

PENINSULA TOWNSHIP

SUBDIVISION CONTROL ORDINANCE

8

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PENINSULA TOWNSHIP

SUBDIVISION CONTROL ORDINANCE NO. 8

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

The Township of Peninsula Ordains:

ARTICLE I - GENERAL PROVISIONS

Section 1.1 SHORT TITLE: This Ordinance shall be known and may be cited as the "Peninsula Township Subdivision Control Ordinance"

Section 1.2 PURPOSE: The purpose of this Ordinance is to regulate and control the subdivision of land within the Township of Peninsula, in order to promote the safety, public health and general welfare to the community. These regulations are specifically designed to:

- (a) Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies.

(b) Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivision, and public facilities.

(c) Achieve individual property lots of maximum utility and livability.

(d) Insure adequate provisions for water, drainage, and sanitary sewer facilities, and other health requirements.

(e) Plan for the provision of adequate recreational areas, school sites and other public facilities.

Section 1.3 LEGAL BASIS: This Ordinance is enacted pursuant to the statutory authority granted by the Subdivision Control Act of 1967, Act 288, P.A. 1967; Act 191, P.A. 1939 providing for publication of ordinances; Act 246, P.A. 1945, as amended (authorizing Township Boards to adopt ordinances and regulations to secure the public health, safety and general welfare).

Section 1.4 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 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, 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 this Township, the provisions of this Ordinance shall control.

Section 1.5 ADMINISTRATION: The approval provisions of this Ordinance shall be administered by the Township Board in accordance with Act 288, P.A. 1967.

Section 1.6 SCHEDULE OF FEES: The schedule of fees for review of plats shall be set from time to time by the Township Board.

ARTICLE II - DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated. The word "shall" is always mandatory and not merely directory.

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, and the exterior boundary or boundaries of the subdivision.

BUILDING LINE OR SETBACK LINE: A line parallel to a street right-of-way line, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building between such line and a right-of-way or shore of a lake.

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

COMMERCIAL DEVELOPMENT: A planned commercial center providing building areas, parking areas, service areas, screen planting and widening, turning movement and safety land roadway improvements.

COMPREHENSIVE DEVELOPMENT PLAN (OR MASTER PLAN): A plan adopted by the Township for the physical development of the Township showing the general location for major streets, parks, schools, public building sites, land use and other similar information. The plan may consist of maps, data and other descriptive matter.

COUNTY DRAIN COMMISSIONER: The Grand Traverse County Drain Commissioner.

COUNTY HEALTH DEPARTMENT: The Tri-County Health Department, comprised of Grand Traverse, Leelanau and Benzie Counties.

COUNTY PLAT BOARD: The Grand Traverse County Plat Board.

COUNTY ROAD COMMISSION: The Grand Traverse County Road Commission.

CROSSWALKWAY (PEDESTRIAN WALKWAY): Right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.

DEDICATION: The intentional appropriate of land by the owner to public use.

FLOOD PLAIN: The 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 that region.

GOVERNING BODY (OR TOWNSHIP BOARD): The Township Board of Peninsula Township.

GREENBELTS OR BUFFER PARKS: A strip or parcel of land, or easement privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the residential environment...

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

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

(a) Lot, Depth of: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the sidelines of the lot.

(b) Lot, Width of: The width measured along the front lot line or street line.

(c) Lot Front: That lot line which is the street line of the principal street or right-of-way providing access to a lot.

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.

PLANNING COMMISSION: The Planning Commission of the Township of Peninsula as established under Act 168, Public Acts of 1959 as amended.

PLANNED UNIT DEVELOPMENT: A land area which has both individual building sites and common property, such as a park, and which is designated and developed under one (1) owner or organized group as a separate neighborhood or community unit.

PLAT: A map or charter of a subdivision of land.

(a) Pre-Preliminary Plat: An informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.

(b) Preliminary Plat: A map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.

(c) Final Plat: A map of a subdivision of land made up in final form ready for approval and recording.

PRIVATE WAY: A private street built for access to properties where a public street is not platted and constructed.

PROPRIETOR, SUBDIVIDER OR DEVELOPER: A natural person, firm, association, partnership, corporation or combination of any of them which may hold any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as the owner.

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.

PUBLIC OPEN SPACE: Land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways and public parking spaces.

REPLAT: The process of changing of the map of plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing, the exterior boundaries of the outlot is not a replat.

RIGHT-OF-WAY: Land reserved, used, or to be used for a street, alley, walkway, or other public purposes.

SIGHT DISTANCE: The unobstructed vision on a horizontal plane along a street centerline from a driver-eye height of 3.75 feet and an object height of 6 inches.

SKETCH PLAN: A pre-preliminary plat.

STREET: A right-of-way which provides for vehicular and pedestrian access to abutting properties.

- (a) Arterial Street: Those streets of considerable continuity which are used or may be used primarily for fast or heavy traffic.
- (b) Collector Street: Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.
- (c) Cul-de-sac: A minor street of short length having one end terminated by a vehicular turn-around.
- (d) Marginal Access Street: A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic and not carrying through traffic.
- (e) Minor Street: A street which is intended primarily for access to abutting properties.
- (f) Street Width: The shortest distance between the lines delineating the right-of-way of streets.

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, where the act of division creates 5 or more parcels of land each of which is 10 acres or less in area; or 5 or more parcels of land each of which is 10 acres or less in area are created by successive divisions within a period of 10 years.

SUBDIVISION CONTROL ACT: Act 288, P.A. 1967, State of Michigan.

