

**TOWNSHIP OF MARION  
LIVINGSTON COUNTY, MICHIGAN  
SUBDIVISION ORDINANCE NO. 5**

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

**ARTICLE I: GENERAL PROVISIONS**

**Section 1.1: Short title.** This ordinance shall be known and may be cited as the "Marion Township Subdivision Control Ordinance."

**Section 1.2: Purpose.** The purpose of this ordinance is to regulate and control the subdivision of land within Marion Township, 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 property relation to major thoroughfares, adjoining subdivisions, and public facilities.
- C. Achieve individual property lots of maximum utility and livability.
- D. Insure adequate provisions for water, drainage, and sanitary sewer facilities, and other health requirements.
- E. Plan for the provision of adequate recreational areas, school sites, and other public facilities.

**Section 1.3: Enabling Acts.** This ordinance is enacted pursuant to the statutory authority granted by the Subdivision Control Act of 1967, Act 288, PA 1967, as amended; Act 191, PA 1939, as amended, providing for publication of ordinances; and Act 246, PA 1945, as amended, authorizing township boards to adopt ordinances and regulations to secure the public health, safety and general welfare.

**Section 1.4: Scope.** This ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this ordinance except for the further dividing of lots. Nor is it intended by this ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants, or other private agreements, or with restrictive covenants running

with the land to which the township is a party. Where this ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of this township, the provisions of this ordinance shall control.

**Section 1.5: Administration.** The approval provisions of this ordinance shall be administered by the Township Board in accordance with Act 288, PA 1967, as amended from time to time.

**Section 1.6: Fees.** The Marion Township Board shall establish by resolution a fee for the review of preliminary and final plats that may be changed from time to time by subsequent resolutions of the Township Board.

## **ARTICLE II: DEFINITIONS**

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

**Alley:** A public or private right-of-way shown on a plat that provides secondary access to a lot, block or parcel of land.

**As-built plans:** Revised construction plans in accordance with all approved field changes.

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

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

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

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

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

**County Drain Commission:** The Livingston County Drain Commission.

**County Health Department:** The Livingston County Health Department.

**County Plat Board:** The Livingston County Plat Board.

**County Road Commission:** The Livingston County Road Commission.

***Date of filing:***

- A. Date of filing of application for tentative approval of preliminary plat is the date that the township clerk has received all the necessary information as specified in the Marion Township Subdivision Control Ordinance.
- B. Date of filing of application for final approval of the preliminary plat is the date the proprietor files the tentatively approved plat and a certified list of all authorities required for approval with the township clerk.
- C. Date of filing for final plat approval is the date the proprietor files the necessary prints of the final plat with the township clerk.

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

***Easement:*** A specific area of land over which a liberty, privilege, or advantage is granted by the owner to the public, a corporation, or a person or part of the public for specific uses and purposes, and which shall be designated a "public" or "private" easement, depending on the nature of the user.

***Engineer:*** A civil engineer who is registered in the State of Michigan as a registered professional engineer.

***Flood Plain:*** The area of land adjoining the channel of a river, stream, water course, lake or other similar body of water that will be inundated by a flood that can reasonably be expected for that region.

***Governing body (or township board):*** The Township Board of Marion Township.

***Greenbelts or Buffer Parks:*** 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:*** An structure incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches (often called aprons), sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other appropriate items, with appurtenant construction.

***Industrial development:*** A planned industrial area designed specifically for industrial use providing screened buffers, wider streets and turning movement, and safety lane roadways improvements, where necessary.

***Lot:*** A measured portion of a parcel or tract of land that is described and fixed in a recorded plat.

- A. *Lot depth:* The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

- B. *Lot width*: The horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.

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

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

**Planning Commission**: The Planning Commission of Marion Township.

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

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

- A. *Pre-preliminary plat*: An informal plan or sketch drawn to scale, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.
- B. *Preliminary plat*: A map showing the salient features of a proposed subdivision of land submitted to an approved authority for purposes of preliminary consideration.
- C. *Final plat*: A map of a subdivision of land in final form ready for approval and recording with the Livingston County Register of Deeds.

