

## Chapter 14

### LAND DIVISIONS AND SUBDIVISIONS\*

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\***State law reference**—Land division act, MCL 560.101 et seq.

## WATERTOWN CHARTER TOWNSHIP CODE

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**ARTICLE I. IN GENERAL****Secs. 14-1—14-18. Reserved.****ARTICLE II. SUBDIVISIONS****DIVISION 1. GENERALLY****Sec. 14-19. Purpose.**

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

- (1) Provide for orderly growth and harmonious development of the community.
- (2) Secure adequate traffic circulation through coordinated street systems with proper relation to existing streets and highways, adjoining subdivisions and vacant land, and public utilities.
- (3) Achieve individual property lots for maximum utility and livability.
- (4) Establish standard procedures for processing preliminary and final plats thoroughly and efficiently.
- (5) Establish subdivision requirements for design, site preparation and public improvement installation.
- (6) Provide standards for water, waste disposal, storm drainage, police and fire protection, sidewalks, streets, highways and the procedures to ensure that these standards are consistently met.

(Ord. No. 15, § 1.2, 4-17-1989)

**Sec. 14-20. Scope.**

This chapter shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the ordinance from which this chapter is derived, except for the further subdividing of lots. This chapter does not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, chapter, comprehensive plan provisions or regulations. Where this

chapter imposes a greater restriction upon land than is imposed or required by such existing provisions of any other ordinance, law, or comprehensive plan or regulations of this township, the provisions of this chapter shall prevail.

(Ord. No. 15, § 1.4, 4-17-1989)

#### **Sec. 14-21. Administration.**

The approval provisions of this chapter shall be administered by the township board in accordance with Public Act No. 288 of 1967 (MCL 560.101 et seq.).

(Ord. No. 15, § 1.5, 4-17-1989)

#### **Sec. 14-22. Fees.**

(a) Fees for purposes permitted under this chapter shall be as established by resolution of the township board of trustees. All fees and categories for the payment of fees may be amended by resolution of the board of trustees of the township and shall be deemed effective immediately upon adoption of said resolution and shall apply to all applications thereafter filed.

(b) Any additional expense to the township for expert professional specialist review or additional review meetings will be passed on to the applicant. Upon receipt of an application and/or subdivision proposal, the zoning administrator may make such a determination or at any time thereafter, and require that an escrow account be established by the applicant based on the zoning administrator's best estimate of cost. All review fees will be withdrawn as needed and money not expended will be returned promptly to the applicant within five business days after action on the site plan.

(Ord. No. 15, § 1.6, 4-17-1989)

#### **Sec. 14-23. Definitions.**

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

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

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

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

*Buffer strips.* See *Greenbelts*.

*Building line* or *setback line* means a line parallel to a street right-of-way line, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building between such line and a right-of-way.

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

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

*County health department* means the Mid-Michigan District Health Department.

*County plat board* means the Clinton County Plat Board.

*County road commission* means the Clinton County Road Commission.

*Crosswalk (pedestrian walkway)* means a right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.

*Developer.* See *Proprietor*.

*Floodplain, 100-year,* means that area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which has a one-percent chance of being inundated by a flood in any given year.

*Floodprone area* means the 100-year floodplain.

*Governing body/township board* means the Township Board of the Charter Township of Watertown.

*Greenbelts* or *buffer strips* means a strip or parcel of land, privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the residential environment.

*Improvements* means any structures incidental to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter,

driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other appropriate items, with appurtenant construction.

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

*Lot* means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

- (1) *Lot depth* means the horizontal distance between the front and rear lot lines, measured along the median between the rear lot lines, measured along the median between the side lot lines.
- (2) *Lot width* means the horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.

*Master plan*. See *Comprehensive development plan*.

*Outlot* means, when included within the boundary of a recorded plat, a lot set aside for purposes other than a building site or land dedicated to public or private use.

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

*Pedestrian walkway*. See *Crosswalk*.

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

*Planning commission* means the planning commission of the township as established under Public Act 168, 1959 (MCL 125.321 et seq.).

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

- (1) *Pre-preliminary plat* means an informal plan or sketch drawn to scale showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.
- (2) *Preliminary plat* means a map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.

- (3) *Final plat* means a map of a subdivision of land made up in final form ready for approval and recording.

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

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

*Public utility* means 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* means 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 or the outlot is not a replat.

*Reserve strip* means a one-foot-wide strip of land placed at the end of stub streets which terminate at subdivision boundaries for the purposes of controlling access and preventing the erection of structures which might obstruct future street extensions.

*Right-of-way* means land acquired by reservation, dedication, easement, prescription, purchase or condemnation and permanently established for the passage of persons, vehicles, railroads, water, public and private utility lines, and similar uses.

*Setback line.* See *Building line.*

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

*Sketch plan* means a pre-preliminary plat.

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

- (1) *Freeway* means those streets designed for high-speed, high-volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.

- (2) *Expressway* means those streets designed for high-speed, high-volume traffic, with full or partially controlled access, some grade crossings and no private driveway connections.
- (3) *Arterial street* means those streets of considerable continuity which are used or may be used primarily for fast or heavy traffic. All one-mile roads are arterial.
- (4) *Major thoroughfare* means an "expressway" or "arterial street" as defined in this chapter.
- (5) *Collector street* means those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.
- (6) *Cul-de-sac* means a minor street of short length having one end terminated by a vehicular turn around.
- (7) *Minor street* means a street which is intended primarily for access to abutting properties.
- (8) *Service street* means a street running parallel to a freeway or expressway and serving abutting properties.
- (9) *Stub street* means a street extended to the boundary line of the tract to provide for the future projection of streets into adjacent areas.

