat if it conforms to the preliminary plat as finally approved and to the provisions of the Subdivision Control Act.

303.34 If the final plat is approved, the Clerk shall transmit the reproducible copy of the plat and the filing and recording fee to the County Plat Board. One paper print shall be forwarded to the Planning Commission, to the Subdivision Advisory Committee, and to the Building Department; and one print shall be retained by the Township Clerk. The reproducible copy and paper prints shall have the date of approval marked thereon.

303.35 If the final plat is approved, the Township Clerk shall sign a certificate signifying approval of the final plat by the Township Board, which shall include the date of approval and the date on which the Clerk signs the certificate.

303.36 If the final plat is disapproved, the Clerk shall record the reasons for rejection in the minutes of the meeting, notify the proprietor in writing of the action and the reasons therefor, and return the plat to the proprietor.

303.4 EFFECT OF FINAL PLAT APPROVAL: Approval of the final plat shall confer upon the proprietor for a period of three (3) years from the date of approval a right that all existing zoning regulations and subdivision regulations shall remain unchanged as they apply to the property included in the final plat.

ARTICLE IV DESIGN AND DEVELOPMENT STANDARDS

400.0 GENERAL: In reviewing applications for approval of subdivision plats, the standards set forth in this Article shall be considered minimum requirements. Where a duly adopted and published General Development Plan requires higher standards, such higher standards shall apply. The Planning Commission and the Township Board recognize that the standards set forth in this Article are directed primarily to residential subdivisions and that such standards are not always reasonably applicable to mobile home, commercial, and industrial subdivisions. Therefore, Sections 411.0, and 412.0, are included to provide the necessary modifications. Variances from the standards set forth in this Article shall be granted only as provided in Article VI, herein.

401.0 STREETS AND ALLEYS: The specifications contained in this Ordinance are the standards for all highways, streets, and alleys which might hereafter be platted or accepted within the Township.

401.1 STREET LAYOUT: Street layout shall conform to the duly adopted and published General Development Plan or the portion

thereof relating to streets and traffic. The arrangement of streets in the subdivision shall provide for the continuation of streets in adjacent subdivisions, where such extensions are deemed desirable by the Planning Commission and County Road Commission, and where such extension is not precluded by topographic or other existing conditions. The layout shall provide for proper projection of principal streets into adjoining properties not yet subdivided. In general, all such streets shall have a width at least as great as the street being extended.

Local streets shall be laid out so as to discourage their use by through traffic.

Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable grades, both for the streets and for driveways intersecting therewith.

The street layout shall not isolate lands from existing public streets or roads, unless suitable access is provided, and that such access be granted by easement or dedicated to public use. Slight jogs in continuous streets at points of intersection with other streets shall not be permitted. Where offsets cannot be avoided, a minimum distance of 125 feet shall be established between centerlines of the intersecting streets.

Where future connections to adjacent areas are to be provided, the land for such connection shall be covered by an easement and shall be designated "future road" on the various plats. Each such easement shall be at least sixty-six (66) feet wide and a document conveying the easement for road purposes shall be filed with the County Road Commission at the time of filing of the preliminary plat for final approval.

Intersection of local or residential roads with collector and arterial roads shall be reduced to a

reasonable minimum but should, in general, be at least 500 feet apart, centerline to centerline, to preserve the traffic carrying capacity of the collector and arterial roads, and to reduce the potential of accidents at such intersections. In general, all streets should intersect each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins. In no case shall an intersection form an angle of less than 80 degrees. No more than two streets shall cross at one intersection.

All street construction shall be centered on the street right of way. Section line and quarter line roads shall be centered on these lines unless the Township Engineer or County Road Commission approves an exception.

401.2 DRAINAGE: All streets and alleys shall be provided with facilities for adequate surface drainage. This may be accomplished by the use of ditches, county drains, natural water courses, or tributaries constructed thereto. It is strongly recommended that drainage be provided by underground storm drains. In the urban area of Washenaw County, as defined by the County Road Commission, the storm drain shall be underground and only curb-type design shall be permitted. Exceptions may be made for subdivisions in which each single family dwelling lot is one acre or larger in area and has a minimum road frontage of 150 feet, in which cases a thirty foot wide pavement section with open ditches will be permitted.

401.3 HALF - STREETS: Half-streets shall generally be prohibited, except where unusual circumstances make them essential to the reasonable development of a tract in conformance with this Ordinance. Half-street dedication will be acceptable only when the boundary of the proposed plat coincides with the boundary of a recorded plat on which a half-street has previously

been dedicated, or on a county certified road.

401.4 CUL-DE-SAC STREETS: Each cul-de-sac street shall not be more than 600 feet in length (1000 feet in subdivisions of one acre or larger lots). Exceptions may be made where topographic or other unusual existing conditions would so require. Each cul-de-sac street shall terminate with an adequate turn-around of a minimum external diameter of 150 feet. The minimum length of a cul-de-sac shall be 140 feet.

401.5 ALLEYS: Alleys shall be prohibited, except in commercial and industrial areas. Where alleys are provided they shall be at least 30 feet wide. Dead-end alleys shall be prohibited. Alleys shall be provided in accordance with standards of the County Road Commission.

401.6 PRIVATE STREETS: Private streets are generally unacceptable in subdivisions in which any of the streets are dedicated to the public. Exceptions will be considered in residential cluster subdivisions, commercial, and industrial subdivisions.

401.7 MARGINAL ACCESS STREETS: Where marginal access streets are required, the proprietor shall dedicate property for the purpose of marginal access streets to the County Road Commission and shall be responsible for improving said streets according to County Road Commission standards. A landscaped strip at least twenty (20) feet wide shall be provided between a marginal access street and the adjacent street.

401.8 OTHER REQUIRED STREETS: Where a subdivision borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on one or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential areas, or for commercial or

industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

401.9 SPECIAL TREATMENT ALONG MAJOR STREETS: When a subdivision abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, or such other treatment as might be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to retain the traffic carrying capacity of the arterial or collector streets.

401.10 STREET NAMES AND HOUSE NUMBERS: Street names shall not duplicate names of any existing street in Washtenaw County, except where a new street is a continuation of an existing street. Street names that are spelled differently but sound the same shall be avoided. Duplication shall be avoided by checking new street names with the master listing of the County Road Commission. Generally no street should change direction by more than 90 degrees without a change in street name. Streets should have names and not numbers or letters.

401.11 LOCATION FOR UTILITIES: Utilities shall be located so as to best conform to the layout of existing facilities. In streets where no pattern has been established, utilities shall be located in conformance with standards of the County Road Commission.

401.12 STREET STANDARDS AND SPECIFICATIONS: All Public and Private streets shall be provided in accordance with the street standards and specifications adopted by the County Road Commission. Private streets shall also conform to County Road Commis-

sion standards except for right-of-way requirements, which might not apply.

All rights-of-way within a subdivision shall conform to the Township adopted Right-of-Way Plan. Where a subdivision includes all or a portion of a street, existing or proposed which is shown on the Right-of-Way Plan, the proprietor shall dedicate sufficient right-of-way to conform to the adopted Right-of-Way Plan.