**Proprietor, subdivider or developer**: A natural person, firm, association, partnership, corporation or combination of any of them that may hold any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as the owner.

**Public open space**: Land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, and community or public building sites.

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

**Public walkway**: A right-of-way dedicated for the purpose of a pedestrian access through residential areas, and located so as to connect to two (2) or more streets, or a street and a public land parcel.

**Replat**: The process of changing the map or plat that alters the boundaries of a recorded subdivision plat or part thereof. The approved dividing of an out lot within a recorded subdivision plat without changing the exterior boundaries of the out lot is not a replat.

**Right-of-way**: Land reserved, used, or to be used for a street, alley, walkway, or other public purposes.

**Sight distance:** The unobstructed vision on a horizontal plane along a street centerline from a driver-eye height of 3.75 feet and an object height of six (6) inches.

**Sketch plan:** A pre-preliminary plat.

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

- A. **Freeway:** Those streets designed for high speed, high volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.
- B. **Expressway:** Those streets designed for high speed, high volume traffic, with full or partially controlled access, some grade crossings, but no driveway connections.
- C. **Parkway:** A street designed for noncommercial, pleasure-oriented traffic moving at moderate speeds, between and through scenic areas and parks.
- D. **Arterial street:** Those streets of considerable continuity that are used or may be used primarily for fast or heavy traffic.
- E. **Collector street:** Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.
- F. **Cul-de-sac:** A minor street of short length having one end terminated by a vehicular turn-around.
- G. **Marginal access street:** A minor street that is parallel and adjacent to arterial streets and provides access to abutting properties and protection from through traffic and not carrying through traffic.
- H. **Minor street:** A street that is intended primarily for access to abutting properties.
- I. **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/her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building and development, where the act of division creates five (5) or more parcels of land, each of which is ten (10) acres or less in area; or five (5) or more parcels of land, each of which is ten (10) acres or less in area are created by successive divisions within a period of ten (10) years.

**Subdivision Control Act:** Act 288, PA 1967, State of Michigan, as amended from time to time.

**Surveyor:** A land surveyor who is registered in the State of Michigan as a registered land surveyor.

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

**Township:** The Township of Marion.

**Township engineer:** The staff engineer or consulting engineer of the township.

**Water Resources Commission:** The Water Resources Commission of the Michigan Department of Natural Resources (DNR).

(Amended 2/12/85)

### **ARTICLE III: PLATTING PROCEDURE AND DATA REQUIRED**

#### **Section 3.1: Pre-application contact and sketch plan**

##### Purpose

- A. To provide guidelines for the proprietor concerning development policies of the township.
- B. To acquaint the subdivider with the platting procedures and requirements of:
  - 1. The Township Board and Planning Commission.
  - 2. Other agencies.
  - 3. To provide the Planning Commission and other affected municipal agencies with general information concerning the proposed development.

##### Requirements

- A. Pre-preliminary plat or sketch plan: The plan shall show the proposed subdivision's entire development scheme in schematic form including the area for immediate development, and shall include the following:
  - 1. General layout of streets, blocks and lots in sketch form.
  - 2. Existing conditions and characteristics of the land on and adjacent to the site.
  - 3. Any general area set aside for schools, parks and other community facilities.
- B. Engineering letter: A letter from surveyor concerning the general feasibility of the land for subdividing.
- C. Ownership: The Township Board and Planning Commission may require such proof of ownership of the land proposed to be subdivided as they deem necessary.

##### Procedure

- A. The developer shall submit two copies of the pre-preliminary plat to the township clerk ten (10) days before the meeting of the Planning Commission at which he or she requests to appear.
- B. The township clerk shall promptly transmit the two (2) copies of the pre-preliminary plat to the secretary of the Planning Commission.
- C. The Planning Commission shall review the plan with the developer or his or her agent. The commission may also require that copies of the pre-preliminary plat be submitted to other affected public agencies for review.
- D. The Planning Commission shall inform developer or his or her agent of the township's development policies and make appropriate comments and suggestions concerning the proposed development scheme.
- E. The Planning Commission shall inform the Township Board in writing of the results of the review of the pre-preliminary plat.