SURVEYOR: Either a land surveyor who is registered in this state as a registered land surveyor or a civil engineer who is registered in the 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 Peninsula.

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

ZONING ORDINANCE: The Township of Peninsula Zoning Ordinance.

ARTICLE III - PLATTING PROCEDURE AND DATA REQUIRED

Section 3.1 PRE-APPLICATION CONTRACT AND SKETCH PLAN

3.1.1 PURPOSE:

- (1) To provide guidelines for the subdivider concerning development policies of the township.
- (2) To acquaint the subdivider with the platting procedures and requirements of:
 - (a) The Township Board and Planning Commission.
 - (b) Other Agencies.
- (3) To provide the Planning Commission and other affected agencies with general information concerning the proposed development.
- (4) Acceptance of the sketch plan does not assure acceptance of the preliminary plat.

3.1.2 REQUIREMENTS:

(1) Pre-Preliminary Plat or Sketch Plan - The plan shall show the subdivision's entire development scheme schematic form including the area for immediate development, and shall include the following:

(a) General layout of streets, blocks and lots in sketch form.

(b) Existing conditions and characteristics of the land on and adjacent to the site including the developers total land holdings.

(c) Any general area set aside for schools, parks and other community facilities.

(2) Engineering Letter

(a) A letter from surveyor concerning the general feasibility of the land for subdividing.

(3) Ownership

(a) The Township Board and planning Commission may require such proof of ownership of the land proposed to be subdivided as they deem necessary.

(4) A Findings of Fact - Environmental assessment form as supplied by the Township.

3.1.3 PROCEDURE:

(1) The subdivider shall submit 5 copies of the pre-preliminary plat to the Township Clerk 10 days before the next meeting of the Planning Commission.

(2) The Township Clerk shall promptly transmit the 5 copies of the pre-preliminary plat to the Planning Commission

(3) The Planning Commission and Township Planner will review the plan with the subdivider or his agent. The Commission may also require that copies of the pre-preliminary plat be submitted to other affected public agencies for review.

(4) The Planning Commission shall inform the subdivider or his agent of the Township's development policies and make appropriate comments and suggestions concerning the proposed development scheme.

(5) The Planning Commission shall hold a public hearing on the proposed plat, unless said plat has been the subject of previous public hearings as a zoning change request.

(6) The Planning Commission shall inform the Township Board of the results of the review of the pre-preliminary plat.

Section 3.2 PRELIMINARY PLATS: For approval under Sections 112-120 of the Subdivision Control Act.

3.2.1 REQUIREMENTS:

(1) SUBMITTAL AND VALIDATION: The subdivider shall first submit to the Township Clerk for validation sufficient copies of the preliminary plat and proposed protective covenants and deed restrictions to meet the requirements of Section 112(1) and 113 to 119 of the Subdivision Control Act. The subdivider shall also submit a written application for approval and also the fee established by the Township Board for review of plats.

(2) Size and Scale: The preliminary plat may be on paper and shall be not less than 24 inches by 36 inches, at a scale of at least 1 inch to 100 feet showing the date and north arrow.

(3) Information Required: The following shall be shown on the preliminary plat or submitted with it.

(a) The name of the proposed subdivision.

(b) Names, addresses and telephone numbers of the subdivider and the surveyor preparing the plat.

(c) Location of the subdivision, giving the numbers of section, township and range, and the name of the township and county.

(d) The names of abutting subdivisions.

(e) Statement of intended use of the proposed plat, such as, residential single family, two-family and multiple housing; commercial; industrial; recreational; or agricultural. Also proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other nonpublic uses exclusive of single-family dwellings. Also, any sites proposed for parks, playgrounds, schools, or other public uses.

(f) A map of the entire area scheduled for development and all contiguous land owned by the proprietor, if the proposed plat is a portion of a larger holding intended for subsequent development.

(g) A location map showing the relationship of the proposed plat to the surrounding area.

(h) The land use and existing zoning of the proposed subdivision and the adjacent tracts.

(i) Streets, street names, right-of-way and roadway widths.

- (j) Lot lines and the total number of lots by block.
- (k) Contours shall be shown on the preliminary plat at 5 foot intervals where slope is greater than 10%, and 2 foot intervals where slope is 10% or less.
- (l) A site report as described in the rules of the State Department of Public Health. The requirement for a site report if the proposed subdivision is not to be served by public sewer and water system.
- (m) Proposed and existing storm and sanitary sewers, water mains and their respective profiles, or indicate alternative methods.
- (n) Right-of-way easements, showing location, width, and purpose.

(4) Preliminary Engineering Plans:

- (1) The subdivider shall submit four (4) sets of preliminary engineering plans for streets, water, sewers, and other required public improvements. The engineering plans shall contain enough information and detail to enable the Planning Commission to make preliminary determination as to conformance of the proposed improvements to applicable township regulations and standards.

3.2.2 PROCEDURES

(1) DISTRIBUTION TO AUTHORITIES: Proposed plat shall be delivered to the Township Board with simultaneous delegated reference to the Planning Commission for preliminary review. (Township Board has 90 days before rendering tentative approval).

The Township Board shall refer the proposed plat to next meeting of Township Planning Commission, (said reference will be simultaneous and carried out by the Township Clerk upon receipt of the plat from the proprietor), sends copy to the Township Planner for comments and questions and submits plat to Traverse Bay Regional Planning Commission for plat review.

(2) STAFF REVIEW: The Township Planner shall send recommendations to Planning Commission.

3.2.3 ACTIONS:

(1) PLANNING COMMISSION:

(a) The Planning Commission shall review the preliminary plat and if it meets all requirements, shall send notice of action taken with comments to the Township Board.