402.0 BLOCKS: Blocks generally shall not be less than 500 feet or more than 1320 feet in length as measured from centerlines of streets. No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature or subdivision boundary. A block shall be designed so as to provide two (2) tiers of lots, except where the lots back onto a major street, natural feature, subdivision boundary or other feature or facility which necessitates reverse frontage. In blocks exceeding 800 feet in length the Planning Commission may require reservation of a 20 foot wide easement through the block to provide for the crossing of underground utilities and/or pedestrian traffic where needed or desirable, and may specify further, at its discretion, that a paved foot path or bicycle path be provided by the proprietor. Blocks intended for non-residential uses shall be especially designed for such purposes, and in accordance with Zoning Ordinance provisions. In such cases the above dimensions do not apply.

403.0 LOTS:

403.1 DIMENSIONS: Lots shall conform to the requirements of the Zoning Ordinance except for outlots that are provided for an indicated and approved purpose.

In areas not served by public sewer and water lines the minimum lot area shall be one (1) acre and the minimum road frontage 150 feet with open ditches or 120 feet with curb and gutter.

Corner lots shall have extra width to permit appropriate building setbacks. If the Zoning Ordinance does not require greater width, this Ordinance shall control, in which case the side yard of the corner lot shall have at least the same width as the required front yard. Lots abutting a pedestrian mid-block crosswalk or other right-of-way shall be treated as corner lots.

Residential lots shall not open or face directly onto a freeway right-of-way, an arterial or collector street, shopping centers, industrial districts or parks, and other similar non-residential areas. In such situations, lots shall be laid out in one of the following ways:

(a) Lots may back onto the above features, but shall be separated therefrom by a 20 foot wide landscaped strip along the rear property line. The 20 foot wide strip shall not be considered part of the lot's minimum length, width, or area, but shall be considered part of the contiguous lot.

(b) Lots may face onto a marginal access street.

(c) Lots may face onto intersecting local streets with driveways opening onto the intersecting local streets. The corner lots which abut the major street right-of-way or the non-residential area shall each have the landscape strip as required in Section 403.1(a), preceding.

(d) Lots may be grouped around cul-de-sac or loop streets which open onto the major street. In such situations the corner lots abutting the major street right-of-way shall each contain the landscaped strip required in Section 403.1(a), preceding.

The layout of lots, whichever method is used, is intended to restrict the number of access points to the major streets and thereby reduce the number of traffic hazard points, to preserve the traffic carrying capacity of the major street; and to protect each lot's

privacy and its freedom from noise, fumes, dust, and litter.

Any landscaped strip required above shall not be part of the normal road right-of-way or utility easement.

403.2 LOT FRONTAGE: Lots extending through a block are generally prohibited except where they back onto a freeway right-of-way, an arterial or collector street, a shopping center, an industrial district, a park, or other similar non-residential area or where necessary to overcome specific disadvantages of topography and orientation.

All lots shall abut, by their full frontage, on a dedicated public street, or an approved private street. Variances to this provision may be permitted in comprehensive developments.

The portion of a lot bordering on a lake, stream, open area or similar amenity may be designated as the front, provided that a setback can be obtained on the street side equal to the setback required for the front. In no case, however, shall either setbacks be less than the front setback required in the Zoning Ordinance.

403.3 RE-SUBDIVIDING: Where a tract is to be subdivided into lots substantially larger than the minimum size required in the Zoning Ordinance, the Commission may require that streets and lots be laid out so as to permit future re-subdivision in a logical manner and in accordance with provisions of this Ordinance. Lot arrangements shall allow for ultimate extension of adjacent streets through blocks or the splitting of lots into smaller lots. The plan for such future re-subdividing or lot-splitting shall be approved by the Planning Commission before division of lots may be made.

403.4 LOT LINES: Side lot lines shall generally be perpendicular to the right-of-way line or radial to curved streets. All sides and rear lot lines should be straight lines

unless natural features or street curvature so prevent. Variations in these provisions may be made when in the opinion of the Planning Commission such variation would result in a better arrangement of lots.

403.5 LOTS TO BE BUILDABLE: The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. Acute angles created by side lot lines, and odd shaped lots should be avoided.

The size, shape, and location of each lot should have the following qualities:

(a) A suitable site for placing a house without excess grading;

(b) A usable area for outdoor living and other outdoor activities;

(c) Adequate surface drainage away from the house site and outdoor living areas;

(d) Reasonable driveway grades; and

(e) General site grading should be minimized with significant trees and other vegetation retained.

403.6 SETBACKS AND YARD REQUIREMENTS: Placement of the building on the site shall conform to all yard requirements of the Zoning Ordinance. However, the proprietor should vary the placement of the building on each lot. The front setback should be varied among several adjacent lots to create a more attractive neighborhood appearance and to relieve the monotony that results from rigid adherence to the minimum requirements.

The setbacks provided should conform to topography and natural features of the site.

403.7 ACCESS: Driveways and curbcuts shall conform to standards of the County Road Commission. The curb section of driveways and aprons shall be designed so that excessive breakover angle

and rear bumper and exhaust pipe dragging will be eliminated.

403.8 ACCESS FROM PRIVATE STREETS: Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with this Ordinance.

403.9 LOT DIVISION: The division of a lot in a recorded plat is prohibited unless approved following application to the Township Board in conformance with the Subdivision Control Act. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. No building permit shall be issued, nor any construction commenced, until the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the County Health Department for all sites not served by public sewer and water. No lot in a recorded plat shall be divided into lots for building purposes each of which is less in area and dimensions than permitted by the Zoning Ordinance. The division of a lot that results in lots smaller than lots permitted in the Zoning Ordinance may be permitted, but only for the purpose of adding to an existing building site or sites. The application shall so state and shall be in affidavit form.

403.10 RESERVE STRIPS: Privately held reserve strips controlling access to streets shall be prohibited, except as provided in Section 401.9, herein.

403.11 NON - RESIDENTIAL LOTS: Lots intended for uses other than residential shall be identified on the plat, and shall be specifically designed for such uses, in accordance with provisions of this Ordinance and the Zoning Ordinance.

404.0 PEDESTRIAN WAYS AND SIDEWALKS: Pedestrian ways, other than sidewalks in street rights-of-way, shall be at least 20 feet wide, when required. The

Planning Commission and/or Township Board may require a paved walkway to be provided by the proprietor. The pedestrian way, bike way and sidewalk shall be treated as an easement.

Sidewalks may be required on both sides of a street, or one side of a street, or, in very low density developments (one acre or larger lot) may be excepted entirely, according to the discretion of the Board based on recommendation of the Planning Commission. Street rights-of-way shall be sufficient to provide for sidewalks on both sides of the street, except in cluster subdivisions, or planned unit residential developments, where variations may be permitted. Streets leading directly to a school shall have sidewalks on both sides of the streets.

Walkways in pedestrian ways and sidewalks shall have a minimum pavement width of four feet, and shall have a minimum lateral slope of $\frac{1}{4}$ inch per foot of width. Sidewalks shall be placed within the street right-of-way, one-foot away from the property line. Sidewalks shall be concrete, 4 inches thick, with 6 inch thickness under driveways. Driveway aprons shall not break the sidewalk level.

