

**SUBDIVISION CONTROL
TOWNSHIP OF FRANKENLUST, MICHIGAN
ord. no. 31A eff. July 12, 1980**

TITLE

An Ordinance of the Township of Frankenlust establishing regulations governing the subdivision of land; providing standards, procedures, and administrative guidelines and rules for the preparation and filing of subdivision plats; providing for approval or rejection of such plats by the Township of Frankenlust; and providing penalties for the violation thereof.

THE TOWNSHIP OF FRANKENLUST, BAY COUNTY, MICHIGAN HEREBY ORDAINS:

**ARTICLE 1.00
GENERAL**

Sec. 1.01 SHORT TITLE.

This Ordinance shall be known as the Township of Frankenlust Subdivision Control Ordinance.

(ord. no. 31 eff. July 12, 1980)

Sec. 1.02. PURPOSE.

The regulations contained herein have been enacted to provide for the orderly growth and harmonious development of the community; to secure adequate traffic circulation through coordinated street systems with relation to major streets, adjoining subdivisions, and public facilities; to achieve individual property lots of maximum utility and livability; to secure adequate provisions for water supply, drainage and sanitary sewerage, and other health requirements; to secure adequate provisions for recreational areas, school sites, and other public facilities; and to provide reasonable and logical procedures for the achievement of these purposes.

(ord. no. 31 eff. July 12, 1980)

Sec. 1.03. AUTHORITY.

The regulations contained herein are to be interpreted and enforced by the Board of Trustees pursuant to the authority granted the Township by the State of

Michigan in the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.

(ord. no. 31 eff. July 12, 1980)

Sec. 1.04. **INTERPRETATION.**

The provisions of the regulations contained herein shall be held to be the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare within the Township. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the Township, nor conflict with any statutes of the State of Michigan or Bay County, except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations.

(ord. no 31 eff. July 12, 1980)

Sec. 1.05. **SCOPE.**

Subsequent to the effective date of this Ordinance, plats which fail to conform with the regulations contained herein shall not be approved by the Township.

(ord. no. 31 eff. July 12, 1980)

ARTICLE 2.00 DEFINITIONS

Sec. 2.01. **DEFINITIONS.**

For the purpose of this Ordinance all definitions used in the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended, and all applicable administrative regulations regarding said act, shall have the same meaning when employed herein. In addition, the following words as employed in this Ordinance shall have the meaning ascribed to them in this section, unless the context clearly indicates otherwise.

- A) **ALLEYS:** A strip of land dedicated to public use, generally for the purpose of providing secondary vehicular access to the rear of properties to which the principal access is provided by an abutting street.
- B) **RESERVE STRIP:** A strip of land in a subdivision which extends across the end of a street proposed to be extended by future platting or a strip which extends along the lengths of a partial width street proposed to be widened by future platting, to the minimum permissible width.

- C) **BUILDING LINE:** A line established in a plat for the purpose of prohibiting construction of any portion of a building or structure between such line and any easement, right-of-way or other public area.
- D) **CUL-DE-SAC:** A short minor street with only one end open to vehicular traffic and being permanently terminated at the other end by a vehicle turnaround.
- E) **DEAD END STREET:** A street with only one end open to vehicular traffic and not provided with a vehicle turnaround at the other end.
- F) **EASEMENT:** A grant by the property owner of the use of a strip of land by the public, a corporation, or private person or persons for a specific purpose or purposes.
- G) **FLOOD PLAIN:** A flood plain is that area of land adjoining the channel of a river, stream, watercourse, lake, bay, or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.
- H) **IMPROVEMENTS:** Any additions to the natural state of the land which increases its value, utility or habitability. Improvements include street pavements (with or without curbs and gutters), sidewalks, water mains, storm and sanitary sewers, street trees and other appropriate and similar items.
- I) **LOT:** A portion of a subdivision or other parcel of land intended to be a unit for transfer or ownership or for development.
- J) **MAJOR STREET:** A street or highway used primarily for fast or heavy traffic, including expressways, freeways, boulevards, and highways in the State system.
- K) **LOCAL STREET:** A street intended primarily to provide access to abutting property.
- L) **OUTLOT:** An "outlot" when included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use, or reserved for private use.
- M) **PARCEL OR TRACT:** A unit of land under one ownership.

