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# **SUBDIVISION CONTROL ORDINANCE**

**Williamstown Township  
Ingham County, Michigan**

*Contains proposed revisions to achieve compliance  
with Michigan Public Act 591 of 1996.*

*Recommended to the Township Board  
by the Planning Commission  
on March 18, 1997.*

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# **SUBDIVISION CONTROL ORDINANCE**

**Williamstown Township  
Ingham County, Michigan**

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**CHAPTER**  
**SUBDIVISION CONTROL ORDINANCE**

**Williamstown Township**  
**INGHAM COUNTY, MICHIGAN**

AN ORDINANCE ENACTED PURSUANT TO MICHIGAN PUBLIC ACT 288 OF 1967, AS AMENDED BY VARIOUS ACTS INCLUDING MICHIGAN PUBLIC ACT 591 OF 1996 (THE LAND DIVISION ACT), AND MICHIGAN PUBLIC ACT 246 OF 1945, AS AMENDED (THE TOWNSHIP ORDINANCES ACT), FOR THE PURPOSE OF ESTABLISHING REGULATIONS GOVERNING THE SUBDIVISION AND FILING OF PLATS; PROVIDING FOR PRELIMINARY AND FINAL APPROVAL OR REJECTION OF SUCH PLATS BY THE TOWNSHIP; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE WITHIN WILLIAMSTOWN TOWNSHIP. (revised 4/1/97)

WILLIAMSTOWN TOWNSHIP HEREBY ORDAINS:

**ARTICLE 1.00 - TITLE AND PURPOSE**

**Section 1.1 Title**

This Ordinance shall be known and cited as the "Subdivision Control Ordinance of Williamstown Township."

**Section 1.2 Purpose**

This Ordinance, the adopted Zoning Ordinance, and the adopted Ordinance to Regulate Division of Land, shall be considered the ordinances referred to in Section 105(b) of Public Act 591 of 1996, which have been adopted in part to carry out the provisions of said Act 591. These regulations are adopted for the following additional purposes: (revised 4/1/97)

1. To provide for the orderly development of the Township in furtherance of the Master Plan and consistent with the Zoning Ordinance.
2. To achieve efficient use of the land and a quality living environment.
3. To provide for adequate light, air, and privacy to minimize danger from fire, flood, and other dangers, and to promote the health, safety and welfare of the general public.
4. To protect the character and social and economic stability of all parts of the Township.
5. To encourage the orderly and beneficial development of the Township through appropriate control of the timing and sequence of development and protection of sensitive environmental areas.
6. To protect and conserve the value of land, buildings, and improvements by minimizing conflicts among land uses.
7. To guide public and private policy making and actions in order to achieve adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, open space, police and fire protection, and other public facilities and services.

8. To coordinate land use with road and highway development in the interest of preventing traffic congestion; accommodating vehicular, pedestrian and other non-motorized transportation; and, providing for the proper location of streets and buildings.
9. To establish reasonable standards for design of subdivisions in order to further the orderly layout and use of land, and to ensure proper survey, legal description, and placement of monuments on subdivided land.
10. To permit development at a rate that is consistent with the availability and capacity of public facilities and services.
11. To prevent the pollution of air and surface and ground water; to assure the adequacy of drainage facilities; and to encourage the wise use and management of natural resources so as to preserve the integrity, stability and beauty of the Township in addition to protecting the public health, safety and general welfare.
12. To promote subdivision design that conserves energy, in part by creating a network of connected roads and by avoiding excessively long dead end or cul-de-sac roads.
13. To preserve the natural character and natural features of the land, including woodlots, wetlands, water courses, natural drainage courses and stream channels, wildlife habitats, and other valuable natural assets.

### **Section 1.3 Scope of Regulations**

1. These regulations apply to all subdivisions, created after the effective date of this ordinance, that are located totally or partially within the boundaries of Williamstown Township, except that proposed subdivisions that have been granted tentative or final preliminary plat approval shall continue to be reviewed under the requirements in place prior to adoption of this ordinance.
2. No land may be subdivided through the use of any legal description other than with reference to a plat or lot split approved by the Township in accordance with this ordinance.
3. No building permit or certificate of occupancy shall be issued for any parcel or plat of land created by subdivision after the effective date of this ordinance that is not in conformity with the provisions of this ordinance. After the effective date of this ordinance, no excavation of land or construction of any public or private improvements shall take place or be commenced for the purposes of creating a subdivision except in conformity with these regulations.

### **Section 1.4 Vested Rights**

Except as otherwise provided in this Ordinance, no vested rights shall accrue to the owner or developer of any subdivision *solely* as a result of tentative or final preliminary plat or final plat approval. Furthermore, tentative preliminary plat approval provides no rights or authority to begin improvements or construction related to subdivision development.

## ARTICLE 2.00 - RULES OF CONSTRUCTION AND DEFINITIONS

### **Section 2.1 Rules of Construction**

The following rules of construction shall apply to this ordinance:

1. The particular shall control the general.
2. Unless the context clearly indicates to the contrary, where a regulation involves two or more items, conditions, provisions, or events connect by a conjunction, the conjunctions shall have the following meaning:
  - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - b. "Or" indicates that all connected items, conditions, provisions, or events may apply singly or in any combination.
  - c. "Either" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
3. Unless the context indicates to the contrary, where an illustration accompanies any provision in this ordinance, the written text shall have precedence over the illustrations.
4. References to departments, commissions, boards, other offices, and positions are to those of Williamstown Township, unless otherwise indicated. In the event that any department, commission, board, or other office or position is re-named or replaced, then the reference shall apply to the successor department, commission, board, office or position.
5. A reference to a public official of the Township is to that person who performs the function referred to, and may include a designee of the public official.
6. A reference to days is to calendar days unless otherwise indicated in this ordinance or specified by state law. If a deadline falls on a weekend or Township holiday, the deadline shall be extended to the next working day. A working day is defined as any day that is not a Saturday, Sunday, or official Township holiday.
7. In computing a period of days, the day of the act or event from which the designated period of days begins to run shall be excluded, and the last day of the period is included, unless the last day is not a working day. If the last day is not a working day, the period runs until the end of the next working day.
8. Use of "shall," "will" or "must" is mandatory; use of "may" is permissive.
9. Use of "including," "includes," "such as," "additional," or "supplemental" means that the examples provided are illustrative and not an exhaustive listing, unless the context clearly indicates to the contrary.
10. Words in the present tense include the future tense, words used in the plural include the singular, and the singular plural, unless the context clearly indicates to the contrary.

11. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
12. "Across" or "across from" shall mean "on the opposite side" and shall not be interpreted as having the same meaning as "adjacent" or "contiguous" unless the context clearly indicates to the contrary.
13. All measurements shall be to the nearest integer, unless otherwise specified.
14. Words or terms not defined herein shall have the meaning customarily assigned to them.

## **Section 2.2 Definitions**

The following definitions shall apply in the interpretation and enforcement of this Subdivision Control Ordinance:

Abutting: Having a common border with, or being separated from such common border by an easement.

Accessible: A parcel is accessible if it meets one or both of the following requirements:

- a. The parcel has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the Michigan Department of Transportation or Ingham County Road Commission pursuant to Michigan Public Act 200 of 1969, as amended, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.
- b. The parcel is served by an existing easement that provides vehicular access to an existing road or street and meets all applicable location standards of the Michigan Department of Transportation or Ingham County Road Commission pursuant to Michigan Public Act 200 of 1969, as amended, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards. **(revised 4/1/97)**

Adjacent: See **Contiguous**.

Adjoining: For the purposes of giving proper public notice as required in this ordinance, "adjoining" shall include properties across the street from the property being developed

Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on another street. An alley is not intended for general traffic circulation.

Applicant: The owner of land proposed to be subdivided or the owner's representative who shall have express written authority to act on behalf of the owner.

Appropriate Road Agency: The road agency having jurisdiction over the road, street, or highway being referenced.

As-Built Plans: Construction plans that have been revised upon completion of construction to illustrate the actual location and details of improvements.

Berm: A continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this or other applicable ordinances.

Bicycle Path: A path, usually separated from the roadway, designed specifically to satisfy the physical requirements of bicycling.

Block: An area of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies, public open space, unsubdivided acreage, or other barrier to the continuity of development, and not traversed by an existing or future through street.

Block Length: The distance between intersections of through streets, such distance being measured along the longest street bounding the block and from right-of-way line to right-of-way line of the two intersection streets.

Board: The Township Board of Williamstown Township.

Bond: Any form of a surety bond in an amount and form satisfactory to the Township Board.

Buffer: An area occupied by trees, shrubs, fences, and/or berms, designed to separate conflicting uses or limit the view and/or travel of sound between adjacent sites (see also **Greenbelt**). A buffer is often located along a property line. Plantings may consist of natural vegetation or trees and shrubs planted in accordance with a landscape plan.

Buildable Area: The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

Buildable Area, Net: The net buildable area is that portion of a site that is not encumbered by Michigan Department of Environmental Quality (MDEQ)-regulated wetlands (except as specifically noted), steep slopes, road rights-of-way, easements, structures or lots, or other existing or proposed features that would prevent construction of a building or use of the site for a use permitted in the district in which the site is located.

Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels or property or materials of any kind.

Building Line or Setback Line: A line parallel to the front lot line at the minimum required front setback line, beyond which a building or part thereof cannot extend unless otherwise permitted under the terms of the zoning ordinance.

Caliper: The diameter of a tree trunk measured in inches, four (4) feet above ground level.

Canopy Tree: A canopy tree is a deciduous tree which has a mature crown spread of fifteen (15) feet or greater when grown in Ingham County and has a trunk with at least eight (8) feet of clear stem at maturity.

Capital Improvements Program: A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

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

Centerline Offset of Adjacent Intersections: The gap between the centerlines of roads that intersect a common road from opposite or the same sides.

Clerk: The Township Clerk of the Williamstown Township.

Cluster Development: A development that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Commission or Planning Commission: The Planning Commission of Williamstown Township.

Commercial Development: A planned commercial center containing buildings, parking, service areas, landscaping, and road improvements to accommodate businesses involved in the sales of goods and services.

Common Open Space: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements (see also **Private Open Space**).

Construction Plans: The drawings accompanying a subdivision plat that show the specific location and design of improvements to be installed in the subdivision.

Contiguous: Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

Conventional Development: Development other than planned development.

Crosswalk or Pedestrian Walkway: A right-of-way, at least ten (10) feet in width, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets.

Cul-de-Sac: A local street with only one outlet and having a circular turnaround for the safe and convenient reversal of traffic movement.

Culvert: A structure designed to convey a water course not incorporated in a closed drainage system under a road or pedestrian walk.

Date of Filing: The date on which a plat is submitted to the Township Clerk in a form that complies with all of the application data requirements in this ordinance for review in accordance with procedures outlined in this ordinance.

Dedication: A conveyance of land by a private owner in the nature of a gift or grant and an acceptance of that land by or on behalf of the public.

Density: The permitted number of dwelling units per gross acre of land to be developed.

Design Flood: The relative size or magnitude of a major flood of reasonable expectancy, which reflects both flood experience and flood potential and is the basis of the delineation of the floodway, the flood hazard area, and the water surface elevations.

Design Standards: Standards that set forth specific improvement requirements.

Detention Basin: A man-made or natural water collector facility which collects surface and/or sub-surface water in order to impede its flow.

Developer: The legal or beneficial owner or owners of land proposed to be subdivided, or the owner's representative.

Development: The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

Divided Street: A street having an island or other barrier separating moving lanes.

Division: The partitioning or splitting of a parcel or tract of land for the purposes of sale, or lease of more than one (1) year, or of building development, that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements of Section 108 and 109 of Public Act 288 of 1967, as amended. "Division" does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel, and a division is not subject to the platting requirements of said Public Act 288. **(revised 4/1/97)**

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means.

Drainage System: The natural and man-made system through which water flows from the land.

Driveway: A private lane, designed primarily for use by vehicles, that connects a building with a road.

Easement: A right, created by an express or implied agreement of the owner of land, to make lawful and beneficial use of adjacent land or the land of another.

Environmental Constraints: Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation, or may require limited development, or in certain instances may preclude development.

Erosion: The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, or gravity.

Escrow: A deed, a bond, money, or interest in a piece of property temporarily deposited with a neutral third party, called the escrow agent, by the agreement of two parties. The escrow agent will hold the deposit until the conditions of the agreement are met, at which time the agent will release it to the grantee.

Fence: An artificially constructed unroofed barrier of wood, masonry, stone, wire, metal, or similar manufactured material, used to prevent or control entrance, confine within, or mark a boundary.

Finished Grade: For the purposes of this ordinance, the elevation of the surface of the ground, paving, sidewalks or other surface upon completion of excavation, filling and land balancing related to subdivision construction.

Floodplain: That land which can be expected to be inundated and that is delineated on the Flood Boundary and Floodway Map prepared by the U.S. Department of Housing and Urban Development, as may be supplemented, amended, or revised from time-to-time.

Frontage: See **Lot Frontage**.

Governing Body: The Township Board of Township of Williamstown, Ingham County, Michigan.

Grade: The slope of a street, or other public way, specified in percentage (%) terms. The slope of a street is the ratio of its "rise" to its "run." This calculation results in a fraction, which can be converted to a percentage by multiplying its decimal equivalent by 100.

Ground Cover: A planting of low-growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.

Greenbelt: A strip of land located within or adjacent to a road or highway right-of-way, reserved for the planting of shrubs, trees, and groundcover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this ordinance. In certain cases, existing vegetation may be permitted in a greenbelt, subject to requirements of the ordinance.

Grubbing: The removal of understory vegetation from a site which does not include the removal of any trees with a caliper of three (3) inches or greater.

Half Street: A street containing less than the required right-of-way width.

Household: Any person or persons who reside or intend to reside in the same housing unit.

Impervious Surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Impoundment: An artificially-created body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

Improvements: Grading, street surfacing, curbs and gutters, sidewalks, cross-walks, water mains, fire hydrants, sanitary sewers, storm sewers, drains, culverts, bridges and other additions to the natural state of land which increases its value, utility, habitability, and use as a subdivision.

Industrial Development: A planned industrial area containing buildings, parking, service areas, landscaping, and road improvements to accommodate industrial uses.

Island: In street design, a raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signs, or lighting.

Land Division Act: Michigan Public Act 288 of 1967, as amended (known as the Subdivision Control Act prior to enactment of Michigan Public Act 591 of 1996). **(revised 4/1/97)**

Level of Service: A qualitative measure describing operational conditions within a traffic stream; generally described in terms of speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

Loop Road: A road or street that has its only ingress and egress at two points on the same collector street.