The pavement of a pedestrian way shall consist of concrete, asphalt, stone, or other surface material, according to requirements of the Township Engineer. Planting pockets shall be provided in pedestrian ways for tree and shrub plantings. The planting plan and surface treatment shall be approved by the Planning Commission and/or Township Board. Fences and/or other improvements may also be required if the Planning Commission and/or Township Board determine such are necessary to protect adjacent property owners or pedestrians. The Planning Commission and/or Township Board may require that pedestrian ways be lighted, with the lighting to be located so as to adequately

illuminate the walkway but not to disturb adjacent residences. The pavement of bikeway shall consist of concrete or asphalt of 4" thick minimum width 6'.

405.0 NATURAL FEATURES: The Planning Commission shall, wherever possible, require the preservation of all natural features which add value to the proposed subdivision and to the community at large, such as large trees or groves of trees, water courses, vistas, historic spots and features, wildlife habitats and ecological areas, and similar irreplaceable assets. The location, nature, and extent of such features should be identified in the initial procedures and preliminary plat stages and shall be made a part of the subsequent plats to the greatest possible extent. The preservation and/or inclusion of such features may be made a condition of tentative approval of the preliminary plat.

406.0 UNINHABITABLE AREAS: Lands subject to flooding, or otherwise deemed uninhabitable in their natural state shall not be platted for residential use, or for any other use that might create a danger to health, safety, or property, or which might increase the flood hazard within or outside the subdivision. Such lands shall be set aside for recreational use or shall be retained in their natural state as open space; provided, however, that such lands may be platted and developed if the features making the lands uninhabitable can reasonably be removed without destruction of adjacent or nearby property or desirable natural features of the land, and if approval is obtained from all plat approval authorities required to review plats under the Subdivision Control Act and this Ordinance. Any areas of land within the proposed subdivision which lie either wholly or partly within the flood plain of a river, stream, creek, or lake, or any other areas which are subject to flood-

ing by storm water shall be clearly shown on the preliminary plat and the final plat.

407.0 UTILITIES:

407.1 STORM DAMAGE: Where a subdivision is traversed by a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided in accordance with standards of the County Drain Commissioner. Such easements shall be placed so as not to interfere with the use of lots. Existing drainage ways may be rechanneled but such rechanneling shall not increase the flow or level, or cause impoundment, of water on properties upstream or downstream from the proposed subdivision. Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.

All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the County Drain Commissioner. If, in the judgment of the Drain Commissioner, a natural water drainage way or impoundment area should be reserved in the public interest, a storm drainage easement of a width and/or to an elevation specified by the Drain Commissioner shall be required and reserved as a public storm drainage easement or impoundment area. Access rights for maintenance purposes to same shall be dedicated to the public through the Drain Commissioner and placed on file with the County Register of Deeds.

The proprietor may be required to carry away by pipe or open ditch, in appropriate easements, any spring or surface water that might exist either previous to, or as a result of, the subdivision.

A culvert or other drainage facility to be provided in the proposed subdivision shall, in each case, be large enough to accom-

modate potential runoff from its entire upstream drainage area, whether that area is inside or outside the subdivision. The design and size of the facility shall be based on anticipated run-off from a ten (10) year storm under condition of total potential development permitted by the Zoning Ordinance, and other applicable zoning ordinances, and recommended in adopted development policies for the lands lying within the drainage area.

The effect of the subdivision on existing downstream drainage facilities outside the subdivision shall be reviewed by the proprietor and the County Drain Commissioner. Where it is anticipated that the additional run-off resulting from development of the subdivision will overload an existing downstream drainage facility during a ten (10) year storm, the County Drain Commissioner shall notify the Township Board of such potential condition. In such situations the Board shall not approve the subdivision until provision has been made for improvement of said condition.

All drainage improvements shall conform to duly adopted and published General Development Plans for the area covered by the proposed subdivision and for the upstream and downstream areas involved, and to the standards and specifications of the County Drain Commissioner. The Planning Commission may, if it considers such requirements necessary for the proper and safe development of the subdivision and surrounding area, require that the drain be enclosed.

407.2 SEWER AND WATER UTILITIES: Sanitary sewer and water supply facilities shall be designed and located according to the specifications and procedural requirements of the Michigan Department of Health. On-site services and private sanitary sewer

and water systems shall be designed according to requirements of the County Health Department.

407.3 GAS, WIRE OR CABLE UTILITIES: All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout a subdivision. Overhead lines may be permitted upon recommendation of the Planning Commission and approval by the Township Board at the time of tentative approval of the preliminary plat where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and character of the subdivision, and only where such overhead lines are brought to the perimeter of the subdivision. This Section shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as, but not limited, to surface mounted transformers, power terminal pedestals, meters and meter boxes concealed wires, street lights and street light poles.

All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review before filing for final approval of the preliminary plat. All said utilities placed in public rights-of-way shall not conflict with other underground lines. Easements shall be provided in accordance with Section 408.0, herein.

408.0 EASEMENTS: All underground public utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. Such easements shall be so located as to not interfere with the

use of any lot or other part of the subdivision. The size of, and restrictions pertaining to, such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines and the Subdivision Control Act, and shall be indicated on the preliminary plat submitted for tentative approval.

409.0 RESERVATION OF PUBLIC USE AREAS: Where a proposed park, playground, open space, public school, library or other public use area shown in the adopted General Development Plan, or in an adopted applicable part of such plan, is located in whole or in part in a proposed subdivision, such area or areas shall be shown on the plat. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication. Such areas if not dedicated, shall be reserved by the proprietor for future purchase by the Township or other appropriate public agency.

The precise nature, location, and extent of the reservation shall be determined prior to tentative approval of the preliminary plat by the Township Board. The reservation shall be valid for a period of one year from the date on which the Board approves the final plat or such longer period as might be agreed to in writing by the proprietor. Unless during such one-year period or agreed longer period the Board shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the proprietor at the end of the one-year period or agreed longer period. The reservation shall freeze the price per acre of the reserved area for such

one-year period at the average value per acre on the date when the preliminary plat was first filed with the Clerk. Because the Township Board or other public agency has the option not to purchase the reserved property, the plat for the entire subdivision should include provisions for incorporating the reserved area into the overall development.

410.0 RESIDENTIAL CLUSTER SUBDIVISIONS: Where the Zoning Ordinance permits, a proposed residential subdivision may be designated as a residential cluster subdivision for the purpose of creating a more desirable living environment than is possible under the Township zoning and subdivision control ordinances as applied to individual residential lots; for the purpose of encouraging the provision and maintenance of open space for the residents of the subdivision; for the purpose of encouraging creativity, variety, efficiency, and economy in the physical development pattern of the community; and for the purpose of assuring the preservation of desirable natural features of the community and their inclusion in the development pattern of the subdivision and the community. This Section applies to residential subdivisions.

The plat for a residential cluster subdivision shall be submitted in accordance with the procedures and standards of this Ordinance.

A residential cluster subdivision must be designed to produce a stable and desirable residential community. Overall maximum densities shall not exceed those permitted under applicable provisions of the Zoning Ordinance. Open space areas shall meet the standards for open space established in the duly adopted and published General Development Plan, if there is such a plan, or an ordinance duly adopted and published by the Township Board. The Board, upon advice from the Planning Commission,

shall have the right and duty to reject a proposed residential cluster subdivision if the open space areas therein are, in its opinion, of such size and shape as to be difficult or impossible to utilize or maintain for appropriate open space purposes.

