

Chapter 34

LAND DIVISIONS AND SUBDIVISIONS*

Article I. In General

Secs. 34-1-34-25. Reserved.

Article II. Land Divisions

Sec. 34-26. Purpose.
Sec. 34-27. Definitions.
Sec. 34-28. Prior review and approval required; exemptions.
Sec. 34-29. Application.
Sec. 34-30. Application review procedure.
Sec. 34-31. Approval criteria.
Sec. 34-32. Violation.
Secs. 34-33-34-65. Reserved.

Article III. Subdivisions

Division 1. Generally

Sec. 34-66. Purpose.
Sec. 34-67. Legal basis.
Sec. 34-68. Scope.
Sec. 34-69. Administration.
Sec. 34-70. Schedule of fees.
Sec. 34-71. Definitions.
Sec. 34-72. Enforcement.
Sec. 34-73. Penalty for violation.
Sec. 34-74. Amendment procedures.
Sec. 34-75. Appendices relating to development.
Secs. 34-76-34-100. Reserved.

Division 2. Platting Procedures and Data

Sec. 34-101. Purpose of pre-application contact and sketch plan.
Sec. 34-102. Pre-preliminary plat-Requirements.
Sec. 34-103. Same-Procedure.
Sec. 34-104. Preliminary plat-Final approval.
Sec. 34-105. Same-Requirements.
Sec. 34-106. Same-Procedure.
Sec. 34-107. Same-Actions.

***Cross references**-Any ordinance dedicating, accepting or vacating any plat or subdivision saved from repeal, § 1-12(13); buildings and building regulations, ch. 14; streets, sidewalks and other public places, ch. 58; utilities, ch. 66.

State law references-Land division act, MCL 560.101 et seq.; further partition or division of property, MCL 560.263; municipal planning, MCL 125.31 et seq.

TITTABAWASSEE CODE

- Sec. 34-108. Same—Conditions and duration of approval.
- Sec. 34-109. Final plat—Requirements.
- Sec. 34-110. Same—Procedure for submittal to approving authorities.
- Sec. 34-111. Same—Actions.
- Secs. 34-112-34-140. Reserved.

Division 3. Design Standards

- Sec. 34-141. Trafficways on streets and roads-General standards.
- Sec. 34-142. Same-Location.
- Sec. 34-143. Same-Specifications.
- Sec. 34-144. Same-Street names.
- Sec. 34-145. Intersections-Angles.
- Sec. 34-146. Same-Sight triangles.
- Sec. 34-147. Same-Number of streets.
- Sec. 34-148. Same-"T" types.
- Sec. 34-149. Same-Centerline offsets.
- Sec. 34-150. Same-Vertical alignment.
- Sec. 34-151. Pedestrian ways-Crosswalks.
- Sec. 34-152. Same-Sidewalks.
- Sec. 34-153. Easements-Location.
- Sec. 34-154. Same-Drainageway.
- Sec. 34-155. Blocks-Arrangement.
- Sec. 34-156. Same-Minimum length.
- Sec. 34-157. Same-Maximum length.
- Sec. 34-158. Lots-Conformance to zoning ordinance.
- Sec. 34-159. Same-Side lot lines.
- Sec. 34-160. Same-Width and depth.
- Sec. 34-161. Same-Corner.
- Sec. 34-162. Same-Uninhabitable areas.
- Sec. 34-163. Same-Backup.
- Sec. 34-164. Same-Frontage.
- Sec. 34-165. Same-Division of parcels; future lot arrangements.
- Sec. 34-166. Same-Division.
- Sec. 34-167. Strips-Planting.
- Sec. 34-168. Same-Reserve.
- Sec. 34-169. Public sites and open spaces-Public uses.
- Sec. 34-170. Same-Natural features.
- Sec. 34-171. Large scale developments-Modification.
- Sec. 34-172. Same-Neighborhood characteristics.
- Sec. 34-173. Open space subdivision.
- Sec. 34-174. Modification for commercial and industrial developments.
- Secs. 34-175-34-200. Reserved.

