

Chapter 117

SUBDIVISIONS AND OTHER DIVISIONS OF LAND*

* **State Law References:** Land Division Act, MCL 560.101 et seq.

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ARTICLE I.

IN GENERAL

Secs. 117-1--117-19. Reserved.

ARTICLE II.

SUBDIVISIONS

DIVISION 1.

GENERALLY

Sec. 117-20. Purpose.

The purpose of this division is to regulate and control the subdivision of land in order to promote safety, public health and a general welfare in the township and to provide for orderly growth and development of the township.

(Compiled Ords. 1990, § 17.001(B))

Sec. 117-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

County road commission means the board of road commissioners of the county.

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

Health department means the county health department.

Improvements means any structure incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals, and other appropriate items, with appurtenant construction.

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

Proprietor means a person, firm, association, partnership, corporation, or combination of any of them which may hold a recorded or unrecorded ownership interest in land. The proprietor is also commonly referred

to as the owner.

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

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

Surveyor means a land surveyor, civil engineer or other person who is registered in this state as a registered land surveyor.

Zoning ordinance means the township zoning ordinance, as amended.
(Compiled Ords. 1990, § 17.001(C))

Sec. 117-22. Compliance with other laws.

This article is not to conflict with pertinent state laws, in particular the Land Division Act (MCL 560.101 et seq., except that this article shall prevail in cases where its provisions impose a greater restriction than is provided by existing statutes, laws, regulations or ordinances. Further, all proposed subdivision developments must comply with existing zoning ordinances.
(Compiled Ords. 1990, § 17.001(D))

Sec. 117-23. Enforcement.

No subdivision plat required by this article or the Land Division Act (MCL 560.101 et seq.) 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 construction of any improvement, public or private, shall occur until final plat approval.
(Compiled Ords. 1990, § 17.006)

Secs. 117-24--117-49. Reserved.

DIVISION 2.

PROCEDURES

Sec. 117-50. Phases of preparation for platting; pre-preliminary plat.

(a) *Phases.* The preparation of a subdivision for platting shall be carried out through two phases: preliminary plat and final plat, all in accordance with the procedures outlined in this division and state statute. A pre-preliminary plat is not mandatory.

(b) *Pre-preliminary plat.*

(1) A proprietor may submit four copies of a sketch plat or pre-preliminary plat to the township

planning commission for review. Submission must be made at least 30 days before the next scheduled meeting.

(2) A pre-preliminary plat or sketch plat shall contain:

- a. General information regarding the location of roads and lots and the relationship to adjoining lands;
- b. A drawing of the development containing dimensions;
- c. A statement of intended use;
- d. A timetable for development;
- e. General information regarding water and septic systems, and the proprietor's and agent's names, addresses and telephone numbers;
- f. Any other information or materials requested by the planning commission to enable an adequate review.

(3) No commitments can be made by the township planning commission at this stage.

(4) Review and comment will be made by the planning commission within 40 days of submittal.

(c) *Fee.* Fees for submission and review of pre-preliminary, preliminary and final plats shall be established by separate ordinance.

(d) *Notice to property owners regarding preliminary and final plats.*

(1) Notice, by mail, shall be given to all property owners within 300 feet of the extreme limits of the subdivision as found on the township tax records.

(2) The notice shall be mailed at least ten days before the meeting at which the preliminary and final plats will be considered.

(3) The notice shall contain the time, date and place of the meeting, a brief description of the subdivision and a statement that a copy of the preliminary or final plat is on file with the township clerk for inspection.

(Compiled Ords. 1990, § 17.002(A))

Sec. 117-51. Preliminary plat.

(a) *Form.* The preliminary plat shall be drawn to scale of not more than 200 feet to the inch. It may be an original drawing or a reproduction on unbacked paper and shall comply in every way with state law.

(b) *Preparation.* The preliminary plat shall be prepared by a state licensed and registered surveyor

and contain the preparer's seal.