(b) If the preliminary plat does not meet all requirements, the Planning Commission shall notify the subdivider by letter, giving the earliest date for resubmission of the plat and additional information required.

(c) The Planning Commission shall give its report to the Township Board not more than 60 days after receipt by the Township Clerk.

(d) The 60 day period may be extended if the applicant consents in writing. If no action is taken within 60 days, the preliminary plat shall be deemed to have been approved by the Planning Commission.

(2) Traverse Bay Regional Planning Plat Review:

(a) The Traverse Bay Regional Planning Commission shall present the plat at its regular review meeting to:

- (1) Township Supervisor or representative
- (2) Tri-County Health Department
- (3) Grand Traverse County Road Commission
- (4) Grand Traverse County Drain Commissioner
- (5) Utility Companies
- (6) Grand Traverse County Soil Erosion
- (7) Representative from Traverse Bay Regional Planning Commission.

The purpose of the above review is to acquaint the various agencies with the plat and to solicit their immediate reactions and comments.

(b) The Traverse Bay Regional Planning Commission shall send copies of minutes of the review meeting to the Township Supervisor, Township Clerk and proprietor and surveyor, copy to the Planning Commission Chairman and Township Planner.

(3) Township Board:

(a) The Township Board shall not review, approve or reject a preliminary plat until it has received from the Planning Commission its report and recommendations.

(b) The Township Board shall consider the preliminary plat at its next meeting, but no later than 20 days after receipt from the Planning Commission.

(c) The Township Board shall within 20 days either reject the preliminary plat and give its reasons, or set forth in writing the conditions for granting tentative approval.

3.2.4 CONDITIONS AND DURATION OF TENTATIVE APPROVAL:

(1) Conditions:

(a) Tentative approval of a preliminary plat shall not constitute approval of the preliminary plat, but rather that preliminary plat approval shall be conditioned on all requirements being met.

(2) Duration:

(a) Approval of the tentative preliminary plat by the Township Board shall be for a period of one year from the date of its approval by the Township Board.

(b) The Township Board may extend the one year period if applied for and granted in writing but only concerning its own requirements.

3.2.5 APPROVAL OF PRELIMINARY PLAT

(1) The proprietor shall prepare the preliminary plat in accordance with the specific requirements of the following agencies and obtains their approvals, agency approval to be within 30 days of submission by the proprietor.

- (a) County Road Commission (3 copies)
- (b) County Drain Commissioner (3 copies)
- (c) Department of State Highways (2 copies)
- (d) Department of Natural Resources (2 copies)
- (e) Health Department (2 copies)

Above approvals may be sought concurrently or consecutively at the option of the proprietor.

(2) The proprietor shall submit the preliminary plat to the Township Board for approval. All conditions set forth by agencies in Step (1) above must be noted on preliminary plat for future reference. Township Board shall approve or reject within 20 days of submission.

3.2.6 CONDITIONS AND DURATION OF PRELIMINARY PLAT:

(1) Conditions:

(a) Approval of a preliminary plat shall not constitute approval of the final plat, but rather that final plat approval shall be conditioned on all requirements being met.

(2) Duration:

(a) Approval of the preliminary plat by the Township Board shall be for a period of two years from the

date of its approval after approval by the other required authorities.

(b) The Township Board may extend the two year period if applied for and granted in writing but only concerning its own requirements.

3.2.7 COMMENCEMENT OF CONSTRUCTION

(1) Plat construction may commence after Township Board approval of the preliminary plat.

Section 3.3 FINAL PLATS:

3.3.1 REQUIREMENTS:

(1) General:

(a) Final plats shall be prepared and submitted as provided for in the Subdivision Control Act.

(b) A written application for approval shall accompany all final plats.

(c) The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to the date of the proprietor's certificate, or a policy of title insurance currently in force.

(d) The Township may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

(2) Time of Submittal:

(a) Final plats shall be submitted to the Township Clerk at least 10 days before a meeting of the Planning Commission.

3.3.2 PROCEDURES:

(1) Submittal to Approving Authorities: The subdivider shall submit the final plat and as-built engineering plans where required for approval to the following:

(a) Road Commission: For approval or rejection (15 days).

(b) Drain Commissioner: For approval or rejection (10 days days)

(c) County Health Department: For issuance of a letter of approval or rejection.

(d) Planning Commission (through the Township Clerk): For recommendations to the Township Board.

(e) Township Clerk: For approval or rejection by the Township Board.

3.3.3 ACTIONS:

(1) Planning Commission:

(a) The Planning Commission shall examine the plat at its next regular meeting, or within 30 days of receipt thereof, for conformance to:

(1) The provisions of the Subdivision Control Act.

(2) The provisions of this Ordinance.

(3) The preliminary plat, as approved.

(a) The time for review and recommendations by the Planning Commission may be extended by agreement with the subdivider.

(b) If the Planning Commission recommends disapproval of the plat by the Township Board, it shall state its reason in its official minutes and forward same to the Township Board, and recommend that the Township Board disapprove the final plat until the objections causing disapproval have been changed to meet with the approval of the Planning Commission.

(c) Recommendations for approval of the plat by the Township Board shall be accompanied by a report.

(2) Township Board:

(a) The Township Board shall review the final plat and the report from the Planning Commission at its next regular meeting, or at a meeting to be called within 20 days of receipt from the Planning Commission.

(b) The Township Board shall approve the plat, or disapprove it. If disapproved, the Township Board shall give the subdivider its reasons in writing.