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

*Subdivider.* See *Proprietor*.

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

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

*Tract* means two or more parcels that share a common property line and are under the same ownership.

(Ord. No. 15, art. II, 4-17-1989)

### **Sec. 14-24. Enforcement.**

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

(b) *Violation procedures.* The zoning administrator shall enforce the provisions of this chapter in cooperation with an attorney named by the township. The decision to employ an attorney will be a joint determination by the zoning administrator and the executive committee of the planning commission. Enforcement procedures shall be as follows:

- (1) When a violation of this chapter is found, the subdivider, property owner and/or person maintaining the violation shall be contacted by mail or in person by the zoning administrator. The zoning administrator shall explain the intent of this chapter, the nature of the violation, and the corrective action necessary to comply.
- (2) When a property owner or other party who has violated this chapter manifests by word or action an intent not to correct the violation or to further violate this chapter, the zoning administrator shall proceed with a formal inspection and issue a "Notice of Violation" without delay. When a property owner or other party who has violated this chapter

expresses an intent to correct the violation, the zoning administrator shall allow a reasonable time period, not to exceed 30 days, for correction of the violation.

- a. Inspection of property; record of inspection. At the end of the correction period, the zoning administrator shall make a formal inspection of the property to determine if the noted violations have been corrected. A record of this inspection shall be made and shall contain photographs, instrument readings and other information necessary to establish the nature and extent of any remaining violation.
- b. Corrective action taken; compliance with provisions. If the corrective action has been taken by the property owner or other person responsible for the violation, the zoning administrator shall indicate that the property is in compliance with this chapter by sending a letter stating this to the property owner.
- c. Passive violations. If the noted violations remain and are evident in the record of formal inspection, the zoning administrator shall issue a "Notice of Violation." This notice shall be delivered in person or by certified mail, return receipt requested restricted to addressee, to the property owner and/or other person responsible for the violation and shall contain the date of formal inspection, the provision of this chapter that was violated, the penalties which may be imposed, and the amount of time allowed for corrective action not to exceed 15 days.
- d. Inspection after corrective action taken. At the end of this correction period, the zoning administrator shall again make a formal inspection of the property to determine whether or not the indicated corrective actions have been taken.
- e. If the violation remains, the zoning administrator shall present all evidence to a designated attorney for the purpose of seeking either a criminal warrant, a civil action, or both against the property owner or other person responsible for the violation.

(Ord. No. 15, § 7.1, 4-17-1989)

#### **Sec. 14-25. Penalties.**

Penalties for failure to comply with the provisions of this chapter shall be as follows: Violation of any of the provisions of this chapter or failure to comply

with any of its requirements shall constitute a misdemeanor. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. 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 chapter or of the Land Division Act.

(Ord. No. 15, § 7.2, 4-17-1989)

**Sec. 14-26. Proposal to amend, supplement or repeal chapter provisions.**

The township board may, from time to time, amend, supplement, or repeal the regulations and provisions of this chapter in the manner prescribed by law. A proposed amendment, supplement, or repeal may be originated by the township board, township planning commission or by petition. All proposals not originating with the planning commission shall be referred to the planning commission for a report thereon before any action is taken on the proposal by the township board.

(Ord. No. 15, § 8.1, 4-17-1989)

**Secs. 14-27—14-55. Reserved.**

DIVISION 2. PLATTING PROCEDURES

**Sec. 14-56. Purpose.**

This division provides for the review of the subdivision plan, as submitted. The township board and planning commission shall have the authority to hire professional services, as applicable, to assist in this review. The fee shall be according to section 14-22.

(Ord. No. 15, art. III, 4-17-1989)

**Sec. 14-57. Pre-preliminary contact and sketch plan.**

A pre-preliminary sketch plan shall be required for planned unit developments but is optional for all other plats.

(1) *Purpose.*

- a. To provide guidelines for the subdivider concerning development policies of the township.

- b. To acquaint the subdivider with the platting procedures and requirements of the township board and planning commission.
- c. To provide the planning commission and other affected agencies with general information concerning the proposed development.
- d. Acceptance of the sketch plan does not ensure acceptance of the preliminary plat.

(2) *Requirements.*

- a. *Pre-preliminary plat or sketch plan.* The plan shall show the subdivision's entire development scheme including the area for immediate development, and shall include the following:
  - 1. General layout of streets, blocks and lots.
  - 2. A legal description of the proposed site.
  - 3. Total number of acres in the site.
  - 4. A statement of the approximate number of residential units.
  - 5. The number of acres to be preserved as open or recreational space.
  - 6. All known natural resources and natural features to be preserved.
  - 7. Existing conditions and characteristics of the land proposed for subdividing and adjacent to the site.
- b. *Suitability engineering letter.* A letter from a surveyor or engineer concerning the general suitability of the land for subdividing.
- c. *Ownership.*
  - 1. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
  - 2. A written statement as to whether there are any options on the property, or any liens against it.
  - 3. The name and address of the owner of record if the applicant is not the owner of record (or firm or corporation having legal or equitable interest in the land), and the signature of the owner.
- d. *Financing.* The township board shall require such proof of financing of the proposed subdivision as they deem necessary.