(c) *Contents.* The preliminary plat of a subdivision shall clearly show the following features and information:

- (1) The proposed name of the subdivision which name shall not duplicate or closely approximate the name of any other subdivision in the county.
- (2) Name, address and telephone number of the proprietor and surveyor preparing the development plan.
- (3) Adjacent property showing actual use, zoning, recorded plats of subdivisions, condominiums, parcels as shown on the tax records, rights-of-way, and intersecting roads. If adjacent property is not subject to recorded plats of subdivisions, the owners' names as shown on the tax rolls shall be included.
- (4) A vicinity sketch showing the location of the proposed subdivision to the surrounding area.
- (5) Lot lines, lot numbers and approximate lot dimensions.
- (6) Roads, road names and widths of existing and proposed road rights-of-way.
- (7) Other existing or proposed rights-of-way or easements showing location, width and purposes.
- (8) Topographic information with two-foot contour intervals which extend 100 feet beyond each proposed boundary and indicating the datum used.
- (9) Surface water elevations of bodies of water with the date when taken, and existing floodplain and wetland information available from the state department of natural resources.
- (10) If on-site sewage disposal or septic treatment is proposed, results of preliminary soil tests and the approximate location of the test holes in the sewage disposal or septic areas.
- (11) If an on-site water supply is proposed, data relating to well depth, quality, quantity and protection.
- (12) Existing utilities, including storm sewers and sanitary sewers and water mains.
- (13) Structures intended to be left standing and significant natural and manmade features which could influence the layout and design of the subdivision.
- (14) Existing zoning classifications within the proposed subdivision.
- (15) Areas proposed within the subdivision to be reserved or dedicated for open space, stormwater retention or detention or other public or nonpublic common uses.

- (16) Minimum front building setback lines.
- (17) Date, north arrow, and scale of not more than 200 feet to one inch.
- (18) Description of the boundary of the subdivision site as shown on the tax roll or as of record, and an indication of the nearest section corner, quarter section corner, or private claim corner.
- (19) Written statement on the development plan as to sanitary sewer, water supply, storm drainage, and public utilities to be provided the development, and specification for road improvements
- (20) Any other material required for a preliminary plat by the Subdivision Control Act or amendments thereto.

(d) *Procedure for submitting preliminary plat.* All procedures and requirements of the Land Division Act (MCL 560.101 et seq.) shall be complied with.

(Compiled Ords. 1990, § 17.002(C))

State Law References: Preliminary plats, MCL 560.105 et seq.

Sec. 117-52. Final plat.

(a) *Form.*

- (1) A final plat shall be prepared, submitted and approved as provided for in the Land Division Act (MCL 560.101 et seq.).
- (2) The final plat of a subdivision shall conform substantially to the preliminary plat as approved and may include only the lands covered by the approved preliminary plat.

(b) *Review and recommendations.* The final plat of the subdivision shall be reviewed by the planning commission. Their recommendation shall be made to the township board.

(Compiled Ords. 1990, § 17.002(C))

State Law References: Preliminary plats, MCL 560.105 et seq.

Secs. 117-53--117-77. Reserved.

DIVISION 3.

DESIGN STANDARDS

Sec. 117-78. Minimum requirements.

The standards set forth in this division are the minimum standards imposed upon developers.
(Compiled Ords. 1990, § 17.003(A))

Sec. 117-79. Roads/streets.

- (a) *Road continuation and extension.* The arrangement of roads shall provide for the reasonable

continuation of existing roads from adjoining areas into new subdivisions to assure a minimum of traffic congestion and sufficient access to all parcels in the subdivision for emergency and public service purposes.

(b) *Stub roads.* When adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make adequate provision for the future projection of roads into adjacent areas.

(c) *Rights-of-way.* Right-of-way widths shall be those approved or eligible for approval by the county road commission.

(d) *Cul-de-sacs.* Any cul-de-sacs must meet the requirements of the county road commission and provide for sufficient turning room for emergency vehicles and other traffic.

(e) *Road names.* Road names shall not duplicate phonetically or in spelling any existing road name in the county.

