

GERRISH TOWNSHIP ORDINANCE
ORDINANCE NO. 9

Gerrish Township Subdivision Control Ordinance

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

ARTICLE I
GENERAL PROVISIONS

100.0 Short Title:

This Ordinance shall be known and may be cited as the "Gerrish Township Subdivision Ordinance."

100.1 Purposes:

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

100.11 Provide for orderly growth and harmonious development of the community, consistent with adopted development policies of the Township.

100.12 Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities.

100.13 Achieve individual property lots maximum utility and livability.

100.14 Insure adequate provisions for water, drainage, and other sanitary sewer facilities, and other health requirements.

100.15 Insure adequate provision for recreational and/or green belt areas, and other public facilities.

100.2 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

100.3 Scope:

This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except for the further dividing of lots. Nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with

private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by any other ordinance of this Township, the provisions of this Ordinance shall control.

100.4 Administration:

The approval provisions of this Ordinance shall be administered by the Township Board in Accordance with Act 288, P.A. 1967, as amended.

100.5 Fees:

The schedule of fees for the review of plans and plats, the inspection of improvements for the administration of this Ordinance, and for other costs incurred by the Township in the platting process, shall be determined and may be modified from time to time by ordinance of the Township Board.

* Amended April 16, 1973.

100.6 Cemeteries:

Cemeteries shall not be included in the definition of subdivision and shall not be subject to the provision of this Ordinance.

100.7 Conformance with Zoning Ordinance:

All plats reviewed under these regulations shall conform to all zoning ordinance provisions for the district in which the proposed plat is to be located. All required zoning changes shall be made prior to tentative approval of the preliminary plat by the Township Board.

**ARTICLE II
DEFINITIONS**

200.0 Rules Applying To the Text:

For the purpose of this Ordinance certain rules of construction apply to the text, as follows:

200.1 Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicated the contrary.

200.2 The term "shall" is always mandatory and not discretionary; the word "may" or "should" is permissive.

200.3 The word or term not interpreted or defined by this article shall be used with a meaning of common or standard utilization.

201.0 Definitions:

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

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

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

BLOCK: An area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys, and the exterior boundary or boundaries of the subdivision.

Building Line or Setback Line: A line parallel to a street right-of-way, shore of a lake, edge of a stream or river bank, 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 stream or river bank.

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

Commercial Development: A planned commercial center, in which the land is to be developed for retail stores, offices, business services, and other similar uses.

Common Open Space: An area within a subdivision held out of development by the proprietor and designed for the common use or enjoyment of residents of the subdivision. Common open space may contain such complementary structures as are necessary and appropriate for the use or enjoyment of the subdivision. Thus common open space may include (without limiting the generality of the foregoing language) areas for recreational use, wildlife or plant preserves, and nature study areas.

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

(b). **Public Open Space:** An area within a subdivision held out of development by the proprietor and conveyed or otherwise dedicated to, or reserved for purchase by, municipality, municipal agency, board of education, State or county agency, or other public body for recreation or conservation uses.

Comprehensive Development: A residential cluster subdivision, a commercial subdivision, or a planned unit residential development as defined in this Article.

County Drain Commissioner: The Roscommon County Drain Commissioner, Roscommon County Road Commission, acting.

County Health Department: Central Michigan District Health Department Branch Office, Roscommon.

County Planning Commission: The Roscommon County Planning Commission.

County Plat Board: The Roscommon County Plat Board.

County Road Commission:
The Roscommon County Road Commission.

Dedication: The intentional appropriation of land by the owner to public use.

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

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

Filing Date: The date of the Township Board meeting at which a complete application is received from the Township clerk.

Flood Plain: That area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for that region, Act 291, P.A. 1965.

Environmental: The changes of soil, topography and life factors that act upon an ecological community and ultimately determines its survival.

General Development Plan: The term General Development Plan includes such commonly used terms as basic plan, master plan, general plan, comprehensive plan, and land use plan.

Greenbelt or Buffer: A strip or tract of land located between incompatible land uses which is subject to private use restrictions or a negative easement or is dedicated to public use as open space, for the purpose of protecting the environment of a subdivision or to enhance a street right-of-way, or both and to protect bodies of water.

Improvements: Any structure or material change incident to servicing or furnishing facilities for a subdivision such as, but not limited to, grading, street surfacing, curb and gutters, driveway approaches, sidewalks, pedestrian ways, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals, and other appropriate items, with appurtenant construction, demolition of structures; planting; removal of trees and other vegetation cover.

Lot: A measured portion of a parcel or tract of land described and fixed in a recorded plat or in a plat proposed to be recorded, and is considered as a unit.

(a). **Corner Lot:** A lot with two (2) adjacent sides abutting upon streets or other public or open spaces.

(b) **Interior Lot:** A lot which faces on one street.

(c) **Lot Depth:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

(d) **Lot Width:** The horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.

(e) **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.

Material Change: Includes but is not limited to any commencement of mining, excavation, grading, or land clearance; deposit or refuse, waste or fill on land not already used for that purpose, or permitted to be used for that purpose by the Zoning Ordinance, or which extends the height of any existing deposit above the level of the land adjoining the site; alteration of a shore, bank or flood plain of a river, stream, or of any lake or pond, natural or artificial.

Mobile Home: A detached single family dwelling unit with all of the following characteristics:

(a) Designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels, and to be moved from one site to another.

(c) Arriving at the site where it is to be occupied as a complete dwelling, including major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to facilities, and the like.

(d) Designed to be used with a permanent foundation. This definition does not include travel trailers, nor the so called "modular homes," commonly built by mobile home manufacturers and made into permanent residences by attaching two or more units together on foundations, slabs, or basements. Modular homes shall be treated, under this Ordinance, as standard housing and not as mobile homes.

Parcel or Tract: A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act.

Pedestrian Way: A separate right-of-way dedicated to or reserved for residents of the subdivision.

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

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

Plat: A map or chart of a subdivision of land.

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

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

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

Public Use Areas: Public parks, playgrounds, or other recreational areas, scenic or historic sites, school sites or sites for other public buildings, and other areas dedicated to public use or enjoyment.

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

Replat: The process of changing, or the map or 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.

Reserve: To hold subdivisions land out of development for the purpose of:

(a) limiting it to use by the residents of the subdivision by means of easements and private use restrictions.

(b) permitting its future acquisition for public use by Gerrish Township or some other appropriate public agency.

Residential Cluster Subdivision: A subdivision of land, as defined in this Article, which contains one or more clusters of housing units with each

cluster directly accessible to an open space system that is an integral planned part of the subdivision. The dimensions and area of each lot in a residential cluster subdivision may be reduced below the minimums ordinarily required by the Zoning Ordinance, with the surplus land area being incorporated into the open space system of the subdivision. The overall dwelling unit density and the total number of dwelling units in a residential cluster subdivision will not exceed those of a typical residential cluster of the same area. The open space system of a residential cluster subdivision may consist of a common open space, or partly of a common open space and partly of public open space.

