

**SUBDIVISION ORDINANCE
TOWNSHIP OF HOWELL, MICHIGAN
Ord. No. 2 eff. July 11, 1975**

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

THE TOWNSHIP OF HOWELL ORDAINS:

**ARTICLE I
GENERAL PROVISIONS**

Section 1.1 SHORT TITLE.

This Ordinance shall be known and may be cited as the ^AHowell Township Subdivision Ordinance.[@]

(Ord. No. 2 eff. July 11, 1975)

Section 1.2 PURPOSE.

The purpose of this Ordinance is to regulate and control the subdivision of land within the Township of Howell, in order to promote the safety, public health, and general welfare of the community. These regulations are specifically designed to:

- A. Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies.
- B. Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities.
- C. Achieve individual property lots of maximum utility and livability.
- D. Insure adequate provisions for water, drainage, and sanitary sewer facilities, and other health requirements.
- E. Plan for the provision of adequate recreational areas, school sites, and other public facilities.

(Ord. No. 2 eff. July 11, 1975)

Section 1.3 LEGAL BASIS.

This Ordinance is enacted pursuant to the statutory authority granted by the Subdivision Control Act of 1967, Act 288, P.A. 1967; Land Division Act, as amended; Act 191, P.A. 1939 providing for publication of Ordinances; Act 246, P.A. 1945, as amended, authorizing Township Boards to adopt Ordinances and regulations to secure the public health, safety and general welfare.

(Ord. No. 2 eff. July 11, 1975)

Section 1.4 SCOPE.

This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except for the further dividing of lots. Nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, Ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants, or other private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other Ordinance of this Township, the provisions of this Ordinance shall control.

(Ord. No. 2 eff. July 11, 1975)

Section 1.5 ADMINISTRATION.

The approval provisions of this Ordinance shall be administered by the Township Board in accordance with Act 288, P.A. 1967 Land Division act as Amended.

(Ord. No. 2 eff. July 11, 1975)

Section 1.6 SCHEDULE OF FEES.

The schedule of fees for review of plats shall be as determined by resolution of the Township Board.

(Ord. No. 2 eff. July 11, 1975)

ARTICLE II DEFINITIONS

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

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

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

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

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

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

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

Howell Township Comprehensive Development Plan: A plan adopted by the Township for the physical development of the Township showing the general location for major streets, parks, schools, public building sites, lane use and other similar information. The plan may consist of maps, data, and other descriptive matter.

County Drain Commissioner: The Livingston County Drain Commissioner.

County Health Department: The Livingston County Health Department.

County Plat Board: The Livingston County Plat Board.

County Road Commission: the Livingston County Road Commission.

Date of filing:

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

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

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

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

Governing Body (or Township Board): The Township Board of the Township of Howell.

Green belts or buffer parks: A strip or parcel of land, privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the residential environment.

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

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

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

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

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

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

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

Planning Commission: The Planning Commission of the Township of Howell as established under Act 184, Public Acts of 1959, as amended.

Planned Unit Development or Planned Neighborhood Development Ordinance: 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.

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

(A) **Pre-preliminary plat:** An informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.

(B) **Preliminary plat:** A map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.

(C) **Final plat:** A map of a subdivision of land made up in final form ready for approval and recording.

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

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

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

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

Replat: The process of changing the map or plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an out lot within a recorded subdivision plat without changing the exterior boundaries of the out lot is not a replat.

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

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

Sketch plan: A pre-preliminary plat.

Street: A right-of-way which provides for vehicular and pedestrian access to abutting or through properties.

- (A) **Freeway:** Those streets designed for high speed, high volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.
- (B) **Expressway:** Those streets designed for high speed, high volume traffic, with full or partially controlled access, some grade crossings but no driveway connections.
- (C) **Parkway:** A street designed for noncommercial, pleasure-oriented traffic moving at moderate speeds, between and through scenic areas and parks.
- (D) **Arterial street:** Those streets of considerable continuity which are used or may be used primarily for fast or heavy traffic.
- (E) **Collector street:** Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.
- (F) **Cul-de-sac:** A minor street of short length having one end terminated by a vehicular turnaround.

(G) **Marginal access street:** A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic and not carrying through traffic.

(H) **Minor street:** A street which is intended primarily for access to abutting properties.

(I) **Street width:** The shortest distance between the lines delineating the right-of-way of streets.