- N) **PLANNING COMMISSION:** The Planning Commission of the Township of Frankenlust, Bay County, Michigan.
- O) **PLAT:** A map or chart of a subdivision of land.
- (1) **Pre-Preliminary Plat.** A sketch plan of a proposed subdivision with sufficient accuracy and at a scale to serve the purposes of procedure as set forth in this Ordinance.
- (2) **Preliminary Plat.** A map showing the salient features of a proposed subdivision submitted to the Township for purposes of preliminary consideration.
- (3) **Final Plat.** A map of all or part of a subdivision prepared and certified as to its accuracy by a registered land surveyor. Such map must meet the requirements of this Ordinance and of the Subdivision Control Act, Act 288, Public Acts of 1967, as amended.
- P) **PUBLIC RESERVATION:** A portion of a subdivision which is set aside for eventual public use and made available for public acquisition.
- Q) **STREET:** A right-of-way dedicated and deeded for public use, other than an alley, which provides for vehicular and pedestrian traffic.
- R) **SUBDIVIDE OR SUBDIVISION:** The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five (5) or more parcels of land each of which is ten (10) acres or less in area; are created by successive subdivisions within a period of ten (10) years.
- S) **SUBDIVIDER OR PROPRIETOR:** A natural person, firm, association, partnership, corporation or combination of any of these which may hold any ownership interest in land, whether recorded or not.
- T) **TOWNSHIP BOARD:** The Board of Trustees of the Township of Frankenlust, Bay County, Michigan.
- U) **ORDINANCE:** The Zoning Ordinance for Frankenlust Township, Bay County, Michigan.
(ord. no. 31 eff. July 12, 1980)

ARTICLE 3.00
PROCEDURE FOR PLAT PREPARATION AND FILING

Sec. 3.01. PRE-PRELIMINARY PLAT.

The purpose of the pre-preliminary plat is to provide the proprietor with an opportunity to avail himself of the advice and assistance of the Planning Commission, Township Board, Township Engineer and the many other agencies involved in subdividing, prior to preparing a preliminary plat and its submission for approval.

Prior to the preparation and filing of a preliminary plat, the proprietor may meet informally with the Planning Commission in order that he may become familiar with this Ordinance and with the proposals of the Comprehensive Plan as they affect the area in which his proposed subdivision is located. The proprietor should concern himself with the following factors:

- A) The area of the proposed subdivision should be properly zoned for the intended use.
- B) An investigation of the adequacy of existing schools and public open spaces (including parks and playgrounds) to service the proposed subdivision.
- C) The relationship of the proposed subdivision to major streets, adjoining subdivision, and land uses of surrounding parcels.
- D) Standards for sewage disposal, water supply and drainage of the Township and health standards of Bay County and the State of Michigan.

Nothing in this section, however, shall be construed as to require the submittal of a pre-preliminary plat. Review at this stage shall not constitute any approval of a proposed preliminary plat subsequently submitted, but shall serve primarily as guidance to the prospective proprietor. Any proprietor may elect to begin subdividing by submitting a preliminary plat in accordance with the provisions of this Ordinance.

(ord. no. 31 eff. July 12, 1980)

Sec. 3.02. PRELIMINARY PLAT; TENTATIVE APPROVAL.

Tentative approval under this section shall confer upon the proprietor for a period of one (1) year from date, approval of lot sizes, lot orientation, and street layout. Such tentative approval may be extended at the option of the Township Board for a period of one (1) year, if applied for by the proprietor and granted by the Township Board in writing.

A. **SUBMITTAL:** The proprietor shall submit a minimum of four (4) to ten (10) copies of the Preliminary Plat and other data to the Township Clerk at least seven (7) days before a meeting of the Planning Commission and copies may be distributed to:

- (1) Township Clerk
- (2) Township Engineer
- (3) Planning Commission
- (4) Superintendent of the School District having jurisdiction in the area concerned.