Division 4. Improvements

- Sec. 34-201. Purpose.
- Sec. 34-202. Construction plans.
- Sec. 34-203. Submittal procedure.
- Sec. 34-204. Required public improvements-Subdivider to install.
- Sec. 34-205. Same-Monuments.

LAND DIVISIONS AND SUBDIVISIONS

- Sec. 34-206. Same-Streets and alleys
- Sec. 34-207. Same-Curbs and gutters
- Sec. 34-208. Same-Installation of public utilities
- Sec. 34-209. Same-Underground wiring
- Sec. 34-210. Same-Driveways
- Sec. 34-211. Same-Storm drainage
- Sec. 34-212. Same-Water supply system
- Sec. 34-213. Same-Sanitary sewer system
- Sec. 34-214. Same-Street name signs
- Sec. 34-215. Same-Sidewalks and crosswalks
- Sec. 34-216. Optional public improvements-Recreational
- Sec. 34-217. Same-Greenbelts
- Sec. 34-218. Same-Street trees
- Sec. 34-219. Same-Street lighting
- Sec. 34-220. Same-Guarantees to maintain greenbelts and decorative entranceways
- Sec. 34-221. Completion-Financial guarantee arrangements, exceptions
- Sec. 34-222. Same-Conditional approval with respect to financial guarantees
- Sec. 34-223. Same-Special agreement for street trees and lights
- Sec. 34-224. Same-Inspection of construction
- Sec. 34-225. Same-Failure to complete
- Sec. 34-226. Same-Temporary improvements
- Sec. 34-227. Same-Acceptance of dedication offers
- Sec. 34-228. Same-Conditions for dedication acceptance, release or reduction of performance bond.
- Sec. 34-229. Same-Maintenance
- Secs. 34-230-34-255. Reserved.

Division 5. Variances

- Sec. 34-256. Findings by planning commission.
- Sec. 34-257. Topographical, physical limitations.
- Sec. 34-258. Planned unit developments.
- Secs. 34-259-34-290. Reserved.

Article IV. Rear Lot Drainage for Subdivisions and Condominiums

- Sec. 34-291. Purpose and intent.
- Sec. 34-292. Standards and requirements.

ARTICLE I. IN GENERAL

Sees. 34-1-34-25. Reserved.

ARTICLE II. LAND DIVISIONS**Sec. 34-26. Purpose.**

The purpose of this article is to carry out the provisions of the state land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.); to prevent the creation of parcels of property which do not comply with applicable ordinances and such act; to minimize potential boundary disputes; to maintain orderly development of the community; and otherwise provide for the health, safety and welfare of the residents and property owners of the township by establishing reasonable standards for prior review and approval of land divisions within the township. (Ord. No. 97-06, § II, 9-23-1997)

Sec. 34-27. Definitions.

For purposes of this article, certain terms and words used in this article shall have the following meanings:

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

Divide and *division* mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her 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 parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109 of the state land division act (MCL 560.108, 560.109). The terms "divide" and "division" do not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the state land division act, and the requirements of other applicable local ordinances.

Exempt split and *exempt division* mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent. For a property transfer between two or more adjacent parcels, if the property/taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the state land division act or the requirements of an applicable local ordinance.

Forty acres or the equivalent means either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

Land means all land areas occupied by real property.

Parcel means a continuous area or acreage of land which can be described as provided for in the state land division act.

Plat means a map or chart of a subdivision of land.

Tract means two or more parcels that share a common property line and are under the same ownership. (Ord. No. 97-06, § III, 9-23-1997)

Cross reference-Definitions generally, § 1-2.

State law reference-Similar definitions, MCL 560.102.

Sec. 34-28. Prior review and approval required; exemptions.

Land in the township shall not be divided without the prior review and approval of the township assessor, in accordance with this article and the state land division act; provided that the following shall be exempted from this requirement:

- (1) A parcel proposed for subdivision through a recorded plat pursuant to the state land division act.
- (2) A lot in a recorded plat proposed to be divided in accordance with the state land division act.
- (3) An exempt split or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the state land division act.

(Ord. No. 97-06, § IV, 9-23-1997; Ord. No. 00-09, 6-13-2000)

Sec. 34-29. -Application.