Subdivide or subdivision: The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his/her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five (5) or more parcels of land each of which are ten (10) acres or less in area; or five (5) or more parcels of land each of which are ten (10) acres or less in area are created by successive divisions within a period of ten (10) years.

Subdivision Control Act: Act 288, P.A. 1967 Land Division Act as amended, State of Michigan.

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

Township: The Howell Township of Livingston County.

Water Resources Commission: The Water Resources Commission of the Michigan Department of Natural Resources.

(Ord. No. 2 eff. July 11, 1975)

**ARTICLE III
PLATTING PROCEDURE AND DATA REQUIRED**

Section 3.1 PRE-APPLICATION CONTACT AND SKETCH PLAN.

A. Purpose:

- 1) To provide guidelines for the subdivider concerning development policies of the Township.
- 2) To acquaint the subdivider with the platting procedures and requirements of:
 - (a) The Township Board and Planning Commission.
 - (b) Other agencies.
- 3) To provide the Planning Commission and other affected agencies with general information concerning the proposed development.
- 4) To accept the sketch plan does not assure acceptance of the preliminary plat.

B. Requirements:

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

C. **Procedure:**

- 1) The subdivider shall submit two (2) copies of the pre-preliminary plat to the Township Clerk ten (10) days before the next meeting of the Planning Commission.
- 2) The Township Clerk shall transmit the two (2) copies of the pre-preliminary plat to the Secretary of the Planning Commission within three (3) days of receipt.
- 3) The Planning Commission will review the plan with the subdivider or his agent. The Planning Commission may also require that copies of the pre-preliminary plat be submitted to other affected public agencies for review.
- 4) The Planning Commission shall inform the subdivider or his agent of the Township's development policies and make appropriate comments and suggestions concerning the proposed development scheme.
- 5) The Planning Commission shall inform the Township Board of the results of the review of the pre-preliminary plat.

(Ord. No. 2 eff. July 11, 1975)

Section 3.2 PRELIMINARY PLATS.

For approval under Sections 112 to 120 of the Subdivision Control Act.

A. **Requirements.**

- 1) **Submittal.** The subdivider shall submit ten (10) copies of the preliminary plat on a topographic map to the Township Clerk at least ten (10) days before a meeting of the Planning Commission.
- 2) **Size and scale.** The preliminary plat may be on paper and shall be not less than 24 inches by 36 inches, at a scale of at least one (1) inch to one-hundred (100) feet showing the date and north arrow.

3) **Information required.** The following shall be shown in the preliminary plat or submitted with it:

- (a) The name of the proposed subdivision.
- (b) Names, addresses, and telephone numbers of the subdivider and the surveyor preparing the plat.
- (c) Location of the subdivision, giving the numbers of the section, township and range, and the name of the township and county.
- (d) The names of abutting subdivisions.
- (e) Statement of intended use of the land described on the proposed plat, such as, residential single-family, two-family and multiple housing; commercial; industrial; recreational; or agricultural. Also proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other non-public uses exclusive of single-family dwellings. Also, any sites proposed for parks, playgrounds, schools, or other public uses.
- (f) A map of the entire area scheduled for development, if the proposed plat is a portion of a larger holding intended for subsequent development.
- (g) A location map showing the relationship of the proposed plat to the surrounding area.
- (h) The land use and existing zoning of the proposed subdivision and the adjacent tracts.
- (i) Streets, street names, right-of-way and roadway widths.
- (j) Lot lines and the total number of lots by block.
- (k) Contours shall be shown on the preliminary plat at five (5) foot intervals where slope is ten percent (10%) or less.
- (l) A site report as required in the rules of the State Department of Public Health. The requirement for a site report if the proposed subdivision is not to be served by public sewer and water systems.
- (m) Proposed and existing storm and sanitary sewers, water mains and their respective profiles, or indicate alternative methods.
- (n) Ten (10) copies of proposed protective covenants and deed restrictions, or state in writing that none are proposed.
- (o) Right-of-way easements, showing location, width and purpose.

4) **Preliminary engineering plans.** The subdivider shall submit ten (10) sets of preliminary engineering plans for streets, water, sewers, sidewalks, and other required public improvements. The engineering plans shall contain enough information and detail to enable the Planning Commission to make preliminary determination as to conformance of the proposed improvements to applicable Township regulations and standards.

