

**(REVISED 10-6-21) TOWNSHIP OF CHESHIRE
COUNTY OF ALLEGAN, STATE OF MICHIGAN
CHESHIRE TOWNSHIP ORDINANCE NO. 450 (proposed)**

ADOPTED:

EFFECTIVE:

PLAT AND CONDOMINIUM SUBDIVISION DEVELOPMENT ORDINANCE

An Ordinance to regulate the subdivision of land into plats pursuant to the Michigan Land Division Act (1967 PA 288, as amended), and the development of land under the provisions of the Michigan Condominium Act (1978 PA 59, as amended); to provide a procedure for the review and approval of such plat and land condominium developments pursuant to uniform specified requirements; to regulate the division of lots in recorded plat/condominium projects; and to provide sanctions for violations of the Ordinance.

**TOWNSHIP OF CHESHIRE
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION 1

TITLE

This Ordinance shall be known as the Cheshire Township Plat and Condominium Subdivision Development Ordinance.

SECTION 2

PURPOSE AND ENABLING AUTHORITY; SCOPE

- A. Purpose and Enabling Authority. The purpose of this Ordinance is to promote the public safety, health and general welfare by facilitating the orderly layout and development of land subdivided into plats pursuant to the Land Division Act of the State of Michigan (formerly Subdivision Control Act), 1967 Public Act 288, as amended, or into a condominium subdivision pursuant to the Condominium Act of the State of Michigan, 1978 Public Act 59, as amended, and further pursuant to 1945 Public Act 246, as amended, in areas of the Township where the subdivision of land into such developments is otherwise permissible pursuant to the Cheshire Township Zoning Ordinance. This Ordinance is intended to assure that each type of development project, where

otherwise permissible, is treated in the same manner with respect to certain minimum standards and approval procedures.

- B. Scope. This Ordinance is intended to apply to any land development project that is subject to the platting requirements of the Land Division Act and/or to the requirements of the Condominium Act, including any land development project that proposes a component of the project with a condominium form of land ownership within a larger development with a different form of ownership, or vice-versa, and any proposed conversion of an existing land development or part thereof to a condominium form of ownership.

SECTION 3

DEFINITIONS

For purposes of this Ordinance certain terms and words used herein shall have the following meaning:

- A. "Act": the Land Division Act of the State of Michigan (formerly Subdivision Control Act), 1967 Public Act 288, as amended (MCL 560.101 et seq.), or the Condominium Act of the State of Michigan, 1978 Public Act 59, as amended (MCL 559.101 et seq.), as applicable in the context.
- B. "Applicant", "Owner", "Proprietor" and "Subdivider": intended to be synonymous terms referring to the person or entity holding an ownership interest in land proposed for plat/condominium project consideration.
- C. "Common Elements": the portions of a condominium project other than the condominium units.
- D. "Condominium Project": (see definition for Plat/Condominium Project).
- E. "Condominium Plan": (see definition for Plat/Condominium Plan).
- F. "Condominium Unit": that portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project.
- G. "Health Department": the county health department, district health department, or Michigan Department of Public Health and/or Michigan Department of Environmental Quality, whichever has jurisdiction in the particular context.
- H. "Limited Common Elements": the portion(s) of the common elements reserved in the master deed of a condominium project for the exclusive use of less than all the owners of condominium units in the project.

- I. "Lot": a parcel of land in a plat, or a land condominium unit in a condominium project, separated from other parcels/units by legal description or deed/master deed, and intended for separate ownership and use.
- J. "Master Deed": the legal document prepared and recorded pursuant to the Condominium Act within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the condominium project and the approved condominium subdivision plan for the project.
- K. "Plat": a development of land (also sometimes known as a subdivision) subject to the platting requirements of the Land Division Act (formerly Subdivision Control Act), 1967 Public Act 288, as amended.
- L. "Plat/Condominium Project": a land development project established pursuant to and in conformance with this Ordinance and either the Land Division Act or the Condominium Act.
- M. "Plat/Condominium Plan": the plan as required in this Ordinance for a plat or condominium project.
- N. "Surveyor": a professional surveyor licensed by the State of Michigan as provided by Section 102 of the Land Division Act.

Other words and phrases used in this Ordinance which are defined in the Condominium Act or the Land Division Act shall be understood to have the meaning of such word or phrase in said Act, unless such meaning is inconsistent with the use of such word or phrase in this Ordinance.

Any word or phrase not specifically defined in this Ordinance, or in either of said Acts, shall be defined in accordance with its customary or common meaning.

SECTION 4

PLAT/CONDOMINIUM PLAN APPROVAL PROCESS (OVERVIEW)

- A. Required Procedural Steps: This Ordinance provides for a proposed plat or condominium project to be reviewed by the Township Board through a mandatory 3-step process, as follows:
 - Step 1 --- preliminary plat/condominium plan submitted for tentative approval.
 - Step 2 --- preliminary plat/condominium plan submitted for final approval.
 - Step 3 --- final plat/condominium plan submitted for final approval.

