CHAPTER XII: LAND DEVELOPMENT AND USE

Article

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ARTICLE 1: CONSTRUCTION HOURS AND PERMITS


XII-1.00. Working hours.

No person shall cause, permit or engage in the erection, construction, demolition, alteration or repair of any road, highway, utility line, building or structure or the excavating or filling of land or the changing of the topography of any premises in the Charter Township of Plymouth between sunset of one day and sunrise of the next succeeding day; provided, however, that repairs to any road, highway, utility line, building, structure or land reasonably necessary to the same for the protection of the public health and safety against a clear and present danger may be conducted or occur at any hours.

XII-1.01. Exceptions.

Upon application in the form and payment of the fee as the Township Board may determine by resolution from time to time, a person may petition the Township Board for an exception to the otherwise applicable restrictions of this ordinance. Upon review of the application, the Township Board may grant an exception permit which shall specify the location of the work to be performed, the nature of the permitted work and the hours and dates of the permitted work. The Township Board shall grant the exception permit only after giving due consideration to the location, nature of work and requested hours and days of work in relationship to the surrounding land uses and occupations of land, so as not to adversely affect by noise, light, vibration or smell such neighboring property and the users thereof, and to the ability of the performance of the work in a reasonable and orderly manner without such exception be granted.

XII-1.02. Owner defined.

An “owner” of property for purposes of this ordinance shall be prima facie evidence that the person, whether natural person, firm, co-partnership, association, governmental entity or corporation, set forth as the owner on the current tax rolls of the Charter Township of Plymouth, as certified by the Township Treasurer. A person exercising actual control over the use of any property, whether an owner, lessee, renter or possessor of property shall be as liable as the “owner” and subject to prosecution under this article.
XII-1.03. Penalties.

Any person, firm, association, co-partnership, corporation or other entity, who shall violate any of the provisions of this article shall be penalized as provided in the General Provisions of the township code. Each day that the violation continues after due notice has been served in accordance with the terms and provisions hereof shall be deemed a separate offense.

XII-1.04. Appearance tickets.

A police officer, the Building Official of the Charter Township of Plymouth, or any inspector of the Department of Buildings and Code Enforcement, or the Code Enforcement Officer of the Charter Township of Plymouth, upon reasonable cause to believe an owner or a person has committed an offense under this article may issue and serve an appearance ticket upon such owner or person.
ARTICLE 2: INTERNATIONAL FIRE CODE WITH APPENDICES (2012 EDITION)


[Effective November 30, 2014 – Amendment 12 to Ordinance 1016]

XII-2.00. Code Adopted. The 2012 Edition of the International Fire Code with Appendices is adopted by reference as the Fire Code of the Charter Township of Plymouth for regulating the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Charter Township of Plymouth subject to the following changes and additions:

XII-2.01. Changes in the Code. The following sections and subsections of the 2012 Edition of the International Fire Code are hereby amended or revised as set forth. Subsequent section numbers used in this Chapter shall refer to the like numbered sections of the 2012 Edition of the International Fire Code:

101.1. Title. These regulations shall be known as the Fire Code of the Charter Township of Plymouth and are hereby referred to as such or as the “Code”.

109.3. Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

111.4. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars ($100.00) or more than Five Hundred Dollars ($500.00).

XII-2.02. Notice; opportunity to correct.

If a violation of this Chapter is noted, a Code Enforcement Officer may notify the owner of record and/or the occupant of the property of the violation. Such notice shall specify the violation and may specify a time within which corrective action should be completed. This notice may be served personally or by mail. A notice of violation is not required prior to issuing a Uniform Law Citation charging the owner/occupant of the property with a violation of this Chapter.
ARTICLE 3: NATURAL PRESERVE


XII-3.00. Title of the ordinance.

This ordinance shall be known as the Natural Preserve Ordinance of the Charter Township of Plymouth.

XII-3.01. Enforcement.

The Police Department of the Charter Township of Plymouth shall enforce the provisions of this ordinance and shall enforce all rules and regulations relating to any natural preserve within the Charter Township of Plymouth.

XII-3.02. Unlawful acts.

It shall be unlawful for any person to violate any duly adopted rule or regulation governing conduct in an area designated a natural preserve within the Charter Township of Plymouth.

XII-3.03. Rules and regulations.

The following rules and regulations shall apply in all areas designated natural preserves within the Charter Township of Plymouth.

(A) Property:

(1) Trees, shrubbery, lawns.

(a) No person shall willfully damage, cut, carve, transplant, or remove any tree or plant or injure the bark of any tree or plant, or attach any rope, wire or other contrivance to any tree or plant in an area designated a natural preserve;

(b) No person shall climb any tree, or walk, stand, or sit upon railings, fences or upon any other property not designated or customarily used for such purposes within an area designated a natural preserve.
(2) Wild animals, birds, etc.

(a) No person shall attempt to harm or injure, kill, shoot or throw missiles at any animal, reptile or bird; no person shall remove or have in his or her possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any animal, reptile or bird in an area designated a natural preserve.

(b) It shall be unlawful for any person to feed, or attempt to feed any animal or bird any known noxious substances in an area designated a natural preserve.

(B) Sanitation:

(1) Pollution of waters. It shall be unlawful to throw, discharge, or otherwise place or cause to be placed in the waters of any pond, lake, stream, or other body of water in or adjacent to any area designated a natural preserve or any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will result in the pollution of the waters.

(2) Refuse and trash. No person shall throw or deposit litter, refuse or trash in any area designated a natural preserve within the Charter Township of Plymouth except in public receptacles and in a manner that the refuse and trash will be prevented from being carried or deposited by the elements upon any part of the natural preserve or upon any street or public place. Where public receptacles are not provided, all litter, refuse and trash shall be carried away from the natural preserve by the person responsible for its presence and properly disposed of elsewhere in accordance with the laws of the Charter Township of Plymouth and the State of Michigan. No person shall dump, deposit or leave in any natural preserve any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash.

(C) Behavior:

(1) Domestic animals. No person shall allow a dog, horse or any other domestic animal to enter an area designated a natural preserve.

(2) Fires. It shall be unlawful for any person to build or attempt to build a fire in an area designated a natural preserve. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco, paper or other flammable material within any area designated a natural preserve.

(3) Vehicle. It shall be unlawful for any person to enter or attempt to enter an area designated a natural preserve with a bicycle, motorcycle, car or any other vehicle.

XII-3.04. Procedure for designation as natural preserve.

The owner of property, the description of which falls within the definition of “natural preserve”, as set forth herein, may apply for natural preserve status in the following manner:
(A) (1) The property owner must impose building and use restrictions, reservations, covenants, obligations or conditions upon the land, specifying that they shall run with the land and be a burden on and benefit to the land in perpetuity.

(2) These building and use restrictions, reservations, covenants, obligations or conditions must be recorded with the Register of Deeds and be in a manner consistent with the natural preserve as set forth herein.

(3) The property owner must then submit a request to the Charter Township of Plymouth for approval by the Township Board of Trustees as a natural preserve.

(4) The Township Board of Trustees shall approve any request for a natural preserve designation if the subject property and building and use restrictions meet the requirements of this ordinance. Any denial of a request may be appealed to a court of competent jurisdiction.

(B) “Natural preserve” shall be defined as an area that:

(1) Generally appears to be affected primarily by the forces of nature, with human imprint substantially unnoticeable;

(2) Is substantially without human habitation; and,

(3) Contains features of ecological, geographical, scientific, educational, scenic, or historical value.

XII-3.05. Natural preserve areas.

The following areas within the Charter Township of Plymouth have been accepted by the township as a natural preserve area:

(A) Miller Woods - The legal description is as follows:

Part of the Southwest 3 of Section 29, T. 1 S., R. 8 E., Plymouth Township, Wayne County, Michigan described as:

Commencing at the Southwest corner of said Section 29 running thence along the South line of said Section also being the centerline of Powell Road S. 89 degrees 30” E. 556.16 feet to the POINT OF BEGINNING; thence N. 01 degrees 29’ 36” E. 559.29 feet; thence S. 89 degrees 36’ 43” E. 749.36 feet; thence 00 degrees 16’ 00” W. 593.68 feet; and thence N. 89 degrees 58’ 30” W. 762.20 feet along the South line of said Section 29 to the POINT OF BEGINNING. Containing 10.3 acres, more or less. Subject to the rights of the public in the Southerly 60 feet in Powell Road and subject to an easement over the Southerly 80 feet for the Michigan Bell Telephone Company.
XII-3.06. **Violation and penalty.**

Any person, firm or corporation who shall violate any provisions of this Code shall be punished as provided in the General Provisions of the code of ordinances of the Charter Township of Plymouth. Each day that the violation continues after due notice has been served in accordance with the terms and provisions hereof shall be deemed a separate offense.
ARTICLE 4: PRIVATE ROAD CONSTRUCTION AND MAINTENANCE


XII-4.00. Purpose.