B. Procedures.

1) **Validation.** The subdivider shall first submit to the Township Clerk for validation ten (10) copies of the preliminary plat to meet the requirements of Sections 112(l) and/or 113 to 119 of the Subdivision Control Act. The subdivider shall also submit a written application for approval and also the fee established by this Ordinance for review of plats.

2) **Tentative Approval.** Once the subdivider has submitted the required copies to the Township Clerk, the Clerk shall forward the copies of the plat to the Secretary of the Planning Commission, within three (3) days, for their study and tentative approval.

(a) The Planning Commission will distribute the plan to those related departments involved in providing public services for their review and comment. The Planning Commission in its report to the Township Board shall advise the Township Board of these comments.

(b) Once the Planning Commission has reviewed the preliminary plat, the Planning Commission shall hold a public hearing and publish in a local newspaper a notice of public hearing at least eight (8) days prior to the date set to the public hearing.

(c) 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 tentatively approved by the Planning Commission.

(d) Within thirty (30) days from the date of Planning Commission action, the Township Board shall tentatively approve and note its approval on the preliminary plat to be returned to the subdivider, or set forth in writing, its reasons for rejection and requirements for tentative approval.

(e) Tentative approval under this section shall confer upon the subdivider for a period of one (1) year from date, approval of lot sizes, lot orientation and street layouts. Such tentative approval may be extended if applied for by the subdivider and granted by the governing body in writing.

- 3) **Distribution to authorities.** Upon receipt of tentative approval by the Township Board, the subdivider shall submit to the various approving authorities the number of validated copies of the preliminary plat required by Sections 112 to 119 of the Subdivision Control Act. The Township Clerk shall transmit a copy of the preliminary plat to the County Planning Department and the appropriate Soil Conservation District for their technical review and recommendation and transmit a copy to the School Board having jurisdiction in the area where the plat is located.
- 4) **List of authorities - filing.** The subdivider shall file with the Township Clerk a list of all authorities to whom validated copies of the preliminary plat have been distributed.

C. Actions.

1) Preliminary plat review by governing body - final approval.

- a) The subdivider shall file a valid preliminary plat, as tentatively approved by the Township Board, with the Township Clerk together with a certified list of all authorities required for approval in Sections 112 to 119 of the Subdivision Control Act. The subdivider shall also provide approved copies of plats from each of the required authorities along with any additional required information, application form, and fees.
- b) The Township Board shall take action on the preliminary plat at their next regular meeting or, within twenty (20) days of the submission of all necessary approved plats.
- c) If the preliminary plat conforms substantially to the plat tentatively approved by the Township Board and meets all conditions laid down for tentative approval, the Township Board shall give final approval to the preliminary plat.
- d) The Township Clerk shall promptly notify the subdivider of approval or rejection in writing; if rejected, reasons shall be given and shall be recorded in the minutes pertaining thereto. A copy of the minutes shall be sent to the subdivider.

D. Conditions and duration of approval.

1) Conditions.

- a) Approval of a preliminary plat shall not constitute approval of the final plat, but rather that final plat approval shall be conditioned on all requirements being met.

2) Duration.

- a) Approval of the preliminary plat by the Township Board shall be for a period of two (2) years from the date of its approval after approval by the other required authorities.
- b) The Township Board may extend the two (2) year period if applied for and granted in writing but only concerning its own requirements.

(Ord. No. 2 eff. July 11, 1975)

Section 3.3 FINAL PLATS.

A. Requirements.

1) General.

- a) Final plats shall be prepared and submitted as provided for in the Subdivision Control Act.
- b) A written application for approval and the recording fee shall accompany all final plats.
- c) The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to the date of the proprietor=s certificate, or policy of title insurance currently in force.
- d) The Township Board may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

2) Time of Submittal.

- a) Final plats shall be submitted to the Township Clerk at least ten (10) days before a meeting of the Planning Commission.

B. Procedures.

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

- a) **Livingston County Road Commission.** For approval or rejection.
- b) **Livingston County Drain Commissioner.** For approval or rejection.
- c) **Livingston County Health Department.** For issuance of a letter of approval or rejection.
- d) **Livingston County Planning Commission** (through the Township Clerk). For recommendations to the Township Board.
- e) **Township Clerk.** For approval or rejection by the Township Board.

C. Actions.

1) Planning Commission.

