

Imlay Township Subdivision Regulations Ordinance

Number 2019-01

Imlay Township, Lapeer County, Michigan

April 17, 2019



ROWE PROFESSIONAL
SERVICES COMPANY

Large Firm Resources. Personal Attention. sm

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An Ordinance enacted under Act 228, Public Acts of 1967, as amended, of the State of Michigan establishing regulations governing the subdivision of land; providing for the procedure for the preparation and filing of plats, tentative approval of preliminary plats, submission of record of final plats, approval of the plat by the Township Board; providing for platting regulations and requirements in regard to conformity to the Township Master Plan, hereby declared, to be part of this ordinance, as to streets, alleys and easements, and to provide penalties for the violation thereof.

IMLAY TOWNSHIP ORDAINS:

1.0 Title, Purpose, Interpretation, and Scope

1.1 SHORT TITLE

This Ordinance shall be known and may be designated as the “Imlay Township Subdivision Regulations Ordinance.”

1.2 PURPOSE

Pursuant to the authority and purposes conferred by the Public Acts of the State of Michigan, this Ordinance is designed to provide standards, procedures, rules, and regulations related to the making and filing of plats, to provide standards for layout and design, and to provide a method for preliminary and final approval or rejection thereof and to provide for the penalties for violation of the provisions thereof.

1.3 INTERPRETATION

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 the further dividing of 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 the Ordinance shall control.

1.4 SCOPE

After the effective date of these regulations, no plat within the Imlay Township shall be approved by the Township Board, unless it conforms to these regulations.

2.0 Definitions

2.1 DEFINITIONS

For the purpose of this Ordinance, certain words, terms and phrases shall be defined as follows:

A. All terms as defined in the State of Michigan Subdivision Control Act of 1967 and the Township's adopted Zoning Ordinance shall control unless specifically defined hereinafter.

1. Alley: A narrow public thoroughfare which provides only a secondary means of vehicular access to abutting properties.
2. Block: Property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other similar physical barrier to the continuity of development.
3. Master Plan, General Plan, or Basic Plan: The Imlay Township Master Plan, including graphics and written text, adopted by the Planning Commission on August 2, 1982, including all subsequent amendments or additions thereto.
4. Easement: A grant by the owner of the use of land by the public, a corporation or persons, for specific uses and purposes, to be designated as a "public" or "private" easement depending on the nature of the use.
5. Flood Plain: That area of land adjoining the channel of a river, stream, water course, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for the region.
6. Improvements: Grading, street surfacing, curb and gutter, sidewalks, crosswalks, water mains and lines, storm sewers, sanitary sewers, culverts, bridges, utilities, and other additions to the natural condition of the land.
7. Land Division Act: The Land Division Act, Michigan Public Acts of 1967, as amended.
8. Parcel or Tract: A continuous area or acreage of land which can be described as provided for in the Land Division Act.
9. Performance Guarantee: Any security including performance bonds, escrow agreements, cash deposits, irrevocable bank letters of credit, and other similar collateral or surety agreements, which may be accepted by the Township Board as a guarantee that required subdivision improvements will be made by the proprietor.
10. Plat: A map or chart of a subdivision of land.
11. Pre-preliminary Plat: A map indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for review and to meet the requirements and procedures set forth in this Ordinance.
12. Preliminary Plat: A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration prepared in conformance with the State Subdivision Control Act, and this Ordinance.
13. Final Plat: A map of all or part of a subdivision substantially in conformance with the preliminary plat of the Subdivision prepared as required by the State Subdivision Control Act and this Ordinance, suitable for recording by the County Register of Deeds and State Treasurer's Office.
14. Proprietor: A natural person, firm, association, partnership, corporation or combination of any of them which may hold any ownership interest in land whether recorded or not.
15. Shall and May: The word "shall" is mandatory and the word "may" is permissive.
16. Spite Strip: An unbuildable, usually narrow, strip of land situated between a property line and a proposed road or street right-of-way, the primary purpose of which is to

prohibit access to the street, right-of-way or utility easement from the adjacent property.