(c) The Township Board shall instruct the Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection and to sign the municipal certificate on the approved plat on behalf of the Township Board.

(3) Improvements and Facilities Required by the Township:

(a) The Township Board may require all improvements and facilities to be completed before it approves the final plat.

(b) If improvement and facilities are not required to be completed by the Township Board before plat approval, the final plat shall be accompanied by a contract between the subdivider and the Township Board for completion of all required improvements and facilities, which shall be prepared at the expense of the proprietor and approved by the Township Attorney.

(c) Performance of the contract shall be guaranteed by a cash deposit, certified check, surety bond, or irrevocable bank letter of credit.

(d) The Township Board shall not require a bond duplicating any bond required by another governmental agency.

(e) Such surety shall be rebated or credited to the account of the proprietor as the work progresses, as included in a written agreement between the Township and the subdivider.

(4) County Plat Board. Upon approval the Township Board shall refer the plat to the County Plat Board for approval and referral to the Michigan State Department of Treasury.

(5) Michigan Department of Treasury. Approval shall be received from the Michigan Department of Treasury in accordance with Sections 169-171 of Act 288, Public Acts of 1967.

(6) Recording of Plat. Upon state approval, proprietor shall record the plat with the County Register of Deeds.

NOTE: SALE OF LOTS CANNOT TAKE PLACE UNTIL FINAL PLAT IS RECORDED BY REGISTER OF DEEDS.

ARTICLE IV. DESIGN LAYOUT STANDARDS.

The subdivision design layout standards set forth under this article are development guides for the assistance of the proprietor. All final plans must be reviewed and approved by the Township Board.

Section 4.1 STREETS: Streets shall conform to the required construction standards for streets, roads, and intersections adopted by the Grand Traverse County Road Commission.

Generally, streets shall be dedicated to public use. Arterial streets shall be dedicated to public use in all cases.

4.1.2 LOCATION AND ARRANGEMENT:

(1) Conformity to Master Plan. The proposed subdivision shall conform to the various elements of the Master Plan and shall be considered in relation to the existing and planned major thoroughfares and collector streets, and such plat shall be platted in the location and the width indicated on such plan.

(2) Collector Streets. The street layout shall provide for continuation of collector streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Township Planning Commission.

(3) Minor Streets. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.

(4) Major Thoroughfare. Should a proposed subdivision border on or contain an existing or proposed major thoroughfare, the Town Board may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.

(5) Relation to Topography: Streets should be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable gradients.

(6) Private Streets: Private streets, private roads, private ways and private easements may be permitted where acceptable to the Township Board.

4.1.3 Right-of-way widths: Street right-of-way widths shall conform to at least the following minimum requirements:

<u>Street Type</u>	<u>Right-of-Way Widths</u>
a. Major thoroughfare	In conformance with the Major Thoroughfare Plan
b. Collector Streets	86 feet or 96 feet with utility right-of-way
c. Residential and others	66 feet or 86 feet with utility right-of-way

4.1.4 STREET GRADIENTS AND ALIGNMENT.

(1) Street gradients and alignment shall be established by the Grand Traverse County Road Commission.

4.1.5 STREET NAMES: Street names shall not duplicate any existing street name in the county, except where a new street is a continuation of an existing street.

Street names that may be spelled differently but sound the same shall also be avoided.

Section 4.2 INTERSECTIONS:

4.1.2 ANGLE OF INTERSECTION: Streets shall intersect at ninety (90) degrees or closely thereto and in no case at less than eight (80) degrees.

4.2.2 SIGHT TRIANGLES: Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred twenty five (125) feet from the center of the intersection.

4.2.3 NUMBER OF STREETS: No more than two (2) streets shall cross at any one (1) intersection.

4.2.4 "T" INTERSECTIONS: Except on arterials and certain collectors, "T" type intersections shall be used where practical.

4.2.5 CENTERLINE OFFSETS: Slight jogs at intersections shall be avoided. Where such jogs are unavoidable, street centerlines shall be offset by a distance of one hundred fifty (150) feet or more.

4.2.6 VERTICAL ALIGNMENT OF INTERSECTION: A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be carried back fifty (50)

SECTION 4.3 DRIVEWAYS:

4.3.1 In areas having steep topography generally in excess of 10% gradient and errodable soils the probable location of driveways to each lot shall be shown on the preliminary and final plat from the road or street paving to the outer edge of the required utility right of way. Grading and structures for driveways shall be shown on the plans required under Section 5.2.

SECTION 4.4 PEDESTRIANWAYS:

4.4.1 CROSSWALKS AND OTHER PEDESTRIAN WALKWAYS. Right-of-way for pedestrian walkways in the middle of long blocks shall be required where necessary to obtain convenient pedestrian circulation to schools, parks, or shopping areas. Other walkways shall be provided when required to provide access to common park areas, beaches and other open space. The right-of-way shall be at least ten (10) feet wide. In the case of crosswalks, they shall extend entirely through the block.

SECTION 4.5 EASEMENTS:

4.5.1 LOCATION: Easements shall be provided along front lot lines in accord with the standards of the County Road Commission. Along side lot lines when necessary for utilities, the total width shall not be less than six (6) feet along each lot, or a total of twelve (12) feet for adjoining lots. (See also Section 4.7.5 for backup lots.)

4.5.2 DRAINAGEWAY: The subdivider shall provide drainageway easements as required by the rules of the County Drain Commissioner

SECTION 4.6 BLOCKS:

4.6.1 ARRANGEMENTS: A block shall be so designated as to provide two (2) tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary.