### **Section 3.2: Preliminary Plats**

#### Requirements

- A. Size and scale: The preliminary plat may be on paper and shall not be less than 24 inches by 36 inches, at a scale of at least 1 inch to 100 feet, showing the date and north arrow.
- B. Information required: The following shall be shown on the 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 numbers 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, each as residential single family, two-family and multiple housing; commercial, industrial, recreational; or agricultural. Also proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other nonpublic uses exclusive of single-family dwellings. Also, any sites proposed for parks, playgrounds, schools, or other public uses.
  - 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 and the total number of lots by block.
11. Contours shall be shown on the preliminary plat at 5 foot intervals where slope is greater than 10%, and 2 foot intervals where slope is 10% or less.
12. A site report as described in the rules of the State Department of Public Health. The requirement for a site report if the proposed subdivision is not to be served by public sewer and water systems.
13. Proposed and existing storm and sanitary sewers, water mains and their respective profiles, or indicate alternative methods.
14. Ten (10) copies of proposed protective covenants and deed restrictions, or state in writing that none are proposed.
15. Right-of-way easements, showing location, width and purpose.

### Preliminary Engineering Plans

The subdivider shall submit ten (10) 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.

### Procedures

- A. Validation: The developer shall submit to the township clerk for validation ten (10) copies of the preliminary plat and a written application for approval and the required fee for review of plats.
- B. Tentative approval: The township clerk shall forward copies of the plat to the Planning Commission for its study and tentative approval.
  1. The secretary of the Planning Commission shall distribute the plan to those departments under township jurisdiction involved in providing public services for review and comment. The Planning Commission shall include its comments in its report to the Township Board.
  2. The Planning Commission shall make its report to the Township Board not more than 60 days after filing of the preliminary plat and shall recommend either tentative approval, conditional approval, or disapproval of the preliminary plat.
    - a. The 60-day period may be extended if the applicant consents. If no action is taken within 60 days, the preliminary plat shall be deemed to have been tentatively approved by the Planning Commission.
    - b. The developer, by consenting to an extension of the 60-day period, shall be deemed to also consent to an extension of an equal number of days for action by the Township Board.



3. Within 90 days from the date of filing the preliminary plat with the Planning Commission, the Township Board shall tentatively approve or disapprove the preliminary plat. The clerk shall notify the subdivider of the action of the Township Board and, if the plat is disapproved, the reasons for disapproval shall be stated in writing.
  4. Tentative approval under this section shall confer upon the subdivider for a period of one (1) year from date, approval of lot sizes, lot orientation and street layout. Such tentative approval may be extended if applied for by the subdivider and granted by the Township Board by resolution.
- C. Distribution to authorities: Upon receipt of tentative approval by the Township Board, the subdivider shall submit the preliminary plat to the various approving authorities required by the Subdivision Control Act. The clerk shall transmit a copy of the preliminary plat to the County Planning Department and the appropriate Soil Conservation District for technical review and recommendation and transmit a copy to the School Board having jurisdiction in the area where the plat is located.

### Actions

- A. Preliminary plat review by governing body—final approval:
1. The proprietor shall file a valid preliminary plat, as tentatively approved by the Township Board, with the clerk, together with approved copies of plats from each of the required authorities along with any additional required information, application form, and fees.
  2. The Township Board shall take action on the preliminary plat at its next regular meeting or within twenty (20) days of the submission of all necessary approved plats.
  3. If the preliminary plat conforms substantially to the plat tentatively approved by the Township Board and meets all conditions laid down for tentative approval, the Township Board shall give final approval to the preliminary plat.
  4. The clerk shall promptly notify the proprietor of approval or disapproval in writing; if disapproval, reasons shall be given and shall be recorded in the minutes of the meeting. The clerk shall send a copy of the minutes to the proprietor.
  5. Approval of a preliminary plat shall confer upon the proprietor for a period of two (2) years from the date of approval, the assurance that the general terms and conditions under which preliminary approval was granted will not be changed.
  6. The Township Board may extend the two (2) year period if applied for and granted by resolution of the board, but only concerning its own requirements.