Common open space provided in a residential cluster subdivision and conveyed to a homeowners' association shall remain permanently open for recreational and conservational purposes. The open space character of common open space shall be secured by restrictive covenants, negative easements, or other appropriate legal devices. Such common open space shall be set aside for the common benefit, use, and enjoyment of the subdivision lot owners, present and future. All common open space, including recreation areas, tree cover areas, scenic vistas, wildlife or plant preserves, nature study areas, and private walkways, whose acreage is used in determining the size and extent of common open space shall be included in the restrictive covenants, negative easements, or other legal devices designated to assure that such space will remain permanently open.

Open space in any one residential cluster subdivision shall be laid out, to the maximum feasible extent, so as to connect with other open space, existing or proposed, in the vicinity whether such areas are or will be public or private. In the case of two or more adjacent subdivisions, proprietors may cooperatively allocate open space areas, if such areas are coordinated in design and location to an extent acceptable to the Planning Commission.

Residential cluster subdivisions should be laid out so as to reduce the linear feet of streets that would be otherwise needed to serve the area; to economize on the cost of utility installations; to retain and take advantage of existing natural

features and vistas; to reduce the amount of grading required; to take maximum advantage of storage, absorption, and drainage characteristics of the natural landscape; and to otherwise secure the objectives set forth in this Section. In so doing, the minimum lot areas, lot widths, and other standards may be modified in accordance with this Ordinance and the Zoning Ordinance.

The cluster subdivision shall be laid out so that its development can be staged in an efficient and economical manner with respect to the opening and maintenance of new streets, the provision of utilities, access to schools and other public and private service facilities, and similar considerations.

Utility easements, such as for electric transmission or distribution lines and storm sewers, may be included in the common open space area calculation only if they are available to residents of the subdivision, may be landscaped and developed for recreational or other open space uses, and are safe for use by persons engaging in recreational or other open space activities. Unless all these conditions are satisfied, such easements shall not be included in the common open space calculations.

Open drainage courses, suitable graded and stabilized with soil or other ground cover, and planted with trees, shrubs, and other landscape materials, and made an integral part of the overall open space and recreation system, may be acceptable, if approved by the County Drain Commissioner and the County Health Department.

In residential cluster subdivisions, the proprietor shall insure the permanence of both the existence and proper maintenance of all open space by either dedicating it to a public agency responsible for such areas or by conveying it to a homeowners' association to be

made up of the future residents of the subdivision.

Where a homeowners' association is to be established, the following conditions shall be met:

1. The association shall be established before dwellings are sold;

2. Membership shall be mandatory for each home buyer and any successive buyer;

3. Common open space must be held and maintained by the homeowners' association as open space in perpetuity.

4. The homeowners' association shall be responsible for payment of property taxes, maintenance of all common open space areas and facilities, maintenance of liability insurance, and other similar duties of ownership.

The proprietor shall file a declaration of restrictions with the preliminary plat when tentative approval is sought, setting forth the above conditions and other features of the homeowners' association. He shall also supply the Township Board a copy of the articles of incorporation and a complete set of the by-laws of the homeowners' association.

The Township Board may require that, in addition to the insertion of covenants and/or provisions creating negative easements and provisions for mandatory membership in the homeowners' association in all deeds to home buyers, the proprietor shall grant a negative easement over all common open space to the Township to insure that the area will remain open in perpetuity. Such a negative easement is intended only to preclude development and preserve common open space; it may not provide for public access to, or use of, common open space.

In the event that a homeowners' association established to own and maintain common open space, or any successor association, shall at any time after development of a residential cluster subdivision, fail

to maintain the common open space in reasonable order and condition, the Township Board may serve written notice upon such association setting forth the manner in which the association has failed to maintain the common open space, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of said notice. At such hearing the Board may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modification thereof are not corrected within said thirty (30) days or any extension thereof, the Board, in order to preserve the taxable values of the properties within the residential cluster subdivision and to prevent the common open space from becoming a public nuisance, may authorize the appropriate Township employees to enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the common open space. Before the expiration of said year, the Board shall, upon its own initiative or upon the request of the homeowners' association theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such association, or to the residents of the residential cluster subdivision, at which hearing such association, or the residents of the residential cluster subdivision shall show cause why such maintenance by the Township should not, at the election of the Board, continue for a succeeding year. If the Board shall determine that the homeowners' association is ready

and able to maintain the common open space in reasonable condition and order, the Township shall cease to maintain the common open space at the end of said year. If the Board shall determine that such association is not ready and able to maintain the common open space in reasonable condition and order, the Board may, in its discretion, continue to maintain the common open space during the next succeeding year, and subject to a similar hearing and determination, in each year thereafter. The cost of such maintenance by the Township shall be assessed ratably against the properties within the residential cluster subdivision that have a right of use and enjoyment of the common open space, and shall become a tax lien on said properties. The Township, at the time of entering upon the common open space for the purpose of maintenance, shall file a notice of such tax lien in the office of the Township Treasurer.

Residential cluster subdivisions for single family residences may be provided in areas not served by central water and-or sanitary sewer if each lot is adjacent to an open area which, in the opinion of the County Health Department, can be considered to be part of the site for purposes of supplying the area necessary for drain fields. In such cases the minimum lot size may be reduced to 20,000 square feet from the one acre minimum ordinarily required. Total overall density in such areas shall not exceed one dwelling unit per acre at completion of the subdivision or during any stage of development. The County Health Department may require a maximum density of less than one dwelling unit per gross acre if soil conditions are not suitable for development at a higher density.

411.0 COMMERCIAL SUBDIVISIONS: Where commercial developments for retail sales, wholesale

sales, business sales, offices, and similar establishments fall within the definition of "subdivision" as set forth in the Subdivision Control Act, such development shall conform to the provisions of this Ordinance, except for modifications provided for in this Section. The development shall conform to all Zoning Ordinance requirements.

Streets shall conform to the requirements of Section 401.0, herein. All streets in a commercial subdivision shall be paved, and shall have curb and gutter, and underground storm drainage. Streets shall be designed and constructed to adequately handle truck traffic. Curb side parking and loading shall not be provided for, no permitted on, any street in a commercial subdivision. No backing or similar maneuvering of vehicles to enter or leave a parking or loading space shall be permitted or provided for on a commercial subdivision street; such movements shall be adequately provided for on each lot.

Entry drives for the subdivision shall be located and designed so as not to create congestion or hazardous conditions on public streets serving the subdivision. Driveways from parking and-or loading areas shall intersect subdivision streets at a distance from street intersections that is large enough to permit safe and convenient maneuvering of vehicles.

The block sizes set forth in Section 402.0 herein, shall not apply to commercial subdivisions. The blocks shall be designed to meet the needs of the commercial uses that will occupy the subdivision. However, block sizes shall meet the requirements of fire protection, snow removal, and other service and emergency vehicles.

Lots in a commercial subdivision shall have access from subdivision or frontage streets, and shall not open directly onto an arterial or collector street.