4.6.2 MINIMUM LENGTH: Blocks shall not be less than five hundred (500) feet long from center of street to center of street.

4.6.3 MAXIMUM LENGTH: The maximum length allowed for residential blocks shall be one thousand three hundred twenty (1,320) feet long from center of street to center of street.

Section 4.7 LOTS:

4.7.1 CONFORM TO ZONING: The lot width, depth, and area shall not be less than the particular district requirements of the Zoning Ordinance, except where outlots are provided for some indicated and permitted purpose.

4.7.2 LOT LINES: Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.

4.7.3 WIDTH RELATED TO LENGTH: Narrow deep lots shall be avoided. The depth of a lot generally shall not exceed two and one-half (2-1/2) times the width as measured at the building line.

4.7.4 CORNER LOTS: Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.

4.7.5 BACK UP LOTS: Lots shall back into such features as arterial streets, except where there is a marginal access street, unless a secondary access is provided. Such lots shall contain a landscaped easement along the rear at least twenty (20) feet wide to restrict access to the arterial street, to minimize noise, and to protect outdoor living

areas. Lots extending through a block and having frontage on two (2) local streets shall be prohibited. Unless the circumstances are such that the land area is not of sufficient size to develop secondary roads, all lots within a subdivision shall front on secondary roads and lots along M-37, Center Road, Peninsula Drive and East Shore Drive shall be back up lots.

4.7.6 LOT FRONTAGE: All lots shall front upon a publicly dedicated or private street. Variances may be permitted in an approved planned unit development.

4.7.7 FUTURE ARRANGEMENTS: Where parcels of land are subdivided into unusually large lots, the parcels shall 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 or splitting of lots into smaller lots. Whenever such future resubdividing or lot splitting is contemplated, the plan thereof shall be approved by the planning commission prior to the taking of such action.

4.7.8 LOT DIVISION: The division of a lot in a recorded plat is prohibited unless approved following application to the Township Board. The application shall be filed with the Clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in area than permitted by the Zoning Ordinance. No building permit shall be issued, nor any building 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. The division of a lot resulting in a smaller area than prescribed by the Zoning Ordinance may be

permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

4.7.9 DIVISION OF UNPLATTED PARCEL: The division of an unplatted parcel of land into two (2), three (3), or four (4) lots involving the dedication of a new street shall require the approval of the Township Board prior to taking such action. All such applications shall be made in writing and shall be accompanied by a drawing of the proposed division. No land use permit shall be issued in such cases until the Board has approved division of such lands.

4.7.10 LOTS ABUTTING CERTAIN AGRICULTURAL LANDS: When lands are platted adjacent to agriculturally zoned active fruit producing lands or lands designated as having either "slight," "moderate," or "severe" limitations for tart cherry production in the red Tart Cherry Site Inventory" for Grand Traverse County, U.S.D.A., Soil Conservation Service 1971, a (Planting) buffer of 200 feet planted or treated in such a way as to mitigate noise, trespass, spray drift, etc. shall be maintained between any residential or accessory structure and the nearest property line of the lands used for agricultural purposes provided the agricultural lands have the following qualities:

- A. There is existing agricultural production within 200 feet of the boundary between the residential plat and the agricultural lands.
- B. There is more than 20 percent land designated as having slight limitation tart cherry site land within 200 feet of the boundary between the residential plat and the agricultural lands.
- C. There is more than 50 percent designated moderately limited tart cherry site within 200 feet of the boundary between the residential plat and the agricultural lands.
- D. There is more than 70 percent designated severely limited tart cherry site land within 200 feet of the boundary between the residential plat and the agricultural lands.

In the event adjacent agricultural lands fall into several classifications, the lands shall be divided in sub areas to determine if the minimum requirements are met for the total adjacent land area.

Lots in plats adjacent to such agricultural lands shall have designated building sites shown of the preliminary and final plats. Residential and accessory uses shall be located within the designated areas. Plans accompanying applications for zoning permits shall show such designated sites. (Note reference should be made to Section 7.3.4 of the Township Zoning Ordinance for lot size averaging procedures).

4.7.11 UNINHABITABLE AREAS: Lands subject to high organic content soils, high water table, flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes, or for uses that may in the judgment of the Planning Commission increase the danger to health, life, or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as parks or other open space.

Section 4.8 PLANTING STRIPS AND RESERVE STRIPS:

4.8.1 PLANTING STRIPS: Planting strips may be required to be placed next to incompatible features such as highways, or agricultural properties. Such screens shall be a minimum of twenty (20) feet wide unless otherwise provided in the zoning ordinance; in such cases the most stringent provisions shall prevail. Such screens shall not be a part of the normal roadway right-of-way or utility easement.

Section 4.9 PUBLIC SITES AND OPEN SPACES:

4.9.1 PUBLIC USES: Where a proposed park, playground, school, or other public use shown on the Master Plan is located in whole or in part within a subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase. Lands designated for either private or public open space or park use shall have natural qualities and location which make it suitable for developed recreational facilities accessible to all lots within the plat or have unique natural qualities and location which make it desirable to leave the land in an undisturbed and protected natural state. Odd or unusual shaped parcels of land shall not be so designated merely to avoid difficult design or layout problem.

4.9.2. NATURAL FEATURES: Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historical spots, and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision.

Section 4.10 FENCING CERTAIN AGRICULTURAL LANDS:

4.10.1 When a plat abuts agricultural lands as described in Section 4.7.10(a) the developer shall before occupancy permits are issued install a control fence along the boundary between the plat and the agricultural lands which will effectively limit trespass onto the agricultural lands which may in any way result in material damage to or theft of property.