(A) It is the intent of this article to set minimum standards for the construction and maintenance of private roads in the Charter Township which are not intended, now or in the future, to be dedicated to the public; and to provide penalties for the violation hereof.

(B) The requirements of this article shall apply to those vehicular accessways which, by definition of this article, may be classified as private roads and may be required to obtain site plan approval under the Charter Township of Plymouth Zoning Ordinance such as multiple family projects, cluster housing projects, etc., as well as private roads which may be created as a result of the division of lots and/or parcels.

XII-4.01. Definitions.

“Private Road”, for the purpose of this article only, shall mean a privately owned and maintained roadway providing access to more than one residence upon which persons other than the owners thereof may also travel and whereby public and private vehicles may be requested from time to time by the owners, to use the roadway to provide services such as fire protection, waste collection, common carrier delivery services and other public and private services which utilize heavy trucks.

XII-4.02. Construction standards - pavement, drainage and easement requirements.

(A) All private roads shall be constructed in accordance with the latest edition of the Michigan Department of Transportation (MDOT) standards specifications for construction.

(B) Pavement, drainage and easement requirements are as follows:

(1) If the private road services two to four residences one of the following minimum construction standards must be utilized.
(a) An asphalt roadway of minimum width of 20 feet, with a minimum surface thickness of 1 ½” MDOT Mixture 36A and 1 ½” MDOT Mixture 13A, and laid on an eight-inch minimum thick base course, placed in two compacted four-inch layers of MDOT specification 22A or equivalent, as approved by the Township Engineer. Road drainage shall be obtained as described in Paragraph 1e below.

(b) A concrete roadway, consisting of Portland Cement Concrete, of minimum width of 20 feet, with six-inch plain concrete MDOT Grade P1 placed on prepared subgrade. Pavement jointing shall be according to Portland Cement Association’s recommendations.

(c) Full depth asphalt roadway, of minimum width of 20 feet, consisting of two inches MDOT Mixture 36A wearing course placed over two courses of three and one-half inches each, MDOT Mixture 13A placed over a prepared subgrade.

(d) Access roads with a fire hydrant must provide a minimum width of 26 feet along the entire length of the road for a distance of 20 feet on either side of the hydrant unless otherwise approved by the Township Board

(e) Notwithstanding the above construction standards, with the approval of the Township Board, the asphalt or concrete roadway may be a minimum of 16 feet with two foot load-bearing shoulders. Asphalt and concrete surfaces shall meet the above specifications (1a-c), and shoulders shall be constructed of gravel or an equivalent material capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

(f) Drainage for the above sections shall be provided by concrete curb and gutter, or shoulder and open ditch.

1. Concrete curb and gutter shall be MDOT detail C-4 with concrete mixture MDOT Grade P1.

2. Minimum grade shall be 0.50%, maximum grade 6.00%. Crown for all roads shall be 2.00%.

3. Shoulders shall be three feet wide by a minimum four inches thick MDOT 23A aggregate, on each side of road. Ditch section shall be seven feet wide with centerline of ditch no more than 20 inches below center line of road. Two foot load-bearing shoulders provided under the 16 foot pavement option (43.030.B.1.d) may be included as part of the above-required three foot shoulders for drainage.

(g) The above minimum specifications shall not be construed as a substitute for sufficient pavement thickness where traffic conditions and/or soil conditions require more substantial pavement designs. Design shall be according to the American Association of State Highway and Transportation Officials (AASHTO) standards. Regardless of the material chosen, the design engineer shall furnish a complete design analysis of the pavement section chosen to confirm the adequacy of the design and to demonstrate that the design meets or exceeds the minimum requirements specified.
The applicant must provide a layout plan of sufficient detail to show how each parcel shall be serviced by utilities: (i) the private easement for the roadway shall be a minimum of 60 feet wide in order to provide space for surface drainage, construction and maintenance of public utilities, including but not limited to water and sewer. However, easements shall be wider than 60 feet if necessary to comply with standards of the most recently adopted version of the International Fire Code and its Appendices, (ii) if public utilities are not required to occupy the easement, a minimum easement width of 30 feet is required; however, easements shall be wider than 30 feet if necessary to comply with standards of the most recently adopted version of the International Fire Code and its Appendices.

(2) If the private road services five or more residences, then the following minimum construction standards must be utilized:

(a) An asphalt roadway of minimum width of 26 feet, with a minimum surface thickness of 1 1/2” MDOT Mixture 36A and 1 1/2” MDOT Mixture 13A and laid on an eight inch minimum thick base course, placed in two compacted four inch layers of MDOT specification 22A or equivalent, as approved by the Township Engineer. Road drainage shall be obtained as described in subsection (e) below.

(b) A concrete roadway, consisting of Portland cement concrete, of minimum width of 26 feet, with six-inch plain concrete MDOT Grade P1 placed on prepared subgrade. Pavement jointing shall be according to Portland Cement Association’s recommendations.

(c) Full depth asphalt roadway, of minimum width of 26 feet, consisting of two inches MDOT Mixture 36A wearing course placed over two courses of three and one-half inches each, MDOT Mixture 13A placed over a prepared subgrade.

(d) Notwithstanding the above construction standards, with the approval of the Township Board, an asphalt or concrete roadway may be a minimum of 22 feet with two foot load-bearing shoulders. Asphalt and concrete surfaces shall meet the above specifications (subsections (2)(a)-(c)), and shoulders shall be constructed of gravel or an equivalent material capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

(e) Drainage for the above sections shall be provided by concrete curb and gutter, or shoulder and open ditch.

1. Concrete curb and gutter shall be MDOT detail C-4 with concrete mixture MDOT Grade P1.
2. Minimum grade shall be 0.50 percent, maximum grade 6.00 percent. Crown for all roads shall be 2.00 percent.

3. Shoulders shall be three feet wide by a minimum four inches thick MDOT 23A aggregate, on each side of road. Ditch section shall be seven feet wide with centerline of ditch no more than 20 inches below center line of road. Two foot load-bearing shoulders provided with the 22-foot pavement option (Section XII-4.02(B)(2)(d)) may be included as part of the required three foot shoulders for drainage.

(f) These minimum standards are not to be construed as substitutes for good engineering design for private roads where traffic loads, horizontal alignment, vertical alignment, soil conditions, intersections and other site features warrant the use of roadway standards for state or county roads. The designs shall be prepared by a licensed engineer analyzing the conditions as listed above, but not limited to those above, to determine adequate pavement thickness, width and alignment. Regardless of the material chosen, the design engineer shall furnish a complete design analysis of the pavement section chosen to confirm the adequacy of the design and to demonstrate that the design meets or exceeds the minimum requirements specified.

(g) The private easement for the roadway shall be a minimum of 60 feet wide in order to provide space for construction and maintenance of public utilities, including but not limited to sewer and water. However, easements shall be wider than 60 feet, if necessary to comply with the standards of the most recently adopted version of the International Fire Code and Appendices.

(h) In case of multiple family, cluster housing, etc., a separate easement for private roadways may not be required. This aspect will be reviewed by the Township Engineer or consultant, as well as the Township Fire Chief, during the site plan review process and recommendations will be made to the Planning Commission. In all cases, access shall be provided as required by the most recently adopted version of the International Fire Code and Appendices.

(3) Site drainage. All pavement and adjacent properties shall be drained in a manner that conforms to the grading, drainage and surface standards of the Charter Township of Plymouth. Further, the drainage methods used shall be consistent with the Wayne County Storm Water Management Ordinance.

(4) Vertical clearance. The vertical clearance above all access roads shall be a minimum height of 13 feet and six inches and maintained as such.

(5) Design requirements. Including the standards above, all access roads shall meet the following requirements to be in compliance with the township fire code:
<table>
<thead>
<tr>
<th>Length</th>
<th>Min. Pavement Width</th>
<th>Turnaround Required</th>
</tr>
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<tbody>
<tr>
<td>0 - 150 ft.</td>
<td>20 ft.</td>
<td>None.</td>
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<tr>
<td>151 - 500 ft.</td>
<td>20 ft. unless a hydrant is present, the width shall be 26 ft. for a distance of 20 ft. on either side of the hydrant</td>
<td>Turnaround required from the following: 1. 120 ft. hammerhead; 2. Y turn; or 3. 96 ft. pavement diameter cul-de-sac</td>
</tr>
<tr>
<td>501 - 750 ft.</td>
<td>26 ft.</td>
<td>Turnaround required from the following: 4. 120 ft. hammerhead; 5. Y turn; or 6. 96 ft. pavement diameter cul-de-sac</td>
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<tr>
<td>Over 750 ft.</td>
<td>Special Approval Required</td>
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### XII-4.03. Testing.

