

## ORDINANCE NO. 11

## MANCHESTER TOWNSHIP SUBDIVISION ORDINANCE

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

## ARTICLE I

## GENERAL PROVISIONS

- 100.0 SHORT TITLE: This Ordinance shall be known and may be cited as the "Manchester Township Subdivision Ordinance."
- 100.1 PURPOSE: The purpose of this Ordinance is to regulate and control the subdivision of land within Manchester Township in order to promote the safety, public health and general welfare of the community. These regulations are specifically designed to:
- 100.11 Provide for orderly growth and harmonious development of the community, consistent with adopted development policies of the Township.
  - 100.12 Secure proper arrangement of streets in relation to adequate traffic circulation through coordinated existing and planned streets and to the adopted General Development Plan, and adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities.
  - 100.13 Achieve individual lots of maximum utility and livability, and lots of such size and layout as to be in harmony with the existing and proposed development pattern of the area.
  - 100.14 Insure adequate provisions for water, drainage and sanitary sewer facilities, and other health requirements.
  - 100.15 Insure adequate provision for recreational areas, school sites, and other public facilities.
- 100.2 LEGAL BASIS: This Ordinance is enacted pursuant to the statutory authority granted by the Township Planning Commission Act, Act 168, P.A. of 1959 as amended; and the Subdivision Control Act, Act 288, P.A. of 1967, as amended.
- 100.3 SCOPE: This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance, except for further dividing of existing lots. Nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of the Township the provisions of this Ordinance shall prevail.

- 100.4 ADMINISTRATION: The provisions of this Ordinance shall be administered in accordance with Act 288, P.A. of 1967 as amended, and, Act 168, P.A. of 1959, as amended.
- 100.5 FEES: The schedule of fees for the review of plans and plats, the inspection of improvements for the administration of this Ordinance, and for other costs incurred by the Township in the platting process, shall be determined, and may be modified from time to time, by appropriate Resolution of the Township Board.
- 100.6 CEMETERIES: Cemeteries shall not be included in the definition of subdivision and shall not be subject to the provisions of this Ordinance.
- 100.7 CONFORMANCE WITH ZONING ORDINANCE: All plats reviewed under these regulations shall conform to all zoning ordinance provisions for the district in which the proposed plat is to be located. All required zoning changes shall be made prior to tentative approval of the preliminary plat by the Township Board.

ARTICLE II  
DEFINITIONS

- 200.0 RULES APPLYING TO THE TEXT: For the purpose of this Ordinance certain rules of construction apply to the text, as follows:
- 200.1 Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- 200.2 The term "shall" is always mandatory and not discretionary; the word "may" or "should" is permissive.
- 200.3 The word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.
- 201.0 DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated.

ALLEY: A public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.

AS-BUILT PLANS: Revised construction plans in accordance with all approved field changes.

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

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

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

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

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

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

**COUNTY DRAIN COMMISSIONER:** The Washtenaw County Drain Commissioner.

**COUNTY HEALTH DEPARTMENT:** The Washtenaw County Health Department.

**COUNTY PLANNING COMMISSION:** The Washtenaw County Metropolitan Planning Commission.

**COUNTY PLAT BOARD:** The Washtenaw County Plat Board.

**COUNTY ROAD COMMISSION:** The Washtenaw County Road Commission.

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

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

**EASEMENT:** An interest in land owned by another which entitles the owner or owners of the easement to a limited use or enjoyment of the land. An easement may be created in favor of the public generally, federal and state agencies, municipal and private corporations, and individuals. An affirmative easement authorizes a use of land which, if no easement existed, would give the landowner a cause of action. A negative easement precludes the landowner from uses of his land which, if no easement existed, would be perfectly lawful.

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

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

**GENERAL DEVELOPMENT PLAN:** A comprehensive land use plan for Manchester Township which, through any combination of text, charts, and maps, sets forth proposals for general locations for the various land uses, streets, parks, schools, public buildings, and for the physical development of Manchester Township, adopted by the County Planning Commission or adopted by the Manchester Township Planning Commission and duly transmitted to the Manchester Township Board and to the County Planning Commission, or any unit or part of such plan separately adopted, and any amendments to such plan or any unit or part thereof separately adopted; provided, however, that such plan or any unit or part thereof separately adopted shall have been duly published. Any reference in this Article or elsewhere in this Ordinance to "adoption" of plans refers to adoption by the County Planning Commission in accordance with Act 282, Public Acts of 1945, as amended, or adoption by the Manchester Township Planning Commission in accordance with Act 168, P.A. of 1959, as amended. The term General Development Plan includes such commonly used terms as basic plan, master plan, general plan, comprehensive plan, and land use plan.