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

Lot, Corner: A lot abutting upon two streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than 135 degrees.

Lot Area, Net: The total horizontal area within the lot lines of the lot, exclusive of any abutting public road rights-of-way or private road easements, or the area of any lake. The net lot area shall be used in determining compliance with Minimum Lot Area standards.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot (flag): A lot which is located behind other parcels or lots fronting on a public road, but which has a narrow extension to provide access to the public road. The extension, which provides access to the buildable portion of the lot, shall comply with the lot width standards for the district in which the lot is located.

Lot Frontage: The length of the front lot line measured along the street right-of-way or easement line.

Lot Line: The fixed boundaries of a lot described by a survey and recorded in a plat.

- a. Front Lot Line: In the case of a lot not located on a corner, the line separating said lot from a street right-of-way. In the case of a corner lot or double frontage lot, the Front Lot Line shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or which is designated as the front on the site plan review application or request for a building permit, subject to approval by the Planning Commission or Building Official. On corner lots where the dwelling unit is placed at an angle, both lines along the street rights-of-way shall be considered Front Lot Lines.

- b. Rear Lot Line: Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot. On corner lots where the dwelling unit is placed at an angle, the rear lot line shall be an imaginary line parallel to the front building line, not less than ten (10) feet in length, lying farthest from the front building line and wholly within the lot.
- c. Side Lot Line: Any lot line other than the front or rear lot lines. A side lot line separating a lot from a road right-of-way is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot, Reverse Frontage: A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts (see definition of **Through Lot**).

Lot, Through: A lot, other than a corner lot, that fronts upon two (2) more-or-less parallel streets or upon two (2) streets that do not intersect at the boundaries of the lot.

Lot Width: The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines.

Maintenance Guarantee: Any security which may be required and accepted by Williamstown Township to ensure that necessary improvements will function as required for a specific period of time.

Master Plan: A comprehensive, long-range plan adopted and amended from time to time by the Planning Commission, that is intended to serve as a guide for growth and development of the Township. The plan consists of maps, text, tables, and graphics with recommendations concerning land use, economic development, housing, recreation and open space, transportation and community facilities.

Median: That portion of a divided road or highway that separates lanes of traffic proceeding in opposite directions.

MDOT: Michigan Department of Transportation.

Model Home: A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision and which will not be permanently occupied during its use as a model.

Mulch: A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevents weeds from growing, hold soil in place, or aid plant growth.

MDEQ: Michigan Department of Environmental Quality (or its successor department or agency).

MDNR: Michigan Department of Natural Resources (or its successor department or agency).

MDPH: Michigan Department of Public Health (or its successor department or agency).

Natural Resources: Natural resources shall include land, soils, wetlands, floodplains, surface and ground water, topography, trees and other types of vegetative cover, subsurface strata, geologic formations, animal life, and naturally occurring substances and living organisms that can be useful to people. Natural resources are of two types: renewable (e.g., plants and trees) and nonrenewable (e.g., mineral resources).

Offset: The distance between the centerlines of driveways or streets that are across the street from one another.

Off-Site: Any premises not located within the area of the property to be subdivided, whether or not in the common ownership of the applicant for subdivision approval.

Off-Street Parking: Parking that is not located within a street or road right-of-way, such as parking in a parking lot, parking structure, or private driveway.

On-Street Parking: Parking that is located on a dedicated street right-of-way.

Open Space: Land within or related to a development which is designated and intended for the enjoyment and use of residents of a subdivision. Open space typically is unoccupied and unobstructed from the ground upward except for living plant material and recreational facilities (such as neighborhood parks, golf courses, ballfields, sidewalks, bikepaths, and gazebos), permitted signs, and drives needed to access open space facilities and utility lines.

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. For example, land set aside for a future road would typically be set aside in an outlot.

Parcel (or Tract): A continuous area or acreage of land which can be described as provided for in the Land Division Act.

Parent Parcel or Parent Tract: A parcel or tract lawfully in existence on the effective date of Public Act 591 of 1996. **(revised 4/1/97)**

Parking Space: An area provided for the parking of a motor vehicle.

Performance Guarantee: Any security that may be required by Williamstown Township as a guarantee that the improvements required as a result of approval of subdivision plat are satisfactorily completed.

Person: Any individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Pervious Surface: A surface that permits full or partial absorption of storm water.

Planned Development: A planning or construction project involving the use of special zoning requirements and review procedures which are intended to provide design and regulatory flexibility, so as to encourage innovation in land use planning and design and thereby achieve a higher quality of development than might otherwise be possible.

Planner or Township Planner: The Planning Director, staff planner or consulting planner designated by the Township Board to advise the Township administration, Township Board, and Planning Commission on items such as planning, zoning, land use, subdivision, housing and other related planning and development issues. This term shall include Township specialists on such subjects as landscaping, woodlands, and wetlands.

Planning Coordinator: The Planning Coordinator is the person or persons designated by the Township Board to administer the Township's planning and zoning program on a day-to-day basis, including but not limited to processing applications, maintaining the minutes of the Planning Commission, sending notices of public hearings, and similar work.

Plat: A map or chart of a subdivision of land, prepared in conformance with the Land Division Act.

- a. Sketch Plan. An optional initial review by the Planning Commission of a plan, drawn to scale, showing the proposed layout of streets, lots and other features in relation to existing conditions on the site and on adjoining sites and also showing general subdivision information.
- b. Preliminary Plat: A map showing all salient features of a proposed subdivision submitted to the Township for the purposes of preliminary consideration, and prepared in accordance with this ordinance and the Land Division Act. The preliminary plan review process is separated into "tentative" and "final" preliminary plat review.
- c. Final Plat: A map of a subdivision of land prepared in a form that is ready for approval and recording in accordance with the requirements of this ordinance and the Land Division Act.

Potable Water Supply: Water suitable for drinking or cooking purposes.

Preliminary Plat Approval: The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Planning Commission, Township Board and the applicant.

Private Open Space: Land within or related to a development that is privately maintained and that has not been accepted for maintenance and ownership by the Township or other public agency or governmental unit.

Private Road: A road that is privately maintained and has not been accepted for maintenance or ownership by the Ingham County Road Commission or the State of Michigan. The inclusion of this definition is not intended to indicate that private roads are permitted in Williamstown Township.

Proprietor: A natural person, firm, association, partnership, corporation or combination of any of them, which may hold any ownership interest in land, whether recorded or not. Sometimes also referred to herein as the "Developer."

Public Open Space: An open space area conveyed or otherwise dedicated to the Township, a school district, a state or county agency, or other public body for recreational or conservation uses.

Public Sewer: A sewerage system as defined in Michigan Public Act 98 of 1913, as amended.

Public Utility: Any person, firm or corporation, municipal department, board or commission, or other public authority duly authorized to furnish gas, steam, electricity, storm sewers, sanitary sewers, communication, cable television, telegraph, telephone, transportation, water or other services to residents of the Township.

Public Walkway: A right-of-way dedicated for the purpose of a pedestrian access through residential areas, and located so as to connect to two or more streets, or to a street and a public land parcel.

Record Drawings: Construction plans that have been revised upon completion of construction to illustrate the recorded location and details of improvements.

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.

Retaining Wall: A structure erected between lands of different elevation to protect structures and/or prevent the washing down or erosion of earth from the upper slope level.

Retention Basin: A pond, pool, or basin used for storage of water runoff and that lacks an outlet for water, relying instead on percolation of storm water into the ground.

Right-of-Way: A strip of land reserved and dedicated for a street, alley, walkway, or other public purpose, and which may be occupied by public utilities, such as electric transmission lines, gas pipelines, cable television lines, fiber optics lines, water mains, sanitary sewers, storm sewer mains, shade trees, or other utility uses. Rights-of-way established and shown on the final plat are to be distinct and separate from the lots or parcels adjoining such rights-of-way, and are not to be included in the dimensions or areas of such lots or parcels. Nothing in this definition or ordinance is intended to prevent the establishment of separate easements for utilities.

Right-of-Way Lines: The lines that form the boundaries of a right-of-way.

Road Commission: The Ingham County Road Commission.

Road Classifications: The classification of roads described in the Master Plan as follows:

- a. Principal Arterial. Principal arterial roads are intended to serve the major centers of activity, the highest traffic volume corridors, and the longest trips. Principal arterials serve major traffic movements within the Township.
- b. Minor Arterial. Minor arterial roads interconnect with the principal arterial system and provide trips of moderate length with a lower level of traffic mobility. Minor arterial roads place more emphasis on land access than principal arterials.
- c. Collector Roads. Collector roads provide access to abutting properties and traffic circulation within residential, commercial, industrial, and agricultural areas. The purpose of a collector road is to collect traffic throughout the Township and channel it to the arterial system.
- d. Local Roads. Local roads primarily provide direct access to abutting land and to collector and arterial streets.

The term “street” shall have the same meaning as the term “road” as used in this Ordinance.

Screen: A structure or plantings consisting of fencing, berms, and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property.

Sedimentation: The movement of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

Setback: The distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. The MINIMUM REQUIRED SETBACK is the minimum distance between a front, side or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of the Zoning Ordinance .

Shade Tree: A tree in a public place, street, easement, or right-of-way adjoining a street (also referred to as Street Tree).

Shoulder: The portion of the road right-of-way between the edge of the traffic lane and the intersection of the shoulder slope and side slope planes. The shoulder facilitates road drainage and provides space for emergency stops and maintenance operations.

Sidewalk: A paved path provided for pedestrian use and commonly located at the side of a road within the right-of-way.

Sight Triangle: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The sight triangle requirement may apply to the intersection of a public street and a private road or drive.

Sketch Plan: A sketch preparatory to the preliminary plat to enable the subdivider to reach general agreement with the Township as to the form of the plat and the objectives of the regulations contained in this ordinance.

Slope, Steep: A slope with a “moderate” or “high” erosion hazard (often 7% or greater) as defined in the Michigan Soil Erosion and Sedimentation Control Guidebook. Percent slope shall be computed by dividing the change in elevation by the horizontal distance, times 100.

Storm Water Detention: A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Storm Water Retention: See **Retention Basin**.

Street Furniture: Man-made, above-ground items that are usually found in street rights-of-way, including benches, kiosks, plants, canopies, shelters, and phone booths.

Stub Street: A portion of a street for which an extension has been proposed.

Subdivision Control Act: Michigan Public Act No. 288 of 1967, as amended, now known as the Land Division Act as a result of enactment of Michigan Public Act 591 of 1996. **(revised 4/1/97)**

Subdivide, Subdivision: The partitioning or splitting of a parcel or tract of land for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements specified in Public Act 288 of 1967, as amended. Subdivide or “subdivision” does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel. **(revised 4/1/97)**

Surveyor: A person who, by reason of knowledge of law, mathematics, physical sciences, and techniques of measuring acquired by professional education and practical experience, is licensed to engage in the practice of professional surveying.

Topographical Map: A map prepared by a professional surveyor showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

Township: The Williamstown Township, Michigan.

Township Engineer or Engineer: The staff engineer or consulting engineer designated by the Township Board to advise the Township administration, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues.

Tract: Two (2) or more parcels that share a common property line and are under the same ownership. **(revised 4/1/97)**

Traffic Assessment: A type of traffic impact study for low traffic generating uses which focuses on the impacts at proposed site access points.

Traffic Impact Study: The analysis of the effect of traffic generated by a development on intersection “Level of Service” and the safety and operation of the public street and highway system. A traffic impact study evaluates the impacts on streets and highways adjacent to the proposed subdivision as well as specified nearby intersections.

Variance: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted.

Vested Right: The right to initiate or continue the establishment of a use that will be contrary to a restriction or regulation coming into effect when the project associated with the use is completed.

Wetland, Regulated: A wetland regulated by the Michigan Department of Environmental Quality (MDEQ) under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- A. Contiguous to an inland lake or pond, or a river or stream;
- B. Not contiguous to an inland lake or pond, or a river or stream, and more than 5 acres in size;
- C. Not contiguous to an inland or pond, or river or stream; and 5 acres or less in size if the Michigan Department of Environmental Quality (MDEQ) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

Zoning Ordinance: The Williamstown Township Zoning Ordinance.

## ARTICLE 3.00 - PLAT REVIEW PROCEDURES

### Section 3.1 Summary of Review Procedures

The plat review process shall consist of the following steps (the process is also outlined graphically in Appendix A):

1. **Optional sketch plan** review, involving Planning Commission review but no formal action. The purpose of sketch plan review is to provide the proprietor with information needed to complete the plat, to explain applicable standards and regulations, and to acquaint the Township with the proposed plat. Comments made during sketch plan review about the proposed plat shall not be binding on the Township or the developer (see Section 3.5).
2. **Tentative preliminary plat** review involving review and action to recommend approval or denial of the plat by the Planning Commission within sixty (60) days from the date of filing, followed by review and action to approve or deny the plat by the Township Board within ninety (90) days from the date of filing (see Section 3.6).
3. **Final preliminary plat** review involving review by outside agencies (state and Ingham County agencies) prior to action by the Township Board. The Township Board shall approve or deny the final preliminary plat within twenty (20) days from the date of filing (see Section 3.7).
4. **Final plat** review, involving review and action to approve or deny the plat by the Township Board within twenty (20) days of the date of filing (see Section 3.9).

### Section 3.2 Extension of Review Deadlines

Deadlines for the Township to take action on a preliminary or final plat, as specified in the Land Division Act and reiterated in this ordinance, may be extended by mutual written consent of the proprietor and the Township. A waiver of the review deadlines may be required to permit concurrent processing of related review applications. In the absence of written consent for such a waiver, denial of a plat shall be considered appropriate if the proprietor has been unable to bring the plat into compliance with Ordinance regulations within the review deadline.

### Section 3.3 Coordination of Development Options with Subdivision Approval

1. **Simultaneous Review.** It is the intent of these regulations that subdivision review be carried out simultaneously with the review of development options permitted under the Zoning Ordinance (such as Planned Development). To achieve simultaneous review, the plans required for the development options shall be submitted in a form to satisfy the requirements of the subdivision regulations.
2. **Subdivision Approval Required.** Whenever the Zoning Ordinance authorizes development options which permit uses of land and density of buildings and structures different from those which are allowed as of right within the zoning district in which the land is situated, and the application entails the subdivision of land as defined herein, whether residential or nonresidential, subdivision approval shall be required in addition to all other procedures and approvals required in the Zoning Ordinance.
3. **Rezoning.** Since proper zoning is required as a condition of plat approval, whenever a development option involves rezoning of the land, approval of the rezoning shall be required prior to any formal action by the Township to approve or deny the tentative preliminary plat.

