
SUBDIVISION CONTROL ORDINANCE

**Alganssee Township
Branch County, Michigan**

June 4, 2007

Subdivision Control Ordinance

Alganssee Township, Branch County, Michigan

Prepared for:

Alganssee Township Planning Commission

Alganssee Township, Branch County, Michigan
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ORDINANCE # _____

**SUBDIVISION/SITE CONDOMINIUM CONTROL
ORDINANCE**

**Algansee Township
Branch County, Michigan**

AN ORDINANCE TO REGULATE AND CONTROL THE SUBDIVISION OF LAND INTO PLATS PURSUANT TO THE MICHIGAN LAND DIVISION ACT (1967 PA 288, AS AMENDED); TO SET FORTH A PROCEDURE TO BE FOLLOWED BY THE TOWNSHIP IN APPLYING THESE REGULATIONS AND STANDARDS; TO PRESCRIBE SANCTIONS FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; AND TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE WITHIN ALGANSEE TOWNSHIP.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ALGANSEE HEREBY ORDAINS:

ARTICLE 1.00 - TITLE AND PURPOSE

Section 1.1 Title

This Ordinance shall be known and cited as the “Alganssee Township Subdivision Control Ordinance ” and may hereinafter be referred to as “Subdivision Ordinance.”

Section 1.2 Purpose

The purpose of this Ordinance is:

1. To regulate and control the subdivision of land into plats pursuant to the Land Division Act (Subdivision Control), 1967 PA 288, as amended;
2. To insure that development that occurs through application of the Land Division Act (Subdivision Control), 1967 PA 288, as amended, meets minimum standards, that the size of the lots or building sites are equal to the minimum lot size of the zoning district the project is located within.
3. This Ordinance, along with the Township Zoning Ordinance, shall be considered the ordinances referred to in sections 105(b) and 109(5) of the Land Division Act (Subdivision Control, as amended.
4. These regulations are adopted for the following additional purposes:
 - a. To provide for the orderly development of the Township in furtherance of the Master Plan and consistent with the Zoning Ordinance.
 - b. To achieve efficient use of the land and a quality living environment.
 - c. 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.
 - d. To protect the character and social and economic stability of all parts of the Township.
 - e. 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.
 - f. To protect and conserve the value of land, buildings, and improvements by minimizing conflicts among land uses.

- g. 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.
- h. 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.
- i. To establish reasonable standards for design of subdivisions and site condominium developments 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 and land developed under the Michigan Condominium Act.
- j. To permit development at a rate that is consistent with the availability and capacity of public facilities and services.
- k. 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.
- l. 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.
- m. 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

These regulations apply to all subdivisions, divisions and lot splits created after the effective date of this ordinance, that are located totally or partially within the boundaries of Algansee Township, except that proposed subdivisions condominiums that have been granted tentative or final preliminary approval shall continue to be reviewed under the requirements in place prior to adoption of this ordinance.

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.

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 developer or proprietor 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.

Section 1.5 Authority

This Ordinance is enacted pursuant to the authority granted by the Michigan Land Division Act (1967 PA 288, as amended) and 1945 PA 246, as amended, which authorizes Township Boards to adopt ordinances to secure the public health, safety and welfare.

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 connected 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 illustration.
4. References to departments, commissions, boards, other offices, and positions are to those of Algonsee 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 shall be 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” may include 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

For the purposes of this Ordinance, certain terms and words used herein shall have the following meaning:

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:

1. 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 Branch 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.
2. 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 Branch 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.

Adjacent: See “Contiguous”.

Adjoining: Properties next to one another across a shared boundary line. 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. If the street were to be removed, the adjoining properties would share a boundary line.

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 - Branch County Road Commission or Michigan Department of Transportation (MDOT) - 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.

Attorney, Township: The Township Attorney is the person of firm appointed by the Township Board to advise the Township Board, other boards and commissions, and Township staff on legal matters.

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.

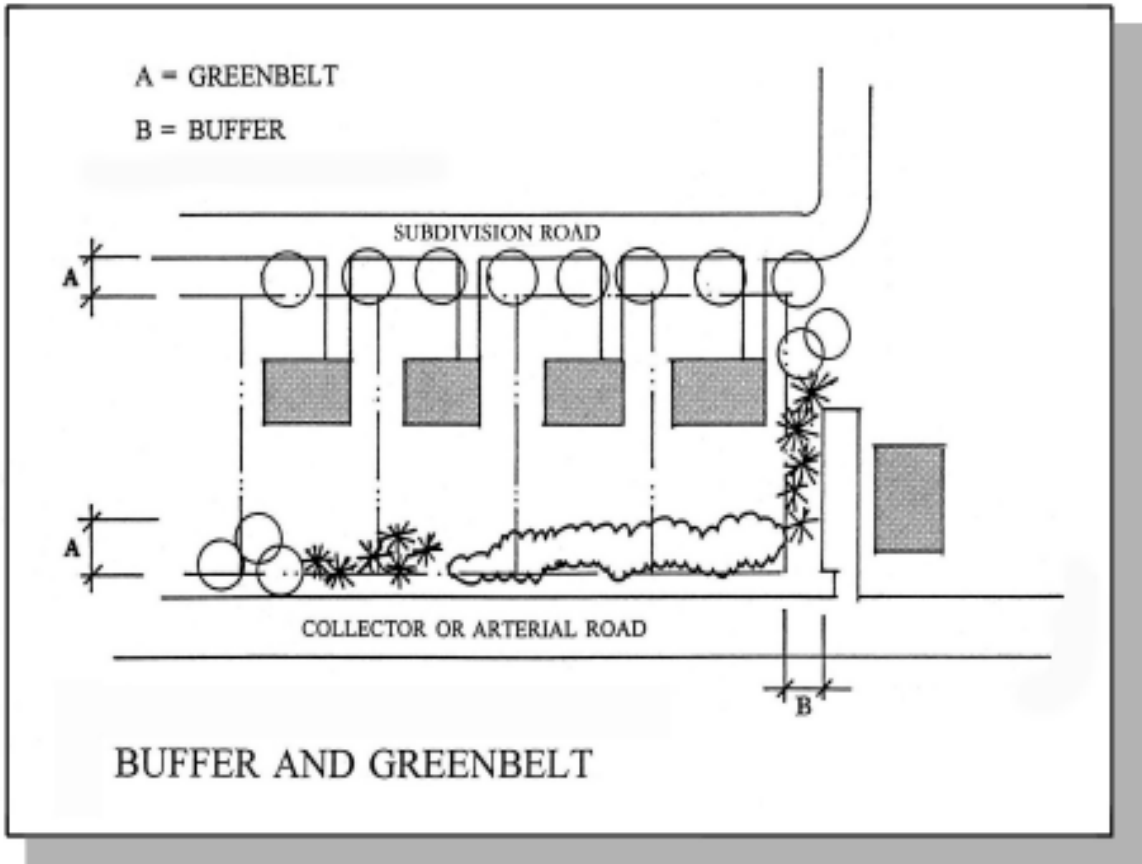
Board: The Algonsee Township Board of Trustees.

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 (see illustration on following page).

Buildable Area: The area of a lot that 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.



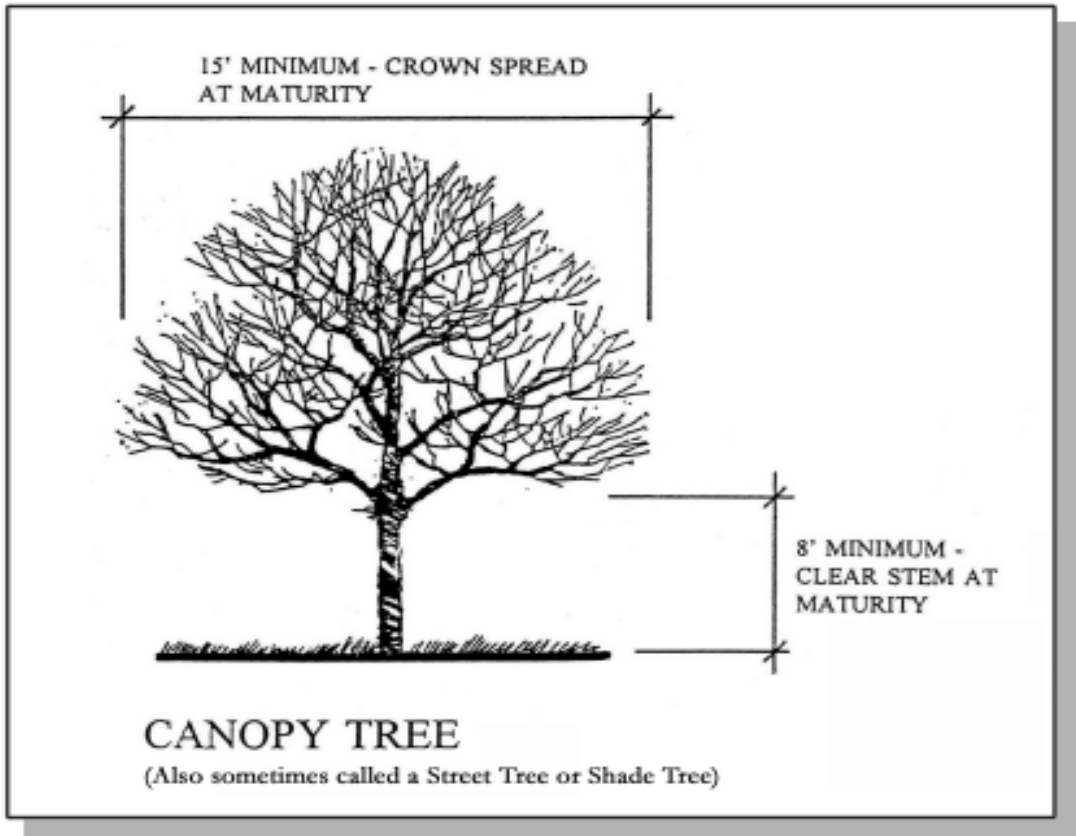
Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels or property or materials of any kind.

Building Line or Setback Line: A line parallel to a front lot line at a depth required for the minimum front yard. A building or part thereof cannot extend into the area between the front lot line and the building line unless otherwise permitted under the terms of the Zoning Ordinance.

Building Official: The County officer or other authority designated to administer and enforce the Building Code and to supervise and coordinate the functions of the Branch County Building Department, and to whom the Township Board may designate responsibility for administration and enforcement of this 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 Branch 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.

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 Algansee Township.

Commission or Planning Commission: The Algansee Township Planning Commission.

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.