Right-of-Way: The area covered by a public street, alley, or pedestrian way, or by a private easement for access or passage.

Sidewalk: A facility, placed within the right-of-way of existing streets, or a facility connecting with buildings, parking lots, or other activities having access to the street right-of-way, for the purpose of providing safe movement of pedestrians.

Soil Conservation District: Crawford-Roscommon Soil Conservation District.

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

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

(b) **Expressway:** Those streets designed for high speed, high volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.

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

(d) **Arterial Street:** Those streets of considerable continuity which are used or may be used primarily for fast or heavy traffic.

(e) **Collector Street:** Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.

(f) **Cul-De-Sac:** A minor street or short length having one end terminated by a vehicular turn-around.

(g) **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.

(h) **Minor Street:** A street which is intended primarily for access to abutting properties.

(1) Street Width: The shortest distance between the lines delineating the right-of-way streets.

Structure: Any object or assembly of materials constructed or installed on, above, or below the surface of a parcel and includes, but is not limited to, any combination of materials, whether portable or fixed, having a roof, to form a building for occupancy by persons, animals, or property; anything attached to a building; any pole, pipeline, or other part of a distributing system whether located on, above, or below the surface of a parcel. A structure is any improvement, as defined in this Article, other than an improvement which consists only of a material change, as defined in this Article.

Subdivide or Subdivision: The partitioning 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, of lease of more than one (1) year, or of building development, where the act of division creates five (5) or more parcels of land each of which is ten (10) acres or less in area, are created by successive divisions within a period of ten (10) years, dated from January 1, 1968, in accordance with the Subdivision Control Act. The term subdivision also refers to any area which is subdivided within the foregoing definition.

Subdivision Advisory Committee: A committee created by resolution of the Gerrish Township Board for the purpose of reviewing the technical aspects of proposed plats.

Subdivision Control Act: Act 288, P.A. of 1967, as amended.

Surveyor: either a land surveyor who is registered in the State of Michigan as a registered land surveyor or a civil engineer who is registered in this State as a registered professional engineer.

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

Township: The Township of Gerrish.

Water Resources Commission: The Water Resources Commission of the Michigan Department of Natural Resources.

Zoning Ordinance: The Gerrish Township Zoning Ordinance.

**ARTICLE III
PLAT PROCEDURES
AND SPECIFICATIONS**

300.0 Initial Procedures

The proprietor is encouraged to consult the general development plans and detailed plans of any unit of government that affect the tract to be subdivided and the area surrounding it before he submits a preliminary plat for review. He should also become acquainted with the Zoning Ordinance, this Ordinance, and other ordinances which regulate the subdivision of land in Gerrish Township.

300.1 Purpose:

The purpose of the initial procedures stage of the platting process is to acquaint the proprietor with the planning policies of Gerrish Township as they apply to the property to be subdivided, to give the Township Board an opportunity to discuss the subdivision with the proprietor before expensive surveys and drawings are made, and to discuss the concepts and basic organization of the proposed development in relation to existing and future conditions on and around the site. The basic decisions as to the interpretation of planning policy for the site and area in question, and modification of such policy as a result of the proposed development will be made in this stage. The consensus reached in this stage will form the basis of the preliminary plat.

300.2 Subdivision Advisory Committee:

The proprietor shall present his preliminary development ideas to the Subdivision Advisory Committee for its comments and advice.

301.0 Preliminary Plat - Tentative Approval:

301.1 Filing Procedures:

The proprietor shall file four (4) copies of the preliminary plat together with a complete application form and plat review fees with the Township Clerk at least five (5) days prior to the regular Township Board meeting at which the plat is to be considered. The Clerk shall check the completeness of the submittal, and if complete, transmit same to the township Board in adequate time for inclusion on the agenda for the Township Board's next regular meeting. If the application is not complete, the Clerk shall so notify the applicant in writing and shall list deficiencies.

301.2 Information Required:

The following information is required for all preliminary plats submitted for tentative approval. The required information may be combined for presentation on one or more drawings or maps. The Township Board may request that the information be presented on drawings or maps or in some cases written in addition to those submitted.

1. Name of proposed subdivision.
2. Legal description of the entire site to be subdivided.
3. Scale, date and north point shall be indicated on each map or plan.

4. Names of adjacent subdivisions, layouts of streets indicating street names, right-of-ways width, and connections with adjoining platted streets, widths and location of easements, and public walkways adjacent to or connecting with the proposed subdivision.
5. The developer shall submit a surface drainage and erosion control plan for the proposed subdivision which shall demonstrate that no pollutants will enter Higgins Lake or any other body of water. The plans and specifications of soil erosion, sedimentation and water quality control measures shall be in accordance with standards and specifications of the Crawford-Roscommon Soil Conservation District.
6. A site report as described in Rule 560.402 of the Michigan Administrative Code, shall be required for subdivisions that will not be served by public water and sewer. The information listed therein and not required elsewhere in this Ordinance, shall be submitted as part of the application for preliminary plat approval.
7. Proposed grading and land filling shall be indicated on the plans along with a description of measures to be used to control sedimentation and erosion. All topographic data shall relate to USGS data.
8. Layout and width of right-of-way and surfacing of all streets or public ways proposed for the subdivision.
9. Names, addresses, and telephone numbers of the subdivider and the surveyor preparing the plat.
10. Location of the subdivision, giving the numbers of section, Township and range and the names of the Township and County.
11. Statement of intended use of the proposed plat, such as, residential single family, two-family, and multiple housing; commercial, recreational, or agricultural. Also proposed sites, if any, for multi-family dwelling, shopping centers, churches, and other non-public uses exclusive of single-family dwellings. Also any sites proposed for parks, playgrounds, schools, or other public or non-public uses.
12. The land use and existing zoning of the proposed subdivision and the adjacent tracts.
13. Contours shall be shown on the preliminary plat at five (5) foot intervals where slope is greater than ten per cent (10%) and two (2) foot intervals where slope is ten per cent (10%) or less.
14. One (1) copy of proposed protective covenants and deed restrictions, or state in writing that none are proposed.
15. Lot layouts, dimensions, setback requirements, area (in square feet) and lot numbers of proposed lots.

16. All parcels or lands to be dedicated or reserved for public use or for use in common by property owners in the subdivision shall be indicated on the preliminary plat, along with any conditions of such dedication or reservation.

17. Staging of development of the entire subdivision shall be clearly shown on the plat, and the relation of each stage to the entire subdivision plat shall be clearly indicated.