(3) *Procedure.*

- a. The subdivider shall submit two copies of the pre-preliminary plat to the planning and zoning office not less than 21 days before the next meeting of the planning commission.
- b. The zoning administrator shall make a preliminary review and call a meeting of the site plan review/subdivision committee. The committee will review the plan with the subdivider or his agent.
- c. The site plan review committee/subdivision committee shall inform the subdivider or his agent of the township's development policies and make appropriate comments and suggestions concerning the proposed development scheme.
- d. The site plan review committee/subdivision committee shall inform the planning commission and the subdivider of the results of the review.
- e. The planning commission shall inform the township board of the results of the review of the pre-preliminary plat.

(Ord. No. 15, § 3.1, 4-17-1989)

**Sec. 14-58. Preliminary plats.**

The following shall be required for approval of preliminary plats under sections 112—120 of the land division act (MCL 560.112—560.120).

(1) *Requirements.*

- a. *Submittal.* The subdivider shall submit ten copies of the preliminary plat on a topographical map, to the township clerk at least 30 days before a meeting of the planning commission when the plat is scheduled to be considered. Tentative preliminary plat approval must be granted by the township board prior to submission of the plat to outside agencies for review. Subdivider shall also submit an application form. Signature on the application will grant permission for the township to make any on-site investigations it deems necessary. On the application form, the subdivider shall certify that he has:
  1. Obtained current copies of the following township documents as may be available:
    - (i) Zoning ordinance.

- (ii) Subdivision regulations.
  - (iii) Comprehensive development plan.
  - (iv) Applicable sewer ordinances.
  - (v) Such other ordinances or controls applicable to the subdivision and improvement of land.
2. Obtained current copies of:
    - (i) Manual of instructions: land division act (state department of labor and economic growth).
    - (ii) Regulations and/or standards of Clinton County road commission and drain commission.
    - (iii) Regulations and/or standards of Mid-Michigan District Health Department.
  3. Verified that the area for the proposed subdivision is properly zoned for the intended use or that an application for rezoning to the proper zone is pending.
  4. Made investigation with the appropriate officials concerning the adequacy of open spaces, including parks and playgrounds, to serve the proposed subdivision.
  5. Made an investigation of the present adequacy and proposed development of major thoroughfares with respect to the proposed subdivision.
  6. Investigated the availability and adequacy of sanitary sewers, water supply and surface drainage in regard to the proposed subdivision.
  7. Obtained a soil survey, made on-site investigation and has determined that the soil conditions of the property to be platted are of such a nature that all limitations can reasonably be expected to be overcome by proper planning and construction.
- b. *Size and scale.* The preliminary plat shall be drawn on a 24-inch by 36-inch sheet at a scale of not smaller than one inch equals 200 feet and shall show the date and north arrow.
  - c. *Information required on plat.*
    1. Name of proposed subdivision.

2. Names, addresses and telephone numbers of the subdivider and the surveyor preparing the plat, and the seal of the surveyor preparing the plat.
3. Location of the subdivision giving the numbers of section, township and range, and the name of the township and county.
4. The names of abutting subdivisions and the names and addresses of owners of adjacent properties.
5. Statement of intended use of the proposed plat, such as, residential single- and multiple-family; local business; general business; office; industrial; or agricultural. Shall include proposed sites, if any, for multifamily dwellings, shopping centers, churches, industry, and other nonpublic uses exclusive of single-family dwellings. Shall include any sites proposed for open or recreational uses, and indicate all known natural resources and features to be preserved.
6. A map of the entire area scheduled for development if the proposed plat is a portion of a larger holding intended for subsequent development. If phasing is intended, a statement of phasing plan must be included.
7. A location map showing the relationship of the proposed plat to the surrounding area, including the nearest road intersection.
8. The land use and zoning of the proposed subdivision and adjacent tracts.
9. Streets, alleys, street names, right-of-way and roadway widths, together with drainage arrows.
10. Lot widths, the size of the smallest lot, and the total number of lots.
11. Contours shall be shown at five-foot intervals where slope is greater than ten percent, and two-foot intervals where slope is ten percent or less.
12. All governing conditions such as:
  - (i) Rivers, 100-year floodplain, natural watercourses, existing county or private drains.
  - (ii) Railroads, power lines and cemeteries or parks.

- (iii) All other features that the location or existence of which might influence the layout of the plat.
- 13. Proposed and existing storm and sanitary sewers, water mains and their respective profiles or alternative methods.
- 14. Typical cross section of streets to be constructed including right-of-way width, which shall comply with requirements as established by the Clinton County road commission standards for street construction.
- 15. Right-of-way easements, showing location, width and purpose.
- d. *Other information required.*
  - 1. *Site report.* A site report as described in the rules of the state department of environmental quality, if the proposed subdivision is not to be served by public water systems.
  - 2. *Restrictive covenants.* Four copies of proposed restrictive covenants and deed restrictions, or state in writing that none are proposed.
  - 3. *Traffic engineer study.* If the proposed subdivision or the entire area scheduled for development will contain more than 80 dwelling units, or if the proposed subdivision requires planned unit development approval, or if the proposed subdivision is nonresidential, the proprietor may be required to submit a professionally prepared traffic engineering study as determined by the planning commission.
  - 4. *Proof of ownership.*
    - (i) Proof of ownership, and whether there are any options on the property, or any liens against it.
    - (ii) A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
    - (iii) The name and address of the owner of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner.
  - 5. *Preliminary engineering plans.* The subdivider shall submit five sets of preliminary engineering plans for water, sewers, sidewalks and other required public improvements. The plans

shall contain enough information and detail to enable the planning commission or township engineer to make preliminary determination as to conformance of the proposed improvements to applicable township regulations and standards.