(A) The project owner/developer shall secure the services of an independent testing laboratory for the quality control testing for all backfill and earth work compaction density control and all sampling and testing of concrete, asphalt and aggregate.

(B) Before a certificate of occupancy (temporary or final) is issued for a project, owner/developer of the property must submit certified copies of all test results, plus a certification from a registered civil engineer certifying the following:

1. All subgrades have proper compaction and have been established at proper design grade.

2. All utilities within the road proper and/or within close proximity of the pavement area have been compacted to the specifications set forth by the project designer and also in accordance with Charter Township of Plymouth standards.

3. All aggregate base courses are of specified materials, depth and compaction.

4. All asphalt base courses have been installed at proper temperature, thickness and compaction.

5. All asphalt surface courses have been applied at proper temperature, thickness and compaction.

6. All concrete paving areas have been installed to proper thickness and all standard tests, such as slump and strength tests, have been run and are acceptable.

7. All control joints and expansion joints, necessary and required, have been properly installed.
XII-4.04. Maintenance standards; maintenance agreement.

(A) Maintenance of private roads including, but not limited to filling chuck holes, regarding, repaving, resurfacing and the removal of snow shall be the sole responsibility of abutting property owners.

(B) Owners or developers of property to be serviced by a private road shall execute an agreement to provide for the continued maintenance of the road which document shall be binding upon future owners of the property and shall be deemed an obligation running with the land. The document shall be provided prior to the land split forwarded to the county for recording. The obligation to provide the document shall be a condition of any land split approval.

XII-4.05. Maintenance obligation; maintenance by township; costs and expenses.

(A) Each owner of property to be serviced by a private road shall participate equally in the cost of maintenance.

(B) If the owners fail to properly maintain the road, the township has the right, but not the duty, to do so and may charge the owners for all costs and expenses incurred.

(C) Payment of the charges shall be due upon written demand by the township to the owners at the address set forth on the tax rolls.

(D) In addition to other methods of collection, the township shall have the right to place the assessment on the township tax roll and to collect the assessment in the same manner as any property tax or assessment.

XII-4.06. Site plan required.

If a private road will be required to service one or more parcels which are to be created by the division of land for building purposes, a site plan shall be required to be submitted in conjunction with the land split application. The site plan shall show, as a minimum, existing grades, proposed road grades, proposed house grades, yard setback lines, road location, road design (vertical, horizontal and cross section), soil conditions and any other data the township or its representative deems necessary to evaluate the proposal. No split or land division shall be approved until the above-referenced site plan is approved by the township or its representative.
XII-4.07.  **Time of construction.**

No certificate of occupancy (temporary or final) shall be issued to any parcel which is served by a private road until the full road intended to service all parcels has been installed and approved.

XII-4.08.  **Street signs.**

The abutting property owners served by the private road shall be responsible for installing and maintaining a street sign properly identifying the name of the private road and the fact that the road is private. All street signs shall be in accordance with the latest standards of Wayne County for size, type, materials, location and construction. All private street names shall be approved by the Township Fire Chief and Township Police Chief prior to installation of the sign.

XII-4.09.  **Scope.**

The article shall be deemed to include and apply to all projects that have not received final approval as of the date of adoption of this ordinance.

XII-4.10.  **Penalty.**

Any person, firm or corporation who shall violate any provision of this article shall be punished as provided in the General Provisions of the township code. Each day that the violation continues after due notice has been served in accordance with the terms and provisions hereof shall be deemed a separate offense.
ARTICLE 5: STATE CONSTRUCTION CODE ADMINISTRATION AND ENFORCEMENT


XII-5.00. State Construction Code.

This ordinance shall be known as the Charter Township of Plymouth State Construction Code Administration and Enforcement Ordinance.

XII-5.01. Administration and Enforcement: State Construction Code.

Pursuant to Section 8b (M.C.L.A. § 125.1508b) of the State Construction Code, the Board of Trustees of the Charter Township of Plymouth does hereby assume responsibility for administration and enforcement of the State Construction Code within the Charter Township of Plymouth.

XII-5.02. Enforcing Agency Designation; State Construction Code.

Pursuant to Section 8b(6) (M.C.L.A. § 125.1508b(6)) of the State Construction Code, the Building Official of the Charter Township of Plymouth is hereby designated as the enforcing agency to discharge the responsibility of the Charter Township of Plymouth under the State Construction Code.

XII-5.03. Township Attorney: State Construction Code.

Pursuant to Section 8b(2) (M.C.L.A. § 125.1508b(2)) of the State Construction Code, the Township Attorney, as the chief legal officer for the Charter Township of Plymouth, may issue complaints and warrants and prosecute for violations of the State Construction Code with the same power and authority as for prosecuting local ordinance violations.


Pursuant to Section 8b(11) (M.C.L.A. § 125.1508b(11)) of the State Construction Code, the Charter Township of Plymouth Enforcement Officer, whose authorities and duties are established by Ordinance 91, is hereby authorized to investigate violations of the State Construction Code, serve notices of violation of the State Construction Code; serve appearance tickets or uniform law citations as authorized by state statute; appear in court or other judicial proceedings to assist in the prosecution of any code violations; prepare cases for prosecution for violations of the State Construction Code and other State
Construction Code enforcement duties as may be delegated by the above described enforcement agency/building official.

**XII-5.05. Retention of Fines; State Construction Code.**

The Charter Township of Plymouth elects to retain any fines imposed upon conviction for violation(s) of the State Construction Code upon prosecution of persons under this ordinance and Section 23(3) (M.C.L.A. § 125.1523(3)) of the State Construction Code.

**XII-5.06. Violation and Penalty.**

Unless otherwise provided, any person, corporation, partnership or any other legal entity who violates the provisions of this ordinance shall be guilty of a misdemeanor and may be fined not more than $500 or imprisoned for not more than 90 days, or both, at the discretion of the court.
ARTICLE 6:  SUBDIVISION REGULATIONS


Section 1: General Provisions

XII-6.00.  Short title.

This article shall be known and may be cited as the “Township Subdivision Regulations.”

XII-6.01.  Purpose.

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

(A) Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies;

(B) Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares adjoining subdivisions and public facilities;

(C) Achieve individual property lots of maximum utility and livability;

(D) Assure adequate provisions for water, drainage and sanitary sewer facilities and other health requirements;

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

XII-6.02.  Legal basis.

This article is enacted pursuant to the statutory authority granted by the Land Division Act, Act 288 of 1967, as amended.
XII-6.03. Scope.

This article shall not apply to any lot or lots forming a part of a subdivision in the process of approval for which tentative approval of the preliminary plat has been granted by the township prior to February 15, 1970, provided that the final plat is approved by the Township Board on or before January 1, 1971, except for the further dividing of lots. Nor is it intended by this article 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 article imposes a greater restriction upon land than is imposed or required by such existing provisions or any other ordinance of this township, the provisions of this article shall control.

XII-6.04. Administration.

The approval provisions of this ordinance shall be administered by the Township Board in accordance with the Land Division Act.

XII-6.05. Schedule of fees.

The schedule of fees for review of plats shall be established by resolution of the Township Board.

Section 2: Definitions

XII-6.06. Definitions.

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

ALLEY. A public thoroughfare or service right-of-way not more than 30 feet wide and not less than 20 feet wide at the rear or side lines of property and affording only a secondary means of access to abutting property.

BLOCK.  

(1) A block shall include the property having frontage on the one side of a street and lying between the two nearest intersecting streets or between the nearest street and railroad right-of-way, unsubdivided acreage, river or live stream or between any of the foregoing and any other barrier to the continuity of development.

(2) In case of a cul-de-sac street, a block shall include the property on one side of the street lying between the one intercepting street and the extension of the center line of the cul-de-sac street through the property facing the turn-around at the closed end of the street.
**BOARD.** The Township Board of the Charter Township of Plymouth.

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

**CLERK.** The Township Clerk of the Charter Township of Plymouth.

**COMMISSION.** The Planning Commission of the Charter Township of Plymouth.

**COMPREHENSIVE DEVELOPMENT PLAN.** The Comprehensive Plan shall mean the Comprehensive Plan for the Charter Township of Plymouth as adopted by the Township Planning Commission.