4. **Issuance of Permits.** No building permits or certificates of occupancy shall be issued until the Township has granted final approval of the zoning application and the final plat has been properly recorded, except as specified in this ordinance.

### **Section 3.4 Pre-application Conference**

Prior to submitting an application for plat approval, the proprietor may request a conference with Township staff to achieve an understanding of subdivision regulations and procedures. There shall be no charge for such a conference, unless consultant services are required or requested, in which case the proprietor shall be required to cover the cost of such services.

### **Section 3.5 Sketch Plan Review**

1. **Purpose.** Pursuant to Section 107(1) of the Land Division Act, a proprietor may submit a proposed plat for sketch plan review. The purposes of the sketch plan review are as follows:
  - a. To determine if the land is appropriately zoned.
  - b. To acquaint the Township staff and Planning Commission with the proposed plat.
  - c. To inform the proprietor of the procedures for approval of the plat.
  - d. To inform the proprietor of applicable Township ordinances and regulations related to subdivision and improvement of land, including the Subdivision Control Ordinance, Zoning Ordinance, and engineering design and construction standards.
  - e. To inform the proprietor generally about requirements regarding layout of streets, street improvements, and relationship of subdivision streets to the overall Township street network and to major thoroughfares.
  - f. To inform the proprietor generally about the requirements for and/or availability of public facilities and services, including water, drainage, sanitary sewers and waste water treatment, fire and police protection, recreation and open space, and schools.
  - g. To determine the impact of floodplains and wetlands on the use of land and design of the plat.
  - h. To identify woodlands, topography, watercourses, and other natural features that should be protected.
  - i. To inform the proprietor about development options that would achieve the planning goals of the Township while satisfying the proprietor's objectives.
  - j. To provide the proprietor with any other information to aid in the preparation of the preliminary plat.
2. **Submittal Requirements.** Except in the R-1 District, a minimum of two (2) sketch plans shall be submitted for review. The first shall illustrate in schematic form the proposed subdivision layout based on the uses of land, dimensional requirements, and density allowed by right in the district in which the land is located (i.e., a conventional development). One of the purposes of this plan is to establish the maximum feasible development density. The one (1) or more additional sketch plan(s)

shall illustrate alternative subdivision layouts, including at least one (1) layout based on the Rural Open Space (see Section 8.03(C) of the Zoning Ordinance).

The sketch plans shall illustrate in conceptual form the proposed subdivision and existing features on the site and on surrounding properties that may affect the design of the subdivision. Accordingly, the following information shall be provided for sketch plan review (see illustrations in Appendix B):

- a. A completed application for sketch plan review.
- b. The name, mailing address, and telephone of the proprietor(s).
- c. The name, mailing address, and telephone of the professional person(s) responsible for the subdivision design, for the design of public improvements, and for surveys.
- d. The name, mailing address, and telephone of the legal owner(s) or agent(s) of the property.
- e. The proprietor's interest in the property.
- f. Location of the property by section, town and range, or by other legal description along with a vicinity map showing the general relationship of the proposed subdivision to the surrounding area.
- g. Existing conditions and characteristics of the site and adjacent land, including:
  - (1) Approximate boundaries of woodlands, wetlands, floodplains, and watercourses.
  - (2) The approximate location and intended future use of existing structures on the site.
  - (3) Existing land use on surrounding properties.
  - (4) Location of existing easements on the site.
- h. For each sketch plan, the proposed approximate layout of streets, blocks, and lots.
- i. For each sketch plan, the approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use property owners in the proposed subdivision.

### 3. **Review Procedures.**

- a. **Copies.** The proprietor shall submit a minimum of two (2) copies of each sketch plan design to the Township along with the review fee authorized by the Township Board.
- b. **Review Authority.** Within sixty (60) days of the date of filing, the Planning Commission or a subcommittee of the Planning Commission along with appropriate Township staff shall review the plans with the proprietor and/or the proprietor's agents and consultants. The Commission may also request that copies of the sketch plan be submitted to other public agencies having jurisdiction over various aspects of the plat.
- c. **Comments.** Planning Commissioners, staff, and consultants shall offer comments and suggestions concerning the proposed development in the interest of achieving the purposes of sketch plan review and the planning goals of the Township. The Planning Commission shall take no formal action to approve or deny a sketch plan, but may offer suggestions as to which sketch plan design best meets the intent and requirements of this ordinance, the Zoning

Ordinance, and the Master Plan. Comments and suggestions made during sketch plan review about the proposed plat shall not be binding on the Township or the developer.

### **Section 3.6 Tentative Preliminary Plat Review**

1. **Purpose.** Preliminary plat review provides for formal application by a proprietor for Township approval of a subdivision plat as described in this ordinance and the Land Division Act. Preliminary plat review also provides the Township with the opportunity to review a proposed plat to determine whether it is in compliance with Township ordinances and regulations, and to approve or deny the plat on the basis of that determination.

Preliminary plat review involves two steps: 1) Tentative preliminary plat review, which provides for review of all of the salient features of a proposed subdivision, except detailed engineering and approvals from other authorities, and 2) Final preliminary plat review, which includes review of engineering plans and requires approvals from other authorities.

2. **Submittal Requirements.** If the proprietor previously obtained sketch plan review in accordance with Section 3.5, or if the proprietor previously obtained approval of a layout based on the development options cited in Section 3.3, then only one (1) tentative preliminary plat design shall be required. Otherwise, a minimum of two (2) preliminary plat designs shall be submitted for review (except in the R-1 District). The first shall illustrate the proposed subdivision layout based on the uses of land, dimensional requirements, and density allowed by right in the district in which the land is located (i.e., a conventional development). One of the purposes of this plan is to establish the maximum feasible development density. The one (1) or more additional plan(s) shall illustrate alternative subdivision layouts, including at least one (1) layout based on the Open Space Preservation Option (see Section 8.03(C) of the Zoning Ordinance). (*revised 2/3/04*)

The preliminary plat submitted for tentative approval shall show all of the salient features of the proposed subdivision to allow the Township to determine whether the proposal is in compliance with this and other applicable ordinances. The lack of information related to any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a tentative preliminary plat.

The following information shall be provided for tentative preliminary plat review (see illustrations in Appendix B):

- a. **Application.** A completed application for tentative preliminary plat review shall be submitted, which shall contain the following information:
  - (1) The name, mailing address, and telephone of the proprietor(s).
  - (2) The name, mailing address, and telephone of the professional person(s) responsible for the subdivision design, for the design of public improvements, and for surveys.
  - (3) The name, mailing address, and telephone of the legal owner(s) or agent(s) of the property. The citation of the last instrument conveying title to each parcel of property in the proposed subdivision shall be provided.
  - (4) The proprietor's interest in the property. The proprietor shall submit proof of ownership in the form of a title insurance policy or a title opinion prepared by an attorney licensed in Michigan. Such documentation or other legal opinion shall be

required showing the legal and equitable owners (including mortgagees, contract purchasers, and fee owners) of the land to be platted, plus all grants, reservations, deed restrictions and easements of record which may condition the use of the property.

- b. **Tentative Preliminary Plat.** Thirteen (13) full size copies and one (1) 11" x 17" copy of the tentative preliminary plat, sealed by the professional surveyor who prepared the plat, shall be submitted to the Township Planning Coordinator, along with the completed application and the fee authorized by the Township Board. The Planning Coordinator shall record the submittal date. These materials must be submitted at least twenty-one (21) days prior to the Planning Commission or Township Board meeting where review is desired. (*revised 2/3/04*)

The tentative preliminary plat shall be on paper that is no greater than twenty-four (24) inches by thirty-six (36) inches, and shall be drawn at a scale of not more than two hundred (200) feet to one (1) inch. The plat shall provide a scale, north arrow, and date of original submittal and dates of any revisions. The sheets shall be numbered in sequence if more than one (1) sheet is used.

- c. **Tentative Preliminary Plat -- Existing Conditions.** The tentative preliminary plat shall include one or more sheets containing the following information, at minimum, regarding existing conditions:

- (1) Location of the property by section, town and range, or by other legal description.
- (2) An area map showing the general relationship of the proposed subdivision to the surrounding area, to nearby community facilities, such as parks, schools, bicycle path systems, and existing or planned open space, and to shopping centers. The map should also identify the boundaries of school districts serving the development.
- (3) Boundary of the proposed subdivision and the location of any easements with dimensions of the overall property and of the individual easements.
- (4) Property lines of adjacent land within three hundred (300) feet of the proposed subdivision and across abutting roads. The plat shall identify the owners of all adjacent properties based on the most current assessment roll and the names of adjoining developments, including developments across abutting roads. The plat should also identify the names of adjacent subdivisions.
- (5) A site analysis consisting of maps and written analysis which identify, describe, and quantify the following features, at minimum:
  - i. Existing woodlands. Where woodlands will be cut as a result of construction of roads, stormwater drainage facilities, and other subdivision improvements, the woodlands inventory shall identify the location and species of all trees eight (8) inches or greater in caliper, measured four (4) feet above the ground. The character of other vegetation on the site shall also be noted on the plat.
  - ii. Boundaries and character of any water bodies, watercourses, wetlands (including the required setback from wetlands or water features located on adjacent sites), and 100-year floodplain datum. Wetland boundaries shall be

determined by a qualified wetlands consultant and surveyed by a professional surveyor. Documentation supporting the wetland delineation shall be submitted, including but not necessarily limited to: dominant vegetation, wetland indicators, and a description of the soil profile.

- iii. Groundwater recharge areas, to the extent that such information is available from existing data sources.
  - iv. Existing stormwater drainage patterns, systems, and structures, including approximate locations of farm field drain tiles, if known.
  - v. Soils (based on U.S. Soil Conservation Survey or soil borings).
  - vi. Habitats of threatened and endangered species (i.e., federal and state listed species), if known.
  - vii. Sight distance limitations along existing or proposed roads.
  - viii. Topographic relief of the site and within two hundred (200) feet of the site at two (2) foot contour intervals, referenced to U.S.C. and G.S. elevation datum.
  - ix. If any streets are proposed as dead-end streets at or near the subdivision boundary which abuts vacant land, the general topography and features of the adjacent land shall be delineated. This information shall be used to determine if future street extensions are desirable.
  - x. Other features uniquely affecting the site.
- (6) Zoning classification of the proposed subdivision and all adjoining properties.
  - (7) Name, location, and right-of-way width of any existing public, private, or platted streets, roads, highways, or railroads abutting or on the subdivision site or within three hundred (300) feet of the subdivision site. The number of lanes and the most current traffic volumes shall be noted for existing streets roads and highways.
  - (8) Locations and sizes of any existing sanitary or storm sewers, existing county or private drains, cross culverts under existing roads, and other underground structures within the subdivision site or immediately adjacent to it.
  - (9) Locations of other above- or below-ground utilities within the subdivision site or immediately adjacent to it, including but not limited to gas, electric, telephone, and cable television utilities.
  - (10) Location of existing permanent structures on and within one hundred (100) feet of the subdivision site. Structures to be removed shall be so marked.
  - (11) The water elevations of lakes, streams and other water bodies on or adjacent to the site, and the ordinary high- and low-water elevations of such water bodies.

- d. **Tentative Preliminary Plat -- Proposed Improvements.** The tentative preliminary plat shall contain the following information regarding proposed improvements, at minimum:
- (1) Name of the proposed subdivision. The proposed name shall not duplicate the name of any plat previously recorded unless the proposed subdivision is an addition contiguous to a plat with the same name or the proposed subdivision is a part of a previously approved plat of the same name.
  - (2) Layout, right-of-way width, typical cross-section, and names of proposed public or private streets or roads. The plat should also indicate if on-street parking will be permitted.
  - (3) Sight distance plan and profile at each intersection of a proposed subdivision street with any existing or proposed public road or street.
  - (4) The locations, width, and type of construction of any sidewalks, bicycle paths, or multi-use paths.
  - (5) The location, width, and purpose of any proposed easements.
  - (6) The location, approximate dimensions, and approximate area of all proposed lots. Lots shall be numbered consecutively beginning with lot number one (1). The front and rear yards shall be identified on all corner lots and lots located on cul-de-sacs.
  - (7) The tentative preliminary plat shall have a table that provides the following information for each lot: lot area (in square feet), road frontage, and lot width measured at the front setback line.
  - (8) The location and dimensions of required front, side and rear yard setbacks on each lot (i.e., the building envelope), as well as the required setbacks from any wetland or shoreline.
  - (9) The location, approximate dimensions, approximate area, and proposed use of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use property owners in the proposed subdivision. The conditions, if known, of any such dedication or reservation shall be specified.
  - (10) Where a proprietor proposes to subdivide land in phases, the tentative preliminary plat shall include a general layout for the entire development. The initial phase and the method of temporary construction and permanent access to subsequent phases shall be clearly identified.
  - (11) An indication of the ownership and existing and proposed uses of any parcels identified as "excepted" on the tentative preliminary plat. If the proprietor has an ownership interest in any excepted parcel, the tentative preliminary plat shall indicate how this parcel could be developed in accordance with the requirements of the existing zoning district in which it is located and in a manner that is compatible with and relates to the proposed plat in terms of utilities, streets, and land uses.

- (12) If the subdivision abuts undeveloped residentially zoned land or includes any outlots or excepted parcels, information shall be provided to demonstrate that the adjacent or remaining land can be used or subdivided in conformance with Township standards.
- (13) Landscape plan, which shall identify existing trees to be saved and removed, and species, locations, and sizes of all proposed plantings.

e. **Tentative Preliminary Plat -- Other Submittals.** The following additional information shall be provided, unless otherwise indicated, with the application for tentative preliminary plat review:

- (1) If the proprietor chooses, he/she may cause temporary stakes to be located on site to enable the Township officials to find and evaluate features of the tentative preliminary plat in the field.
- (2) If the intended use of the proposed plat is not entirely residential single family then a written statement specifying the intended use should be submitted. The location and size of proposed multiple family dwellings, shopping centers, churches, commercial or industrial facilities should be noted.
- (3) A "traffic assessment" shall be required for developments that would generate between fifty (50) and ninety-nine (99) directional trips during a peak hour of traffic, and a "traffic impact study" shall be required for new developments that would generate over one hundred (100) direction trips during a peak hour or over seven hundred fifty (750) trips on an average day.