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

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 road or street 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 watercourse under a road or sidewalk, where the culvert is not incorporated in a closed drainage system.

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 that 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 (see also Proprietor).

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.

District: Unless the context indicates other, the term "district" shall refer to the zoning districts as established in Chapter 3 of the Alganssee Township Zoning Ordinance.

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 Sections 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.

Drainage: The removal of surface water or groundwater from land by ditches, swales, 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 single building lot, or parcel with a road.

Easement: A right, created by an expressed or implied agreement by the owner of land, to allow the lawful and beneficial use of the land by another person or persons in a particular way. Typical easements include the right of the owner of a piece of land with no public road frontage to use a specific strip of another person's land to reach the public street (e.g., a private road easement) or the right of a municipality to run a water main or sewer main across a specific strip of an owner's land.

Engineer or Township 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.

Environmental Constraints: Natural features, natural resources, or land characteristics that are sensitive to improvements or alterations and that 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 Algonsee Township, Branch County, Michigan

Grade: The slope of a street, other public way, or berm, expressed as a percentage. The slope of a street is the ratio of its “rise”, or vertical distance, to its “run”, or horizontal distance. 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 this ordinance. (See illustration under “buffer” definition.)

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.

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).

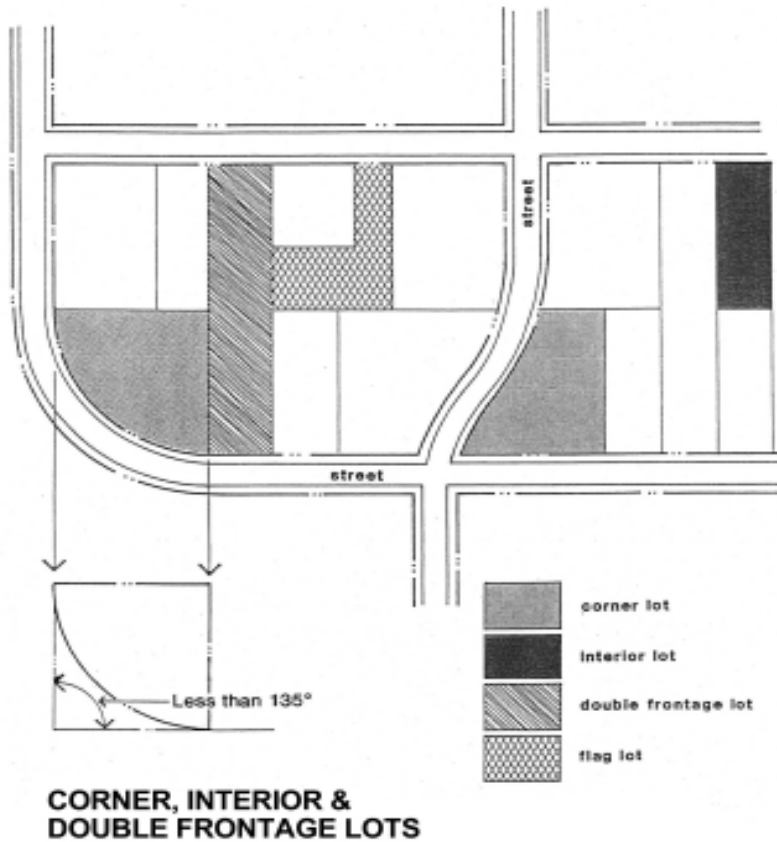
Level of Service: A qualitative measure describing traffic operational conditions; Level of Service is generally described in terms of speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

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. A “Lot” as referred to herein shall be synonymous with “site condominium lot” in Section 16.03 of the Algansee Township Zoning Ordinance as well as “unit” as it applies to site condominiums.

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 Zoning Ordinance’s minimum lot area standards.

Lot, Contiguous: Lots that share a common property boundary line.



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

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

Lot, Double Frontage: 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. (See illustration above.)

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 intended building-area 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.

1. Front Lot Line: The lot line abutting any public or private street or road right-of-way. When such right-of-way is a right-of-way in fee simple, the front lot line shall be the boundary line between the street or road right-of-way and the lot. When the right-of-way is only an easement and fee simple title remains vested in the underlying lot(s), the front lot line shall be the edge of the right-of-way easement.
2. Rear Lot Line: Any lot line that does not intersect a front lot line.
3. Side Lot Line: Any lot line that is neither a front lot line nor a rear lot line.

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

Lot Width: The linear measure of the front yard edge that is opposite and parallel to the associated road right-of-way for that yard. Note that on corner lots and double frontage lots there will be more than one front yard and any minimum required lot width must be met along both of these yards.

Master Plan: Any document, plan, or study adopted by the Algansee Township Planning Commission pursuant to the authority of Public Act 168 of 1959.

MDOT: Michigan Department of Transportation (or its successor department or agency).

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

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

Model Home: A dwelling unit used initially for display purposes to demonstrate the type of units that will be constructed in the subdivision. A model home 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.

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 non-intersection streets.

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 or private road easement, 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 or private road easement.

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 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 proposed 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: A continuous area or acreage of land that 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.

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

Performance Guarantee: Any security that may be required by Algansee 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.

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. Planned developments shall comply with the requirements and standards established in Chapter 18 of the Algansee Township Zoning Ordinance.

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

Planning Commission: The Algansee Township Planning Commission created pursuant to the provisions of Michigan Public Act 168 of 1959.

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

1. 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.
2. 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.
3. 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.

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.

Proprietor: A natural person, firm, association, partnership, corporation or combination of any of them, which may hold a recorded or non-recorded ownership interest in land on which a subdivision plat is proposed. 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 purposes.

Public Sewer: A sewerage system as defined in Michigan Public Act 98 of 1913, as amended, which sewerage system is owned and maintained by a governmental agency.

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.

Record Drawings: see “As-Built Plans”.

Replat: The process of changing, or the map or plat that 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.

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 specific and defined area of land over which the right to pass has been granted. The right of passage may be for a specific mode, such as a road, or a railroad, or a walking path. A right-of-way may exist as either the ownership of the subject area of land, in which case it is known as a right-of-way in fee simple, or else as an easement while another party or entity retains

ownership, in which case it is known as a right-of-way easement. The right of passage may be available to all persons, in which case it is a public right of way, or the right of passage may be restricted to a specific group of people, such as the owners of lots in a subdivision, in which case it is a private right-of-way. Unless the context clearly indicates otherwise, the term right-of-way as used in this Ordinance shall mean a public or private right-of-way for a road or street for the passage of automobiles and pedestrians, and may be in fee-simple or as an easement. 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 Branch County Road Commission.

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

1. U.S. Highway and State Roads. U.S. Highways and State roads under the jurisdiction of the Michigan Department of Transportation. U.S. Highways and State Roads are part of the Michigan state trunkline system and carry heavy, regional traffic loads. U.S. Highways and State Roads are not designed for local access.
2. County Primary. County-maintained roads are divided into two categories. The most-traveled of the roads are considered primary roads. These serve major traffic movements within the Township and are typically fairly well connected. They are hard surfaced. Access is not as limited, but is controlled by the County Road Commission.
3. County Local. The other category of County-maintained roads is local roads. These are smaller roads that are less traveled and connect the remaining parcels to one another. They are sometimes unpaved. Local roads provide traffic circulation within and throughout the Township and channel it to the rest of the system.

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

Road, Private: A road that is privately owned and maintained and has not been accepted for maintenance or ownership by the Branch County Road Commission. No lot, parcel or building site with frontage on a private road may be created or divided on or after November 14, 2003, in accordance with Section 14.08 of the Township Zoning Ordinance.

Road 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.

Screen: A structure or plantings consisting of fencing, berms, and/or evergreen trees or shrubs providing a continuous obstruction of view 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 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 minimum yard requirements 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; see also “Canopy Tree”).

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 area formed by the road right-of-way boundary lines of two intersecting streets and a line connecting them at points thirty (30) feet from the intersection of the pavement edge lines, or in the case of a rounded corner, from the intersection of the street property lines extended.

Significant Trees or Tree Stands: 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.

Sketch Plan: A sketch prepared prior to the preliminary plat to enable the subdivider to achieve an understanding of the Township’s desired 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, and multiplied by 100.

Storm Water Detention: See “Detention Basin”.

Storm Water Retention: See “Retention Basin”.

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.

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.

Surveyor: A professional surveyor licensed under Article 20 of the Occupational Code, Act 299 of 1980, as amended.

Township: Alganssee Township, Branch County, Michigan.

Township Engineer: See “Engineer”.

Township Planner: See “Planner”.

Tract: Two (2) or more parcels that share a common property line and are under the same ownership.

Traffic Assessment: A type of traffic impact study for low traffic generating uses that 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 road and highway system. A traffic impact study evaluates the impacts of increased traffic on roads and highways adjacent to the proposed subdivision, and on nearby intersections.

Variance: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals in cases where strict enforcement would cause undue hardship as a result of special circumstances affecting an individual property, which circumstances do not generally affect other properties in the same zoning district.

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.

Watercourse: Shall mean any waterway including a river, stream, lake, pond or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water. A watercourse may or may not be serving as a drain as defined by Act 40 of the Public Acts of 1956, as amended. A watercourse does not include a retention or detention pond constructed as a landscape feature or for the purposes of stormwater management for a subdivision.

Wetland: 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.

Wetland, Regulated: Those wetlands regulated by the Michigan Department of Environmental Quality under the provisions of Act 450 of 1994, as amended.

Zoning Ordinance: The Alganssee 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):

- A. Optional **pre-application review meeting**, involving Planning Commission review but no formal action. The purpose of the pre-application review is to conduct an informal review of the proprietor's plan for the preliminary plat.

Pursuant to the Land Division Act, as amended, the proprietor may request that this meeting take place by submitting a written request to Branch County's plat board and submitting copies of the concept plan for the preliminary plat to the Township, as well as each agency entitled to review the preliminary plat under sections 3.6.B(5)(d). The meeting shall take place within thirty (30) days after the Township receives the written request and conceptual plan. The meeting shall be attended by the proprietor, representatives of each officer or agency entitled to review the preliminary plat under sections 3.6.B(5)(d), and a Township official. Representatives of each agency entitled to review the preliminary plat under section 3.6.B(5)(d) shall be informed of the meeting and may attend. (see Section 3.4)

- B. 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 proprietor (see Section 3.5).
- C. **Tentative preliminary plat** review, involving review and action to recommend approval, recommend approval with conditions, or denial of the plat by the Planning Commission within thirty (30) days from the date of filing, followed by review and action to approve or deny the plat by the Township Board within sixty (60) days from the date of filing if a pre-application meeting was held, or ninety (90) days from the date of filing if no meeting was held (see Section 3.6).
- D. **Final preliminary plat** review, involving review by outside agencies (state and Branch 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).
- E. **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 complete submittal requirements and/or bring the plat into compliance with Ordinance regulations within the review deadline.