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

**EASEMENT.** A specific area of land over which liberty, privilege or advantage is granted by the owner to the public, a corporation or some other particular person or part of the public for specific uses and purposes and which shall be designated as a “public” or “private” easement, depending on the nature of the user.

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

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

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

**INDUSTRIAL DEVELOPMENT.** A planned industrial area designed specifically for industrial use providing screened buffers, wider streets and turning movement and safety lane roadway improvements, where necessary.

**LAND DIVISION ACT OF SUBDIVISION CONTROL ACT.** Act 288, P.A. 1967, State of Michigan (560.101 et seq.)
LOT. A measured portion of a parcel or tract of land which is described and fixed in a recorded plat.

(1) LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

(2) LOT WIDTH. The horizontal distance between the side lot lines measured on a line perpendicular to the lot depth line and passing through the intersection of the lot depth line and the building setback line.

OPEN SPACE, COMMON. Open space or recreational use set aside for the use of the owners of lots participating in a unit development of residential lots; the space may include private recreational facilities such as golf courses or swimming pools, historic building sites, parks, parkway areas, ornamental parks, extensive areas with tree cover, low land along streams or areas of rough terrain which have natural features worthy of scenic preservation.

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

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

PARKING SPACE. An area surfaced by use of either bituminous, oil aggregate, stabilized gravel or equivalent, enclosed or unenclosed, not less than ten feet wide by 20 feet long for each auto or motor vehicle together with a surfaced driveway connecting the parking space with a street or alley and permitting ingress and egress of a motor vehicle.

PLANNING COMMISSION ACT. The words “Planning Commission Act” as used herein shall mean Public Act 33 of 2008, (M.C.L.A. §§ 125.3811 et seq.), as amended, which is made a part hereof by this reference.

PLANNED RESIDENTIAL UNIT DEVELOPMENT. A plan designed to guide the development of housing subdivisions which incorporate privately owned, open, common areas and provide for the creation of means of maintaining the common properties.

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

(1) TENTATIVE PRELIMINARY PLAT. An informal map or sketch drawn to scale indicating the proposed layout of the subdivision showing the existing features of the site and its surroundings.

(2) FINAL PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.

(3) FINAL PLAT. A map of all or a part of a subdivision providing substantial conformance to the final preliminary plat of the subdivision prepared in conformance with the requirements of the Subdivision Control Act and this ordinance and made up in final form ready for approval and recording.
by the County Register of Deeds.

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

**PUBLIC RESERVATION.** A portion of a subdivision which is set aside for public use and made available for public use and acquisition.

**PUBLIC UTILITY.** Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing to the public under federal, state or municipal regulations electricity, gas, steam, communications, telegraph, transportation or water.

**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.

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

**STREET.** A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, expressway, freeway, road, avenue, boulevard, land, place or however otherwise designated. A street includes the land between the street lines, whether improved or unimproved, and may comprise pavements, shoulders, gutters, sidewalks, parking areas and lawns.

1. **FREEWAY.** Those streets designed for high speed, high volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.

2. **PARKWAY.** A street designed for noncommercial, pleasure oriented traffic moving at moderate speeds between and through scenic areas and parks.

3. **ARTERIAL STREET.** Those streets of considerable continuity which are used or may be used primarily for fast or heavy traffic.

4. **CONNECTOR STREET.** Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.

5. **CUL-DE-SAC.** A minor street of short length having one end terminated by a vehicular turnaround and not extended into adjoining property.

6. **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.

7. **MINOR STREET.** A street which is intended primarily for access to abutting properties.
(8) **STREET WIDTH.** The shortest distance between the lines delineating the right-of-way of streets.

**SUBDIVIDE or SUBDIVISION.** The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale or lease for more than one year or of building development where the act of division creates five or more parcels of land each of which is ten acres or less in area or five or more parcels of land each of which is ten acres or less in area are created by successive divisions within a period of ten years.

**SUBDIVISION CONTROL ACT or LAND DIVISION ACT.** Public Act 288 of 1967, State of Michigan. (M.C.L.A. §§ 560.101 et seq.)

**ZONING ORDINANCE.** The words “Zoning Ordinance” as used herein shall mean the Zoning Ordinance of the Charter Township of Plymouth.

**Section 3: Procedure for the Preparation of Filing of Plats**

**XII-6.07.  Pre-preliminary procedure.**

(A) **Purpose.** Prior to the filing of an application for approval of a preliminary plat, the proprietor may meet informally with the Commission in order that he or she may become familiar with these regulations and with the proposals of the Comprehensive Development Plan as they affect the area in which his or her proposed subdivision is located. The proprietor shall investigate and become aware of the following:

(1) The zoning of the area;

(2) Adequacy of existing schools and public open space;

(3) Relationship of the proposed subdivision to existing streets and thoroughfares and any proposed street widenings;

(4) Availability of utilities;

(5) Diversification in relationship of various buildings, structures and open space under a Residential Unit Development Plan.
(B) **Requirements.** The proprietor may then submit to the Commission pre-preliminary plans and data to include the following:

1. General subdivision information;

2. Sketch plan showing the proposed layout of streets, lots and other features in relation to existing conditions. The sketch may be made directly on a print of the survey or on the topographic survey.

(C) **Review.** The Commission may review the pre-preliminary plans and related data and offer any information which will aid the proprietor in preparing a tentative preliminary plat.

### XII-6.08. Tentative preliminary plat procedure.

(A) **Application.** An application, in writing, shall be submitted to the Clerk at least 15 days prior to the regular Planning Commission meeting along with 15 copies of the tentative preliminary plat at a scale of not more than 100 feet to an inch and other related data.

(B) **Fees.** At the time of filing, the proprietor shall deposit with the Clerk such sums of money as shall be required for engineering services in relation to all preliminary plat work in accordance with the schedule of fees and charges as established by resolution of the Township Board as required under Section XII-6.05.

### XII-6.09. Tentative preliminary plat requirements.

The plat shall show the subdivision’s entire development scheme, including the area for immediate development and including the following:

(A) General layout of streets, blocks and lots;

(B) Existing conditions, location of all sound eight inch or greater trees other than elms and characteristics and zoning of the land on and adjacent to and on land within 200 feet of the proposed plat;

(C) Any general area set aside for schools, parks and other community facilities;

(D) A letter from the surveyor concerning the general feasibility of the land for subdividing;

(E) Proof of ownership of the land proposed to be subdivided as may be required by the Board of Commission.
XII-6.10. Procedure.

(A) Submittal. The proprietor shall submit the 15 copies of the tentative preliminary plat to the Clerk 15 days before the next meeting of the Commission and the Clerk shall place the tentative plat on the agenda of the next regular meeting of the Commission for review.

(B) Plat review. The Commission or Subdivision Committee of the Commission shall review the plat in reference to the Comprehensive Development Plan, the Zoning Ordinance and the standards of this ordinance and the most appropriate use of the land.

(C) Technical review. The Commission shall transmit copies of the tentative plat to the Township Engineer and Planning Consultant for their technical review and to the Township Department and the School Board for review and recommendations.

(D) Hearing. Any plat submitted to the Commission shall contain the name and address of the applicant or his or her authorized representative to whom notice of a public hearing shall be sent and no plat shall be acted on by the Commission without affording a hearing thereon, as provided in Section 71 of Public Act 33 of 2008, as amended. On request of the Commission, the Clerk shall send notice by registered or certified mail to the proprietor and to owners of land immediately adjoining the property to be platted of the time and place the plat will be considered by the Commission. The notice shall be sent not less than five days before the date fixed for the hearing.

(E) Action on the plat. Following review of the tentative preliminary plat and other material submitted for conformity thereof to these regulations and negotiations with the proprietor on changes deemed advisable and the kind and extent of improvements to be made by him of her, the Commission shall within 45 days act thereon as submitted or modified.

XII-6.11. Approval of the tentative preliminary plat.

(A) Requirements. Before recommending approval of a tentative preliminary plat of a proposed subdivision, the Commission shall find that the land covered by the proposed subdivision is suitable both for development and the type of development proposed in that:

(1) It can be safely used for building purposes without danger from flood or from any other menace to health or safety, as determined by the Township Engineers;

(2) It can be served economically with public facilities and services as in the opinion of the Commission or other particular agencies concerned (i.e., Township Engineer, County Health Department, Superintendent of Schools, Water and Sewer Departments or districts having jurisdiction, etc.) are required by the type of development (residential, commercial or industrial) and the circumstances of the particular case.
(B) **Disapproval.** If the tentative preliminary plat is disapproved by the Commission, it shall make recommendations to the Board and record the reasons in the minutes of the meeting. A copy of the minutes and a copy of the tentative preliminary plat shall be forwarded to the Board and the proprietor.