B. **INFORMATION REQUIRED:** The following information shall be shown on the Preliminary Plat or submitted with it:

- (1) Proposed name of subdivision and intended use.
- (2) Location of the subdivision giving the numbers of Section, Township and Range, or by other legal description.
- (3) Names and addresses of the proprietor, owner proprietor, and the planner, designer, engineer or surveyor who prepared the Preliminary Plat.
- (4) The names of abutting subdivisions, layout of streets, indicating street names, right-of-way widths and connections with adjoining platted streets, the widths and location of alleys, easements and public walkways.
- (5) The Preliminary Plat shall be at a scale of two hundred feet (200') to one inch (1") or larger.
- (6) Date, cardinal points, scale.

- (7) A map of the entire area scheduled for development if the proposed plat is a portion of a larger holding intended for subsequent development.
- (8) Layout, numbers and dimensions of lots.
- (9) Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.
- (10) Location of existing and proposed sanitary sewers, water mains, storm drains and other underground facilities.
- (11) A site report, if the proposed subdivision is not to be served by public sewer and water systems, as described in the rules of the State Department of Public Health.
- (12) Contours shall be shown on the Preliminary Plat at five (5) foot intervals where slope is greater than ten (10) percent and two (2) foot intervals where slope is ten (10) percent. Topography to be based on U.S.G.S. datum.
- (13) The proprietor shall submit, on the Preliminary Plan, preliminary engineering plans for streets, water, sewers, sidewalks and other required public improvements. The plan shall contain enough detail to enable the Township Engineer to make preliminary determination as to conformance of the proposed improvements to applicable regulations and standards.

C. PROCEDURES:

- (1) The Township Clerk shall place the Preliminary Plat on the agenda of the next regular meeting of the Planning Commission.
- (2) The Planning Commission shall review the Preliminary Plat and the comments of the Township Engineer and other interested parties, and determine if the Plat meets all requirements. They shall:

Find all conditions have been satisfactorily met and recommend to the Township Board tentative approval of the Preliminary Plat. The Planning Commission Chairman shall also record the recommended approval on two Plats and return one (1) copy to the proprietor and one (1) copy to the Township Board, or if the Preliminary Plat does not meet all requirements, the Planning Commission shall notify the

proprietor in writing, giving the earliest date for resubmission of the Plat and additional information required. If the resubmitted plat still does not meet all the requirements, the Township Planning Commission shall recommend in writing that the Township Board deny the Preliminary Plat.

- (3) The Township Board, at their next regular meeting after receiving the recommendation from the Planning Commission, shall review said Preliminary Plat and shall tentatively approve the Preliminary Plat or disapprove said plat within sixty (60) days. The decision of the Township Board shall take place within ninety (90) days following submittal by the proprietor. The Township Board shall record their approval on the Plat and return one (1) copy to the proprietor or set forth in writing its reasons for rejection and requirements for tentative approval.
- (4) The proprietor upon receiving tentative approval from the Township Board shall submit the Preliminary Plat to all authorities as required by Sections 113 to 119 of the Subdivision Control Act, Act 288, Public Acts of 1967, as amended.

(ord. no. 31 eff. July 12, 1980)

Sec. 3.03. **PRELIMINARY PLAT; FINAL APPROVAL.**

Final approval of the Preliminary Plat under this section shall confer upon the proprietor for a period of two (2) years from date of approval, the conditional right that the general terms and conditions under which preliminary approval was granted will not be changed. The two (2) year period may be extended if applied for by the proprietor and granted by the Township Board in writing. Written notice of the extension shall be sent by the Township Clerk to the other approving authorities.

- A. **SUBMITTAL:** Four (4) to ten (10) copies of the Preliminary Plat for final approval shall be submitted to the Township Clerk.
- B. **INFORMATION REQUIRED:** The following information shall be shown on the Preliminary Plat or submitted with it:
 - (1) A list of all required approving authorities to the Township Clerk, certifying that the list shows all authorities as required.
 - (2) Submit copies of the approvals to the Township Clerk after all necessary approvals have been secured.

- (3) Copy of the receipt from the Township Treasurer that all fees, as provided in this Ordinance, have been paid.
- (4) Engineering inspection fees, and other charges and deposits provided for in this Ordinance may be required.
- (5) Copies of the proposed protective covenants and deed restrictions, if required.

