

**FRENCHTOWN CHARTER TOWNSHIP
SUBDIVISION CONTROL ORDINANCE
Ord. No. 197; Date of Adoption: September 2001**

An Ordinance establishing regulations governing the subdivision of land, providing the procedure for the preparation and filing of plats, tentative and final approval of preliminary plats, submission of record or final plats, approval of the plat by the Township Board, providing for platting regulations and requirements in regard with conformity to the Township Land Use Plan and to provide penalties for the violation thereof.

THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:

Section 1. Title. This Ordinance shall be referred to as the Frenchtown Charter Township Subdivision Control Ordinance.

Section 2. Purposes. These subdivision controls have been enacted for the purpose of protecting the public health, convenience, safety and general welfare of the residents of the Township and of insuring the orderly growth and harmonious development of the Township by requiring:

1. Proper arrangement of streets in relation to existing or planned streets, adjoining subdivisions and public facilities and in relation to the Land Use Plan.
2. Adequate and convenient open spaces for traffic, utilities, access of fire fighting equipment, recreation, light, air, privacy, and safety from fire hazards.
3. Individual lots which provide maximum utility and livability.
4. Establishment of standards for the construction of any and all improvements as herein required.

Section 3. Authority. These regulations are made, interpreted and enforced by the Township Board and Township Planning Commission under the authority of the State of Michigan, Land Division Act, Act 288, Public Acts of 1967, as amended.

Section 4. Interpretation. The provisions of these regulations shall be construed to be the minimum requirements necessary for the preservation of public health, safety, and welfare within the Township. These regulations are not intended to repeal, abrogate or supersede any existing regulations of the State of Michigan or Monroe County, except that these regulations shall prevail in cases where these regulations impose a lawful restriction or requirement more severe than existing statutes, laws or regulations.

Section 5. Existing Lots. This Ordinance shall not apply to any lot or lots forming a part of a subdivision created or recorded prior to the effective date of the Ordinance except for the further dividing of lots or parcels.

Section 6. Scope. Subsequent to the effective date of this Ordinance, the Township Board shall not approve a plat unless it conforms to these regulations, nor shall any lot or parcel be split or otherwise divided unless it conforms to these regulations.

Section 7. Definitions. The following definitions apply to the meanings of terms as they are to be construed in these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

1. **Block.** An area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys, and the exterior boundary or boundaries of the subdivision.
2. **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.
3. **Land Use Plan.** Future Land Use or Master Plan for the Township of Frenchtown, Monroe County, Michigan, including graphic and written proposals indicating the general location and recommendations for land use, streets, parks, public area, zoning districts, and all physical developments existing or proposed for the Township of Frenchtown.
4. **Easement.** A grant by the property owner of the use of a strip of land by the public, a corporation, or private person(s) for a specific purpose or purposes.
5. **Floodplain.** The area of land inundated by the 100-year flood. This is the floodplain area as indicated on the Flood Insurance Rate Map and as indicated in the Flood Insurance Study prepared by the Federal Emergency Management Agency.
6. **Improvements.** Any additions to the natural actual 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.
7. **Land Division Act.** Act 288, P.A. 1967, as amended State of Michigan.

8. **Lot.** A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.
 - a. **Lot Depth.** The depth of a lot is the mean horizontal distance from the center of the front street or property line to the center of the rear lot line.
 - b. **Lot Width.** The straight-line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines.
9. **Parcel.** A unit of land under one ownership.
10. **Performance Guarantee.** Security including cash, certified check or irrevocable letter of bank credit acceptable to the Township Board as a guarantee that required subdivision improvements will be made by the Proprietor.
11. **Planning Consultant.** The Planning Consultant retained by the Township Planning Commission and/or the Township Board of Frenchtown to make recommendations on methods to provide for the orderly future development of the Township of Frenchtown, also referred to as Township Planner.
12. **Planning Commission.** The Township Planning Commission of the Township of Frenchtown, Monroe County, Michigan.
13. **Plat.** A map or chart of a subdivision of land.
 - a. **Preliminary Plat.** A map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration, prepared in conformance with the Land Division Act and this Ordinance.
 - b. **Final Plat.** A map of a subdivision of land in final form ready for approval and recording in conformance with the requirements of the Land Division Act and this Ordinance.
14. **Proprietor.** Any person, firm or corporation, estate, trust, or other group or combination acting as a unit, which subdivides or proposes to subdivide. The Proprietor is also commonly referred to as the owner.
15. **Public Reservation.** A portion of a subdivision, which is set aside for public use or made available for public use.

