

ERIE TOWNSHIP
ORDINANCE NO. 75

TOWNSHIP OF ERIE
MONROE COUNTY,
MICHIGAN

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PLANNING COMMISSION
AND ERIE TOWNSHIP
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ERIE TOWNSHIP
ORDINANCE NO. 75

TITLE

A Subdivision Regulations Ordinance enacted under Act 288, Public Acts of 1967, as amended, and act 168, Public Acts of 1959, as amended, of the State of Michigan establishing regulations governing the subdivision of land; providing standards, procedures and rules for the preparation and filing of plats, and to provide for preliminary and final approval or rejection of such plats by the Township of Erie, Monroe County, Michigan; and imposing penalties for the violation of this Ordinance.

The Township Board of the Township of Erie, County of Monroe, State of Michigan ordains:

ARTICLE I - TITLE AND PURPOSE

SECTION 100. SHORT TITLE:

This Ordinance shall be known and may be designated as the Township of Erie Subdivision Regulations Ordinance.

SECTION 101. PURPOSES:

The purposes of this Ordinance are to accomodate orderly growth and harmonious development of the community in accordance with Erie Township's General Development Plan, to secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of maximum utility and livability; to secure adequate provision for water supply, drainage and sanitary sewerage, and other health requirements; to secure adequate provisions for recreational areas, school sites and other public facilities; and, to provide logical procedures for the achievement of these purposes.

ARTICLE II - DEFINITIONS

SECTION 290. DEFINITIONS:

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

Administrator: Erie Township Building Inspector & Zoning Administrator.

Alley: A dedicated public way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Block: That property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, creek or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Clerk: The Township Clerk of the Township of Erie.

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.

Improvements: Grading, street surfacing, curbs and gutters, sidewalks, crosswalks, water mains, fire hydrants, sanitary sewers, storm sewers, culverts, bridges, and other additions to the natural state of land which increase its value, utility or habitability.

Lot: A parcel of land delineated from other parcels on a preliminary or recorded plat for the purpose of sale, lease, or separate use.

Major Streets or Thoroughfare Plan: The part of the General Develop-

ment Plan For Future Land Use which sets forth the location, alignment and right-of-way dimensions of existing and proposed streets and thoroughfares.

The Plan: The General Development Plan for the Township, including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, and all physical developments of the Township, including any unit or part of such plan separately adopted, and any amendment to such plan or parts thereof adopted by the Planning Commission.

Township Engineer or Engineer: The staff engineer or consulting engineer of the Township.

Township Planner or Planner: The staff planner or consulting planner of the Township.

Municipality: The Township of Erie

Person: Individual, partnership, firm, corporation, or association.

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

- a. Preliminary Plat (Stage 1): A map indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for review and to meet the requirements and procedures set forth in this Ordinance.
- b. Preliminary Plat (Stage 2): A map showing all requisite details of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration, prepared in conformance with the Subdivision Act.
- c. Final Plat: A map of all or part of a subdivision providing substantial conformance to the Preliminary Plat (Stage 2) of The Subdivision prepared in conformance with the requirements of the

Subdivision Act and this Ordinance and suitable for recording
by the County Register of Deeds.

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

Proprietor: A natural person, firm, association, partnership, corporation or combination of any of them, which may hold any ownership interest in land, whether recorded or not.

Public Reservation: A portion of a subdivision which is set aside for public use and made available for public use and acquisition.

Public Utility: Any person, firm or corporation, municipal department, board or commission, duly authorized to furnish, and furnishing under governmental regulations, to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

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

Road Commission: Board of County Road Commissioners, Monroe County, Michigan.

Sight Distance: The unobstructed vision on a horizontal plane along a street centerline from a driver-eye height of three feet nine inches (3.75 ft.) to an object not exceeding a height of six (6) inches.

Street: Any street, avenue, boulevard, road, lane parkway, viaduct, or other way which is an existing state, county, or municipal roadway; or, a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or, a street or way on a plat duly filed and recorded in the office of the County Register of Deeds. A street includes the land between the street right-of-way lines, whether im-

proved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas, and lawns.

- a. Major Thoroughfare: An arterial street of greater continuity which is intended to serve as a large volume trafficway for both the immediate Township area and region beyond.
- b. Secondary Thoroughfare: A street used primarily to carry traffic from minor streets to major thoroughfares.
- c. Minor Street: A street of limited continuity used primarily for access to abutting properties.
- d. Marginal Access Street: A minor street paralleling and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.
- e. Boulevard Street: A street developed to two (2) lane, one-way pavements, separated by a median.
- f. Turn-Around Street: A short boulevard street permanently terminated by a vehicular turn-around.
- g. Cul-de-Sac Street: A minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn-around.
- h. Loop Street: A minor street of short length with two openings to traffic beginning from the same street, and projecting parallel to each other and connecting at their termination by a loop.

Subdivision Act: The Subdivision Control Act, Michigan Public Acts 288 of 1967, as amended.

Subdivision: The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale,

or lease of more than one year, or of building development, where the act of division creates five or more parcels of land each of which is ten acres or less in area; or five or more parcels of land each of which is ten acres or less in area are created by successive divisions within a period of ten years.

Township Board: The Township Board of Erie, Monroe County, Michigan.

Words: Singular words shall include the plural, and masculine words shall include the feminine and neuter.

Zoning Ordinance: The Township of Erie Zoning Ordinance.