(C) **Conditional approval.** If the Commission recommendation is a conditional approval, the tentative preliminary plat shall not be forwarded to the board until such conditions are satisfied by the proprietor and the minutes shall so state the conditions and its reasons therefore and so notify the proprietor in writing.

(D) **Approval.** If the tentative preliminary plat meets the approval of the Commission, it shall then be submitted to the Board for its approval. Plans approved by the Commission and Board shall bear the signature of the Chairman of the Commission and the Clerk and one copy shall be filed in the Office of the Township Engineer, one copy in the file of the Commission and one copy returned to the proprietor.

(E) **Board approval.** The Board, within 90 days from the date of filing, shall approve and note its approval on the copy of the tentative preliminary plat to be returned to the proprietor or set forth in writing its reasons for rejection and requirements for approval.

(F) **Approval confers right to proceed with final preliminary plat.** Should the Board approve the tentative preliminary plat, it shall be deemed to confer upon the proprietor the right to proceed with the preparation of the final preliminary plat.

(G) **Approval is not approval of final preliminary plat.** The approval of the tentative preliminary plat shall not constitute approval of the final preliminary plat. It shall be deemed as approval of the layout of the tentative preliminary plat, which will act as a guide in the preparation of the final preliminary plat.

(H) **Time effective.** Tentative approval of the Board shall be effective for a period of one year. The final preliminary plat shall be submitted within one year after approval of the tentative preliminary plat; otherwise, such approval shall become null and void unless an extension of time is applied for, in writing, and granted by the Board.

**XII-6.12. Requirements for final preliminary plat approval.**

(A) **Submittal.** The proprietor shall submit 15 copies of the final preliminary plat on a topographic map to the Clerk at least 15 days before a meeting of the Commission. The proprietor shall also submit a written application for approval of the final preliminary plat.

(B) **Size and scale.** The final preliminary plat may be on paper and shall not be less than 24 inches by 36 inches at a scale of not less than 1” to 100’.

(C) **Information required.** The following shall be shown on the final preliminary plat or submitted with it:

(1) The name of the proposed subdivision;
(2) Names, addresses and telephone numbers of the subdivider and the surveyor preparing the plat;

(3) Location of the subdivision, giving the number of section, township and range, and the name of the township and county;

(4) The names of abutting subdivisions;

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

(6) A map of the entire area scheduled for development, if the proposed plat is a portion of a larger holding intended for subsequent development;

(7) A location map showing the relationship of the proposed plat to the surrounding area;

(8) The land use and existing zoning of the proposed subdivision and the adjacent tracts;

(9) Streets, street names, right-of-way and roadway widths;

(10) Lot lines, lot numbers and the total number of lots;

(11) Contours shall be shown on the final preliminary plat at five-foot intervals where slope is greater than 10% and two-foot intervals where slope is 10% or less;

(12) All sound trees, other than elms, eight-inch caliper or greater;

(13) Proposed and existing storm and sanitary sewers, watermains and their respective profiles or indicate alternative methods;

(14) Fifteen copies of proposed protective covenants and deed restrictions;

(15) Right-of-way easements, showing location and purpose and, where underground utilities are installed or required, it shall be the proprietor’s responsibility to provide easements acceptable to utilities for water, sanitary, storm, gas, electric, telephone and street lighting service. These easements shall be recorded on the plat as private easements for public utilities or easements provided by separate instrument.

(D) Preliminary engineering plans. The subdivider shall submit three sets of preliminary engineering plans for streets, water, sewers, sidewalks and other required public improvements. The engineering plans shall contain enough information and detail to enable the Planning Commission to make preliminary determination as to conformance of the proposed improvements to applicable township regulations and standards.
XII-6.13. **Distribution to authorities.**

(A) The proprietor shall submit copies of the final preliminary plat to the following authorities which may be concurrent or consecutive at the option of the proprietor and before, after or concurrent with approval by the Board.

(B) Three copies to the Engineer or Chairman of the Wayne County Road Commission.

(C) Three copies to the County Drain Commission.

(D) Three copies to the Department of State Highways, if any of the proposed subdivision includes or abuts a state trunk line highway or includes streets or roads that connect with or lie within the right-of-way of state trunk line highways.

(E) Two copies to the Conservation Department for information purposes, if the land proposed to be subdivided abuts a lake or stream or abuts an existing or proposed channel or lagoon affording access to a lake or stream where public rights may be affected.

(F) Copies of the cover letters mailed with the above final preliminary plats shall be sent to the State Treasurer.

(G) Two copies to the Water Resources Commission of the Department of Conservation, if any of the subdivision lies wholly or in part within the flood plain of a river, stream, creek or lake.

(H) Two copies to the Health Department having jurisdiction, if public water and public sewers are not available and accessible to the land proposed to be subdivided.

(I) Two copies to the County Plat Board.

(J) Two copies to the public utilities serving the area.

(K) Two copies to the School Board for informational purposes.

XII-6.14. **Approval or denial by authorities.**

The various authorities shall, within 30 days of receipt of the final preliminary plat, approve or reject the plat as provided for in Sections 111 to 119 of the Land Division Act, Public Act 288 of 1967.
XII-6.15. **Approval of the final preliminary plat.**

(A) **General procedure.** The proprietor shall submit to the Clerk a certified list showing all authorities to whom a copy of the final preliminary plat was submitted as required by Public Act 288 of 1967.

1. The proprietor shall submit all approved copies of the final preliminary plat to the Clerk after all necessary approvals have been secured from the various authorities.

2. The Clerk shall notify the Commission when all plats and information regarding the final preliminary plat is complete.

3. The Commission shall consider and review the final preliminary plat.

4. Plat at its next meeting or within 15 days from the date of submission and recommend approval or rejection to the Board and, if rejected, state the reasons.

5. Board Action. The Board, at its next meeting or within 20 days from the date of submission, shall consider and approve it if the proprietor has met all conditions laid down for approval of the final preliminary plat.

6. The Clerk shall promptly notify the proprietor of approval or rejection in writing and, if rejected, to give the reasons. The Clerk shall note all proceedings in the minutes of the meeting, which minutes shall be open for inspection.

7. Final preliminary plats thus approved by the Board permits the Proprietor to proceed to make an accurate survey of the property and prepare the final plat.

(B) **Approval not acceptance of subdivision.** The approval of the final preliminary plat shall not constitute an acceptance of the subdivision.

(C) **Time effective.** Approval of final preliminary plat under this section shall confer upon the proprietor for a period of two years from date of approval the conditional right that the general terms and conditions under which approval was granted will not be changed. The two-year period may be extended if applied for by the proprietor and granted by the Board in writing. Written notice of the extension shall be sent by the Board to the other approving authorities.

(D) **Construction commencement.** No installation or construction of improvements shall be commenced before the final preliminary plat has received final approval nor before the engineering plans have been approved by the township and other governmental agencies having jurisdiction. Provided, however, where the Board finds that an undue hardship would otherwise result, it may, by resolution, grant permission to the proprietor to proceed with installation or construction of certain improvements in accordance with approved engineering plans for off-site improvements when the improvements are contained in easements granted to the township.
XII-6.16. **Final plat procedure.**

When the final plat has been approved by the Drain Commissioner and the County Road Commissioners, the proprietor shall submit to the Clerk one true copy on polyester film of the plat and 12 additional paper prints of the plat together with the filing and recording fee of $20.

(A) **Conformity to final preliminary plat.** The final plat shall conform substantially to the final preliminary plat as approved and shall be prepared and presented in accordance with the provisions of the Land Division Act, as amended, or succeeding Acts and show the following:

1. The plat shall make reference to any private restrictions which shall accompany the plat and shall contain proper acknowledgment of proprietor and mortgagees and land contract purchasers accepting the platting restrictions and which shall be in proper form for recording. These restrictions shall include a section requiring that rear and side yard drainage be maintained in accordance with the grades established on the approved development plan.

2. In addition to the above, the Commission will require a statement from the proprietor indicating:

   a. Ownership of the property proposed to be subdivided as evidenced by an abstract of title certified to date or, at the option of the proprietor, a policy of title insurance.

   b. The private restrictions to be imposed upon the property after subdividing in form for recording.

   c. The proprietor of a plat shall furnish with the engineering drawings a plan for electric lighting and telephone, including overhead and underground services. The easements for the services shall be provided in the plat and approved by the utilities.

(B) **Planning Commission action.** The Commission shall examine the final plat for compliance with the final preliminary plat and required changes thereof and shall approve or disapprove the plat at the next regular meeting or within 20 days after submission thereof to it, provided the proprietor for the Commission’s approval may waive this requirement and consent to an extension of such period.