Section 3.3 Coordination of Development Options with Subdivision Approval

- A. **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 Unit Development). To achieve simultaneous review, the plans required for the development options shall be submitted in a form to satisfy the requirements of both the subdivision regulations and the Zoning Ordinance.
- B. **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.
- C. **Rezoning.** Because 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.
- D. **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 Review Meeting (Optional)

- A. **Purpose.** The purpose of the meeting is to conduct an informal review of the proprietor's concept plan for the preliminary plat.
- B. **Submittal Requirements.** The proprietor shall submit copies of a concept plan for the preliminary plat to the Township Zoning Administrator or other designated Township official and to each officer or agency entitled to review the preliminary plat under section 3.6.B(5)(d). 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. The proprietor shall be required to cover the costs related to a pre-application review meeting, if any (for example, consultant costs).

Section 3.5 Sketch Plan Review (Optional)

- A. **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:
- (1) To determine if the land is appropriately zoned.
 - (2) To acquaint the Township staff and Planning Commission with the proposed plat.
 - (3) To inform the proprietor of the procedures for approval of the plat.
 - (4) 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.
 - (5) 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.
 - (6) 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 septic disposal, fire and police protection, recreation and open space, and schools.
 - (7) To determine the impact of floodplains and wetlands on the use of land and design of the plat.
 - (8) To identify woodlands, topography, watercourses, and other natural features that should be protected.
 - (9) To inform the proprietor about development options that would achieve the planning goals of the Township while satisfying the proprietor's objectives.
 - (10) To provide the proprietor with any other information to aid in the preparation of the preliminary plat.
- B. **Submittal Requirements.** A minimum of two (2) alternative sketch plans shall be submitted for review for proposed residential subdivision plats that are twenty (20) acres or larger in size. 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 Open Space Preservation standards (see Section 16.02, 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 also illustrations in Appendix B):

- (1) A completed application for sketch plan review.
- (2) The name, mailing address, and telephone number of the proprietor(s).
- (3) The name, mailing address, and telephone number of the professional person(s) responsible for the subdivision design, for the design of public improvements, and for surveys.
- (4) The name, mailing address, and telephone number of the legal owner(s) or agent(s) of the property.
- (5) The proprietor's interest in the property.
- (6) 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.
- (7) Existing conditions and characteristics of the site and adjacent land, including:
 - (a) Approximate boundaries of woodlands, wetlands, floodplains, and watercourses.
 - (b) The approximate location and intended future use of existing structures on the site.
 - (c) Existing land use and zoning on surrounding properties.
 - (d) Location of existing easements on the site.
- (8) For each sketch plan, the proposed approximate layout of streets, blocks, and lots including area and dimensions to give a general sense of lot size, setbacks, lot widths, and density.
- (9) 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.

C. Sketch Plan Review Procedures.

- (1) Copies. The proprietor shall submit a minimum of ten (10) copies of each sketch plan design to the Township along with the review fee authorized by the Township Board.

- (2) **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.
- (3) **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 proprietor.

Section 3.6 Tentative Preliminary Plat Review

- A. **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: 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.

- B. **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 (e.g., Planned Unit Development), then only one (1) tentative preliminary plat design shall be required. Otherwise, for proposed residential subdivision plats that are twenty (20) acres or greater in size, a minimum of two (2) preliminary plat designs shall be submitted for review.

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 Open Space Preservation standards (see Section 16.02 of the Zoning Ordinance).

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 also illustrations in Appendix B):

- (1) Application. A completed application for tentative preliminary plat review shall be submitted on a form supplied by the Township, which shall contain, at minimum, the following information:
 - (a) The name, mailing address, and telephone number of the proprietor(s).
 - (b) The name, mailing address, and telephone number of the professional person(s) responsible for the subdivision design, for the design of public improvements, and for surveys.
 - (c) The name, mailing address, and telephone number 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.
 - (d) The proprietor's interest in the property. The proprietor shall submit proof of ownership in the form of a title insurance policy or documentation. Such documentation 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.
- (2) Tentative Preliminary Plat. Ten (10) copies of the tentative preliminary plat, sealed by the professional surveyor who prepared the plat, shall be submitted to the Township Clerk or other designated Township Official or staff, along with the completed application and the fee authorized by the Township Board. The date of submittal shall be recorded on the plat, on the application, and on supporting documentation. Additional copies may be required as described below in Section 3.6.B(5)(d).

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. It shall contain all of the information shown on the approved sketch plan as well as the applicable requirements of this Ordinance and sections 17.04.B and 17.05 of the Zoning Ordinance.

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

- (a) Location of the property by section, town and range, or by other legal description.
- (b) An area map showing the general relationship of the proposed subdivision to the surrounding area including community. The map should also identify the boundaries of school districts serving the development, if applicable.
- (c) Boundary of the proposed subdivision and the location of any easements with dimensions of the overall property and of the individual easements.
- (d) Property lines of adjacent land within five hundred (500) 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, including developments across abutting roads. The plat shall also identify the names of adjacent subdivision.
- (e) A site analysis consisting of maps and written analysis, which identify, describe, and quantify the following features. The Planning Commission shall have the right to request more or less information throughout the review process:
 - (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 identify species of all trees six (6) 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) Existing stormwater drainage patterns, systems, and structures, including approximate locations of farm field drain tiles, if known.
 - (iv) Soils (based on U.S. Soil Conservation Survey or soil borings).
 - (v) Habitats of threatened and endangered species (i.e., federal and state listed species), if known.
 - (vi) Sight distance limitations along existing and proposed roads.

- (vii) Topographic relief of the site and within two hundred (200) feet of the site at two (2) foot contour intervals, referenced to U.S.G.S. elevation datum.
 - (viii) 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.
 - (ix) Other features uniquely affecting the site.
- (f) Zoning classification of the proposed subdivision and all adjoining properties.
 - (g) Name, location, right-of-way width, pavement type, and number of lanes of any existing or platted streets, roads, or highways abutting or on the subdivision site or within five hundred (500) feet of the subdivision site.
 - (h) Locations and sizes of all existing sanitary and storm sewers, existing county and private drains, cross culverts under existing roads, and other underground structures within the subdivision site or immediately adjacent to it.
 - (i) 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.
 - (j) Location of existing permanent structures on and within one hundred (100) feet of the subdivision site. Structures to be removed shall be so marked.
 - (k) 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.
- (4) Tentative Preliminary Plat -- Proposed Improvements. The tentative preliminary plat shall contain the following information regarding proposed improvements, at minimum:
- (a) 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, in which case, it shall have the same name with the suffix "Phase X" where "X" is a consecutive integer starting with 1. The original subdivision shall be Phase 1.

- (b) Layout, right-of-way width, typical cross-section, and names of proposed streets or roads. The plat should also indicate if on-street parking will be permitted.
- (c) Sight distance plan and profile at each intersection of a proposed subdivision street with any existing or proposed public road or street.
- (d) The locations, width, and type of construction of any sidewalks, bicycle paths, and multi-use paths.
- (e) The location, width, and purpose of any proposed easements.
- (f) 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.
- (g) The tentative preliminary plat shall have a table that provides the following information for each lot: net lot area (in square feet), road frontage, and lot width measured at the front setback line.
- (h) 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.
- (i) 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 of property owners in the proposed subdivision. The conditions, if known, of any such dedication, reservation, or conservation easement shall be specified.
- (j) 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. A preliminary schedule of construction should be indicated as well.
- (k) 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.
- (l) 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.

- (m) A landscape plan, which shall identify existing trees to be saved and removed, and species, locations, and sizes of all proposed plantings. The landscape plan shall comply with the requirements of Section 4.7 of this Ordinance and Section 17.05 of the Zoning Ordinance.
- (n) A street lighting plan, which shall identify the proposed location of all street lights provided in accordance with Article 4 of this Chapter.

(5) Tentative Preliminary Plat – Other Submittals. The following additional information shall be provided, unless otherwise indicated, with the application for tentative preliminary plat review:

- (a) 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. An explanation of what the stakes represent shall be provided with the tentative preliminary plan.
- (b) 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, industrial facilities, and/or other proposed uses should be noted.
- (c) 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:

- (i) The existing level of service is not expected to be significantly affected by the proposed development due to the nature of the request or specific conditions at the subject site.
- (ii) A similar traffic study was previously prepared for the subject site and is still considered applicable.

- (d) 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 Branch County Road Commission, Branch County Drain Commission, Michigan Department of Transportation, Michigan Department of Environmental Quality, and the Branch, Hillsdale, St. Joseph Health Department. 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.

C. Planning Commission Review Procedures.

- (1) Initial Review. Upon receipt of the tentative preliminary plat, the Planning Commission, or other designated Township official or 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 is received. The date of filing shall be considered the date on which a plat containing all required data is received by the Township.
- (2) 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, permitting reasonable time for review within the 60-day limit, and copies shall be distributed to appropriate Township staff and consultants to obtain planning, preliminary engineering, wetland and public safety review.
- (3) Public Notice. Prior to action on the tentative preliminary plat by the Planning Commission, notice shall be sent to all property owners within three hundred (300) feet of the boundary of the proposed subdivision, based on the most current assessment records on file with the Township. 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 at their discretion.
- (4) 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.
- (5) Planning Commission Recommendation. The Planning Commission shall recommend approval, conditional approval, or denial of the proposed tentative preliminary plat, as indicated below, within thirty (30) days after the plat was filed with the Township. If no action is taken within this time frame 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(B), 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.

Planning Commission Recommendations:

- (a) 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 the Township Planner.
- (b) 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.
- (c) 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 Township Planner shall make a notation to that effect on the tentative preliminary plat. One copy of the approved plat shall become a matter of permanent record in the Planning Commission files, one copy shall be returned to the proprietor, one copy shall be kept on file by the Township Planner, and one copy shall be forwarded to the Township Board with a copy of the Planning Commission minutes.

D. Township Board Review Procedures.

- (1) 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.