- a) The Planning Commission shall examine the plat at its next regular meeting, or within thirty (30) days of receipt thereof, for conformance to:
 - 1) The provisions of the Subdivision Control Act/Land Division Act.
 - 2) The provisions of this Ordinance.
 - 3) The preliminary plat, as approved.
- b) The time for review and recommendations by the Planning Commission may be extended by agreement with the subdivider.
- c) If the Planning Commission recommends disapproval of the plat by the Township Board, it shall state its reasons in its official minutes and forward same to the Township Board, and recommend that the Township Board disapprove the final plat until the objections causing disapproval have been changed to meet with the approval of the Planning Commission.
- d) Recommendations for approval of the plat by the Township Board shall be accompanied by a report.

2) Township Board.

- a) The Township Board shall review the final plat and the report from the Planning Commission at its next regular meeting, or at a meeting to be called within twenty (20) days of receipt from the Planning Commission.
- b) The Township Board shall approve the plat, or disapprove it. If disapproved, the Township Board shall give the subdivider its reasons in writing and rebate the recording fee and whatever portion of the review fee is provided for in this Ordinance.
- c) 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 municipal certificate on the approved plat in behalf of the Township Board.

3) Improvements and facilities required by the Township.

- a) The Township Board may require all improvements and facilities to be completed before it approves the final plat.
- b) If improvement and facilities are not required to be completed by the Township Board before plat approval, the final plat shall be accompanied by a contract between the subdivider and the Township Board for completion of all required improvements and facilities.
- c) Performance of the contract shall be guaranteed by a cash deposit, certified check, surety bond, or irrevocable bank letter of credit.
- d) The Township Board shall not require a bond duplicating any bond required by another governmental agency.
- e) Such surety shall be rebated or credited to the account of the subdivider as the work progresses, as included in a written agreement between the Township and the subdivider.

(Ord. No. 2 eff. July 11, 1975)

**ARTICLE IV
SUBDIVISION DESIGN STANDARDS**

Section 4.1 TRAFFIC WAYS - STREETS AND ROADS.

- A. **General.** The standards set forth in this Ordinance shall be the minimum standards for streets, roads, and intersections. Any higher standards adopted by the Road Commission shall prevail. Generally, all streets shall be dedicated to public use. Arterial streets shall be dedicated to public use in all cases.
- B. **Location.**
- 1) **Street location and arrangement.** When a major street plan has been adopted, subdivision streets shall be required to conform to the plan.
 - 2) **Minor streets.** Such streets shall be so arranged as to discourage their use by through traffic.
 - 3) **Street continuation and extension.** The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions, unless otherwise approved by the Planning Commission and the Livingston County Road Commission.
 - 4) **Stub streets.** Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas. (See Section 4.7B)
 - 5) **Relation to topography.** Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable gradients.
 - 6) **Alleys.** Alleys shall not be permitted in areas of detached single or two-family residences. Alleys shall be provided in multiple dwellings or commercial subdivisions unless other provisions are made for service access, off-street loading, and parking. Dead-end alleys shall be prohibited.

- 7) **Marginal access streets.** Where a subdivision abuts or contains an arterial street, the Township may require:
- a) Marginal access streets approximately parallel to and on each side of the right-of-way.
 - b) Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
- 8) **Cul-de-sac streets.** Cul-de-sacs shall not be more than 600 feet in length. Special consideration shall be given to longer cul-de-sacs under certain topographic conditions or other unusual situations. Cul-de-sacs shall terminate with an adequate turnaround with a minimum radius of seventy-five (75) feet for right-of-way and fifty (50) feet for pavement. Not more than two (2) platted lots shall be allowed to be located on the terminus of a cul-de-sac.
- 9) **Half streets.** Half streets shall generally be prohibited except where unusual circumstances make it essential to the reasonable development of a tract in conformance with these regulations and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract, according to the requirements of the Livingston County Road Commission.
- 10) **Private streets.** Private streets and roads shall be prohibited.

C. **Specifications.**

- 1) **Street right-of-way roadway widths.** Street and road right-of-way and roadway widths shall conform to the adopted Major Street Plan and the rules of the Livingston County Road Commission and the State Department of Highways.
- 2) **Street gradients.**
- a) Maximum grades. Street grades shall not exceed five percent (5%) on either minor streets or collector streets.
 - b) Minimum grades. No street grade shall be less than zero point five percent (0.5%).

- D. **Street names.** Street names shall not duplicate any existing name in Livingston County, except where a new street is a continuation of an existing street.