17. Subdivide or Subdivision: The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale or lease of more than one year, or of building development, that results in one or more parcel of less than 40 acres or the equivalent, and that it is not exempted from the platting requirements, Sections 108 or 109 of the Land Division Act.
18. Township Assessor: The Township Assessor of Imlay Township.
19. Township Board: The legislative body of Imlay Township.
20. Township Clerk: The Township Clerk of Imlay Township.
21. Township Engineer: The Township engineer or engineer is the staff engineer, consulting civil engineer, or designated engineer for the Township.
22. Township Planner: Township planner or planner is the staff planner or consulting planner of the Township.
23. Wetlands: Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and is shown on the National Wetlands Inventory Maps, as published by the U.S. Department of the Interior.

3.0 Plat Processing

3.1 REVIEW PROCEDURE

The accompanying chart entitled "Subdivision Review Processing Requirements" in Imlay Township Procedural Manual under Section 6.2" is hereby made part of this ordinance and shall be followed as the procedure for the review of all submitted plats.

3.2 TENTATIVE PRELIMINARY PLAT SUBDIVISION REQUIREMENTS

- A. The proprietor shall submit to the Township Clerk, at least twenty (20) days prior to a Planning Commission meeting, ten (10) copies of the pre-preliminary plat. The Township Clerk shall promptly transmit seven (7) copies to the Planning Commission, one (1) copy to the Township Planner, one (1) copy to the Township Engineer, and one (1) copy for the Township Clerk.
- B. Identification and Description
 - 1. Proposed name of subdivision.
 - 2. Location by Section, Town, and Range, or by other legal description.
 - 3. Names and addresses of the proprietor, owner-proprietor, and the planners, designer, engineer or surveyor who designed the proposed subdivision.
 - 4. Date, north point and scale of plat, 1 inch equals 100 feet is the minimum acceptable scale.
 - 5. The proprietor shall furnish the Planning Commission with a statement indicating the proposed use to which the subdivision will be put, along with a description of the type of residential buildings and number of dwelling units contemplated or the type of business or industrial uses proposed to reveal the effect of the development as traffic, fire hazards or congestion of population. Such proposed uses shall not conflict with the Zoning Ordinance of Master Plan.
 - 6. If the proprietor has an interest or owns any parcel identified as "outlots" or "excepted", the pre-preliminary plat shall indicate how

this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed pre-preliminary plat.

C. Existing Conditions

- 1. An overall area location map at a scale of not less than 1 inch equals 400 feet.
- 2. Boundary line of proposed subdivision, section or municipal limits within or adjacent to the tract and overall property dimensions.
- 3. Property lines of contiguous adjacent tracts of subdivided and unsubdivided land within 200 feet from the proposed plat.
- 4. Location, widths, and names of existing or prior platted streets and private streets, public areas and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.
- 5. Location of existing utilities, storm drains, and other underground facilities within or adjacent to the tract being proposed for subdivision.
- 6. Drainage patterns.
- 7. Topography based on United States Geological Survey Datum, at a minimum contour interval of 2 feet.
- 8. Vegetation on the site carefully inventoried and sketched as to type and location on a map at the same scale as the preliminary plat.

D. Proposed Conditions

A refined illustration showing the information indicated below shall be submitted as the preliminary plat drawing.

- 1. Layout of streets indicating proposed street names, right-of-way widths and connections with adjoining platted streets and also the width and location of alleys, existing easements and public walkways.

2. Layout, number, and dimensions of lots, including building setback lines showing the width of each lot at the front setback line.
3. Indication of parcels of land intended to be dedicated or set aside for public use and/or for the use of property owners in the subdivision and any lands to be preserved in their natural state.
4. A statement of the status of the petitioner's ownership, and existing and proposed use of any parcels identified as "excepted" on the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located.
5. Statement of intended use of the proposed plat such as residential single-family, industrial, commercial, etc.