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

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

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

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

**PLANNED UNIT RESIDENTIAL DEVELOPMENT:** An area with a minimum contiguous acreage of 20 acres which is to be developed as a single entity according to a plan and which is to contain one or more residential cluster subdivisions or other residential housing developments with an established overall maximum dwelling unit density, along with associated uses primarily for the benefit of the planned unit residential development. A planned unit residential development may be planned, developed, and regulated as a single land use unit rather than as an aggregation of individual buildings on separate lots.

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

**PERSONS:** An individual, corporation, government, or governmental agency, business trust, estate trust, partnership or association, two or more persons having a joint or common interest, or any legal entity.

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

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

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

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

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

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

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

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

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

**TOWNSHIP:** The Township of Manchester

**WATER RESOURCES COMMISSION:** The Water Resources Commission of the Michigan Department of Conservation.

**ZONING ORDINANCE:** The Manchester Township Zoning Ordinance.

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

**301.0 PRELIMINARY PLAT-TENTATIVE APPROVAL:**

**301.1 FILING PROCEDURES:** The proprietor shall file 10 copies of the preliminary plat together with a completed application form and plat review fees with the Township Clerk at least 7 days prior to the regular Planning Commission meeting at which the plat is to be considered. The Clerk shall check the completeness of the submittal, and, if complete, transmit same to the Planning Commission in adequate time for inclusion on the agenda for the Planning Commission's next regular meeting. If the application is not complete, the Clerk shall so notify the applicant in writing and shall list deficiencies.

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

1. Name of proposed subdivision.
2. Legal description of the entire site to be subdivided.
3. Scale, date, and north point shall be indicated on each map or plan.
4. Name and address of proprietor; other owners, if any, and planner, engineer, surveyor, or designer who designed the subdivision layout.
5. Names of adjacent subdivisions, layout of streets indicating street names, right-of-way widths, and connections with adjoining platted streets, widths and locations of alleys, easements, and public walkways adjacent to or connecting with the proposed subdivision; layout and dimensions of lots adjacent to the proposed subdivision; names and addresses of owners of record of all adjacent property.
6. Topography, existing and proposed, at two (2) foot intervals. Proposed grading and land filling shall be indicated on the plans along with a description of measures to be used to control sedimentation and erosion. All topographic data shall relate to USGS data.
7. Plans and specifications of soil erosion and sedimentation control measures in accordance with standards and specifications of the Soil Conservation District.
8. A site report as described in Rule 560.402 of the Michigan Administrative Code, shall be required for subdivisions that will not be served by public water and sewer. The information listed therein and not required elsewhere in this Ordinance, shall be submitted as part of the application for preliminary plat approval.
9. Proposed deed restrictions or protective covenants; if none, a statement of such in writing.
10. Layout and width of right-of-way and surfacing of all streets or public ways proposed for the subdivision.



secured, the Township Board shall assume that the preliminary plat has been approved by the Planning Commission.

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

**301.3 REVIEW PROCEDURES: (THE FOLLOWING SECTIONS 301.31 THROUGH 301.34 ARE FOR TOWNSHIPS WITHOUT PLANNING COMMISSIONS)**

- 301.31** The Township Board shall review the preliminary plat for conformance to general development plans and to standards and specifications set forth in the Subdivision Control Act and in this Ordinance. If the Township Board determines that there is substantial conformance, it shall transmit one copy of the preliminary plat to the County Planning Commission Staff for design review, one copy to the Subdivision Advisory Committee for technical review, and information about the preliminary plat to the Superintendent of Schools of the School District in which the proposed subdivision is located.
- 301.32** After receiving comments and recommendations from the County Planning Commission staff, Subdivision Advisory Committee, and the Superintendent of Schools, the Township Board shall re-evaluate the preliminary plat in view of the new information it has received, and may request modifications in the preliminary plat. The Township Board shall then tentatively approve or disapprove the preliminary plat.
- 301.33** The Township Board shall take action on the preliminary plat within 90 days of the date of filing of the plat.
- 301.331** The Township Board shall record its tentative approval on the preliminary plat and return one copy to the proprietor and one copy to the Subdivision Advisory Committee. If the preliminary plat is disapproved, the Township Board shall record its reasons for disapproval and the conditions to be met to qualify the preliminary plat for tentative approval, and shall transmit such reasons and conditions to the proprietor.
- 301.34** After receiving tentative approval from the Township Board, the proprietor shall submit the preliminary plat to all county and state plat approval authorities as required in the Subdivision Control Act.