(Compiled Ords. 1990, § 17.003(B))

Sec. 117-80. Lots and improvements.

(a) *Lot dimensions.* All lots must conform to the township zoning ordinance as to width, area, depth, frontage, setback and yard requirements.

(b) *Uninhabitable areas.* Lands subject to flooding or otherwise deemed by the township, upon the recommendation of the planning commission or other body, to be uninhabitable due to environmental contamination, substance instability or a lack of drainage, shall not be subdivided for development purposes, or for uses that may in the judgment of the township increase the danger to health, life or property or increase flood hazard, unless such deficiencies can be corrected by the availability of public water and waste water disposal systems. Such land within a subdivision may be set aside for other uses, such as parks or other open space.

(Compiled Ords. 1990, § 17.003(C))

Sec. 117-81. Reserve strips and easements.

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

(b) *Public reserve strip.* A one-foot reserve may be required to be placed at the end of stub or dead-end streets which terminate at subdivision site boundaries and between half streets. These reserves when required shall be deemed in fee simple to the municipality or county road commission for future street purposes, utilities and/or public improvements.

(Compiled Ords. 1990, § 17.003(D))

Sec. 117-82. Natural features.

(a) Existing natural features, such as trees, watercourses and historic spots, which add value to residential development and enhance the attractiveness of the community shall be preserved insofar as possible,

in the design of the subdivision.

(b) When determining whether or not a lot complies with the area requirements as referenced in section 117-80(a), there shall be a deduction for the area of the lot which contains the following natural features:

- (1) Water setback areas.
- (2) High-risk erosion setback areas.
- (3) Wetlands.
- (4) Beach.
- (5) Floodplain.
- (6) Slope of 25 percent or greater.
- (7) Areas not suitable for on-site sewage disposal.

Such lands may be set aside for other uses such as parks or other open space.
(Compiled Ords. 1990, § 17.003(E))

Secs. 117-83--117-107. Reserved.

DIVISION 4.

IMPROVEMENTS*

* **State Law References:** Improvements, MCL 560.188.

Sec. 117-108. Responsibility for compliance.

Every proprietor shall be required to install the public and other improvements in this division in accordance with the conditions and specifications in this division.
(Compiled Ords. 1990, § 17.004)

Sec. 117-109. Monuments.

Monuments shall be set in accordance with the Subdivision Control Act.
(Compiled Ords. 1990, § 17.004(A))

Sec. 117-110. Streets and alleys.

All streets and alleys shall be constructed in accordance with the standards and specifications adopted by

the county road commission.
(Compiled Ords. 1990, § 17.004(B))

Sec. 117-111. Curbs and gutters.

Curbs and gutters are required and shall be constructed in accordance with the standards and specifications adopted by the county road commission.
(Compiled Ords. 1990, § 17.004(C))

Sec. 117-112. Installation of public utilities.

All public utilities shall be located in accordance with the rules of the county road commission or the department of state highways. All public utilities set forth in the plat must be installed and connections provided for each lot. Underground work for utilities shall be stubbed to the edge of each lot which is established as part of the subdivision.
(Compiled Ords. 1990, § 17.004(D))

Sec. 117-113. Driveways.

All driveways shall be located in accordance with the rules of the county road commission or the state department of transportation for each lot.
(Compiled Ords. 1990, § 17.004(E))

Sec. 117-114. Drainage.

An adequate drainage and storm drainage system shall be required in all subdivisions. Drainage systems shall follow the specifications and procedures established by the county drain commissioner and the township. The plan for the proposed development shall be approved by the county drain commissioner.
(Compiled Ords. 1990, § 17.004(F))

Sec. 117-115. Water supply system.

(a) *Public water supply system.* If individual wells are not permitted by the health department, the proprietor shall construct a public water supply system, either using a common well system which is approved by the required authorities, or connecting to a municipal system.

(b) *Individual wells.* Individual wells may be permitted where and if approved by the county health department.
(Compiled Ords. 1990, § 17.004(G))

Sec. 117-116. Sanitary sewer system.