C. **PROCEDURES:** The Township Board, after receipt of the necessary approved copies of the Preliminary Plat, shall:

- (1) Consider and review the Preliminary Plat at its next meeting, or within twenty (20) days from the date of submission, and approve it if the proprietor has met all conditions laid down for approval of the Preliminary Plat.
- (2) Instruct the Township Clerk to promptly notify the proprietor of approval or rejection in writing, and if rejected, to give the reasons.
- (3) Instruct the Township Clerk to note all proceedings in the minutes of the meeting, which minutes shall be open for inspection.
- (4) No construction of improvements shall be commenced by the subdivider until he has:

Received notice of final approval of the Preliminary Plat by the Township Board, and

Entered into a subdivision agreement with the Township for construction of all required subdivision improvements, and

Deposited or performance guarantee and cash performance bond or certified letters of credit as may be required by the Bay County Road Commission, Department of Public works or other supervising public agency.

(ord. no. 31 eff. July 12, 1980)

Sec. 3.04. FINAL PLAT.

Following final approval of the Preliminary Plat by the Township Board, the proprietor shall cause a survey and a true plat thereof to be made by a registered land surveyor.

A) **SUBMITTAL:** Final Plat shall be submitted to the Township Clerk. A Final Plat shall not be accepted after the date of expiration of the Preliminary Plat approval, unless an extension of approval has been granted by the Township.

B) **INFORMATION REQUIRED:** The Final Plat of sub-divided land shall comply with the provisions of survey and mapping requirements cited in the Subdivision Control Act, Act 288, Public Acts of 1967, as amended.

(1) The proprietor shall provide an abstract of title, certified to within one (1) year of the date of submittal, of the proprietor's certificate to establish recorded ownership interests and any other information deemed necessary for the purposed of ascertaining whether the proper parties have signed the plat, or a policy of title insurance currently in force, covering all of the land included within the boundaries of the proposed subdivision. The Township Board, in lieu of an abstract of title, may accept on its own responsibility an attorney's opinion based on the abstract of title as to ownership and marketability of title of the land.

C) **PROCEDURES:**

(1) The Final Plat may be reviewed by the Township Engineer as to compliance with the approved Preliminary Plat and plans for utilities and other improvements.

(2) The Final Plat may be reviewed by the Township Attorney who shall approve any necessary agreements to guarantee the construction or installation of improvements as provided in this Ordinance.

(3) The Township Board shall review all recommendations and take action on the Final Plat within twenty (20) days.

(4) The Township Board shall require all improvements and facilities to be constructed or require proof of a bond in lieu of construction of facilities prior to approving the Final Plat.

(5) Upon the approval of the Final Plat by the Township Board, the subsequent approvals shall follow the procedure set forth in the

Subdivision Control Act, Act 288, Public Acts of 1967, as amended. If disapproved, the Township Board shall give the proprietor its reasons in writing.

- (6) The Township Board shall instruct the Township Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection, and to sign the municipal certificate of the approved Plat in behalf of the Township Board.
- (7) It is the responsibility of the proprietor to furnish four additional copies of the Final Plat to the required agencies in accordance with the Subdivision Control Act.

(ord. no. 31 eff. July 12, 1980)

ARTICLE 4.00 DESIGN STANDARDS FOR SUBDIVISION PLANNING

The following design standards are intended as a guide to sound land planning and are the minimum standards for subdivision development in the Township of Frankenlust.

Sec. 4.01. STREETS AND ALLEYS.

The specifications herein set forth are to be the standards adopted for the width and location of all highways, streets, and alleys which may hereafter be platted or accepted within the Township, in accordance with minimal acceptable standards of the Bay County Road Commission.

- A. **LAYOUT:** The layout of proposed streets shall provide for the continuation of existing streets in surrounding areas and/or shall conform to a plan for the neighborhood approved by the Township Board in cases where topographical or other conditions preclude the continuation of existing streets. In general, such streets shall be of width as great as that of the street so extended. Local residential streets shall be laid out as to discourage their use by through traffic.
- B. **PRIVATE STREETS AND ALLEYS:** Private streets and alleys shall not be permitted unless constructed to Bay County Road Commission standards, otherwise streets and alleys shall be dedicated to the public.