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

**302.0 PRELIMINARY PLAT – FINAL APPROVAL:**

- 302.1 FILING PROCEDURES:** The preliminary plat, as tentatively approved by the Township Board and approved by all county and state plat approval authorities as required by the Subdivision Control Act, together with the required information, completed application form, and fees,

preliminary plat. This provision is intended to be used only in situations where, in the opinion of the Board, objections to final approval are minor.

**302.4 EFFECT OF FINAL APPROVAL OF PRELIMINARY PLAT:** Final approval of the preliminary plat shall confer upon the proprietor for a period of two (2) years from the date of approval the conditional right that the general terms and conditions under which the final approval of the preliminary plat was granted will not be changed. The two (2) year period may be extended if an extension is applied for by the proprietor and granted by the Township Board in writing. Written notice of any extension shall be sent by the Board to all other plat approval authorities.

**303.0 FINAL PLAT:**

**303.1 FILING PROCEDURES:** Final plats shall be submitted in the form required in the Subdivision Control Act, together with a) the completed application form, b) fees for filing and recording and plat review, and inspection of improvements; and c) agreement and security required to guarantee performance, and shall be submitted to the Clerk at least 7 days prior to the meeting of the Township Board at which the plat is to be considered. The Clerk shall determine if the submittal is complete, and if complete, transmit same to the Board in adequate time for inclusion on the agenda for the Board's next meeting. If the application is not complete the Clerk shall so notify the applicant in writing and shall list deficiencies. A final plat shall not be accepted for review after the date of expiration of the final approval of the preliminary plat. The final plat shall be submitted to the following agencies, in the indicated order, and the proprietor shall obtain signatures from the agency thereon, in the indicated order, prior to filing the final plat with the Board for approval.

County and Township Treasurer

Drain Commissioner

County Road Commission

County Planning Commission

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

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

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

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

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

## ARTICLE IV

### DESIGN AND DEVELOPMENT STANDARDS

**400.0 GENERAL:** In reviewing applications for approval of subdivision plats, the standards set forth in this Article shall be considered minimum requirements. Where a duly adopted and published General Development Plan requires higher standards, such higher standards shall apply. The Planning Commission and the Township Board recognize that the standards set forth in this Article are directed primarily to residential subdivisions and that such standards are not always reasonably applicable to mobile home, commercial, and industrial subdivisions. Therefore, Sections 411.0, 412.0, and 413.0 are included to provide the necessary modifications. Variances from the standards set forth in this Article shall be granted only as provided in Article VI, herein.

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

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

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

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

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

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

Intersection of local or residential roads with collector and arterial roads shall be reduced to a reasonable minimum but should, in general, be at least 500 feet apart, centerline to centerline, to preserve the traffic carrying capacity of the collector and arterial roads, and to reduce the potential of accidents at such intersections. In general, all streets should intersect each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it