(2) *Procedures.*

a. *Tentative approval-review and action by the planning commission.*

1. The zoning administrator shall review the submitted proposed subdivision data for completeness. If the plat or application is incomplete, the zoning administrator shall notify the subdivider outlining the deficiencies and instruct the subdivider that the application and plat will not be acted upon until the required data is submitted.
2. As of the date the application and the plat are complete, a meeting of the site plan/subdivision review committee will be called within three weeks before the next planning commission meeting, and the proposed plat will be placed on the agenda of the next planning commission meeting. The zoning administrator shall transmit copies of the proposed plat to other appropriate agencies such as the school district, fire chief of the appropriate district, the sheriff's department, and other agencies as deemed necessary.
3. The planning commission shall conduct a public hearing. Notice of said hearing shall be given at least 15 days prior to the hearing by one publication in a newspaper (or newspapers) of general circulation in the township and by mail to each public utility company and to each railroad within the geographical sections or divisions of the township affected by the proposed plat. Notice of said hearing shall also be sent to the subdivider and to all owners of land adjoining the land to be platted. The zoning administrator shall maintain an affidavit of the mailing. If the proposed subdivision requires a planned unit development hearing, such hearing shall be held concurrently.
4. The planning commission shall recommend to approve, modify, or disapprove the preliminary plat within 60 days of the date of receipt by the township clerk and shall within those same 60

days report its action to the township board. The 60-day period may be extended if the applicant consents. If no action is taken within 60 days, the preliminary plat shall be deemed to have been approved by the planning commission. The action of the planning commission and report of action of the planning commission to the township board may contain any recommendations, conditional or otherwise, which the planning commission deems appropriate.

- b. *Tentative approval-review and action by the township board.*
  - 1. The township board shall not approve, modify, or disapprove a preliminary plat until it has received the planning commission's report, unless no action has been taken by the planning commission as set forth in subsection (2)a.4 of this section.
  - 2. Within 30 days of the meeting at which the township board receives the report of the planning commission, or within 30 days following the expiration of the period set forth in subsection (2)a.4 of this section if no action has been taken by the planning commission, the township board shall approve, modify, or disapprove the preliminary plat.
- c. *Conditions and duration of tentative approval of preliminary plat.* Tentative approval of the preliminary plat by the township board shall confer upon the subdivider for a period of one year from the date of approval, approval of lot sizes, lot orientation and street layout. Such tentative approval may be extended if applied for by the subdivider before the expiration date and granted by the township board.

(3) *Final approval, preliminary plat.*

- a. *Submittal.* The subdivider shall submit to the township clerk 30 copies of the approved tentative preliminary plat which shall be stamped with the date and time received. Ten copies shall be retained for township use. To meet the requirements of sections 113—119 of the Land Division Act (MCL 560.113—560-119), the proprietor shall transmit the approved tentative preliminary plat to the required reviewing agencies and shall submit two copies to the tri-county regional planning commission for approval of street names. The subdivider shall also remit all fees established by this chapter for review of plats.

- b. *List of authorities; filing.* The subdivider shall file with the township clerk a list of all authorities to whom stamped copies of the preliminary plat have been distributed, and certify that these are the only authorities whose approval is required under sections 112—119 of the land division act (MCL 560.112—560.119).
- c. *Information required.*
  - 1. When the subdivider has secured the approvals of the various approving authorities as required by section 113—119 of the land division act (MCL 560.113—560.119), he shall deliver all approved copies to and letters from all approving agencies stating all conditions of approval, to the township clerk, along with the required fees. If revisions were required on the preliminary engineering plans, the revised plans shall also be submitted at this time.
  - 2. The subdivider shall have completed a written agreement with the township board regarding any cost splits between the proprietor and the township covering over-sizing and/or deep ditching of township utilities, and any other financial participation by the township.
  - 3. Where the plat is to contain open space, buffer zones, fences, landscaping, greenery, community facilities, or any other private appurtenances to be held or used in common by lot lessees or purchasers, copies of all proposed protective covenants or deed restrictions shall be submitted to the township board. The township may suggest such changes in the covenants and/or restrictions as it deems necessary to insure protection of the future interests of the community.
- d. *Township board action.*
  - 1. Preliminary engineering plans for all improvements required shall be reviewed and approved by the township engineer and fees shall be charged according to section 14-22.
  - 2. The township board shall within 30 days after receipt of the necessary approved copies of the final preliminary plat either approve or reject it and give its reasons therefore.

e. *Conditions and duration of approval.*

1. *Conditions.*

- (i) The township board may enter into a written agreement with the subdivider to construct, within a reasonable time, certain improvements within the area to be platted. No construction shall be undertaken in the plat area prior to the granting of all final approvals of the preliminary plat plans as approved in the land division act.
- (ii) Approval of the final preliminary plat shall not constitute approval of the final plat.