ARTICLE III - SUBDIVISION PROCEDURE

The preparation of a subdivision for platting shall be preceded by an initial investigation and shall go through two phases: Preliminary Plat (Stages 1 and 2) and Final Plat, all in accordance with the procedure as follows:

SECTION 300. INITIAL PLAT INVESTIGATION:

Prior to the preparation of a preliminary plat, it is suggested that the proprietor meet informally with the Township Departments concerned to investigate the procedure and standards of the Township with reference to this Subdivision Regulations Ordinance and with the proposals of The Plan as they affect the area in which the proposed subdivision is located. The proprietor should concern himself with the following factors:

1. The proprietor should secure a copy of the Zoning Ordinance, Subdivision Regulations, engineering specifications, and other similar ordinances or controls relative to the subdivision and improvement of land so as to make himself aware of the requirements of the Township.
2. The area for the proposed subdivision must be properly zoned for intended use and lot requirements.
3. An investigation of adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds in the area

of proposed subdivision should be made by the proprietor.

4. The relationship of the proposed subdivision with respect to major thoroughfares and plans for widening of thoroughfares, should be investigated by the proprietor.

5. Standards for sewage disposal, water supply and drainage of the Township should be investigated by the proprietor.

SECTION 301. PRELIMINARY PLAT (STAGE 1):

The procedure, under this stage 1, for preparation and submittal of a preliminary plat of the land area to be subdivided shall be as follows:

1. Filing:

a. Ten (10) copies of the preliminary plat (stage 1) of the proposed subdivision together with written application in triplicate, shall be submitted to the Clerk, who in turn shall forward a copy to the Administrator.

b. Submittal with the Clerk shall be at least ten (10) days prior to the regular Commission meeting (which meeting shall be considered as the date of filing) at which the proprietor will be scheduled to appear. Should any of the data required in this SECTION 301 of this ordinance be omitted, the administrator shall notify the proprietor of the additional data required prior to being placed on the Commission's agenda. The Commission shall act on the preliminary plat (stage 1) within thirty (30) days after the date of filing unless the proprietor agrees to an extension of time in writing.

2. Identification and Description: The preliminary plat (stage 1) shall include:

a. Proposed name of subdivision.

b. Location by section, town and range, or by other legal description.

- c. Names and addresses of the proprietor, owner proprietor, and planner, designer, engineer or surveyor who designed the subdivision layout. The proprietor shall also indicate his interest in the land.
- d. Scale of plat 1" = 100' as minimum acceptable scale.
- e. Date, northpoint.
- f. An overall area map at a scale of not less than 1" = 1000' showing the relationship of the subdivision to its surroundings within one-half ($\frac{1}{2}$) mile such as section lines or major streets or collector streets shall be provided.
- g. Boundary line of proposed subdivision, section or corporation lines within or adjacent to the tract and overall property dimensions.

3. Preparation:

The preliminary plat (stage 1) shall be drawn to scale and show the arrangement of lots, blocks and streets. Dimensions of all lots shall be shown. It is the intent of this Ordinance that the preliminary plat (stage 1) need not be done in precisely engineered plans but be only in sufficient detail to permit planning review. At this stage, the proprietor should expect that the Planning Commission may require major alterations to be made in the plat if it is found necessary.

4. Existing Conditions:

The preliminary plat (stage 1) shall include:

- a. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for subdivision, including those of areas across abutting roads.
- b. Location, widths and names of existing or prior platted streets and private streets and public or private easements within or ad-

adjacent to the tract being proposed for subdivision, including those located across abutting roads.

- c. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision.
- d. Topography shown on contour map with contour lines at sufficient intervals to permit determination of property grades and drainage.
- e. Location of existing buildings on the site and all buildings located on the adjacent property within 100' of the plat boundary. If the nearest building is more than 100' of the plat boundary, information relative to such building shall be furnished.
- f. Location of significant wooded areas on the site.

5. Proposed Conditions:

The preliminary plat (stage 1) shall include:

- a. Layout of streets indicating proposed street names, right-of-way widths, and connections with adjoining platted streets and also the widths and location of alleys, easements and public walkways.
- b. Layout, numbers and approximate dimensions of lots, including building setback lines showing dimensions.
- c. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.
- d. An indication of the ownership, and existing and proposed use of any parcels identified as "excepted" on the preliminary plat. If the proprietor has an interest or owns any parcel so identified as "excepted" the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.

- e. If the subdivision is not to be served by both public sewer and water, a site report shall be submitted as provided for in the rules of the Monroe County Health Department.
- f. In those instances where poor soil conditions are known to exist the proprietor shall furnish subsoil information to show the extent of such conditions. Such information may be required by the Planning Commission if such conditions are believed to exist.
- g. An indication of storm drainage proposed by a method acceptable to the Township Board and, if involving county drains, by methods acceptable to the County Drain Commissioner or Road Commission. This proposed drainage shall include provisions for sump pump, downspout, foundation and area drain discharges.
- h. In the case where the proprietor wishes to subdivide a given area, but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the sequence of development which the proprietor intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the proprietor is subdivided.