- 401.9 SPECIAL TREATMENT ALONG MAJOR STREETS:** When a subdivision abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, or such other treatment as might be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to retain the traffic carrying capacity of the arterial or collector streets.
- 401.10 STREET NAMES AND HOUSE NUMBERS:** Street names shall not duplicate names of any existing street in Washtenaw County, except where a new street is a continuation of an existing street. Street names that are spelled differently but sound the same shall be avoided. Duplication shall be avoided by checking new street names with the master listing of the County Road Commission. Generally no street should change direction by more than 90 degrees without a change in street name. Streets should have names and not numbers or letters.
- 401.11 LOCATION FOR UTILITIES:** Utilities shall be located so as to best conform to the layout of existing facilities. In streets where no pattern has been established, utilities shall be located in conformance with standards of the County Road Commission.
- 401.12 STREET STANDARDS AND SPECIFICATIONS:** Streets shall be provided in accordance with the street standards and specifications adopted by the County Road Commission. Private streets shall also conform to County Road Commission standards except for right-of-way requirements, which might not apply.
- 402.0 BLOCKS:** Blocks generally shall not be less than 500 feet or more than 1320 feet in length as measured from centerlines of streets. No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature or subdivision boundary. A block shall be designed so as to provide two (2) tiers of lots, except where the lots back onto a major street, natural feature, subdivision boundary or other feature or facility which necessitates reverse frontage. In blocks exceeding 800 feet in length the Planning Commission may require reservation of a 20 foot wide easement through the block to provide for the crossing of underground utilities and/or pedestrian traffic where needed or desirable, and may specify further, at its discretion, that a paved foot path be provided by the proprietor. Blocks intended for non-residential uses shall be especially designed for such purposes, and in accordance with Zoning Ordinance provisions. In such cases the above dimensions do not apply.
- 403.0 LOTS:**
- 403.1 DIMENSIONS:** Lots shall conform to the requirements of the Zoning Ordinance except for outlots that are provided for an indicated and approved purpose.

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

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

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

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

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

- (a) A suitable site for placing a house without excess grading;
- (b) A usable area for outdoor living and other outdoor activities;
- (c) Adequate surface drainage away from the house site and outdoor living areas;
- (d) Reasonable driveway grades; and
- (e) General site grading should be minimized with significant trees and other vegetation retained.

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

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

- 403.7 ACCESS:** Driveways and curbcuts shall conform to standards of the County Road Commission. The curb section of driveways and aprons shall be designed so that excessive breakover angle and rear bumper and exhaust pipe dragging will be eliminated.

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

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

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

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

## 407.0 UTILITIES:

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

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

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

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

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

All drainage improvements shall conform to duly adopted and published General Development Plans for the area covered by the proposed subdivision and for the upstream and downstream areas involved, and to the standards and specifications of the County Drain Commissioner.

The Planning Commission may, if it considers such requirements necessary for the proper and safe development of the subdivision and surrounding area, require that the drain be enclosed.

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

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

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

408.0 EASEMENTS: All underground public utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. Such easements shall be so located as to not interfere with the use of any lot or other part of the subdivision. The size of, and restrictions pertaining to, such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines and the Subdivision Control Act, and shall be indicated on the preliminary plat submitted for tentative approval.

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

The precise nature, location, and extent of the reservation shall be determined prior to tentative approval of the preliminary plat by the Township Board. The reservation shall be valid for a period of one year from the date on which the Board approves the final plat or such longer period as might be agreed to in writing by the proprietor. Unless during such one-year period or agreed longer period the Board shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the proprietor at the end of the one-year period or agreed longer period. The reservation shall freeze the price per acre of the reserved area for such one-year period at the average value per acre on the date when the preliminary plat was first filed with the Clerk. Because the Township Board or other public agency has the option not to purchase the reserved property,



the plat for the entire subdivision should include provisions for incorporating the reserved area into the overall development.

**410.0 RESIDENTIAL CLUSTER SUBDIVISIONS:** Where the Zoning Ordinance permits, a proposed residential subdivision may be designated as a residential cluster subdivision for the purpose of creating a more desirable living environment than is possible under the Township zoning and subdivision control ordinances as applied to individual residential lots; for the purpose of encouraging the provision and maintenance of open space for the residents of the subdivision; for the purpose of encouraging creativity, variety, efficiency, and economy in the physical development pattern of the community; and for the purpose of assuring the preservation of desirable natural features of the community and their inclusion in the development pattern of the subdivision and the community. This Section applies to residential subdivisions, but it may also be applied, where desirable by the proprietor and the Planning Commission to mobile home, commercial, and industrial subdivisions by changing "residential" references in this Section to reflect the nature of such other types of subdivisions. Lot size reductions in such other types of subdivision shall conform to Zoning Ordinance provisions.

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

A residential cluster subdivision must be designed to produce a stable and desirable residential community. Overall maximum densities shall not exceed those permitted under applicable provisions of the Zoning Ordinance. Open space areas shall meet the standards for open space established in the duly adopted and published General Development Plan, if there is such a plan, or an ordinance duly adopted and published by the Township Board. The Board, upon advice from the Planning Commission, shall have the right and duty to reject a proposed residential cluster subdivision if the open space areas therein are, in its opinion, of such size and shape as to be difficult or impossible to utilize or maintain for appropriate open space purposes.