16. **Public Utility.** A firm, corporation, or municipal authority providing gas, electricity, telephone, sewer, water, or other services of a similar nature.
17. **Public Way.** A public right-of-way dedicated for the purpose of a pedestrian or bicycle access and located so as to connect two or more streets, or a street and a public parcel of land.
18. **Residential Unit Development.** A land area which has both individual building sites and common property, such as a park, and which is designated and developed under one (1) owner or organized group as a separate neighborhood or community unit.
19. **Sewer.** A public sanitary sewage disposal system approved by the Michigan Department of Environmental Quality.
20. **Street.** A right-of-way, which provides for vehicular and pedestrian access to abutting properties.
 - a. **Alley.** A strip of land dedicated to public use, generally for the purpose of providing vehicular access to the rear or side of properties to which the principal access is provided by an abutting street.
 - b. **Collector or Secondary Street.** Those streets used to carry traffic from local streets to major thoroughfares, including principal entrance streets to large residential developments.
 - c. **Cul-de-sac.** A minor street of short length having one end permanently terminated by a vehicular turn-around.
 - d. **Stub Street.** A street with only one end open to vehicular traffic and not provided with a vehicular turn-around at the other end.
 - e. **Freeway.** Those streets designed for high speed, high volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.
 - f. **Minor or Local Streets.** Those streets that are used primarily for access to abutting properties and which have limited continuity.
 - g. **Major Thoroughfares.** Those streets and highways, which are used as through routes for larger volumes of traffic and which have considerable continuity within the municipality and the region beyond.

- h. **Marginal Access Street.** A local street which is parallel and adjacent to major streets and which provides access to abutting properties and protection from through traffic.
 - i. **Parkway.** A street designed for non-commercial, pleasure-oriented traffic moving at moderate speeds, between and through scenic areas and parks.
 - j. **Street Width.** The shortest distance between the lines delineating the boundaries of the right-of-way of streets.
- 21. **Subdivide or Subdivision.** The partitioning or splitting of a parcel or tract of land by the Proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, that results in one (1) or more parcels of less than forty (40) acres or the equivalent and that is not exempted from the platting requirements of the State Land Division Act.
 - 22. **Township Board.** The Township Board of the Township of Frenchtown, Monroe County, Michigan.
 - 23. **Township Engineer.** The Engineering Consultant retained by the Township Planning Commission and/or the Township Board of Frenchtown to make recommendations on methods to provide for the orderly future development of the Township of Frenchtown.
 - 24. **Zoning Ordinance.** The Zoning Ordinance of the Township of Frenchtown, Monroe County, Michigan, adopted as Ordinance No. 200, September 1, 1996, as amended, in accordance with the provisions of Act 184 of the Public Acts of 1943, as amended, and which is now in effect as the Zoning Ordinance of the Township of Frenchtown, Monroe County, Michigan.
 - 25. **Construction or Engineering Design Standards.** Township Engineering Design Standards of the Township of Frenchtown, Monroe County, Michigan, adopted by Ordinance and as may be amended.

Section 8. Subdivision Procedure.

A. **Preliminary Plat: Tentative Approval.** Tentative Approval under this section shall confer upon the Proprietor, for a period of one (1) year, the rights granted under Section 112 of the Land Division Act, Act 288 of 1967, as amended.

1. **Submittal.** The Proprietor shall file twenty-six (26) copies of the Preliminary Plat and other required data with the Township Building Department. Copies shall be distributed by the Building Department as follows:

- a. One (1) copy to the Township Clerk.
- b. Seven (7) copies to the Township Planning Commission.
- c. One (1) copy to the Township Planning Consultant.
- d. One (1) copy to the Township Engineer.
- e. One (1) copy to the Township Assessor.
- f. One (1) copy to the Township Fire Department.
- g. Four (4) copies to the Township Building Department.
- h. One (1) copy to the Monroe County Property Address Coordinator.
- i. One (1) copy to the Monroe County Health Department.
- j. Two (2) copies to the Monroe County Road Commission.
- k. Three (3) copies to the Monroe County Drain Commissioner.
- l. One (1) copy to the Township Water Department.
- m. One (1) copy to the City of Monroe Engineering Department.
- n. One (1) copy to the Michigan Department of Transportation.

2. **Information Required.** The following information shall be shown on the Preliminary Plat or submitted with it:

- a. Proposed name of subdivision by which it will be both legally and commonly known. The name shall not duplicate or closely approximate that of any other subdivision recorded in Monroe County.
- b. Location of the subdivision and its area in acres giving the Section, Township and Range numbers and the name of the Township and County. Boundaries of the subdivision shall be drawn in a heavy solid line and described by metes and bounds and must show all

relevant Municipal Corporation boundaries, Township, Range and Section numbers and Private Claim lines.

- c. Names, addresses and telephone numbers of the Proprietor, the planner, designer, engineer or surveyor who designed the subdivision layout.
- d. The names of abutting subdivisions, layout of streets indicating street names, right-of-way widths and connections with adjoining platted streets, and locations of alleys, easements, public ways, and lot layouts.
- e. A location map or vicinity sketch showing the relationship of the proposed plat to the surrounding area.
- f. Existing land use and zoning of the proposed subdivision parcel and the abutting tracts, including abutting property owners' names and addresses.
- g. The Preliminary Plat shall be at a maximum scale of one (1) inch to one hundred feet.
- h. Date, cardinal points, scale.
- i. A map of the entire area scheduled for development, including future street rights-of-way if the proposed plat is a portion of a larger parcel intended for subsequent development.
- j. Layout, numbers and dimensions of lots, including building setback lines.
- k. Proposed descriptions of lands intended to be dedicated or set aside for public use or for the common use of property owners in the subdivision.
- l. Exact location of all floodplain and wetland areas.
- m. Location of any existing and proposed sanitary sewers, water mains, storm drains and other underground facilities within or adjacent to the proposed subdivision, including the location and dimensions of easements thereof.
- n. Contours shall be drawn 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 or less. Topography is to be based on U.S.G.S. datum.