2. *Duration.*

- (i) Final approval of the preliminary plat by the township board shall be for a period of two years from the date of its approval.
- (ii) The township board may extend the approval period if the subdivider applies for an extension prior to the expiration date.
- (iii) The subdivider shall not be required to resubmit for approval at a later date his preliminary plat if making final plat in stages, so long as he does not alter the original preliminary plat approved by the township board, or exceed the time limit as set by the land division act or as extended by agreement with the township board.

(Ord. No. 15, § 3.2, 4-17-1989)

**Sec. 14-59. Final plat.**

(a) *Requirements.*

- (1) Final plats shall be prepared and submitted as provided in the land division act.
- (2) A written application for approval and the filing and the recording fees shall accompany all final plats.
- (3) The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to the date of the proprietor's certificate, or a policy of title insurance currently in force.

- (4) The township may require other information as it deems necessary to establish whether the proper parties have signed the plat.
- (b) *Submittal*. Four copies and one Mylar of the final plat shall be submitted to the township clerk.
- (c) *Procedures*.
- (1) *Submittal to approving authorities*. The subdivider shall submit the final plat and as-built engineering plans where required for approval to the following:
- a. *Road commission*. For approval or rejection;
  - b. *Drain commission*. For approval or rejection;
  - c. *Mid-Michigan District Health Department*. For issuance of a letter of approval or rejection;
  - d. *Planning commission (through township clerk)*. For recommendations to the township board;
  - e. *Township clerk*. For approval or rejection by the township board;
  - f. *Airport authority*. For approval or rejection.
- (2) *Planning commission*.
- a. The planning commission shall meet within ten days of receipt of the proposed final plat to consider the plat and make a recommendation to the township board. The time for review and recommendations by the planning commission may be extended by agreement with the subdivider. If no action is taken by the planning commission within ten days, the final plat shall be deemed to have been approved.
  - b. The planning commission shall review the plat for conformance to:
    1. The provisions of the land division act;
    2. The provisions of this division;
    3. The preliminary plat, as approved.
  - c. Recommendation for approval of the plat by the township board shall be accompanied by a copy of the minutes of the township planning commission in which approval was recommended.

- d. Recommendations for the disapproval of the plat by the township board shall be accompanied by a copy of the official minutes of the planning commission which shall state the reasons for such recommendation.
- (3) *Township engineer.* The township engineer shall review the proposed final plat and make a recommendation to the township board in writing at or before the township board meeting where final plat will be considered.
  - (4) *Township board's review.*
    - a. The township board shall review the final plat, the report from the township engineer, and the report of the planning commission at its next regular meeting, or at a meeting called within 20 days of the planning commission meeting at which the final plat was considered, or within 30 days of receipt if no action has been taken by the planning commission.
    - b. The township board shall instruct the township clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection.
    - c. The township board shall approve or disapprove the final plat.
    - d. If disapproved, the township board shall give the subdivider its reasons in writing and rebate the recording fee.
    - e. If approved, the township board shall instruct the township clerk to sign the municipal certificate of the approved final plat on behalf of the township board. The certificate shall show the date of the meeting at which the approval was made and the date the certificate was signed by the clerk.
  - (d) *Improvements and facilities required by the township.*
    - (1) The township board may require all improvements and facilities to be completed before it approves the final plat.
    - (2) If improvements and facilities are not required to be completed by the township board, the final plat shall be accompanied by a contract between the subdivider and the township board for completion of all required improvements and facilities.

- (3) Performance of the contract shall be guaranteed by a cash deposit, certified check, or irrevocable bank letter of credit, as detailed in section 14-119.
  - (4) All costs for improvements and facilities within the development as required by the township under the authority of this division are the sole responsibility of the subdivider except as provided under section 14-117(h) regarding required over-sizing of infrastructure and utilities.
    - (e) *Model homes.* Subdivider may be permitted to begin on one or more, not to exceed four, model homes after the subdivision receives final approval of the preliminary plat from the township board, and provided that the following guidelines are met:
      - (1) Sewer and water lines must be in and accepted.
      - (2) The number of model homes permitted shall be determined by the zoning administrator based on the number of acres in the subdivision.
      - (3) The house is located on the site by a surveyor such that the house will be appropriately situated on the lot if final plat is approved, or can meet the stricter zoning ordinance requirements if final plat is disapproved.
      - (4) A development permit is secured from the township planning and zoning office prior to beginning construction on the home.
- (Ord. No. 15, § 3.3, 4-17-1989)

**Secs. 14-60—14-76. Reserved.**

DIVISION 3. DESIGN STANDARDS

**Sec. 14-77. Trafficways; streets and roads.**

(a) *Generally.* Subdivision design standards set forth by the county road commission and the state department of transportation's uniform criteria for major streets, as from time to time amended, shall be followed in addition to the other standards specified in this chapter. If there is a conflict between standards, the more stringent shall apply.

(b) *Specific requirements.*

- (1) *Location.* Streets in a subdivision or planned unit development encompassing five or more condominium units, lots or building sites shall only access to an asphalt or hard-surfaced (not gravel) arterial street or major thoroughfare.