The Township Board shall request an advisory recommendation from the Township Planning Commission at each of the three mandatory steps of the process. **The Planning Commission shall recommend approval, approval with conditions, or disapproval, within 63 days after the required submittal for each step is submitted to the Planning Commission, or within such extension of this time period as the applicant may consent. The Planning Commission recommendation at each step of the process shall be based on the applicable standards specified in this Ordinance and any applicable statutory requirements.**

~~The Township Board or Planning Commission may, in its sole discretion,~~ **shall** hold a public hearing on a proposed plat/condominium plan ~~at any mandatory step(s) of the process. Notice of any such public hearing shall be given by posting in the manner required by the Open Meetings Act and by such other means as the Township Board may determine.,~~ **and give Notice of such public hearing, as specified in Section 5.D. of this Ordinance.**

- B. Optional Pre-Application Conference. A potential applicant for plat/condominium plan review may submit a generalized conceptual sketch of a potential plat/condominium project for non-binding review and comment by the Township Board. This optional step in the process is recommended to facilitate early contact between the owner/developer and the Township to generally discuss the conceptual layout of the development, compliance with the substantive requirements of this Ordinance and any other applicable Township ordinance, and the mandatory review process prescribed by this Ordinance. The Township Board may assign responsibility for this optional conference to the Planning Commission. There shall be no application fee for this optional conference.

This optional pre-application conference opportunity with the Township Board is intended to be available to a potential applicant for approval of a plat regardless of whether the proprietor of the proposed plat has submitted a written request to the chairperson of the county plat board requesting a preliminary review meeting to informally review the proprietor's concept plan for the preliminary plat, as provided by Section 111(3) of the Land Division Act as amended by 2004 Public Act 525 [MCL 560.111(3)].

- C. Compliance with Applicable Requirements of Zoning Ordinance. An applicant proposing a plat/condominium project utilizing an "open space preservation/clustering development" or "planned unit development" (PUD) concept as authorized by the Zoning Ordinance shall comply with all procedural and substantive requirements of the Zoning Ordinance applicable to such developments, in addition to the requirements of this

Ordinance. The Township may require an applicant to proceed through the zoning approval process and obtain the required zoning approvals for an open space preservation/clustering development, or planned unit development, before initiating the plat/condominium plan approval process under this Ordinance; or may coordinate the zoning approval process with the plat/condominium plan approval process under this Ordinance.

SECTION 5

TENTATIVE APPROVAL OF PRELIMINARY PLAT/CONDOMINIUM PLAN (STEP 1 APPROVAL)

- A. Submission Requirements. The applicant for tentative approval of a preliminary plat or condominium project shall submit 10 copies of the proposed preliminary plat/condominium plan and all supporting materials to the Township Clerk or the Clerk's designee, along with the required application fee. Where the project proposes a condominium form of ownership for any part of the project the supporting materials shall include any draft proposed master deed, access and utility easement agreements, and maintenance agreements. The proposed preliminary plat/condominium shall be prepared by a land surveyor, and shall show at least the following:
1. A scale of not greater than 1 inch equals 200 feet, a north arrow, and a general vicinity map at a scale of 1 inch to 1,000 feet with the appropriate orientation to the proposed development showing section and quarter section lines and any general features located in the vicinity of the proposed development.
 2. The topography of the area proposed to be developed with not more than four-foot contour intervals.
 3. The location and layout of all streets, intended street names, the width and dimension of all street rights-of-way, and whether such streets are intended to be dedicated public streets within the jurisdiction of the Allegan County Road Commission or maintained as private streets (if otherwise allowable).
 4. The layout of all proposed lots, including the shape and dimensions of same.
 5. The location of all man-made and natural features on and within 100 feet of the proposed plat/condominium project, including, but not limited to, topography, property lines of adjacent parcels, fence lines, curb cuts, streets, and any other especially significant features such as bodies of water and watercourses.

6. The location of all proposed and the nearest existing public water mains and sanitary/stormwater sewers, and indicate whether the proposed plat/condominium project will be served by public or private water and/or sewer facilities.
7. The general location and size of any flood plain and wetlands within or adjacent to the proposed plat/condominium project.
8. The location of stormwater drainage features, with arrows depicting the direction of flow, and indicating in general the methods proposed for stormwater disposal.
9. The minimum required and proposed building setback lines on all lots, indicating the distances from all adjacent street rights-of-way.
10. General site data, including the total acreage of the proposed plat/condominium project, and the planning and zoning classification(s) of the subject property pursuant to such Master Plan and Zoning Ordinance as may be in effect at the time the proposed preliminary plat/condominium plan is submitted for tentative approval.
11. A title block which includes the following information:
 - a. The name of the proposed plat/condominium project.
 - b. The name, address and telephone number of each of the following: the applicant, the owner of the subject property, the applicant's land surveyor, and the applicant's engineer (where applicable).
 - c. The location and position of the proposed plat/condominium project, and an appropriate legal description of the subject property.
 - d. The date the proposed preliminary plat/condominium plan was prepared.
 - e. The seal of the surveyor who prepared the proposed preliminary plat/condominium plan.
12. If the applicant or owner of the subject property also owns or has a legal interest in the acquisition of adjoining land which may be developed in the future as a plat or condominium project, the applicant shall also submit a tentative conceptual plan showing the feasibility of the development of such adjoining land in relation to the proposed development of the subject property.