An applicant shall file a completed application to the township assessor for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development. Incomplete applications shall not be reviewed by the township. A complete application shall include all of the following:

- (1) A completed application form on such form as may be approved by the township board.
- (2) Proof of fee ownership of the land proposed to be divided by submission of a copy of the deed to the property.
- (3) A sealed survey drawn to scale, including an accurate legal description of each proposed division, and showing the boundary lines, actual and proposed right-of-way for roads, easements and the accessibility of each division for automobile traffic and public utilities and distances between any existing structures and proposed property lines to verify setbacks.
- (4) Proof that all standards of the state land division act and this article have been met.
- (5) If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.

(6) A fee of \$100.00 to cover the costs of review of the application and administration of this article and the state land division act. Such \$100.00 shall be charged for each parcel created in excess of the original parcel.

(7) Where applicable on all major roads, in accordance with the township's sidewalk regulation in article II of chapter 58, the applicant will be required to sign a sidewalk agreement that sets forth the future construction of a sidewalk along the parcel's road frontage at the owner's expense.

(Ord. No. 97-06, § V, 9-23-1997; Ord. No. 00-09, 6-13-2000)

Sec. 34-30. Application review procedure.

(a) The township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this article's requirements and the state land division act, and shall promptly notify the applicant of the decision and, if denied, the reasons for denial.

(b) Any person or entity aggrieved by the decision of the assessor may, within 30 days of such decision, appeal the decision to the township board or such other body or person designated by the township board, which shall consider and resolve such appeal by a majority vote of such board or by the appellate designee.

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

(d) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations nor that the resulting parcel is a buildable lot.

(e) The township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise; and any notice of approval shall include a statement to this effect.

(Ord. No. 97-06, § VI, 9-23-1997; Ord. No. 00-09, 6-13-2000)

Sec. 34-31. Approval criteria.

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

(1) All parcels created by the proposed divisions have a minimum width equal to the lot width requirement of the zoning district in which the parcel is located, as measured at the front property line and required front setback line.

(2) All such parcels shall contain a minimum area as required by the applicable zoning district standards.

(3) Except as allowed in subsection 6, the ratio of depth to width of any parcel created by the division does not exceed a four-to-one ratio exclusive of access roads, easements, proposed road rights-of-way, or nondevelopment sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel

from the abutting road right-of-way or proposed right-of-way, whichever is greater, to the most remote boundary line point of the parcel from the point of commencement of the measurement.

- (4) The proposed land divisions comply with all requirements of this article and the state land division act.
- (5) All parcels created and remaining have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.
- (6) A proposed land division may result in not more than one (1) parcel with a depth to width ratio not to exceed six-to-one provided said parcel contain not less than five (5) acres, is not within the Urban Growth Boundary as defined in the Township Master Plan in effect at the time of application and comply with all other requirements of this ordinance and the state Land Division Act.

Sec. 34-32. Violation.

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

(b) An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law. (Ord. No. 97-06, § VIII, 9-23-1997)

Secs. 34-33-34-65. Reserved.

ARTICLE III. SUBDIVISIONS*

DIVISION 1. GENERALLY

Sec. 34-66. Purpose.

The purpose of this division is to regulate and control the subdivision of land within the township in order to promote the safety, public health, and general welfare of the community. These regulations are specifically designed to:

- (1) Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies.
- (2) Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities.
- (3) Achieve individual property lots of maximum utility and livability.
- (4) Ensure adequate provisions for water, drainage, and sanitary sewer facilities, and other health requirements.

***Cross references**-Streets, sidewalks and other public places, ch. 58; utilities, ch. 66.

(5) Plan for the provision of adequate recreational areas, school sites, and other public facilities.
(Comp. Ords. 1987, § 17.020)

Sec. 34-67. Legal basis.

This division is enacted pursuant to the statutory authority granted by the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.); Public Act No. 246 of 1945 (MCL 41.181 et seq.), authorizing township boards to adopt ordinances and regulations to secure the public health, safety, and general welfare; and Public Act No. 168 of 1959 (MCL 125.321 et seq.), providing for approval by the township planning commission and consistency with the township's comprehensive development plan.
(Comp. Ords. 1987, § 17.030)

Sec. 34-68. Scope.