Sidewalks and pedestrian ways shall be required in commercial subdivisions, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the subdivision.

Buffer strips, at least 20 feet wide and landscaped, shall be provided along the perimeter of a commercial subdivision where adjacent to a residential area. The Planning Commission may require provision of a fence, wall or screen if it determines such is necessary to protect the adjacent areas from litter, trespass and other nuisances. Any intended future expansion of the commercial development should be shown on the preliminary plat submitted for tentative approval.

412.0 INDUSTRIAL SUBDIVISIONS: Where industrial developments consisting of, but not limited to, manufacturing establishments, trucking and warehouse facilities, and similar activities, fall within the definition of "subdivision" as set forth in the Subdivision Control Act, such development shall conform to the provisions of this Ordinance, except for modifications provided for in this section. The development shall conform to all Zoning Ordinance requirements.

Streets shall conform to the requirements of Section 401.0 herein. All streets in an industrial subdivision shall be paved according to standards suitable for heavy trucking activities. All streets shall have concrete curb and gutter with enclosed underground storm drainage.

All streets within the subdivision shall be designed and constructed to easily and conveniently accommodate the movement of large trucks. Street grades shall not exceed five (5) percent and shall follow the land contours longitudinally. Street intersections shall

have a minimum curb radius of 25 feet.

Parking and loading on all streets in an industrial subdivision shall be prohibited. Adequate parking and loading areas, and space for maneuvering of trucks in loading and unloading operations shall be provided on each site. Layouts which permit use of streets for turnaround and other maneuvers shall not be acceptable.

Entry drives for the subdivision shall be located and designed so as not to create congestion or hazardous conditions on public streets serving the subdivision. Driveways from parking and-or loading areas shall intersect subdivision streets at a distance from any street intersections that is large enough to permit safe and convenient maneuvering of all vehicles.

Streets within an industrial subdivision normally shall not be extended to the boundaries of adjacent existing or potential residential areas or connected to streets intended for predominantly residential traffic. Streets within the subdivision, except collector and arterial streets, shall be laid out so as to prohibit through traffic.

The block sizes set forth in Section 402.0, herein, shall not apply to industrial subdivisions. The blocks shall be designed to meet the needs and characteristics of the industrial operations that will be conducted therein, and may vary considerably in size. However, block dimensions shall meet the requirements of fire protection, snow removal, and other services and emergency vehicles. The subdivision plat should emphasize flexibility to accommodate various industrial needs for space and should concentrate on the size and shape of blocks rather than on individual lots. Lots in an industrial subdivision shall have access only from subdivision or frontage roads, and shall not open directly onto arterial or collector streets.

Sidewalks and pedestrian ways shall be required in industrial subdivisions, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the subdivision.

Buffer strips of at least 20 feet in width, and landscaped shall be required along the side and rear property lines of an industrial subdivision where these abut a residential, agricultural institutional, or commercial area. The Planning Commission may require provision of a fence, wall or screen if it determines such is necessary to protect the adjacent areas and-or the industrial subdivision from litter, trespass, and other nuisances.

Any intended future expansion of the industrial development should be shown on the preliminary plat as submitted for tentative approval.

The proprietor's continuing interest, if any, in the subdivision shall be clearly described.

413.0 SOIL EROSION AND SEDIMENT CONTROL: Since considerable erosion can take place prior to the construction of houses and other buildings, facilities, and features in a subdivision, the various plats for a subdivision shall contain proposed erosion and sediment control measures. The measures shall be incorporated into the final plat and final construction drawings. Erosion and sediment control measures shall conform to the standards and specifications established by the Soil Conservation District in their current form and as they might be modified from time to time, it being the intent of this Section to incorporate such standards and specifications into this Ordinance by reference according to Act 147. The measures shall apply to all street and utility installations as well as to the protection of individual lots. Measures shall also be

instituted to prevent or control erosion and sedimentation during the various stages of construction of the subdivision.

414.0 RESTRICTIVE COVENANTS: Covenants designed to preserve the character of the subdivision and to help retain its stability, permanence, and marketability are encouraged to be provided by the proprietor. Such covenants should be recorded with the plat and should be blanket covenants that apply to the entire subdivision. Such covenants are intended to complement the Township's continuing regulation of the subdivision through its zoning and building code powers.

Blanket covenants may contain items such as, but not limited to, land use control; architectural control, including walls and fences; as well as buildings; yard and setback requirements; minimum lot size; prohibition of nuisances; regulation of signs; control of type, duration, location, etc., of temporary buildings or vehicles, such as travel trailers, etc., to be stored on each site; scenic or open space easements; and other similar controls.

Covenants shall be discussed with the Planning Commission during the initial procedures and/or preliminary plat stages and shall be coordinated with existing or anticipated police power controls.

Covenants should be recorded prior to the sale of any lot within the subdivision.

415.0 TREES: Trees shall be provided in the margins of both sides of all streets, public or private, and shall be placed at the minimum rate of two (2) per single family residential lot or at a maximum distance apart of 60 feet. Trees may also be required to be installed according to the same distances in pedestrian ways. Trees to be installed in the street margins shall be of the large deciduous type - such as oak, hard

maple, ash, hackberry or sycamore. However, ornamental trees may be installed in the margin. Both kinds of trees may be provided in pedestrian ways.

The following trees are not permitted in the street margins, pedestrian ways, or any other landscaped area required by this Ordinance: box elder, soft maple, American elm, poplar, ailanthus (tree of Heaven) and willow.

All trees shall be protected from damage by wind and other elements during the first full year after planting.

All required trees shall be nursery grown and shall be sound and healthy at the time of planting. Root systems shall be balled and burlapped. Required trees shall be protected from damage by wind and other elements; however, guy wires and ropes, where provided, shall not damage bark or break branches.

Trees shall be guaranteed by the proprietor for one full year after planting with dead or otherwise unacceptable trees to be replaced by the proprietor, at his expense, during the guarantee period.

Required trees shall meet the following minimum size requirements.

Large deciduous, non-ornamental (such as maple, oak, sycamore), 3 in. caliper D.B.H.

Ornamental (such as flowering cherry, flowering crab-apple, dogwood), 6-7 feet in height.

Evergreen, 5-6 feet in height.

416.0 STREET LIGHTS: Street lights, where provided, shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed subdivision. Where lights are to be provided, they should be installed prior to the occupancy of structures within the subdivision. Street lights shall be provided in all subdivisions except those of

three acre or large residential lots, and commercial and industrial subdivisions.

ARTICLE V SUBDIVISION IMPROVEMENTS

500.0 PURPOSE: It is the purpose of this Article to establish and define the improvements which the proprietor will be required to provide as conditions for final plat approval; to outline the procedures and responsibilities of the proprietor and the various public officials and agencies concerned with the planning, design, construction, financing, and administration of improvements, and to establish procedures for assuring compliance with these requirements.

501.0 GENERAL:

501.1 STANDARDS: Improvement shall be provided by the proprietor in accordance with this Article and-or with any other applicable standards and requirements which may from time to time be established by the Township Board or by any of the various Township departments or county and state agencies, in the form of ordinances or published rules.

The improvements required under this Article shall be considered the minimum acceptable standards.