- B. Application Fee. The application fee for this review step is an amount equal to the actual costs incurred by the Township with respect to review and consideration of the application by the Township and its consultants, payable by the applicant within 30 days after invoiced by the Township, but subject to the following applicant fee deposit to be paid when the application is submitted to the Township: \$2,000.00 for plats/condominiums with 10 or fewer lots; \$2,000.00 plus \$50.00 per lot in excess of 10 lots for plats/condominiums with more than 10 lots. Upon adoption of this Ordinance, the Township Board may change the amount of such application fee, prospectively, by motion or resolution.
- C. Review Procedure. Upon receiving an application for a preliminary plat/condominium plan submitted for tentative approval that is administratively complete, as determined by the Clerk or the Clerk's designee, the Clerk shall proceed as follows:
1. Forthwith submit a copy of the administratively complete application to each member of the Planning Commission for an advisory review and recommendation opportunity as provided pursuant to Section 4.A of this Ordinance.
 2. Forthwith submit a copy of the administratively complete application to each member of the Township Board for review and approval consideration, which shall occur within the following time period, as applicable, pursuant to the approval standards in subsection ~~D~~E below:
 - a. Within 60 days after it was submitted to the Clerk, if a preliminary review meeting with the county plat board was required by law and conducted as provided by Section 4.B. herein.
 - b. Within 90 days after it was submitted to the Clerk, if a preliminary review meeting with the county plat board was not conducted as provided by Section 4.B. herein.

The Clerk shall also subsequently submit to the Township Board such recommendation as may be filed with the Clerk by the Planning Commission following its advisory review of the application pursuant to preceding subsection C.1.

- D. Planning Commission public hearing. **The Planning Commission shall hold a public hearing on a proposed preliminary plat/condominium plan before making its "Step 1" recommendation thereon to the Township Board. The Clerk (or designee of the Clerk) shall publish Notice of the date, time, and place of the public hearing in a newspaper of general circulation in the Township at least 15**

days before the date of the public hearing. The Clerk (or designee of the Clerk) shall also send the public hearing Notice by regular first class mail at least 15 days before the date of the public hearing to the owner/proprietor of the subject property, to the applicant (if not the same as the owner/proprietor), and to the record owners of land immediately adjoining the subject property (according to the property tax assessing records of the Township). Notice of such public hearing shall also be given by posting in the manner required by the Open Meetings Act and by such other means as the Township Board may determine.

DE. Township Board Standards for Approval. The Township Board shall either tentatively approve and note its approval on the copy of the preliminary plat/condominium plan, or tentatively approve it subject to conditions and note its approval and conditions on a copy of the preliminary plat/condominium plan, or reject the preliminary plat/condominium plan and set forth in writing its reasons for same, based on compliance with all applicable laws, regulations and ordinances, including the following standards:

1. Streets: All streets within a proposed plat or condominium project shall be laid out and designed to permit the safe, efficient, and orderly movement of traffic; to meet the needs of present and expected future populations; to have a simple and logical pattern; to respect natural and topographical features so as to result in useable lots and reasonable grades for streets and intersecting driveways; and to promote an attractive streetscape. To accomplish these goals all streets within a plat or condominium project shall comply with the following design and layout requirements:
 - a. The streets shall be consistent with such street plan as may be adopted by the Township; or if such a plan does not exist, such street plan as may be adopted by the County.
 - b. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the proposed plat/condominium project.
 - c. Where adjoining areas are not subdivided, the arrangement of streets in the proposed plat/condominium project shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjoining areas; provided, however, that minor streets within the plat/condominium project shall be so laid out that their use by through traffic will be discouraged.

- d. Direct access to a county primary road shall be prohibited for all lots abutting such roads. Where the proposed subdivision or condominium project abuts or contains a county primary road or major thoroughfare as designated by the county road commission or a county or township master plan, the Township Board may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
- e. All streets within a proposed plat/condominium project shall be public streets intended to part of the dedicated public road system under the jurisdiction of the Allegan County Road Commission, and shall be constructed in accordance with the specifications of the Allegan County Road Commission for streets and plats; provided that private streets within a plat/condominium project may be permitted by the Township Board only in circumstances where new private streets are otherwise allowed in the Township pursuant to applicable ordinances, and if the Township Board finds that the proposed private streets within the plat/condominium will not adversely affect public health, safety or welfare. In any such circumstances where new private streets are otherwise allowed, and are permitted by the Township Board to be developed within a new plat/condominium project, such private streets shall comply with all of the foregoing layout, design, and construction requirements, and in addition the following requirements:
- (1) Utility Easements. No private street shall be established unless an easement of sufficient width is provided within or adjoining the private street for all public utilities.
 - (2) Maintenance and Repair Agreement. No private street shall be established unless a maintenance and repair agreement in a form and with content approvable by the Township Board, and recordable with the County Register of Deeds, is supplied providing all of the following:
 - Legal description(s) of all property enjoying a right to utilize the private street, i.e., "benefited properties";