This division shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to August 21, 1981, except for the further dividing of lots; nor is it intended by this division 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 division 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 division shall control.
(Comp. Ords. 1987, § 17.040)

Sec. 34-69. Administration.

The approval provisions of this division shall be administered by the township board in accordance with the land division act.
(Comp. Ords. 1987, § 17.050)

Cross reference-Administration, ch. 2.

Sec. 34-70. Schedule of fees.

The township board shall adopt a schedule of fees by resolution, which shall provide for assessing the costs incurred by the township in reviewing and processing the preliminary and final plats, including the costs of the township retaining a consultant and/or other expertise to advise the township in regards to the particular plat.
(Comp. Ords. 1987, § 17.060)

Sec. 34-71. Definitions.

The following definitions shall apply in the interpretation and enforcement of this division, unless otherwise specifically stated:

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

§ 34-71

CD34:9
TITTABAWASSEE CODE

As-built plans means revised construction plans in accordance with all approved field changes.

Block means 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 and *setback line* mean a line parallel to a street right-of-way line, shore of a lake, edge of a stream or riverbank, 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, other public area, or the shore of a lake, or the edge of a stream or riverbank.

Caption means the name by which the plat is legally and commonly known.

Commercial development means a planned commercial center providing building areas, parking areas, service areas, screen planting and widening, turning movement and safety lane roadway improvements.

Comprehensive development plan (or master plan) means a plan adopted by the township for the physical development of the township showing the general location for major streets, parks, public building sites, land use and other similar information. The plan may consist of maps, data and other descriptive matter.

County drain commissioner means the Saginaw County Drain Commissioner.

Land division act means Public Act No. 288 of 1967 (MCL 560.101 et seq).

Planned unit development means a land area which has both individual building sites and common property, such as a park, and which is designated and developed under one owner or organized group as a separate neighborhood or community unit.

Planning commission means the planning commission of the township, as established under Public Act No. 168 of 1959 (MCL 125.321 et seq.).

Plat means a map or chart of a subdivision of land.

- (1) *Pre-preliminary plat* means 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.
- (2) *Preliminary plat* means a map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.
- (3) *Final plat* means a map of a subdivision of land made up in final form ready for approval and recording.

Proprietor, subdivider and *developer* mean 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 open space means land dedicated or reserved for use by the general public. It includes parks,

parkways, recreation areas, school sites, community or public building sites, streets and highways, and public parking spaces.

CD34:10
LAND DIVISIONS AND SUBDIVISIONS

§ 34-71

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

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

Sight distance means the unobstructed vision on a horizontal plane along a street centerline from a driver's-eye height of 3.75 inches and an object height of six inches.

Sketch plan means a pre-preliminary plat.

Street means a right-of-way which provides for vehicular and pedestrian access to abutting properties.

(1) *Freeway* means those streets designed for high speed, high volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.

(2) *Expressway* means those streets designed for high speed, high volume traffic, with full or partially controlled access, some grade crossings, but no driveway connections.

(3) *Parkway* means a street designed for noncommercial, pleasure-oriented traffic moving at moderate speeds, between and through scenic areas and parks.

(4) *Arterial streets* means those streets of considerable continuity which are used or may be used primarily for fast or heavy traffic.

(5) *Collector streets* means those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.

(6) *Cul-de-sac* means a minor street of short length having one end terminated by a vehicular turnaround.

(7) *Marginal access street* means 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.

(8) *Minor street* means a street which is intended primarily for access to abutting properties.

(9) *Street width* means the shortest distance between the lines delineating the right-of-way of streets.

Subdivide and *subdivision* mean the partitioning or splitting 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 parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the land division act by sections 108 and 109 (MCL 560.108, 560.109). The term "subdivide" or "subdivision" does not include a property transfer between two or more adjacent parcels, if the property

taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the land division act or the requirements of an applicable local ordinance.

Surveyor means either a land surveyor who is registered in the state as a registered land surveyor or a civil engineer who is registered in the state as a registered professional engineer.