501.2 PREPARATION OF PLANS: It shall be the responsibility of the proprietor to have prepared by a registered engineer a complete set of construction plans for streets, utilities, and other improvements required in Section 503.0. Such construction plans shall conform to the preliminary plat as finally approved. Construction plans are subject to approval by the responsible public agencies and shall be prepared in accordance with their standards and specifications.

501.3 TIMING OF IMPROVEMENTS: No grading, removal of trees or other vegetation, land filling, construction of improvements, or other material change

except for that which is required by any of the reviewing agencies for purpose of aiding in their review of the preliminary plat, shall commence on the subject property until the proprietor has:

501.31 Received a written notice from the Clerk that the Township Board has given final approval to the preliminary plat.

501.32 Entered into a subdivision agreement with the Township Board for completion of all improvements required in the preliminary plat as finally approved.

501.33 Deposited with the Township a bond or other form of security as required by the Ordinance for the provision of improvements.

501.34 Received a certificate of approval or similar evidence of approval of the engineering plans from the Township Engineer of each improvement to be installed prior to approval of the final plat. Where approval of such plans must be obtained from the County Road Commission, County Drain Commissioner, County Health Department, or other county or state agency, the proprietor shall provide evidence of such approvals to the Township Engineer prior to his report and recommendation to the Township Board. Such plans and approvals shall include those for soil erosion and sedimentation controls.

501.4 STAGING: Where a subdivision is to be developed in stages, the provisions of this Article shall apply to each stage. However, improvements, and financial guarantees therefor may be required to extend beyond the boundaries of a subdivision state if such extension is necessary to insure the relative self-sufficiency of the stage pending completion of the entire subdivision. Such extensions, schedules, and similar arrangements shall be set forth in an agreement between the proprietor and the Township Board prior to

final approval of the preliminary plat.

501.5 COST OF IMPROVEMENTS: All required improvements shall be made by the proprietor, at the proprietor's expense without reimbursement by a public agency.

502.0 ENGINEERING DRAWINGS OF IMPROVEMENTS:

502.1 REQUIRED PRIOR TO CONSTRUCTION: Engineer drawings of all required improvements shall be reviewed and approved by the Township Engineer or Building Inspector, except for improvements to be made under the jurisdiction of the County Road Commission, County Drain Commissioner, or other county or state agencies, in which case the drawings shall be submitted to the appropriate agency for review and approval. Where review and approval of engineering drawings is made by a county or state agency, the Township Engineer or Building Inspector shall obtain written confirmation of such approvals.

No grading, land filling, removal of trees or other vegetation, or construction of improvements shall commence until the engineering drawings of same have been approved as provided in Section 501.3, herein.

502.2 MODIFICATION DURING CONSTRUCTION: All installations and construction shall conform to the approved engineering drawings. However, if the proprietor chooses to make minor modifications in design and-or specifications during construction, he shall make such changes at his own risk, without any assurance that the Township or other public agency will accept the completed facility. It shall be the responsibility of the proprietor to notify the appropriate agency of any changes in the approved drawings.

502.3 AS BUILT DRAWINGS: The proprietor shall submit to the

Township Engineer or Building Inspector one reproducible copy of "as built" engineering drawings of each of the required improvements that have been completed prior to final plat approval. Each set of drawings shall be certified by the proprietor's engineer. Similar drawings shall also be submitted of improvements installed under bond, after final plat approval. This provision does not apply to improvements made under the jurisdiction of other public agencies.

502.4 CONSTRUCTION SCHEDULE: The proprietor shall submit to the Township Engineer or Building Inspector and to all approving agencies and to public utility companies that will service the subdivision, prior to final approval of the preliminary plat, a general schedule of the timing and sequence for the construction of all required improvements. The schedule shall meet the procedural requirements and inspection needs of the Township, county, and state agencies.

503.0 REQUIRED IMPROVEMENTS: The proprietor shall be required to install the following improvements in accordance with the conditions and specifications of this Ordinance.

503.1 MONUMENTS: Monuments and iron pipe lot corners shall be set in accordance with the Subdivision Control Act and the rules of the State Department of Treasury.

503.2 STREETS AND ALLEYS: All streets, curbs, gutters, and alleys shall be constructed in accordance with the standards and specifications of the County Road Commission and as provided in Section 401.0, herein.

503.3 PUBLIC UTILITIES: Public utilities placed in street rights-of-way shall be located in accordance with County Road Commission requirements and Section 401.0 herein.

503.31 STORM DRAINAGE: An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges and other appurtenances, shall be required in all subdivisions, and shall be provided by the proprietor.

All proposed storm drainage construction plans shall be approved by the County Drain Commissioner and the County Road Commission where applicable. Construction shall follow the specifications and procedures of the State Drain Code of 1956 as amended and specifications of the County Road Commission where applicable.

503.32 WATER SUPPLY SYSTEM: When a proposed subdivision is to be serviced by a public water supply system, water lines and appurtenances shall be provided by the proprietor. If there is no existing or accessible public water supply system, the proprietor may be required to install a water supply system for the common use of the lots within the subdivision. All easements and improvements for such systems shall be dedicated to the Township for administration, operation, and maintenance.

Individual wells may be permitted where public water supplies are not available, in accordance with the requirements of the County Health Department.

All features of the installations shall conform to the requirements of Act 98, P. A. 1913, as amended.

503.33 SANITARY SEWER SYSTEM: When a proposed subdivision is to be serviced by a public sanitary sewer system, sanitary sewers and their appurtenances shall be provided by the proprietor in compliance with provisions of Act 98, P.A. 1913, as amended. Septic tanks and disposal fields on individual lots shall be approved if in compliance

with standards and specifications of the County Health Department and the State Administrative Code, Section 460.405.

503.34 GAS, WIRE AND CABLE UTILITIES: The proprietor shall arrange for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be installed underground and may arrange for gas distribution facilities throughout a subdivided area. Overhead lines and facilities may be permitted as set forth in Section 407.3, herein.

503.35 OVERSIZE FACILITIES: Wherever such facilities are required, the proprietor shall be responsible only for his share of the costs of same as based on land area, population or a similar proportionate measure. The amount of proprietor responsibility and the means for allocating costs shall be agreed to prior to final approval of the preliminary plat by the Township Board.

503.4 STREET NAME SIGNS: Street name signs shall be installed by the County Road Commission at the expense of the proprietor.

503.5 SIDEWALKS AND PEDESTRIAN WAYS: Sidewalks and pedestrian ways shall be provided by the proprietor in accordance with Section 404.0, herein.

503.6 PUBLIC USE AREAS: Such areas shall be provided by the proprietor as set forth in Section 409.0, herein.

503.7 TREES: Trees shall be provided by the proprietor in accordance with Section 417.0, herein.

503.8 STREET LIGHTING: Street lighting shall be located and installed in accordance with community or public utility company's recommendations and Section 418.0, herein.

503.9 DRIVEWAYS: All driveway openings, from the street surface edge to the property line,

shall be installed in conformance to standards of the County Road Commission, or, when applicable, to standards of the Michigan Department of State Highways.

503.10 EROSION AND SEDIMENTATION CONTROL: Installation and maintenance of erosion and sediment control measures shall be accomplished by the proprietor as specified in the preliminary plat as finally approved and are subject to financial guarantees of performance established by the Township.