E. Procedures

1. The preliminary plat shall be placed on the agenda of the next regular meeting of the Planning Commission, provided that 15 days of notice in the newspaper, to the proprietor, and to the owners of property adjacent to the proposed plat as required by Section 71 (5) of the Michigan Planning Enabling Act.
2. The Planning Commission shall review the preliminary plat and the comments of the Township Planner and Engineer and shall: make a recommendation to the Planning Commission. If provisional approval is granted, it shall be the responsibility of the proprietor to resubmit amended plans conforming to the specified modifications within fourteen (14) days of the date of this provisional approval. Failure to resubmit revised plans within fourteen (14) days shall result in the submittal to the Township Board with a recommendation for disapproval. If the revised plans are timely submitted, and revisions meet the approval of the Township Engineer, and Planner, and conform to the specified modifications of the Planning Commission, the plat shall be submitted to the Township Board with recommendations for tentative approval of the preliminary plat. The Planning Commission shall give its report to the

Township Board not more than sixty-three (63) days after submission of the preliminary plat. The sixty-three (63) day period may be extended if the proprietor consents. If no action is taken within sixty-three (63) days, the preliminary plat shall be deemed to have been approved by the Planning Commission.

3. An extension may be granted to the sixty-three (63) day review period if the proprietor and Township agree to the extension.
4. The Township Board shall not review a preliminary plat until it has received the review and recommendations of the Planning Commission. Upon receipt of the recommendations from the Planning Commission, the Township Board shall, at their next regular meeting, review said preliminary plat and within ninety (90) days from date of filing, tentatively approve the preliminary plat or disapprove said plat. The Board shall record their approval on the Plat and return one copy to the proprietor or set forth in writing its reasons for rejection and requirements for tentative approval.
5. The proprietor upon receiving tentative approval from the Township Board shall submit the preliminary plat to all authorities as required by Sections 112 through 119 of the Land Division Act. Tentative approval shall not constitute final approval of the preliminary plat.

3.3 FINAL PRELIMINARY PLAT SUBDIVISION REQUIREMENTS

- A. Within one year after having received tentative preliminary plat approval as described above, the proprietor shall submit the preliminary plat for final approval.
- B. Submit to the Township Clerk ten (10) copies of the preliminary plat and other required data at the time he files copies with the authorities as required in Section 113 to 119 of the Subdivision Control Act. At this filing he shall include a certified list of all authorities to which he has submitted preliminary plats for review.
- C. Submit as proof of ownership a policy of title insurance, or a legal opinion with reference to ownership, for examination, so that the

Township can determine whether or not the proper names appear on the plat.

- D. The preliminary plat shall be prepared in accordance with Section 120 of the Subdivision Control Act and in accordance with the requirements of this Ordinance.
- E. Identification and Description – Same as 301A.
 1. Proposed Conditions – Same as 301C
 2. An indication of the required underground utilities.
 3. An indication of system proposed for sewage by a method approved by the Township.
 4. An indication of system proposed for water supply by a method approved by the Township and the Lapeer County Health Department.
 5. An indication of proposed storm drainage system, and point of outlet at the subdivision line, by a method approved by the Township and the Drain Commissioner.
 6. In the case where the proprietor wishes to subdivide only part of the property in question, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the proprietor intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the proprietor is subdivided.
 7. Subsoil drainage: Whenever there is reason to expect that any part of the tract has a high water table or unstable subsoil conditions, the preliminary plat submittal shall include a tabulated record and a keyed map of soil borings made by and certified by a registered civil engineer, or registered land surveyor.
 8. Water areas: A plan shall be submitted of any proposed water areas indicating depths, normal water levels, slopes, and type of bank retention; method of controlling insects, water growths, and vegetation.
 9. Proposed topography: Superimposed on the preliminary plat shall be the proposed

contours, at a minimum interval of 2 feet, for the area including the area at least 100 feet outside of the project boundary.

10. Layout of streets indicating proposed street names, right-of-way widths and connections with adjoining platted streets; the width and location of alleys, existing easements and public walkways; and proposed street engineering details showing profiles and other details necessary to ensure conformance with the Lapeer County Road Commission design standards and other applicable ordinances and regulations.
- F. Within 30 days of submittal of the final preliminary plat, the Planning Commission shall review and recommend to the Township Board approval or disapproval of the plat. The Township Board shall, after receipt of the necessary approved copies of the final preliminary plat from the agencies specified in Section 113 to 119 of the Subdivision Control Act, consider and review the preliminary plat at its next meeting or within 20 days from the date of submission, and approve it if the proprietor has met all conditions laid down for approval of the final preliminary plat.