(a) *Public sanitary sewer system.* If individual septic systems are not permitted by the health department, the proprietor shall construct a private sanitary sewer system for the common use of all lot owners.

(b) *Individual septic systems.* Individual septic systems may be permitted where and if approved by

the county health department.
(Compiled Ords. 1990, § 17.004(H))

Sec. 117-117. Name signs.

The proprietor must provide for the installation of street name signs in appropriate locations at each street intersection and in accordance with the requirements of the county road commission.
(Compiled Ords. 1990, § 17.004(I))

Sec. 117-118. Other public improvements.

The developer shall comply with and shall establish any other improvement which is required by an ordinance or regulation of the township or any ordinance of the county.
(Compiled Ords. 1990, § 17.004(J))

Sec. 117-119. Guaranty of completion of improvements required by the municipality.

(a) *Types of securities.* An improvement required by this division or by the county road commission, county drain commissioner, municipality, state transportation department, health department or department of natural resources shall be completed before the final plat is approved by the approving authority or shall be subject to a written agreement with the approving authority to complete the required improvement under the terms and by the date stated in that agreement. The proprietor shall furnish separate security to each approving authority guaranteeing that an improvement under that authority's jurisdiction will be completed in accordance with the written agreement. At the option of the proprietor, the security shall consist of one of the following:

- (1) Cash.
- (2) Certified check.
- (3) A performance bond acceptable to the authority.
- (4) Escrow agreement acceptable to the authority.
- (5) Irrevocable letter of credit acceptable to the authority.

(b) *Performance.* If a required improvement is not completed in accordance with the written agreement, the security provided to an approving authority with jurisdiction shall be used by that approving authority to complete the improvements. The approving authority shall reduce or rebate to the proprietor, as the work progresses, the amount of a cash deposit equal to the ratio of the work completed by the proprietor to the entire project.

(Compiled Ords. 1990, § 17.005)

Secs. 117-120--117-136. Reserved.

ARTICLE III.

LAND DIVISION

Sec. 117-137. Title.

This article shall be known and cited as the township land division ordinance.
(Compiled Ords. 1990, § 20.851)

Sec. 117-138. Purpose.

The purpose of this article is to carry out the provisions of the state Land Division Act (MCL 560.101 et seq.), herein "the Act," to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and to otherwise provide for the health, safety and welfare of the residents and property owners of the township by establishing reasonable standards for prior review and approval of land divisions within the township.

(Compiled Ords. 1990, § 20.852)

Sec. 117-139. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Divided or division shall have the same meaning for this article as found in the Act. No property or parcel shall be considered a building site unless it conforms to the Act and any and all applicable ordinances of the township.

Exempt split or exempt division means as provided in section 102(e) of the Act (MCL 560.102(e)).
(Compiled Ords. 1990, § 20.853)

Sec. 117-140. Prior approval requirement for land divisions.

Land in the township shall not be divided without the prior review and approval of the township assessor, or other official designated by the township board, in accordance with this article and the state Land Division Act (MCL 560.101 et seq.); provided that the following shall be exempted from this requirement:

- (1) A parcel proposed for subdivision through a recorded plat pursuant to article II of this chapter and the state Land Division Act (MCL 560.101 et seq.).
- (2) A lot in a recorded plat proposed to be divided in compliance with article II of this chapter, the zoning ordinance, and the state Land Division Act (MCL 560.101 et seq.).
- (3) An exempt split as defined in this article and the state Land Division Act (MCL 560.101 et seq.), or other partitioning or splitting that solely results in parcels of 20 acres or more if each is not

accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the Act.

(Compiled Ords. 1990, § 20.854)

Sec. 117-141. Application for land division approval.