504.0 GUARANTEE OF COMPLETION OF IMPROVEMENTS:

504.1 FINANCIAL GUARANTEE ARRANGEMENTS: In lieu of the actual installation of improvements as required in Section 503.0, herein, the Township may require a financial guarantee of performance in one or a combination of the following arrangements for those improvements for which performance guarantees may not be required by county or state agencies in accordance with the Subdivision Control Act. Such guarantees shall be required for only those required improvements that have not been installed and without certificates of completion prior to the date of application for final plat approval.

504.11 PERFORMANCE OR SURETY BOND:

504.111 ACCRUAL: The bond shall accrue to the Township Board for administering the construction, operation and maintenance of the improvement.

504.112 AMOUNT: The bond shall be of an amount equal to the total estimated cost for completing construction of the improvements including contingencies as estimated by the proprietor's engineer and approved by the Township Board.

504.113 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 improvement.

504.114 BONDING OR SURETY COMPANY: The bond shall be with a surety company authorized to do business in the State of Michigan.

504.12 CASH DEPOSIT, CERTIFIED CHECK OR IRREVOCABLE BANK LETTER OF CREDIT:

504.121 TREASURER, ESCROW AGENT OR TRUST COMPANY: A deposit by the proprietor with the Township Clerk in the form of cash, a certified check or irrevocable letter of credit, whichever the proprietor selects, shall accrue to the Township for administering the construction, operation or maintenance of the improvement.

504.122 AMOUNT: The amount of the cash deposit, certified check, or irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the improvement including contingencies as estimated by the proprietor's engineer and approved by the Township Board.

504.123 ESCROW TIME: The escrow time for the cash deposit, certified check, or irrevocable bank letter of credit, shall be for a period to be specified by the Township Board.

504.124 PROGRESSIVE PAYMENT: In the case of cash deposits or certified checks, an agreement between the Township and the proprietor may provide for progressive payment out of the cash deposit or reduction of the certified check, or irrevocable bank letter of credit, to the extent of the estimated cost of the completed portion of the improvement in accordance with the previously entered into agreement with respect to financial guarantees.

504.2 CONTINGENCY FEE: The Township Board may require, in addition to the security, an amount of 10 percent thereof to cover such contingency expenses that might occur due to failure, defects

in construction, unforeseen costs, etc., of any improvement required herein. The period covered by the contingency fee shall not exceed two years from the date of acceptance of the improvement. Excess funds, if any shall be returned to the proprietor at the end of the two year period.

504.3 PROTECTION AND REPAIR BOND: The Township Board may also require, in addition to the security and contingency fee, a bond to cover damage that might occur during construction to existing improvements, facilities, and features on or around the construction site or to adjacent properties. This bond shall include the costs of any cleaning of construction debris from the subdivision and from adjacent properties that might be necessary.

504.4 PENALTY IN CASE OF FAILURE TO COMPLETE THE CONSTRUCTION OF AN IMPROVEMENT: In the event the proprietor shall, in any case, fail to complete such work within the period of time required by the conditions of the guarantee for the completion of improvements under the Township jurisdiction, it shall be the responsibility of the Township Board to have such work completed. In order to accomplish this, the Board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, or irrevocable bank letter of credit, which the proprietor may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding of surety company, as included in the written agreement between the Board and the proprietor.

505.0 INSPECTION OF IMPROVEMENTS:

505.1 REQUIRED: All improvements required by this Ordinance shall be inspected by the Township Engineer or Building Inspector,

except for improvements made under the jurisdiction of the County Road Commission, County Drain Commissioner, and other public agencies. Where inspections are made by other agencies the Township Engineer or Building Inspector shall obtain written reports of each final inspection.

505.2 INSPECTION SCHEDULE: It shall be the responsibility of the proprietor to notify the Township or other appropriate public agency when installations are ready for inspection.

505.3 INSPECTION OF IMPROVEMENTS UNDER CONSTRUCTION: Before approving a final plat and construction plans and specifications for the required improvements, an agreement between the proprietor and the Township Board shall be made to provide for inspecting the construction or installation of each improvement under its jurisdiction and its conformity to the approved plans.

506.0 COMPLIANCE WITH STANDARDS: The proprietor shall bear the final responsibility for the installation and construction of all required improvements according to the provisions of this Ordinance and to the standards and specifications of the various public agencies.

507.0 ACCEPTANCE: Approval of installation and construction shall not constitute acceptance by the Township of any improvement for dedication purposes.

508.0 FEES: The proprietor shall pay all inspection costs incurred by the Township according to schedules determined by the Township Board, by deposit made at the time of approval of the final plat. Any funds not used by the Township in its inspections shall be refunded to the proprietor when the subdivision, or stage thereof, is completed. The proprietor shall pay to the Township an

amount by which the inspection charges exceed the deposited fee.

509.0 SITE CLEANUP: The proprietor shall be responsible for removal of all equipment, material and general construction debris from the subdivision and from any lot, street or public way or property therein or adjacent.

ARTICLE VI VARIANCES

600.0 GENERAL: A variance from the provisions of this Ordinance may be obtained for one of two reasons; first, relief from hardship; and second, to permit a comprehensive development according to a plan for the entire project. Variances shall apply only to improvements, standards, and specifications set forth in this Ordinance; no variances shall be granted on procedures required herein.

601.0 HARDSHIP VARIANCE:

601.1 GENERAL: Such variance may be granted if the proprietor can show that strict compliance with the provisions of this Ordinance, as they apply to his property or parts thereof, will result in extraordinary hardship or practical difficulty. The proprietor shall make a formal request for such variance to the Township Board, in which the reasons for the request are clearly stated.

601.2 FINDINGS REQUIRED: No variance shall be granted unless the following findings are made:

601.21 That there are such special circumstances or conditions affecting said property that strict application of the provisions of this Ordinance would clearly be impractical or unreasonable.

601.22 That the conditions requiring the variance were not created by the proprietor.

601.23 That the variance is necessary for the preservation and enjoyment of a substantial property right of the proprietor, and

is not primarily intended for his economic gain.

601.24 That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

601.25 That such variance will not have the effect of nullifying the intent and purpose of this Ordinance, the adopted General Development Plan, and the Zoning Ordinance of Lima Township.

601.26 That such variance will not violate the provisions of the Subdivision Control Act.

601.3 REPORT: The Township Board shall prepare a complete report of the proceedings concerning the requested variance, containing all findings of fact and actions taken. A copy of this report shall be made part of the record of the meeting at which action is taken and one copy of the report shall be transmitted to the proprietor.

601.4 CONDITIONS: In granting a variance the Township Board may attach conditions to the variance which will substantially secure the objectives of this Ordinance, and which will further the adopted policies expressed in the Township's General Development Plan, or part or parts thereof, and in various ordinances and resolutions.

602.0 COMPREHENSIVE DEVELOPMENT VARIANCE: The Township Board may authorize variances from the provisions of this Ordinance for a comprehensive development upon written request of the proprietor. The Board shall find that such comprehensive development is permitted by the Zoning Ordinance, and shall have the recommendation of the Planning Commission, before acting on the request for a variance. Variances for comprehensive developments may include, but are not limited to, reduction in minimum lot area and dimensions, and modifications

in street and utility standards.