- Legal description(s) of all rights-of-way and public utility easements;
 - All parties having a responsibility for repair, maintenance and/or snow removal for the private street, i.e., "responsible parties";
 - A description of the respective responsibilities, monetary and otherwise, of such responsible party(ies) for repair, maintenance and/or snow removal;
 - The method by which decisions regarding repair, maintenance or snow removal are to be made by the responsible party(ies);
 - A provision indicating that the agreement runs with the land and is binding on all grantees, heirs or successors in interest as to the benefited and responsible party(ies);
 - Signatures of all persons having any interest in the property or properties on which the private street is located, benefited and responsible parties.
- f. All new streets shall be named as follows: streets with predominant north-south direction shall be named "Street"; streets with predominant east-west direction shall be named "Avenue"; meandering streets shall be named "Drive", "Lane", "Path", "Road", or "Trail", etc., and cul-de-sacs shall be named "Circle", "Court", "Way", or "Place", etc.
- g. Streets shall intersect at 90 degrees or as closely thereto as feasible, and in no case less than 80 degrees.
- h. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it shall not intersect such cross street closer than 175 feet from such opposite existing street, as measured from the centerline of said streets.
- i. Curvilinear street layout and design is encouraged to be used where the topography and the size of the project property makes such layout and design feasible.

- j. The maximum length allowed for residential blocks shall be 1,000 feet.
- k. All street rights-of-way within or abutting the proposed development shall be not less than 66 feet in width.
- l. Permanent and temporary dead-end streets and cul-de-sacs in excess of 660 feet in length shall be prohibited, unless the Township Board determines the topography of the area, rivers, streams, other natural conditions or the prior development of the area prevents a through street from being constructed.
- m. A plat/condominium project or extension of an existing plat/condominium project creating a total of 50 or more lots shall be developed so as to provide two or more access streets.

Note: The street design standards in this Ordinance are intended as minimum standards applicable to all public streets and permitted private streets within a plat/condominium project. All public streets shall also be subject to and comply with such additional or greater design standards applicable to streets in plat/condominium developments as may be adopted by the county road commission. All private streets shall comply with all applicable provisions of this Ordinance, and with any additional or greater design standards and requirements for a private road in the existing or any successor Zoning Ordinance regulating private road standards.

2. Lots/Outlots

- a. All lots within a plat/condominium project shall comply with the minimum lot frontage/width and lot area requirements as may be applicable to the subject property pursuant to the Zoning Ordinance/Zoning Map in effect at the time of submission of the preliminary plat/condominium plan for tentative approval.
- b. Corner lots and double frontage lots shall generally have additional frontage/width and/or area to facilitate compliance with the applicable minimum setback requirements on each adjoining street pursuant to the Zoning Ordinance.
- c. Outlots shall be of a size, extent, and location that will not impair the intent of the Act or any applicable ordinance regulations for land development.

3. General Provisions

- a. Privately-held reserve strips controlling access to streets shall be prohibited.
- b. Existing natural features which add value to residential development or that enhance the attractiveness of the community (such as streams, water courses, historic spots and similar irreplaceable assets) shall be preserved insofar as possible in the design and development of the plat/condominium project.
- c. Lands subject to flooding or otherwise determined by the Township Board to be uninhabitable pursuant to any applicable law shall not be proposed for residential, commercial or industrial development purposes. Such lands may be set aside for other purposes such as parks and/or open space.
- d. Street lighting shall be indicated where proposed by the applicant, or where required by the Township Board when the Board determines street lighting is desirable for public health, safety and welfare. Such street lighting shall be adequate to serve the proposed development given its size and layout.
- e. Pedestrian sidewalks/walkways and/or bicycle paths/lanes shall be indicated where proposed by the applicant, or where required by the Township Board when the Board determines any such features are desirable to reduce or eliminate potential vehicle-pedestrian-bicycle conflicts. Pedestrian sidewalks/walkways shall be located within the street right-of-way/easement, on one or both sides of the street, and approximately parallel with the roadway. Sidewalks/walkways shall be four feet in width, with a flared barrier-free ramp at street intersections, and shall otherwise conform to recognized design and construction specifications. Bicycle paths/lanes shall be located within the street right-of-way or other easement, and shall conform to recognized design and construction specifications.
- f. Land contiguous to a lake or other body of water shall not be used to provide riparian access to such body of water to any other property and/or the owners or occupants of such property except in accordance with such provisions of the existing or successor Zoning Ordinance (or other applicable ordinance) as may regulate riparian access.

- EF. Effect and Duration of Tentative Approval of Preliminary Plat/Condominium Plan. Tentative approval of a preliminary plat/condominium plan confers approval of the lot sizes, lot orientation, and street layout, and application of the then-current regulations, to facilitate preparation and submission of a preliminary plat/condominium plan for final approval as provided in the next section of this Ordinance. Tentative approval of a preliminary plat/condominium plan shall be valid for one year, subject to extension for not more than 90 days at the discretion of the Township Board upon written request of the applicant prior to expiration of the one-year period.