- (2) Review Deadline. Following receipt of the Planning Commission's action, the Township Board shall take action on the preliminary plat within sixty (60) days of the date of filing of the tentative preliminary plat with the Township if a pre-application review meeting was conducted under section 3.4, or within ninety (90) days of the date of filing if no pre-application review meeting was conducted.
- (3) Township Board Action. The Township Board shall approve, conditionally approve, or disapprove the proposed plat, as follows:
 - (a) 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 the Township Planner.
 - (b) 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.
 - (c) 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.
- (4) 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 the permanent records of each of the following Township departments: Planning Commission, Township Board, Township Planner, and Building Department. One copy appropriately designated "Approved" or "Denied" shall be transmitted to the applicant.
- (5) Effect of Approval.
 - (a) 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, street layout, and application of the then-current subdivision regulations.

The one (1) year period may be extended for 180 days if applied for in writing by the proprietor prior to the expiration date and granted by the Township Board in writing. The Township Board shall 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, and application of the then-current subdivision regulations) 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(C).

- (b) 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.

- (6) Additional Submissions. After the Township Board grants tentative approval of the preliminary plat, the proprietor shall submit copies of the preliminary plat to each officer or agency entitled to receive these copies under section 3.6.B(5)(d). The offices or agencies will simultaneously review and take action on the plan within the 30-day time period.

Section 3.7 Final Preliminary Plat Review

- A. **Submittal Requirements.** Ten (10) copies of the final preliminary plat, sealed by the engineer or surveyor who prepared the plat, shall be submitted to the Township Clerk or other designated Township official or staff, along with the completed application, the fee authorized by the Township Board, and a copy of the drawings in digital format. Additional copies may be requested if necessary for subsequent review by other agencies.

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 the Township on a compact disc (CD) or via email, in either .dwg or .dxf file format, or another file format that is deemed acceptable to the Township.

- B. **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.B, plus the following information:

- (1) 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.

- (2) A written explanation of any proposed restrictions on construction traffic.
- (3) Preliminary engineering plans shall be provided as follows:
 - (a) 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.
 - (b) At minimum, the preliminary engineering plans shall show the general 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.
 - (c) The preliminary engineering plans shall show connections to any existing or proposed gas, electric, telephone, cable television or other utility systems.
 - (d) If the subdivision will not be served by sanitary sewers, the plans shall show the locations and results of all soil borings in sufficient detail to demonstrate that it would be feasible to create the subdivision relying on septic systems.
- (4) A detailed drawing to scale of any proposed entry features including specifications and/or elevations, locations of walls, landscaping, signs, and lighting.
- (5) General information concerning the proposed Construction Operations Plan, as described in Section 3.8.D(2).
- (6) 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 three (3) copies of the final preliminary plat bearing the necessary approvals of all authorities as required by the Land Division Act and this ordinance. The agencies shall make a decision on the preliminary plan within thirty (30) days after receipt. If the preliminary plat is approved, the agency shall note its approval on the copy that will be returned to the proprietor. If the preliminary plat is approved subject to conditions or rejected, the reasons for rejection and requirements for approval shall be given in writing to the proprietor and each of the other to which the proprietor was required to submit the preliminary plat. These agencies include:
 - (a) Branch County Road Commission, if the proposed subdivision abuts or includes roads that fall within the Road Commission's jurisdiction.
 - (b) Branch County Drain Commissioner.

- (c) Michigan Department of Transportation, if any of the proposed subdivision abuts a state road, or includes streets or roads that connect with or lie within the right-of-way of state roads.
- (d) 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.
- (e) Branch County Public 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 Public Health Division's jurisdiction.
- (f) Branch County 911 Emergency Management or their designee for verification that proposed street names do not duplicate or conflict with existing street names.
- (g) 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.
- (h) If the land proposed for subdivision abuts a natural resource (lake, stream, channel or lagoon), the plat shall also be submitted to the Department of Natural Resources (MDNR) for review.

C. **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:

- (1) 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.
 - (a) An increase in the number of lots.
 - (b) An increase or decrease in the buildable area of any lot by over ten percent (10%).
 - (c) 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.

- (d) Expansion of a construction zone into areas which were previously shown as "not to be disturbed."
 - (e) Realignment of proposed roads and intersections.
 - (f) Change in the basic layout of the subdivision and lots.
 - (g) An increase in the volume or surface coverage of a detention or retention basin by more than ten percent (10%).
 - (h) Deletion of sidewalks, bicycle paths or nature trails.
- (2) 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.
- (a) Decrease in the number of lots without changing the basic layout.
 - (b) 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.
 - (c) 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.
 - (d) Change in location of monuments or lot markers to correct surveying errors.
 - (e) Increase in the amount of landscaping.
 - (f) Replacement of landscape species with other species.
 - (g) The addition of sidewalks, bicycle paths, and nature trails.
 - (h) A change in entranceway design that still meets ordinance requirements.
 - (i) Minor relocation of a stormwater detention or retention basin.

D. Review Procedures.

- (1) Initial Review. Upon receipt of the final preliminary plat, the Township Planner 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 is received. The "date of filing" shall be considered the date on which a plat containing all required data is received by the Township.

- (2) Submission of Application and Placement on Township Board Agenda. The complete application shall be submitted no more than 20 days prior than the Township Board's next regularly scheduled meeting but no less than 15 days prior to the Board's next regularly scheduled meeting, unless the applicant has waived the review deadlines in writing pursuant to Section 3.2 of this Ordinance. If a complete application is submitted within that window, the item shall be placed on the agenda for the Township Board's next regularly scheduled meeting.
- (3) Distribution for Review. Copies of the plat shall be distributed to the 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.
- (4) Review Deadline. The Township Board shall take action on the final preliminary plat 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.
- (5) Planning Commission Review. The Planning Commission may review the application for Final Preliminary Plat approval if requested by the Township . In such a case, a special meeting of the Planning Commission shall be held (at a fee consistent with the Township fee schedule, which may be waived by the Township Board) or a combined meeting of the Planning Commission and the Township Board will be conducted. The Planning Commission shall review the Final Preliminary Plat and make a recommendation to approve, approve with conditions, or deny the plat.
- (6) Township Board Action. The Township Board shall approve, conditionally approve, or disapprove the proposed final preliminary plat, as follows:
 - (a) 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 the Township Planner.
 - (b) 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.
 - (c) 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.
- (7) Notification. The Clerk or the Clerk's designee 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 the permanent records of each of the following Township departments: Planning Commission, Township Board, Township Planner, and Building Department. One copy of the plat appropriately designated "Approved" or "Denied" shall be transmitted to the applicant.

- (8) 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 for one (1) year 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 (or Township Planner if so designated by the Clerk) shall notify the other approving authorities. If such extension is granted, the Township Clerk or other designated Township Official or staff, shall provide written notice of the extension to the other approving authorities.

Section 3.8 Completion of Subdivision Improvements

- A. **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, in concert with the Township or other public body, does form or cause to be formed a special district or districts to finance or construct required improvements (e.g., special assessment district, tax increment finance district, etc.), such action does not release the proprietor 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 final preliminary plat, the approvals of other authorities, the regulations in this ordinance (particularly Article 5.00), 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:

- (1) **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 Consumer and Industry Services. 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.

- (2) Streets (including curbs and gutters, where applicable).
- (3) Utility lines.
- (4) Storm drainage.
- (5) Water supply system.
- (6) Sanitary sewer system.
- (7) Street Signs.
- (8) Sidewalks, Pedestrian-Bicycle Pathways, and Crosswalks.
- (9) Landscaping, including street trees.
- (10) Soil Erosion and Sedimentation Control Measures.
- (11) Mailbox clusters, if required by the U. S. Postal Service.
- (12) Other Improvements. Other improvements proposed by the proprietor and made a part of the approved final preliminary plat; including, but not limited to improvements in common areas, playground or recreation facilities, school bus waiting shelter, creation of conservation easements, etc.

B. **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.

C. **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 proprietor to enter into a Subdivision Improvement Agreement by which the proprietor 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:

- (1) 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 Section 21.07 of the Zoning Ordinance. A performance guarantee shall not be required by the Township for improvements covered by a performance guarantee required by another agency.

- (2) 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.
- (3) Completion of Improvements. Upon substantial completion of all required improvements, the proprietor shall notify the Township Building Department 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 that are under the jurisdiction of the Township and shall file a written report with the Township Building Department indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any partial approval or rejection. The cost of the improvements as approved or rejected shall be listed.
- (4) Approval of Improvements. The Township Engineer shall either approve, partially approve, 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 proprietor 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.
- (5) Partial Approval. Where partial approval is granted, the proprietor shall be released from all liability except for that portion of improvements not yet approved.
- (6) Sidewalk Installation. The proprietor of the plat may pass the responsibility for construction of sidewalks, bicycle paths, and other pedestrian/leisure paths onto the builders of homes on each lot, provided that a performance guarantee covering the full cost of the sidewalk or path is submitted to the Township prior to expiration of the proprietor's performance guarantee.

D. 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 Official.

- (1) 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; ponds; and signs. Cost estimates for each such improvement shall be included.
- (2) Construction Operations Plan. The proprietor shall also submit a Construction Operations Plan for review and approval, which shall include the following information. The Township Board may require more or less information for the

Construction Operations Plan and may waive the requirement for a construction operations plan in its entirety.

- (a) 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.
 - (b) 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.
 - (c) The methods and frequency of dust control (including dust, dirt, and other material deposited or tracked onto public streets).
 - (d) The 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).
 - (e) 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.
 - (f) The methods that will be used to notify subcontractors of the requirements in the Construction Operations Plan.
 - (g) The 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.
- (3) Covenants and Restrictions. If a homeowners association is proposed, the proprietor shall submit a copy of the declaration of covenants and restrictions that will govern the association, which shall be subject to review and approval of the Township Attorney, Township Engineer, and Township Planner. 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.

- (4) 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.
- (5) Review by Other Authorities -- Proprietor's Responsibility. It shall be the responsibility of the proprietor to obtain review and approval of construction plans and specifications for public improvements that are under the jurisdiction of authorities other than the Township. 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.

E. Authorization to Proceed.

- (1) Proprietor Requirements. Authorization to proceed with construction may be granted after:
 - (a) Construction plans and specifications have been approved by the Township and other applicable authorities, and
 - (b) The proprietor has submitted evidence of public liability and property damage insurance in a form and amount specified by the Township, and
 - (c) The proprietor has submitted an inspection fee deposit in an amount specified by the Township.
- (2) Preliminary Site Work. Notwithstanding the preceding requirements, subsequent to final preliminary plat approval the proprietor may apply for a permit from the Building Inspector to begin excavation and site grading, provided that the final grading plan has been approved by the Township Engineer. Upon receipt of the grading permit, the proprietor may commence construction to the grades and elevations specified on the approved grading plan. The Building Inspector shall seek the opinion of the Township Board and/or the Planning Commission prior to issuing a permit.
- (3) Construction of Homes Prior to Final Approval. The Building Official 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:
 - (a) The lots on which such homes are constructed shall be described by a metes and bounds description and shall have direct access to an existing county road, except as noted in item (b), following.