Section 4.11 FIRE PROTECTION WATER STORAGE

4.11.1 When a plat or portion thereof is located more than 1000 feet from an obtainable water source for fire-fighting purposes, provision shall be made for the installation of a reserve water supply within 1000 feet of any residential lot within the subdivision.

ARTICLE V. SUBDIVISION IMPROVEMENTS:

Section 5.1 PURPOSE: It is the purpose of this section to establish and define the improvements which will be required to be constructed by the subdivider as conditions for final plat approval and also to outline the procedures and responsibilities of the subdivider and the various public officials and agencies concerned with the administration, planning, design, construction, and financing of public facilities, and to further establish procedures for assuring compliance with these requirements.

Section 5.2 RESPONSIBILITY FOR PLANS: It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered engineer, a complete set of construction plans, including profiles, cross-sections, contour grading plans, specifications, and other supporting data for the hereinafter required public streets, driveways, drainageways and structures, utilities, including electric, gas, tleephone and television and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat final approval, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies shown. All construction plans shall be prepared in accordance with the applicable standards or specifications.

Section 5.3 PROCEDURE:

5.3.1 SUBMITTAL: If construction has been completdd at the time of filing the final plat, one (1) complete copy of as-built

engineering plans of each required public improvement shall be filed with the Clerk coincident with the filing of the final plat. Other requirements and procedures in the submittal of final plats shall be as provided in Section _____.

Section 5.4 REQUIRED IMPROVEMENTS: Every subdivider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

5.4.1 STREETS: All streets shall be constructed in accordance with the standards and specifications adopted by the County Road Commission and this Ordinance.

(1) Crosswalks and walkways: Crosswalks and walkways, when required by the Township, shall have easements at least ten (10) feet in width and constructed to the standards of a walkway located generally along the centerline of the easement and dedicated as a public pedestrian walkway.

(2) Street Name Signs: Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the County Road Commission.

(3) Street Lighting: All streets shall be lighted in accordance with the current lighting standards and specifications of the Township.

5.4.2 INSTALLATION OF UTILITIES AND DRIVEWAYS: Utilities and driveways shall be located in accordance with the rules of the County Road Commission. The underground work for utilities shall be stubbed to the property line.

5.4.3 DRIVEWAYS: All driveway openings shall be as specified by the County Road Commission or the Department of State Highways.

5.4.4 WATER SUPPLY:

(1) Accessible Public Water Supply: Where a public water supply system is accessible to the subdivision, provisions shall be made by the subdivider to supply each lot in the subdivision with water from the public supply by means of a water supply system which meets current Township specifications.

(2) Non-accessible Public Water Supply: Where a public water supply system is not accessible to the subdivision by reasons of absence of feeder mains, the subdivider shall bear the cost of installation of a new feeder main from the source of supply to the subdivision in accordance with current Township specifications.

(3) Private Water Supply: Where it is deemed impractical to connect to an existing public water system or otherwise have a public water system within a plat in accord with The Safe Drinking Water Act 399 of the Public Acts of 1976 and a private community water system is developed, said private system shall meet the requirements of the current Township specifications for water systems.

5.4.5A SANITARY SEWER SYSTEM: When a proposed subdivision is to be serviced by a public sanitary sewerage system, sanitary sewers and other required appurtenances thereto shall be provided by the subdivider. Sewer systems shall comply with the requirements of Act 98, P.A. 1913, as amended.

If there is no existing or accessible public sewer system, a sewer system for the common use of the lot owners may be required to be provided by the subdivider, if feasible in the judgment of the Planning Commission with the advice of the Township Engineer and County (or District) Health Department and shall comply with the requirements of Act 98, P.A. 1913, as amended. The system provided shall be turned over to the Township for operation and maintenance.

Where it is determined in the judgment of the Planning Commission, with the advice of the Township Engineer and the County Health Department, that a subdivision cannot be economically connected with an existing public sewer system or that a public sewer system cannot be provided for the subdivision itself, then approved septic tanks and disposal fields may be approved which shall comply with the requirements of the County Health Department.

However, where studies by the Township Planning Commission or the Township Engineer indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided appears probable within a reasonably short time (up to three (3) years), sanitary sewer mains and house connections shall be installed and capped.

5.4.5B STORM DRAINAGE SYSTEM:

(1) 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. The requirements for each particular subdivision shall be established by the County Drain Commissioner.

Construction shall follow the specifications and procedures established by the County Drain Commissioner. All proposed storm drainage construction plans for proposed plats shall be approved by the County Drain Commissioner.

5.4.6 UNDERGROUND WIRING: The subdivider of a residential subdivision shall make arrangements for all local distribution lines for telephone or electric service exclusive of main supply and perimeter feed lines when located on section or quarter section lines, to be placed entirely underground throughout a subdivided area, PROVIDED, however, that when a subdivision overlaps a section or quarter line, main supply and perimeter feed lines located on such section or quarter section line shall be placed underground. The Planning Commission may wive or modify this requirement where in its judgment circumstances exist which render compliance impractical. Conduits or cables shall be placed within private easements provided to the service companies by the subdivider or within public ways. Those telephone and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephone and electrical facilities shall be constructed with standards of construction approved by the Michigan Public Service Commission.

5.4.7 STREET TREES: Street trees shall be provided as required by the planning commission, as follows:

(1) Species: The trees should be species as determined by the planning commission which are most resistant to damage and disease in this part of the country and which are not likely to cause interference with underground utilities or street lighting or street pavement.