The threshold conversions shall be based on the current Trip Generation Manual, which is published by the Institute of Transportation Engineers (ITE), and updated as needed.

The requirement for a traffic assessment or traffic impact study may be waived by the Planning Commission or Township Board in the following instances:

- a. The existing level of service is not expected to be significantly impacted by the proposed development due to the nature of the request or specific conditions at the subject site.
- b. A similar traffic study was previously prepared for the subject site and is still considered applicable.
- (4) **Comments from Other Review Authorities.** The proprietor shall submit copies of the tentative preliminary plan to county, regional and state agencies that have jurisdiction over any aspect of the subdivision including, where applicable, the Ingham County Road Commission, Ingham County Drain Commission, Michigan Department of Transportation, Michigan Department of Environmental Quality, Ingham County Health Department, Tri-County Regional Planning Commission, and the Ingham Natural Resources and Soil Conservation Service. Although approval from these agencies is not required for tentative preliminary plat approval, any written comments received from these agencies shall be submitted to aid the Township review process.

### 3. **Planning Commission Review Procedures.**

- a. **Initial Review.** Upon receipt of the tentative preliminary plat, the Township staff shall check it for completeness. If required data specified in this ordinance has been omitted, the proprietor shall be notified of the additional data required and that the application will be delayed until the required data are received. The “date of filing” shall be considered the date on which a plat containing all required data is received by the Township.
- b. **Placement on Planning Commission Agenda.** When the information is complete, the proposed tentative preliminary plat shall be placed on the agenda of the next regular Planning Commission meeting, and copies shall be distributed to appropriate Township staff and consultants to obtain planning, preliminary engineering, wetland and public safety review.
- c. **Public Notice.** Prior to action on the tentative preliminary plat by the Planning Commission, notice shall be sent to all property owners within five hundred (500) feet of the boundary of the proposed subdivision, based on the Township’s assessment records. Such notice shall be mailed at least (5) days prior to the Planning commission meeting. The notice shall explain that a subdivision has been proposed, give the location and general information, and note the time and place where the public can attend the meeting when the subdivision proposal will be discussed. The purpose of the notification is to inform the public of the project; it is not a “public hearing”. The Planning Commission, however, may elect to accept comments from the public during the informational meeting.
- d. **Planning Commission Review.** The Planning Commission shall review the tentative preliminary plat with respect to the requirements of this ordinance, the Zoning Ordinance, other applicable ordinances and standards, and the Master Plan.
- e. **Planning Commission Recommendation.** The Planning Commission shall recommend approval, conditional approval, or denial of the proposed tentative preliminary plat, as indicated below, within sixty (60) days after the plat was filed with the Township unless the proprietor has waived the review deadlines in writing, pursuant to Section 3.2. If no action is taken within sixty (60) days and the review deadline has not been waived, the tentative preliminary plat shall be deemed "recommended approved" by the Planning Commission.

If the proprietor submitted more than one tentative preliminary plat design for review pursuant to Section 3.6(2), the Planning Commission shall review each design but only one such design shall be recommended for approval or conditional approval to the Township Board. The Planning Commission may, however, recommend denial of all tentative preliminary plat designs submitted for review.

- (1) Conditional approval shall be granted only if the proprietor has waived the review deadlines in writing, pursuant to Section 3.2, in which case the tentative preliminary plat shall not be forwarded to the Township Board until said conditions have been properly addressed on a revised tentative preliminary plat and with supporting documentation. At its discretion, the Planning Commission may waive its right to review the revised plat in lieu of administrative review by Township staff or Township Planner.
- (2) Upon determination that the tentative preliminary plat does not comply with the standards and regulations in this ordinance and other applicable ordinances, standards, and plans, the Planning Commission shall recommend denial. The reasons

for denial shall be recorded in the meeting minutes and a copy of the minutes and the tentative preliminary plat shall be forwarded to the Township Board and proprietor.

- (3) Upon determining that the tentative preliminary plat is in compliance with the standards and regulations in this ordinance and other applicable ordinances, standards, and plans, the Planning Commission shall recommend approval and the Planning Coordinator shall make a notation to that effect on each copy of the tentative preliminary plat. One copy of the approved plat shall become a matter of permanent record in the Commission files, one copy shall be returned to the proprietor, and the remaining copies shall be forwarded to the Township Board with a copy of the Planning Commission minutes.

#### 4. **Township Board Review Procedures.**

- a. **Notification of Planning Commission Action.** The Township Board shall not receive or take action on a preliminary plat until it has received the review and recommendations from the Planning Commission or until the Board has been notified that the review period for the Planning Commission expired. The Planning Commission's recommendations may be transmitted to the Township Board in the form of minutes from the meeting at which action was taken. A draft copy of the minutes may be transmitted to the Township Board prior to being approved by the Planning Commission, provided that it is noted that the minutes are subject to approval and provided that adopted minutes are transmitted as soon as feasible.
- b. **Review Deadline.** Following receipt of the Planning Commission's action, the Township Board shall take action on the preliminary plat within ninety (90) days of the date of filing of the tentative preliminary plat with the Township Clerk, unless the proprietor has waived the review deadlines in writing, pursuant to Section 3.2.
- c. **Township Board Action.** The Township Board shall approve, conditionally approve, or disapprove the proposed plat, as follows:
  - i. Conditional approval shall be granted only if the proprietor has waived the review deadlines in writing, pursuant to Section 3.2. The proprietor may re-submit the plat to the Township Board for approval after the conditions have been properly addressed. At its discretion, the Township Board may waive its right to review the revised plat in lieu of administrative review by Township staff or Township Planner.
  - ii. Upon determination that the preliminary plat does not comply with the standards and regulations in this ordinance and other applicable ordinances, standards, and plans, the Township Board shall deny the tentative preliminary plat.
  - iii. Upon determining that the preliminary plat is in compliance with the standards and regulations in this ordinance and other applicable ordinances, standards, and plans, the Township Board shall approve the tentative preliminary plat.
- d. **Notification.** The Clerk or the Clerk's designee shall promptly notify the proprietor, the Planning Commission, and all other agencies involved in the plat review process of approval or disapproval in writing, and the reasons if the plat was disapproved. One copy of the approved or disapproved plat shall become a matter of permanent record in the Township files and one copy appropriately designated "Approved" or "Denied" shall be transmitted to the applicant.
- e. **Effect of Approval.**

- i. Approval of the tentative preliminary plat by the Township Board shall confer upon the proprietor for a period of one (1) year from the date of approval, approval of lot sizes, lot orientation, and street layout. The one (1) year period may be extended if applied for in writing by the proprietor prior to the expiration date and granted by the Township Board in writing. The Township Board may seek the Planning Commission's recommendation on any such extension. If the extension is granted, the Township Clerk shall notify the other approving authorities. In approving an extension, the Township Board may impose new standards (not necessarily related solely to lot size, lot orientation, and street layout) as a result of new standards, changing conditions on surrounding parcels, or other considerations, provided that the revised plat shall still be considered substantially conforming to the previously approved tentative preliminary plat, as outlined in Section 3.7(3). *(revised 2/3/04)*
- ii. Tentative approval of the preliminary plat grants the proprietor no rights to begin installation or construction of improvements, including grading, tree removal, or land balancing.

### **Section 3.7 Final Preliminary Plat Review**

1. **Submittal Requirements.** Sixteen (16) copies of the final preliminary plat, sealed by the engineer or surveyor who prepared the plat, shall be submitted along with the completed application, the fee authorized by the Township Board, and a copy of the drawings in digital format. These materials must be submitted at least ten (10) days prior to the Township Board meeting where review is desired. *(revised 12/1/98, 5/1/01)*

The final preliminary plat shall be on paper that is no greater than twenty-four (24) inches by thirty-six (36) inches, and shall be drawn at a scale of not more than two hundred (200) feet to one (1) inch. The plat shall provide a scale, north arrow, and date of original submittal and dates of any revisions. The sheets shall be numbered in sequence if more than one (1) sheet is used. The digital files shall be provided to Township on a CD or via email, in either .dwg or .dxf file format, or another file format that is deemed acceptable to the Township. *(revised 5/1/01)*

2. **Final Preliminary Plat -- Required Information.** The final preliminary plat submittal shall contain all of the information required for the tentative preliminary plat listed in Section 3.6, sub-section 2, plus the following information:
  - a. Copies of proposed restrictive or protective covenants and deed restrictions (required to determine consistency with the ordinance, the zoning ordinance, and other applicable ordinances and regulations and to determine that maintenance and funding of public spaces have been adequately addressed). The covenants shall indicate that maintenance of improvements illustrated on the approved final preliminary plat and final plat and in supporting documentation shall be a continuing responsibility of the subdivision association and individual owners of lots on which the improvements are located. *(revised 3/6/01)*
  - b. A written explanation of any proposed restrictions on construction traffic.
  - c. Preliminary engineering plans shall be provided as follows:
    - (1) The preliminary engineering plans shall be submitted in sufficient detail to enable the Planning Commission, Township Board, Township Engineer, and other reviewing authorities to make a preliminary determination that the proposed improvements comply with applicable regulations and standards of the Township and other agencies.

- (2) At minimum, the preliminary engineering plans shall show the locations of and provide preliminary specifications for sewage disposal systems, water supply systems (including fire hydrants), stormwater drainage systems, site grading, street trees, street lighting, street signs, and sidewalks. Stormwater runoff calculations shall be provided to analyze the adequacy of proposed drainage facilities.
  - (3) The preliminary engineering plans shall show connections to any existing or proposed gas, electric, telephone, cable television or other utility systems.
  - (4) If the subdivision will not be served by sanitary sewers, the plans shall show the locations and results of all soil borings.
- d. A detailed drawing to scale of any proposed entry features including specifications and locations of walls, landscaping, signs, and lighting.
  - e. General information concerning the proposed Construction Operations Plan, as described in Section 3.8, sub-section 4.
  - f. The proprietor shall submit a list of all agencies to which the proprietor has sent copies of the final preliminary plat, certifying that the list shows all authorities listed in this sub-section. The proprietor shall also submit copies of the final preliminary plat bearing the necessary approvals of all authorities as required by the Land Division Act and this ordinance, including:
    - (1) Ingham County Road Commission.
    - (2) Ingham County Drain Commissioner.
    - (3) Michigan Department of Transportation, if any of the proposed subdivision includes or abuts a state trunk line highway, or includes streets or roads that connect with or lie within the right-of-way of state trunkline highways.
    - (4) Michigan Department of Environmental Quality, if the land proposed to be subdivided abuts a lake or stream, or abuts an existing or proposed channel or lagoon affording access to a lake or stream where public rights may be affected, or contains regulated wetlands, or lies wholly or in part within a flood plain of a river, stream, creek or lake.
    - (5) Ingham County Health Department, if public water or sanitary sewers are not available and accessible to the land proposed to be subdivided, and for appropriate comment on matters under the Health Department's jurisdiction.
    - (6) The Tri-County Regional Planning Commission for verification that proposed street names do not duplicate or conflict with existing street names, and for appropriate comment on other matters under the Planning Commission's jurisdiction.
    - (7) The Ingham Natural Resource and Soil Conservation Service for review of soil limitations if public sanitary sewer and water are not available to the subdivision, and for appropriate comment on other matters under the Soil Conservation Service's jurisdiction.

- (8) The plat shall also be submitted to the county plat board, utilities serving the area, the post office, and the school board(s) of the school district(s) serving the area, for informational purposes. The school district(s) shall be requested to specify school bus loading/unloading requirements. The post office shall be requested to specify mailbox requirements, including whether cluster mail boxes will be required.

3. **Conformance to Tentative Preliminary Plat.** The final preliminary plat shall conform substantially to the tentative preliminary plat as approved. In determining whether the final preliminary plat satisfies this requirement, the Township Board shall consider the following:

a. A final preliminary plat shall be considered *no longer substantially conforming* to the tentative preliminary plat if any of the following revisions have been made, provided that the Township Board may exercise discretion in applying these criteria where changes to the plat beyond the limits described below were required by an outside agency having jurisdiction over some portion of the plat.

- (1) An increase in the number of lots.
- (2) An increase or decrease in the buildable area of any lot by over ten percent (10%).
- (3) A change in the boundary of a regulated wetland or floodplain that reduces the building envelope on any lot below minimum requirements or would create nonconformance with required water feature setbacks.
- (4) Expansion of a construction zone into areas which were previously shown as "not to be disturbed."
- (5) Realignment of proposed roads and intersections.
- (6) Change in the basic layout of the subdivision and lots.
- (7) An increase in the volume or surface coverage of a detention or retention basin by more than ten percent (10%).
- (8) Deletion of sidewalks, bicycle paths or nature trails.

b. A final preliminary plat shall still be considered *substantially conforming* to the tentative preliminary plat if any of the following revisions have been made, provided that the Township Board may determine that several of the following revisions implemented in combination may be deemed no longer substantially conforming.

- (1) Decrease in the number of lots without changing the basic layout.
- (2) Revisions to horizontal or vertical alignment of streets to satisfy Road Commission standards, provided that such revisions do not affect the overall arrangement of streets.
- (3) Adjustment to lot lines or setbacks due to a more precise wetland or floodplain boundary where such an adjustment has an insignificant impact on lot area, setbacks, or buffer zone requirements.

- (4) Change in location of monuments or lot markers to correct surveying errors.
- (5) Increase in the amount of landscaping.
- (6) Replacement of landscape species with other species.
- (7) The addition of sidewalks, bicycle paths, and nature trails.
- (8) A change in entranceway design that still meets ordinance requirements.
- (9) Minor relocation of a stormwater detention or retention basin.

4. **Review Procedures.**

- a. **Initial Review.** Upon receipt of the final preliminary plat, the Township staff shall check it for completeness. Should any of the required data specified in this ordinance be omitted, the proprietor shall be notified of the additional data required and that the application will be delayed until the required data are received. The “date of filing” shall be considered the date on which a plat containing all required data is received by the Township.
- b. **Placement on Township Board Agenda.** When the information is complete, the proposed final preliminary plat shall be placed on the agenda of the next regular Township Board meeting.
- c. **Distribution for Review.** Copies of the plat shall be distributed to the Planning Commission and appropriate Township staff and consultants to obtain planning, engineering, and public safety review and to determine if the final preliminary plat conforms substantially to the approved tentative preliminary plat. The Planning Commission shall review the final preliminary plat and make a recommendation to approve, approve with conditions, or deny the plat.
- d. **Review Deadline.** The Township Board shall take action on the final preliminary plat at its next regular meeting or within twenty (20) days of the date of filing the plat with the Township, unless the proprietor has waived the review deadlines in writing, pursuant to Section 3.2.
- e. **Township Board Action.** The Township Board shall approve, conditionally approve, or disapprove the proposed final preliminary plat, as follows:
  - i. Conditional approval shall be granted only if the proprietor has waived the review deadlines in writing, pursuant to Section 3.2. The proprietor may re-submit the plat to the Township Board for approval after the conditions have been properly addressed. At its discretion, the Township Board may waive its right to review the revised plat in lieu of administrative review by Township staff or Township Planner.
  - ii. Upon determination that the final preliminary plat does not comply with the standards and regulations in this ordinance and other applicable ordinances, standards, and plans, the Township Board shall deny the final preliminary plat.