6. Preliminary Plat (stage 1) Review by Planning Commission:
- a. The Administrator shall receive and check for completeness the preliminary plat as required under SECTION 301.2 and SECTION 301.4 of this Ordinance. If complete and basically in conformance with applicable Township requirements the Administrator shall place the proposal on the agenda of the next regular Commission meeting.
 - b. The Administrator shall transmit a copy of the preliminary plat to the Township Planner for technical review and recommendation and transmit a copy to the School Board having jurisdiction in the area where the plat is located.
 - c. The Commission shall review all details of the proposed subdivision within the framework of the Zoning Ordinance, within the various elements of the Plan and within the standards of this Subdivision Regulations Ordinance.
 - d. The Commission shall approve conditionally, disapprove, or approve the preliminary plat.
 - (1) Should the approval be conditional approval, said conditions shall be satisfied by the proprietor within a time set by the Commission or the plat shall be rejected.
 - (2) Should the Commission disapprove the preliminary plat, it

shall record the reasons in the minutes of the regular meeting.

(3) Should the Commission find that all conditions have been satisfactorily met, it may give approval to the preliminary plat. The Chairman shall make a notation to that effect on each copy of the preliminary plat and distribute copies of same as follows:

(a) return one (1) copy to the proprietor;

(b) retain one (1) copy which shall become a matter of permanent record in the Commission files;

(c) forward one (1) copy to the School Board having jurisdiction in the area concerned;

(d) file the remaining copies with the Clerk's office.

7. The action of the Commission shall become the action of the Township Board unless the Township Board shall decide upon a hearing or unless, within ten (10) days after the approval or rejection of the preliminary plat, the proprietor shall file with the Clerk a written request for hearing before the Township Board.

8. Such hearing, if requested, shall be held by the Township Board at its next regular meeting which occurs at least ten (10) days after filing of said request. Following said hearing, the Township Board shall approve or reject the preliminary plat in accordance with Section 112 of the Subdivision Act.

9. Approval of the preliminary plat (stage 1) shall be effective for a period of nine (9) months. Should a preliminary plat (stage 2) not be submitted for tentative approval within this time limit, the preliminary plat (stage 1) must again be submitted for approval unless an extension is applied for by the proprietor and such request is granted in writing by the Township Board.

SECTION 302. PRELIMINARY PLAT (STAGE 2):

The procedure for the preparation and review of a preliminary plat (stage 2) requires tentative and final approval as follows.

1. Preliminary Plat (Stage 2) Tentative Approval:

a. Filing:

(1) The preliminary plat (stage 2) shall comply with the provisions of the Subdivision Control Act.

(2) Ten (10) copies of the preliminary plat of the proposed subdivision, together with written application in triplicate, shall be submitted to the Clerk at least ten (10) days prior to the regular Commission meeting (which meeting shall be considered as the date of filing).

(3) The Administrator shall check the proposed plat for completeness. Should any of the data required in the Subdivision Act, or SECTION 301.2 and SECTION 301.4 of this Ordinance be omitted, the Administrator shall be directed to inform the proprietor of the data required, and that the application will be delayed until the required data is received.

(4) The Administrator may transmit a copy of the valid and complete preliminary plat to the Municipal Engineer for technical review and recommendation.

(5) The Administrator shall transmit one (1) copy of the valid and complete preliminary plat to each appropriate electric, gas and telephone utility company.

b. Preparation and Submissions

(1) The preliminary plat (stage 2) shall conform substantially to the preliminary plat (stage 1) as approved. The preliminary plat (stage 2) shall show the actual geometrics and dimensions

of the streets and shall either show exact lot dimensions which shall not be decreased on the final plat. This submission shall include profile drawings drawn at a scale of not less than 1" = 100' horizontally and 1" = 5' vertically showing the following:

- (a) proposed street centerline profiles;
- (b) proposed sanitary sewer profiles;
- (c) proposed storm sewer profiles;
- (d) proposed water main profiles;
- (e) proposed utility easements.

(2) Ten (10) copies of proposed covenants or deed restrictions or written statement that none are proposed.

c. Planning Commission Review - Tentative Approval: (stage 2)

(1) The Clerk shall place the preliminary plat on the next regular Commission agenda, at which meeting the proprietor will be scheduled to appear. The Commission shall act on the preliminary plat within thirty (30) days after the date of filing unless the proprietor agrees to an extension, in writing, of the time required for approval by the Township Board and Commission.

(2) The preliminary plat (stage 2) may be reviewed by the Municipal Engineer as to conformity with the approved preliminary plat (stage 1) and plans for utilities and other improvements.

(3) The Municipal Engineer shall notify the Commission of his recommendation for either approval or rejection of the preliminary plat.

(4) The preliminary plat (stage 2) documents shall be reviewed by the Commission as to conformity with the approved preliminary plat (stage 1) and compliance with the requirements of this Ordinance.

(5) Should the Commission find that the preliminary plat (stage 2) is in satisfactory conformance with the preliminary plat (stage 1) and with the requirements of this Ordinance, it shall approve same and notify the Township Board of this action in writing.

(6) Should the Commission disapprove the plat, it shall record the reasons in the minutes of the regular meeting.

(7) The action of the Commission shall become the action of the Township Board unless the Township Board shall decide upon a hearing or unless, within ten (10) days after the approval or rejection of the preliminary plat, the proprietor shall file with the Clerk a written request for hearing before the Township Board.

(8) Such hearing, if requested, shall be held by the Township Board at its next regular meeting which occurs ten (10) days after filing of said request. Following said hearing, the Township Board shall approve or reject the preliminary plat in accordance with Section 112 of the Subdivision Act.