1. Should the Commission find that the final plat does not conform substantially to the previously approved final preliminary plat, or that it is not acceptable, the Commission shall recommend to the Board that the final plat be disapproved and returned to the proprietor with a letter expressing its disapproval and its reasons therefor.

2. If the Planning Commission’s recommendation is not received within the time period referred to herein, the Board shall consider the plat approved by the Commission and shall take action thereon.
(C) Board action on final plat. The Board shall review the plat and shall approve or disapprove the plat at the next regular meeting or within 20 days of the submission, unless this time requirement is waived in writing by the proprietor.

(1) As a condition to approval of the final plat, the Board shall require a cash deposit, certified check, irrevocable bank letter of credit or surety bond running to the Charter Township of Plymouth for the full cost to insure the performance of any contract relative to development of open space and any required improvements within the time limit specified in the contract after approval of the plat; provided, that the township shall rebate to the proprietor as work progresses amounts of any cash deposits equal to the ratio of the work completed to the entire project. In addition, the Board shall have received a certificate from the Wayne County Road Commission that the proprietor has complied with one of the following alternatives:

(a) All improvements have been installed in accordance with requirements of the Wayne County Road Commission;

(b) A security deposit has been filed with the Board of Wayne County Road Commission to guarantee the improvements after the approval of the plat.

(2) Upon the approval of the final plat by the Board, the subsequent approvals shall follow the procedure set forth in the Subdivision Control Act. Two prints of the final plat shall be presented to the Clerk, one copy to the Township Engineer, one copy to the Planning Consultant, one copy to the Assessors Office and one copy to the Department of Buildings and Safety. The five polyester film copies shall be forwarded to the Clerk of the County Plat Board along with the filing fee.

Section 4: Subdivision Design Standards

XII-6.17. Streets and roads.

All subdivisions shall be in harmony with the Township Comprehensive Plan and the Zoning Ordinance.

XII-6.18. General.

The standards set forth in this ordinance shall be minimum standards for streets, roads and intersections. All streets shall be dedicated to public use.

XII-6.19. Location.

(A) Street location and arrangements. When a major street plan has been adopted, subdivision streets shall be required to conform to the plan.
(B) **Local or minor streets.** The streets shall be so arranged as to discourage their use by through traffic.

(C) **Street continuation and extension.** The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions, unless otherwise approved by the Commission and the Board.

(D) **Stub streets.** Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary lines of the tract to make provision for the future projection of streets into adjacent areas.

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

(F) **Alleys.** Alleys shall not be permitted to areas of detached single or two-family residences.

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

1. Marginal access streets approximately parallel to each side of the right-of-way, not less than 35 feet in width;

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

(H) **Cul-de-sac streets.** Cul-de-sacs shall not be more than 600 feet in length. Special consideration shall be given to longer cul-de-sacs under certain topographic conditions or other unusual situations. Cul-de-sacs shall terminate with an adequate turn-around with a minimum radius of 60 feet for right-of-way.

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

(J) **Private Streets.** Private streets and roads shall be prohibited.

XII-6.20. **Specifications.**

(A) **Street rights-of-way roadway widths.** Street and road rights-of-way and roadway widths shall conform to the adopted Major Street Plan and the rules of the County Road Commission and the State Department of Highways.
<table>
<thead>
<tr>
<th>Street Types</th>
<th>R.O.W. Widths</th>
</tr>
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<tbody>
<tr>
<td>Alley</td>
<td>24 feet</td>
</tr>
<tr>
<td>Boulevards</td>
<td>86 feet</td>
</tr>
<tr>
<td>Cul-de-sac streets</td>
<td>60 feet</td>
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<td></td>
<td>Terminated with a 120 foot diameter turn-around</td>
</tr>
<tr>
<td>Loop streets</td>
<td>110 feet</td>
</tr>
<tr>
<td></td>
<td>Terminated with a 120 foot diameter turn-around</td>
</tr>
<tr>
<td>Major thoroughfares</td>
<td>120 feet</td>
</tr>
<tr>
<td>Marginal access streets</td>
<td>35 feet</td>
</tr>
<tr>
<td>Minor streets</td>
<td>60 feet</td>
</tr>
<tr>
<td>Secondary thoroughfares</td>
<td>86 feet</td>
</tr>
</tbody>
</table>

(B) **Grades. Curves and sight distance.** Standards for maximum and minimum grades, vertical and horizontal street curves and sight distances shall comply with the standards of the Wayne County Road Commission.

(C) **Street alignment.**

(1) **Horizontal alignment.** When street lines deflect from each other by more than ten degrees in alignment, the centerlines shall be connected by a curve with a minimum radius of 500 feet for arterial streets, 300 feet for collector streets and 150 feet for local or minor streets. Between reverse curves on minor streets, there shall be a minimum tangent distance of 100 feet and on collector and arterial streets 200 feet.

(2) **Vertical alignment.** Minimum sight distances shall be 200 feet for minor streets and 300 feet for collector streets.

XII-6.21. **Intersections.**

(A) **Angle of intersection.** Streets shall intersect at 90 degrees or closely thereto and in no case at less than 80 degrees.

(B) **Sign triangles.** Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is 125 feet from the center of the intersection.

(C) **Number of streets.** No more than two streets shall cross at any one intersection.
(D) “T” intersections. Except on arterials and certain collectors, “T” type intersections shall be used where practical.

(E) Centerline offsets. Slight jogs at intersections shall be avoided. Where jogs are unavoidable, street centerlines shall be offset by a distance of 125 feet or more.

(F) Vertical alignment of intersection. A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be carried back 50 to 100 feet each way from the intersection. An allowance of 2% maximum intersection grade in rolling and 4% in hilly terrain will be permitted.

XII-6.22. Pedestrian crosswalks.

(A) Crosswalks. Right-of-way for pedestrian crosswalks, not less than 12 feet wide in the middle of long blocks shall be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas.

(B) Sidewalks.

(1) In subdivisions located in R-1, R-2 and R-1-S Zoning Districts, sidewalks shall be provided on both sides of all streets, including side streets.

(2) In subdivisions located in R-1-E and R-1-H Zoning Districts, sidewalks are required along the lots in the subdivision abutting upon arterial and collector streets.

XII-6.23. Easements.

(A) Rear and side lot easements. Easement across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 12 feet wide, usually six feet dedicated from each lot or parcel, except side lot easements three feet wide granted for street lighting dropouts. These easements should be direct and continuous from block to block.

(B) Street lighting easements. Underground lines for the street lighting system within a subdivision shall be installed in easements which shall be provided in the plat and approved by the utility.

(C) Drainageway easements. Where a subdivision is traversed by a water course, drainage-way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course and the further width for construction on both as will be adequate for the purpose and as shall be approved by the Wayne County Drain Commission and/or Township Engineer. (The drainage easement or land within a public easement for major power transmission lines shall not be considered a part of the minimum required lot area but shall be considered in computing density under the Unit Development Plan.) Parallel streets or parkways may be required in connection therewith.

Monuments shall conform to and shall be placed as required by the Land Division Act, as amended. The township shall, in addition, require a surveyor’s certificate guaranteeing the rechecking and replacement of monuments and bringing them to grade after sidewalks are in place.

XII-6.25.  Blocks.

(A) Residential blocks. Residential blocks shall not be less than 240 feet wide, they shall not be less than 660 feet long nor more than 1,400 feet long. Where lots are 2 acre or more in size, blocks up to 1,800 feet long may be approved.

(B) Commercial blocks. Business and commercial blocks shall not be less than 300 feet wide or less than 400 feet long.

XII-6.26.  Lots.

(A) Conform to zoning. The lot width, depth and area shall not be less than the particular district requirements of the Zoning Ordinance, except where outlots are provided for some permitted purpose.

(B) Lot lines. Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.

(C) Width related to length. Narrow deep lots shall be avoided. The depth of a lot generally shall not exceed 1-1/2 times the width as measured at the building line.

(D) Corner lots. Corner lots shall be platted at least 15 feet wider than the minimum width permitted by the Zoning Ordinance to permit appropriate building setback from both streets or orientation to both streets. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.

(E) Uninhabitable areas. Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purpose or for uses that may in the judgment of the Planning Commission increase the danger to health, life or property or increase the flood hazard. The land within a subdivision shall be set aside for other uses, such as parks or other open space.