The Township Board shall determine on the basis of the Planning Commission's report that the comprehensive development plan, with the requested variances provides, for efficient circulation, adequate light and air and other needs, and otherwise meets the intent of this Ordinance, of the Zoning Ordinance, and of the duly adopted and published General Development Plan or part thereof. The Board, in making its determination shall take into account the criteria set forth in the preceding Sections 601.24-601.26 and the following Sections 602.1-602.4:

602.1 That the proposed project will constitute a desirable and stable community development.

602.2 That the proposed project will be in harmony with the existing or proposed development of adjacent areas.

602.3 That the Planning Commission has reviewed the project plan and recommends its approval as having met the standards and intent of the General Development Plan, or part thereof, as it applies to the area in and around the subdivision.

602.4 Any variance granted for a comprehensive development shall be valid only so long as the plan for the comprehensive development is carried out as approved. Any departure from the approved plan shall permit revocation by the Township Board of any variance granted.

602.5 The Township Board shall establish a time schedule for completion of the various stages of a comprehensive development.

603.0 APPLICATIONS REQUIRED:

603.1 HARDSHIP VARIANCE: Application for any such variance shall be submitted in writing by the proprietor to the Township Board at the time the preliminary

plat is filed for tentative approval by the Planning Commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

603.2 COMPREHENSIVE DEVELOPMENT VARIANCE: Application for any such variance shall be made in writing by the proprietor at the time the preliminary plat is filed for tentative approval by the Planning Commission, stating fully and clearly all facts relied upon by the proprietor and shall be supplemented with maps, plans, or other additional data which might aid the Planning Commission and the Township Board in their analysis of the proposed project. The plans for such development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan. The Planning Commission shall submit a report thereon to the Township Board, as set forth in Section 602.0, herein.

604.0 RESPONSIBILITY FOR GRANTING VARIANCES: The Township Board shall have authority for granting variances to this Ordinance.

ARTICLE VII ENFORCEMENT

700.0 BUILDING AND OCCUPANCY PERMITS:

700.1 BUILDING PERMITS: The Building Inspector shall not issue permits for the building of houses or other structures intended for human occupancy or any portion thereof until the preliminary plat has received final approval as provided in the Subdivision Control Act, and until he has been officially notified of such approval by the Township Board. No building permits shall be issued for a tract of land between the time that the subdividing process has commenced and a preliminary plat

thereof has received final approval. The Township Clerk shall immediately notify the building department having jurisdiction that such process has been initiated.

700.2 OCCUPANCY PERMITS: The Building Inspector shall not issue permits for the occupancy of structures or any parts thereof until all improvements required by this Ordinance and agreed to in the preliminary plat as finally approved have been completed or otherwise provided for according to this Ordinance, and until the Building Inspector has been notified by the Township Clerk of completion or provision of improvements. Completion shall mean inspection, approval, and acceptance, where applicable, by the Township. A certificate of completion shall be issued by the Township Building Inspector or Engineer as evidence of adequate and complete installation of facilities.

701.0 PENALTIES: Failure to comply with the provisions of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100) or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense.

The land owner, tenant, proprietor, 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 penalties provided herein. Nothing herein contained 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 Ordinance or of the Subdivision Control Act.

ARTICLE VII AMENDMENTS

800.0 PROCEDURES: The Township Board may, from time to time, amend, supplement, or repeal the regulations and provisions of this Ordinance in the manner prescribed by law. A proposed amendment, supplement, or repeal may be originated by the Township Board, Planning Commission, or by petition. All proposals regarding changes in this Ordinance not originating with the Planning Commission shall be referred to it for a report thereon before any action is taken on the proposal by the Board.

ARTICLE IX MISCELLANEOUS PROVISIONS

900.0 VALIDITY: Should any section, clause or provision of this Ordinance be declared by the court to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

901.0 EFFECTIVE DATE: This Ordinance shall take effect in the Township after recommendation of the Planning Commission, adoption by the Township Board and publication as provided by law.

Unanimously adopted at a regular meeting of the Lima Township Board on June 14, 1976.

Dated: June 14, 1976.

Wallace E. Fusilier,
Lima Township Supervisor.
Leila C. Bauer,
Lima Township Clerk.

LIMA TOWNSHIP NOTICE OF AMENDMENT TO THE SUBDIVISION CONTROL ORDINANCE IN ACCORDANCE WITH THE LAND DIVISION ACT

100.2 LEGAL BASIS:

This Ordinance is enacted pursuant to the statutory authority granted by the Township Planning Commission Act, Act 268, P.A. of 1959 as amended; and the Land Division Act, Act 288 P.A. of 1967 as amended (formerly known as the Subdivision Control Act).

201.0 DEFINITIONS:

Add the following Definition

LAND DIVISION ACT;

State Land Division Act, 288, P.A. of 1967, as amended.

Revise the following definitions:

SUBDIVIDE OR SUBDIVISION:

The partitioning 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 (1) year, or of building development, where the action of division would create more parcels of land than allowed by the Land Division Act, Act 288, P.A. of 1967 as amended, without platting, over a period of time defined by the Land Division Act, Act 288, P.A. of 1967 as amended. The Term subdivision also refers to any area which is subdivided within the foregoing definition.

SUBDIVISION CONTROL ACT:

State Land Division Act, Act 288, P.A. of 1967, as amended.

This amendment to take effect thirty days after publication.

ADOPTED: YEAS: Bareis, Heller, Trinkle, Havens, Adrian

NAYS: None

I hereby certify the above amendment was adopted at a regular meeting of the Lima Township Board on April 7, 1997.

LIMA TOWNSHIP

Arlene R. Bareis, Clerk

AMENDMENT TO THE LIMA TOWNSHIP SUBDIVISION CONTROL ORDINANCE

ORDINANCE NO. 2

AN ORDINANCE TO AMEND THE LIMA TOWNSHIP SUBDIVISION CONTROL ORDINANCE, ORDINANCE NO. 2, BY ADDING PROVISIONS AND STANDARDS FOR PRIVATE ACCESS EASEMENTS IN THE APPROVAL OF PLATS AND LOTS.

THE TOWNSHIP OF LIMA ORDAINS:

Section 1: The Lima Township Subdivision Control Ordinance, Ordinance No. 2, effective June 14, 1976, is hereby amended by the addition to Section 403.7, the following provisions:

A private access easement to a public street or road may be approved by the Township Board as assured permanent access, in which case the easement shall be deemed not to separate or divide a lot and the area occupied by the easement shall not reduce lot area.

Section 2: The within Amendment is effective immediately.

All portions of Ordinance No. 2 not inconsistent herewith are hereby approved.

* * * * *

STATE OF MICHIGAN)
COUNTY OF WASHTENAW)ss

I, ARLENE BAREIS, Lima Township Clerk, do hereby certify that the within Ordinance was adopted by the Lima Township Board at a special meeting held on the fifth day of October, 1995, by the following roll call vote:

AYES Members William VanRiper, Harold Trinkle, Arlene Bareis

NAYES None



ARLENE BAREIS
Lima Township Clerk

Dated: October 5, 1995