- C. **ACCESS TO PROPERTY:** A plat shall not be approved which is isolated from or which isolates other lands from existing public streets, unless suitable access is provided.
- D. **INTERSECTIONS:** Intersecting streets shall be laid out so that the intersection angle is as nearly possible, ninety (90°) degrees. Streets converging at one point shall be reduced to the least practicable number.
- E. **HALF STREETS:** Half streets shall not be permitted. Wherever there already exists a dedicated and recorded half-street or half-alley on an adjoining plat, and such half-street or half-alley cannot be vacated, the other half shall be dedicated on the proposed plat to make the street or alley complete.
- F. **DEAD-END STREETS:** When adjoining areas are not platted, the Township may require the arrangement of certain streets in new subdivisions to be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas. A one foot public reserve may be required to be placed between stub streets and subdivision boundaries. These reserves shall be deeded in fee simple to the public for future street purposes.
- G. **ALLEYS:** Alleys shall not be permitted in residential areas, but may be permitted or required in commercial or industrial areas for the purpose of service access, such as for off-street parking and loading.
- H. **STREET NAMES:** Street names shall not be permitted which might cause confusion for purposes of assessing, mail delivery, or locating by the public with names of existing streets in or near the Township. Streets that will be continuations of existing streets shall be called by the same names of such existing streets.
- I. **BUILDING LINES AND SETBACK LINES:** Building lines shall conform to the requirements of the Zoning Ordinance.
- J. **SURFACE DRAINAGE:** Adequate and safe disposal of all yard drainage shall be provided in accordance with details and specifications prescribed by the Township Engineer.
- K. **CUL-DE-SACS:** Maximum length for residential cul-de-sacs shall not exceed six hundred (600') feet and shall terminate in a circle meeting the minimum requirements of the Bay County Road Commission.

- L. **FRONTAGE ON IMPROVED ROADS:** No plat shall be approved unless the area to be subdivided shall have frontage on and at least one access road from an existing street or road that has been publicly dedicated and accepted for maintenance. This requirement shall not include plats composed of a single street not exceeding six hundred (600') feet in length and terminating with a turning circle, commonly referred to as a cul-de-sac street.
- M. **STREET ALIGNMENT, RIGHT-OF-WAY WIDTH, AND GRADES:** In accordance with adopted standards and construction requirements of the Bay County Road Commission.
(ord. no. 31 eff. July 12, 1980)

Sec. 4.02. **UTILITY AND DRAINAGE EASEMENTS.**

- A. Drainage easements shall be provided, which conform substantially with the lines of any natural watercourse, drainage ditch, channel or stream and the requirements of the Bay County Road Commission. Such easements shall be of adequate width for the particular conditions of the site. The Bay County Road Commission, may require, if it is considered necessary to the proper development of the subdivision and the circulation of local traffic, that the drain, if within a public right-of-way, will be tiled and fully enclosed.
- B. Except where alleys are provided for the purpose, a private utility easement, not less than twelve (12') feet in width, with six (6') feet located on each side of the property line, shall be provided along rear or side lot line. Utility easements six (6') feet in width are permissible along rear property lines, in cases where such rear property lines abut unplatted land.
(ord. no. 31 eff. July 12, 1980)

Sec. 4.03. **LOTS.**

The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lots shall be of such size as to permit a variety of housing types, to provide side yards for desirable accesses, light, air, privacy, and safety from fire hazards, and to provide for setbacks from the street line and allow sufficient space for household purposes.

- A. **ACCESS:** All lots shall abut upon their full frontage on a dedicated public street. Lots other than corner lots, may not be permitted to abut two streets.