(F) Back-up-lots. Lots shall back into such features as freeways, arterial streets, shopping centers or industrial properties, except where there is a marginal access street provided. The lots shall contain a landscaped easement along the rear at least 20 feet wide in addition to the utility easement to restrict access to the arterial street, to minimize noise and to protect outdoor living areas. Lots extending through a block and having frontage on two local streets shall be prohibited.
(G) **Lot frontage.** All lots shall front upon a publicly dedicated street. Variances may be permitted for approved planned community unit developments.

(H) **Lot division.** The division of a lot in a recorded plat is prohibited, unless the division complies with the requirements of Article VI.

(I) **Division of unplatted parcels.**

1. The division of an unplatted parcel of land into two, three or four lots shall require recommendation by the Commission and the approval of the Board prior to taking such action. All applications shall be made in writing and shall be accompanied by a drawing of the proposed division.

2. No building or occupancy permit shall be issued in such cases until the Board has approved the division of the land.

**XII-6.27. Planting strips.**

(A) Planting strips may be required to be placed next to incompatible features such as highways, railroads, commercial or industrial uses or industrial parks to screen the view from residential properties. The screens shall be a minimum of 20 feet wide, shall comply with the Zoning Ordinance requirements for plating distances and type of trees and shrubs and shall not be a part of the normal roadway right-of-way or utility easement.

(B) Where marginal access streets are provided, an eight foot greenbelt, meeting the requirements of the Zoning Ordinance, shall be required in the area between the access street and the arterial street and shall be approved by the Planning Commission.

**XII-6.28. Reserve strips.**

(A) **Reserve strips-private.** Privately-held reserve strips controlling access to streets shall be prohibited.

(B) **Reserve strips-public.** A one-foot reserve strip may be placed at the end of the “stub” of “dead-end” streets which terminate at subdivision boundaries and between half-streets. These reserves shall be deeded in fee simple to the township for future street purposes.

**XII-6.29. Public sites and open spaces.**

(A) **Public uses.** Where a proposed park, playground, school or other public use shown on the Comprehensive Development Plan is located in whole or in part within a subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase.
(B) **Natural features.** Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision.

**XII-6.30. Large scale developments.**

(A) **Modification.** This ordinance may be modified in accordance with Article VIII in the case of a subdivision large enough to constitute a complete community or neighborhood, consistent with the Comprehensive Development Program which provides and dedicates adequate public open space and improvements of the circulation, recreation, education, light, air and service needs of the tract when fully developed and populated.

(B) **Neighborhood characteristics.** A community or neighborhood under this provision shall generally be consistent with the Comprehensive Plan and contain or be bounded by major streets or natural physical barriers as necessary and shall contain reserved areas of sufficient size to serve its population for schools, playgrounds, parks and other public facilities. The reserves may be dedicated.

**Section 5: Subdivision Improvements**

**XII-6.31. Purpose.**

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

**XII-6.32. Responsibility for plans.**

It shall be the responsibility of the proprietor of every proposed subdivision to have prepared by a registered engineer a complete set of construction plans (except telephone, electric and television utility plans and specifications and improvements), including profiles, cross-sections, specifications and other supporting data for the hereinafter required public streets, utilities and other facilities. The construction plans shall be based on preliminary plans which have been approved with the final preliminary plat and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies shown. All construction plans shall be prepared in accordance with their standards or specifications.
XII-6.33. Procedure.

When construction has been completed at the time of filing the final plat, one complete copy of as-built engineering plans of each required public improvement shall be filed with the Clerk coincident with the filing of the final plat. Other requirements and procedures in the submittal of final plat shall be as provided in Section XII-6.16.

XII-6.34. Required public improvements.

Every proprietor shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

(A) Monuments. Monuments shall be set in accordance with the Subdivision Control Act and the rules of the State Department of Treasury.

(B) Streets and alleys. All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the Wayne County Road Commission.

(C) Curbs and gutters. Curbs and gutters shall be required on all neighborhood access streets and minor streets and shall be constructed in accordance with the standards and specifications adopted by the Wayne County Road Commission.

(D) Installation of utilities. Utilities (except electric, telephone and gas) shall be located in accordance with the rules adopted by the Board. Sanitary sewer house connections shall be brought to the property line.

(E) Driveways. All driveway openings in curbs shall be as specified by the Wayne County Road Commission or the Department of State Highways.

(F) Storm drainage.

(1) An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the Township Engineer or County Drain Commissioner.

(2) Construction shall follow the specifications and procedures established by the County Drain Commission. All proposed storm drainage construction plans for proposed plats shall be approved by the Township Engineer.

(3) Road drainage shall meet the requirements of the Wayne County Road Commission.
(G) **Water supply system.**

1. When a proposed subdivision is to be served by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the proprietor.

2. If there is no existing or accessible public water supply system, the subdivider may be required to install a water supply system for the common use of the lots within the subdivision in accordance with the requirements of Public Act 451 of 1994. The system provided shall be turned over to the township for operation and maintenance.

3. Individual wells may be permitted in accordance with the requirements of the County Health Department.

(H) **Sanitary sewer system.**

1. When a proposed subdivision is to be serviced by a public sanitary sewerage system, sanitary sewers and other required appurtenances thereto shall be provided by the proprietor. Sewer systems shall comply with the requirements of Public Act 451 of 1994.

2. If there is no existing or accessible public sewer system, a sewer system for the common use of the lot owners may be required to be provided by the proprietor if feasible in the judgment of the Planning Commission with the advice of the Township Engineer and County Health Department and shall comply with the requirements of Public Act 451 of 1994, as amended. The system provided shall be turned over to the township for operation and maintenance.

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

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

(I) **Street name signs.** Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the Wayne County Road Commission.

(J) **Sidewalk and crosswalk.**

1. Sidewalks shall be required on both sides of the street.

2. Sidewalks and crosswalks shall be constructed in accordance with the township engineering requirements.
(K) **Street trees.** Street trees of a variety and size in accordance with the standards adopted by the Wayne County Road Commission shall be planted between the street curb and sidewalk. The location of street trees shall be approved by the Wayne County Road Commission.

(L) **Requirements for underground wiring.** The proprietor shall make arrangements for all distribution lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the residential subdivided area, except for major thoroughfare right-of-way and except for main supply lines, perimeter feed lines and necessary surface facilities. The conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways, provided only that overhead lines may also be permitted upon written recommendation of the Township Engineer and Planning Commission and the approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design and character of the subdivision. All facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor.

(M) **Yard grading and drainage.** All subdivisions shall be graded in such a manner as will avoid, as far as possible, the ponding of storm water in the rear yards of a subdivision. The plans for grading and drainage shall meet the requirements of the township regulations and shall be approved by the Township Engineer.

(N) **Greenbelts.** A 20-foot greenbelt conforming to the requirements of the Zoning Ordinance shall be required.

**XII-6.35. Optional public improvements.**

(A) **Recreational.** Where a school site, neighborhood park, recreation area or public access to water frontage as previously delineated or specified by official action of the Planning Commission, is located in whole or part in the proposed subdivision, the township may request the reservation of the open space for school, park and recreation or public access purposes.

(B) **Requirements for street lighting.** Street lighting service by underground conductors may be provided throughout the residential subdivision in conformity with engineering standards and construction practices prescribed by the utility furnishing such service and the Michigan Public Service Commission.

(C) **Street lighting.** Street lights may be required to be installed at intersections only throughout the subdivision. In these cases, a subdivider shall conform to the requirements of the township and the public utility providing the lighting.

(D) **Parks and open space.** Parks and open spaces may be dedicated to the township subject to the approval of the Township Board.
XII-6.36. **Guarantee of completion of improvements required by the township.**

(A) **Financial guarantee arrangements; exceptions.** In lieu of the actual installation of required public improvements, the Board, on recommendation of the Commission, may permit the proprietor to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of the County Road Commission, County Drain Commissioner or any other agency responsible for the administration, operation and maintenance of the applicable public improvement. The Commission may recommend and the Board may waive financial guarantees of performance under this ordinance for sidewalks, street lights or street trees. In case these improvements are specified, completion shall be required prior to the issuance of occupancy permits.

(B) **Performance or surety bond.**

(1) **Accrual.** The bond shall accrue to the township, covering construction, operation and maintenance of the specific public improvement.

(2) **Amount.** The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement, including contingencies as estimated by the Board.

(3) **Term Length.** The term length in which the bond is in force shall be for a period to be specified by the Board for the specific public improvement.

(4) **Bonding or Surety Company.** The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the Board.

(5) The escrow agreement shall be drawn and furnished by the Board.

(C) **Cash deposit. Certified check. Negotiable bond or irrevocable bank letter of credit.**

(1) **Treasurer, escrow agent or trust company.**

(a) A cash deposit, certified check, negotiable bond or an irrevocable bank letter of credit, such surety acceptable by the Board, shall accrue to the township.