(2) Location: Street trees should be spaced so that there will be approximately ten (10) feet between branch tips when the trees are full grown. No trees shall be planted within fifty (50) feet of the intersection of two

street right-of-way lines. Approaches to buildings should be considered when locating trees.

(3) Tree Size: When fully grown, trees should be at least one and one-half (1-1/2) inches in diameter one (1) foot above the ground. Lowest branches should be not less than seven (7) feet and no more than ten (10) feet above the ground.

(4) Number: The number of trees shall be determined by the lot widths. There shall be a minimum of one (1) tree per interior lot with a frontage of seventy (70) feet or less, or a minimum of two (2) trees per lot with a frontage of more than seventy (70) feet. At least three (3) trees shall be provided for a corner lot.

5.4.8 RECREATIONAL: Where a school site, neighborhood park, recreation area, or public access to water frontage, as previously delineated or specified by official action of the planning commission, is located in whole or in part in the proposed subdivision, the Township Board may request the reservation of such open space for school, park and recreation or public access purposes. All such areas may either be reserved for the respective school district in the case of school sites or for the Township in all other cases; however, voluntary dedication of these land areas may be accepted.

5.4.9 GREENBELTS: It is desirable for the protection of residential properties to have greenbelts or landscaped screen plantings located between a residential development and adjacent major arterial streets. Where a subdivider desires to protect his development in this respect, a proposed subdivision plat shall show the location of said greenbelts.

5.4.10 REMOVAL OF FRUIT TREES: When an area having existing fruit producing trees, vines or shrubs is platted, the owner of the plat shall remove and destroy all such trees, shrubs and vines before an occupancy permit is issued.

5.4.11 MONUMENTS: Monuments shall be set in accordance with the State Subdivision Control Act and the rules of the State Department of Treasury.

5.4.12 PLANS REQUIRED FOR THE CONTROL OF EROSION AND SEDIMENTATION: In the event that any developer shall intend to make changes in the contour of any land proposed to be subdivided, developed, or changed in use by grading, excavating or the removal or destruction of the natural topsoil, trees, or other vegetative covering thereon, the same shall only be accomplished after the owner of said land or his agent has submitted to the Planning Commission for approval a plan for erosion and sedimentation controls, unless there has been a prior determination by the Planning Commission that such plans are not necessary. Such plans shall contain adequate measures for control of erosion and siltation, where necessary, using the guidelines and policies contained herein and the Standards and Specifications of the Grand Traverse County Soil Conservation District. The Planning Commission shall review these plans as submitted and shall take necessary steps to ensure compliance by the developer with these plans as finally approved. In circumstances where soil erosion control comes under the jurisdiction of Act 347 of P.A. 1972, (5 acres or more), the developer shall submit a set of plans approved by the Grand Traverse County Soil Erosion Control Officer.

(1) Requirements: Plats not under jurisdiction of Act 347 of Public Acts of 1972.

(a) Three (3) sets of plans for the control of erosion and sedimentation shall be submitted to the planning commission at the time the final plat drawings are submitted.

(b) Measures to be taken to control erosion and sedimentation shall be described and provided for in the construction agreement and the estimated cost of accomplishing such measures shall be covered in the performance bond. In addition, the subdivider shall be required to provide a cash escrow guarantee (to be held by a company which is in the practice of handling escrows), approved by the Township Board in an amount determined by the planning commission which would ensure the Township that emergency measures could be taken by the Township at the subdivider's expense, if he did not initiate corrective action determined to be needed by the planning commission. In this regard, the subdivider shall, at the time of Final Plat submission, deliver to the Township Board written instructions addressed to the escrow holder to (1) convey to the subdivider, after completion of the entire subdivision, (as per the construction agreement) upon approval, by the resolution of the Township Board the cash guarantee or (2) to convey to the Township when the Township Board has approved such action, by resolution, such amounts of the cash guarantee, as

the resolution requires.

(c) At the building permit application stage, a review will be conducted to ensure conformance with the plan as approved.

(d) During the construction phase, further consultive technical assistance will be furnished, if necessary, by the planning commission. The planning commission shall enforce compliance with the approved plans.

(e) The planning commission shall make a continuing review and evaluation of the methods used and the overall effectiveness of the erosion and sedimentation control program.

(2) Suggested Control Measures: The following control measures should be used for an effective erosion and sediment control plan:

(a) The smallest practical area of land should be exposed at any one time during development.

(b) When land is exposed during development, the exposure should be kept to the shortest practical period of time.

(c) Where necessary, temporary vegetation and/or mulching should be used to protect areas exposed during development.

(d) Sediment basins (debris basins, desilting basins, or silt traps) should be installed and maintained to remove sediment from runoff waters from land undergoing development.

(e) Provisions should be made to effectively retain on the property any increased run-off caused by changed soil and surface conditions during and after development.

(f) The permanent final vegetation and structures should be installed as soon as practical in the development.

(g) The development plan should be fitted to the topography and soils so as to create the least erosion potential.

(h) Wherever feasible, natural vegetation should be retained and protected.

5.4.13 REQUIRED FARM FENCE: Fencing required by Section 4.10 shall be as approved by the Township Board. Suggested minimum fencing is as specified below:

Materials:

1. Mesh - No. 11 gauge woven wire farm fence 46-1/2 inches in height, with 6-1/2 inch square mesh pattern (uniformly spaced).
2. Line Posts - Wood line posts shall be 4-1/2 inch minimum diameter and 7 feet in length, spaced not more than 16 feet 6 inches (center to center) and set 2 feet 6 inches into the ground. All posts shall be treated with creosote or pentachlorophenol preservative. Wood shall be cedar, oak or approved equal.
3. Corner, End, Gate and Intermediate Braced Posts - Shall be 8 feet minimum length and 8 inches minimum diameter, set 3 feet 6 inches into the ground, spaced 10 feet from adjacent line posts and located as shown on Plans.