- o. A site report, if the proposed subdivision is not to be served by public water and sewer systems, as described in the rules of the Michigan Department of Environmental Quality. The Proprietor shall also furnish three (3) copies of the results of soil percolation tests certified by a registered professional engineer or registered land surveyor, said percolation tests to be sufficient in number to be representative of the entire area embraced in the proposed plat, and a minimum of three (3) tests per acre. Whenever it is proposed that the grade of any lot will be altered in any substantial degree from the grade existing at the time that the preliminary plat is submitted, said percolation tests shall be made at the final grade contemplated upon completion of said improvements or filling or excavation operations; provided, that if a lot is to be filled, percolation tests shall be submitted at both the original grade and the final grade. Upon the written request of the Proprietor, the submission of percolation tests, as to the lots so affected, may be deferred to a date later than submission of the preliminary plat but no later than submission of the final plat with the approval of the Township.
- p. As a part of the Preliminary Plat, the Proprietor shall submit a preliminary engineering plan and details for streets, water, sewers, sidewalks and other required public improvements. The engineering plan shall contain sufficient detail to enable the Township Engineer to make a preliminary determination as to conformance of the proposed improvements to applicable Township and Monroe County Road Commission regulations and standards.

3. Procedures.

- a. The Township Building Department shall place the preliminary plat on the agenda of the next available meeting of the Planning Commission. The date of the Planning Commission meeting shall be considered the filing date.
- b. The Planning Commission shall review the Preliminary Plat and the comments of the Township Planner and Engineer, and if the Plat meets all requirements, shall find all conditions have been satisfactorily met and recommend tentative approval of the Preliminary Plat to the Township Board.

- c. If the Preliminary Plat does not meet all requirements, the Planning Commission shall notify the Proprietor of its disapproval by letter, giving its reasons and the earliest date for resubmission of the plat and additional information required and recommend disapproval of the Preliminary Plat to the Township Board.
- d. The Planning Commission shall give its report to the Township Board not more than sixty (60) days after submission of the Preliminary Plat. The sixty (60) day period may be extended if the applicant consents. If no action is taken within sixty (60) days, the Preliminary Plat shall be deemed to have been approved by the Planning Commission.
- e. The Township Board, at their next regular meeting after receiving a recommendation from the Planning Commission, shall review said Preliminary Plat and within 90 days of filing shall tentatively approve the Preliminary Plat or disapprove said Plat. If the Township Board tentatively approves the Preliminary Plat the Township Board shall record their approval on the Plat and return one (1) copy to the Proprietor. If the Township Board disapproves the Plat, it shall set forth in writing its reasons for rejection and requirements for tentative approval.
- f. 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 Land Division Act, Act 288, Public Acts of 1967, as amended including for approval or rejection:
 - 1) Monroe County Road Commission
 - 2) Monroe County Drain Commissioner
 - 3) Michigan Department of Transportation
 - 4) Michigan Department of Environmental Quality,
Land and Water Management Division
 - 5) Monroe County Health Department

A copy shall also be provided to the following for informational purposes:

- 6) The Monroe County Plat Board
- 7) All public utilities serving the area
- 8) The Superintendent of the school district serving the area

Tentative approval shall not constitute final approval of the Preliminary Plat.

B. **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 rights granted under Section 120 of the Land Division Act, Act 288 of 1967, as amended.

1. **Submittal.** The Proprietor shall submit fifteen (15) copies of the tentatively approved Preliminary Plat to the Township Building Department at least 25 days before a meeting of the Planning Commission. The date of the Planning Commission meeting shall be considered the filing date. The Township Building Department shall distribute copies to:

- a. One (1) to the Township Clerk.
- b. Seven (7) copies to the Planning Commission.
- c. One (1) copy to the Township Planning Consultant.
- d. One (1) copy to the Township Engineer.
- e. One (1) copy to the Township Assessor
- f. Three (3) copies to the Township Building Department.
- g. One (1) copy to the Township Fire Department.

2. **Information Required.** The following information shall be shown on the Preliminary Plat or submitted with it by the Proprietor.

- a. A list of all authorities as required by Sections 113 through 119 of the Land Division Act, Act 288 of 1967, as amended certifying that the list shows approvals of all authorities as required.
- b. Complete metes and bounds description of the subdivision boundaries.
- c. Approved copies of Plats from each of the required authorities after all necessary approvals have been secured.

- d. Copy of the receipt from the Township Treasurer that all fees, as provided in this Ordinance have been paid.
- e. Final Engineering Construction Plans for all improvements to be constructed in connection with the proposed plat in accordance with the Township Engineering Design Standards Ordinance, and which have been approved by the Township and all acts and authorities listed in Sections 113 through 119 of the Land Division Act, as applicable.
- f. Eleven (11) copies of proposed protective covenants and deed restrictions.