Topographical map means a map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

Water resources commission means the water resources commission of the state department of conservation.

(Comp. Ords. 1987, § 17.075)

Cross reference-Definitions generally, § 1-2.

Sec. 34-72. Enforcement.

No subdivision plat required by this division or the land division 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 division 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 division, unless such public improvement shall correspond in its location and to the other requirements of this division.

(Comp. Ords. 1987, § 17.380)

Sec. 34-73. Penalty for violation.

The penalty for failure to comply with the provisions of this division shall be as follows: Violation of any of the provisions of this division or failure to comply with any of its requirements shall constitute a misdemeanor and be punished as provided in section 1-7. The landowner, 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 penalty provided in this section. Nothing contained in this section 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 division or of the land division act.

(Comp. Ords. 1987, § 17.390)

Sec. 34-74. Amendment procedures.

The township board may, from time to time, amend, supplement, or repeal the regulations and provisions of this division in the manner prescribed by the land division act. A proposed amendment, supplement, or repeal may be originated by the township board, township planning commission, or by

CD34:12
LAND DIVISIONS AND SUBDIVISIONS

§ 34-102

petition. All proposals not originating with the planning commission shall be referred to it for a report thereon before any action is taken of the proposal by the township board.
(Comp. Ords. 1987, § 17.410)

Sec. 34-75. Appendices relating to development.

The township building inspector shall be consulted for appendices dealing with flow chart, application forms, and other data dealing with subdivision development.
(Comp. Ords. 1987, § 17.440(app.))

Secs. 34-76-34-100. Reserved.

DIVISION 2. PLATTING PROCEDURES AND DATA

Sec. 34-101. Purpose of pre-application contact and sketch plan.

(a) The purpose of the pre-application contact and sketch plan (optional pursuant to section 107 of the land division act (MCL 560.107)) shall be to:

- (1) Provide guidelines for the subdivider concerning development polices of the township.
- (2) Acquaint the subdivider with the platting procedures and requirements of the township board and planning commission, and other agencies.
- (3) Provide the planning commission and other affected agencies with general information concerning the proposed development.

(b) Acceptance of the sketch plan does not ensure acceptance of the preliminary plat.
(Comp. Ords. 1987, §§ 17.090, 17.091)

Sec. 34-102. Pre-preliminary plat-Requirements.

(a) *Sketch plan schematics.* The sketch plan shall show the subdivision's entire development scheme in schematic form, including the area for immediate development, and shall include the following:

- (1) General layout of streets, blocks and lots in sketch form.
- (2) Existing conditions and characteristics of the land on and adjacent to the site.
- (3) Any general area set aside for schools, parks, and other community facilities.

(b) *Engineering letter.* An engineering letter from the surveyor concerning the general feasibility of the land for subdividing shall be required.

(c) *Ownership.* The township board and planning commission may require such proof of ownership of the land proposed to be subdivided as they deem necessary.

(Comp. Ords. 1987, § 17.092)

CD34:13

§ 34-103

TITTABAWASSEE CODE

Sec. 34-103. Same-Procedure.

The following procedure shall apply to pre-preliminary plats:

- (1) The subdivider shall submit two copies of the pre-preliminary plat to the township clerk ten days before the next meeting of the planning commission.
- (2) The township clerk shall promptly transmit the two copies of the pre-preliminary plat to the planning commission.
- (3) The planning commission or subdivision committee of the commission 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 inform the township board of the results of the review of the pre-preliminary plat.

(Comp. Ords. 1987, § 17.093)

Sec. 34-104. Preliminary plat-Final approval.

For final approval of preliminary plats, see sections 112 to 120 of the land division act (MCL 560.112-560.120). (See appendix I, approval flow chart, p. 1.1.)

(Comp. Ords. 1987, § 17.100)

Cross reference-Appendices relating to development, §. 34-75.

Sec. 34-105. Same-Requirements.