An applicant shall file all of the following with the township assessor or other official designated by the township board for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- (1) A completed application form on such form as may be provided by the township.
- (2) Proof of fee ownership of the land proposed to be divided.
- (3) A tentative parcel map drawn to scale showing the boundaries, approximate dimensions, and legal descriptions of the existing parcel and the parcels proposed to be created by the division, the area of each parcel and proposed parcel, public utility easements, and accessibility of each parcel for utilities and vehicular traffic. All land divisions with private roads shall have a maintenance agreement.
- (4) Proof that all standards and requirements of the Act and this article have been or will be met in the process of completing the proposed division.
- (5) Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid currently or that the grantor of any parcel has made provision for assumption of assessments and taxes and allocation thereof in accordance with the requirements of the assessor.
- (6) If transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- (7) The fee as may from time to time be established by resolution of the township board for land division pursuant to this article to cover the costs of review of the application and administration of this article and the state Land Division Act (MCL 560.101 et seq.).

(Compiled Ords. 1990, § 20.855; Ord. of 7-17-2006)

Sec. 117-142. Procedure for review of applications for land division approval.

(a) Upon receipt of a land division application package, the township clerk or other official designated by the township board shall forthwith submit the same to the township assessor or other designated official for decision. The township assessor or other designee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 45 days after receipt of the application package conforming to the requirements of this article and shall promptly notify the applicant of the decisions and the reasons for any denial. The decision and, if applicable, the reasons for denial shall be in writing, with a copy placed on file in the office of the clerk. If the application package does not conform to the requirements of this article and the

Act, the assessor or other designee shall return the same to the applicant for completion and refiling in accordance with this article and the Act, and file a written memorandum of his action with the clerk.

(b) Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision, appeal the decision to the governing board of the township or such other board or person designated by the township board which shall consider and resolve such appeal by a majority vote of said board or by the designee at its next regular meeting or session affording sufficient time for a 20-day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

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

(d) Approval of a division does not determine that the resulting parcel or parcels comply with all ordinances or regulations of the township. Compliance with all other ordinances, rules and regulations of the township shall be separately required, and no implied approval or authority to issue any construction permit shall result from any action of the assessor or the township board in connection with a land division decision. Approval of a division is given solely to determine compliance with the Act.

(e) The township and its officers, employees and volunteers shall not be liable for any action or failure to act in connection with a land division decision, regardless of whether other permits, such as construction or building permits are denied because of inadequate water supply or sewage disposal facilities, failure to comply with zoning, subdivision control, environmental or other ordinances, rules or regulations, or the laws, rule or regulations of any other governmental entity, including, without limitation, the county road commission, the county, the state, or the federal government. Any notice of approval shall contain a statement to this effect, but the absence of such statement shall not affect the liability of the township or the said persons. (Compiled Ords. 1990, § 20.856)

Sec. 117-143. Standards for approval of land divisions.

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

- (1) All parcels to be created by the proposed land division fully comply with the applicable lot (parcel), yard and area requirements of the applicable zoning ordinance, including, but not limited to, minimum lot (parcel) area, and not exceed the lot depth to width ratio, if specifically prescribed differently from the ratio in this article, the maximum lot (parcel) coverage and minimum setbacks for buildings and structures.
- (2) The proposed land division complies with all requirements of this article and the Act.
- (3) The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or nondevelopment sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the commencement of the measurement.

- (4) All parcels created and remaining have existing and adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles. Compliance with this requirement in a land division proceeding does not excuse the applicant from compliance with the private road requirements of the township zoning ordinance, or any other ordinance, as set forth in section 117-142(e).
- (5) All proposed lots resulting from the division shall have adequate access onto a public or private street. Adequate access means that lot frontage on a public or private road is, at a minimum, equivalent to the required lot width for the zoning district in which the lot is located, as well as compliance with lawful public or private road regulations.

(Compiled Ords. 1990, § 20.857; Res. of 2-21-2005)

Sec. 117-144. Consequences of noncompliance with land division approval requirements.

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

(b) An unlawful division or split shall also be voidable at the option of the grantee and shall subject the grantor to all remedies in favor of the grantee as set forth in the Act.

(Compiled Ords. 1990, § 20.858)