- (b) The proprietor 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.
 - (c) 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.
- (4) The applicant has given no reason for the Township to be concerned that the development might not be completed or that the final plat might not be approved.

F. **Pre-Construction Meeting.** At least ten (10) days prior to construction of subdivision improvements, including site grading, the contractor shall contact the Building Official 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, unless otherwise notified by the Building Official.

Except where proposed improvements include only site grading, those invited to attend shall include, but may 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 Branch County Road Commission, representatives from the Branch County Drain Commission, representatives from the Michigan Department of Transportation (if the project abuts a state highway), and the Building Official. In addition, utility companies, representatives of the owners of the waste water treatment facility, 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 Building Official and representatives from the Branch County Drain Commission.

G. **Inspections.** No work on water mains, sanitary sewers, storm drains and retention basins, and paving shall proceed without prior notification of the Building Official to allow the Township to schedule inspections, as deemed necessary. The contractor or proprietor shall contact the Building Official 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.

- H. **Field Changes.** Where actual conditions encountered on the construction site warrant design modifications, such modifications may be permitted, subject to the following conditions:
- (1) Prior written review and approval by the Building Official shall be required (the Building Official may seek the advice of the Township Engineer or others prior to making a decision).
 - (2) All such modifications shall comply with the regulations in this Ordinance and other applicable ordinances, laws, and codes.
 - (3) The modifications shall not result in significant changes to the subdivision layout, lot sizes, or lot 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. Changes to the subdivision layout or lot size and dimensions that result in one or more lots that do not satisfy the Zoning Ordinance's minimum dimensional requirements shall not be permitted.

- I. **Escrow Deposits for Seasonal Improvements.** If certain improvements cannot be completed because of the season of the year, the Building Official 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 and irrevocable letter of credit for the full cost of the uncompleted improvements plus a reasonable administrative fee. All required seasonal improvements for which escrow funds have been accepted shall be installed by the proprietor 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 Official shall give notice to the proprietor that the improvements shall be installed within two (2) weeks. If the improvements are not properly installed after two (2) weeks, the Building Official may request the Township Board to authorize proceeding 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 proprietor 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 proprietor.

- J. **Final Inspections and Acceptance.**

- (1) 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.

- (2) As-Built Plans. As-built plans (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

- A. **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.
 - (1) Ten (10) copies of 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, and as amended by Michigan Public Act 525 of 2004, as amended. Additional copies may be requested for review by other agencies.
 - (2) 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.C.
 - (3) 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.
 - (4) 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.
 - (5) The proprietor shall submit, where applicable, recorded copies of the declaration of covenants and restrictions, conservation easements, and deeds of any common areas to homeowners associations.
- B. **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.
- C. **Initial Review.** Upon receipt of the final plat, the 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.
- D. **Submission of Application and Placement on Township Board Agenda.** The complete application shall be submitted no more than 20 days prior than the Township Board's next regularly scheduled meeting but no less than 15 days prior to the Board's next

regularly scheduled meeting, unless the applicant has waived the review deadlines in writing pursuant to Section 3.2 of this Ordinance. If a complete application is submitted within that window, the item shall be placed on the agenda for the Township Board's next regularly scheduled meeting.

- E. **Distribution for Review.** Copies of the final plat shall be distributed to the Planning Commission, the Township Planner, the Township Engineer, and the Building Official for review. The Planner, Engineer, and Building Official 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 Township Board of their findings.

The proprietor shall also submit one true copy of the final plat to the following applicable departments. They are to be reviewed simultaneously, and they shall take action within the times specified in the Land Division Act, Michigan Public Act 288 of 1967, as amended by Michigan Public Act 525 of 2004, as amended.

- (1) Drain Commissioner
- (2) Board of County Road Commissioners
- (3) Township clerk
- (4) Michigan Department of Transportation (MDOT)

- F. **Planning Commission Review.** The Planning Commission may review the final plat if requested by the Township. In such a case, a special meeting of the Planning Commission shall be held (at a fee consistent with the Township fee schedule, which may be waived by the Township Board) or a combined meeting of the Planning Commission and the Township Board will be conducted. The Planning Commission shall review the final plat and make a recommendation to approve, approve with conditions, or deny the plat.

- G. **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 Zoning Ordinance, the Master Plan, 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:

- (1) 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.
- (2) 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

- A. Proposals to construct residential or non-residential structures shall comply with the review and permit requirements in the adopted Building Code and Zoning Ordinance.
- B. 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 that accomplish the following objectives:

- A. A development pattern consistent with that described in the Township Master Plan;
- B. Respect for the natural features on the site, and preservation of significant environmental resources;
- C. Minimize negative impacts on adjacent properties, both during and after construction;
- D. Promote continuity in the public street and utility systems;
- E. Help ensure adequate accessibility for emergency vehicles;
- F. Provide links to non-motorized facilities and links between open space, whether public or private; and
- G. 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.

- A. **Wetlands.** The design of subdivisions shall comply with the Natural Resources and Environmental Protection Act (Michigan Public Act 451 of 1994, 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 5.3 below).
- B. **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 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.

- C. **Floodplains.** Portions of plats located within any area of Special Flood Hazard, as indicated on FEMA flood insurance rate maps, 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:

A. **General Lot Arrangement.**

- (1) Every lot in a subdivision or site condominium shall front on and have direct access to a public road.
- (2) 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.
- (3) 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. 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.
- (4) Lots shall have a front-to-front relationship across all streets where possible.
- (5) Reverse frontage lots are prohibited, except as permitted in Section 4.3.A(3), above.
- (6) Except for corner lots, lots less than one (1) acre in area shall not have frontage on more than two public streets, except for lanes or alleys.
- (7) Lots facing a three-way intersection (T-intersection) should be aligned to prevent on-coming headlight glare into the building envelope of the living area.
- (8) Blocks shall generally be designed with tiers of two lots placed back to back, except where lots back onto an arterial road, natural feature or subdivision boundary.
- (9) Corner lots shall have access only to the lesser traveled roadway.

- (10) 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.

B. Lot Sizes and Shapes.

- (1) 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. Reduced lot sizes shall be permitted in conformance with the Open Space Preservation standards contained in Section 16.02 of the Zoning Ordinance.
- (2) 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 required by the Zoning Ordinance.
- (3) Lots occupied by wetlands. A portion of each lot may be occupied by wetlands provided that, if wetlands are present on the lot, the proprietor can demonstrate that adequate buildable area will exist on each lot without intruding into the required setbacks.
- (4) 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.
- (5) 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.
- (6) Lot frontage. Each lot shall have adequate frontage on and access to an approved public road of the Branch County Road Commission.
- (7) Building setbacks. Lots shall be of sufficient size and proportion to accommodate the minimum required yard depths listed in the Zoning Ordinance for the district in which the subdivision is located.
- (8) 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.
- (9) Flag lots. Flag lots shall be avoided if possible. If unavoidable, lot frontage shall meet minimum width requirements.

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 Branch County Road Commission, shall adopt any statute, ordinance, rule or regulation imposing additional, or more requirements, then the provisions of such statute, ordinance, rule or regulations shall govern.

- A. **Compliance with Branch County Road Commission and Michigan Department of Transportation Standards.** The standards of this section are intended to comply with the public road standards of the Branch County Road Commission and the Michigan Department of Transportation.
- B. **Conformance with Township Master Plan and County Standards.** The layout of the street system shall conform to the goals, policies, and implementation strategies recommended in the transportation element of the Township Master Plan. Street functional classification, rights-of-way and alignments shall also conform with standards or plans established by the Branch County Road Commission.
- C. **Relationship to Natural Features and Grades.** Streets shall be aligned to maximize the preservation of natural features and existing grades to the extent feasible.
- D. **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, stub roads shall be extended to the boundary line of the parcel to make provision for the future road connections. Where stub streets have been provided on adjoining property, the arrangement of roads in an adjoining new subdivision or site condominium shall align and connect with the stub streets to achieve road system continuity. The proprietor 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.

- E. **County Local Roads.** The proposed subdivision road layout shall be designed to discourage through traffic and excessive speeds.
- F. **Lanes.** Lanes or alleys may be permitted in areas of detached single and two-family subdivisions, and multiple dwelling or commercial subdivisions, unless other provisions are made for service access, off-street loading, and parking. Dead-end lanes are prohibited.
- G. **Half Roads.** Half roads shall be prohibited. Wherever a half road exists at the time of adoption of this ordinance adjacent to the parcel to be subdivided, the other half shall be platted, dedicated and recorded to make a complete road.

- H. **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 Branch County Road Commission.
- I. **Maximum Length for Blocks.** Blocks, or the length of any road constructed for any phase of a subdivision, shall not be less than three hundred (300) feet, nor longer than nine hundred (900) feet. The Township Board, upon recommendation from the Planning Commission, may approve a plat which varies from these dimensions upon consideration of any or all of the following:
- (1) 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;
 - (2) Recommendations from the police and fire departments;
 - (3) Recommendations from the Branch County Road Commission; and
 - (4) 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.

- J. **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 Branch County Road Commission. Cul-de-sac radii, right-of-way and pavement standards shall be designed in accordance with Branch County Road Commission standards.

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 (35) lots would result in approximately three hundred fifty (350) or more trips 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:

- (1) The turnaround circle at the end of a cul-de-sac, plus
- (2) The dead-end road; and
- (3) 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.

- K. **Minimum Right-of-Way Widths.** The minimum road right-of-way width for subdivisions shall be based on applicable Branch County Road Commission 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.

The Planning Commission may approve reduced right-of-way widths in areas of the Township's Master Plan designated for higher density development with the approval of the Branch County Road Commission as well.

- L. **Location of Major Entrances along County Primary Roads.** The intersection of subdivision streets with County Primary Roads should be limited to half mile or quarter mile points along the arterial streets where both of the following conditions exist:

- (1) The subdivision street is expected to have an average daily traffic volume of over two thousand (2,000) trips per day, and
- (2) The potential for traffic signalization exists on the Primary Road in the future.
- (3) Intersections that do not meet these conditions shall comply with the spacing requirements in sub-section M, 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.