18. Location, dimensions, and purposes of all easements shall be shown on the plat.

19. Environmental Impact; the developer shall be held responsible for the ecological impact on the lake and surrounding area and shall furnish a statement answering the following: impact on Higgins Lake, such as quality of ground and surface water which will enter the lake from the development, present capacity of access points to be used (if any), such as swimming, boat docking, boat launching and trailer parking. Impact on surrounding areas, such as, domestic water supplies if drainage will flow over existing wells, amount of land to be cleared in relation to total development, loss of vegetation, wildlife habitat, and soil erosion due to clearing of the land, and how any detrimental effects will be minimized.

20. Governmental Impact; the developer shall inform the Board in writing of the impact upon the following services; Schools, propable increase in enrollment and added mileage for buses; Roads, miles of new roads to be constructed and estimated annual costs of maintenance and snow plowing, increased use of other services, such as Police and Fire protection, recreational facilities and sanitary land fill.

301.3 Review Procedures: The Township Board shall review the preliminary plat for conformance to standards and specifications set forth in the Subdivision Control Act and this Ordinance, and if it meets all requirements shall; provide for an adequate public hearing, giving due notice to all parties in interest, and if the preliminary plat does not meet all requirements, the Township Board shall notify the Subdivider by letter, giving the earliest date for re-submission of the plat and additional information required.

301.31 The Township Board shall take action on the preliminary plat within ninety (90) days of the date of filing of the plat.

301.32 The Township Board shall record its tentative approval on the preliminary plat and return one copy to the proprietor and one copy to the Subdivision Advisory Committee. If the preliminary plat is disapproved, the Township Board shall record its reasons for disapproval and the conditions to be met to qualify the preliminary plat for tentative approval, and shall transmit such reasons and conditions to the proprietor in writing.

301.33 After receiving tentative approval from the Township Board, the proprietor shall submit the preliminary plat to all county and state plat approval authorities as required in the Subdivision Control Act.

301.4 Effect of Tentative Approval of Preliminary Plat: Tentative approval of the preliminary plat shall confer upon the proprietor for a period of one (1) year from the approval date, approval of the lot sizes, lot orientations and street layouts of the proposed subdivisions. The tentative approval may be extended if an extension is applied for by the proprietor and granted in writing by the Township Board.

302.0 Preliminary Plat Final Approval:

302.1 Filing Procedures: The preliminary plat, as tentatively approved by the Township Board and approved by all county and state plat approval authorities as required by the Subdivision Control Act, together with the required information, completed application form, and fees, shall be submitted to the Clerk at least five (5) days prior to the meeting of the Township Board at which the preliminary plat is to be considered for final approval. The Clerk shall determine if the application is complete, and if complete, transmit same to the Township Board in adequate time for inclusion on the agenda for the Board's next meeting. If the application is not complete, the Clerk shall so notify the proprietor in writing and shall list deficiencies.

302.2 Information Required for Final Approval of Preliminary Plat: The proprietor shall submit the following information to the Township Board to obtain final approval of the preliminary plat:

302.21 A list of all county and state authorities required by the Subdivision Control Act to approve the preliminary plat, certifying that the list is complete and that each authority has approved the preliminary plat.

302.22 One approved copy of the preliminary plat from each county and state authority required by the Subdivision Control Act to approve the preliminary plat.

302.23 Copy of receipt from the Township Treasurer that all fees required under this Ordinance have been paid.

302.24 Certificates of approval as set forth in Section 501.34 herein, and construction schedules.

302.3 Review by the Township Board: The Board shall review the preliminary plat at its next regular meeting after submittal of the complete application, or within twenty (20) days of the date of submission to the Clerk. The Board shall finally approve the preliminary plat if it conforms to the preliminary plat as tentatively approved by the Board and if all other required approvals have been obtained by the proprietor. The Clerk shall promptly notify the proprietor of the final approval, in writing.

302.32 The Board shall disapprove the preliminary plat if it does not conform to the preliminary plat as tentatively approved by the Board, or if any of the other approvals required by the Subdivision Control Act have not been obtained. The Clerk shall promptly notify the proprietor of the disapproval and the reasons therefor, in writing.

The reasons for the disapproval shall be recorded in the minutes of the meeting of the Board. Notice of disapproval shall be sent to each of the other plat approval authorities by the Clerk.

302.33 In the case of disapproval of the preliminary plat, further consideration of a plat for subdividing the same land can be obtained only if the proprietor applies for tentative approval of a preliminary plat.

302.34 In order to reach a reasonable compromise as expeditiously as possible when the Board indicates that it is going to disapprove the preliminary plat, the proprietor and the Board may agree in writing to extend the twenty (20) day review period. Any changes made in the plat during the period of extension shall be sent to each of the other authorities which have approved the preliminary plat. Approval of such changes by each such authority shall be obtained before the Board may finally approve the preliminary plat. This provision is intended to be used only in situations where, in the opinion of the Board, objections to final approval are minor.

302.4 Effect of Final Approval of Preliminary Plat:

Final approval of the preliminary plat shall confer upon the proprietor for a period of two (2) years from the date of approval, the conditional right that the general terms and conditions under which the final approval of the preliminary plat was granted will not be changed. The two (2) year period may be extended if an extension is applied for by the proprietor and granted by the Township Board in writing. Any extension of time over the statutory two (2) year period applies only to the Township Board's own approval and not the approval made by any other approving authority. Written notice of any extension shall be sent by the Board to all other plat approval authorities.

303.0 Final Plat

303.1 Filing Procedures: Final plats shall be submitted in the form required in the Subdivision Control Act, together with (a) the completed application form, (b) fees for filing and recording and plat review, and inspection of improvements; and (c) agreement and security required to guarantee performance, and shall be submitted to the Clerk at least five (5) days prior to the meeting of the Township Board at which the plat is to be considered. The Clerk shall determine if the submittal is complete, and if complete, transmit same to the Board in adequate time for inclusion of the agenda for the Board's next meeting. If the application is not complete the Clerk shall so notify the applicant in writing and shall list deficiencies. A final plat shall not be accepted for review after the date of expiration of the final approval of the preliminary plat. The final plat shall be submitted to the following agencies, in the indicated order, and the proprietor shall obtain signatures from the agency thereon, in the indicated order, prior to filing the final plat with the Board for approval.

County and Township Treasurer
County Road Commission
County Planning Commission
Regional Planning Commission

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

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

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

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

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

303.3 Review of Final Plat:

303.31 The final plat shall conform closely to the preliminary plat as finally approved. The final plat may cover only a portion of the area covered by the preliminary plat as finally approved.

303.32 All improvements and facilities to be provided by the proprietor shall be installed, or adequate security in lieu thereof shall be provided, and all deductions and easements shall be evidenced as having been made before the Township Board may approve the final plat. However, approval of the final plat shall not constitute acceptance of items for dedication. All installations shall be inspected and approved by the Township Engineer before the Board may approve the final plat.