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

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

Residential cluster subdivisions should be laid out so as to reduce the lineal feet of streets that would be otherwise needed to serve the area; to economize on the cost of utility installations; to retain and take advantage of existing natural features and vistas; to reduce the amount of grading required; to take maximum advantage of storage, absorption, and drainage characteristics of the natural landscape; and to otherwise secure the objectives set forth in this

In the event that a homeowners' association established to own and maintain common open space, or any successor association, shall at any time after development of a residential cluster subdivision, fail to maintain the common open space in reasonable order and condition, the Township Board may serve written notice upon such association setting forth the manner in which the association has failed to maintain the common open space, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of said notice. At such hearing the Board may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modification thereof are not corrected within said thirty (30) days or any extension thereof, the Board, in order to preserve the taxable values of the properties within the residential cluster subdivision and to prevent the common open space from becoming a public nuisance, may authorize the appropriate Township employees to enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the common open space. Before the expiration of said year, the Board shall, upon its own initiative or upon the request of the homeowners' association theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such association, or to the residents of the residential cluster subdivision, at which hearing such association or the residents of the residential cluster subdivision shall show cause why such maintenance by the Township should not, at the election of the Board, continue for a succeeding year. If the Board shall determine that the homeowners' association is ready and able to maintain the common open space in reasonable condition and order, the Township shall cease to maintain the common open space at the end of said year. If the Board shall determine that such association is not ready and able to maintain the common open space in reasonable condition and order, the Board may, in its discretion, continue to maintain the common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The cost of such maintenance by the Township shall be assessed ratably against the properties within the residential cluster subdivision that have a right of use and enjoyment of the common open space, and shall become a tax lien on said properties. The Township, at the time of entering upon the common open space for the purpose of maintenance, shall file a notice of such tax lien in the office of the Township Treasurer.

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

**411.0 MOBILE HOME SUBDIVISIONS:** Where a mobile home development falls within the definition of "subdivision" as set forth in the Subdivision Control Act, said development shall be considered to be a subdivision and shall be platted in accordance with the Subdivision Control Act and this Ordinance. All provisions of this Ordinance shall apply except for, or in addition to, the provisions of this Section. A mobile home subdivision may also be platted

loading space shall be permitted or provided for on a commercial subdivision street; such movements shall be adequately provided for on each lot.

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

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

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

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

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

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

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

All streets within the subdivision shall be designed and constructed to easily and conveniently accommodate the movement of large trucks. Street grades shall not exceed five (5) percent and shall follow the land contours longitudinally. Street intersections shall have a minimum curb radius of 25 feet.

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

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

final plat of a planned unit residential development shall become a part of the General Development Plan, if there is such a plan.

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

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

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

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

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

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

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

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

**418.0 STREET LIGHTS:** Street lights, where provided, shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed subdivision. Where lights are to be provided, they should be installed

## ARTICLE V

### SUBDIVISION IMPROVEMENTS

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

**501.0 GENERAL:**

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

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

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

**501.3 TIMING OF IMPROVEMENTS:** No grading, removal of trees or other vegetation, land filling, construction of improvements, or other material change except for that which is required by any of the reviewing agencies for purpose of aiding in their review of the preliminary plat, shall commence on the subject property until the proprietor has:

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

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

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

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

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

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

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

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

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

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

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

If there is not an existing or accessible public sanitary sewer system, a sewer system for the common use of lots within the subdivision may be required to be provided by the proprietor, if feasible in the judgement of the Township Engineer and the County Health Department, and shall comply with provisions of Act 98, P.A. of 1913, as amended. Where such a system is permitted, said system, together with necessary easements, shall be dedicated to the Township for administration, operation, and maintenance. Septic tanks and disposal fields on individual lots may be approved if in compliance with standards and specifications of the County Health Department and the State Administrative Code, Section 460.405.

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

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

irrevocable letter of credit, whichever the proprietor selects, shall accrue to the Township for administering the construction, operation or maintenance of the improvement.