- M. **Spacing of Intersections Along County Primary or Local Roads.** Except as noted in the previous sub-section, streets intersecting a County Primary or Local 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 or platted streets across the street. If offset, the centerline offset of adjacent intersections shall be at least two hundred fifty (250) feet from such streets or roads. Lesser offsets may be approved where there are numerous streets or where adequate sight distance would be compromised.

- N. **Design at Entrances.** If a significant number of vehicles are expected to turn into or out of a proposed street at an intersection with a primary road or state highway during a peak hour, deceleration and acceleration lanes and tapers shall also be provided if required by the Branch County Road Commission. A passing lane may also be required. All must be designed according to the standards of the Branch County Road Commission. Boulevard entrances to subdivisions are permitted by the Township, subject to Branch County Road Commission approval.

- O. **Internal Street Offsets.** 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.

- P. **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 Branch County Road Commission.
- Q. **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 (80) degrees.
- R. **Street Names.** Street names shall be distinct from other street names in the County to avoid confusion, particularly for emergency service providers. Proposed street names shall be reviewed and approved by the Township Planner, the Branch County Road Commission, and Branch County 911 Emergency Management as a part of the preliminary plat approval process.
- S. **Signs.** The proprietor shall be responsible for placement of street name signs at all street intersections in accordance with the requirements of the Branch County Road Commission. The proprietor 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 or required by the Township or the Road Commission. All regulatory signs shall be in conformance with the Michigan Manual of Uniform Traffic Control Devices.
- T. **Stormwater Drainage.** Open drainage along roads may be permitted by the Township, except where curbs and gutters are required by the Branch County Road. Open drainage or curb and gutter design and construction shall be in accordance with the specifications of the Branch County Road Commission.
- U. **Street Lighting.** Street lighting shall be required at the intersection of each subdivision street with an arterial or collector road. In addition, street lighting may be required throughout the subdivision, including at road intersections within the subdivision, 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 public safety criteria. The proprietor is encouraged to consult the Township Zoning Ordinance, the Master Plan, and other resource materials on file with the Township to determine the appropriate type of light fixtures. A street lighting plan, including a photometric plan, cut sheets of light fixtures, as well as the location of all proposed street lighting fixtures, shall be submitted with all plat applications.
- V. **Street Construction Requirements.** All streets and appurtenances thereto shall be constructed in accordance the specifications of the Branch County Road Commission.
- W. **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 Paths

- A. Sidewalks, bicycle paths, bicycle lanes (a portion of the road that has been designated by striping and signs), and/or other leisure paths 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 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, proximity to schools, parks and public institutions, and the goals and policies of the Master Plan.
- B. 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.
- C. Any yard which abuts a pedestrian easement shall provide the required minimum building setback, as applicable, from the easement.
- D. All sidewalks shall be paved with concrete, have a minimum width of five (5) feet, and be constructed in accordance with Township and/or Branch County Road Commission engineering standards.
- E. Bicycle and other leisure paths shall be paved with asphalt and shall be at least ten (10) feet wide and constructed in accordance with Township and/or Branch County Road Commission engineering standards.
- F. Grades shall be clearly illustrated on the plans to insure proper connection to sidewalks and bicycle paths on adjacent lands.
- G. 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.
- H. Crosswalk pavement markings and signs may be required by the Township. Crosswalks shall be in accordance with the requirements of the Branch 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.

- I. **Procedure.** Mailbox clusters of four (4) or more, if required by the United States Postal Service, must be indicated on the final 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 branch having jurisdiction in the area. Any approvals from or recommendations of the United States Postal Service shall be submitted to the Township with the plat. Changes in the location of mailbox clusters may be made with the approval of the Planning Commission.

- J. **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.

- K. **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:

A. **General Standards.**

- (1) The development and planting of required landscaping shall be the responsibility of the proprietor, not the individual lot owner.

- (2) 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.

- (3) The landscape plan shall be approved by the Township Board at the time of tentative preliminary plat approval, upon recommendation of the Planning Commission, in consideration of the above and compatibility with the visual character of the surrounding area.

- (4) Landscaping shall comply with minimum sight line standards required by the County Road Commission.

- (5) Conflict with utilities should be avoided. Provide sufficient distance from utility easements for landscape material placement. Avoid planting directly above underground wires.

B. **Subdivision Lot Trees.**

- (1) A minimum of three new trees is required for each lot in a subdivision.
- (2) The new trees shall be planted so that each lot has at least one (1) canopy tree in the front yard and each corner lot has at least three (3) canopy trees in the front yard. The remaining trees may be planted elsewhere within the subdivision lot. Trees shall be placed to avoid future driveway locations and any utility or right-of-way easements, if known.
- (3) Trees planted within subdivision lots shall be at least fifty (50) feet from the intersection of two (2) street right-of-way lines or access easements.
- (4) Trees planted within subdivision lots shall be planted in accordance with the setback standards established by the Branch County Road Commission.

C. Landscaping in Cul-De-Sacs.

- b. 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).
- c. Canopy trees shall be maintained so that the lowest branch that is greater than one (1) inch in diameter is a minimum of eight (8) feet above the elevation of the street surface.
- d. 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").
- e. Maintenance for all cul-de-sac landscaping shall be the responsibility of the Association or the Proprietor.

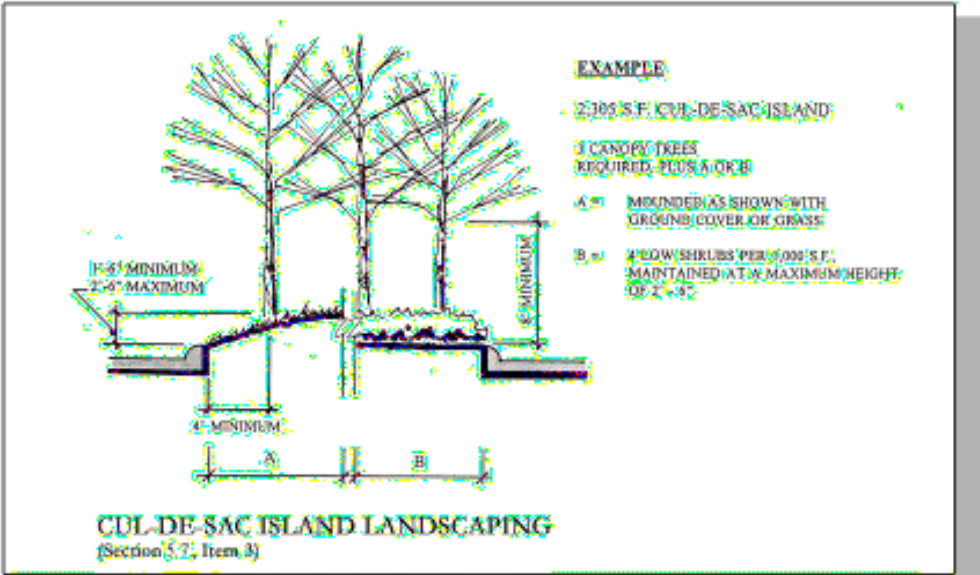
D. Subdivision Entrances. Subdivision entrances may include landscaping, lighting, identification signs, wrought iron fences or other architectural features. Maintenance shall be the responsibility of the Association or the Proprietor. All such features shall comply with the Zoning Ordinance. Details of the entranceway shall be submitted with the final preliminary plat application.

E. 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 high voltage power transmission lines (69 kV to 765 kV). This buffer zone may include trees, shrubs, berms, fences, walls or a combination thereof in accordance with the Zoning Ordinance.

E. Required Landscape Greenbelt. When a subdivision borders on a state highway or county primary road and wherever a rear yard abuts a road, an easement for construction of a minimum twenty (20) foot wide landscape greenbelt shall be provided. The required

easement width shall be a minimum of 25 feet, so as to adequately accommodate the proposed twenty foot landscape greenbelt. This landscape greenbelt 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:

- A. Dedication to the Township or a conservancy.
- B. Reservation of land for the use of property owners by deed or covenants.
- C. Reservation for acquisition by the Township or School Board within a specified period after recording of the final plat. Said reservation may 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.

Section 4.9 Easements and Reserve Strips

- A. **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 proprietor to submit copies of the approved preliminary plat to all appropriate public utility agencies.
- B. **Drainage Ways.** Easements for drainage ways, detention and retention ponds and other parts of the stormwater management system shall be provided, as required by the Township Engineer, Branch County Drain Commissioner and/or the State Drain Code, as applicable.
- C. **Municipal Services.** The Township may require easements to provide access for municipal water and sanitary sewer facilities, if and when such facilities become available, and to insure the extension of such services to adjoining lands.
- D. **Common Areas.** The proprietor shall provide access easements to parks, open space and other common areas.
- E. **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 that 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.

A. **Wastewater Treatment.**

- (1) 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.
- (2) In areas outside of the public sanitary sewer service area, septic tanks and disposal fields shall be utilized so long as they comply with all requirements of the Branch-Hillsdale-St. Joseph County Health Department, Branch County and the State of Michigan, unless otherwise prohibited by this ordinance or the Zoning Ordinance.

B. **Water Supply.**

- (1) 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.
- (2) 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 the Branch-Hillsdale-St. Joseph County Health Department, Branch County, the State of Michigan and the Township unless otherwise prohibited by this ordinance or the Zoning Ordinance.

C. **Storm Drainage.**

- (1) An adequate storm and surface water drainage system that meets all requirements of the Township and the Branch 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.
- (2) 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.

- (3) 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.
- (4) 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 pre-development levels.
- (5) 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.
- (6) 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.
- (7) 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:
 - (a) The maximum side slope for such ponds shall not exceed a one (1) foot rise per five (5) foot run.
 - (b) The outside edges of such ponds shall provide adequate space for landscaping, which shall be depicted on a landscape plan.
 - (c) 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.
 - (d) Ponds shall be designed to appear as natural landscape features. Accordingly, a curvilinear shape is generally desired. Where feasible, ponds shall be incorporated into common subdivision open space.

D. Soil Erosion and Sedimentation Control.

- (1) In the event that any subdivider or proprietor 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 Branch County Drain Commissioner, or other appropriate agency, for approval of a plan for soil erosion and sedimentation control.

- (2) No certificate of occupancy shall be issued until:
 - (a) Final grading has been completed in accordance with the approved final plat.
 - (b) 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.
 - (c) The lot has been seeded, covered with sod, or covered with the appropriate ground cover.
- (3) Where, because of seasonal conditions final grading will be delayed, the Township may accept a performance guarantee as described in Section 3.8 and the Zoning Ordinance.

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

- (1) 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.
- (2) The Township Board, upon recommendation from the Planning Commission, may waive or modify this requirement where it finds that underground utilities would be impractical.
- (3) 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 a private easement, which shall generally be located at the rear 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. 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, the proprietor, and the individual owners of lots on which the improvements are located.