Street names that may be spelled differently but sound the same shall also be avoided.

Duplications can be avoided by checking new street names with the Livingston County Road Commission master listing.

All new streets shall be names as follows: Streets with predominant north-south directions shall be named "Avenue" or "Road"; streets with predominant east-west direction shall be named "Street" or "Highway"; meandering streets shall be named "Drive," "Lane," "Path," or "Trail"; and cul-de-sacs shall be named "Circle," "Court," "Way," or "Place."

(Ord. No. 2 eff. July 11, 1975)

Section 4.2 INTERSECTIONS.

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

(Ord. No. 2 eff. July 11, 1975)

Section 4.3 PEDESTRIAN WAYS.

A. Public walkways.

- 1) Location of public walkways or crosswalks may be required by the Planning Commission to obtain satisfactory pedestrian circulation within a subdivision where blocks exceed 900 feet in length.
- 2) Right-of-way widths of public walkways shall be at least twelve (12) feet and shall be in the nature of an easement for this purpose.
- 3) The surface of the walkways shall be developed in concrete. Planting pockets shall be provided in public walkways for trees and shrub planting. The planting plan and surface treatment shall meet the approval of the Planning Commission.

B. Sidewalks. Sidewalks shall be provided on the sides of all road right-of-ways adjacent to the subdivision being developed by the subdivider. In those instances where no good purpose would be served, the Township Board may waive this requirement. All sidewalks shall be made of concrete five (5) feet wide, four (4) inches thick, and located one (1) foot from the property line.

(Ord. No. 2 eff. July 11, 1975)

Section 4.4 EASEMENTS.

- A. Location.** Easements shall be provided along rear lot lines for utilities and also along side lot lines when necessary. The total width shall not be less than six (6) feet along each lot, or a total of twelve (12) feet for adjoining lots. (See also Section 4.6 for backup lots.)
- B. Drainage way.** The subdivider shall provide drainage way easements as required by the rules of the Livingston County Drain Commissioner.

(Ord. No. 2 eff. July 11, 1975)

Section 4.5 BLOCKS.

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

(Ord. No. 2 eff. July 11, 1975)

Section 4.6 LOTS.

- A. **Conform to zoning.** The lot width, depth, and area shall not be less than the particular district requirements of the Zoning Ordinance except where out lots are provided for some permitted purpose.
- B. **Lot lines.** Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.
- C. **Width related to length.** Narrow deep lots shall be avoided. The depth of a lot generally shall not exceed two and one half (2½) times the width as measured at the building line.
- D. **Corner lots.** Corner lots shall have extra width to permit appropriate building setbacks from both streets or orientation to both streets. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.
- E. **Uninhabitable areas.** Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes, or for uses that may in the judgement of the Planning Commission increase the danger to health, life, or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as parks or other open space.
- F. **Back-up lots.** Lots shall back into such features as freeways, arterial streets, shopping centers, or industrial properties, except where there is a marginal access street, unless a secondary access is provided. Such lots shall contain a landscaped easement along the rear at least twenty (20) feet wide in addition to the utility easement to restrict access to the arterial street to minimize noise and to protect outdoor living areas. Lots extending through a block and having frontages on two (2) local streets shall be prohibited.
- G. **Lot frontage.** All lots shall front upon a publicly dedicated street. Variances may be permitted for approved planned community or planned neighborhood developments.
- H. **Future arrangements.** Where parcels of land are subdivided into unusually large lots (such as when large lots are required for septic tank operations), the parcels shall be divided, where feasible, so as to allow for resubdividing into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever such future resubdividing or lot splitting is contemplated, the plan thereof shall be approved by the Planning Commission prior to the taking of such action.

- I. **Lot division.** The division of a lot in a recorded plat is prohibited, unless approved following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in area than permitted by the Township or County Zoning Ordinance. No building permit shall be issued, or any building construction commenced, until the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the County or District Health Department. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

- J. **Division of unplatted parcel.** The division of an unplatted parcel of land into two (2), three (3), and four (4) lots involving the dedication of a new street shall require the approval of the Township Board prior to taking such action. All such applications shall be made in writing and shall be accompanied by a drawing of the proposed division. No building or occupancy permit shall be issued in such cases until the Township Board has approved the division of such land.

(Ord. No. 2 eff. July 11, 1975)

Section 4.7 PLANTING STRIPS AND REVENUE STRIPS.