303.34 If the final plat is approved, the Clerk shall transmit the reproducible copy of the plat and the filing and recording fee to the County Plat Board. One paper print shall be forwarded to the Planning Commission, to the Subdivision Advisory Committee, and to the Building Department, and one print shall be retained by the Township Clerk. The reproducible copy and paper prints shall have the date of approval marked thereon.

303.35 If the final plat is approved, the Township Clerk shall sign a certificate signifying approval of the final plat by the Township Board, which shall include the date of approval and the date on which the Clerk signs the certificate.

303.36 If the final plat is disapproved, the Clerk shall record the reasons for rejection in the minutes of the meeting, notify the proprietor in writing of the action and the reasons therefor, and return the plat to the proprietor.

303.4 Effect of Final Plat Approval: Approval of the final plat shall confer upon the proprietor for a period of three (3) years from the date of approval a right that all existing zoning regulations and subdivision regulations shall remain unchanged as they apply to the property included in the final plat.

**ARTICLE IV
DESIGN AND DEVELOPMENT STANDARDS**

400.0 General

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

401.0 Street and Alleys: The standards for all Highways, streets and alleys which might hereafter be platted or accepted within the Township shall conform to the standards and specifications of the Roscommon County Road Commissioner's Subdivision Control Procedures, in their current form and as they may be modified from time to time, it being the intent of this Section to incorporate such standards and specifications into this Ordinance by reference.

402.0 Blocks: Blocks generally shall not be less than 500 feet or more than 1320 feet in length as measured from center lines of streets. No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature or subdivision boundary. A block shall be designed so as to provide two (2) tiers of lots, except where the lots back onto a major street, natural feature, subdivision boundary or other feature of facility which necessitates reverse frontage. In blocks exceeding 800 feet in length the Township Board may require reservation of a 20 foot wide easement through the block to provide for the crossing of underground utilities and/or pedestrian traffic where needed or desirable, and may specify further, at its discretion, that a paved foot path be provided by the proprietor. Blocks intended for non-residential uses shall be especially designed for such purposes, and in accordance with Zoning Ordinance provisions. In such case the above dimensions do not apply.

403.0 Lots:

403.1 Dimensions: Lots shall conform to the requirements of the Zoning Ordinance except for outlots that are provided for an indicated and approved purpose.

In areas not served by public sewer and water lines, the minimum lot area shall be 40,000 sq. ft., and the minimum road frontage 165 ft.

SEE AMENDMENT 5-11-93

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

* Amended May 11, 1993

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

a) Lots may back onto the above features, but shall be separated therefrom by a 20 foot wide landscaped strip along the rear property line. The 20 foot wide strip shall be considered part of the lot's minimum length, width, or area, of the contiguous lot.

b) Lots may face onto intersecting local streets with driveways opening onto the intersecting local streets. The corner lots which abutt the major street right-of-way or the non-residential area shall have the landscape strip as required in Section above.

c) Lots may be grouped around cul-de-sac or loop streets with driveways opening onto the major street. In such situations the corner lots abutting the major street right-of-way shall each contain the landscaped strip required in the preceding Section.

The layout of lots, whichever method is used, is intended to restrict the number of access points to the major streets and thereby reduce the number of traffic hazard points, to preserve the traffic carrying capacity of the major street, and to protect each lot's privacy and its freedom from noise, fumes, dust and litter.

Any landscaped strip required above shall not be part of the normal road right-of-way or utility easement.

403.2 Lot Frontage: Lots extending through a block are generally prohibited except where they back onto a freeway right-of-way, an arterial or collector street, a shopping center, a park, or other similar non-residential area.

All lots shall abut, by their full frontage, on a dedicated public street, or an approved private street. Variances to this provision may be permitted in comprehensive developments.

The portion of a lot bordering on a lake, stream, open area or similar amenity may be designated as the front, provided that a setback can be obtained on the street side equal to the setback required for the front. In no case, however, shall either setback be less than the front setback required in the Zoning Ordinance.

403.3 Re-Subdividing: Where a tract is to be subdivided into lots substantially larger than the minimum size required in the Zoning Ordinance, or when the tract is in an area which the Township Board can reasonably expect to be served with sewer and water lines in the future, but which at time of subdividing does not have sewer and water services available, the Board may require that streets and lots be laid out so as to permit future re-subdivision in a logical manner and in accordance with provisions of this Ordinance. Lot arrangements shall allow for ultimate extension of adjacent streets through blocks or the splitting of lots into smaller lots.

The plan for such future re-subdividing or lot-splitting shall be approved by the Township Board before division of lots may be made.

403.4 Lots to be Buildable: The lot arrangement shall be that in constructing a building in compliance with the Zoning Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. Acute angles created by side lot lines, and odd shaped lots should be avoided. The size, shape and location of each lot should have the following qualities:

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

403.5 Setbacks and Yard Requirements: Placement of the building on the site shall conform to all yard requirements of the Zoning Ordinance. However, the proprietor should vary the placement of the building on each lot. The front setback should be varied among several adjacent lots to create a more attractive neighborhood appearance and to relieve the monotony that results from rigid adherence to the minimum requirements. The setbacks provided should conform to topography and natural features of the site.

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

403.7 Access from Private Streets: Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with this Ordinance.

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

403.9 Non-Residential Lots: Lots intended for uses other than residential shall be identified on the plat, and shall be specifically designed for such use, in accordance with provisions of this Ordinance and the Zoning Ordinance.

404.0 Pedestrian Ways: Pedestrian ways other than sidewalks in street rights-of-way, shall be at least 20 feet wide. They shall be treated as an easement. Fences and/or other improvements may be required if the Township Board determines that such are necessary to protect adjacent property owners. Pedestrian ways may be left unpaved, and in a natural state, and shall be to the rear of property lines. They may be used for bicycle paths, snowmobile trails, or any other such activities within the subdivision but not to include automobiles or truck traffic.

Sidewalks: Sidewalks paved or unpaved, shall be 5 feet in width and may be required on both sides of a street or one side of a street, or in very low density developments (40,000 sq. ft. or larger) may be exempted entirely, according to the discretion of the Township Board. Street rights-of-way shall be sufficient to provide for sidewalks on both sides of a street, except in cluster subdivisions, or planned unit residential developments, where variations may be permitted. Streets leading directly to a school shall have sidewalks on both sides of the streets.

Sidewalks shall have a minimum pavement width of five feet, and have a minimum lateral slope of 1/4 inch per foot of width. Sidewalks shall be placed within the street right-of-way, one foot away from the property line. Sidewalks shall be concrete, 4 inches thick, with 6 inch thickness under driveways. Driveway aprons shall not break the sidewalk level.

405.0 Natural Features: The Township Board shall, wherever possible, require the preservation of all natural features which add value to the proposed subdivision and to the community at large, such as large trees or groves of trees, water courses, vistas, historic spots and features, wildlife habitats and ecological areas, and similar irreplaceable assets. The location, nature, and extent of such features should be identified in the initial procedures and preliminary plat stages and shall be made a part of the subsequent plats to the greatest possible extent. The preservation and/or inclusion of such features may be made a condition of tentative approval of the preliminary plat.