Section 5.2 Interpretation, Conflict, and Severability

- A. **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.
- B. **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.
- C. **Severability.** If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid or unconstitutional provision or application, and to such end, the provisions of this Ordinance shall be severable. If any provision of this Ordinance or its application to any person or circumstance is held to be over broad, that provision or application will nevertheless be enforced to the fullest extent permitted by law.

Section 5.3 Fees

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

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

Section 5.4 Waivers

- A. **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 and Township Board in their analysis of the proposed waiver.
- B. **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 would result from strict compliance with specific provisions or requirements of the Ordinance or on a finding that a waiver would result in an improved layout, 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:
 - (1) 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.
 - (2) The granting of the waiver will not be detrimental to the public welfare or injurious to other property in the area.
 - (3) 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.

- (4) Such waiver will not have the effect of nullifying the intent and purpose of this Ordinance and the Master Plan of the Township.
- (5) 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.

- C. **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.
- D. **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 accordance with Section 21.07 of the Township Zoning Ordinance.

Section 5.6 Enforcement

Enforcement of this Ordinance shall be chiefly the responsibility of the Township Zoning Administrator, or his/her designee, who shall have the authority to enforce this Ordinance in accordance with requirements and procedures set forth herein. He or she, or his/her designee 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

- A. **Misdemeanor.** Any violation of this Ordinance is a municipal civil infraction. Any person who is convicted shall be subject to punishment by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) per infraction, plus costs and other sanctions ordered by the Court for each 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.

The imposition of any sentence shall not exempt the offender from compliance with the requirements of this ordinance or any other ordinances. Any violation of this ordinance is a nuisance per se and may be abated by the Circuit Court through injunctive relief.

- B. **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 6.7 of this ordinance, the Township may commence and prosecute appropriate actions in the Circuit Court for the County of Branch 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

Excepting the Township's Land Division Ordinance, 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 thirty days following its publication.