3.4 FINAL PLAT SUBMISSION AND APPROVAL REQUIREMENTS

- A. Following final approval of the preliminary plat by the Township Board, the proprietor shall cause a survey and five true plats thereof to be made by a surveyor.
- B. Submittal. Final Plats shall be submitted to the Township Clerk. They shall not be accepted after the date of expiration of the preliminary plat approval. An additional five (5) paper prints shall also be submitted.
- C. Information required. All Final Plats of subdivided land shall comply with the provisions of the Land Division Act of 1967 and shall conform to the approved preliminary plat.
- D. An abstract of title certified to date of the proprietor's certificate to establish recordable ownership interest and any other information deemed necessary for the purpose of ascertaining whether the proper parties have signed the plat, or a policy of title insurance currently in force, covering all the land included within the boundaries of the proposed

subdivision. The Township Board, in lieu of an abstract of title, may accept on its own responsibility an attorney's opinion in writing based on the abstract of title as to ownership and marketability of title of the land.

E. Procedures.

1. The Final Plat shall be reviewed by the Township Engineer as to compliance with the approved preliminary plat and final construction plans for utilities and other improvements.
2. The Township Board shall review all recommendations and take final action of the Final Plat within 20 days of its date of filing and shall:
 - a. Approve the plat if it conforms to all provisions of this Act and instruct the Township Clerk to certify on the plat the Township Board approval, showing the date of the approval, the approval of the Health Department, when required, and the date thereof as shown on the approved preliminary plat; or
 - b. Reject the plat, instruct the Township Clerk to give the reasons in writing as set forth in the minutes of the meeting, and return the plat to the proprietor.
3. The Township Clerk shall transcribe a certificate of approval of the Township Board on the plat and deliver all copies to the Clerk of the Lapeer County Plat Board together with the filing and recording fee required by the Plat Act.
- 4.

- A. Township, County, and State regulations and ordinances.
- B. The availability and adequacy of sewer, water, and other utilities.
- C. Open space preservation and natural resource protection.
- D. Availability of recreation, and public service facilities.
- E. Master Plan proposals
- F. The standards of this Ordinance and the health, safety and welfare concerns of Imlay Township.

Tentative plat approval is irrevocable for a maximum of one year, unless an extension is applied for in writing by the proprietor and granted by the Township Board. Tentative plat approval establishes the layout and design of streets, lots and open spaces. Final Preliminary approval is good for two years with the same conditions for extension as mentioned above. Final preliminary plat is usually granted once preliminary engineering is completed, and deals with the plat remaining substantially the same as approved at the tentative stage. Final Plat approval involves only the approval of the Township Board and deals with the plat preparation with recording pursuant to the sale of lots.

3.5 ASSESSOR'S PLAT

If it is established that conditions exist whereby an assessor's plat is necessary, said assessor's plat shall comply with Section 201 to 213 of the State Subdivision Control Act.

3.6 REVIEW AND APPROVAL CRITERIA

The Planning Commission shall act upon the proposed plat within the time limits outlined in Section 300, unless the proprietor agrees to an extension in writing. The Township Board action shall be within the time limits established in the State Subdivision Control Act. Review, approval or denial of a proposed plat shall be based on the following considerations:

4.0 Design Standards and Public Improvements

The subdivision design standards set forth herein are development guides and all plats must be reviewed and meet the approval of the Township.

4.1 STREETS

Streets shall conform to all minimum requirements, general specifications, typical cross-sections and other conditions set forth in this Ordinance and any other requirements of the Lapeer County Road Commission.

A. Location and Arrangement:

1. The proposed subdivision shall conform to the various elements of the Master Plan and shall be considered in relation to existing and planned major thoroughfare and collector streets, and streets shall be platted in the location and the width indicated on the Master Plan.
2. The street layout shall provide for continuation of collector streets in the adjoining subdivisions or of the proper projections of streets when adjoining property is not subdivided.
3. The street layout shall include local streets so laid out that their use by through traffic will be discouraged.
4. Should a proposed subdivision border on or contain an existing or proposed major thoroughfare, the Planning Commission may require a side lot relationship to the major thoroughfare with an approved screen planting contained in a dedicated nonaccess reservation along the side property lines having a minimum width of 12 feet, or such other treatment a may be necessary for adequate separation of the residential properties from the major thoroughfare.