- iii. Upon determining that the final preliminary plat is in compliance with the standards and regulations in this ordinance and other applicable ordinances, standards, and plans, the Township Board shall approve the final preliminary plat.
- f. **Notification.** The Planning Coordinator shall promptly notify the proprietor, the Planning Commission, and all outside agencies involved in the plat review process of approval or disapproval in writing, and the reasons if the plat was disapproved. One copy of the approved or disapproved final preliminary plat shall become a matter of permanent record in the Township files and one copy appropriately designated “Approved” or “Denied” shall be transmitted to the applicant..
- e. **Effect of Approval.** Approval of the final preliminary plat by the Township Board 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 preliminary approval was granted will not be changed. The two (2) year period may be extended if applied for in writing by the proprietor prior to the expiration date and granted by the Township Board in writing. The Township Board may seek the Planning Commission's recommendation on any such extension. If the extension is granted, the Planning Coordinator shall notify the other approving authorities. *(revised 2/3/04)*

### **Section 3.8 Completion of Subdivision Improvements**

- 1. **Condition of Final Plat Approval.** Before the final plat is approved by the Township, the proprietor shall be required to complete all of the following improvements at his/her expense and without reimbursement from any public agency or any improvement district (except as may be permitted by state law), and in accordance with the conditions and specifications contained in this ordinance, except as provided in Section 3.8(3), following. If the proprietor does form or cause to be formed a special district or districts to finance or construct required improvements, such action does not release the developer from his/her obligations to complete such improvements. Where applicable, the proprietor shall dedicate these improvements to the Township or other applicable governmental unit, free and clear of all liens and encumbrances on the dedicated property and public improvements. These improvements shall be completed in accordance with the approved preliminary plat, the approvals of other authorities, the regulations in this ordinance (particularly Article 4.00), and the requirements of other applicable ordinances, laws and regulations, and shall be subject to inspection by the Township Engineer and other authorities having jurisdiction over such improvements. Required improvements include, where applicable:
  - a. **Monuments.** Monuments shall be set in accordance with Michigan Public Act 288 of 1967, as amended (the Land Division Act), and the rules of the Michigan Department of Commerce. If any monument or lot marker is removed during construction the responsible party shall secure the services of a professional surveyor to replace the monument or lot marker.
  - b. **Streets (including curbs and gutters, where applicable).**
  - c. **Utility lines.**
  - d. **Storm drainage.**
  - e. **Water supply system.**

- f. **Sanitary sewer system.**
  - g. **Street Signs.**
  - h. **Sidewalks, Pedestrian-Bicycle Pathways, and Crosswalks.**
  - i. **Landscaping, including street trees.**
  - j. **Soil Erosion and Sedimentation Control Measures.**
  - k. **Mailbox clusters, if required by the U. S. Postal Service.**
  - l. **Self-imposed improvements and restrictions.** If the proprietor proposes any improvements or places restrictions on any of the land contained in the subdivision that exceed the requirements in this ordinance or the Zoning Ordinance, such improvements and restrictions shall be indicated on the plat and recorded in the subdivision restrictive covenants in a form to be approved by the Township Attorney.
2. **Construction Plans and Specifications.** No installation or construction of any improvements shall be made before construction/engineering plans and specifications have been approved by the Township Engineer and by other authorities that have jurisdiction over the improvements. Where a plat straddles municipal boundaries, no permits for construction shall be issued until verification has been received that the preliminary plat has been approved by both municipalities.
3. **Alternative to Completing Improvements -- Subdivision Improvement Agreement.** In lieu of completion of all applicable public improvements prior to approval of the final plat, the Township Board may permit the developer to enter into a Subdivision Improvement Agreement by which the developer covenants to complete all required public improvements no later than two (2) years following the date on which the final plat is signed by the Township. The Subdivision Improvement Agreement shall provide for the following:
- a. **Performance Guarantee.** The proprietor shall agree to furnish a performance guarantee in an amount not to exceed 120 percent of the cost of installation of the improvements. The performance guarantee shall be in a form specified in Article 4.00.
  - b. **Subdivision Improvement Agreement.** The Subdivision Improvement Agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs and assignees of the proprietor. The subdivision improvement agreement shall be adopted by the Township Board and recorded pursuant to applicable state and local laws and ordinances.
  - c. **Completion of Improvements.** Upon substantial completion of all required improvements, the proprietor shall notify the Township in writing of the completion or substantial completion of improvements, and shall send a copy to the Township Engineer and other agencies that have authority over the project. The Township Engineer shall inspect all improvements identified in the notice and shall file a detailed report, in writing, with the Township Board indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection. The cost of the improvements as approved or rejected shall be listed.

- d. **Approval of Improvements.** The Township Engineer shall either approve, partially approval, or reject the improvements and shall notify the proprietor in writing of the contents of the report and the action taken no later than thirty (30) days after receipt of the notice from the developer of the completion of the improvements. Failure of the Township Engineer to send or provide such notification within thirty (30) days shall be deemed to constitute approval, and the obligor and surety, if any, shall be released from all liability pursuant to such performance guarantee.
  - e. **Partial Approval.** Where partial approval is granted, the developer shall be released from all liability except for that portion of improvements not yet approved.
  - f. **Sidewalk Installation.** Required sidewalks shall be completed within three (3) years after final plat approval. If all sidewalks have not been installed upon expiration of this three (3) year period, the developer shall provide a performance guarantee in a form specified in Article 5.00.
4. **Review of Construction Plans and Specifications.** Review of the construction plans and specifications by the Township shall be initiated by submitting the plans and specifications in the form and quantity and according to the process specified by the Building Inspector.
- a. **Required Plans.** Plans and specifications shall be submitted for all proposed improvements including, where applicable: sanitary sewers; public water; storm sewers; sidewalks; soil erosion and sedimentation control measures; site grading (including all information required by the Township Engineer); roads (including road and paving cross-sections and profiles); street lighting; landscaping; and signs. Cost estimates for each such improvement shall be included.
  - b. **Construction Operations Plan.** The proprietor shall also submit a Construction Operations Plan for review and approval, which shall include the following information:
    - i. The routes to be used by all construction traffic in the first phase and in subsequent phases. Construction traffic shall be routed to minimize impact on existing residential development, to the extent feasible.
    - ii. The method of storage, frequency of removal, type of covering, and disposal destination of all construction debris. No cut trees, timber, debris, rocks, junk, rubbish, or other waste materials of any kind shall be buried within the subdivision, or left or deposited on any street. Removal of such waste materials shall be required at the time of expiration of any subdivision improvement agreement or dedication of public improvements, whichever is sooner, unless weight restrictions on roads prevent removal, in which case the Township may extend the time limit for removal. As a condition of extending the time limit, the Township may require a performance guarantee to assure removal of waste materials.
    - iii. The methods and frequency of dust control (including dust, dirt, and other material deposited or tracked onto public streets).
    - iv. Methods to protect adjacent property, including wetlands, other natural areas, and residential developments, from construction impacts (eg., temporary screen walls, fencing, landscaped buffer, silt fencing, and other appropriate actions, including

actions necessary to comply with Michigan Public Act 347 of 1972 and other applicable statutes).

- v. The approximate construction timetable on a month-by-month basis, the days of the week when construction will occur, and the maximum daily starting and ending times for construction.
  - vi. The methods that will be used to notify subcontractors of the requirements in the Construction Operations Plan.
  - vii. Methods established to control impacts from construction in accordance with an approved Construction Operations Plan shall be maintained on a continuing basis for the duration of the construction project.
- c. **Covenants and Restrictions.** If a homeowners association is proposed, the developer shall submit a copy of the declaration of covenants and restrictions that will govern the association. If the homeowners association is proposed as the method by which common areas and facilities will be maintained, then these covenants and restrictions shall specify, at a minimum, when the homeowners association will be established; whether membership will be mandatory for each home buyer and any successive home buyer; whether the association or another entity will be responsible for liability insurance, applicable taxes, and the continuing upkeep and proper maintenance of recreation, open space, and other common facilities; whether homeowners will be required to pay their pro rata share of the cost of maintenance, and how unpaid assessments will be collected; and how the association will adjust any assessment to meet changing needs.
- d. **Alternative Method of Maintenance.** If a homeowners association is not proposed then the person or organization responsible for the continuing upkeep and proper maintenance of recreational, open space, and other common facilities shall be identified, and the method of financing such maintenance shall be outlined.
- e. **Review by Other Authorities -- Proprietor's Responsibility.** It shall be the responsibility of the developer to obtain review and approval of construction plans and specifications for public improvements that are under the jurisdiction of other authorities. Evidence of all approvals required from other authorities shall be submitted in the form specified by the Township prior to issuance of any permits for construction.

## 5. **Authorization to Proceed.**

- a. **Developer Requirements.** Authorization to proceed with construction may be granted after:
- i. Construction plans and specifications have been approved by the Township and other applicable authorities, and
  - ii. The developer has submitted evidence of public liability and property damage insurance in a form and amount specified by the Township, and
  - iii. The developer has submitted evidence of public liability and property damage insurance in a form and amount specified by the Building Inspector.
  - iv. The developer has submitted an inspection fee deposit in an amount specified by the Township.

- b. **Grading Permit.** Notwithstanding the preceding requirements, subsequent to final preliminary plat approval the developer may apply for a topsoil, tree removal, and excavation permit from the Building Inspector provided that the final grading plan has been approved by the Township. Upon receipt of the grading permit, the developer may commence construction to the grades and elevations specified on the approved grading plan.
  - c. **Construction of Homes Prior to Final Approval.** The Building Inspector may permit construction of up to three (3) homes which may be used as model homes prior to final plat approval, subject to applicable zoning standards and the following conditions:
    - (1) The lots on which such homes are constructed shall have direct access to an existing county road or state highway, except as noted in item (2), following.
    - (2) The developer shall submit plans and specifications and a performance guarantee to cover the cost of all improvements (including improvements required to provide proper access to a public road) that would be necessary to achieve a certificate of occupancy for single family homes in the event that the remainder of the subdivision is not constructed.
    - (3) The model homes shall not be offered for sale until certificates of occupancy have been properly issued and approval has been obtained from other local, county or state agencies, as necessary.
6. **Pre-Construction Meeting.** At least ten (10) days prior to construction of subdivision improvements, including site grading, the contractor shall contact the Township Representative to establish a date and time for a pre-construction meeting which should occur at least five (5) days prior to commencement of construction. The proprietor shall be responsible for making all arrangements and notifying meeting attendees. *(revised 12/1/98)*
- Except where proposed improvements include only site grading, those invited to attend shall include, but not necessarily be limited to: the proprietor, the proprietor's engineer, the contractor and the contractor's on-site superintendent, subcontractor representatives, the Township Engineer, representatives from the Ingham County Road Commission, representatives from the Ingham County Drain Commission, Michigan Department of Transportation (if the project abuts a state highway), and the Williamstown Township Building Inspector. In addition, utility companies and other state, county, or local governmental agencies that have facilities that may be affected by the proposed development, or that may be able to contribute information of use to the construction project, shall be informed of and invited to attend the pre-construction meeting.
- If proposed improvements involve only site grading, those invited to attend shall include the proprietor, the proprietor's engineer, the contractor and the contractor's on-site superintendent, the Township Engineer, the Township Building Inspector and representatives from the Ingham County Drain Commission.
7. **Inspections.** No work on water mains, sanitary sewers, storm drains and retention basins, and paving shall proceed without prior notification of the Township Building Inspector to allow the Township to schedule inspections, as deemed necessary. The contractor or proprietor shall contact the Township Building Inspector at least forty-eight (48) hours prior to the start of construction to arrange for the inspection and to deposit the required inspection fee.

Work installed without required inspections may not be accepted for dedication to the Township and may not be allowed to connect to the public system and/or be issued a certificate of occupancy.

8. **Field Changes.** Where actual conditions encountered on the construction site warrant design modifications, such modifications may be permitted in accordance with the usual procedures established by the Township for review and approval of such modifications, and provided further that all such modifications comply with the regulations in this and other applicable ordinances and laws, and provided that such modifications do not result in any significant change to the subdivision layout or lot sizes or dimensions. Changes to the subdivision layout or lot size or dimensions, where such changes result in an increase or decrease of greater than ten (10%) percent in lot size, lot width, or lot depth for any lot, shall be subject to Planning Commission review and Township Board approval.
  
9. **Escrow Deposits for Seasonal Improvements.** If certain lot improvements cannot be completed because of the season of the year, the Township Building Inspector may issue a certificate of occupancy, provided there is no danger to health, safety or general welfare, upon accepting a cash escrow deposit or certified letter of credit for the full cost of the improvements. All required improvements for which escrow funds have been accepted shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. If the improvements have not been properly installed at the end of this time period, the Building Inspector shall give notice to the developer that the improvements shall be installed within two (2) weeks. If the improvements are not properly installed after two (2) weeks, the Building Inspector may request the Township Board to proceed to contract out the work for installation of the improvements for a cost not to exceed the amount of the escrow deposit. At the time of issuance of the certificate of occupancy for which escrow monies are being deposited, the developer shall file a notarized statement from the purchaser or purchasers of the premises authorizing the Township to install the improvements at the end of the nine (9) month period if the improvements have not been properly installed by the developer.
  
10. **Final Inspections and Acceptance.**
  - a. **Final Inspection and Tests.** Prior to acceptance of public facilities or utilities for use and maintenance by the Township or other public entity having jurisdiction, all improvements shall have been completed and equipment removed from the site, and the final inspection and all required tests shall be completed. Any tests which fail shall be repeated after repairs have been made. Any portions of the work found to be unacceptable shall be repaired or replaced prior to acceptance.
  
  - b. **As-Built Drawings.** As-built (record) drawings showing the final locations and grades of all utilities and other improvements shall be submitted to the Township for review and acceptance.