(Amended 2/12/85)

### **Section 3.3: Final plats**

#### Requirements

#### A. General

1. Final plats shall be prepared and submitted in the form as specified in the Subdivision Control Act.
2. A written application for approval and the recording fee shall accompany all final plats.
3. The developer shall submit to the township clerk and the township attorney proof of ownership of the land included in the final plat in the form of an attorney's opinion certified to the date of the proprietor's certificate, or a policy of title insurance currently in force.
4. The township may require other such information as it deems necessary to establish whether the proper parties have signed the plat.

B. Time of submittal: Final plats shall be submitted to the township clerk at least ten (10) days before a meeting of the Planning Commission.

#### Procedures

A. Submittal to approving authorities: The subdivider shall submit the final plat and as-built engineering plan where required for approval to the following:

1. Livingston County Road Commission: For approval or rejection.
2. Livingston County Drain Commission: For approval or rejection.
3. Livingston County Health Department: For issuance of a letter of approval or rejection.
4. Livingston County Planning Commission (through the township clerk): For recommendations to the Township Board.
5. Township Clerk: (a) for review and recommendation by the Township Planning Commission and (b) for approval or rejection by the Township Board.

#### Actions

##### A. Planning Commission

1. The Planning Commission shall examine the plat at its next regular meeting, or within thirty (30) days of receipt thereof, for conformance to:
  - a. The provisions of the Subdivision Control Act.
  - b. The provisions of this ordinance.
  - c. The preliminary plat, as approved.
2. The time for review and recommendation by the Planning Commission may be extended by agreement with the subdivider.
3. If the Planning Commission shall make a recommendation to the Township Board and it recommends disapproval of the plat by the Township Board, it

shall state its reasons in the official minutes, and the minutes shall be forwarded to the township clerk and the plat proprietor.

B. Township Board

1. The Township Board shall review the final plat and the report from the Planning Commission at its next regular meeting, or at a meeting to be called within twenty (20) days of the meeting of the Planning Commission when a recommendation for approval or disapproval is made, which meeting date shall be deemed the date of submission to the Township Board, as provided in Section 167 of the Subdivision Control Act.
2. The Township Board shall approve or disapprove the plat. If disapproved, the Township Board shall, within ten (10) days of the date of the meeting, give the proprietor its reasons in writing and rebate the recording fee and whatever portion of the review fee is provided for in this ordinance.
3. The Township Board shall instruct the clerk to record all proceedings in the minutes of the meeting and to sign the municipal certificate on the approved plat on behalf of the Township Board.

C. Improvements and facilities required by the township:

1. All improvements and facilities shall be constructed and completed before the Township Board may approve the final plat unless the requirements hereinafter specified are satisfied.
2. In the event that the developer requests the Township Board for final approval prior to completion of the improvements and facilities, the Township Board and the developer may enter into a contract detailing the manner, method and time for completion of the improvements and facilities.
3. The completion of the construction shall be guaranteed by a performance or surety bond, cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit in such amount as is deemed reasonable by the Township Board but not to exceed one and one quarter (1 ¼) of the estimated cost of completion of all improvements and facilities.

a. Performance or surety bond:

- (i) Accrual: The bond shall inure to the benefit of the township, when related to construction, operation and maintenance of a public improvement.
- (ii) Amount: The bond shall be, at a minimum, in an amount equal to the total estimated cost of completing construction of the specific public improvement, including contingencies, as estimated by the Township Board.
- (iii) Term length: The term length in which the bond is in force shall be for a period to be specified by the Township Board for the specific public improvement.

- (iv) Bonding or surety company: The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the Township Board.
  - (v) The escrow agreement shall be drawn and furnished by the Township Board.
- b. Cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit:
  - (i) Treasurer, escrow agent or trust company: A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit acceptable by the Township Board, shall inure to the benefit of the Township. Such a deposit shall be made with the Township Treasurer or deposited with a responsible escrow agent, or trust company, subject to the approval of the Township Board.
  - (ii) Dollar value: The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be, at a minimum, equal to the total estimated cost of construction of the specific public improvement including contingencies, as estimated by the Township Board.
  - (iii) Length of period of escrow: The length of the period of escrow for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period to be specified by the Township Board.
  - (iv) Progressive payment: In the case of cash deposits or certified checks, an agreement between the township and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.
- 4. 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 such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to pay expenses incurred in performance of this duty, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond that the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the Township Board and the subdivider.