B. Street Layouts: The following design standards shall be used:

1. Major and secondary thoroughfare minimum right-of-way width equals 120 feet.

2. Collector streets minimum right-of-way equal 86 feet.
3. Local street minimum right-of-way width equals 66 feet.
4. Cul-de-Sac streets minimum right-of-way equal 66 feet, with a vehicular turn-around with a minimum diameter of 150 feet and with a paved roadway of not less than 112 feet in diameter.
5. Cul-de-Sac street maximum length equals 660 feet measured to the center of the turn-around.
6. Half streets and alleys are prohibited.

C. Grade standards and horizontal alignment shall be to Lapeer County Road Commission specifications.

D. Private streets and alleys. Private streets shall be permitted and must meet the standards of Section 5.17 of the Imlay Township Zoning Ordinance.

E. Intersections. Intersecting streets shall be laid out so that the intersection angle is as nearly as possible to 90 degrees. Streets converging at one point shall be reduced to the least practicable number.

F. Surface drainage. Adequate and safe disposal of all yard drainage shall be provided in accordance with details and specifications prescribed by the Township Engineer.

4.2 BLOCKS

Blocks within the subdivision shall conform to the following standards:

A. Sizes:

1. Maximum length for blocks shall not exceed 1,500 feet in length, except where in the opinion of the Planning Commission, with the advice of the Township Planner and the Township Engineer, conditions may justify a greater distance.

2. Widths of blocks shall be determined by the conditions of the layout and shall be suited to the intended design of the subdivision.

B. Public Walkways:

1. Public walkways or crosswalks or easements for same shall be required by the Planning Commission to obtain satisfactory pedestrian circulation within the subdivision and the periphery to public or private facilities.
2. Right-of-way widths of public walkways when not adjacent to or a part of street rights-of-way shall be at least 15 feet and shall be dedicated to the use of the public.

C. Easements:

1. Location of utility line easements shall be provided in a uniform location approved by the Planning Commission. Every lot, park, or public grounds shall have access of not less than 15 feet wide.
2. Recommendations on the proposed layout for telephone, electric, and gas utility easements shall be obtained from the utility companies serving the Township.
3. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction or both as will be adequate for the purpose. Such easements shall meet the approval of the Township and the County.
4. Private fencing shall not be permitted within public drainage easements.
5. Use of spite strips to prevent the future connection of utilities on adjacent parcels is prohibited.

4.3 LOTS

Lots within subdivisions shall conform to the following standards:

A. Sizes and Shapes:

1. The lot size, width, depth, and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.

2. Lot areas, widths, and setbacks shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision is proposed.

3. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of not more than 4 to 1 may be required.

4. Corner lots in subdivisions shall be platted at least 20 feet wider than the minimum width permitted by the Zoning Ordinance.

5. Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provisions for off-street parking setbacks and other requirements in accordance with the Zoning Ordinance.

B. Arrangement (The Planning Commission may alter requirements of subsection 2-3-4 upon a finding that topographic or other practical difficulties result from the strict application of these standards):

1. Every lot shall front or abut upon an approved street.

2. Side lot lines shall be at right angles or radial to the street lines.

3. Residential lots abutting major thoroughfares or collector streets shall be platted with side lot lines parallel to the major traffic streets, or shall be platted with extra depth to permit generous distance between buildings and such trafficway.

4. Lots shall have a front-to-front relationship across all streets where possible.

5. Wetlands, lands subject to flooding, or lands otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes, or for uses that may, in the judgement of the Planning Commission, diminish a natural resource or tend to endanger health, life, or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as open space or parks.

6. Where parcels of land are subdivided into unusually large lots the parcels may be divided, where feasible so as to allow for

resubdividing into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks.