### **Section 3.9 Final Plat Approval**

1. **Submittal Requirements.** The following information shall be submitted to the Township, along with the completed application, the review fee authorized by the Township Board, and the recording and filing fee required by the Land Division Act. These materials shall be submitted at least ten (10) days prior to the Township Board meeting at which review is desired.
  - a. The final plat shall be prepared and submitted in a form that is consistent with the requirements in the Land Division Act, Michigan Public Act 288 of 1967, as amended by Michigan Public Act 591 of 1996, as amended. *(Revised 12/1/98)*

- b. The final plat shall conform substantially to the final preliminary plat as approved. In determining whether the final plat satisfies this criterion, the Township Board shall use the criteria set forth in Section 3.7, sub-section 3.
  - c. The proprietor shall submit an abstract of title, a policy of title insurance, or an attorney's title opinion based on the abstract of title, in accordance with Section 245 of Michigan Public Act 288 of 1967, as amended.
  - d. All easements and utility agreements shall be executed by the Township and/or appropriate utility authority and the subdivider, setting forth the terms of utility arrangements and the use and/or development of any land reserved for the use of the public and/or future subdivision property owners.
  - e. The proprietor shall submit copies of deed restrictions and protective covenants in their final recordable form.
2. **Submittal to Approving Authorities.** The proprietor shall submit the final plat and as-built engineering plans, where required for approval, to obtain final approval signatures on the final plat mylar as required by Section 142 of the Land Division Act, Michigan Public Act 288 of 1967, as amended.
  3. **Initial Review.** Upon receipt of the final plat, the Township staff and Township Planner shall check the plat for completeness. Should any of the required data specified in this ordinance be omitted, the proprietor shall be notified of the additional data required and that review will be delayed until the required data are received. The date of filing shall be considered the date on which a plat containing all required data is received by the Township.
  4. **Placement on Township Board Agenda.** When the information is complete, the proposed final plat shall be placed on the agenda of the next regular Township Board meeting.
  5. **Distribution for Review.** Copies of the final plat shall be distributed to the Planning Commission, the Township Planner, the Township Engineer, and the Building Inspector for review. The Planner, Engineer, and Building Inspector shall determine if the final plat is in compliance with the approved final preliminary plat and with plans for utilities and other improvements, and shall inform the Planning Commission of their findings. The Planning Commission shall review the final plat and make a recommendation to approve, approve with conditions, or deny the final plat.
  6. **Township Board Action.** Within twenty (20) days of the date of filing, the Township Board shall review the proposed final plat to determine conformance with the Land Division Act, this ordinance, the preliminary plat, and any conditions of approval attached to the preliminary plat. The Township Board may approve or deny the final plat as follows:
    - a. Upon determination that the final plat does not comply with the standards and regulations in this ordinance and other applicable ordinances and laws, the Township Board shall deny the final plat, record the reasons for denial in the official minutes, and refund the filing recording fee.
    - b. Upon determining that the final plat is in compliance with the standards and regulations in this ordinance and other applicable ordinances and laws, the Township Board shall approve the final plat and direct the Township Clerk to sign the plat. The Township Clerk shall forward all copies of the plat to the clerk of the County Plat Board, together with the filing and recording fee.

### **Section 3.10 Building Permits and Certificates of Occupancy**

1. Proposals to construct residential or non-residential structures shall comply with the review and permit requirements in the adopted Building Code and Zoning Ordinance.
2. When a Subdivision Improvement Agreement and performance guarantee have been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of dedication of those improvements by the Township or other authority having jurisdiction.

## ARTICLE 4.00 - DESIGN STANDARDS

### Section 4.1 Objectives

The design standards in this Article are intended to achieve an arrangement of lots, streets and utilities which accomplish the following objectives:

1. A development pattern consistent with that described in the Township Master Plan;
2. Respect for the natural features on the site, and preservation of significant environmental resources;
3. Minimize negative impacts on adjacent properties, both during and after construction;
4. Promote continuity in the public street and utility systems;
5. Help ensure adequate accessibility for emergency vehicles;
6. Provide links to non-motorized facilities and links between open space, whether public or private; and
7. Help ensure consistency with standards of the other agencies which review the proposed subdivision.

### Section 4.2 Preservation of Natural Features

To the maximum extent feasible, the subdivision shall be designed to preserve the natural character and natural features of the land, including woodlots, wetlands, water courses, natural drainage courses and stream channels, wildlife habitats and other valuable natural assets. In order to accomplish these objectives, dedication of easements, creation of protective barriers, and similar measures should be considered. In addition, the following standards shall be met.

1. **Wetlands.** The design of subdivisions shall comply with the Goemaere-Anderson Wetlands Protection Act (Michigan Public Act 203 of 1979, as amended). Wetlands shall be delineated by a qualified wetland consultant and shown on the preliminary plat (see requirements for a wetland within a lot and water features setback in Section 4.3 below).
2. **Woodlands and Mature Trees.** Woodland areas are to be identified in the preparation of plans submitted to the Township for the development of a subdivision. Significant trees or tree stands, defined as the largest known individual species in the state, large trees approaching the diameter of the known largest tree, or species or clumps of trees that are rare to the area, of particular horticultural or landscape value, or that provide habitat for endangered wildlife shall be identified on the preliminary plat and preserved to the extent consistent with the reasonable utilization of land and in accordance with Township or State regulations.
3. **Floodplains.** Areas of special flood hazard within Williamstown Township have been identified by the Federal Insurance Administration in a scientific and engineering report. Those areas so designated have been mapped on the Flood Insurance Rate Map. The flood insurance map and study are on file at the Township offices.

Portions of plats located within any area of Special Flood Hazard shall be subject to the provisions of Section 60.3(d) of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59, etc., formerly 1901). If any part of a proposed subdivision lies within a floodplain, deed restrictions or

covenants shall be recorded with the final plat which specify that the original discharge capacity of the floodplain will be preserved and stream flow will not be altered in a manner that would affect the riparian rights of others, or conflict with federal or state laws or regulations governing the use of floodplains.

### **Section 4.3 Lots**

Lots within subdivisions shall conform to the following standards:

#### **1. General Lot Arrangement.**

- a. Every lot in a subdivision shall front on and have direct access to a public road.
- b. Side lot lines shall generally be within five (5) degrees of being at right angles or radial to the street centerlines. A greater degree of variation may be permitted where such lot lines would create irregularly shaped lots which would unreasonably limit construction, or where adjustments to the standard lot configuration would protect regulated wetlands or preserve other natural features, such as topography.
- c. Residential lots abutting arterial streets shall be platted with reverse frontage lots or with side lot lines parallel to the arterial streets, or shall provide extra depth to permit greater distances between buildings and the arterial street. The arterial frontage shall be developed as a greenbelt as specified in Section 4.7. Alternatively, lots may front on an arterial street provided that access to the lots is provided by a public secondary access road parallel to the arterial street, subject to Township Engineer approval.
- d. Lots shall have a front-to-front relationship across all streets where possible.
- e. Through lots are prohibited, except as permitted in item (1.c.), above.
- f. Except for corner lots, lots less than one (1) acre in area shall not have frontage on more than two public streets.
- g. Lots facing a three-way intersection should be aligned to prevent on-coming headlight glare into the building envelope of the living area.
- h. Blocks shall generally be designed with tiers of two lots placed back to back, except where lots back onto an arterial road, railroad, natural feature or subdivision boundary.
- i. Corner lots shall have access to the lesser traveled roadway.
- j. If the plat extends into an adjacent community, boundaries for individual lots shall be within one community to the extent feasible. In no case shall a building envelope result in a situation where a home crosses a community or school district boundary.
- k. Lots which abut an active rail line shall have sufficient depth to comply with the minimum setback requirements from the railroad right-of-way line as specified in the Zoning Ordinance.

#### **2. Lot Sizes and Shapes.**

- a. **Lot area and width.** Each lot shall comply with the minimum area and width requirements of the Zoning Ordinance for the district in which the subdivision is proposed.
- b. **Area calculation of ponds and lakes.** Areas of the subdivision plat that contain ponds, lakes, or similar bodies of water shall not be platted as subdivision lots nor calculated as a portion of the minimum lot area as required by the Zoning Ordinance.
- c. **Lots occupied by wetlands.** A portion of each lot may be occupied by wetlands provided that, if wetlands are present on the lot, the applicant shall demonstrate that adequate buildable area exists on each lot without intruding into the required setbacks, including the required wetland or water features setback.
- d. **Natural water features setback and required natural vegetation strip.** A minimum setback and natural vegetation strip shall be maintained for structures and grading adjacent to any water feature, including wetlands, rivers, drains, creeks and lakes, as required by the Zoning Ordinance.
- e. **Area in floodplain.** Lands within the 100-year Intermediate Regional Floodplain shall not be included within platted lots for residential uses or uses which the Planning Commission determines may increase the flood hazard or endanger life, health, general welfare or property values. Such land may be set aside as open space or park land.
- f. **Width-to-depth ratio.** Narrow, deep lots shall be avoided. A depth-to-width ratio of 3 to 1 shall be considered a maximum, except where the proprietor demonstrates that a deeper lot will protect natural resources, such as woodlands, wetlands, or wildlife habitat.
- g. **Lot frontage.** Each lot shall comply with the minimum road frontage required for the zoning district.
- h. **Building setbacks.** Lots shall be of sufficient size and proportion to accommodate the minimum required building setbacks listed in the Zoning Ordinance for the district in which the subdivision is located.
- i. **Corner lot setbacks.** Corner lots shall have additional depth and/or width to provide the required front yard setback along all sides facing a public street, leaving a buildable area of sufficient size to accommodate an average-sized home without variances.
- j. **Nonresidential lots.** Lots intended for purposes other than residential use shall be specifically designated for such purposes, and shall have adequate provision for off-street parking, setbacks and other requirements in accordance with the Zoning Ordinance.

## **Section 4.4 Roads**

The provisions of this Ordinance shall be the minimum requirements for roads and intersections. If any other public agency having jurisdiction, including the Ingham County Road Commission, shall adopt any statute, ordinance, rule or regulation imposing additional, or more rigorous requirements, then the provisions of such statute, ordinance, rule or regulations shall govern.

1. **Compliance with Ingham County and Michigan Department of Transportation Standards.** The standards of this section are intended to comply with the public road standards of the Ingham County Road Commission and the Michigan Department of Transportation. The Township reserves the right to adopt written standards which are more restrictive, upon a determination that the additional regulations meet special needs or goals in the Township which may not be appropriate on a county-wide basis.
2. **Conformance with Township Master Plan and County Street Plan.** The layout of the street system shall conform to the goals, policies, street functional classification system, alignment and minimum rights-of-way recommended in the transportation element of the Township Master Plan. Street functional classification, rights-of-way and alignments shall also conform with any street or road plan of the County Road Commission or the Michigan Department of Transportation.
3. **Relationship to Natural Features and Grades.** Streets shall be aligned to maximize the preservation of natural features and existing grades to the extent feasible.
4. **Continuity of Road System.** The arrangement of roads shall provide for the continuation of existing roads from adjoining areas into new subdivisions, unless otherwise approved by the Township Board due to documented environmental constraints or where the abutting road system is not deemed capable of safely handling additional traffic volumes. Where adjoining vacant areas are zoned or planned for development similar to the proposed subdivision, roads shall be extended to the boundary line of the parcel to make provision for the future road connections. The applicant shall demonstrate that the proposed stub road is a reasonable location for extension into the adjacent lands, in consideration of such factors as grades, water bodies, wetlands and lot configuration. A temporary cul-de-sac shall be provided if any lots front solely on the stub road; if no lots front solely on the stub road, then a T-turnaround shall be permitted, subject to approval by the Ingham County Road Commission. A sign shall be placed at the end of the stub road or cul-de-sac with a sign face on both sides stating "Future Street Extension".
5. **Minor Roads (collectors and local roads).** The proposed subdivision road layout shall be designed to discourage through traffic and excessive speeds. This shall be accomplished by incorporating offset street intersections within the subdivision, curvilinear street alignments, and discontinuities in the street pattern where appropriate. In general, straight sections of roads shall not exceed 1,320 feet in length, except that at subdivision entrances the straight sections of subdivision street that intersect arterial streets shall generally not exceed 660 feet in length.

These restrictions shall not prevent continuation of roads to adjoining properties where deemed desirable by the Township. In determining the need for such connections, the Township shall consider the need for adequate access and response time for emergency vehicles, the impacts such connections may have on reducing congestion along arterials, the projected traffic volumes and the compatibility with adjacent developments.

6. **Alleys.** Alleys shall not be permitted in areas of detached single or two-family residences. Alleys shall be allowed in multiple dwelling or commercial subdivisions unless other provisions are made for service access, off-street loading, and parking. Dead-end alleys are prohibited.
7. **Half Roads.** Half Roads shall be prohibited. Wherever a half road exists adjacent to the parcel to be subdivided a dedicated or platted and recorded, the other half shall be platted.
8. **Existing Roads.** Where a subdivision incorporates existing roads which are not in conformance with current standards, such facilities shall be reconstructed as necessary to improve the road to the extent required by the County Road Commission.
9. **Maximum Length for Blocks.** Blocks, or the length of any road constructed for any phase of a subdivision, shall not be less than five hundred (500) feet long, nor longer than 1,320 feet measured from centerline to centerline of the intersections at each end of the block, except that the Township Board, upon recommendation from the Planning Commission, may approve a plat which varies from these dimensions upon consideration of the following:
  - a. Documented evidence that significant natural features will be preserved or stub road to connect to vacant land are being provided which will result in a conforming condition in the future;
  - b. Recommendations from the police and fire departments;
  - c. Recommendations from the Ingham County Road Commission; and
  - d. Evidence that the longer block length will not create a threat to public safety.

The minimum block length dimensions do not apply to approved stub roads.

10. **Cul-De-Sac Dead-End and Loop Roads:** The length of cul-de-sac and dead-end roads shall not exceed six hundred sixty (660) feet measured from the centerline of the street to the center point of the cul-de-sac or end of the traveled portion of the dead end street, unless a longer street is necessary and appropriate because of topography or other natural features, existing conditions or other circumstances as may be approved by the Township Board and the County Road Commission. Each cul-de-sac street, dead-end street, or loop road having more than thirty-five (35) single family lots or uses shall intersect with a road that provides access from two different directions. Thirty-five lots would result in approximately three hundred fifty (350) trips or more per average weekday, based on the most recent edition of Trip Generation, published by the Institute of Transportation Engineers.