(Amended 2/12/85)

## **ARTICLE IV: SUBDIVISION DESIGN STANDARDS**

### **Section 4.1: Trafficways—streets and roads**

#### General

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

#### Location

- A. Street location and arrangements: When a major street plan has been adopted, subdivision streets shall be required to conform to the plan. See Appendix A.
- B. Local or minor streets: Such streets shall be so arranged as to discourage their use by through traffic. See Appendix B.
- C. Street continuation and extension: The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivision, unless otherwise approved by the Planning Commission and the Livingston County Road Commission. See Appendix C.
- D. Stub streets: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas (see Section 4.7 B 2.) See Appendix D.
- E. Relation to topography: Streets shall be arranged in proper relation to topography to result in usable lots, safe streets, and reasonable gradients. See Appendices E, F and G.
- F. Alleys: Alleys shall not be permitted in areas of detached single or two-family residences. Alleys shall be provided in multiple dwellings or commercial subdivisions unless other provisions are made for service access, off-street loading, and parking. Dead-end alleys shall be prohibited.
- G. Marginal access streets: Where a subdivision abuts or contains an arterial street, the township may require:
  - 1. Marginal access streets approximately parallel to and on each side of the right-of-way.
  - 2. Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic. See Appendix H.

- 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 75 feet for right-of-way and 50 feet for pavement. Not more than two (2) platted lots shall be allowed to be located on the radius of a cul-de-sac. See Appendix I.
- 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 such tract, according to the requirements of the Livingston County Road Commission. See Appendix J.
- J. Private streets: Private streets and roads shall generally be prohibited.

### Specifications

- A. Street right-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 Livingston County Road Commission and the State Department of Highways. See Appendix K.
- B. Street gradients
  - 1. Maximum grades: Street grades shall not exceed five (5) percent on either local streets or collector streets. See Appendix L.
  - 2. Minimum grades: No street grade shall be less than zero point five (0.5) percent.
- C. Street alignment
  - 1. Horizontal alignment: When street lines deflect from each other by more than ten (10) degrees in alignment, the centerlines shall be connected by a curve with a minimum radius of five hundred (500) feet for arterial streets, three hundred (300) feet for collector streets, and one hundred fifty (150) feet for local or minor streets. Between reverse curves on minor streets, there shall be a minimum tangent distance of one hundred (100) feet, and two hundred (200) feet on collector and arterial streets.
  - 2. Vertical alignment: Minimum sight distances shall be two hundred (200) feet for minor streets and three hundred (300) feet for collector streets. See Appendix N.

### Street Names

Street names shall not duplicate any existing street name in Livingston County, except where a new street is a continuation of an existing street. Street names that may be spelled differently

but sound the same shall also be avoided. Duplications can be avoided by checking new street names with the Livingston County Road Commission master listing.

All new streets shall be named as follows: streets with predominant north-south directions shall be named "avenue" or "road"; streets with predominant east-west direction shall be named "street" or "highway"; meandering streets shall be named "drive", "lane", "path" or "trail"; and cul-de-sacs shall be named "circle", "court", "way", or "place". See Appendix O.

#### **Section 4.2: Intersections**

- A. Angle of intersection: Streets shall intersect at ninety (90) degrees to close thereto and in no case at less than eighty (80) degrees. See Appendix P.
- B. Sight triangles: Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred twenty-five (125) feet from the center of the intersection. See Appendix Q.
- C. Number of streets: No more than two (2) streets shall cross at any one intersection.
- D. "T" intersections: Except on arterials and certain collectors, "T" type intersections shall be used where practical. See Appendix R.
- E. Centerline offsets: Slight jogs at intersections shall be avoided. Where such jogs are unavoidable, street centerlines shall be offset by a distance of one hundred twenty-five (125) feet or more. See Appendix S.
- F. Vertical alignment of intersection: A nearly flat grade with appropriate drainage slope is desirable within intersections. This flat section shall be carried back fifty (50) feet to one hundred (100) feet each way from the intersection. An allowance of 2 percent maximum intersection grade in rolling and 4 percent in hilly terrain will be permitted.