406.0 Uninhabitable Areas: Lands subject to flooding, or otherwise deemed uninhabitable in their natural state shall not be for residential use, or for any other use that might increase the flood hazard within or outside the subdivision. Such lands shall be set aside for recreational use or shall be retained in their natural state as open space. Any areas of land within the proposed subdivision which lie either wholly or partly within the flood plain of a river, stream, creek, or lake, or any other areas which are subject to flooding by storm water shall be clearly shown on the preliminary plat and the final plat.

407.0 Utilities

407.1 Storm Drainage:

Where a subdivision is traversed by a water course, drainage way, channel, or stream; a storm water easement or drainage right-of-way shall be provided. Such easements shall be placed so as not to interfere with the use of lots. Existing drainage ways may be rechanneled but such rechanneling shall not increase the flow or level, or cause impoundment, of water on properties upstream or downstream from the proposed subdivision.

Exceptions may be made if such changes conform to an overall drainage plan for the drainage district. Any new ditches or construction shall be seeded or sodded and mulched.

All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the Township Board in consultation with the Crawford-Roscommon Soil Conservation District. A natural water drainage way or impoundment area shall be reserved in a public interest, and a storm drainage easement of a width and/or to an elevation specified by the Township Board shall be required and reserved as a public storm drainage easement or impoundment area. Access rights for maintenance purposes to same shall be dedicated to the Township Board and placed on file with the County Register of Deeds. The proprietor may be required to carry away pipe or open ditch, in appropriate easements, any spring or surface water that might exist either previous to, or as a result of, the subdivision.

A culvert or other drainage facility to be provided in the proposed subdivision shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether that area is inside or outside the subdivision. The design and size of the facility shall be based on anticipated run-off from a fifteen (15) year (24 hr. period) storm under conditions of total potential development permitted by the Zoning Ordinance, and other applicable zoning ordinances, and recommended in adopted development policies for lands lying within the drainage area.

The effect of the subdivision on Higgins Lake and existing downstream drainage facilities outside the subdivision shall be reviewed by the proprietor and the Township Board. Where it is anticipated that the additional run-off resulting from development of the subdivision will overload an existing downstream drainage facility during a fifteen (15) year (24 hr. period) storm, the Township Board shall not approve the subdivision until provision has been made for improvement of said condition.

407.2 Sewer and Water Utilities: Sanitary sewer and water supply facilities shall be designed and located according to the specifications and procedural requirements of the Michigan Department of Health. On site services and private sanitary sewer and water systems shall be designed according to requirements of the Roscommon Branch of Central Michigan District Health Department.

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

All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review before filing for final approval of the preliminary plat.

All said utilities placed in public rights-of-way shall not conflict with other underground lines. Easement shall be provided in accordance herein.

408.0 Reservation of Public Use Areas: Where a proposed park, playground, open space, public school, library or other public use area shown in the adopted General Development Plan, or in an adopted applicable part of such plan, is located in whole or in part in a proposed subdivision, such area or areas shall be shown on the plat. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication. Such areas if not dedicated, shall be reserved by the proprietor for future purchase by the Township or other appropriate public agency. The precise nature, location, and extent of the reservation shall be determined prior to tentative approval of the preliminary plat by the Township Board. The reservation shall be valid for a period of one year from the date on which the Board approves the final plat or such longer period as might be agreed to in writing by the proprietor. Unless during such one-year period or agreed longer period the Board shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the proprietor at the end of the one-year period or agreed longer period. The reservation shall freeze the price per acre of the reserved area for such one-year period at the average value per acre on the date when the preliminary plat was first filed with the Clerk. Because the Township Board or other public agency has the option not to purchase the reserved property, the plat for the entire subdivision should include provisions for incorporating the reserved area into the overall development.

410.0 Residential Cluster Subdivisions: Where the Zoning Ordinance permits, a proposed residential subdivision may be designated as a residential cluster subdivision for the purpose of creating a more desirable living environment than is possible under the Township Zoning and Subdivision Control Ordinances as applied to individual residential lots; for the purpose of encouraging the provision and maintenance of open space for the residents of the subdivision; for the purpose of encouraging creativity, variety, efficiency, and economy in the physical development pattern of the community; and for the purpose of assuring the preservation of desirable natural features of the community and their inclusion in the development pattern of the subdivision and the community. This Section applies to residential sub-divisions, but it may also be applied, where desirable by the proprietor and the Township Board to mobile home, and commercial subdivisions by changing "residential" references in this Section to reflect the nature of such other types of subdivisions.

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

A residential cluster subdivision must be designed to produce a stable and desirable residential community. Overall maximum densities shall not exceed those permitted under applicable provisions of the Zoning Ordinance. Open space areas shall meet the standards for open space established in an ordinance duly adopted and published by the Township Board. The Board shall have the right and duty to reject a proposed residential cluster subdivision if the open space areas therein are, in its opinion, of such size and shape as to be difficult or impossible to utilize or maintain for appropriate open space purposes. Common open space provided in a residential cluster subdivision and conveyed to a homeowners association shall remain permanently open for recreational and conservational purposes.

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

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

Residential cluster subdivisions should be laid out so as to reduce the lineal feet of streets that would be otherwise needed to serve the area; to economize on the cost of utility installations; to retain and take advantage of existing natural features and vistas; to reduce the amount of grading required; to take maximum advantage of storage, absorption, and drainage characteristics of the natural landscape; and to otherwise secure the objectives set forth in this Section. In so doing, the minimum lot areas shall be no less than 20,000 sq. ft. and lot widths shall be no less than 85 ft., and shall conform to any new restrictions in this Ordinance and the Zoning Ordinance.

The cluster subdivision shall be laid out so that its development can be staged in an efficient and economical manner with respect to the opening and maintenance of new streets, the provision of utilities, access to schools and other public and private service facilities, and similar considerations.

Utility easements, such as for electrical transmissions or distribution lines and storm sewers, may be included in the common open space area calculation only if they are available to residents of the subdivision, may be landscaped and developed for recreational or other open space uses, and are safe for use by persons engaging in recreational or other open space activities. Unless all these conditions are satisfied, such easement shall not be included in common open space calculations.

Open drainage courses, suitably graded and stabilized with sod or other ground cover, and planted with trees, shrubs, and other landscape materials, made an integral part of the overall open space and recreations system, may be acceptable, if approved by the Township Board and the Roscommon Branch of Central Michigan District Health Department.