All lots that have their sole means of vehicular access to a cul-de-sac or dead-end street, or extension thereto, shall be counted when determining the number of lots on the cul-de-sac or dead-on street. For the purposes of this regulations, therefore, the cul-de-sac or dead-end street shall include:

- a. The turnaround circle at the end of a cul-de-sac, plus
  - b. The dead-end road; and
  - c. Any road extension of the cul-de-sac or dead-end road that have no other outlet except through the cul-de-sac or dead-end road.
11. **Minimum Right-of-Way Widths.** The minimum road right-of-way (r.o.w.) width for subdivisions shall be based on applicable Ingham County Road Commission or Michigan Department of Transportation standards. However, a greater right-of-way may be required by the Township or the

Road Commission in consideration of the intensity of development, the expected traffic volumes, the need for additional area for utilities or grading or to accommodate planned or expected street cross sections, and the expected traffic volumes and characteristics associated with the types of uses which may access the street based on the zoning.

12. **Location of Major Entrances along Principal and Minor Arterial Streets.** The intersection of subdivision streets with arterial streets should be limited to half mile or quarter mile points along the arterial streets where both of the following conditions exist:
  - a. The subdivision street is expected to have an average daily traffic volume of over two thousand (2,000) trips per day, and
  - b. The potential for traffic signalization exists on the arterial in the future.

Intersections that do not meet these conditions shall comply with the spacing requirements in sub-section 13, following. Deviations from this standard shall be permitted if needed to provide adequate sight distance or if a modification is supported by a traffic impact study provided by the proprietor.

13. **Spacing of Intersections Along Principal and Minor Arterials or Collector Roads.** Except as noted in the previous sub-section 12, streets intersecting an arterial or collector road shall be spaced at least six hundred sixty (660) feet from the intersection of another platted street on the same side of the street, and shall be aligned with public streets or private roads across the street, or offset at least two hundred fifty (250) feet from such streets or roads, measured between centerlines. Lesser offsets may be approved where there are numerous streets or where adequate sight distance would be compromised.
14. **Design at Entrances.** Streets which intersect with a paved arterial or collector road shall provide a paved deceleration lane with an adequate taper if more than fifty (50) right turns would be expected during a peak hour. Deceleration and acceleration lanes and tapers shall also be provided if required by the County Road Commission. A passing lane shall be provided at any entrance where more than fifty (50) left turns are expected during a peak hour, where projected intersection level of service would be D or worse, or where required by the County Road Commission. Deceleration and acceleration facilities and passing lanes shall be designed according to the standards of the County Road Commission or Michigan Department of Transportation, as applicable. Boulevard entrances to subdivisions shall be permitted by the Township, subject to the County Road Commission approval.
15. **Internal Street Offsets.** Three-way intersections ("T" type intersections) are encouraged within the plat, rather than four-way intersections. No more than two (2) streets shall cross at any intersection. Street intersections within a plat shall be offset at least two hundred fifty (250) feet, measured between centerlines. Lesser offsets may be approved where less than ten (10) homes are served by the intersection or where significant natural features would be preserved that would otherwise be destroyed.
16. **Road Geometrics.** Road geometrics, including horizontal curves, tangents between reverse curves, sight distance at intersections, street gradients, and vertical alignment at intersections, shall comply with the standards of the Ingham County Road Commission or Michigan Department of Transportation, as applicable.
17. **Intersection Angles.** Streets shall be laid out to intersect as nearly as possible to ninety (90°) degrees; in no case shall the intersection be less than eighty degrees (80°).

18. **Street Names.** Street names shall be sufficiently distinct from other street names in the area to avoid confusion, particularly for emergency service providers. A review of the master list of existing street names retained by the Tri-County Regional Planning Commission is required to avoid duplicate names. Proposed street names shall be reviewed by the Tri-County Regional Planning Commission and approved by the Road Commission as a part of the preliminary plat approval process.
19. **Signs.** The developer shall be responsible for placement of street name signs at all street intersections in accordance with the requirements of the County Road Commission. The developer shall also be responsible for placement of pavement markings and regulatory street signs (such as no parking signs, stop or yield signs, speed limit signs, and warning signs) as requested by the Township or the Road Commission. All regulatory signs shall be in conformance with the Michigan Manual of Uniform Traffic Control Devices.
20. **Stormwater Drainage.** Open drainage along roads may be permitted by the Township, except where curb and gutters are required by the County Road Commission or Michigan Department of Transportation. Open drainage or curb and gutter design and construction shall be in accordance with the specifications of the County Road Commission or the Michigan Department of Transportation, as applicable.
21. **Street Lighting.** Street lighting may be required throughout the subdivision or at road intersections for the purposes of public safety. When determining the need for street lights consideration shall be given to the location of the subdivision, density of development, existing traffic conditions, desire to maintain rural character, and other public safety criteria.
22. **Street Construction Requirements.** All streets and appurtenances thereto shall be constructed in accordance the specifications of the Ingham County Road Commission or the Michigan Department of Transportation, as applicable; except private roads built to Township standards may be permitted, if approved by the Township.
23. **Phasing.** Each phase of the plat shall be designed to meet the street requirements above, regardless of whether future phases are constructed.

#### **Section 4.5 Sidewalks and Bicycle Paths**

1. Sidewalks, bicycle paths, and/or bicycle lanes (a portion of the road that has been designated by striping and signs) may be required by the Township on one or both sides of subdivision streets or roads where deemed necessary to achieve safe pedestrian and non-motorized travel. The determination of need for such facilities shall be based on consideration of such factors as the density of and size of the development, age characteristics of the expected residents, expected traffic volumes along the street, existing conditions on roads in the vicinity, proximity to other sidewalk systems and proximity to schools, parks and public institutions.
2. Pedestrian through-block connectors may be required in the middle of any block over 1,320 feet in length to obtain satisfactory pedestrian circulation within the subdivision, to provide access to parks or open space, to provide links with an adjacent development, and/or to provide access to an activity center. Where such pedestrian through-block connectors are required a ten (10) foot wide easement, a dedicated common area, or other means of securing the land for the connector shall be required. The Township may require placement of a fence along the easement to ensure the location is visible and to protect the adjacent property owners.

3. Any yard which abuts a pedestrian easement shall provide the required minimum building setback, as applicable, from the easement.
4. All sidewalks shall be paved, have a minimum width of five (5) feet, and be constructed to the specifications of the County Road Commission and Township Engineer.
5. Bicycle paths shall be at least eight (8) feet wide and constructed in accordance with the specifications of the Township Engineer.
6. Grades shall be clearly illustrated on the plans to insure proper connection to sidewalks and bicycle paths on adjacent lands.
7. Sidewalks and bicycle paths shall be installed by the proprietor within the dedicated road right-of-way, except that placement within private access easements may be permitted where grades or other factors prevent placement within the road right-of-way.
8. Crosswalk pavement markings and signs may be required by the Township. Crosswalks shall be in accordance with the requirements of the County Road Commission.

#### **Section 4.6 Mailbox Clusters**

Where the United States Postal Service requires that new subdivisions be served by clusters of mailboxes serving several lots rather than individual mailboxes serving individual lots, the clusters shall comply with the following requirements.

1. **Procedure.** Mailbox clusters of four (4) or more, if required by the United States Postal Service, must be indicated on the preliminary plat in accordance with the Location Criteria set forth below. The plan shall indicate, by means of symbols and/or numbers, the location of clusters and number of boxes in each mailbox cluster. The plan shall be submitted to the United States Postal Service having jurisdiction in the area. Any approvals or recommendations of the United States Postal Service shall be submitted with the plat. Changes in the location of mailbox clusters may be made with the approval of the Planning Commission.
2. **Location Criteria.** Cluster mail boxes shall be located a safe distance from intersections (to allow vehicle stacking without blocking intersections). Where possible, mail box clusters should be located along or near side lot lines, at corner lots (block ends) or at entrances to open spaces, provided that access for maintenance vehicles remains.
3. **Design Criteria.** A paved area shall be provided for residents in their vehicles to pull off of the road while retrieving their mail. If mailbox clusters are not located within a building then they shall be screened on three sides with evergreen landscaping.

#### **Section 4.7 Landscaping**

The selection, size, spacing and planting of all landscaping within a subdivision shall comply with the Zoning Ordinance and the following standards:

1. **General Standards.**
  - a. Plantings within fifteen (15) feet of a fire hydrant shall be no taller than six (6) inches.

- b. The development and planting of required landscaping shall be the responsibility of the proprietor, not the individual lot owner.
- c. Fewer trees may be required if the proprietor provides evidence that existing trees over 3-inch caliper or natural habitat areas will be preserved during and after construction.
- d. The landscape plan shall be approved by the Township Board, upon recommendation of the Planning Commission, in consideration of the above and compatibility with the visual character of the surrounding area.
- e. Landscaping shall comply with minimum sight line standards required by the County Road Commission or Michigan Department of Transportation, whichever agency has jurisdiction.
- f. To prevent conflict with utilities, compliance with the following guidelines shall be required:

(i) Guidelines for above-ground utilities:

<u>Distance from centerline of utility easement</u>	<u>Maximum height of trees or shrubs</u>
within 10 feet	15 feet
10.1 to 20 feet	25 feet
20.1 to 30 feet	40 feet

- (ii) Plantings directly underneath above-ground wires, or directly over underground utilities shall be avoided.
- (iii) The following clearances shall be provided around equipment cabinets:

	<u>Minimum Landscaping Setback</u>
In front of cabinet door	10 feet
In back or side of cabinet	4 feet

**2. Street Trees.**

- a. One (1) canopy tree shall be planted for each fifty (50) feet of frontage along a street or private road, including all frontages for a corner lot, rounded up to the next whole number, and one canopy (1) tree shall also be planted for each fifty (50) linear feet along a median boulevard, except where such trees would conflict with traffic control devices, driveways, street lights, fire hydrants, and utility locations.
- b. The minimum size of all street trees shall be two and one-half inches (2 1/2") caliper.
- c. Tree species should selected for tolerance of the harsh roadside conditions in central Michigan, for compliance with overhead clearance and sight distance requirements, to ensure maintenance of accessibility to fire hydrants, and to avoid interference overhead or underground utility lines, street lights or street pavement. To control tree loss due to insects or disease, more than one species shall be planted. Trees shall be selected from the list of approved species specified by the County Road Commission.

- d. Street trees shall be planted so that each lot has at least one (1) canopy tree and each corner lot has at least three (3) canopy trees. Street trees shall be placed to avoid future driveway locations, if known.
- e. Street trees shall be at least fifty (50) feet from the intersection of two (2) street right-of-way lines or access easements.
- f. Street trees shall be planted in accordance with the setback standards established by the Ingham County Road Commission (minimum of fifteen (15) feet from the nearest edge of the curb or nineteen (19) feet from the nearest edge of pavement if there is no curb) or Michigan Department of Transportation. Trees shall be outside of areas needed for open ditches or potential future sidewalks. Street trees may be located on private property as close to the front line as possible for those lots where tree location in the public right-of-way is not possible due to conflicts with overhead or underground utility lines or restrictions of the Ingham County Road Commission.
- g. The lowest branch of any canopy tree shall provide a minimum thirteen (13) foot clearance over a public street or private road, and a minimum seven (7) feet above grade from a sidewalk, and a minimum of nine (9) feet above grade from a bicycle pathway. Greater clearances shall be provided if required by the Ingham County Road Commission.

3. **Landscaping in Cul-De-Sacs.**

- a. A minimum of one (1) canopy tree for every one thousand (1,000) square feet of ground area, rounded upward, shall be planted within each cul-de-sac or island (e.g., if the island is 2,305 s.f., three (3) canopy trees would be required).
- b. Canopy trees shall be maintained so that the lowest branch that is greater than one (1) inch in diameter is a minimum of fifteen (15) feet above the elevation of the street surface.
- c. The island must be planted with grass or ground cover OR have four (4) low shrubs planted for every one thousand (1,000) square feet of ground area. The shrubs shall be maintained at a maximum height of two feet, six inches (2'-6") If planted with grass or ground cover, the island shall first be mounded to a height of between one foot, six inches (1'-6") and two feet, six inches (2'-6").

4. **Subdivision Entrances.** Subdivision entrances may include landscaping, lighting, identification signs, wrought iron fences or other architectural features. All such features shall comply with the Zoning Ordinance. Details of the entranceway may be submitted at any stage in the plat review process or after final plat approval.

5. **Landscaping as a Buffer Zone.** A landscaped buffer zone shall be required along those boundaries of a residential subdivision that abut land that is used for other than single family residential purposes, including where the abutting land is occupied by a rail line or high voltage power transmission lines (69 kV to 765 kV). This buffer zone may include trees, shrubs, berms, fences, walls or a combination.

6. **Required Landscape Greenbelt.** When a subdivision borders on a state highway, county primary road or street classified as a principal or minor arterial in the Township Master Plan, and wherever a rear yard abuts a public or private road, an easement for construction of a minimum twenty (20) foot

wide landscape greenbelt shall be provided. This buffer zone may include trees, shrubs, berms, walls or a combination designed in accordance with the landscape standards described in the Zoning Ordinance. Existing natural features shall be retained wherever possible to promote a natural appearance and to protect the existing ecosystem within the greenbelt. However, nothing in this section is intended to prevent a pedestrian-bicycle pathway, sidewalk or underground utilities within the greenbelt.

#### **Section 4.8 Public Reservations**

A proprietor may set aside areas suitably located and of adequate size for playgrounds, school sites, parks, recreation facilities, open space or other public use where the need for such facilities or uses is identified in the Master Plan, Zoning Ordinance, or other written analysis or report of public needs. The proprietor may set aside such areas using any of a variety of methods, including, but not necessarily limited to:

1. Dedication to the Township.
2. Reservation of land for the use of property owners by deed or covenants.
3. Reservation for acquisition by the Township or School Board within a specified period after recording of the final plat. Said reservation shall be made in such a manner as to provide for a release of the land to the proprietor in the event that the Township, the School Board or other public entity does not proceed with the purchase.

Landscape Requirements and Cul-de-sac Requirement

## **Section 4.9 Easements and Reserve Strips**

1. **Utility Easements.** A ten (10) foot wide easement shall be provided along the front lot line of each lot for utilities. Easements may also be required along side and rear property lines for utility extensions. Recommendations on the proposed layout of public utility easements shall be sought from all of the public utility companies serving the area. It shall be the responsibility of the developer to submit copies of the approved preliminary plat to all appropriate public utility agencies.
2. **Drainageways.** Easements for drainageways, detention and retention ponds and other parts of the stormwater management system shall be provided, as required by the rules of the Ingham County Drain Commissioner.
3. **Municipal Services.** The Township may require easements to provide access for municipal water and sanitary sewer facilities, and to insure the extension of such services into adjoining lands.
4. **Common Areas.** The developer shall provide access easements to parks, open space and other common areas (see also Section 4.6).
5. **Reserve Strips.** Privately held reserve strips controlling access to streets shall be prohibited. The Township may require a one (1) foot wide reserve strip deeded to the Township at the end of a stub road which terminates at the subdivision boundary or between half streets unless such a reserve strip would create a landlocked property.