#### **Section 4.3: Pedestrianways**

- A. Public walkways:
  - 1. Location of public walkways or crosswalks may be required by the Planning Commission to obtain satisfactory pedestrian circulation within the subdivision where blocks exceed 900 feet in length.
  - 2. Right-of-way widths of public walkways shall be at least 12 feet and shall be in the nature of an easement for this purpose.
  - 3. The surface of the walkways shall be developed in concrete. Planting pockets shall be provided in public walkways for trees and shrub planting. The planting plan and surface treatment shall meet the approval of the Planning Commission. See Appendix T.
- B. Sidewalks: Sidewalks shall be provided on the sides of all road rights-of-way adjacent to the subdivision being developed by the proprietor. In those instances where no good

purpose would be served, the Township Board may waive this requirement. All sidewalks shall be made of concrete five (5) feet wide, four (4) inches thick, and located one (1) foot from the property line. See Appendix U.

#### **Section 4.4: Easements**

- A. Location: Easements shall be provided along rear lot lines for utilities and also alongside lot lines when necessary. The total width shall not be less than six (6) feet along each lot, or a total of twelve (12) feet for adjoining lots (see also Section 4.6 F for backup lots.) See Appendix V.
- B. Drainageway: The developer shall provide drainageway easements as required by the rules of the Livingston County Drain Commission. See Appendix W.

#### **Section 4.5: Blocks**

- A. Arrangements: A block shall be so designed as to provide two (2) tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary. See Appendix X.
- B. Minimum length: Blocks shall not be less than five hundred (500) feet long. See Appendix Y.
- C. Maximum length: The maximum length allowed for residential blocks shall be one thousand three hundred twenty (1,320) feet long from center of street to center of street. See Appendix Z.

#### **Sections 4.6: 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 out lots are provided for some permitted purpose. See Appendix AA.
- B. Lot lines: Side lot lines shall be essentially at right angles to straight streets and radial to curved streets. See Appendix BB.
- C. Width related to length: Narrow, deep lots shall be avoided. The depth of a lot generally shall not exceed two and one-half (2 ½) times the width as measured at the building line. See Appendix CC.
- D. Corner lots: Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots. See Appendix DD.
- E. Uninhabitable areas: Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes, or for uses that may in the judgment of the Planning Commission increase the danger to



health, life or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as parks or other open space. See Appendix EE.

- F. Backup lots: Lots shall back into such features as freeways, arterial streets, shopping centers, or industrial properties, except where there is a marginal access street, unless a secondary access is provided. Such lots shall contain a landscaped easement along the rear at least twenty (20) feet wide 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 (2) local streets shall be prohibited. See Appendix FF.
- G. Lot frontage: All lots shall front upon a publicly dedicated street. Variances may be permitted for approved planned community unit developments. See Appendix GG.
- H. Future arrangements: Where parcels of land are subdivided into unusually large lots (such as when large lots are required for septic tank operations), the parcels shall be divided, where feasible, to allow for resubdividing into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever such future resubdividing or lot splitting is contemplated, the plan shall be approved by the Planning Commission prior to the taking of such action.
- I. Lot division: The division of a lot in a recorded plat is prohibited, unless approved following application to the Township Board. The application shall be filed with the township clerk and shall state the reasons for the proposed division. NO lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in area than permitted by the township or county zoning ordinance. No building permit shall be issued, or any building construction commenced, until the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the county or district health department. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.
- J. Division of unplatted parcel: The division of an unplatted parcel of land into two (2), three (3) or four (4) lots involving the dedication of a new street shall require the approval of the Township Board prior to taking such action. All such applications shall be made in writing and shall be accompanied by a drawing of the proposed division. No building or occupancy permit shall be issued in such cases until the Township Board has approved the division of such land.