3. **Procedures.**

- a. The Township Building Department shall place the Preliminary Plat on the agenda of the next available meeting of the Planning Commission. The date of the Planning Commission meeting shall be considered the filing date.
- b. The Planning Commission shall review the Preliminary Plat and the comments of the Township Planner and Engineer, and if the Preliminary Plat meets all requirements, shall find all conditions have been satisfactorily met and recommend final approval of the Preliminary Plat to the Township Board.
- c. If the Preliminary Plat does not meet all requirements, the Planning Commission shall notify the Proprietor of its disapproval by letter, giving its reasons and the earliest date for resubmission of the plat and additional information required and shall provide its recommendation of disapproval with a report of its reasons to the Township Board.
- d. The Planning Commission shall give its report to the Township Board not more than sixty (60) days after submission of the Preliminary Plat. The sixty (60) day period may be extended if the applicant consents. If no action is taken within sixty (60) days, the Preliminary Plat shall be deemed to have been approved by the Planning Commission.
- e. The Township Board, at their next regular meeting after receiving the recommendation from the Planning Commission, shall review said preliminary plat and within 90 days of filing shall approve the final preliminary plat or disapprove said Plat. 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 final approval.

- f. Final Preliminary Plat approval shall not constitute approval of the final plat.
 - g. The construction of improvements shall not be commenced until Proprietor has completed all of the following:
 - 1.) Received notice of final approval of Preliminary Plat by the Township Board;
 - 2.) Entered into a subdivision agreement with the Township for construction of all required subdivision improvements,
 - 3.) Deposited with the Township, a performance guarantee and cash escrow as required by this Ordinance.
 - 4.) Received approval of construction plans.
 - 5.) Received necessary permits from State and all local agencies.
 - 6.) Received Soil Erosion Permit and Notice of Coverage, if required.
- C. **Final Plat Approval.** Following final approval of the Preliminary Plat by the Township Board, the Proprietor shall cause a survey and one (1) photographic mylar copy of the plat thereof to be made by a surveyor.
- 1. **Filing.** Final Plats, in one (1) mylar copy and four (4) bond prints, along with the Application, shall be submitted to the Township Clerk.
 - a. A Final Plat shall not be accepted by the Township after the date of expiration of the final preliminary plat approval.
 - b. The Final Plat shall conform to the preliminary plat.
 - c. A policy or commitment for a policy of title insurance currently in force, covering all of the land included within the boundaries of the proposed subdivision shall be furnished to the Township.
 - 2. **Information Required.** All Final Plats of subdivided land shall comply with the provisions of survey and mapping requirements cited in the Land Division Act, Act 288 of 1967, as amended, noting specifically those requirements cited in Sections 126 through 140.
 - 3. **Procedures.**

- a. The Final Plat shall be reviewed by the Township Engineer as to compliance with the approved Preliminary Plat and plans for utilities and other improvements.
- b. If the Final Plat is in proper form, the Township Board shall review all recommendations within twenty (20) days and take action on the Final Plat as soon as practicable after the filing of said Plat.
- c. Prior to granting approval of the Final Plat, the Township Board shall ensure that all improvements and facilities have been constructed or have provided for a guarantee of completion in accordance with the requirements of this Ordinance and the Township Engineering Design Standards Ordinance.
- d. Upon the approval of the Final Plat by the Township Board, the subsequent approvals shall follow the procedure set forth in the Land Division Act, Act 288 of 1967 as amended. If disapproved, the Township Board shall give the Proprietor its reasons in writing, as set forth in the minutes of the meeting, and return the Plat to the Proprietor.
- e. The Township Board shall instruct the Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection and to sign the Township certificate of the approved Final Plat on behalf of the Township Board.
- f. The Clerk shall transcribe a certificate of approval of the Township Board on the Final Plat. It shall be the Proprietor's responsibility to provide the Final Plat approved by the Township Board to the Clerk of the County Plat Board.
- g. A Final Plat received by the State of Michigan Department of Consumer and Industry Services more than one (1) year following the date of approval of the County Treasurer shall be returned to the Treasurer who shall make a new certificate currently dated, relative to paid or unpaid taxes, special assessments and tax liens or titles.
- h. The Building Department shall transmit one (1) bond print copy to the Township Assessor, one (1) bond print copy to the Township Engineer, one (1) bond print copy to the Township Planner, and retain one (1) bond print copy in the files of the Township Building Department.

- i. After all the approvals mentioned in paragraph d. above are effectuated, and the State of Michigan Department of Consumer and Industry Services receives notification of the recording of said plat, the State shall return one (1) completely transcribed copy to the Township Clerk for filing as a matter of permanent record.

Section 9. Streets and Alleys. The specifications herein set forth are hereby declared to be the standards and general plan adopted by Frenchtown Charter Township for the width and location of all highways, streets and alleys, which may hereafter be platted or accepted within the Township of Frenchtown. All such regulations are intended to be in harmony with all road and right-of-way standards and policies of the Monroe County Road Commission.