(9) Tentative approval of the preliminary plat (stage 2) shall be effective for a period of twelve (12) months. Should a preliminary plat (stage 2) not be submitted for final approval within this time limit, the preliminary plat (stage 2) must again be submitted for approval unless an extension is applied for by the proprietor and such request is granted in writing by the Township Board.

2. Preliminary Plat (Stage 2) - Final Approval:

a. Planning Commission

(1) The proprietor shall file a valid preliminary plat with the Clerk together with a certified list of all authorities required for approval in SECTIONS 112 to 119 of the Subdivision Act. The proprietor shall also provide approved copies of preliminary plats

(stage 2) from each of the required authorities.

(2) The Planning Commission shall take action on the preliminary plat within thirty (30) days of the submission of all necessary approved plats.

(3) If the preliminary plat conforms substantially to the plat tentatively approved by the Planning Commission and meets all conditions laid down for tentative approval, the Planning Commission shall recommend final approval of the preliminary plat.

(4) Should the Commission find that the final preliminary plat (stage 2) does not conform satisfactorily to the preliminary plat (stage 2) which previously was tentatively approved or with the requirements of this Ordinance, and that it is not acceptable, they shall record the reason in their official minutes and forward same together with all accompanying data to the Township Board; and recommend that the Township Board disapprove the preliminary plat until the objections causing disapproval have been changed to meet the approval of the Commission.

b. Township Board

(1) The Township Board will not review a preliminary plat (stage 2) until it has received the review and recommendations of the Commission. Following the receipt of such recommendations the Township Board shall consider the preliminary plat at such meeting that the matter is placed on the regularly scheduled agenda. The Township Board shall take action on the preliminary plat (stage 2) within twenty (20) days of the date of receipt of the Planning Commission recommendation.

(2) The Clerk shall promptly notify the proprietor of approval or rejection in writing; if rejected, reasons shall be given.

(3) Final approval of the preliminary plat shall be effective for a period of two (2) years from the date of final approval. The two (2) year period may be extended for good cause if applied for by the proprietor and granted by the Township Board in writing.

SECTION 303. FINAL PLAT:

The procedure for preparation and review of a final plat shall be as follows:

1. Preparation:

- a. The final plat shall comply with the provisions of the Subdivision Act.
- b. The final plat shall conform substantially to the preliminary plat as approved and it may constitute only that portion of the approved preliminary plat which the proprietor proposed to record and develop at the time; provided, however, that such portion conforms to this Subdivision Regulations Ordinance.
- c. The proprietor shall submit as evidence of title, an abstract of title certified to date with the written opinion of an attorney-at-law thereon, or at the option of the proprietor, a policy of title insurance for examination in order to ascertain whether or not the proper parties have signed the plat.

2. Final Plat Review

- a. Original copies of the plat as required by the State Department of the Treasury and four (4) paper prints of the final plat shall be filed by the proprietor with the Clerk and the proprietor shall deposit such sums of money as the Township Board may require herein or by other ordinance.
- b. The final plat may be reviewed by the Municipal Engineer as to compliance with the approved preliminary plat (Stage 2) and plans for utilities and other improvements.

- c. The Municipal Engineer shall notify the Township Board of his recommendation for either approval or rejection of the final plat.
- d. The Township Board shall review all recommendations and take action on the final plat within twenty (20) days of its date of filing.
- e. Upon the approval of the final plat by the Township Board, the subsequent approvals shall follow the procedure set forth in the Subdivision Act. The four (4) prints of the final plat shall be forwarded; one (1) to the Clerk, one (1) to the Planning Commission, and one (1) to the Administrator, and one (1) to the Assessor. The original copies shall be forwarded to the Clerk of the County Plat Board.
- f. No installation or construction of any improvements shall be made before the final plat has received approval of the Township Board, engineering plans have been approved by the Township Engineer, and any deposits required under ARTICLE VI - IMPROVEMENTS, of this Ordinance, have been received by the Township.

ARTICLE IV - DIVISION OF LAND
IN RECORDED PLAT

The following provisions shall govern the partitioning or dividing of lots, outlots or other parcels of land in a recorded plat, subject to provisions of Section 263 of the Subdivision Act.

SECTION 400. LOT DIVISION:

Land may be detached from one such lot, outlot or parcel and added to another lot, outlot or parcel or such lot, outlot or parcel may be divided into two, three or four separate lots, outlots or parcels upon application to and approval by the Township Board. A survey (where deemed necessary) showing such proposed divisions prepared by a registered civil engineer or land surveyor and a proper legal description of each separate lot, outlot or parcel proposed shall

be submitted with the application. The application shall be filed with the Clerk at least twelve (12) days prior to the regular Board meeting at which the applicant is scheduled to appear. The Clerk shall refer the proposal to the Township Assessor who shall prepare an appropriate resolution for the Board and shall recommend action to the Board. Should the Board approve the requested division, it shall notify the Township Supervisor or Assessor and the fact of such a division shall be noted upon the Assessment roll and thereafter the divided portions of the lot, outlot or parcel shall be considered to be separate lots, outlots or parcels for tax assessment and all other purposes.