4.4 CREDITS FOR PUBLIC DEDICATIONS

In supplying sites for schools and parks, the proprietor may reduce the minimum lot frontage and lot area requirements of Imlay Township's Zoning Ordinance in direct proportion to the land dedicated for public purpose according to the following formula:

$$\frac{\text{Total Park and School Area Dedication}}{\text{Gross Area of Plat}} = \frac{\text{Percentage of Minimum Lot Frontage \& Area Reduction}}{\text{(Not to exceed 10\%)}}$$

When multiplying the percentage reduction allowable to the minimum lot frontage, the product may be rounded to the nearest lower whole number. When multiplying the percentage reduction allowable to the minimum lot area, the product may be rounded to the nearest lower even 100 square feet.

4.5 TREES AND NATURAL FEATURES

The natural features and character of lands must be preserved wherever practical.

- A. Due regard must be shown for all natural features such as large trees, natural groves, and similar community assets that will add attractiveness and value to the property if preserved. Existing trees shall be preserved wherever possible, removal must be justified to the Planning Commission.
- B. Areas identified as wetlands on the National Wetlands Inventory Maps shall not be filled, drained, developed, or otherwise altered in any way. This Ordinance intends to protect and preserve all wetlands. Protection of such areas shall not be used for density credits or bonuses.

4.6 GREENBELTS

Greenbelts acceptable to the Planning Commission may be required to be placed next to incompatible features such as highways, commercial, or industrial uses to screen the view from residential properties. Such screens or greenbelts shall be a minimum of 15 feet wide and shall not be a part of the normal roadway right-of-way or utility easement.

4.7 FLOOD HAZARD AREAS

- A. Restrictions: Wherever property is subdivided with the intention that it shall have a use more restrictive than that designated in the Zoning Ordinance, such use shall be stated in an application for an amendment to the Zoning Ordinance or in a separate statement filed with the Planning Commission. Conformance with the objectives of the Master Plan shall be required to ensure general uniformity of land uses within blocks and neighborhoods.

4.8 LAND SUBJECT TO FLOODING

Any areas within the proposed plat which are subject to flooding, inundation by storm water, or within the flood plain of a river, stream, creek or lake, or have inadequate drainage shall not be platted for any use to increase danger to life, health, or property. If the Township Board determines that a flood problem does exist, then it shall reject all or part of the proposed plat lying within the flood plain or area subject to flooding. Areas of land lying within a flood plain shall require compliance with the Land Division Act and review by the Michigan Department of Natural Resources Environmental Quality (MDEQNR). The proprietor may show by engineering site plans that a change in the topography will eliminate flooding and shall demonstrate that any planned topographical change will not aggravate the flood hazard beyond the limits of the plat.

4.9 TOPSOIL

Removal of topsoil from areas to be subdivided shall be prohibited except in those areas to be occupied by buildings, roads, or parking areas. A plan for storage or stockpiling of topsoil shall be submitted by the proprietor with the final plat and shall be approved prior to receiving approval of the final plat.

4.10 REQUIRED CONDITIONS

The improvements set forth under the provisions of this Ordinance shall be obtained prior to the installation of any subdivision or project improvements within Imlay Township in public streets, public rights-of-way, and public easements, and/or under the ultimate jurisdiction of Lapeer County.

4.11 UTILITY IMPROVEMENTS

Prior to the acceptance by the Township of improvements, a three-year maintenance bond in an amount equal to 35 percent of the total cost shall be

deposited by the proprietor. A set of engineering plans shall be prepared by a Professional Engineer showing all utility improvements. The plan shall show and conform to all standards and ordinance requirements and the following:

A. Suggested location for utility structures:

1. Storm water
2. Utility Poles
3. Gas Line
4. Cable/Internet

B. Surface Drainage – Building Permit:

No building permit shall be issued in any subdivision in Imlay Township unless the application for such permit is accompanied by evidence, in the form of plat diagrams, showing topography of such building site and the proposed surface drainage thereof approved by the Township. It shall be unlawful for any person to impede, block, change, or alter the flow of surface drainage in any manner, or maintain any such impediment or blockage in any manner in any subdivision, without the prior express written approval of the Township.