In residential cluster subdivisions, the proprietor shall insure the permanence of both the existence and proper maintenance of all open space by either dedicating it to a public agency responsible for such areas or by conveying it to a homeowner's association to be made up of the future residents of the subdivision. Where a homeowner's association is to be established, the following conditions shall be met:

1. The association shall be established before dwellings are sold.
2. Membership shall be mandatory for each home buyer and any successive buyer;
3. Common open space must be held and maintained by the homeowner's association as open space in perpetuity.
4. The homeowner's association shall be responsible for payment of property taxes, maintenance of all common open space areas and facilities, maintenance of liability insurance, and other similar duties of ownership.

The proprietor shall file a declaration of restrictions with the preliminary plat when tentative approval is sought, setting forth the above conditions and other features of the homeowner's association.

The Township Board may require that, in addition to the insertion of covenants and/or provisions creating negative easements and provisions for mandatory membership in the homeowner's association in all deeds to home buyers, the proprietor shall grant a negative easement over all common open space to the Township to insure that the area will remain open in perpetuity. Such a negative easement is intended only to preclude development and preserve common open space; it may not provide for public access to, or use of common open space.

In the event that a homeowner's association established to own and maintain common open space, or any successor association, shall at any time after development of a residential cluster subdivision, fail to maintain the common open space in reasonable order and condition, the Township Board may serve written notice upon such association setting forth the manner in which the association has failed to maintain the common open space, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of said notice. At such hearing the Board may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modification thereof are not corrected within said thirty (30) days or an extension thereof, the Board, in order to preserve the taxable values of the properties within the residential cluster subdivision and to prevent the common open space from becoming a public nuisance, may authorize the

appropriate Township employees to enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the common open space. Before the expiration of said year, the Board shall, upon its own initiative or upon the request of the homeowner's association theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such association, or to the residents of the residential cluster subdivision, at which hearing such association or the residents of the residential cluster subdivision shall show cause why such maintenance by the Township should not, at the election of the Board continue for a succeeding year. If the Board shall determine that the homeowner's association is ready and able to maintain the common open space in reasonable condition and order, the Township shall cease to maintain the common open space at the end of said year. If the Board shall determine that the homeowner's association is ready and able to maintain the common open space in reasonable condition and order, the Township shall cease to maintain the common open space at the end of said year. If the Board shall determine that such association is not ready and able to maintain the common open space in reasonable condition and order, the Board may, in its discretion, continue to maintain the common open space during the next succeeding year, and, subject to a similar hearing and determination, in each year thereafter. The cost of such maintenance by the Township shall be assessed ratably against the properties within the residential cluster subdivision that have a right of use and enjoyment of the common open space and shall become a tax lien on said properties. The Township at the time of entering upon a common open space for the purpose of maintenance, shall file a notice of such tax lien in the office of the Township Treasurer.

Residential cluster subdivisions for single family residents may be provided in areas not served by public water and/or sanitary sewer if each lot is adjacent to an open area which in the opinion of the County Health Department, can be considered to be part of the site for purposes of supplying the area necessary for drain fields. In such cases the minimum lot size may be reduced to 20,000 square feet from the 40,000 square feet minimum ordinarily required. Total overall density in such areas shall not exceed one dwelling unit per 40,000 sq. ft. at completion of the subdivision or during any stage of development. The Roscommon Branch of Central Michigan District Health Department may require a maximum density of less than one dwelling unit per 40,000 sq. ft. if soil conditions are not suitable for development at higher density.

411.0 Mobile Home Subdivisions: Where a mobile home development falls within the definition of "subdivision" as set forth in the Subdivision Control Act, said development shall be considered to be a subdivision and shall be platted in accordance with the Subdivision Control Act and this Ordinance. All provisions of this Ordinance shall apply except for, or in addition to, the provisions of this Section. A mobile home subdivision may also be platted under the Residential Cluster Subdivision of Planned Unit Residential Development provisions of this Ordinance.

All streets and driveways in the subdivision shall conform to the standards set forth in Section 401.0 herein. There shall be non on-street parking of any vehicles on any collector street within the subdivision; all such access shall be provided by minor residential streets.

Collector street dimensions shall conform to County Road Commission specifications.

Each lot shall have direct access to a public or an approved private street. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous subdivision character. Sidewalks and pedestrian ways shall be provided in accordance with Section 404.0, herein, except that sidewalks along streets may not be required when pedestrian ways provide acceptable means of pedestrian movement.

411.1 Mobile Home Cluster Subdivision: All residential lots shall be suitably connected to sewer and water services and shall meet the requirements of this Ordinance.

All sanitary sewage facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing, from collision or from creating any type of nuisance or health hazard. Sewage facilities shall be of such capacity to adequately serve all users of the park at peak periods. Running water from a state tested and approved supply designed for a minimum flow of two hundred (200) gallons per day per mobile home site shall be piped to each mobile home. Sewer connections shall not exceed ten (10) feet in length above ground. Any fuel oil and/or gas storage tanks shall be located in an inconspicuous manner either by placing the tanks underground or by enclosing them with a screen of dense shrubbery. All fuel lines leading to the subdivision and to mobile home sites shall be underground and so designed as to conform with the Township Building Code and any state code that is applicable.

When a master television antenna is provided, all lines extended to individual lots shall be underground. Such master antenna shall be placed as not to be a nuisance to subdivision residents or surrounding areas.

A buffer of trees and shrubs not less than twenty (20) feet in width shall be located and maintained along all boundaries of such subdivision, excepting at established entrances and exits serving the subdivision. When necessary for health, safety and welfare, a fence shall be required to separate the subdivision from adjacent property.

412.0 Commercial Subdivisions: Where commercial developments for retail sales, wholesale sales, business services, offices, and similar establishments fall within the definition of "subdivision" as set forth in the Subdivision Control Act, such development shall conform to the provisions of this Ordinance, except for modifications provided for in this Section. The development shall conform to all Zoning Ordinance requirements.

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

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

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

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

414.0 Planned Unit Residential Development: Proposed land developments, including some or all of the nonresidential activities, land uses, and facilities necessary to serve the principal, residential use of land in the development may be granted certain variances from this Ordinance. Such variances are intended to accommodate the site planning, financial, engineering, and other requirements of large, comprehensive residential developments with associated uses. Such variances may include, but are not limited to, time extensions, flexible schedules for installation of improvements, security requirements for improvements, reductions in minimum lot areas and dimensions, mixtures of residential densities and building types, and mixtures of residential and nonresidential structures.

Variances shall be granted in accordance with the Zoning Ordinance provisions regulating planned unit residential developments and with Article VI, herein. All required zoning changes shall be made prior to the Township Board's tentative approval of the preliminary plat of a planned unit residential development.

Any proposed planned unit residential development shall conform to the duly adopted and published General Development Plan, if there is such a plan, with respect to the kind, location, extent, and density of land uses; the character and location of streets; and the location and character of neighborhood and community services, facilities and utilities.

Reservations of public use areas shall be made in accordance with Section 409.0, herein. Open space shall be provided and maintained as set forth in Section 410.0, herein. The approved final plat of a planned unit residential development shall become a part of the General Development Plan, if there is such a plan.