1. **Layout.** The layout of the 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 Planning Commission in cases where topographical or other conditions preclude the continuation of existing streets. In general, such streets shall be of a width as great as that of the street so extended. Due consideration shall be given to traffic safety. Minor residential streets shall be laid out so as to discourage their use by through traffic. Due consideration shall also be given by the Proprietor to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision. Consideration shall also be given to the proposed use of the subdivision and proper allowance made in industrial subdivisions for potential and existing railroad right-of-ways, as conditions will permit.
2. **Major Thoroughfares.** Where the subdivision abuts or contains an existing or proposed major street, the Township Planning Commission may, at its discretion, require the construction of marginal access streets, double frontage of lots with provision of a screen planting contained in a no access reservation along the rear property lines, deep lots with rear service alleys, or other treatment which the Planning Commission considers essential to adequate protection of residential lots and to separation of through and local traffic.
3. **Private Streets And Alleys.** Private streets and alleys shall not be permitted, but rather, all streets and alleys shall be dedicated to the public.
4. **Access To Property.** Each residential lot within subdivision shall be provided with a satisfactory means of access to a public street. There shall be no reserve strips controlling access to a street.

5. **Intersection.** Intersecting streets shall be laid out so that the intersection angles approximate ninety (90) degrees but in no case shall the angle of an intersection be less than eighty (80) degrees. No more than two (2) streets shall cross at one intersection.
6. **Visibility.** An area of unobstructed vision shall be provided at all corners of any street intersection. No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection. The clear visibility zone for a corner intersection shall be the triangular area created by connecting the two points established by measuring twenty (20) feet each direction from the intersection of the future road right of way extended from the abutting roadways. Within the clear visibility zone, an area extending from thirty (30) inches above grade to six (6) feet above grade shall remain clear and unobstructed. The intent is to permit clear visibility for pedestrians and motorists.
7. **Street Jogs.** Street jogs shall conform to the design standards of the Monroe County Road Commission.
8. **Cul-De-Sacs.** Cul-de-sacs shall conform to the design standards of the Monroe County Road Commission.
9. **Street Stubs.** Street stubs shall be permitted only in cases where the Township Planning Commission is of the opinion that there is a reasonable expectation that such streets will be extended to a suitable outlet when the adjacent property is platted. If the Commission permits the platting of street stubs with the expectation of such future extension, the Commission shall determine whether the Proprietor shall provide a temporary turn-around at the closed end of the street. Placement of a street stub shall in no way entitle or guarantee future development to the adjacent property to which a stub is provided.
10. **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, areas such as off-street parking and loading. All such alleys shall have a minimum pavement width of twenty-seven (27) feet. A diagonal cut-off shall be made at all acute and right angle intersections of two alleys sufficient to provide an inside turning radius of thirty (30) feet.
11. **Street Names and Signs.** Street names shall not be permitted which might cause confusion with names of existing streets. Streets that will be continuations of existing streets shall be called by the same names of such existing streets. All names shall be in accordance with the Monroe County Street and Road Name Numbering Ordinance and shall be

approved by the Township Planning Commission, the Monroe County Road Commission and the Monroe County Property Address Coordinator. Street name signs shall be installed in the appropriate locations at each street intersection within or abutting the development in accordance with the requirements of the Monroe County Road Commission.

12. **Building Lines And Setback Lines.** Building lines shall conform to the requirements of the Township Zoning Ordinance.
13. **Right-Of-Way Width.** Minimum right-of-way width shall be sixty (60) feet. Greater right-of-way widths for major thoroughfares may be required by the Monroe County Road Commission or as may be designated on the Township's Future Land Use or Master Plan may be required as necessary.
14. **Horizontal Alignment.** Centerline of pavement shall coincide with centerline of right-of-way, except for irregular rights-of-way widths.
15. **Street Grades.** Street grades shall conform to the design standards of the Monroe County Road Commission and the Frenchtown Charter Township Engineering Design Standards Ordinance.
16. **Street Geometrics.** Street geometrics shall conform to the design standards of the Monroe County Road Commission and the Frenchtown Charter Township Engineering Design Standards Ordinance.
17. **Radii At Intersections.** Minimum pavement radii at intersections shall be as required by the Township Engineering Design Standards Ordinance and/or the Monroe County Road Commission.
18. **Surface Drainage.** Surface drainage shall be designed and constructed in accordance with the requirements of the Frenchtown Charter Township Engineering Design Standards Ordinance, the Monroe County Drain Commissioner's Office standards and the Monroe County Road Commission Standards (within the right of way). The surface drainage shall also comply with the Michigan Department of Environmental Quality requirements, where applicable.
19. **Access To Streets Across Ditches.** Proprietor shall provide access to all proposed streets across watercourses or ditches in a standard manner approved by the Monroe County Road Commission and the Monroe County Drain Commissioner's Office.
20. **Acceleration And Deceleration Lanes.** Acceleration and deceleration and passing lanes shall be provided at the intersections of a minor street

with a major thoroughfare as required by the highway authority having jurisdiction.

21. **Traffic Study.** The Planning Commission or Township Board in conjunction with a recommendation from the Township Engineer, may require the Proprietor to submit a traffic study for the proposed development to determine potential impacts to the health, safety and welfare of the motoring public.

Section 10. Utility and Drainage Easements.