- B. **DEPTH:** No lot shall be less than one hundred twenty (120') feet in depth. The depth of a lot may not exceed a depth to width ratio of 2 ½ to 1.
- C. **CORNER LOT:** Corner lots in single family plats shall be provided with an extra fifteen (15") feet of width to permit the maintenance of the minimum front building setback lines on both the front and side street lines.
- D. **SIDE LOT LINES:** Side property lines of lots shall generally be perpendicular or radial to street lines except where, in the opinion of the Township Board, a better lotting plan can be achieved. Side and rear property lines should be generally straight.
- E. **AREA:** The area with width of lots shall be in accordance with the minimum Zoning Ordinance requirements for the district in which the plat is proposed.
- F. **INDUSTRIAL AND COMMERCIAL LOTS:** No lot or parcel zoned industrial or commercial shall be platted unless such lot or parcel be sufficient in size as to provide area for off-street parking and loading in accordance with the requirements of the Zoning Ordinance.
- G. **LARGE LOTS:** In case a tract is subdivided into parcels containing over one acre in area, such parcels shall be arranged to allow the resubdivision of any parcels into smaller lots in accordance with the provisions of this Subdivision Control Ordinance.
- H. **LAND SUBJECT TO FLOODING:** Any areas of land within the proposed subdivision which are subject to flooding or inundation by storm water shall be clearly shown on the Final Plat. Such land shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property, or unduly aggravate the flood hazard, unless platted in conformance with the rules and regulations of the Subdivision Control Act, where permissible.

(ord. no. 31 eff. July 12, 1980)

Sec. 4.04. **BLOCKS.**

The size and shape of blocks shall be appropriate for the type of lots and land use proposed. Blocks shall be designed so as to permit good lot orientation, safe street design and economical use of the land.

- A. **MAXIMUM LENGTH:** Length of blocks, measured between intersecting street centerlines, are not encouraged to exceed thirteen hundred and

twenty (1,320') feet. This may be exceeded where lot sizes average over 20,000 square feet, except that in no case, however, may the maximum block length exceed 1,800 feet.

B. **MINIMUM LENGTH:** Minimum block length, measured as above, shall not be less than five hundred (500) feet.

C. **WIDTH:** Width of blocks shall be equal to the total depth of two (2) tiers of lots and shall not be less than two hundred and forty (240) feet.

(ord. no. 31 eff. July 12, 1980)

Sec. 4.05. **SUBDIVISION NAMES.**

Subdivision names shall be approved by the Frankenlust Township Board. The Board shall have authority to approve or to deny approval of any proposed subdivision name. Subdivision names shall not be approved which might cause confusion for purposes of assessing, mail delivery, or locating by the public with names of existing subdivisions in or near the Township.

(Amended: Feb. 10, 1998 Eff. Feb. 26, 1998)

ARTICLE 5.00 REQUIRED IMPROVEMENTS

Sec. 5.01. **REQUIRED FINANCIAL GUARANTEE ARRANGEMENTS.**

A. The proprietor shall be required to provide financial security in one or a combination of cash deposit, deposit by certified check, or irrevocable letter of credit in an amount to cover the cost of the contemplated improvements. The Proprietor's Engineer, the Bay County Road Commission, or other supervising public agency shall estimate the cost of the contemplated improvements and receive the financial security in a manner as they may dictate. The supervising public agency may rebate or release to the proprietor, as the work progresses, amounts equal to the ratio of the completed and accepted work to the entire project.

B. In case the subdivider shall fail to complete the required public improvements work within such time period as required by the conditions or guarantees as outlined above, the County agency or Township may proceed to have such work completed and reimburse itself for the cost thereof by appropriating the cash deposit, certified check, or by drawing upon the letter of credit.

- C. The proprietor shall also place cash in escrow for sanitary sewer infiltration testing when applicable, water main testing and chlorination, street name and traffic control signs.
- D. One year maintenance guarantee bonds may be required at the discretion of the supervising County agency and deposited by the proprietor.
(ord. no. 31 eff. July 12, 1980)

Sec. 5.02. **UTILITIES AND IMPROVEMENTS.**

The improvements set forth under this Section are to be considered as the minimum acceptable standard. Those improvements for which standards are not specifically set forth shall be established by the Township Board with assistance from the Township Engineer. The current M.D.H. & T. and State Health Department requirements will also be applicable.