SECTION 6

FINAL APPROVAL OF PRELIMINARY PLAT/CONDOMINIUM PLAN (STEP 2 APPROVAL)

- A. Submission Requirements. After a preliminary plat/condominium plan has been tentatively approved or approved subject to conditions by the County Road Commission, the County Drain Commissioner, and where applicable the Michigan Department of Transportation, the Michigan Department of Environmental Quality, and the Health Department, the applicant for final approval of a preliminary plat/condominium plan shall submit 10 copies of the tentatively approved preliminary plat/condominium plan and all supporting materials to the Township Clerk, including a list of all authorities required by statute to review the preliminary plat/condominium plan certifying that the list shows all such authorities, and the written approvals of the preliminary plat/condominium plan by such authorities, along with the required application fee. Where the project proposes a condominium form of ownership for any part of the project the supporting materials shall include any proposed master deed, access and utility easement agreements, and maintenance agreements. The proposed preliminary plat/condominium plan submitted for final approval shall be prepared by a land surveyor and, along with supporting materials, shall show at least the following:
1. All items required by the Act and by the Township Board pursuant to the tentative approval of the preliminary plat/condominium plan, and all items required pursuant to the tentative approval of the preliminary plat/condominium plan by other governmental agencies.
 2. Detailed working drawings showing grades, drainage structures, proposed utilities, and construction plans for streets, pedestrian sidewalks/walkways and bicycle paths/lanes, within and adjoining the plat/condominium project.
 3. Documentation of consultation with the governmental authorities responsible for all public utilities which will be servicing the

plat/condominium project, including the manner of resolving any conflicts in location between public utility facilities and other improvements. To the extent private sewage disposal systems are proposed for any development in the project, a letter from the Health Department shall be provided stating that the proposed systems are acceptable and approvable. To the extent private water supply systems are proposed for the development, a letter from the Health Department shall be provided stating that the proposed water supply systems are acceptable and approvable.

- B. Application Fee. The application fee for this review step is an amount equal to the actual costs incurred by the Township with respect to review and consideration of the application by the Township and its consultants, payable by the applicant within 30 days after invoiced by the Township, but subject to the following application fee deposit to be paid when the application is submitted to the Township: \$2,000.00 for plats/condominiums with 10 or fewer lots; \$2,000.00 plus \$50.00 per lot in excess of 10 lots for plats/condominiums with more than 10 lots. Upon adoption of this Ordinance, the Township Board may change the amount of such application fee, prospectively, by motion or resolution.
- C. Review Procedure. Upon receiving an application for a preliminary plat/condominium plan submitted for final approval that is administratively complete, as determined by the Clerk or the Clerk's designee, the Clerk shall proceed as follows:
1. Forthwith submit a copy of the administratively complete application to each member of the Planning Commission for an advisory review and recommendation opportunity as provided pursuant to Section 4.A of this Ordinance.
 2. Forthwith submit a copy of the administratively complete application to each member of the Township Board for review and approval consideration, which shall occur within 20 days from the date of submission, pursuant to the approval standards in subsection D below:

The Clerk shall also subsequently submit to the Township Board such recommendation as may be filed with the Clerk by the Planning Commission following its advisory review of the application pursuant to preceding subsection C.1.
- D. Township Board Standards for Approval. The Township Board shall approve a preliminary plat/condominium plan submitted for final approval if all conditions specified by the Board for tentative approval of the preliminary plat/condominium plan have been met, and the preliminary

plat/condominium plan complies with all applicable laws, regulations and ordinances, including the following standards:

1. All street grades shall not exceed a 7 percent grade or be less than a 0.5 percent grade except upon special approval of the township engineer.
2. All street grades in excess of 3 percent shall require installation of curb and gutter complying with county road commission standards for streets in plats.
3. All street rights-of-way within or abutting the plat shall be constructed with not less than a six inch compacted gravel base at least 22 feet wide, covered with not less than two inches of bituminous aggregate pavement at least 20 feet wide.
4. All street rights-of-way shall be graded to the full width thereof for proper drainage and prospective future widening and improving. Street grading shall be accomplished so as to establish a 0.5 foot higher elevation at the boundary of the right-of-way than at the crown of the traveled roadway. All trees or other obstructions within the right-of-way which interfere with the grading and/or drainage shall be removed. The foregoing 0.5 foot elevation and tree and obstruction removal may be varied or adjusted by the Township Board upon recommendation of the township engineer where valuable trees or obstacles are involved and as long as drainage and safety will not be impaired.
5. Permanent dead-end streets shall be provided at the closed end with a turn-around having an outside improved roadway diameter of at least 100 feet as measured from the centerline of the gutter or back of curb, centered on a right-of-way diameter of at least 140 feet. Temporary dead-end streets shall be provided at the closed end with a turn-around constructed the full width of the right-of-way.

Note: The street construction standards in this ordinance are intended as minimum standards applicable to all public streets and permitted private streets within a plat/condominium development. All public streets shall also be subject to and comply with such additional or greater construction standards applicable to streets in plats as may be adopted by the county road commission. All private streets shall comply with all applicable provisions of this Ordinance, and with such additional or greater construction standards and requirements for a private road as may be specified in the Township Zoning Ordinance, or any other ordinance regulating private road standards.