(Amended 2/12/85)

#### **Section 4.7: Planting strips and reserve strips**

- A. Planting strips: Planting strips may be required to be placed next to incompatible features such as highways, railroads, commercial, or industrial uses to screen the view from residential properties. Such screens shall be a minimum of twenty (20) feet wide,

and shall not be a part of the normal roadway right-of-way or utility easement. See Appendix HH.

B. Reserve strips

1. Private: Privately-held reserve strips controlling access to streets shall be prohibited.
2. Public: A one-foot reserve may be required to be placed at the end of “stub” or “dead-end” streets that terminate at subdivision boundaries and between half streets. These reserves shall be deeded in fee simple to the township for future street purposes. See Appendix II.

**Section 4.8: 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. If within two (2) years of plat recording, the purchase is not agreed on, the reservation may be cancelled or shall automatically cease to exist.
- B. Natural features: Existing natural features that add value to residential development and enhance the attractiveness of the community (such as trees, water courses, historic spots, and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision. See Appendix JJ.

(Amended 2/12/85)

**Section 4.9: Large scale developments**

- A. Modification: This ordinance may be modified in accordance with Article VI 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 five hundred (500) living units or more, 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. Such reserves may be dedicated.

**Section 4.10: Commercial and industrial developments**

- A. Commercial or industrial modification: These subdivision design standards may be modified in accordance with Article VI in the case of subdivisions specifically for commercial or industrial development, including shopping districts, wholesaling areas,

and planned industrial districts. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation.

## **ARTICLE V: SUBDIVISION IMPROVEMENTS**

### Purpose

It is the purpose of this section to establish and define the public improvements that will be required to be constructed by the developer as conditions for final plat approval and also to outline the procedures and responsibilities of the developer 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.

### Responsibility for plans

It shall be the responsibility of the developer of every proposed subdivision to have prepared by a registered engineer a complete set of construction plans, including profiles, cross-section, specifications, and other supporting data, for the hereinafter required public streets, utilities, and other facilities. Such construction plans shall be based on preliminary plans that have been approved with the preliminary 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.

### Procedure

- A. Submittal: When construction has been completed at the time of filing the final plat, one (1) complete copy of as-built engineering plans of each required public improvement shall be filed with the township clerk coincident with the filing of the final plat. Other requirements and procedures in the submittal of final plats shall be as provided in Section 3.3

### Required public improvements

- A. Monuments: Monuments shall be set in accordance with the State Subdivision Control Act of 1967, Act No. 288 of Public Acts of 1967, 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 Livingston 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 Livingston County Road Commission.
- D. Installation of public utilities: Public utilities and driveways shall be located in accordance with the rules of the Livingston County Road Commission. The underground work for utilities shall be stubbed to the property line. The proprietor

shall make arrangements for all distribution lines for telephone, electric and cable television service to be placed underground entirely throughout a subdivided area, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways. Those telephone and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. The proposed location of all underground wiring shall be submitted to the Planning Commission for approval. The installation shall not proceed until such approval has been granted. All telephone and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations that traverse privately owned property shall be protected by easements granted by the proprietor.

- E. Driveways: All driveway aprons shall be hard surfaced as specified by the Livingston County Road Commission or the Department of State Highways.
- F. Storm drainage: An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the Livingston County Drain Commission. Construction shall follow the specifications and procedures established by the Livingston County Drain Commission. All proposed storm drainage construction plans for proposed plats shall be approved by the Livingston County Drain Commission.
- G. Water supply system: When a proposed subdivision is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the developer. Public water supply systems shall be designed and located in accordance with other requirements of the Michigan Department of Health. If there is no existing or accessible public water supply system, the developer 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 Act 98, PA 1913, as amended. If requested by the township at the time of approval of the final plat, the system provided shall be turned over to the township for operation and maintenance. Individual wells may be permitted in accordance with the requirements of the Livingston County Health Department.
- H. Sanitary sewer system: When a proposed subdivision is to be serviced by a public sanitary sewage system, sanitary sewers and other required appurtenances thereto shall be provided by the developer. Sewer systems shall comply with the requirements of Act 98, PA 1913, as amended.