## **Section 4.10 Utilities**

It is the purpose of this section to establish and define the public improvements which shall be provided by the proprietor, at his/her expense with or without reimbursement from any public agency or improvement district, as conditions for final plat approval.

1. **Wastewater Treatment.**
  - a. When a proposed subdivision is located within the service area of a public sanitary sewer system with adequate capacity, or when connection to a public sanitary sewer system having adequate capacity is proposed regardless of the location of service area boundaries, a sanitary sewer system consisting of appropriate sewer lines, lift stations, and other sanitary sewer system appurtenances shall be provided by the proprietor. This system shall meet all requirements of governmental agencies that have jurisdiction.
  - b. In areas outside of the public sanitary sewer service area septic tanks and disposal fields may be utilized so long as they comply with all requirements of Ingham County and the State of Michigan.
  - c. All or part of a subdivision may be served by an on-site community wastewater treatment system, subject to the requirements of Ingham County and the State of Michigan.
2. **Water Supply.**
  - a. When a proposed subdivision is located within, adjacent to or reasonably near the service area of a public water system with adequate capacity, a water distribution system consisting of appropriate water distribution mains, fire hydrants, and other water system appurtenances

shall be provided by the proprietor. This system shall meet all requirements of governmental agencies that have jurisdiction.

- b. In areas outside of the public water system service area, individual wells or on-site community wells may be permitted. Individual and community wells shall comply with the requirements of Ingham County, the State of Michigan and the Township.

3. **Storm Drainage.**

- a. An adequate storm and surface water drainage system that meets all requirements of the Township and the Ingham County Drain Commissioner shall be required. The storm drainage system, which may consist of storm sewers, drain inlets, manholes, culverts, bridges, sedimentation basins, sump pumps, and natural and constructed components, shall be subject to Drain Commissioner approval.
- b. A subdivision grading plan shall be submitted prior to final preliminary plat approval. The grading plan and the plan for managing storm water flow shall be designed to not adversely affect neighboring properties and natural features, or worsen downstream flooding and water quality. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed to avoid increased flow of storm water from one lot onto adjacent lots.
- c. Surface water management systems shall be designed to retain the natural function and value of any wetland, water body, or watercourse, and to not increase flooding or the potential for pollution of surface or groundwater, either on-site or off-site, from such pollutants as sediment, nutrients, or toxic substances.
- d. Existing surface water flow entering the site shall be received and discharged as nearly as possible in the manner prior to the development. Both peak flow and runoff volumes shall be maintained as nearly as possible at predevelopment levels.
- e. The grading of lots shall be such that surface water drains away from building foundations and toward swales, ditches, retention areas, or drainage structures. Surface water from all roofs and paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas.
- f. Wetlands may be used for on-site detention or retention of surface water if the proprietor demonstrates that such use will not have an adverse effect upon ecological and hydrological characteristics of the wetland. Final preliminary plat approval shall not be granted until all necessary federal, state, county, and Township wetland permits are obtained.
- g. If the Township or the County Drain Commissioner accepts or requires storm water retention or detention ponds, the ponds shall be designed based on the following guidelines:
  - (i) The maximum side slope for such ponds shall not exceed a one (1) foot rise per five (5) foot run.
  - (ii) The outside edges of such ponds shall provide adequate space for landscaping, which shall be depicted on a landscape plan.

- (iii) Landscaping around ponds that border existing or proposed single-family residential development shall be consistent with the standards for greenbelt plantings contained in the Zoning Ordinance.
- (iv) Ponds shall be designed to appear as a natural landscape feature. Accordingly, a curvilinear shape is generally desired. Where feasible, ponds shall be incorporated into common subdivision open space.

4. **Soil and Sedimentation Control.**

- a. In the event that any subdivider or developer intends to make changes in the contour of any land proposed to be subdivided, developed, or changed in use by razing, excavating, removal or destruction of the natural topsoil, trees, or other vegetative covering thereon, the property owner or his/her agent shall first apply to the Ingham County Drain Commissioner for approval of a plan for soil erosion and sedimentation control.
- b. No certificate of occupancy shall be issued until: 1) Final grading has been completed in accordance with the approved final plat, 2) The lot has been covered with soil with an average depth of at least six (6) inches which shall contain no particles over two (2) inches in diameter, except those portions covered by buildings or streets, or where the grade has not been changed or where natural vegetation has not been seriously damaged, and 3) The lot has been seeded, covered with sod, or covered with the appropriate ground cover. Where, because of seasonal conditions final grading will be delayed, the Township may accept a performance guarantee as described in Sections 3.8.

5. **Telephone, Electric and Other Cable Services.** Telephone, electric, and other cable services shall be placed underground throughout the subdivision, except as follows:

- a. Primary distribution lines (e.g., 5 to 35 kV power lines) on the perimeter of the subdivision may be aboveground when located on or along a section or quarter section line.
- b. The Township Board, upon recommendation from the Planning Commission, may waive or modify this requirement where it finds that underground utilities would be impractical.

Telephone, electric and other cable services shall also comply with the following requirements:

- a. All such services shall be located in the public road right-of-way or in an private easement, which shall generally be located at the front of each lot.
- b. If located in a public road right-of-way, the location and installation of such services shall be planned so as to not conflict with other utilities.
- c. All such services shall be installed in accordance with standards promulgated by the Michigan Public Services Commission and other agencies having jurisdiction.

## ARTICLE 5.00 - ADMINISTRATION AND ENFORCEMENT

### Section 5.1 Compliance

- a) No subdivision plat required by this Ordinance or the Land Division Act (Michigan Public Act 288 of 1967, as amended) 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 Ordinance unless such public improvements have been accepted or otherwise permitted in accordance with the terms of this Ordinance. No public board, agency, commission, official or other authority shall issue building or occupancy permits for structures on lands subject to this Ordinance where the subdivider has not complied with the requirements set forth herein.
- b) **Notice to Subsequent Owners and Continued Maintenance.** Maintenance of improvements illustrated on the approved final preliminary plat and final plat and in supporting documentation shall be a continuing responsibility of the subdivision association and individual owners of lots on which the improvements are located. The subdivision developer shall place a notice in every deed when the property is sold that shall indicate as follows:

Maintenance of improvements illustrated on the approved final preliminary plat and in supporting documentation shall be a continuing responsibility of the grantee of this deed and shall run with the land. *(revised 3/6/01, 2/3/04)*

### Section 5.2 Interpretation, Conflict, and Separability

1. **Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety, and welfare.
2. **Conflict.** Where the conditions imposed by any provisions of this ordinance are either more or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
3. **Separability.** The provisions of this ordinance are separable. If a section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this ordinance.

### Section 5.3 Fees

The proprietor shall be responsible for payment of all fees, based on the fee adopted and occasionally updated by the Township Board. Fees may be required for:

- Planning and engineering review; legal review; municipal review and administration (including notification and publication costs);
- Review, filing and recording as specified in the Land Division Act;
- Inspection; and,
- Connection to public utilities.

## **Section 5.4 Waivers**

1. **Application For Waiver.** Applications for a waiver from specific provisions of this Ordinance may be made in writing by the proprietor prior to approval of the final preliminary plat. The application shall be supplemented with maps, plans, and other data which may aid the Planning Commission in the analysis of the proposed waiver.
  
2. **Planning Commission Recommendation.** The Planning Commission may recommend that the Township Board grant a waiver from the provisions of this Ordinance on a finding that undue hardship or practical difficulties result from strict compliance with specific provisions or requirements of the Ordinance, provided that the waiver does not pertain to requirements of the Zoning Ordinance that are under the jurisdiction of the Zoning Board of Appeals. In making the finding required herein the Planning Commission and Township Board shall take into account the nature of the proposed use of land, 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 waiver shall be recommended unless the Planning Commission finds, after a public hearing that:
  - a. There are such special circumstances or conditions affecting said property so that the strict application of the provisions of this Ordinance would clearly be impractical or unreasonable.
  - b. The granting of the waiver will not be detrimental to the public welfare or injurious to other property in the area.
  - c. Such variance or waiver will not violate the provisions of the Land Division Act (Michigan Public Act 288 of 1967, as amended) or create a violation of the Township Zoning Ordinance.
  - d. Such waiver will not have the effect of nullifying the intent and purpose of this Ordinance and the Master Plan of the Township.
  - e. The need for the waiver has not been self-created by the applicant and/or the applicant's predecessors.

In recommending approval of a waiver request, the Planning Commission may suggest requirements or conditions that will, in its judgment, secure the objectives and requirements of this ordinance.

3. **Township Board Action.** After receiving the Planning Commission's recommendation, the Township Board shall make a decision on the waiver request. In making its decision, the Township Board may establish requirements, time constraints or conditions that will, in its judgement, secure substantially the objectives and requirements of this Ordinance. The Township Board shall state the reasons for its finding or decisions as part of its official records.
  
4. **Township Board Decision is Final.** The Township Board shall have the final authority on waivers from or modifications to the standards of this Ordinance. Appeals of the Township Board decisions shall be to a court of law.

## **Section 5.5 Performance Guarantee**

Whenever the Township Board permits or requires a performance guarantee as security for required improvements, the performance guarantee shall be in the form of a letter of credit, certified check or cash escrow. Any such security shall be in an amount equal to one hundred twenty percent (120%) of the estimated cost of completion of the required public improvements, including lot improvements. The issuer of the letter of credit or the escrow agent, as applicable, shall be acceptable to the Township.

1. **Letter of Credit.** If the developer posts a letter of credit as security, the credit shall:
  - a. Be irrevocable,
  - b. Be for a term sufficient to cover the completion, maintenance, and warranty periods specified in this ordinance or in other ordinances or regulations for the specific improvement, and
  - c. Require only that the Township present the credit with a sight draft and an affidavit signed by an authorized representative of the Township attesting to the municipality's right to draw funds under the credit.
2. **Cash Escrow or Certified Check.** If the developer posts a cash escrow or certified check as security, the escrow instructions shall provide that:
  - a. The developer shall have no right to a return of any of the funds except as provided herein, and
  - b. The escrow agent shall have a legal duty to deliver the funds to the Township whenever an authorized representative of the Township presents an affidavit to the agent attesting to the Township's right to receive funds whether or not the developer protests the right.
3. **Release or Reduction of Security.**
  - a. **Certificate of Satisfactory Completion.** The Township Board shall not accept dedication of required improvements, or release or reduce the amount of any security posted by the subdivider until the Township Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until (1) the applicant's engineer or surveyor has certified to the Township Engineer, through submission of a detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials and other information required by the Township Engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision, and (2) a title insurance policy has been furnished to and approved by the Township Attorney indicating that the improvements have been completed, are ready for dedication to the Township and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation by the Township Engineer and Township Attorney, the Township Board may accept the improvements for dedication in accordance with the established procedure.
  - b. **Reduction of Escrowed Funds and Security.** If the security posted by the subdivider was a cash escrow, the amount of that escrow shall be reduced upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. In no event shall a cash escrow be reduced below twenty-five percent (25%) of the principal amount. Funds held in the escrow account shall not be released to the subdivider, in whole or in part, except upon express written instructions of the Township Attorney. At the end of the maintenance and warranty periods, all escrowed funds,

if any, shall be released to the subdivider. If the security provided by the subdivider was a letter of credit, the Township Attorney shall execute waivers of the municipality's right to draw funds under the credit upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. In no event shall waivers be executed that would reduce the security below twenty-five percent (25%) of its original amount.

### **Section 5.6 Enforcement**

1. **Enforcement.** Enforcement of this Ordinance shall be chiefly the responsibility of the Township Building Official, who shall have the authority to enforce this Ordinance in accordance with requirements and procedures set forth herein.
2. **Authorized Township Official.** The Township Supervisor, Building Official, and Planning Coordinator or their designees are hereby designated as authorized Township Officials to investigate alleged violations of this ordinance and to take appropriate action. Such action may include an order to correct the violation, issuance of an appearance ticket pursuant to Michigan Public Act 147 of 1968, as amended, or other actions as provided for by state law and Township ordinances.

### **Section 5.7 Penalties and Sanctions**

1. **Misdemeanor.** Any violation of this Ordinance shall constitute a misdemeanor. Any person who is convicted shall be subject to punishment by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days for each offense, or both, at the discretion of the Court. Each day a violation occurs or continues shall constitute a separate offense.

Furthermore, any property owners, surveyor, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains any violation of the Ordinance may each be found guilty of a separate offense and may be subject to the penalties provided herein. The cost of prosecution shall also be assessed against the violator.

2. **Continuing Violations.** Each act of violation and every day upon which such violation shall occur shall constitute a separate offense or infraction. Abatements shall not be considered as payment or part of a violation's penalty.

### **Section 5.8 Other Remedies**

In addition to all other remedies, including the penalties provided in Section 5.7 of this ordinance, the Township may commence and prosecute appropriate actions in the Circuit Court for the County of Ingham or any other court having jurisdiction to restrain or prevent any noncompliance with or violation of any of the provisions of this ordinance, or to correct, remedy or abate such noncompliance or violation.

### **Section 5.9 Pending Prosecutions**

Any prosecution arising from a violation of ordinances or regulations repealed herein, which prosecution may be pending at the time this ordinance shall become effective, or any prosecution which may be commenced in the future for any offenses committed before the effective date of this ordinance, may be instituted, tried and

determined in accordance with the provisions of such ordinances or regulations in effect at the time of the commission of the offenses.

**Section 5.10 Repeal and Effective Date**

All other subdivision regulations heretofore adopted by the Planning Commission and/or Township Board and all amendments thereto, are hereby specifically repealed as of the effective date of this ordinance. All other ordinances conflicting or inconsistent with the provisions of this ordinance, to the extent of such conflict or inconsistency only, are hereby repealed.

This Ordinance shall become effective immediately upon its passage, publication and recording by the Township Clerk.

Adoption and Recommendation by Planning Commission:

Adoption by Township Board:

Effective Date:

**Appendix A**  
**Review Procedures**

## **Appendix B** **Illustrations**