1. **Underground Utility Easements.** The Proprietor of a subdivision 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 when located adjacent to a major thoroughfare right-of-way. In all subdivisions, such underground conduits or cables shall be placed in minimum ten (10) foot utility easement adjacent to the public road right of way. Overhead lines may be permitted only upon the written recommendation of the Township Engineer and the Township Planning Commission and the approval of the Township Board at the time of tentative approval of the preliminary plat, in those areas where there are existing overhead pole lines and where it is determined by the Planning Commission that overhead lines will not constitute a detriment to the health, safety, general welfare, plat design and character of the subdivision. 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 the rules and the standards of construction approved by the Michigan Public Service Commission as well as the Frenchtown Charter Township Engineering Design Standards Ordinance.
2. **Drainage Easements.** Drainage easements shall be provided, which conform substantially to the lines of any natural watercourse, drainage ditch, channel or stream. Such easements shall be of adequate width for the particular conditions of the site. The Township Planning Commission may, if it considers such requirement necessary to the proper development of the subdivision and the circulation of local traffic, require that the drain, if within a public right-of-way, will be tiled and fully enclosed.

Land within a public drainage easement intended for surface use, or land within a private utility easement for major electrical utility power transmission lines, shall not be considered as satisfying a part of the minimum required lot area.

Section 11. 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 house types, to provide side yards for desirable access, light, air, privacy, and safety from fire hazards, and to provide for setbacks from the street line and allow sufficient space for household purposes.

1. **Access.** All lots shall abut by their full frontage on a properly dedicated street. Lots, other than corner lots, shall not be permitted to front on two streets.
2. **Width.** The minimum width of any lot shall be as required in the specific zoning district in which the development is located.
3. **Depth.** No lot shall be less than one hundred twenty (120) feet in depth unless otherwise specifically permitted by Frenchtown Charter Township Zoning Ordinance. The depth of a lot shall not exceed a depth to width ratio of 2-1/2 to 1.
4. **Corner Lots.** Corner lots shall be provided an extra fifteen (15) feet of width sufficient to permit the maintenance of building setback lines on both the front and side street lines in order to protect similar setbacks on both the front and side street which exist or are planned. Where lots have side yards abutting upon a street, on the same side of which other residential lots front, the lots shall be of such width to permit a side yard setback on the street equivalent to the required front yard setback of the lots fronting on said street.
5. **Side Lot Lines.** Side property lines of lots shall generally be perpendicular to straight street lines on radial to curved street lines unless a variation from this rule will give a better lot plan. Property lines on sides and rear of lots should be straight.
6. **Building And Setback Lines.** Building and setback lines shall conform to the requirements of the Township Zoning Ordinance.
7. **Area.** The width and depth of the lots shall be such that minimum lot areas will be in accordance with the adopted Township Zoning Ordinance.
8. **Lot Division.** The division of a lot in a recorded plat is prohibited, unless approved following application to the Township. The application shall be filed with the Township Building Department 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 Zoning Ordinance. No building permit shall be issued, or any building construction commenced, until the Township

Supervisor or Full-Time Assessor and Zoning Administrator or Building Official have approved the division and the suitability of the land for building sites has been approved by the County Health Department.

Section 12. 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.

1. **Length.** Length of blocks between intersecting streets shall be no less than five hundred (500) or more than one thousand three hundred and twenty (1,320) feet in length.
2. **Arrangement.** A block shall be so designed as to provide two (2) tiers of lots, except where lots back into a major thoroughfare, natural feature or subdivision boundary.
3. **Non-Residential Block.** Blocks intended for purposes other than residential shall be especially designed for such purposes, shall have adequate provision for off-street parking and loading in accordance with the requirements of the Zoning Ordinance.

Section 13. Use Restrictions and Modifications.

1. **Restrictions.** Wherever property is subdivided with the intention that it shall have a use different than that designated in the Zoning Ordinance, such use shall be stated in an application for an amendment to the Zoning Ordinance. Conformance with the objectives of the Future Land Use or Master Plan shall be required so as to ensure general uniformity of land uses within blocks and neighborhoods.
2. **Conformance With Zoning Ordinance.** Property use and area restrictions must be in accordance with the Zoning Ordinance.
3. **Subject To Flooding.** Any areas within the proposed plat that are subject to flooding, inundation by storm water, or within the floodplain of a river, stream, creek or lake, or have inadequate drainage shall not be platted for any use so as to pose a threat to life, health or property. If the Township determines that a flood problem does exist, then it shall reject all or part of the proposed plat lying within the floodplain or area subject to flooding. Areas of land lying within a floodplain shall require compliance with the Land Division Act and review by the Michigan Department of Environmental Quality. The Proprietor may show by engineering site plans that a change in the topography will eliminate flooding and shall demonstrate that any planned topographical change will not aggravate the flood hazard beyond the limits of the plat.