No such division or detachment shall be permitted unless each of the parts into which such lot, outlot or parcel is to be divided meets the minimum requirements of the Zoning Ordinance including requirements as to width, area and open spaces. In those cases where water, sewer or other services have been installed within the plat by special assessment and the lot proposed to be divided has been assessed therefor, no division shall be permitted unless the applicant agrees in writing to pay into the special assessment district an additional amount representing the increased share of the cost of the special assessment district which should be borne by said divided lot, outlot or parcel due to increased benefit received by said lot, outlot or parcel. At such time as the lots so created are developed, charges for utilities may be assessed to the lots in accordance with Township Ordinances and procedures.

ARTICLE V - DESIGN LAYOUT STANDARDS

The subdivision design layout standards set forth under this Section are development guides for the assistance of the proprietor. All final plans must be reviewed and approved by the Township Board.

SECTION 500. STREETS:

Streets shall conform to at least all minimum requirements of the general specifications and typical cross sections as set forth in this Design Layout Standards Article of this Ordinance, and other conditions set forth by the Township Board.

1. Location and Arrangement:
 - a. The proposed subdivision shall conform to the various elements of the Plan and shall be considered in relation to the existing and planned major and secondary thoroughfares, and such part shall be platted in the location and width indicated on such plan.
 - b. The street layout shall provide for continuation of major or secondary thoroughfares or collector streets in the adjoining subdivisions or the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Commission.
 - c. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
 - d. Should a proposed subdivision border on or contain an existing or proposed major thoroughfare, the Commission may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
 - e. Should a proposed subdivision border on a railroad, freeway, or other limited access highway right-of-way, the Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of any use of the intervening land. Such distances shall be

determined with due consideration of the minimum distance required for approach grades to future grade separation.

- f. Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be subdivided, a dedicated or platted and recorded half street, the other half shall be platted.

2. Right-of-Way Widths:

Street right-of-way widths shall conform to at least the following minimum requirements:

STREET TYPE	RIGHT-OF-WAY WIDTHS
a. Telegraph Road	- 204'
b. Major Thoroughfare	-120' or in conformance with the Major Thoroughfare plan
c. Secondary Thoroughfares	86'
d. Industrial Service Streets	60'
e. Industrial Collector Streets	86'
f. Multiple-Family Residential Streets	60'
g. Minor (single-family residential) Streets	60'
h. Marginal Access Streets	35'
i. Turn-Around (loop) Street	110'
j. Alley	20'
k. Cul-de-sac Streets Turn Arouns	
(1) Industrial	75' radius
(2) Residential and Others	65' radius

1. Maximum length for cul-de-sac streets shall not exceed six hundred (600) feet, unless certain topographic or other unusual conditions are found by the Planning Commission to be evident.

3. Street Geometrics:

- a. Maximum Grades: Street grades shall not exceed seven (7%) percent on either local street or secondary thoroughfares.
- b. Minimum Grades: No street grade shall be less than zero point five (0.5%) percent.
- c. Horizontal Alignment: When street lines deflect from each other by

more than ten (10) degrees in alignment, the centerlines shall be connected by a curve with a minimum radius of five hundred (500) feet for major thoroughfares, three hundred (300) feet for secondary thoroughfares and one hundred fifty (150) feet for local or minor streets. Between reverse curves, on minor streets, there shall be a minimum tangent distance of one hundred (100) feet, and on major and secondary thoroughfares, two hundred (200) feet.

d. Vertical Alignment: Minimum sight distance shall be two hundred (200) feet for minor streets and three hundred (300) feet for secondary thoroughfares.

4. Street Intersections:

Streets shall be laid out so as to intersect as nearly as possible to ninety (90) degrees and in no case less than eighty (80) degrees. Curved streets, intersecting with major or secondary thoroughfares shall do so with tangent section of centerline fifty (50) feet in length measured from the right-of-way^{line} of the major or collector thoroughfare.