C. Surface Drainage – Occupancy Permit:

No final occupancy permit shall be issued for a new building until satisfactory evidence is furnished that the yard grading is complete for the lot or parcel of land on which the building is located. "Satisfactory evidence" may, at the discretion of the Township Clerk, be in the form of a certificate prepared by and certified by a registered land surveyor or registered professional engineer, showing the required grading to be done, a temporary certificate of occupancy may be issued by the Building Inspector upon the filing with the Township Clerk of a cash bond, in an amount to be determined by the Township, to guarantee that said grading will be completed as soon as weather permits. Upon the filing of satisfactory evidence that the grading has been completed as herein provided, said bond shall be refunded.

D. Sanitary sewerage system or septic field. All new plats shall have a sanitary sewerage system which must meet standards and specifications prescribed by the Township Engineer, the Lapeer County Health Department, and the Lapeer

County Drain Commissioner. A letter or document of approval from the latter-agencies must be submitted by the proprietor.

E. Water system. Each lot shall be serviced with an adequate water supply subject to the standards and specifications of the Township Engineer and the Lapeer County Health Department.

4.12 OTHER IMPROVEMENTS

A. Street Signs:

An appropriate street sign shall be erected at each street intersection within the subdivision. The type of sign and location thereof, shall be subject to the approval and direction of the Lapeer County Road Commission. Temporary signs shall be installed by the developer before construction in the subdivision is begun to facilitate the location of given lots by emergency vehicles.

B. Pedestrian Walkways, Open Spaces, and Trees:

Pedestrian walkways, open spaces, and trees shall be installed and preserved in accordance with this Ordinance.

5.0 Review Fees

Fees for examination and inspection of plats and the land proposed to be subdivided and related expenses shall be paid to the Township by the proprietors, and such fees shall include the Township administrative fee, the Planner's fee, the Engineer's fee, and the Township Attorney's fee, based upon his arrangement with the Township in effect at said time. The Township Board shall adopt by Ordinance the appropriate Schedule of Fees.

6.0 Variance

The Township Planning Commission may recommend to the Township Board a variance from the provisions of this Ordinance on a finding that application of such provision of requirement is impracticable. The Planning Commission shall only recommend variances that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Planning Commission shall take into account the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the Planning Commission finds after a public hearing:

- A. That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this Ordinance would clearly be impracticable or unreasonable. In such cases the proprietor shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the Planning Commission.
- B. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- C. That such variance will not violate the provisions of the State Land Division Act.
- D. That the Planning Commission shall include its findings and the specific reasons therefor in its report of recommendations to the Township Board and shall also record its reasons and actions in its minutes.
- E. That such variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Master Plan

7.0 Lot Splitting

These include that the requirement that a lot or outlot may not be partitioned into more than four (4) lots and the resulting lots when combined with other adjacent lots, shall conform to the Township Zoning Ordinance including minimum lot size and lot width requirements.

- A. Submittal and review. Any person desiring a lot split within a platted area shall submit to the Township Assessor written application for lot splitting, and five (5) copies of the lot split. In addition, the proprietor shall deposit the necessary fees as provided in Article 6.0 of this Ordinance.
- B. Duties of Township Assessor. The Township Assessor shall review the proposed lot split to determine its compliance with the applicable Township Ordinances, and of Section 263 of Act 288, Public Acts, 1967. If the resultant split is in conformance with these conditions, the Township Assessor shall have the authority to authorize the requested lot splits.
- C. Taxes. No lot shall be split until all taxes and special assessments have been paid. A receipt of payment must be submitted with the proposed lot split plan.

8.0 Violations and Penalties

Any person, firm, or corporation who violates the provisions of this Ordinance shall be guilty of a municipal civil infraction ~~and upon conviction thereof shall be subject to a fine not exceeding Five Hundred (\$500.00) Dollars.~~

A. The Zoning Administrator shall send by certified mail a letter noting the violation(s).

B. Thirty (30) days shall be provided for the proprietor to remedy or resolve the violation.

B.C. Fines for violation of this Ordinance shall be as established in the Municipal Civil Infraction Ordinance.

9.0 Severability

If any section, paragraph, clause, or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

10.0 Publication

Notification of adoption of this Ordinance shall be published in a newspaper of general circulation in Imlay Township, within 30 days after its adoption.

11.0 Effective Date

This Ordinance shall take effect 30 days from and after the publication of a notice of adoption.