- (2) *Local or minor streets.* Such streets shall be so arranged as to discourage their use by through traffic.
- (3) *Street continuation and extension.* The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions, unless otherwise approved by the planning commission and the county road commission.
- (4) *Stub streets.* Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas (see section 14-82(b)(2)).
- (5) *Relation to topography.* Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable gradients.
- (6) *Alleys.*
  - a. Alleys shall not be permitted in areas of single- or two-family residences.
  - b. Alleys shall be provided in multiple dwellings or commercial subdivisions unless other provisions are made for service access, off-street loading and parking. Alleys shall have a width of not less than 30 feet. Dead-end alleys shall be prohibited.
- (7) *Service streets.* Where a subdivision abuts or contains an arterial street, the township may require:
  - a. Service streets approximately parallel to and on each side of the road right-of-way.
  - b. Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
- (8) *Cul-de-sac streets.* Culs-de-sac shall not be more than 600 feet in length. Special consideration shall be given to longer culs-de-sac under certain topographic conditions or other unusual situations. Culs-de-sac shall terminate with an adequate turnaround in accordance with the county road commission standards.

(c) *Specifications.*

- (1) *Street rights-of-way and roadway widths.* Street and road rights-of-way and roadway widths shall conform to the adopted major street plan and rules of the county road commission and the state department of transportation.
  - (2) *Street gradients.* Street gradients shall conform to the county road commission standards.
  - (3) *Street alignment.*
    - a. *Horizontal alignment.* Horizontal alignment shall conform to the county road commission standards.
    - b. *Vertical alignment.* Vertical alignment shall conform to the county road commission standards.
  - (4) *Street names.* Street names shall be approved by the tri-county regional planning commission.
  - (5) *Intersections.* Streets shall intersect at 90 degrees or closely thereto and in no case at less than 80 degrees. Intersections shall not be permitted less than 250 feet apart.
  - (6) *Number of streets.* No more than two streets shall cross at any one intersection.
  - (7) *Street surfacing.* All subdivision and planned unit development streets shall be asphalt or concrete surfaced and constructed according to the county road commission specifications and standards.
- (Ord. No. 15, § 4.1, 4-17-1989)

**Sec. 14-78. Pedestrianways.**

(a) *Sidewalks.* Sufficient right-of-way shall be provided so that sidewalks may be installed on both sides of the street.

(b) *Crosswalks.* Right-of-way for pedestrian crosswalks in the middle of long blocks shall be required where necessary to obtain convenient pedestrian circulation. The right-of-way shall be at least ten feet wide and may extend entirely through the block.

(Ord. No. 15, § 4.2, 4-17-1989)

**Sec. 14-79. Easements.**

(a) *Location.* Easements shall be provided along front, side or rear lot lines for utilities including cable television systems and private telecommunication systems operated under franchise or permit granted by the township, as determined to be necessary and appropriate for access and future extension. The total width shall not be less than six feet along each lot, or a total of 12 feet for adjoining lots (see also section 14-81(f) for backup lots).

(b) *Drainageway.* The subdivision shall provide drainage easements as required by the rules of the county drain commissioner.  
(Ord. No. 15, § 4.3, 4-17-1989)

**Sec. 14-80. Blocks.**

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

(b) *Minimum length.* Blocks shall not be less than 500 feet long.

(c) *Maximum length.* The maximum length allowed for residential blocks shall be 1,320 feet long from center of street to center of street.  
(Ord. No. 15, § 4.4, 4-17-1989)

**Sec. 14-81. Lots.**

(a) *Conformance to zoning.* The lot width, depth, and area shall not be less than the particular district requirements of the zoning ordinance, except in the case of a planned unit development or where out lots are provided for some permitted purpose.

(b) *Lot lines.* Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.

(c) *Width related to depth.* Narrow, deep lots shall be avoided. The depth of a lot generally shall not exceed three times the width as measured at the front building line.

(d) *Corner lots.* Corner lots shall be platted at least 20 feet wider than the minimum interior lot width permitted by the zoning ordinance. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.

(e) *Uninhabitable areas.* Lands subject to flooding or otherwise deemed by the planning commission to be uninhabitable shall not be platted for residential purposes, or for uses that may, in the judgment of the planning commission, increase the danger to health, life, or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses such as parks or other open space.

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

(g) *Lot frontage.* All lots shall front upon a publicly dedicated street. Variances may be permitted for approved planned unit developments.

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

(i) *Lot division.* The division of a lot in a recorded plat is prohibited, unless approved following application to the township board. The application shall state the reasons for the proposed division. The zoning administrator shall prepare a report containing general information regarding the proposed split, and shall notify property owners and residents within 300 feet of the proposed split. No lot in a recorded plat shall be divided into more than four parts and the resulting lots shall not be less in area than permitted by the township zoning ordinance. No building permit shall be issued, or any building construction commenced, until the division has been approved by the planning commission. The division of a lot resulting in a smaller area than prescribed herein may be permitted, but only for the purpose of adding to the existing

building site or sites, application shall so state and shall be in affidavit form. Unpaid assessments shall be divided between the existing and proposed lot as determined by the township assessor.

(j) *Strip platting.* No lot shall be platted to access directly onto any major street or thoroughfare. All lots must access to a paved collector street within a development.

(Ord. No. 15, § 4.5, 4-17-1989)

**Sec. 14-82. Greenbelts and reserve strips.**

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

(b) *Reserve strips.*

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

(2) *Public.* A one-foot reserve strip may be required to be placed at the end of stub or dead-end streets which terminate at subdivision boundaries and half streets.

(Ord. No. 15, § 4.6, 4-17-1989)

**Sec. 14-83. Floodprone areas and natural features.**

(a) *Floodprone areas.*

(1) If a proposed subdivision is located in whole or in part of a floodprone area, the plat design shall:

- a. Be consistent with the need to minimize flood damage within the floodprone area;
- b. Ensure that all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
- c. Provide adequate drainage to reduce exposure to flood hazards.