- A. **STREET PAVEMENT:** Street improvements shall be provided by the proprietor in accordance with standards and specifications of the Bay County Road Commission.
- B. **STORM DRAINAGE:** All streets shall have storm drainage in accordance with standards and specifications prescribed by the Bay County Road Commission. Where County drains are included in the proposed plat a letter or document of approval shall be submitted by the proprietor from the Bay County Drain Commissioner and other public agencies that have jurisdiction.
- C. **SANITARY SEWERAGE SYSTEM:** In those districts in which the Zoning Ordinance requires a public sanitary sewer system, the sewer size, type grade and other appurtenances of the systems shall be constructed in conformance with the standards and specifications prescribed by the Bay County DPW and Bay County Health Department.
- D. **WATER SYSTEM:** In those districts in which the Zoning Ordinance requires a public water supply system, the water mains, fire hydrants and necessary waste system appurtenances shall be constructed in such a manner as to adequately serve all lots shown on the plat both for domestic use and fire protection. Standards and specifications shall be prescribed by the Township Engineer.
- E. **CURBS AND GUTTERS:** Where applicable, curbs may be constructed on all streets shown on the plat in accordance with standards and specifications of the Bay County Road Commission.

F. **SIDEWALKS:** Where applicable, concrete sidewalks shall be constructed along both sides of all local residential streets in Single Family Districts. Sidewalks shall not be required along commercial or industrial streets. Sidewalks where constructed shall be five (5) feet in width and shall be placed one (1) foot off the property line. Sidewalks shall be constructed in accordance with standards and specifications prescribed by the Bay County Road Commission.

G. **TREES:** Street trees may be required to be planted between curb and sidewalk in accordance with the following schedule for all residential lots:

Lots in Single Family Districts which have less than one hundred twenty feet (120) of street frontage shall have a minimum of one (1) tree per lot.

Lots with street frontage of one hundred twenty (120) feet or more shall have a minimum of two (2) trees per lot.

Desired minimum tree size to be one and a half to two (1 ½ to 2") inches in diameter as measured six (6) inches above the ground.

The selection of variety, spacing and planting of all trees shall be done in accordance with standards and specifications of the Bay County Road Commission.

H. **STREET SIGNS:** For the proper identification of streets, the proprietor shall provide and erect street signs and traffic control signs meeting the standards of the Bay County Road Commission and State of Michigan.

I. **UNDERGROUND WIRING:** The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout a subdivided area (except for major street right-of-way, if in agreement with the Utility Company and the Township Engineer) and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways.

All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such 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

(ord. no. 31 eff. July 12, 1980)

Sec. 5.03. COMPLETION AND ACCEPTANCE FOR MAINTENANCE.

- A. **CERTIFICATION BY THE DEVELOPER'S ENGINEER:** The proprietor's Engineer shall furnish the supervising County agencies a letter or document indicating satisfactory completion of the required improvements.

- B. **INSPECTION BY THE PROPRIETOR'S ENGINEER AND BAY COUNTY ROAD COMMISSION ENGINEER AND TOWNSHIP ENGINEER:** After the completion of the construction of the streets and other related facilities, the supervising County agency and Township Engineer will conduct a final inspection. This inspection shall be made in conjunction with the proprietor's Engineer to assure the subdivision is completed according to the approved plans and specifications.

- C. **PARTIAL ACCEPTANCE:** In no case will a partial acceptance of any street in the subdivision be made for maintenance.

(ord. no. 31 eff. July 12, 1980)

**ARTICLE 6.00
VARIANCES**

Sec. 6.01. GENERAL.

The Township Board may consider variances from the provisions of this Ordinance on a finding that application of such provision or requirement is impracticable. In making its findings, as required herein below, the Township Board shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Township Board 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 impracticable or unreasonable. In such cases the subdivider shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the Township Board.

- 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.
(ord. no. 31 eff. July 12, 1980)

**ARTICLE 7.00
PUBLIC RESERVATIONS AND SPECIAL
DEVELOPMENTS**

Sec. 7.01. PUBLIC SITES AND OPEN SPACES.