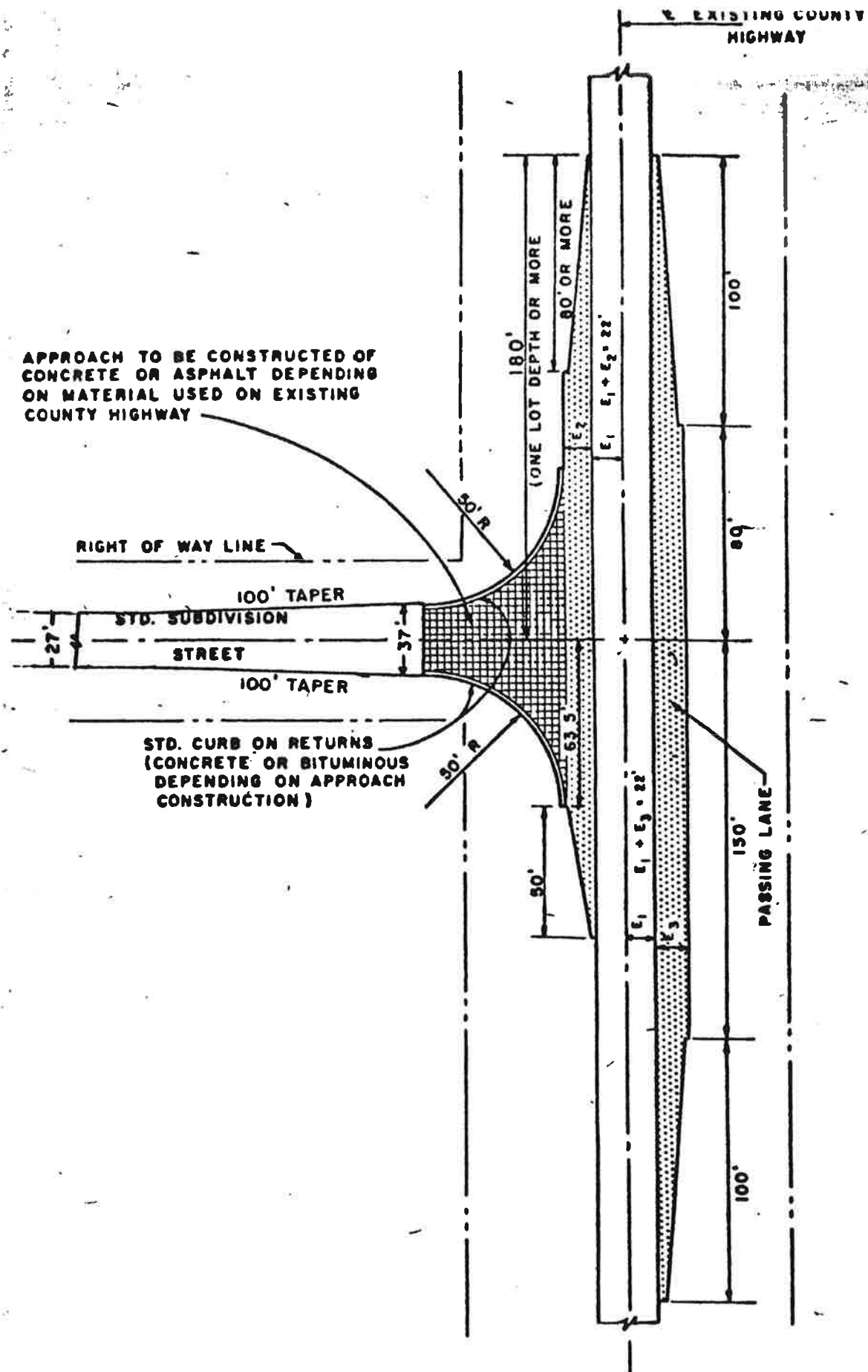
5. Street Jogs:

Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

6. Acceleration - Deceleration and Passing Lanes:

Streets which intersect with major or secondary thoroughfares shall be provided with paved acceleration and deceleration lanes and passing lanes on both sides of the thoroughfare. Such lanes shall be provided in keeping with the standards of the Monroe County Road Commission or with SECTION 500.7 if County standards are not applicable.

7. (See accompanying diagram) Page 23



SECTION 500.7

STREET APPROACH TO EXISTING HIGHWAY

8. Street Names:

Street names shall not duplicate any existing street name in the County, except, where a new street is a continuation of an existing street, in those areas of the Township having Toledo, Ohio mailing addresses, street names shall not duplicate any existing in said City. Street names that may be spelled differently but sound the same shall also be avoided. 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".

9. 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) to one hundred (100) feet each way from the intersection. An allowance of two (2) percent maximum intersection grade in rolling terrain will be permitted.

10. Outlots for Street Ends.

An Outlot, not less than two foot wide shall be required at the end of a "stub" or "dead-end" street which terminates at subdivision boundaries and between half streets, These Outlots shall be noted on the final plat and Proprietorship Certificate as "Reserved for Future Road Purposes Only", and designated as Outlots "A", "B", etc. These Outlots so designated shall in no way be considered publicly dedicated roads for frontage or other purposes.

SECTION 501. BLOCKS:

Blocks within subdivisions shall conform to the following standards: .2

1. Sizes:

- a. Blocks shall not exceed one thousand three hundred and twenty (1,320) feet or be less than five hundred (500) feet in length except where, in the opinion of the Commission, conditions may justify a greater or

lesser distance.

b. Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

2. Public Walkways:

a. Location of public walkways or crosswalks may be required by the Commission to obtain satisfactory pedestrian access to public or private facilities or where blocks exceed nine hundred (900) feet in length.

b. Walkways shall be dedicated to the public or provided as a private easement for this purpose.

3. Easements:

a. Utility line easements shall be provided as necessary. Such easements shall be a total of not less than twelve (12) feet wide, six (6) feet from each parcel or six (6) feet if located along a front lot line.

b. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area.

SECTION 502. LOTS:

Lots within subdivisions shall conform to the following standards:

1. Sizes and Shapes:

a. The lot size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.

b. Lot areas and widths shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision is proposed.

c. Building setback lines shall conform to at least the minimum require-

ments of the Zoning Ordinance.

- d. Corner lots in residential subdivisions shall be platted at least ten (10) feet wider than the minimum width permitted by the Zoning Ordinance.
- e. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall normally be considered a maximum.
- f. Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setbacks, and other requirements in accordance with the Zoning Ordinance.

2. Arrangement:

- a. Every lot shall front or abut on a street.
- b. Side lot lines shall be at right angles or radial to street right-of-way lines.
- c. Residential lots abutting major or secondary throughfares, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots, or with side lot lines parallel to the major traffic streets or shall be platted with extra depth to permit greater distances between building and such trafficway.
- d. Lots shall have a front-to-front relationship across all streets where possible.
- e. Back-up Lots: Lots shall back into such features as freeways, thoroughfares, shopping centers, or industrial properties, except where a marginal access street 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 street, to minimize noise and to protect outdoor living areas. Lots

extending through a block and having a frontage on two (2) local streets shall be prohibited.