4. **Public Sites and Open Spaces.** Dedication of greenbelts or buffer parks may be required by the Planning Commission in areas where such buffers are desirable to separate and protect residential subdivisions from adjacent commercial developments, highways, streets and railroads or any obnoxious use.
5. **Protection Of Natural Features.** Due regard shall be shown for all natural features, such as large trees, exceptionally fine groves of trees, watercourses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

Section 14. Required Improvements. In order to provide healthful, clean and desirable living conditions, the Proprietor shall be entirely responsible for installing the following site improvements:

1. **Street Pavement and Storm Drainage.** The Proprietor shall provide storm sewer improvements in conformance with the Frenchtown Charter Township Engineering Design Standards Ordinance. The Township Engineer, Monroe County Road Commission and/or Monroe County Drain Commissioner's Office must approve all enclosed storm sewers and the location thereof.
2. **Sanitary Sewerage System.** The Proprietor shall provide sanitary sewer improvements in conformance with the Frenchtown Charter Township Engineering Design Standards Ordinance. The Township Engineer and all applicable reviewing agencies shall first approve the location and design of all trunk line and lateral sanitary sewers and any other necessary appurtenances such as pumping stations, and all work shall be carried out under the supervision of the Township Engineer.
3. **Water System.** The Proprietor shall provide water system improvements in accordance with the Frenchtown Charter Township Engineering Design Standards Ordinance and the Frenchtown Charter Township Watermain Specifications and Construction Standards Ordinance. The location and design of water mains with house connections and the installation of fire hydrants, and any other necessary appurtenances shall be first approved by the Township Engineer, the Michigan Department of Environmental Quality and all applicable reviewing agencies as to suitability, and all work shall be carried out under the direction of the Township Engineer.
4. **Sidewalks.** Sidewalks shall be provided along all streets on both sides of the street where lot widths are less than 100 feet and at any other location or in any subdivision proposed where the Township Planning Commission shall determine that sidewalks are necessary for pedestrian safety or

convenience. Sidewalks shall be constructed so as to provide for the required ramp for aid to the handicapped at all street intersections and at access entrances to all parks and recreational sites.

5. **Curbs and Gutters.** Curb and gutters shall be required on all secondary, local and marginal access streets and shall be constructed in accordance with the Township Engineering Design Standards and Monroe County Road Commission Standards.
6. **Installation of Public Utilities.** Public utilities shall be located in accordance with the Township Engineering Design Standards. The underground work for utilities shall be stubbed to the property line. All public utilities in the subdivision shall be underground.
7. **Street Trees and Lawns.** Street trees and lawns shall be planted in every subdivision in accordance with Township Planning Commission requirements and the following:
 - a. Trees shall be spaced alternately on each side of the street.
 - b. Trees shall be spaced at regular intervals of 45 to 60 feet (depending on type of tree and its maximum growth) without regard to property lines. Trees shall be placed at least one per front lot and two per corner lot in a location as directed by the Township Planning Commission.
 - c. Trees for an entire block shall be planted at the same time.
 - d. The Planning Commission must approve tree species and may allow different varieties and sizes of trees on the same block to achieve a special effect.
 - e. Minimum tree size shall be of three (3) inch caliper as measured six (6) inches above grade.
 - f. Existing trees near street right of way shall be preserved by the Proprietor if possible.
8. **Street Lighting.** Street lighting shall be required for all streets within those subdivisions in which lot widths are less than 100 feet and in any other subdivision or location in which the Township Planning Commission determines that street lighting is necessary for the health, safety and welfare of its residents.

9. **Fire Hydrants.** The Proprietor shall provide for fire hydrants in compliance with the requirements set forth by the Township Engineering Design Standards Ordinance and the Township Watermain Specifications and Construction Standards Ordinance.
10. **Entryway Lighting.** Entryway lighting shall be required at all entrances to any subdivision.
11. **Crosswalks.** A right-of-way for pedestrian crosswalks shall be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas. The right-of-way shall be at least fifteen (15) feet wide and extend entirely through the block. This area shall consist of a five-foot walk, of asphalt or concrete with planting areas for shrubs and trees located on each side of the walk.

Section 15. Condition of Township Approval of Final Plat-Financial Guarantees.

With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the requirement that the construction of improvements as required by this Ordinance shall have been completed by the Proprietor and approved by the Township or upon receipt of surety acceptable to the Township in accordance with this Ordinance.

1. **Guarantee of Completion of Improvements.** Prior to the final approval of the final plat, the Township Board must be satisfied that all improvements required under this Ordinance have been constructed. In lieu of the completion of the improvements, the Proprietor shall be required to deposit with the Treasurer of the Township, cash or an irrevocable letter of credit approved by the Township Attorney, payable to the Township to ensure construction of all improvements. The Township, based on an estimate by the Township Engineer, shall set the amount of the deposit. The deposit shall guarantee the completion of the required improvements within two years from the date of the final plat approval of the development. Funds shall be released to the Proprietor out of the deposit or letter of credit as work progresses with the approval of the Township Engineer. The Township Board shall refund all monies remaining in the escrow account to the Proprietor after the completion and acceptance of all work. A written agreement shall be entered governing such requirements as set forth below.
2. **Subdivision Plat Agreements.** Prior to the construction of any improvements and/or prior to final approval of the Final Plat, a subdivision plat agreement shall be entered into between the Proprietor and the Township Board as to the provision of street pavements, public water system improvements, storm sewers, sanitary sewers, street trees, street lighting, street signs, lot grading and sidewalks to provide for the guarantee of completion of those improvements within a specified period

when such improvements are required by the Township Board. Except as to sidewalks and landscaping, all required improvements within the plat must be constructed and approved prior to any final occupancy approval of any residence. The agreement shall provide for the completion of all sidewalks and landscaping within two (2) years from the date of final plat approval regardless of whether a dwelling has been constructed on each lot by that time. The agreement shall also provide a guarantee for the placement of the required monuments and markers by the Proprietor within one (1) year from the date of final plat approval. The agreement shall be recorded with the Monroe County Register of Deeds Office.