If there is no existing or accessible public sewer system, a sewer system for the common use of the lot owners may be required to be provided by the developer, if feasible in the judgment of the Planning Commission with the advice of the township engineer and county (or district) health department and shall comply with the requirements of Act 98, PA 1913, as amended. The system provided shall be turned over to the township for operation and maintenance.

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

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

- 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 Livingston County Road Commission.
- J. Street light requirements: Street lights shall be installed at intervals of not less than one (1) light every two hundred fifty (250) feet of roadway.

## **ARTICLE VI: VARIANCES**

### **Section 6.1: General**

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

- A. That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this ordinance would clearly be impractical or unreasonable. In such cases, the developer shall first state his or her reasons in writing as to the specific provision or requirement involved and submit them to the Planning Commission.
- B. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- C. That such variance will not violate the provisions of the State Subdivision Control Act.
- D. The Planning Commission shall include its findings and the specific reasons therefore in its report of recommendations to the Township Board and shall also record its reasons and actions in its minutes.

- E. That such variance will not have the effect of nullifying the interest and purpose of this ordinance and the Comprehensive Development Plan of this township.

### **Section 6.2: Topographical-physical limitation variance**

If in the case of a proposed subdivision, it can be shown that strict compliance with the requirements of this ordinance would result in extraordinary hardship to the developer because of unusual topography, other physical conditions, or other such conditions that are not of the making of the proprietor, or that these conditions would result in inhibiting the achievement of the objectives of this ordinance, the Planning Commission may recommend to the Township Board that variance, modification or a waiver of these requirements be granted.

### **Section 6.3: Planned unit development variance**

The developer may request a variance from specified portions of this ordinance in the case of a planned unit development. If in the judgment of the Planning Commission such a plan provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs, it shall make findings, as required herein below. The Planning Commission shall take into account the nature of the proposed use of land and existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probably effect of the proposed subdivision upon traffic conditions in the vicinity. The Planning Commission shall make findings of fact and recommend to the Township Board in writing:

- A. Whether or not the proposed project will constitute a desirable and stable community development.
- B. Whether or not the proposed project will be in harmony with adjacent areas.

## **ARTICLE VII: ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE**

### **Section 7.1: Enforcement**

No subdivision plat required by this ordinance or the Subdivision Control Act shall be admitted to the public land records of the county or received or recorded by the Livingston County Register of Deeds, until such subdivision plat has received final approval by the Township Board. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this ordinance unless such public improvement shall have already been accepted, opened or otherwise received. The legal status of a public improvement shall correspond in its location and to the other requirements of this ordinance.

### **Section 7.2: Penalties**

Penalties for failure to comply with the provisions of this ordinance shall be as follows: violation of any of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any

of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100) or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Any person or legal entity that knowingly assists in the commission of such violation shall be guilty of a separate offense and, upon conviction, shall be liable to the fines and imprisonment herein provided. Nothing herein contained shall prevent the Township Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance or of the Subdivision Control Act.

## **ARTICLE VIII: AMENDMENTS**

### **Section 8.1: Procedures**

The Township Board may, from time to time, amend, supplement, or repeal the regulations and provisions of this ordinance. A proposed amendment, supplement, or repeal may be originated by the Township Board, Township 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 IX: MISCELLANEOUS PROVISIONS**

### **Section 9.1: Validity**

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

### **Section 9.2: Effective date**

This ordinance shall take effect in the township after recommendation by the Planning Commission, adoption by the Township Board, publication within thirty (30) days after adoption, entry in the township ordinance book, and certification by the clerk as to the date of adoption, vote and publication, within seven (7) days of publication. The effective date shall be thirty (30) days after date of publication

Made and passed by the Township Board of Marion, Livingston County, Michigan, on the 11<sup>th</sup> day of September, 1979.

Initial Publication: 10/10/79

Date of Public Hearing: 9/19/78

Adoption by Planning Commission: 4/11/79

Adoption by Township Board: 9/11/79

Record of Votes: Yeas—5, Nays—0

Final Publication Date: 10/10/79

Effective Date: 11/9/79