The requirements for preliminary plats shall be as follows:

- (1) *Submittal.* The subdivider shall submit ten copies of the preliminary plat on a topographic map to the township clerk at least ten days before a meeting of the planning commission.
- (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 one inch to 100 feet showing the date and north arrow.
- (3) *Information.* The following shall be shown on the preliminary plat or submitted with it:
 - a. 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. Names of abutting subdivisions.

CD34:14

LAND DIVISIONS AND SUBDIVISIONS

§ 34-107

e. Statement of intended use of the proposed plat, such as residential single-family, two-family and multiple-family.
(Comp. Ords. 1987, § 17.101)

Sec. 34-106. Same-Procedure.

The following procedure shall apply to preliminary plats:

- (1) *Validation.* The subdivider shall first submit to the township clerk for validation a sufficient number of copies of the preliminary plat to meet the requirements of sections 112(1) and/or 113 to 119 of the land division act (MCL 560.112(1), 560.113-560.119). The subdivider shall also submit a written application for approval and also the fee established by this division for review of plats and as further described in the rules of procedure adopted by the planning commission.
- (2) *Tentative approval.* The township board may tentatively approve or reject the preliminary plat under section 112(4) of the land division act (MCL 560.112(4)» before distribution to other approving authorities; save as provided in section 34-107(3).
- (3) *Distribution to authorities.* The subdivider shall submit to the various approving authorities the number of validated copies of the preliminary plat required by sections 112 to 119 of the land division act (MCL 560.112-560.119) and the following:
 - a. *County planning commission.* Two copies of the preliminary plat only to the county planning commission for verification that the street names do not duplicate or conflict with existing street names.
 - b. *School board.* Two copies of the preliminary plat only to the school board of the respective school district in which the plat is to be located, for informational purposes.
 - c. *County drain commissioner.* The required number of copies to the county drain commissioner as the designated agent administering soil erosion and sedimentation control under part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.).
 - d. *County technical coordinating committee.* The required number of copies to the county technical coordinating committee.
- (4) *List of authorities filed.* The subdivider shall then file with the township clerk a list of all authorities to whom validated copies of the preliminary plat have been distributed.
(Comp. Ords. 1987, § 17.102)

Sec. 34-107. Same-Actions.

The following actions shall be taken with respect to preliminary plats:

- (1) *Delivery of approvals.* When the subdivider has secured the approvals of the various approving authorities, as required by sections 113 to 119 of the land division act (MCL 560.113-560.119), he

shall deliver all copies to the township clerk, who shall promptly transmit them to the planning commission.

CD34:15

§ 34-107

TITTABAWASSEE CODE

2) *Planning commission.*

- a. The planning commission shall review the preliminary plat and, if it meets all requirements:
 1. Shall provide for an adequate hearing, giving due notice to all parties in interest and, in particular, owners of contiguous properties.
 2. May determine that the preliminary plat fails to meet acceptable design standards as described in appendix V to Ordinance No. 81-1-SD, and may further determine that the land area which is the subject of the preliminary plat application is particularly suited for an open space subdivision layout as provided in the township's zoning ordinance.
- 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 submission of the preliminary plat in accordance with subsection (1).
- d. The 60-day period may be extended if the applicant consents. If no action is taken within 60 days, the preliminary plat shall be deemed to have been approved by the planning commission.

(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 as provided by Public Act No. 168 of 1959 (MCL 125.321 et seq.).
 - 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 approval.
- (Comp. Ords. 1987, § 17.103)

Cross reference-Appendices relating to development, § 34-75.

Sec.-34-108. Same-Conditions and duration of approval.

- (a) *Conditions.* 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.
- (b) *Duration.*
 - (1) 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.

(2) The township board may extend the two-year period if applied for and granted in writing, but only concerning its own requirements.
(Comp. Ords. 1987, § 17.104)

CD34:16
LAND DIVISIONS AND SUBDIVISIONS

§ 34-111

Sec. 34-109. Final plat-Requirements.

The following requirements shall apply to final plats:

- (1) Final plats shall be prepared and submitted as provided for in the land division act.
 - (2) A written application for approval and the recording fee shall accompany all final plats.
 - (3) 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.
 - (4) The township may require such other information as it deems necessary to establish whether the proper parties have signed the plat.
 - (5) Final plats shall be submitted to the township clerk at least ten days before a meeting of the planning commission.
- (Comp. Ords. 1987, § 17.111)

Sec. 34-110. Same-Procedure for submittal to approving authorities.