Adoption and Recommendation by Planning Commission: _____

Adoption by Township Board: _____

Effective Date: _____

Appendix A

Review Procedures

Figure 1 Overall Summary of Subdivision Process

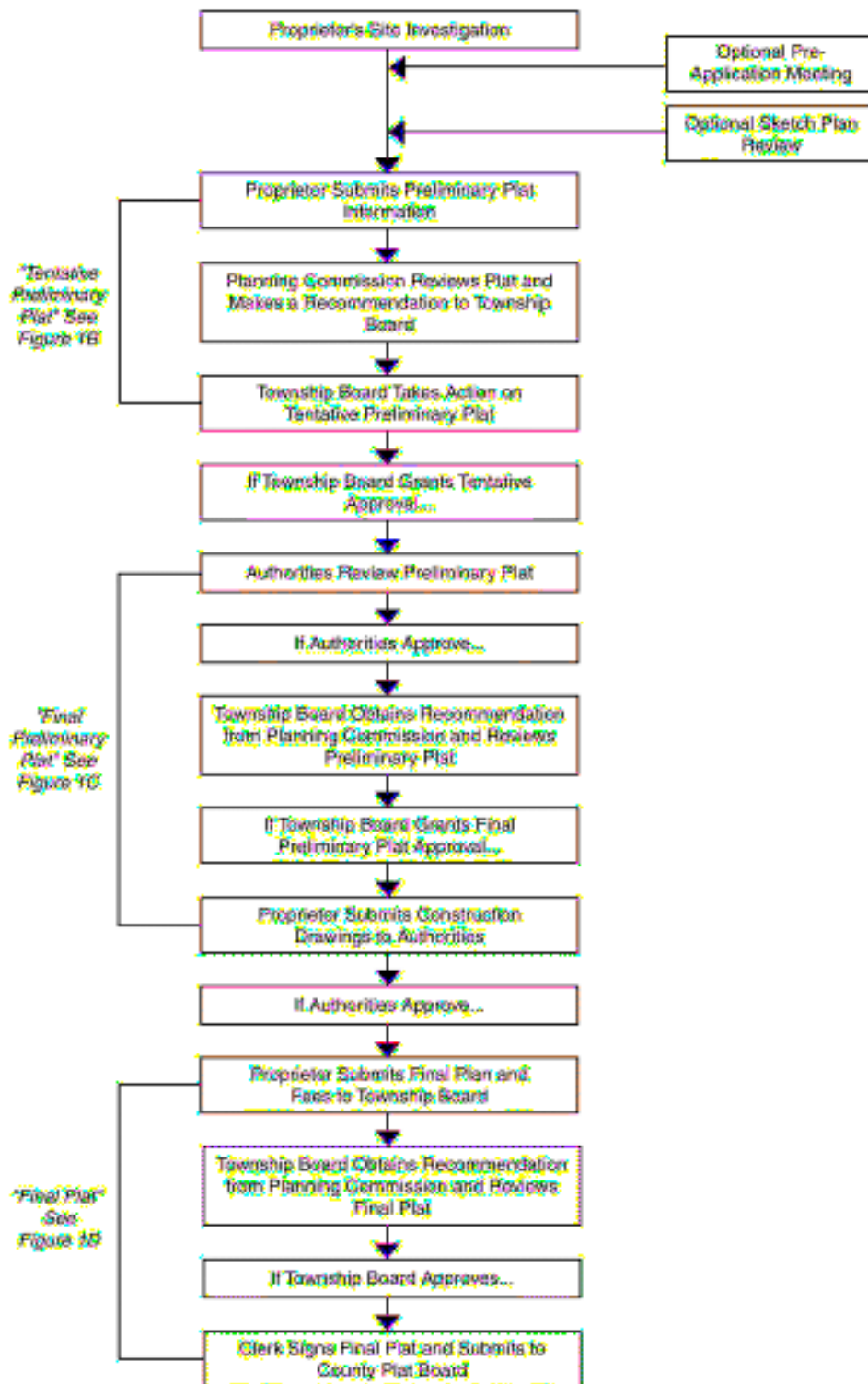


Figure 2 Tentative Preliminary Plat Approval Process

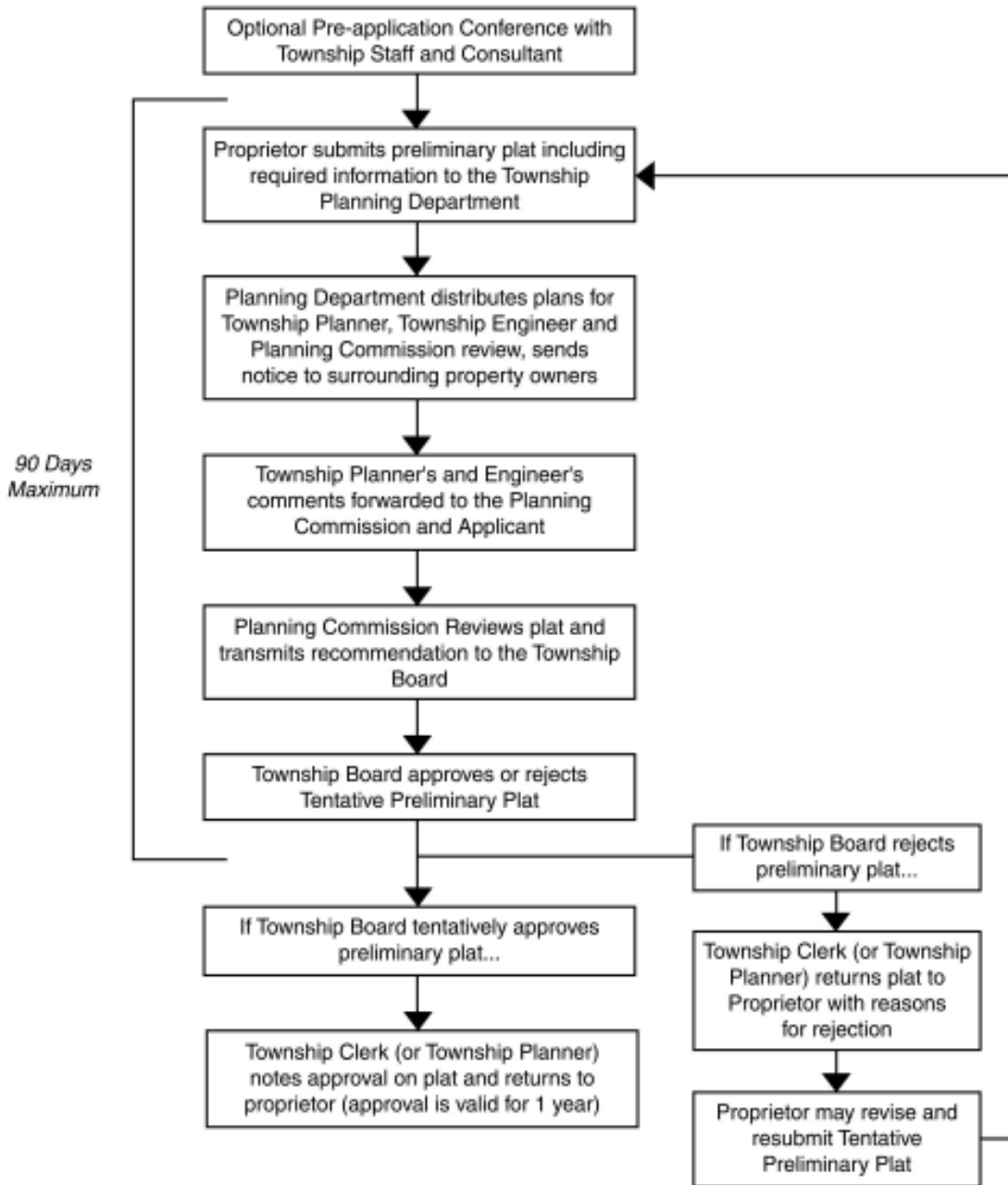


Figure 3 Final Preliminary Plat Approval Process

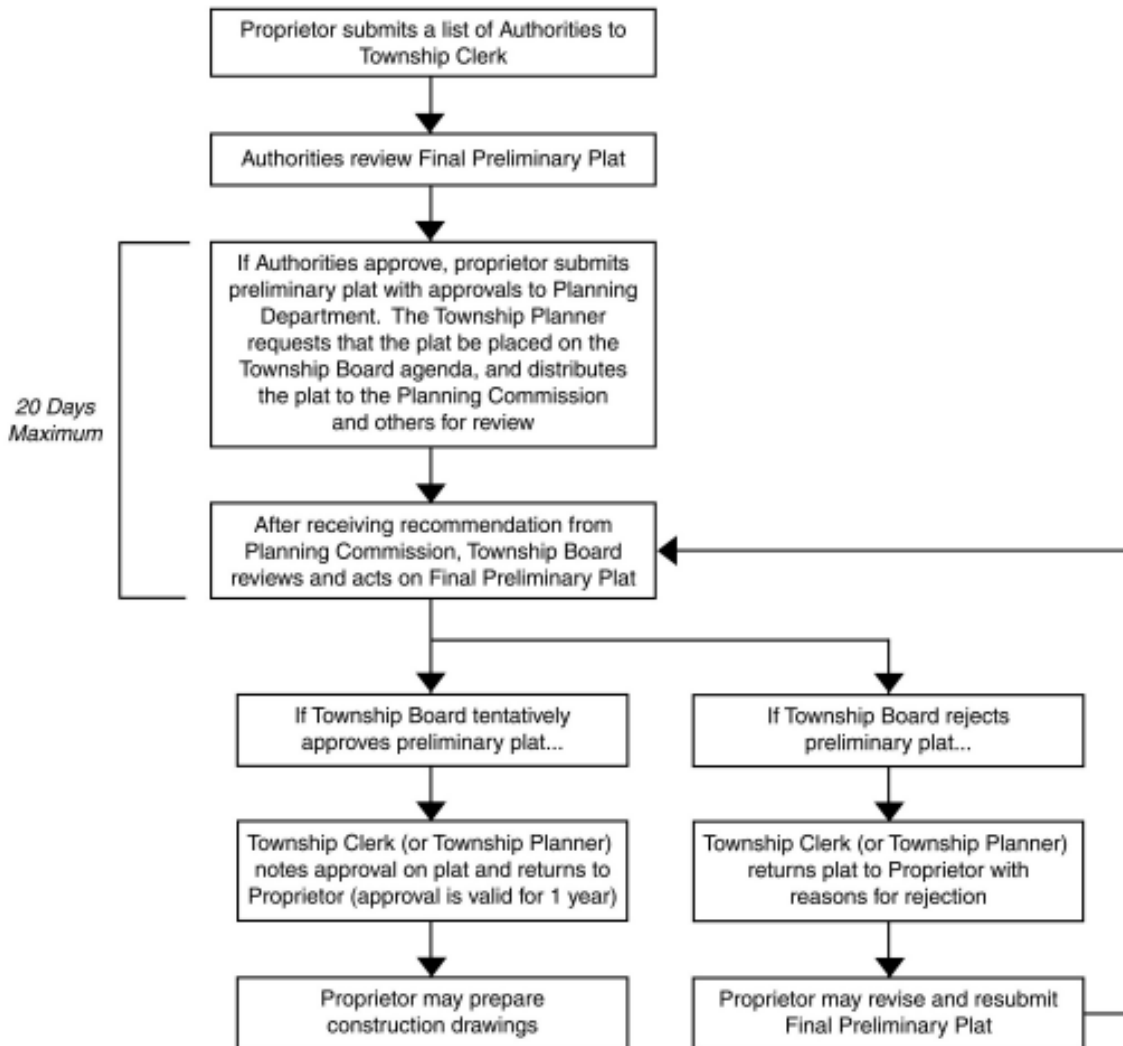
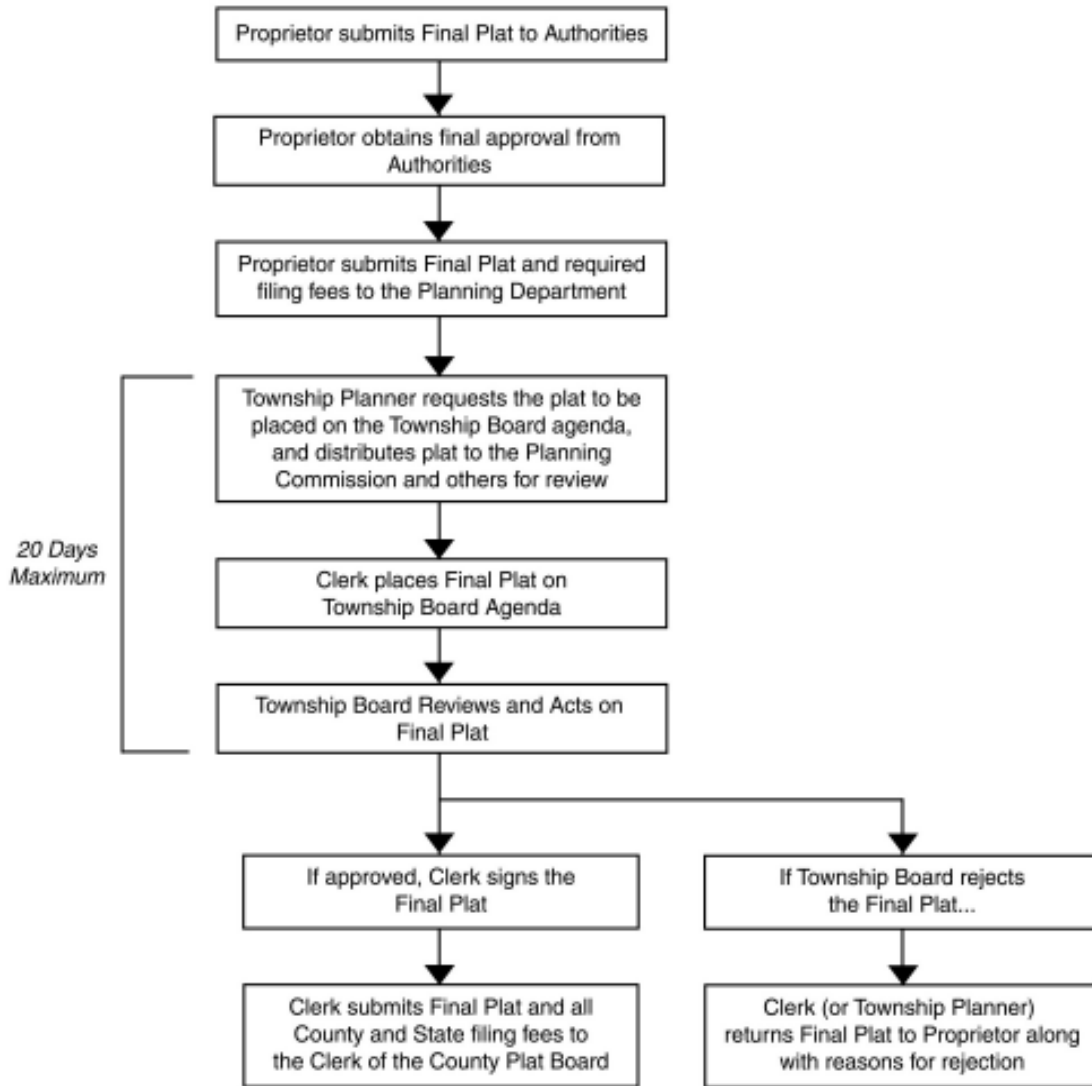
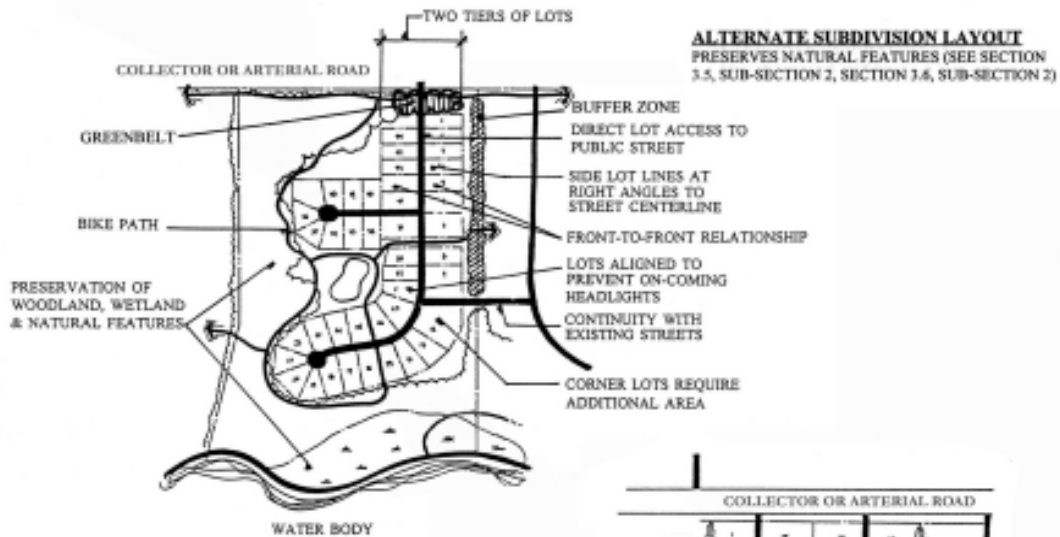
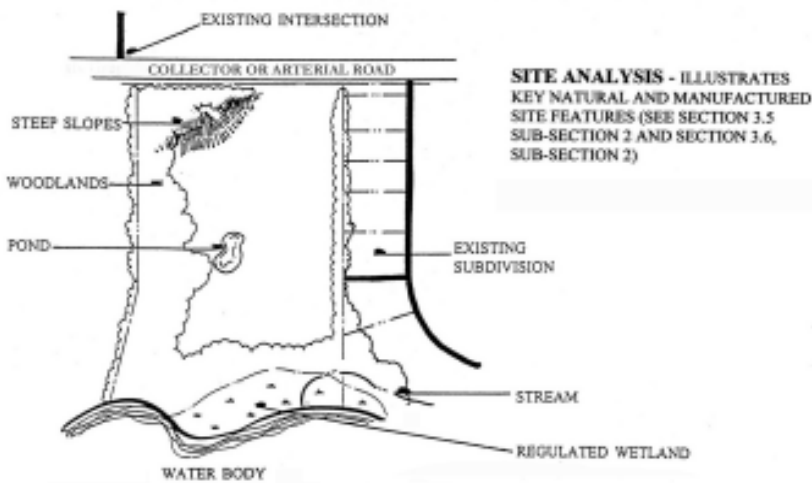


Figure 4 Final Plat Approval Process



Appendix B Illustrations



PARALLEL PLAN - ILLUSTRATES APPROXIMATE LAYOUT OF STREETS, BLOCKS AND LOTS BASED ON CONVENTIONAL STANDARDS (SEE SECTION 3.5, SUB-SECTION 2)



REQUIRED MAPS AND ANALYSES