- f. 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 reasonable, so as to allow for resubdividing into smaller parcels in a logical fashion. Lot arrangement shall allow for the ultimate expansion of adjacent streets through the middle of wide blocks. Whenever such future resubdivision or lot splitting is contemplated a plan thereof shall be submitted to the Planning Committee for review.

SECTION 503. NATURAL FEATURES:

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, historic sites, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers where appropriate, shall be required.

SECTION 504. FLOOD PLAINS:

Any areas of land within the proposed subdivision which lie either wholly or in part within the flood plain of a stream or creek or any other areas which are subject to flooding or inundation by storm water shall require specific compliance with the Subdivision Act and its review by the Department of Natural Resources. Applicable requirements of the National Flood Insurance Program shall also be followed.

SECTION 505. SUBDIVISION OPEN SPACE PLAN:

The following requirements apply in addition to all other requirements of

this Ordinance where a preliminary plat is filed for approval under the Subdivision Open Space Plan section of this Ordinance:

1. Statement of Principles:

Consideration by the Planning Commission and the Township Board of proposed optional use of Subdivision Open Space Plan shall reflect the following basic principles:

- a. The Subdivision Open Space Plan section of this Ordinance provides an optional method of subdividing property and approval of any Subdivision Open Space Plan is subject to the discretion of the Township.
- b. Particular attention shall be given to the effect of a Subdivision Open Space Plan upon the immediate area, where the character of the area has been established by previous development. Major attention shall be given by the Planning Commission and the Township Board to the benefits to be derived by the residents of the proposed subdivision and the Township because of the Subdivision Open Space Plan with minor consideration to be given to the proprietor.
- c. The following objectives shall govern the approval or disapproval of the proposed Subdivision Open Space Plan:
 - (1) Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
 - (2) Encourage developers to use a more creative approach in the development of residential areas.
 - (3) Encourage a more efficient, aesthetic and desirable use of the land while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles on the site.
 - (4) Encourage the provision of open space within reasonable distance of all lot development so benefits may accrue to the subdivision

and to further encourage the development of recreational facilities and areas or the preservation of environmental assets.

2. Preliminary Plat - (Stage 1)

The plat prepared for submission as a preliminary plat (stage 1) shall reflect the above objectives in the proposed location of the open space.

3. Preliminary Plat - (Stage 2)

The application for approval of the Subdivision Open Space Plan shall be submitted with the preliminary plat (stage 2) prepared for tentative approval and shall contain the following, in addition to the information required by other Sections of this Ordinance.

a. A complete description of the land proposed to be dedicated as open land, including the following as a minimum:

- (1) Legal description of open land.
- (2) Topographic survey of open land.
- (3) Description of the type of soil in open land.
- (4) Description of natural features on open land (stands of trees or other vegetation, streams or other bodies of water, etc.).
- (5) Other relevant factors.

b. The proposed site plan of development of the open land shall be contained in the application and shall include the following as a minimum:

- (1) An indication of who will own the open land.
- (2) Proposed uses of open land.
- (3) A site plan for the improvements to be constructed by the developer and an estimate of the cost thereof, both prepared by a landscape architect or civil engineer registered or qualified to practice in the State of Michigan. Said plan shall be a scale of at least 1" = 50' minimum.
- (4) Other relevant facts related to the proposed uses of open land.

- c. The application shall contain a statement of the benefits to be realized by the residents of the proposed subdivision and the Township by approval of the proposed Subdivision Open Space Plan with particular reference to the objectives of this Section.
4. Before any action is taken upon any Subdivision Open Space Plan filing, copies of the preliminary plat (stage 2), application and supporting data, shall be submitted by the Clerk to the Planning Commission and to the Township Attorney for review and recommendation.
 - a. The Planning Commission shall review and render an opinion upon the proposed Subdivision Open Space Plan from the materials furnished and from visits to the site or such other information as it may deem necessary and render its opinion with respect to the following:
 - (1) The suitability of the proposed open land for purposes proposed.
 - (2) The need for the proposed uses in the general area.
 - (3) The location and layout of the open spaces with relation to the lots within the subdivision.
 - (4) The effect upon neighboring areas which would result by the Subdivision Open Space Plan and the appropriateness of the development of the lot sizes proposed under the Subdivision Open Space Plan in the particular area involved.
 - (5) Any other factor related to the development and proper design of the proposed subdivision.
 - b. The Township Attorney shall review the proposed Subdivision Open Space Plan and render his opinion with respect to the following:
 - (1) The proposed manner of holding title to the open land.
 - (2) The proposed manner of payment of taxes.
 - (3) The proposed method of regulating the use of the open land.

(4) The proposed method of maintenance of property and financing thereof.

(5) Any other factor related to the legal or practical problems of ownership, use and maintenance of the open land.

5. If the Planning Commission is satisfied that the proposed Subdivision Open Space Plan meets the letter and spirit of this Section and the Zoning Ordinance and should be approved, it shall give tentative approval to the plat with the conditions upon which such approval should be based. The Commission shall recommend a time limit for completion of the open space improvements to the Township Board.

6. If the Planning Commission is not satisfied that the proposed Subdivision Open Space Plan meets the letter and spirit of the Zoning Ordinance or finds that the approval of said Subdivision Open Space Plan will be detrimental to existing development in the general area and should not be approved, it shall communicate such disapproval to the Township Board with the reasons therefor. The proprietor shall be entitled to a hearing upon said proposal before the Township Board upon written request therefor filed with the Clerk.