6. All surface waters shall be adequately drained within each plat by a separate system of drainage structures or through the connection of such separate system to an adequate adjoining system. Where storm sewers are used, inlet basins shall not be spaced further apart than 300 feet except as may otherwise be approved by the Township Board, upon recommendation of the township engineer, only where other equivalent and sufficient drainage inlets are provided. Where such outlets are not thus available, such drainage structures may consist of leaching basins spaced so that water shall not be required to run on the surface of the road further than 250 feet to such basin, or spaced so as to afford equivalent and sufficient drainage. The Township Board shall determine what constitutes equivalent and sufficient drainage, upon the recommendation of the township engineer.
7. Connection to sanitary sewers and/or water mains may be required by the Township Board when the Board determines that sewers and/or water mains are reasonably available to the proposed development.
8. The proprietor shall make arrangements for all distribution lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely through a residential subdivided area. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as to not conflict with other underground or above-ground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission or other governmental agency with jurisdiction. Private easements for underground utilities shall be shown on the preliminary plat/condominium plan.
9. Storm water disposal methods proposed for the development shall be adequate to insure each building site and roadway will not be flooded and that all necessary easements for storm sewers or open drains can feasibly be dedicated to the public for such purposes.
10. No lot, outlot, or other land within the development may be landlocked, or otherwise isolated from access to a public street or approved private street.
11. The proprietor shall make arrangements for and assume the costs of the assignment of a street number for each lot proposed to be included within the development.

- E. Effect and Duration of Final Approval of Preliminary Plat/Condominium Plan. Final approval of a preliminary plat/condominium plan confers a conditional right that the general terms and conditions under which preliminary plat/condominium plan approval was granted will not be changed, to facilitate submission of a final plat/condominium plan for approval as provided in the next section of this Ordinance. Final approval of a preliminary plat/condominium plan shall be valid for two years, subject to extension for not more than 180 days at the discretion of the Township Board upon written request of the applicant prior to expiration of the two-year period. The Clerk shall send written notice of any such extension to the other approving authorities.

SECTION 7

APPROVAL OF FINAL PLAT/CONDOMINIUM PLAN (STEP 3 APPROVAL)

- A. Submission Requirements. The applicant for approval of a final plat/condominium project shall submit 10 copies of the proposed final plat/condominium plan and all supporting materials to the Township Clerk, along with the required application fee, and the filing/recording fee and state plat review fee required by MCL 560.241. Where the project proposes a condominium form of ownership for any part of the project the supporting materials shall include any proposed master deed, access and utility easement agreements, and maintenance agreements. A final plat/condominium plan shall not be accepted for review after the date of expiration of the preliminary plat/condominium plan approval. The proposed final plat/condominium plan shall be prepared by a land surveyor and, along with supporting materials, shall show at least the following:
1. A sworn certificate of the surveyor who made the plat/condominium plan stating all of the following on the final plat/condominium plan:
 - a. The copy is a true copy of the final plat/condominium plan.
 - b. The final plat/condominium plan is subject to the approval of each of the governmental officers and agencies whose approval is required, with a list of those officers and agencies.
 - c. The date of the certificate.
 2. All items required by the Township Board and other governmental agencies pursuant to the approval of the preliminary plat/condominium plan.

3. An abstract of title or a title insurance policy showing the proprietor holds merchantable title to all land included within the plat/condominium project.
 4. Formal irrevocable offers of dedication of all public streets and other public facilities, in a form approved by the governmental agency with jurisdiction to accept the offers of dedication.
 5. Such other information as the Township Board may require to reasonably insure the completion of any unfinished public improvements.
- B. Application Fee. The application fee for this review step is an amount equal to the actual costs incurred by the Township with respect to review and consideration of the application by the Township and its consultants, payable by the applicant within 30 days after invoiced by the Township, but subject to the following application fee deposit to be paid when the application is submitted to the Township: \$500.00 for plats/condominiums with 10 or fewer lots; \$500.00 plus \$10.00 per lot in excess of 10 lots for plats/condominiums with more than 10 lots. Upon adoption of this Ordinance, the Township Board may change the amount of such application fee, prospectively, by motion or resolution.
- C. Review Procedure. Upon receiving an application for a final plat/condominium plan that is administratively complete, as determined by the Clerk or the Clerk's designee, the Clerk shall proceed as follows:
1. Forthwith submit a copy of the administratively complete application to each member of the Planning Commission for an advisory review and recommendation opportunity as provided pursuant to Section 4.A of this Ordinance.
 2. Forthwith submit a copy of the administratively complete application to each member of the Township Board for review and approval consideration at its next regular meeting, or at a special meeting called within 20 days after the date of receiving the administratively complete final plat/condominium plan submission, pursuant to the approval standards in subsection D below.

The Clerk shall also subsequently submit to the Township Board such recommendation as may be filed with the Clerk by the Planning Commission following its advisory review of the application pursuant to preceding subsection C.1.

The Township Board shall instruct the Clerk to record all Township Board proceedings on a final plat in the minutes of the meeting, which shall be open for inspection, and to send a copy of the minutes to the county plat board. If the Township Board approves the final plat, it shall instruct the

Clerk to notify the proprietor of the Township Board's approval and to certify the Township Board's approval, showing the date of the Township Board's approval, the approval of the Health Department, when required, and the date of Health Department approval as shown on the approved preliminary plat. If the Township Board rejects the final plat, it shall instruct the Clerk to give the reasons in writing as set forth in the minutes of the meeting, and to return the unapproved final plat to the proprietor. Upon approval of a final plat the Clerk shall also send the filing/recording fee and state plat review fee with the final plat to the clerk of the county plat board.