- A. **Planting strips.** Planting strips may be required to be placed next to incompatible features such as highways, railroads, commercial, or industrial uses to screen the view from residential properties. Such screens shall be a minimum of twenty (20) feet wide, and shall not be a part of the normal roadway right-of-way or utility easement.

- B. **Reserve strips.**
 - 1) **Reserve strips - private.** Privately-held reserve strips controlling access to streets shall be prohibited.

 - 2) **Reserve strips - public.** A one (1) foot reserve may be required to be placed at the end of **astub@** or **adead-end@** streets which terminate at subdivision boundaries and between half-streets. These reserves shall be deeded in a fee simple to the Township for future street purposes.

(Ord. No. 2 eff. July 11, 1975)

Section 4.8 PUBLIC SITES AND OPEN SPACES.

- A. **Public uses.** Where a proposed park, playground, school, or other public uses shown on the Comprehensive Development Plan is located in whole or in part within a subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase.

If within two (2) years of plat recording, the purchase is not agreed on, the reservation may be cancelled or shall automatically cease to exist.

- B. **Natural features.** Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots, and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision.

(Ord. No. 2 eff. July 11, 1975)

Section 4.9 LARGE SCALE DEVELOPMENTS.

- A. **Modification.** This Ordinance may be modified in accordance with Article VI in the case of a subdivision large enough to constitute a complete community or neighborhood, consistent with the Comprehensive Development Program which provides and dedicates adequate public open space and improvements of the circulation, recreation, education, light, air, and service needs of the tract when fully developed and populated.

- B. **Neighborhood characteristics.** A community or neighborhood under this provision shall generally be consistent with the Comprehensive Plan and contain five hundred (500) living units or more, contain or be bounded by major streets or natural physical barriers as necessary, and shall contain reserved areas of sufficient size to serve its population for schools, playgrounds, parks, and other public facilities. Such reserves may be dedicated.

(Ord. No. 2 eff. July 11, 1975)

Section 4.10 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS.

- A. **Commercial or industrial modification.** These subdivision design standards may be modified in accordance with Article VI in the case of subdivisions specifically for commercial or industrial development, including shopping districts, wholesaling areas, and planned industrial districts. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation.

(Ord. No. 2 eff. July 11, 1975)

**ARTICLE V
SUBDIVISION IMPROVEMENTS**

Section 5.1 PURPOSE.

It is the purpose of this section to establish and define the public improvements which will be required to be constructed by the subdivider as conditions for final plat approval and also to outline the procedures and responsibilities of the subdivider and the various public officials and agencies concerned with the administration, planning design, construction, and financing of public facilities, and to further establish procedures for assuring compliance with these requirements.

(Ord. No. 2 eff. July 11, 1975)

Section 5.2 RESPONSIBILITY FOR PLANS.

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered engineer, a complete set of construction plans, including profiles, cross-section, specifications, and other supporting data, for the hereinafter required public streets, utilities, and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies shown. All construction plans shall be prepared in accordance with their standards or specifications.

(Ord. No. 2 eff. July 11, 1975)

Section 5.3 PROCEDURE.

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

(Ord. No. 2 eff. July 11, 1975)

Section 5.4 REQUIRED PUBLIC IMPROVEMENTS.

Every subdivider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

- A. **Monuments.** Monuments shall be set in accordance with the State Subdivision Control Act of 1967, Act No. 288 of the Public Acts of 1967, and the rules of the State Department of Treasury.
- B. **Streets and alleys.** All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the Livingston County Road Commission.
- C. **Curbs and gutters.** Curbs and gutters shall be required on all neighborhood access streets and minor streets and shall be constructed in accordance with the standards and specifications adopted by the Livingston County Road Commission.
- D. **Installation of public utilities.** Public utilities and driveways shall be located in accordance with the rules of the Livingston County Road Commission. The underground work for utilities shall be stubbed to the property line. The subdivider shall make arrangements for all distribution lines for telephone, electric and cable television service to be placed underground entirely throughout a subdivided area, and such conduits or cables shall be placed within private easements provided to such service companies by the subdivider or within dedicated public ways. Those telephone and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. The proposed location of all underground wiring shall be submitted to the appropriate utility for approval. Installation shall not proceed until such approval has been granted. All telephone and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the subdivider.
- E. **Driveways.** All driveway aprons shall be hard surfaced as specified by the Livingston County Road Commission or the Department of State Highways.
- F. **Storm drainage.** An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the Livingston County Drain Commissioner.