- A. Where a site for a park, playground, school, library, fire station or other public use is deemed necessary by the Planning Commission to fulfill its objectives, the Township Board may request, upon recommendation from the Planning Commission, the reservation of such areas within the subdivision.
 - (1) Upon determination by the respective public agency that space for the public facility is required, the agency involved shall within ninety (90) days enter into an agreement to purchase the site.
 - (2) Acquisition of the site shall be accomplished within three (3) year.
- B. Reservation of other public open spaces may be required where deemed necessary by the Planning Commission and the Township Board for preservation of historic sites and scenic areas or for a particular type of development proposed in the subdivision.
- C. Dedication of greenbelts or buffer parks may be required by the Township Board in areas where they are desirable to separate and protect residential subdivisions from adjacent commercial developments, highways, streets and railroads or any obnoxious use.
(ord. no. 31 eff, July 12, 1980)

**ARTICLE 8.00
FEES, CHARGES AND DEPOSITS**

Sec. 8.01. PRELIMINARY PLAT FEES.

At the time submission of the final plat, and prior to consideration or review thereof by the Township, the proprietor shall deposit a review fee with the Township Clerk, such fee to be computed as follows:

- A. In the case of the subdivision of one-family lots, \$100.00, or \$4.00 per lot, which ever is greater; or
- B. In the case of residential subdivision designed to contain, at least in part, lots for residential buildings other than one family residences, \$100.00, or \$4.00 per lot, whichever is greater; or
- C. In the case of a commercial or industrial subdivision or any subdivision intended to contain no residential lots, \$100.00.

(ord. no. 31 eff. July 12, 1980)

Sec. 8.02. FINAL PLAT FEES.

At the time of submission of the final plat, the proprietor shall deposit with the Township, fees computed as follows:

- A. A fee of \$20.00 as provided in Section 241 of Act 288, Public Acts of Michigan of 1967, or such other amount as may hereafter be provided by statute; and
- B. Such fees and charges for water and sewage connections, inspection fees, fee for special meetings of governmental agencies, engineering fees for field work on site, and other official fees and charges as may be established by ordinance or resolution; and
- C. Such fees, charges or deposits as may be required pursuant to Section 125, 182, 188, or 192 of Act 288, Public Acts of Michigan of 1967.

(ord. no. 31 eff. July 12, 1980)

ARTICLE 9.00 LOT SPLITTING

Sec. 9.01. SUBMITTAL AND REVIEW.

Any person desiring a lot split within a platted area shall submit to the Township Supervisor written application for splitting, and five (5) copies of the proposed lot split.

(ord. no. 31 eff. July 12, 1980)

Sec. 9.02. DUTIES OF THE SUPERVISOR.

The Supervisor shall review the proposed lot split to determine its compliance with the applicable Township ordinances, and with Act 288, Public Acts, 1967, as amended. If the resultant split is in conformance with these conditions, he shall have the authority to authorize the requested lot splits.

(ord. no. 31 eff. July 12, 1980)

Sec. 9.03. TAXES.

No lot shall be split until all taxes and special assessments have been paid. A receipt of payment must be submitted with the proposed lot split plan.

(ord. no. 31 eff. July 12, 1980)

**ARTICLE 10.00
PENALTY**

Sec. 10.01. PENALTY.

Any person who shall violate any of the provisions of these regulations, whether such person be the owner or agent of the owner of the property shall be fined not to exceed the sum of five hundred (\$500.00) dollars, and the cost of the prosecution or by imprisonment for not more than ninety (90) days, or both, at the discretion of the Court. Each day such violation shall exist shall constitute a separate offense. Furthermore, all persons shall be subject to the penalties set forth in Section 264 of the Subdivision Control Act, Act No. 288, P.A. 1967, as amended.

(ord. no. 31 eff. July 12, 1980)

**ARTICLE 11.00
VALIDITY**

Sec. 11.01. VALIDITY.

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

(ord. no. 31 eff. July 12, 1980)

ARTICLE 12.00
EFFECTIVE DATE

This Ordinance governing the subdivision of land within the Township of Frankenlust, Bay County, Michigan is hereby declared to have been adopted by the Township Board at a meeting thereof, duly called and held on the 3rd day of June, 1980, is ordered to be given publication in the manner prescribed by law and shall take effect thirty (30) days after publication.

(Eff. July 12, 1980)