D. Township Board Standards for Approval. The Township Board shall approve a final plat/condominium plan if it conforms to all of the applicable provisions of the Act and this Ordinance, including but not limited to the following requirements:

1. All monuments required to be placed in the subdivision have either been placed or a performance guarantee agreement has been executed pursuant to Section 8 of this Ordinance to insure the placement of same.
2. All roads, streets, bridges and culverts have been completed or a performance guarantee agreement has been executed pursuant to Section 8 of this Ordinance to insure the completion of same.
3. If the subdivision has any waterways or lagoons, etc., as addressed in Section 188 of the Act, all such waterways, etc. have been constructed or a performance guarantee agreement has been executed pursuant to Section 8 of this Ordinance to insure the construction of same.
4. If any flood plains lie within the proposed subdivision, such flood plains shall be restricted as provided by applicable state law and such restrictions shall be submitted to the Township Board for review and approval prior to recording and thereafter shall be recorded in the office of the register of deeds contemporaneously with the recording of the plat or master deed.
5. All utilities serving the plat or condominium project have either been installed and water and sanitary sewer mains have been stubbed to the lot lines or a performance guarantee agreement has been executed pursuant to Section 8 of this Ordinance to insure the completion of same.
6. All underground utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by

the public utility. These easements shall be recorded on the final plat or master deed as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for utilities shall be at least 12 feet wide (preferably one-half from each lot) except side lot easements three feet wide granted for street lighting drop-outs. These easements shall be direct and continuous from block to block.

7. All public improvements such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the Township Board, have been completed and installed or a performance guarantee agreement has been executed pursuant to Section 8 of this Ordinance to insure the completion of same.
8. The dedication of public streets and other public facilities has been executed by all required owners.

E. Effect of Approval of Final Plat/Condominium Plan.

Approval of a final plat or condominium plan by the Township Board, and by all other governmental officers and agencies whose approval is required, and the recording of the approved final plat or master deed as required by the Act, confers approval of the plat or condominium project to facilitate the construction thereof and the sale and development of lots therein in accordance with the approved final plat/condominium plan and all applicable laws, regulations and ordinances.

SECTION 8

COMPLETION OF PUBLIC IMPROVEMENTS

- A. Completion Required; Alternate Performance Guarantee Agreement. The construction of all public improvements shall be completed by the applicant and approved by the Township Board prior to final plat/condominium plan approval. In the alternative, as to those requirements which are over and beyond the requirements of any other approving agency or any agency responsible for the administration, operation and maintenance of the applicable public improvements, the Township Board may in its discretion require the applicant to guarantee completion of such required improvements as provided in this Section. In such instances the Township and the applicant shall enter into a written agreement specifying in detail the nature of the required improvements, the time in which these improvements are to be completed, provisions for verifying and inspecting the construction of such improvements to determine their conformity to the approved plans and specifications, and

the nature of the financial guarantee of performance which is to be provided for each improvement.

- B. Acceptable Types of Performance Guarantees. Where the Township Board agrees to accept performance guarantees for the completion of public improvements subsequent to final plat approval, the Township Board may require one or more of the following types of guarantees:
 - 1. Performance or surety bond.
 - 2. Cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit.
- C. Remuneration from Performance Guarantee Instrument. The performance guarantee agreement may provide for progressive remuneration from the applicable financial instruments upon certification by the Township Engineer that the specific required public improvement has been satisfactorily completed/installed.
- D. Penalty for Failure to Complete Improvements. If the applicant fails to complete a required public improvement within a period of time specified in the performance guarantee agreement the Township Board may, at its option, proceed to have the public improvement completed. In such event the Township shall be reimbursed for all costs associated with the completion of the improvement from the performance guarantee instrument provided for that improvement. The applicant shall be liable to the Township for any amount of such costs exceeding the funds available from the pertinent instrument.

SECTION 9

DEVELOPMENT REQUIRED TO CONFORM WITH APPROVED FINAL PLAT/CONDOMINIUM PLAN; AMENDMENT OF APPROVED FINAL PLAT/CONDOMINIUM PLAN

- A. Development Required to Conform With Approved Final Plat/Condominium Plan. All development of an approved plat/condominium project shall strictly conform to the final plat or condominium plan approved pursuant to this Ordinance.
- B. Amendment of Approved Final Plat/Condominium Plan. Any amendment to or modification of an approved final plat/condominium plan shall be submitted for review and approval consideration pursuant to Sections 5-7 of this Ordinance, and as otherwise required by the Act.