Construction shall follow the specifications and procedures established by the Livingston County Drain Commissioner. All proposed storm drainage construction plans for proposed plats shall be approved by the Livingston County Drain Commissioner.

- G. **Water supply system.** When a proposed subdivision is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the subdivider.

If there is no existing or accessible public water supply system, the subdivider may be required to install a water supply system for the common use of the lots within the subdivision in accordance with the requirements of Act 98, P.A. 1913, as amended. The system provided shall be turned over to the Township for operation and maintenance.

Individual wells may be permitted in accordance with the requirements of the Livingston County Health Department.

- H. **Sanitary sewer system.** When a proposed subdivision is to be serviced by a public sanitary sewerage system, sanitary sewers and other required appurtenances thereto shall be provided by the subdivider. Sewer systems shall comply with the requirements of Act 98, P.A. 1913, as amended.

If there is no existing or accessible public sewer system, a sewer system for the common use of the lot owners may be required to be provided by the subdivider, if feasible in the judgment of the Planning Commission with the advice of the Township Engineer and County Health Department and shall comply with the requirements of Act 98, P.A. 1913, as amended. Where it is determined in the judgment of the Planning Commission, with the advice of the Township Engineer and the Livingston County Health Department, that a subdivision cannot be economically connected with an existing public sewer system or that a public sewer system cannot be provided for the subdivision itself, then approved septic tanks and disposal fields may be approved which shall comply with the requirements of the Livingston County Health Department.

However, where studies by the Township Planning Commission or the Township Engineer indicate that construction or extension of sanitary truck sewers to serve the property being subdivided appears probable within a reasonably short time (up to three (3) years), sanitary sewer mains and house connections shall be installed and capped.

- I. **Street name signs.** Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the Livingston County Road Commission.
- J. **Street light requirements.** As a result of the propensity for crime rates to decrease where street lighting is installed, street lights shall be required to be installed at intervals of not less than one (1) street light every two hundred fifty (250) feet of roadway.

(Ord. No. 2 eff. July 11, 1975)

Section 5.5 OPTIONAL PUBLIC IMPROVEMENTS.

- J. **Recreational.** For every lot platted, one-tenth (0.1) of an acre shall be dedicated to either the subdivision lot owners or to the Township of Howell for purposes of development of recreational areas. On platted subdivisions of less than ten (10) lots, this requirement may be waived. The proprietor of all subdivisions shall provide the Township Planning Commission with a copy of all deed restrictions and easements in order that the Planning Commission might ascertain that recreational areas will be maintained by the lot owners.
- K. **Greenbelts.** It is desirable for the protection of residential properties to have greenbelts or landscaped screen plantings located between a residential development and adjacent major arterial streets and railroad right-of-ways. Where a subdivider desires to protect his development in this respect, a proposed subdivision plat shall show the location of said greenbelts.
- L. **Street trees.** Street trees of a variety and size in accordance with the standards adopted by the Township may be planted between the street curb and sidewalk. The location of street trees shall be approved by the Livingston County Road Commission.
- M. **Water supply.** When a proposed subdivision is located within, adjacent to or reasonably near the service area of a public water supply system, water mains, fire hydrants, required water system appurtenances shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat, both for domestic use and fire protection. In the event of the nonexistence or nonavailability of a public water supply system, a subdivision water supply system equal to the above shall be installed by the subdivider unless proof is available making such a system not feasible as determined by the appropriate health authorities.

(Ord. No. 2 eff. July 11, 1975)

Section 5.6 GUARANTEE OF COMPLETION OF IMPROVEMENTS REQUIRED BY THE TOWNSHIP.

A. **Financial guarantee arrangements, exceptions.** In lieu of the actual installation of required public improvements, the Township Board, on recommendation of the Planning Commission, may permit the subdivider to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of the Livingston County Road Commission, Livingston County Drain Commissioner or any other agency responsible for the administration, operation and maintenance of the applicable public improvements. The Planning Commission may recommend and the Township Board may waive financial guarantees of performance under this Ordinance for sidewalks, street lights, or street trees. In case these improvements are specified, completion shall be required prior to the issuance of occupancy permits.

1) Performance or Surety Bond.