The subdivider shall submit the final plat and as-built engineering plans, where required, for approval to the following:

- (1) Road commission, for approval or rejection.
 - (2) Drain commissioner, for approval or rejection.
 - (3) County health department, for issuance of a letter of approval or rejection.
 - (4) Planning commission (through the township clerk), for recommendations to the township board.
 - (5) Township clerk, for approval or rejection by the township board.
- (Comp. Ords. 1987, § 17.112)

Sec. 34-111. Same-Actions.

The following actions shall be taken with respect to final plats:

- (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 land division act.
 2. The provisions of this division.
 3. The preliminary plat, as approved.
 - b. The time for review and recommendations by the planning commission may be extended by

agreement with the subdivider.

CD34:17

§ 34-111

TITTABAWASSEE CODE

- c. If the planning commission recommends disapproval of the plat by the township board, it shall state its reasons in its official minutes and forward such reasons 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.
- d. 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 and rebate the recording fee and whatever portion of the review fee as provided for in this division.
- 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 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.
- 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.

(Comp. Ords. 1987, § 17.113)

Secs. 34-112-34-140. Reserved.

DIVISION 3. DESIGN STANDARDS

Sec. 34-141. Trafficways on streets and roads-General standards.

The standards set forth in this division shall be the minimum standards for streets, roads and intersections. Any higher standards adopted by the road commission shall prevail. Generally, all streets shall be dedicated to public use. Arterial streets shall be dedicated to public use in all cases.

(Comp. Ords. 1987, § 17.131)

Cross references-Streets, sidewalks and other public places, ch. 58; traffic and vehicles, ch.62.

Sec. 34-142. Same-Location.

(a) *Street location and arrangements.* When a major street plan has been adopted, subdivision streets shall be required to conform to the plan.

(b) *Local or minor streets.* Such local or minor streets shall be so arranged as to discourage their use by through traffic.

(c) *Street continuation and extension.* The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions, unless otherwise approved by the planning commission and the county road commission.

(d) *Stub streets.* Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas. (See section 34-168.)

(e) *Relation to topography.* Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable gradients.

(f) *Alleys.* Alleys shall not be permitted in areas of detached single-family or two-family residences. Alleys shall be provided in multiple dwellings or commercial subdivisions unless other provisions are made for service access, off-street loading, and parking. Dead-end alleys shall be prohibited.

(g) *Marginal access streets.* Where a subdivision abuts or contains an arterial street, the township may require:

(1) Marginal access streets approximately parallel to and on each side of the right-of-way.

(2) Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic.

(h) *Acceleration /deceleration lanes.* Where entrances to a plat are from an arterial street, the township may require that an acceleration/deceleration lane be provided for outside of the arterial street right-of-way if such a right-of-way is determined insufficient for future purposes.

CD34:19

TITTABAWASSEE CODE

§ 34-142

(i) *Cul-de-sac streets.* Culs-de-sac shall not be more than 600 feet in length. Special consideration shall be given to longer cul-de-sacs under certain topographic conditions or other unusual situations. Culs-de-sac shall terminate with an adequate turnaround, with a minimum radius of 60 feet for the right-of-way. The planning commission may vary this provision where unusual conditions justify or for large rural estate lots.

(j) *Half streets.* Half streets shall generally be prohibited, except where unusual circumstances make it essential to the reasonable development of a tract in conformance with these regulations and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract, according to the requirements of the county road commission.

(k) *Private streets.* Private streets and roads shall generally be prohibited.
(Comp. Ords. 1987, § 17.132)

Sec. 34-143. Same-Specifications.

(a) *Street rights-of-way; roadway widths.* Street and road rights-of-way and roadway widths shall conform to the adopted township major thoroughfare plan and the standards adopted by the county road commission, as evidenced by the county master right-of-way plan and the rules of the county road commission and the state department of highways. The specifications for design of various right-of-way types are provided in the following table:

CD34:20