(2) New and replacement water supply systems shall be designated within the floodprone areas to minimize or eliminate infiltration of floodwaters into the systems.

- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters.
- (4) On-site waste disposal systems shall be located to avoid contamination from them during flooding.

(b) *Natural features.* Existing natural features which add value to residential development and enhance the attractiveness of the community such as trees, watercourses, historic spots, and similar irreplaceable assets shall be preserved in the design of the subdivision.

(Ord. No. 15, § 4.7, 4-17-1989)

#### **Sec. 14-84. Planned unit development.**

(a) *Modification of requirements of this division.* This division may be modified in accordance with division 5 of this article in the case of a subdivision large enough to constitute a complete community or neighborhood which provides and dedicates adequate public open space and improvements for the traffic circulation, recreation, education, and service needs of the tract when fully developed and populated.

(b) *Modification of standards for commercial or industrial development.* The subdivision design standards of this division may be modified in accordance with division 5 of this article in the case of subdivisions specifically for commercial or industrial development, including shopping districts, wholesale areas, and planned industrial districts. In all cases, however, adequate provisions shall be made for off-street parking and loading areas as well as for traffic circulation.

(c) *Public utilities required.* No planned unit development encompassing five or more condominium units, lots, or building sites shall be approved unless the development shall be connected to a public sanitary sewer system. No planned unit development containing 15 or more lots, condominium units as defined by MCL 559.104, living units, or building sites shall be approved or constructed unless the development and each lot, condominium unit, or building site therein is connected to a public water supply system constructed in the form and manner required by section 14-117(g).

(Ord. No. 15, § 4.8, 4-17-1989)

**Sec. 14-85. Connection required to sanitary sewer.**

All proposed platted subdivisions, condominium subdivisions, and planned unit developments which include units, lots, or building sites must be connected to a public sanitary sewer system.

(Ord. No. 15, § 4.9, 4-17-1989; Ord. No. 15.3, 4-21-2003)

**Secs. 14-86—14-113. Reserved.**

## DIVISION 4. PUBLIC IMPROVEMENTS

**Sec. 14-114. Purpose.**

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

(Ord. No. 15, § 5.1, 4-17-1989)

**Sec. 14-115. Responsibility for construction plan preparation.**

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

(Ord. No. 15, § 5.2, 4-17-1989)

**Sec. 14-116. Procedure.**

When construction has been completed at the time of filing the final plat, one complete copy of as-built engineering plans of each required public improve-

ment shall be filed with the township clerk coincident with the filing of the final plat. Other requirements and procedures in the submittal of final plats shall be as provided in section 14-59.

(Ord. No. 15, § 5.3, 4-17-1989)

**Sec. 14-117. Required public improvements.**

(a) *Monuments.* Monuments shall be set in accordance with the land division act, and the rules of the state department of labor and economic growth.

(b) *Streets and alleys.* All streets and alleys shall be asphalt or concrete surfaced and constructed in accordance with the standards and specifications adopted by the county road commission.

(c) *Curbs and gutters.* Curbs and gutters shall be required on all neighborhood access streets and minor streets and shall be constructed in accordance with the standards and specifications adopted by the county road commission.

(d) *Installation of public utilities.* Public utilities and driveways shall be located in accordance with the rules of the county road commission. The underground work for utilities shall be stubbed to the property line.

(e) *Driveways.* All driveway openings in curbs shall be as specified by the county road commission or the state department of transportation.

(f) *Storm drainage.* An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, detention/retention facilities and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the county drain commissioner. Construction shall follow the specifications and procedures established by the county drain commissioner. All proposed storm drainage construction plans for proposed plats shall be approved by the county drain commissioner.

(g) *Water supply system.*

(1) All proposed platted subdivisions, condominium subdivisions, or planned unit developments which include units, lots, or building sites shall be required to be served by a public water supply system prior to being approved or developed. Fire hydrants and other required water system appurtenances shall be provided by the subdivider. Installation of public

water systems shall contemplate future development of adjacent properties. The subdivider may be required to up-size the water pipe to the next diameter at the expense of the developer.

- (2) If there is no existing or accessible public water supply system the subdivider may be required to install a water supply system for the common use of the lots within the subdivision in accordance with the requirements of part 41 of Public Act No. 451 of 1994 (MCL 324.4101 et seq.). The system provided shall be turned over to the township for operation and maintenance. In the case of a proposed subdivision or a planned unit development encompassing less than 15 lots, condominium units, living units, or building sites, individual wells may be permitted in accordance with the requirements of the Mid-Michigan Health Department.
- (h) *Sanitary sewer system.*
- (1) All proposed subdivisions, planned unit development lots, condominium units, or building sites shall be serviced by a public sanitary sewer system. Sanitary sewers and other required appurtenances thereto shall be provided by the subdivider. Sewer systems shall comply with the requirements of part 41 of Public Act No. 451 of 1994 (MCL 324.4101 et seq.), and the township's sewer ordinance. Construction of sewer lines shall be videotaped and kept as a record of installation.
  - (2) After the effective date of the ordinance from which this chapter is derived, whenever sewer mains are constructed by the township or are over-sized beyond the diameter required by this division at the expense of the township, and there are properties which may be connected to the sewer main which do not directly participate in the cost of the main (other than by payment of the general property tax), or have not been assessed the costs of the main or over-sizing by special assessment, a determination shall be made of the total cost of construction.
  - (3) The township engineer shall calculate the total residential units of all properties which may potentially connect to the main and shall compute the number of total residential units for each individual lot or parcel of property served by the main. Each owner of property which may thereafter connect to the main, as determined from the assessor's records, shall be provided written notice by the subdivider or developer advising them that their property shall be subject to an additional

capital charge if connected to the sewer main in the future, and stating the amount of such charge. The suspense account and the obligation to pay the additional capital charge shall expire 20 years after completion of construction. The amount collected as an additional sewer main capital charge pursuant to this subsection shall be placed in the capital improvement fund for extension and improvements to the township municipal sewer system.