Intermediate Braced Posts shall be located a maximum of 660 feet apart on straight runs. Corner posts shall be located at all changes in direction.

5.4.14 FIRE PROTECTION WATER STORAGE: Water storage tanks shall be buried at locations where they will be accessible by fire trucks. Tanks shall be of a minimum capacity of 1600 gallons, installed to a depth which will prohibit freezing with a suitable stand pipe for pumping and refilling.

Section 5.5 GUARANTEE OF COMPLETION OF IMPROVEMENTS REQUIRED BY THE TOWNSHIP:

5.5.1 FINANCIAL GUARANTEE ARRANGEMENTS, EXCEPTIONS: In lieu of the actual installation of required public improvements, the Township Board may permit the subdivider to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of the County Road Commission, County Drain Commissioner or any other agency responsible for the administration, operation and maintenance of the applicable public improvement. The Township Board may waive financial guarantees of performance under this Ordinance for street lights, or street trees. In case these improvements are specified, completion may be required prior to the issuance of occupancy permits as required by the Zoning Ordinance.

(1) Performance or Surety Bond:

- (a) Accrual: The bond shall accrue to the Township, covering construction, operation and maintenance of the specific public improvement.
- (b) Amount: The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement, including contingencies, as estimated by the Township Board.
- (c) Term Length: The term length in which the bond is in force shall be for a period to be specified by the Township Board for the specific public improvement.
- (d) Bonding or Surety Company: The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the Township Board.
- (e) The escrow agreement shall be drafted at the expense of the developer and approved by the Township Attorney.

(2) Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit:

(a) Treasurer, Escrow Agent or Trust Company:

A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the Township Board, shall accrue to the Township. These deposits shall be made with the Township Treasurer, or deposited with a responsible escrow agent, or trust company, subject to the approval of the Township Board.

(b) Dollar Value: The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specific public improvement including contingencies, as estimated by the Township Board.

(c) Escrow Time: The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period to be specified by the Township Board.

(d) Progressive Payment: In the case of cash deposits or certified checks, an agreement between the Township and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

5.5.2 CONDITION OF TOWNSHIP APPROVAL OF FINAL PLAT - FINANCIAL GUARANTEES: With respect to financial guarantees, the approval

of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

- (1) The construction of improvements required by this Ordinance shall have been completed by the subdivider and approved by the Township Board.

2. Surety acceptable to the Township Board shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.

5.53 INSPECTION OF PUBLIC IMPROVEMENTS UNDER CONSTRUCTION:

Before approving a final plat, an agreement between the subdivider and the Township Board shall be made to provide for checking or inspecting the construction of public improvements and conformity to plans.

5.54 PENALTY IN CASE OF FAILURE TO COMPLETE THE CONSTRUCTION OF A PUBLIC IMPROVEMENT:

In the event the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the township Board and the subdivider.

ARTICLE VI - VARIANCES

Section 6.1 GENERAL: The Township Planning Commission may recommend to the Township Board a variance from the provisions of this Ordinance on a finding that undue hardship may result from strict compliance with specific provisions or requirements of the Ordinance or that application of such provision or 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 nature of 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:

- (1) 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 subdivider shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the Planning Commission.
- (2) 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.
- (3) That such variance will not violate the provisions of the State Subdivision Control Act.
- (4) 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.
- (5) That such variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Comprehensive Development Plan of this Township.

Section 6.2 TOPOGRAPHICAL-PHYSICAL LIMITATION VARIANCE:

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of

the objectives of this Ordinance, the Planning Commission may recommend to the Township Board that variance modification or a waiver of these requirements be granted.

Section 6.3 PLANNED UNIT DEVELOPMENT VARIANCE: The developer may request a variance from specified portions of this Ordinance in the case of a planned unit development. If in the judgment of the Planning Commission such a plan provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs, it shall make findings, as required herein below. The Planning Commission shall take into account the nature of the proposed use of land and 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. The Planning Commission shall report to the Township Board whether:

- (1) The proposed project will constitute a desirable and stable community development.
- (2) The proposed project will be in harmony with adjacent areas.

ARTICLE VII - ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE.

Section 7.1 ENFORCEMENT: No subdivision plat required by this Ordinance or the Subdivision Control Act shall be admitted to the public land records of the County or received or recorded by the County Register of Deeds, until such subdivision plat has received final approval by the township Board. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Ordinance unless such public improvement shall have already been accepted, opened or otherwise received the legal status of a public improvement prior to the adoption of this Ordinance unless

such public improvement shall correspond in its location and to the other requirements of this Ordinance.

Section 7.2. PENALTIES: Penalties for failure to comply with the provisions of this Ordinance shall be as follows: Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements 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, subdivider, 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 VIII - MISCELLANEOUS PROVISIONS

Section 8.1 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 the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 8.2 EFFECTIVE DATE: This Ordinance shall take effect in the Township after adoption by the Township Board, publication within thirty (30) days after adoption, entry in the Township Ordinance Book and certification by the Clerk as to the date of adoption, vote and publication, within seven (7) days of publication. The effective date shall be thirty (30) days after date of publication.

ARTICLE IX - REPEAL

The Peninsula Township Subdivision Control Ordinance No. 3 is hereby repealed.

Adopted by Town Board on: March 6, 1979

Effective: April 16, 1979