415.0 Soil Erosion and Sediment Control: Since considerable erosion can take place prior to the construction of houses and other buildings, facilities, and features in a subdivision, there shall be no cutting or clearing of land until the preliminary plat is approved. The various plats for a subdivision shall contain proposed erosion and sediment control measures which shall be incorporated into the final plat and final construction drawings. Erosion and sediment control measures shall conform to the standards and specifications established by the Crawford-Roscommon Soil Conservation District in their current form and as they may be modified from time to time, it being the intent of this Section to incorporate such standards and specifications into this Ordinance by reference. The measures shall apply to all street and utility installations as well as to the protection of individual lots. Measures shall also be instituted to prevent or control erosion and sedimentation during the various stages of construction of the subdivision.

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

Blanket covenants may contain items such as, but not limited to, land use control; architectural control, including walls and fences as well as buildings; yard and setback requirements; minimum lot size; prohibition of nuisances; regulation of signs; control of type, duration, location, etc., of temporary buildings or vehicles, such as travel trailers, etc., to be stored on each site; scenic or open space easements; and other similar controls. Covenants shall be discussed with the Township Board during the initial procedures and/or preliminary plat stages and shall be coordinated with existing or anticipated police power controls. Covenants should be recorded prior to the sale of any lot within the subdivision.

417.0 Street Lights: Street lights, where provided, shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed subdivision. Where lights are to be provided, they should be installed prior to occupancy of structures within the subdivision. Street lights shall be provided at the discretion of the Township Board.

501.4 Staging: Where a subdivision is to be developed in stages, the provisions of this Article shall apply to each stage. However, improvements and financial guarantees thereafter may be required to extend beyond the boundaries of a subdivision stage if such extension is necessary to insure the relative self-sufficiency of the stage pending completion of the entire subdivision. Such extensions, schedules, and similar arrangements shall be set forth in an agreement between the proprietor and Township board prior to final approval of the preliminary plat.

502.0 Engineering Drawings of Improvements:

502.1 Required Prior To Construction: Engineer drawings of all required improvements shall be reviewed and approved by the Township Board or Building Inspector, except for improvements to be made under the jurisdiction of the County Road Commission, County Drain Commission, or other county or state agencies, in which case the drawings shall be submitted to the appropriate agency for review and approval. Where review and approval of engineering drawings is made by a county or state agency, the Township board or Building Inspector shall obtain written confirmation of such approvals.

No granting*, land filling, removal of trees or other vegetation or construction of improvements shall commence until the engineering drawings of same have been approved as provided in Section 501.3, herein.

* Amended May 11, 1993 "change word granting to grading."

502.2 Modification During Construction: All installations and construction shall conform to the approved engineering drawings. However, if the proprietor chooses to make minor modifications in design and/or specifications during construction, he shall make such changes at his own risk, without any assurance that the Township or other public agency will accept the completed facility. It shall be the responsibility of the proprietor to notify the appropriate agency of any changes in the approved drawings.

502.3 As Built Drawings: The proprietor shall submit to the Township Board or Building Inspector one reproducible copy of "as built" engineering drawings of each of the required improvements that have been completed prior to final plat approval. Each set of drawings shall be certified by the proprietor's engineer. Similar drawings shall also be submitted of improvements installed under bond, after final plat approval. This provision does not apply to improvements made under the jurisdiction of other public agencies.

502.4 Construction Schedule: The proprietor shall submit to the township Board or Building Inspector and to all approving agencies and to public utility companies that will service the subdivision, prior to final approval of the preliminary plat, a general schedule of the timing and sequence for the construction of all required improvement. The schedule shall meet the procedural requirements and inspection needs of the Township, County and State agencies.

503.0 Required Improvements: The proprietor shall be required to install the following improvements in accordance with the conditions and specifications of this Ordinance.

503.1 Monuments: Monuments and iron pipe lot corners shall be set in accordance with the Subdivision Control Act and the rules of the State Department of the Treasury.

503.2 Streets and Alleys: All streets, curbs, gutters, and alleys shall be constructed in accordance with the standards and specifications of the County Road Commission and as provided in Section 401.0, herein.

503.3 Public Utilities: Public utilities placed in street right-of-way shall be located in accordance with County Road Commission requirements and Section 401.0, herein.

503.31 Storm Drainage: An adequate storm drainage system, including necessary storm sewers, drain outlets, culverts, bridges and other appurtenances, shall be required in all subdivisions, and shall be provided by the proprietor.

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

503.32 Water Supply System: When a proposed subdivision is to be serviced by a public water supply system, water lines, and appurtenances shall be provided by the proprietor.

If there is no existing or accessible public water supply system, the proprietor may be required to install a water supply system for the common use of the lots within the subdivision. All easements and improvements for such systems shall be dedicated to the Township for administration, operation, and maintenance.

Individual wells may be permitted where public water supplies are not available, in accordance with the requirements of the Roscommon Branch of Central Michigan District Health Department.

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

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

If there is not an existing or accessible public sanitary sewer system, a sewer system for the common use of lots within the subdivision may be required to be provided by the proprietor, if feasible in the judgement of the Township Board and the Roscommon Branch of Central Michigan District Health Department, and shall comply with provisions of Act 98, P.A. of 1913, as amended. Where such a system is permitted, said system, together with necessary easements, shall be dedicated to the Township for administration, operation, and maintenance.

Septic tanks and disposal fields on individual lots may be approved if in compliance standards and specifications of the Roscommon Branch of Central Michigan District Health Department and the State Administrative Code, Section 460.405.

503.34 Gas, Wire and Cable Utilities: The proprietor shall arrange for all lines for telephone, electric, and other similar services distributed by wire or cable to be installed underground and may arrange for gas distribution facilities throughout a subdivided area. Overhead lines and facilities may be permitted as set forth in Section 407.3, herein.

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

503.4 Street Name Signs: Street name signs shall be installed by the County Road Commission at the expense of the proprietor.

503.5 Sidewalk and Pedestrian Ways: Sidewalk and pedestrian ways shall be provided by the proprietor in accordance with Section 404.0, herein.

503.6 Public Use Areas: Such areas shall be provided by the proprietor as set forth in Section 409.0, herein.

503.7 Street Lighting: Street lighting shall be located and installed in accordance with community or public utility company's recommendations and Section 418.0, herein.

503.8 Driveways: All driveway openings, from the street surface edge to property line, shall be installed in conformance to standards of the County Road Commission, or when applicable to standards of the Michigan Department of State Highways.

503.9 Erosion and Sedimentation Control: Installation and maintenance of erosion and sediment control measures shall be accomplished by the proprietor as specified in the preliminary plat as finally approved and are subject to financial guarantees of performance established by the township.