3. **Inspection Of Public Improvements Under Construction.** Before approving a final plat and construction plans and specifications for public improvements, an agreement between the Proprietor and the Township Board shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans. All required public improvements shall be subject to construction observation on a continuous basis by inspectors authorized by the Township Engineer. It shall be the responsibility of the improvement contractors to notify the Township Engineer no less than three (3) days in advance of the construction of the required public improvements, subject to the requirements of the Monroe County Road Commission and the Monroe County Drain Commissioner as to the public improvements which are under their jurisdiction.
4. **Penalty In Case Of Failure To Complete The Construction Of A Public Improvement.** In the event that the Proprietor shall 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 accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, or irrevocable bank letter of credit, which the Proprietor may have deposited, and as included in a written agreement between the Township Board and the Proprietor.
5. **Maintenance Bond.** Prior to acceptance by the Township of the improvements, a two-year maintenance bond acceptable to the Township Attorney, in an amount equal to twenty-five (25%) per cent of the total cost of the water and sewer improvements shall be deposited by the Proprietor.

Section 16. Variance Procedure. The Township Planning Commission may recommend to the Township Board a variance from the provisions of this Ordinance on a finding that an undue hardship may result from strict compliance with specific provisions or requirements of this Ordinance or that the application of a specific provision or

requirement is impracticable. 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, 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 probable effect of the proposed subdivision upon traffic conditions in the vicinity. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the Proprietor because of unusual topography, other physical conditions, or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting 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.

No variance shall be recommended unless the Planning Commission finds after a public hearing that a request meets all of the following:

1. 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. The Proprietor shall state his reasons in writing as to the specific provision or requirements involved and submit them to the Planning Commission before consideration of such request for variance by the Planning Commission.
2. 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.
3. That such variance will not violate the provisions of the State Land Division Act.
4. That such variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Land Use Plan of this Township.

The Planning Commission shall include its findings and the specific reasons therefore in its report of recommendations to the Township Board as to the requested variances and shall also record its reasons and actions in its minutes.

Section 17. Residential Unit Developments and Planned Unit Developments.

1. The Planning Commission will consider plats designed for special development that may require modification or adjustment of these design standards. Modifications may be made to permit:
 - a. Cluster housing that need not front on a public street.

- b. Reduced lot size to accommodate the sale of townhouse units.
 - c. Common private open spaces.
 - d. Condominium or cooperative development.
2. Application for development under this section shall be made in writing and shall be supplemented with maps, plans, or other additional data that may aid the Planning Commission and Township Board in the analysis of the proposed plat.

Section 18. Fees. The schedule of fees for subdivision plats shall be as determined by resolution of the Township Board.

- A. **Plat Fees.** Upon filing with the Township a Tentative Preliminary Plat, Final Preliminary Plat or Final Plat the Proprietor shall deposit with the Township Treasurer, fees in the amount as established by the Township.
- B. **Review Fees.** Upon approval of the Tentative Preliminary Plat the Proprietor shall submit Construction Plans with required Review Fees in the amount as established by the Township.
- C. **Escrow Fees.** Upon approval of the construction plans by the Township, the Proprietor must deposit a sum of money equal to a percentage of the total construction cost estimate for underground utilities, streets and site grading or must deposit such cash deposit or an irrevocable letter of credit acceptable to the Township Attorney for administrative, engineering and legal costs of the Township. Said percentage shall be as established by the Township Engineer.

Section 19. Penalty. Any person who shall violate any of the provisions of this Ordinance, whether such person be the owner or agent of the owner of the property, shall be subject to a fine 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 265 of the Land Division Act, Act 288, Public Acts of 1967, as amended.

Section 20. Severability. If any section, paragraph, clause, phrase or part of this Subdivision Control Ordinance is for any reason held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance; and the application of those provisions to any persons or circumstances shall not be affected thereby.

Section 21. Repeal. All ordinances and amendments enacted and/or adopted by the Township Board inconsistent with the provisions of this Ordinance specifically including Ordinance No. 107 and 108 are hereby repealed as of the effective date of this Ordinance. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 23. Effective Date. This Ordinance governing the subdivision of land within the Township of Frenchtown, Monroe County, Michigan, has been recommended by the Frenchtown Township Planning Commission in accordance with Section 12 of the Township Planning Commission Act, Act 168, Public Acts of 1959, as amended, and has been adopted by the Frenchtown Charter Township Board this _____ day of _____, 2001, and shall become effective thirty (30) days after adoption and publication as provided by law.