SECTION 10

VARIANCE AUTHORITY AND PROCEDURE

- A. Variance Authority and Standards. The Township Board may grant variances from the design and approval requirements of this Ordinance when the Township Board determines that the following standards are satisfied in the circumstances of each specific case:
1. Strict compliance with the ordinance requirement would result in a practical difficulty or unnecessary hardship because of the particular physical surroundings, shape, or topographical conditions of the tract of property involved, as distinguished from a mere inconvenience or economic hardship.
 2. The variance may be granted without detriment to the public safety, health, or general welfare, or damage to other property.
 3. The ordinance requirement at issue is not applicable to the specific situation at issue; or, the purpose is applicable but may be served even if a variance is granted.
 4. The conditions upon which the request for variance is based are unique to the subject property and not applicable generally to property outside of the proposed plat/condominium project.
 5. Approval of a variance will not in any manner result in a violation of any ordinance, or any other requirement of law.
 6. The conditions providing support for the variance were not created by the applicant or the applicant's predecessors in title.
- B. Variance Application Procedures. A request for a variance from any requirement of this Ordinance shall be submitted in writing by the applicant no later than when the preliminary plat is submitted for tentative approval. The request shall state the grounds for the requested variance and all the facts relied upon in support thereof. The Township Board may, at its discretion, hold a public hearing on a variance application under this Ordinance.
- C. Application Fee. The application fee for consideration of a variance application pursuant to this Section shall be the actual costs incurred by the Township with respect to review and consideration of the application by the Township and its consultants, payable by the applicant within 30 days after invoiced by the Township, but subject to an application fee deposit of \$1,000.00 to be paid when the application is submitted to the Township.

SECTION 11

DIVISION OF LOTS IN APPROVED PLAT/CONDOMINIUM PROJECT

- A. Prohibited Actions. The following actions are prohibited:
1. The division or partitioning of a lot in a recorded plat/condominium project without prior approval of the Township Board as required by this Ordinance.
 2. The commencing of construction on, or the application for a building permit for such construction, on any portion of a lot in a plat/condominium project that was divided without prior approval of the Township Board as required by this Ordinance.
 3. The submission of any document for recording involving the division or partitioning of a lot in a recorded plat/condominium project without prior approval of such division or partitioning by the Township Board as required by this Ordinance.
- B. Lot Division Authority. After a plat/condominium project has been fully approved and recorded the Township Board may approve the partitioning or division of a lot therein in the following circumstances:
1. No Intent to Create Separate Buildable Lot. When the application states that the sole purpose of the requested division is to add land to adjoining existing lots or parcels and not to create a new separate buildable lot, the Township Board may approve the application if the requested division will not cause any remaining portion of the original lot which is developed or intended for development to violate any provision of this Ordinance, or the provisions of such Zoning Ordinance as may be in effect at the time of such application concerning minimum lot frontage/width, minimum lot area, and minimum setbacks.
 2. Intent to Create New Buildable Lot. In situations not within the scope of the preceding paragraph, the Township Board may approve the division of a lot into not more than 4 parts upon determining that the following criteria are satisfied:
 - a. all of the resulting lots comply with the applicable requirements of this Ordinance, and such Zoning Ordinance as may be in effect at the time of the application with respect to minimum lot frontage/width, minimum lot area, and minimum setbacks;
 - b. the resulting lots will each have direct access to a street as required by this Ordinance;

- c. the resulting lots will each have access to public and/or private utility services;
 - d. all such resulting lots conform in all respects to all applicable ordinances and the Land Division Act;
 - e. the proposed division will not cause an unreasonable detriment to any adjoining property;
 - f. the proposed division will not for any other reason be contrary to the public health, safety, or general welfare.
- C. Application Procedures. A request for lot division approval shall be initiated by filing an application with the Township Clerk or the Clerk's designee setting forth the purpose of the proposed division. The application form shall be accompanied by a survey showing the original lot and all lots proposed to result from the requested division, including all dimensions thereof and the legal descriptions therefore. The Township Board may approve a lot division, deny a lot division, or approve a lot division with appropriate lawful conditions. The Township Board may, at its discretion, hold a public hearing on a lot division application.
- D. Application Fee. The fee for consideration of a lot division application pursuant to this section shall be the actual costs incurred by the Township with respect to review and consideration of the application by the Township and its consultants, payable by the applicant within 30 days after invoiced by the Township, but subject to an application fee deposit of \$500.00 to be paid when the application is submitted to the Township.

SECTION 12

ENFORCEMENT AND SANCTIONS FOR VIOLATIONS

- A. Enforcement. This Ordinance shall be enforced by Ordinance Enforcement Officers of the Township, and such other persons as the Township Board may designate; provided that enforcement actions in the Circuit Court shall be authorized by the Township Board.
- B. Violations. Any person or entity establishing or attempting to establish a plat or condominium project in Cheshire Township without first obtaining the approvals prescribed by the Ordinance and fully complying with all the requirements contained herein, or who otherwise violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance, whether as an owner (by deed or land

contract), lessee, licensee, agent, contractor, employee, or otherwise, shall be liable as a principal. Each day that a violation continues to exist shall constitute a separate violation.

- C. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine of not less than \$500, along with costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the violation.
- D. Remedial Action. Any violation of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law and necessary to abate the violation and/or to restrain or prevent any violation.

SECTION 13

SEVERABILITY

This Ordinance and its various parts are hereby declared to be severable. If any portion of this Ordinance is declared to be invalid such declaration shall not affect the validity of the remainder of the Ordinance.

SECTION 14

NON-REPEAL

This Ordinance is not intended to repeal any provision of the Township Zoning Ordinance (Ordinance No. 425, as amended), or any ordinance regulating the division of land outside of platted subdivisions, including the Land Division, Combination, Boundary Line Adjustment Ordinance (Ordinance No. 449), or any successor such ordinance.

SECTION 15

EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication as required by law.

Donna Hetzel, Clerk
Township of Cheshire