- (4) Installation of public sewer systems shall anticipate future development of adjacent properties. Sewer lines shall be extended to the boundaries of the subdivision. The subdivider may be required to up-size the sewer pipe to the next diameter at the expense of the developer. Any further required over-sizing of sewer infrastructure shall be capitalized by the township and said cost or expense (separately accounted and adjusted annually for inflation) shall be recovered as each additional connection to the transmission line is made. The charge levied by the township to recover the cost of over-sizing shall be on a per residential equivalent unit (REU) basis and will be calculated by dividing the total capitalized amount by the remaining capacity in the line expressed in REUs.

(i) *Street name signs.* Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the county road commission.

(j) *Sidewalks and crosswalks.*

- (1) Sidewalks shall be required on both sides of the street. Where the average width of lots, as measured at the street frontage line or at the building setback line, is over 100 feet, sidewalks on one side may be considered by the township. Sidewalks shall be constructed in accordance with the requirements of the county road commission.
- (2) Crosswalks, when required by the township, shall have easements at least ten feet in width and include a paved walk at least five feet in width, located generally along the centerline of the easement, dedicated as a public pedestrian walkway.

(k) *Street lighting.* Streetlights shall be required to be installed throughout the subdivision. The township board shall approve the design and style of the streetlights which shall conform to the requirements of the public utility providing the lighting and to the requirements of chapter 28.

(Ord. No. 15, § 5.4, 4-17-1989; Ord. No. 15.3, 4-21-2003)

**Sec. 14-118. Optional public improvements.**

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

(b) *Greenbelts.* It is desirable for the protection of residential properties to have greenbelts or landscaped screen plantings located between a residential development and adjacent major arterial streets and railroad rights-of-way. Where a subdivider desires to protect his development in this respect, a proposed subdivision plat shall show the location of said greenbelts.

(c) *Street trees.* Street trees of a variety and size in accordance with the standards adopted by the township may be planted between the street curb and sidewalk. The location of street trees shall be approved by the county road commission.

(Ord. No. 15, § 5.5, 4-17-1989)

**Sec. 14-119. Guarantee of completion of improvements required by the township.**

(a) *Financial guarantee arrangements, exceptions.* In lieu of the actual installation of required public improvements, the township board may permit the subdivider to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of the county road commission, county drain commissioner or any other agency responsible for the administration, operation and maintenance or the applicable public improvement. The planning commission may recommend and the township board may waive financial guarantees of performance under this division for sidewalks, street lights, or street trees. In case these improvements are specified, completion shall be required prior to the issuance of occupancy permits.

(1) *Performance or surety bond.*

- a. *Accrual.* The bond shall accrue to the township covering construction, operation and maintenance of the specific public improvement.

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

(b) *Condition of township approval of final plat; financial guarantees.* With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

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

(c) *Special arrangements.* A special arrangement shall be entered into between the subdivider and the township board where street trees and streetlights have been included in the plans.

(d) *Inspection of public improvements under construction.* Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the township board shall be made to provide for checking or inspecting the construction and its conformity to the submitted plat. There will be a fee for such inspection. Funds are to be on deposit and developer is to pay the actual cost of inspection.

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

(Ord. No. 15, § 5.6, 4-17-1989)

**Secs. 14-120—14-136. Reserved.**

## DIVISION 5. VARIANCES

**Sec. 14-137. Generally.**

The township planning commission may recommend to the township board a variance from the provisions of this chapter on a finding that undue hardship

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

- (1) That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this chapter would clearly be impracticable or unreasonable. In such cases the subdivider shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the planning commission.
- (2) That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- (3) That such variance will not violate the provisions of the state Land Division Act.
- (4) That such variance will not have the effect of nullifying the interest and purpose of this chapter and the comprehensive development plan of this township.

The planning commission shall include its findings and the specific reasons therefor in its report of recommendations to the township board and shall also record its reasons and action in its minutes.

(Ord. No. 15, § 6.1, 4-17-1989)

**Sec. 14-138. Topographical; physical limitation variance.**

Where in the case of a particular proposed subdivision it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions, or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the

objectives of this chapter, the planning commission may recommend to the township board that variance modification or a waiver of these requirements be granted.

(Ord. No. 15, § 6.2, 4-17-1989)

**Sec. 14-139. Planned unit development variance.**

The developer may request a variance from specified portions of this chapter in the case of a planned unit development. If in the judgment of the planning commission such a plan provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs, it shall make findings, as required herein below. The planning commission shall take into account the nature of the proposed use of land and existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The planning commission shall report to the township board whether:

- (1) The proposed project will constitute a desirable and stable community development;
- (2) The proposed project will be in harmony with adjacent areas.

(Ord. No. 15, § 6.3, 4-17-1989)