

**ELK RAPIDS TOWNSHIP
ANTRIM COUNTY, MICHIGAN
ORDINANCE NO. 3-2011**

AN ORDINANCE TO REPLACE THE SUBDIVISION CONTROL ORDINANCE
WITH A NEW SUBDIVISION DEVELOPMENT ORDINANCE, IN ACCORD WITH
THE LAND DIVISION ACT OF MICHIGAN

ELK RAPIDS TOWNSHIP, ANTRIM COUNTY, MICHIGAN, ORDAINS:

New Subdivision Development Ordinance. The Elk Rapids Township Subdivision Control Ordinance shall be replaced with the following Subdivision Development Ordinance:

Elk Rapids Township
Antrim County, Michigan

Subdivision Development Ordinance

An ordinance to regulate the subdivision of land in Elk Rapids Township, Antrim County, Michigan; to require and establish minimum standards which must be met or guaranteed by the applicant, to set forth a procedure to be followed by the Township in applying regulations and standards, and to prescribe penalties for the violation of the provisions of this ordinance. The Township of Elk Rapids, Antrim County, Michigan ordains:

Section 1 – TITLE

This ordinance shall be known as "The Elk Rapids Township Subdivision Development Ordinance."

Section 2 – PURPOSE

The purpose of this ordinance is to regulate and control the subdivision of land within the Township in order to promote the public safety, health and general welfare.

Section 3 – WELFARE

This ordinance is enacted pursuant to the authority granted by the Land Division Act, Public Act 288 of 1967, as amended and Public Act 246 of 1945, as amended, which authorizes Township Boards to adopt ordinances to secure the public health, safety and general welfare.

Section 4 – OPTIONAL PLANNING COMMISSION SKETCH PLAN REVIEW

- A. An applicant may request an optional Planning Commission sketch plan review meeting. The purpose of the optional sketch plan review is to enable the Planning Commission to provide advisory comments to the applicant and/or the Township Board on the application.
- B. Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to review. Such three (3) copies of sketch plan shall include as a minimum the following:
 - 1. The name and address of the owner and applicant or developer, including the names of any officers of a corporation or partners of a partnership.

2. A legal description of the property and the tax number for each parcel thereof.
 3. Sketch plans showing tentative site and development plans.
- C. Time expended during this process shall not be counted toward the timeframes expressed in Section 6, A.

Section 5 – OPTIONAL PRE-APPLICATION REVIEW

The applicant may request a pre-application review meeting consistent with Section 111 (3) of the Land Division Act (MCL 560.111), by submitting a written request to the chairperson of the county plat board and submitting copies of a concept plan for the preliminary plat to the Township Clerk and to each officer or agency entitled to review the preliminary plat under Sections 113 to 118 of the Land Division Act. The meeting shall be attended by the applicant, representatives of each officer or agency entitled to review the preliminary plat under this ordinance, and a representative of the Township. A pre-application review meeting shall take place not later than 30 days after the written request and concept plan are received.

Section 6 – SUBMISSION OF PRELIMINARY PLAT FOR TENTATIVE APPROVAL

The applicant shall submit a proposed preliminary plat to the Township Clerk for tentative approval and shall submit ten (10) legible copies of said proposed preliminary plat. Said copies must contain, as a minimum, the following information and fees:

- A. Show relief of area proposed to be platted with not more than two (2) foot contour intervals.
- B. Indicate road layout and centerline road elevations within two (2) feet.
- C. Indicate lot layout, showing size and shape of proposed lots.
- D. Indicate whether proposed plat will be served by sanitary sewer and/or water.
- E. Indicate the general location and size of any flood plains possibly located within the area to be platted.
- F. Indicate in general, the methods proposed for storm water disposal.
- G. Proof of ownership.
- H. When the proprietor owns or plans to acquire and anticipates platting adjoining land, he shall submit, with the preliminary plat for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.
- I. Fees to accompany preliminary plat for tentative approval as established in the Township Fee Resolution Schedule.

Section 7 – PRELIMINARY PLAT FOR TENTATIVE APPROVAL

- A. Upon receipt of copies of said proposed plat for tentative approval to the Township Clerk, the Township Clerk shall forward the application to the Planning Commission Secretary, who shall place the application on the agenda for consideration at a regular or special meeting. The application shall be distributed as necessary to the Zoning Administrator, the Township Engineer, the Township Planner, and others. The Planning Commission shall review the application and forward its recommendation to the Township Board. The

Township Board shall review the application and note its approval on the copy of the preliminary plat, or note its approval and conditions on the copy of the preliminary plat, to be returned to the applicant, or set forth in writing reasons for rejection, within 60 days if a pre-application review meeting was conducted as provided in Section 5; or within 90 days if the pre-application review meeting as provided in Section 5 was not conducted. Tentative approval expires after one year, but may be extended if requested and granted in writing.