504.0 Guarantee of Completion of Improvements:

504.1 Financial Guarantee Arrangements: In lieu of the actual installation of improvements as required in Section 503.0, herein, the Township may require a financial guarantee of performance in one or a combination of the following arrangements for those improvements for which performance guarantees may not be required by county or state agencies in accordance with the Subdivision Control Act. Such guarantees shall be required for only those required improvements that have not been installed and without certificates of completion prior to the date of application for final plat approval.

504.11 Performance or Surety Bond:

504.11 Accrual: The bond shall accrue to the township Board for administering the construction, operation and maintenance of the improvement.

504.112 Amount: The bond shall be of an amount equal to the total estimated cost for completing construction of the improvements including contingencies as estimated by the proprietor's engineer and approved by the Township Board.

504.113 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 improvement.

504.114 Bonding or Surety Company: The bond shall be with a surety company authorized to do business in the State of Michigan.

504.12 Cash Deposit, Certified Check, or Irrevocable Bank Letter of Credit:

504.121 Treasurer, Escrow Agent or Trust Company: A deposit by the proprietor with the Township Clerk in the form of cash a certified check or irrevocable letter of credit, whichever the proprietor selects, shall accrue to the Township for administering the construction, operation or maintenance of the improvement.

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

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

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

504.2 Contingency Fee: The Township Board may require, in addition to the security, an amount of 10 percent thereof to cover such contingency expenses that might occur due to failure, defects in construction, unforeseen costs, etc., of any improvement required herein. The period covered by the contingency fee shall not exceed two years from the date of acceptance of the improvement.

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

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

505.0 Inspection of Improvements:

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

505.2 Inspection Schedule: It shall be the responsibility of the proprietor to notify the Township or other appropriate public agency when installations are ready for inspection.

505.3 Inspection of Improvements Under Construction: Before approving a final plat and construction plans and specifications for the required improvements, an agreement between the proprietor and the Township board shall be made to provide for inspecting the construction or installation of each improvement under its jurisdiction and its conformity to the approved plans.

506.0 Compliance With Standards: The proprietor shall bear the final responsibility for the installation and construction of all required improvements according to the provisions of this Ordinance and to the standards and specifications of the various public agencies.

507.0 Acceptance: Approval of installation and construction shall not constitute acceptance by the Township of any improvement for dedication purposes.

508.0 Fees: The proprietor shall pay all inspection costs incurred by the Township according to the schedules determined by the Township Board, by deposit made at the time of approval of the final plat. Any funds not used by the Township in its inspections shall be refunded to the proprietor when the subdivision, or stage thereof, is completed. The proprietor shall pay to the Township an amount by which the inspection charges exceed the deposited fee.

509.0 Site Cleanup: The proprietor shall be responsible for removal of all equipment, material and general construction debris from the subdivision and from any lot, street, or public way or property therein or adjacent, and disturbed areas are to be sodded or seeded and mulched within 30 days.

**ARTICLE VI
VARIANCES**

600.0 General: A variance from the provisions of this Ordinance may be obtained for one of two reasons; first, relief from hardship; and second, permit a comprehensive development according to a plan for the entire project. Variances shall apply only to improvements, standards, specifications set forth in this Ordinance; no variations shall be granted on procedures required herein.

601.0 Hardship Variance:

601.1 General: Such variance may be granted if the proprietor can show that strict compliance with the provisions of this Ordinance, as they apply to the property or parts thereof, will result in extra - ordinary hardship or practical difficulty. The proprietor shall make a formal request for such variance to the Township Board, in which the reasons for the request shall be clearly stated.

601.2 Findings Required: No variance shall be granted unless the following findings are made:

601.21 That there are such special circumstances or conditions affecting said property that strict application of the provisions of this Ordinance would clearly be impractical or unreasonable.

601.22 That the conditions requiring the variance were not created by the proprietor.

601.23 That the variance is necessary for the preservation and enjoyment of a substantial property right of the proprietor, and is not primarily intended for his economic gain.

601.24 That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.

601.25 That such variance will not have the effect of nullifying the intent and purpose of this Ordinance, the adopted General Development Plan, if there is such a plan, and the Zoning Ordinance.

601.26 That such variance will not violate the provisions of the Subdivision Control Act.

601.3 Report: The Township Board shall prepare a complete report of proceedings concerning the requested variance, containing all findings of fact and actions taken. A copy of this report shall be made a part of the record of the meeting at which action is taken and one copy of the report shall be transmitted to the proprietor.

601.4 Conditions: In granting a variance the Township Board may attach conditions to the variance which will substantially secure the objectives of this Ordinance, and which will further the adopted policies of Gerrish Township and in various ordinances and resolutions.

602.0 Comprehensive Development Variance: The Township Board may authorize variances from the provisions of this Ordinance for a comprehensive development upon written request of the proprietor. The Board shall find that such comprehensive development is permitted by the Zoning Ordinance. Variances for comprehensive developments may include, but are not limited to, reduction in minimum lot area and dimensions, and modifications in street and utility standards.

The Township Board shall determine that the comprehensive development plan, with requested variances provides, for efficient circulation, adequate light and air and other needs, and otherwise meets the intent of this Ordinance, and of the Zoning Ordinance. The Board, in making its determination shall take into account the criteria set forth in the preceding Sections 601.24 - 601.26 and the following Sections, 602.1 - 602.3.

602.1 That the proposed project will constitute a desirable and stable community development.

602.2 That the proposed project will be in harmony with existing or proposed development of adjacent areas.

602.3 Any variance granted for comprehensive development shall be valid only so long as the plan for the comprehensive development is carried out as approved. Any departure from the approved plan shall permit revocation by the Township Board of any variance granted.

602.4 The Township Board shall establish a time schedule for completion of the various stages of a comprehensive development.

* Amendment No. 2, dated April 16, 1973, addition of Paragraph 602.5.
Recinded on

602.5 A variance is granted for building lot size on the land classified R-1 in the Gerrish Township Zoning Ordinance:

1. Lots: In areas not served by public sewer and water lines, the minimum lot size shall be 25,000 square feet and the minimum road frontage (at setback lines) of 125 feet.
2. All other design and development standards shall remain unchanged.

603.0 Applications Required:

603.1 Hardship Variance: Application for any such variance shall be submitted in writing by the proprietor to the Township Board at the time the preliminary plat is filed for tentative approval. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

Sec 603.1

603.2 Comprehensive Development Variance: Application for such variance shall be made in writing by the proprietor at the time the preliminary plat is filed for tentative approval, stating fully and clearly all facts relied upon by the proprietor and shall be supplemented with maps, plans, and other additional data which might aid the Township Board in their analysis of the proposed project. The plans for such development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.

604.0 Responsibility for Granting Variances: the Township Board shall have authority for granting variances to this Ordinance.

**ARTICLE VII
ENFORCEMENT**

700.0 Building and Occupancy Permits:

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

* Amended May 11, 1993

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

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

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