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

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

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

**504.2 CONTINGENCY FEE:** The Township Board may require, in addition to the security, an amount of 10 percent thereof to cover such contingency expenses that might occur due to failure, defects in construction, unforeseen costs, etc., of any improvement required herein. The period covered by the contingency fee shall not exceed two years from the date of acceptance of the improvement. Excess funds, if any, shall be returned to the proprietor at the end of the two year period.

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

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

**505.0 INSPECTION OF IMPROVEMENTS:**

**505.1 REQUIRED:** All improvements required by this Ordinance shall be inspected by the Township Engineer or Building Inspector, except for improvements made under the jurisdiction of the County Road Commission, County Drain Commissioner, and other public agencies. Where inspections are made by other agencies the Township Engineer or Building Inspector shall obtain written reports of each final inspection.

**ARTICLE VI****VARIANCES**

- 600.0 GENERAL:** A variance from the provisions of this Ordinance may be obtained for one of two reasons; first, relief from hardship; and second, to permit a comprehensive development according to a plan for the entire project. Variances shall apply only to improvements, standards, and specifications set forth in this Ordinance; no variances shall be granted on procedures required herein.
- 601.0 HARDSHIP VARIANCE:**
- 601.1 GENERAL:** Such variance may be granted if the proprietor can show that strict compliance with the provisions of this Ordinance, as they apply to his property or parts thereof, will result in extraordinary hardship or practical difficulty. The proprietor shall make a formal request for such variance to the Township Board, in which the reasons for the request are clearly stated.
- 601.2 FINDINGS REQUIRED:** No variance shall be granted unless the following findings are made:
- 601.21** That there are such special circumstances or conditions affecting said property that strict application of the provisions of this Ordinance would clearly be impractical or unreasonable.
- 601.22** That the conditions requiring the variance were not created by the proprietor.
- 601.23** That the variance is necessary for the preservation and enjoyment of a substantial property right of the proprietor, and is not primarily intended for his economic gain.
- 601.24** That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- 601.25** That such variance will not have the effect of nullifying the intent and purpose of this Ordinance, the adopted General Development Plan, and the Zoning Ordinance.
- 601.26** That such variance will not violate the provisions of the Subdivision Control Act.
- 601.3 REPORT:** The Township Board shall prepare a complete report of the proceedings concerning the requested variance, containing all findings of fact and actions taken. A copy of this report shall be made part of the record of the meeting at which action is taken and one copy of the report shall be transmitted to the proprietor.
- 601.4 CONDITIONS:** In granting a variance the Township Board may attach conditions to the variance which will substantially secure the objectives of this Ordinance, and which will further the adopted policies expressed in the Township's General Development Plan, or part or parts thereof, and in various ordinances and resolutions.
- 602.0 COMPREHENSIVE DEVELOPMENT VARIANCE:** The Township Board may authorize variances from the provisions of this Ordinance for a comprehensive development upon written request of the proprietor. The Board shall find that such comprehensive development is permitted by the Zoning Ordinance, and shall have the recommendation of the Planning



**ARTICLE VII****ENFORCEMENT****700.0 BUILDING AND OCCUPANCY PERMITS:**

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

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

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

The land owner, tenant, proprietor, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Board, or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or of the Subdivision Control Act.

ARTICLE IX  
MISCELLANEOUS PROVISIONS


- 900.0 VALIDITY: Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.
- 901.0 EFFECTIVE DATE: This Ordinance shall take effect in the Township after recommendation of the Planning Commission, adoption by the Township Board and publication as provided by law.

Made and passed at a regular meeting of the Manchester Township Board held on September 12, 1974.

  
Township Clerk.

CERTIFICATION

I, Waldo C. Marx, Clerk of the Township of Manchester, Washtenaw County, Michigan, hereby certify that the foregoing Ordinance of Manchester Township was duly adopted by the Township of Manchester Board duly assembled at a regular meeting of said Board held September 12, 1974. I further certify that Board members, Lyle Widmayer, Ambrose Lentz, Dorothy Burch, Clarence Fielder, and Waldo C. Marx voted for the adoption of said Ordinance and none voted against adoption. I further certify that the same was duly published on the 19th day of September, 1974 in the Manchester Enterprise a newspaper circulated in the Township of Manchester, Washtenaw County, Michigan.

  
Waldo C. Marx,  
Township Clerk.