B. In its review of the preliminary plat, the Township Board shall determine whether said proposed preliminary plat complies with all Township ordinances and State statutes as well as makes an adequate provision of the following:

1. STREETS

- a. Compliance with a major street thoroughfare plan adopted by the Township, if any.
- b. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new subdivision.
- c. Where adjoining areas are not subdivided, the arrangement of streets in the proposed subdivision 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 subdivision shall be so laid out that their use by through traffic will be discouraged.
- d. Where the proposed subdivision abuts or contains a county primary road and major thoroughfare as defined in the Township major thoroughfare plan, the Township 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. Private streets may be recommended by the Township if it finds that private streets within the plat will not adversely affect public health, safety or welfare.
- 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 should intersect at 90 degrees or closely thereto 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 must not intersect such cross street closer than 175 feet from such opposite existing street, as measured from the centerline of said street.
- i. The maximum length allowed for residential blocks shall be 1,000 feet.
- j. All primary road right-of-ways, as designated by the Township, within or abutting plats hereafter recorded, shall provide a 50-foot half-width. All other rights-of-way within or abutting such plats shall be not less than 66

feet in width. Permanent dead-end streets in excess of 660 feet in length shall be prohibited except upon prior approval of the Township, to be granted only where the topography of the area, rivers, streams, other natural conditions or the prior development of the area prevents a through street from being constructed.

- k. A subdivision or extension of an existing subdivision creating a total of 50 or more lots must be developed so as to provide two or more access streets.

2. LOTS

- a. All lot requirements of the R-1 or R-2 Elk Rapids Township Zoning Ordinance shall apply.
- b. Corner lots shall have extra width to permit appropriate front yard building setback from both streets.

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, that enhance the attractiveness of the community (such as streams, water courses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the subdivision.
- c. Lands subject to flooding or otherwise determined by the Township to be uninhabitable should not be platted for residential, commercial or industrial purposes. Such lands within a subdivision may be set aside for other purposes such as parks and/or open spaces.

Section 8 – SUBMISSION OF PRELIMINARY PLAT FOR FINAL APPROVAL

- A. The applicant shall hereafter submit copies of a proposed preliminary plat to the Township Board for final approval shall submit the following relevant data and fees:
 - 1. Evidence that all requirements imposed by the review entities and agencies listed in the Land Division Act and the Township Board at the time of granting tentative approval have been incorporated into the proposed plan.
 - 2. Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private roads within and adjoining said plat. Prior to submitting copies of the preliminary plat to the Township Board for final approval, the developer shall document consultation with all public utilities which will be servicing the subdivision to resolve any conflicts in location between public utility facilities and other improvements.
 - 3. Fees to accompany preliminary plat for final approval as established in the Township Fee Resolution Schedule.

Section 9 – PRELIMINARY PLAT - FINAL APPROVAL

- A. The applicant shall submit to the Township Clerk a list of all authorities required to review the application by Sections 113 to 119 of the Land Division Act; and shall submit written approvals from those authorities.
- B. The Township Board shall consider the preliminary plat at its next meeting or within 20 days from the date of submission, and approve it if the applicant has met all conditions laid down by the Township.
- C. The Township Clerk shall promptly notify the applicant of approval or rejection in writing; and if rejected, reasons shall be provided.
- D. Final approval expires after two years, but may be extended if requested and granted in writing. The Township shall forward any extension in writing to other approving authorities.
- E. In review of the application, the Township Board shall determine whether said proposed preliminary plat complies with the requirements imposed by the Township at the time of tentative approval; has obtained the required statutory approval of other governmental agencies and in addition, meets the following requirements:
 - 1. All road grades shall be per the standards and specification of the Antrim County Road Commission.
 - 2. All grades shall be per the standards and specifications of the Antrim County Road Commission.
 - 3. All road right-of-ways within or abutting such plat shall be constructed per the standards and specifications of the Antrim County Road Commission.
 - 4. All rights-of-way shall be per the standards and specifications of the Antrim County Road Commission. Tree and obstruction removal may be varied or adjusted by the Township Board upon recommendation of the Zoning Administrator 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 as per the standards and specification of the Antrim County Road Commission. Temporary dead-end streets shall be provided per the standards and specifications of the Antrim County Road Commission.
 - 6. All surface water 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 must not be spaced further apart than 300 feet except upon express approval of the Township Board, upon recommendation of the Township Planner, to be granted 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 so spaced that water shall not be required to run on the surface of the road further than 250 feet to such basin, or so spaced as to afford equivalent and sufficient. The determination of what is equivalent and sufficient drainage shall be left to the Township Board upon the recommendation of the Township Planner.