- a) **Accrual.** The bond shall accrue to the Township, covering construction, operation and maintenance of the specific public improvement.
- b) **Amount.** The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement, including contingencies, as estimated by the Township Board.
- c) **Term length.** The term length in which the bond is in force shall be for a period to be specified by the Township Board for the specific public improvement.
- d) **Bonding or Surety Company.** The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the Township Board.
- e) **Escrow Agreement.** The escrow agreement shall be drawn and furnished by the Township Board.

2) Cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit.

- a) **Treasurer, escrow agent or trust company.** A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the Township Board, shall accrue to the Township. These deposits shall be made with the Township Treasurer, or deposited with a responsible escrow agent, or trust company, subject to the approval of the Township Board.
- b) **Dollar value.** The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specific public improvement including contingencies, as estimated by the Township Board.

c) **Escrow time.** The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period to be specified by the Township Board.

d) In the case of cash deposits or certified checks, an agreement between the Township and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond, or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

B. **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 accomplishment of one of the following:

1) The construction of improvements required by this Ordinance shall have been completed by the subdivider and approved by the Township Board.

2) Surety acceptable to the Township shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.

C. **Special agreements.** A special agreement shall be entered into between the subdivider and the Township Board where street trees and street lights have been required by the Township Board.

D. **Inspection of public improvements under construction.** Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the Township Board shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.

E. **Penalty in case of failure to complete the construction of a public improvement.** In the event the subdivider 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 cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the Township Board and the subdivider.

(Ord. No. 2 eff. July 11, 1975)

ARTICLE VI
VARIANCES

Section 6.1 GENERAL.

The Township Planning Commission may recommend to the Township Board a variance from the provisions of this Ordinance on a finding that undue hardship may result from strict compliance with specific provisions or requirements of the Ordinance or that application of such 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 below, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the Planning Commission finds after a public hearing:

- A. That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this Ordinance would clearly be impracticable or unreasonable. In such cases the subdivider shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the Planning Commission.
- B. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- C. That such variance will not violate the provisions of the State Subdivision Control Act/Land Division Act.
- D. The Planning Commission shall include its findings and the specific reasons therefor in its report of recommendations to the Township Board and shall also record its reasons and actions in its minutes.
- E. That such variance will not have the effect of nullifying the interest and purpose of this Ordinance and the comprehensive development plan of this Township.

(Ord. No. 2 eff. July 11, 1975)

Section 6.2 TOPOGRAPHICAL - PHYSICAL LIMITATION VARIANCE.

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 subdivider because of unusual topography, other physical conditions, or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of this Ordinance, the Planning Commission may recommend to the Township Board that variance modification or a waiver of these requirements be granted.

(Ord. No. 2 eff. July 11, 1975)

Section 6.3 PLANNED UNIT DEVELOPMENT OR PLANNED NEIGHBORHOOD DEVELOPMENT VARIANCE.

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

- A. The proposed project will constitute a desirable and stable community development.
- B. The proposed project will be in harmony with adjacent areas.

(Ord. No. 2 eff. July 11, 1975)

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

Section 7.1 ENFORCEMENT.

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

(Ord. No. 2 eff. July 11, 1975)

Section 7.2 PENALTIES.

Penalties for failure to comply with the provisions of this Ordinance shall be as follows: Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor.

Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. The land owner, tenant, subdivider, builder who assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or of the Subdivision Control Act/Land Division Act.

(Ord. No. 2 eff. July 11, 1975)

**ARTICLE VIII
AMENDMENTS**

Section 8.1 PROCEDURES.

The Township Board may, from time to time, amend, supplement, or repeal the regulations and provisions of this Ordinance. A proposed amendment, supplement, or repeal may be originated by the Township Board, Township Planning Commission, or by petition. All proposals not originating with the Planning Commission shall be referred to it for a report thereon before any action is taken on the proposal by the Township Board.

(Ord. No. 2 eff. July 11, 1975)

**ARTICLE IX
MISCELLANEOUS PROVISIONS**

Section 9.1 VALIDITY.

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

(Ord. No. 2 eff. July 11, 1975)

Section 9.2 EFFECTIVE DATE.

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

(Ord. No. 2 eff. July 11, 1975)

Initial Publication: May 7th and May 14th, 1975
Date of Public Hearing: May 19th, 1975
Adoption by Planning Commission: December 18th, 1974
Adoption by Township Board: May 19th, 1975
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Effective Date: July 11th, 1975