(b) These deposits shall be made with the Township Treasurer or deposited with a responsible escrow agent or trust company, subject to the approval of the Board.

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

(3) **Escrow time.** The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be for a period to be specified by the Board.
(4) **Progressive payment.** In the case of cash deposits or certified checks, an agreement between the Board and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

(D) **Transfer of subdivision ownership.** When the proprietorship of a subdivision changes through the sale of property before all improvements have been completed and accepted by the Wayne County Road Commission and the township, the original proprietor shall be held liable for completion of the improvements and any damage that may be incurred by contractors, unless the original proprietor in his or her contract of sale shall specifically transfer the obligation for completion of improvements, cleanup, and damages incurred to the new proprietor of the subdivision. The original proprietor shall notify the Township Board in writing within ten days of the transfer that the original bonds have been transferred to the new proprietor.

**XII-6.37.  Condition of Township approval of final plat-financial guarantees.**

With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

(A) **Improvements completed.** The construction of improvements required by this ordinance shall have been completed by the proprietor and approved by the Board;

(B) **Acceptable surety.** Surety acceptable to the Board shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.

**XII-6.38.  Special agreements.**

A special agreement shall be entered into between the proprietor and the Board when street trees and street lights have been required by the Board.

**XII-6.39.  Inspection of public improvements under construction.**

Before approving a final plat and construction plans and specifications for public improvements, an agreement between the proprietor and the Board shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.

**XII-6.40.  Penalty in case of failure to complete the construction of a public improvement.**

In the event the proprietor shall, in any case, fail to complete the work within the period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Board to proceed to have the 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, irrevocable bank letter of credit or negotiable bond which the subdivider may have deposited in lieu of a surety bond or may take the steps as may be necessary to require performance by the bonding or surety company and as included in a written agreement between the Board and the subdivider.

Section 6: Division of Land in Recorded Plats

XII-6.41. Basis for control.

Subject to the provisions of Section 263 of the Land Division Act, as amended, (M.C.L.A. § 560.263), the following provisions shall control the partitioning or dividing of lots, outlots or other parcels of land in a recorded plat.

XII-6.42. Partitioning permitted.

Land may be unconnected from one lot, outlot or parcel and added to another lot, outlot or parcel upon application to and approval of the Township Supervisor after review by the Planning Director. The fact of the division shall be noted upon the Township Assessment roll and thereafter the enlarged lot, outlot or parcel shall be considered to be a single lot, outlot or parcel for the assessment and all other purposes. No division shall be permitted unless the remainder of the lot, outlot or parcel from which the part was taken meets the minimum requirements of the Township Zoning Ordinance, including requirements as to width, area and open space.

XII-6.43. Partitioning into two or more lots.

(A) The lot, outlot or parcel may be divided into two or more lots but not more than four separate lots out lots or parcels upon application to and approval by the Township Supervisor after review by the Planning Director. A survey showing the proposed division prepared by a registered civil engineer or land surveyor and including a proper legal description of each separate lot, outlot or parcel proposed shall be forwarded to the Planning Director for review. The Township Supervisor may thereafter approve the partitioning and shall notify the Township Assessor of the fact of a division, which shall be noted upon the Township Assessment roll and thereafter the divided portions of the lot, outlot or parcel shall be considered to be separate lots, outlots or parcels for the assessments and all other purposes.

(B) No division shall be permitted unless each of the parts into which lot, outlot or parcel is to be divided meets the minimum requirements of the Township Zoning Ordinance including requirements as to width, area and open spaces. In these cases where water, sewers or other services have been installed within the plat by special assessment and the lot proposed to be divided has been assessed therefor, no division shall be permitted unless the applicant agrees in writing to pay into the special assessment district an additional amount to be determined by the Board representing the increased share of the cost of the special assessment district which shall be borne by the divided lot, outlot or parcel due to increased benefits received by the lot, outlot or parcel when divided into two, three or four lots, outlots or parcels.
Section 7: Enforcement

XII-6.44. **Submission to and approval by the Board required.**

No plat shall be transmitted to any county or state-approving authority for official action as required by the State Platting Procedure until the plat shall have, in the first instance, been approved by the Board in accordance with the regulations of this article and Section 148 of the Land Division Act, as amended.

XII-6.45. **Plat approval deemed amendment.**

Every plat approved by the Commission shall, by virtue of the approval, be deemed to be an amendment of, an addition to or a detail of the Comprehensive Plan and a part thereof.

XII-6.46. **Metes and bounds platting.**

The description of any lot or parcel in a plat of a subdivision, filed hereinafter, by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer is a violation of these regulations.

XII-6.47. **Sales contrary to requirements.**

(A) No person shall sell or convey any lot in any plat by reference thereto until the plat has been duly recorded in the Office of the County Register of Deeds.

(B) Any sale of lands subdivided in violation of the provisions of the Land Division Act, as amended, shall be voidable at the option of the purchaser thereof and shall subject the seller thereof to the forfeiture of any and all consideration received or pledged therefor together with any damages sustained by the purchaser thereof, recoverable in an action of law.

XII-6.48. **Public water and sewer service.**

Public sewer or water service shall not be provided for any dwelling or other structure located on a plat subdivided or sold in violation of these regulations, excepting that the service may be installed in any structure when deemed necessary by the Health Department for the protection of the public health.
XII-6.49. Fees.

The proprietor shall pay a fee to the Township Treasurer at the time a tentative preliminary plat is filed with the Township Clerk. The fee shall be established by resolution of the Township Board and shall cover the cost for the examination and inspection of the plat and the land proposed to be subdivided, engineering and the other applicable development charges. This fee does not include the fee for filing and recording fee as required in Section XII-6.16.

Section 8: Variances

XII-6.50. Permitted variances.

When the Planning Commission finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured provided, that the variation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or these regulations. No variance shall be granted unless the Planning Commission finds:

(A) That there are special circumstances or conditions affecting the property that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the land;

(B) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;

(C) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated;

(D) That the variance will not violate the provisions of the State Subdivision Control Act.

XII-6.51. Planned unit development variance.

The standards and requirements of these regulations may be modified by the Planning Commission in the case of a plan and program for a complete community or a neighborhood unit which, in the judgment of the Planning Commission, provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provide covenant or other legal provisions as will assure conformity to and achievement of the plan.
XII-6.52. Application for variance.

Application for any variance shall be submitted in writing by the proprietor at the time when the tentative preliminary plat is filed for the consideration of the commission, stating fully and clearly all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Planning Commission in the analysis of the proposed project. The plans for the development shall include covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.

XII-6.53. Variances subject to conditions.

In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Section 9: Penalties

XII-6.54. Penalty.

Any person, firm or corporation who shall violate any provisions of this article shall be punished as provided in the General Provisions of the township code. Each day that the violation continues after due notice has been served in accordance with the terms and provisions hereof shall be deemed a separate offense. The land owners, tenant, proprietor, builder, public official or any other person who commits, participates in, assists in or maintains the violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the 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 Land Division Act.

Section 10: Amendments

XII-6.55. Procedures.

The Township Board may, from time to time, amend, supplement or repeal the regulations and provisions of this article in the manner prescribed by Public Act 33 of 2008 (M.C.L.A. §§ 125.3831 et seq.), as amended. A proposed amendment, supplement or repeal may be originated by the Township Board, Planning Commission or by petition. All proposals not originating with the Planning Commission shall be referred to it for a report thereon before any action is taken on the proposal by the Township Board.
ARTICLE 7: FLOODPLAIN MANAGEMENT


XII-7.00. Agency designated.

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Public Act 230 of 1972, as amended, the Building Official of the township is hereby designated as the enforcing agency to discharge the responsibility of the township under Public Act 230 of 1972, as amended, State of Michigan. The township assumes responsibility for the administration and enforcement of the Act throughout the corporate limits of the community adopting this article.

XII-7.01. Code appendix enforced.

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) or Public Act 230 of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the township.

XII-7.02. Designation of regulated flood prone hazard areas.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled “Wayne County, Michigan (All Jurisdictions) Flood Insurance Study” and dated February 2, 2012 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26163C0020E, 26163C0038E, 26163C0039E, 26163C0045E, 26163C0185E, 26163C0201E, 26163C0202E, and 26163C0210E, and dated February 2, 2012 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.

XII-7.03. Violation And penalty.

Unless otherwise provided, any person, corporation, partnership or any other legal entity who violates the provisions of this article shall be guilty of a misdemeanor and may be fined not more than $500 or imprisoned for not more than 90 days, or both, at the discretion of the court.