7. Connection to sanitary sewers and/or water mains may be required by the Township Board when the Township Board determines in its discretion that said sewers and/or water mains are reasonably available to the proposed subdivision.
8. In the discretion of the Township Board, 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 the residential subdivided area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. 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 not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. Private easements for underground utilities shall be shown on the preliminary plat.
9. Storm water disposal methods proposed for the subdivision must 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 land within the subdivision may be isolated from a public highway nor may any adjoining land of the proprietor or others be isolated from a public thoroughfare thereby creating land-locked parcels.
11. Street lighting may be required by the Township Board when it determines that street lighting is necessary for public, health, safety and welfare.
12. Sidewalks may be required by the Township Board when it determines that sidewalks are necessary for pedestrian safety, public health, and welfare. When required, sidewalks shall be constructed of concrete, four feet in width, four inches in depth, upon a two inch minimum sand base with expansion joints set at a minimum of 50 feet; sidewalks built across driveways shall be constructed of concrete, six inches in depth.
13. If the Township Board determines that the preliminary plat has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth above in this Ordinance, the Township Board shall grant final approval of the preliminary plat.

Section 10 – SUBMISSION OF FINAL PLAT FOR FINAL APPROVAL

The applicant shall hereafter submit a proposed final plat to the Township Board for final approval and shall also submit the following relevant data and fees:

- A. An abstract of title or title insurance policy showing merchantable title in the proprietor of the subdivision.
- B. A fee to accompany final plat for final approval as provided in the Township Fee Resolution Schedule.

Section 11 – FINAL PLAT - FINAL APPROVAL

The Township Board shall review the proposed final plat and determine that:

- A. All monuments required to be placed in the subdivision have either been placed or a cash or equivalent deposit has been made with the Township and deposit agreement executed by the proprietors.
- B. All roads, streets, bridges and culverts have been completed and installed or a cash or equivalent deposit has been made with the Township and a deposit agreement executed by the proprietors.
- C. If the subdivision has any waterways or lagoons, etc., as set forth in Section 188 of the Land Division Act, that all such waterways, etc., shall be installed or a cash or equivalent deposit made to the Township and a deposit agreement executed by the proprietors.
- D. If any flood plains are involved in the proposed subdivision, then such flood plains shall be restricted as provided by the Land Division Act 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.
- E. All utilities serving the plat have been installed and water and sanitary sewer mains have been stubbed to the lot line or a cash or equivalent deposit has been made with the Township Board sufficient in amount to insure completion thereof within the time specified and a deposit agreement executed by the proprietors.
- F. 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 as private easements for public utilities or easements provided by separate instrument. Easement across lots or centered on rear or side lot lines provided for each lot or parcel, except side lot easements three feet wide granted for street lighting drop-outs. These easements should be direct and continuous from block to block.
- G. All public improvements such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the Township, have been completed and installed or a cash or equivalent deposit has been made with the Township sufficient in amount to insure completion within the time specified and a deposit agreement executed by the proprietors.
- H. The proposed final plat complies with all applicable State statutes and Township ordinances and has received the requisite statutory approval of other governmental agencies.
- I. That the dedication is executed by all required owners.

Section 12 – PENALTY IN CASE OF FAILURE TO COMPLETE THE CONSTRUCTION OF A PUBLIC IMPROVEMENT

In the event the applicant shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the security deposit which the applicant has deposited with the Township or it may take such steps as may be necessary to require performance in accordance with the deposit agreement executed by the proprietors.

Section 13 – SUBDIVISION LOT DIVISION

After a subdivision has been recorded, platted lots may thereafter be partitioned or divided with the approval of the Township Board into not more than four parts, provided that the resulting lots or parcels or combinations or portions of two or more divided lots shall not be less in width or size than the more restrictive of this Ordinance, the Township Zoning Ordinance or the State Land Division Act of 1967, and provided further that such resulting lots shall each have direct access to a public roadway or private roadway constructed to the standards of this Ordinance, and also to public utilities necessary or required to service such lot, and provided further, that all such resulting lots shall conform in all particulars to the requirements of the Michigan Land Division Act of 1967 and all Township Ordinances.

Section 14 – VARIANCE PROCEDURE

Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance, the Township Board shall have power in passing upon proposed subdivisions to vary or modify minor terms and provisions of this Ordinance so that the spirit of the Ordinance shall be observed and public health, safety and welfare secured.

Section 15 – ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 90 days or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Township Board from taking such lawful action as is necessary to restrain or prevent any violations of this Ordinance or the Michigan Land Division Act.

Section 16 – EFFECTIVE DATE

This Ordinance is ordered to take effect thirty (30) days following publication of adoption in the Elk Rapids News, a newspaper having general circulation in the Township.

William White
Township Supervisor

Carolyn Boals
Township Clerk

Adopted: 10-15-1991

Re-adopted: May 10, 2011

Effective: June 19, 2011