7. If, after final approval of the preliminary plat (stage 2) is given, the Township Board gives final approval of the proposed Subdivision Open Space Plan, it shall instruct the Municipal Attorney to prepare a contract setting forth the conditions upon which such approval is based, which contract, after approval thereof by the Township Board shall be entered into between the Township and the proprietor prior to the approval of any final plat based upon the approved preliminary plat.

8. At the time of application for final approval, the proprietor shall deposit a cash or corporate surety bond in the amount of the estimated cost of the proposed improvement to the open land guaranteeing the completion of

improvements within a time to be set by the Township Board after endation from the Planning Commission.

ARTICLE VI - IMPROVEMENTS

Improvements shall be provided by the proprietor in accordance with the standards and requirements established in this ARTICLE VI and/or any other such standards and requirements which may from time to time be established by ordinance or published rules or standards of the Township or the Road Commission. All improvements must meet the approval of the Township Board.

Improvement bonds, cash deposits, maintenance bonds, and other similar deposits shall be provided as required by the Road Commission or the Township Board.

SECTION 600. STREETS:

All streets and appurtenances thereto shall be constructed in accordance with details and specifications approved by the Monroe County Road Commission, except that industrial streets shall be thirty-seven (37) feet wide back to back of curb and constructed of nine (9) inch thick reinforced concrete.

SECTION 601. UTILITIES:

1. Requirements for Underground Wiring - The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout a subdivided area, except for major thoroughfare right-of-way. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendations of the Engineer, Planner, Commission and the approval of the Township Board at the time of final plat approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, plat design and character of the subdivision. All such facilities

placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor.

2. Storm Drainage System and Other Drainage Improvements- Per plans approved by the Township Board. Where County and/or Road Commission jurisdiction drains are involved, a letter or document of approval from the County Drain Commissioner and/or Road Commission must be submitted by the proprietor. The plans submitted and reviewed shall include notes and graphic indications of all potential sump pump, downspout, foundation and area drain discharges

3. Sewerage System:

- a. Per plans approved by the Township Board and the requirements of the County Health Board, County Agency or other appropriate public health authority and approved by Department of Natural Resources. The subdivider of any proposed subdivision adjacent to or within one-half ($\frac{1}{2}$) mile of any public sanitary sewerage system shall install sanitary sewers connected to public system.
- b. In the event that a developer of a new residential subdivision as provided by the provisions of this Ordinance is not within one-half ($\frac{1}{2}$) mile of an existing sanitary sewer facilities as set forth in paragraph a. hereof, that subdivision and/or developer may apply to the Township Board for the construction of the possible sanitary sewer facilities within the proposed subdivision.

4. Water Supply:

- a. Water distribution system - per plans approved by the Township Board and in conformance with the requirements of the South County Water System and approved by the Michigan Department of Public Health.

SECTION 602. OTHER IMPROVEMENTS:

1. Sidewalks shall be provided on the sides of all road right-of-ways in the subdivision being developed. Sidewalks shall be required along the abutting major or secondary thoroughfare if said thoroughfare has or is being improved with curb and gutter. In those instances where no good purpose would be served, the Township Board may waive this requirement. Sidewalks shall be a minimum of four (4) feet in width.
2. Public Walkways: Walkway right-of-ways shall be at least twelve (12) feet in width. The surface treatment shall meet the approval of the Township Board. Fences or their improvements may also be required if the Commission or Township Board determines they are necessary to protect the adjacent property owners.
3. Trees: existing trees near street rights-of way shall be preserved by the proprietor. Street trees shall be provided at least one per lot in the street right-of-way between sidewalk and curb in accordance with regulations established by the Township Board. Size and type of tree shall be in accordance with the minimum requirements of the Zoning Ordinance.
4. Street Signs: Street name signs shall be placed at all street intersections and shall be of a permanent weather-resistant construction, with street names visible from two directions, as approved by the Township Board or Road Commission. Traffic regulation signs, as may be required, will be located as required by the Township Board or the Road Commission.
5. Street Lighting: Street lights shall be installed in accordance with the

requirements of the Township Board and shall be of uniform fabrication compatible with the development and equal to or of better quality than those in surrounding area developments.

SECTION 603. PROCEDURES:

The following procedures shall be followed in submitting plans for improvements and in assuring compliance with this ordinance.

1. Responsibility for Plans - It shall be the responsibility of the proprietor to have prepared by a registered engineer, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data, for the required improvements. Such construction plans shall be based on preliminary plans which have been approved and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies indicated. All construction plans shall be prepared in accordance with the standards of specifications contained in title of engineering standards.

2. Submittal of plans - The proprietor shall submit to the Township Clerk construction plans in duplicate for all subdivision improvements. There shall be no construction until the construction plans have been approved by the responsible public agency.

Inspection fees as specified in Section 902 shall be paid to the Township before construction is begun on any water mains, sidewalks, sanitary sewers, water pumping stations, or sewage treatment facilities.

3. As-built Plans - When construction has been completed at the time of filing the final plat, five (5) complete copies of the as-built engineering plans of each required public improvement shall be filed with the Township Clerk coincident with the filing of the final plat.

SECTION 604. 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 proprietor to provide a financial guarantee of performance for those requirements which are over and beyond the requirements of the County Road Commission, County Drain Commissioner, or any other agency responsible for the administration, operation and maintenance of the applicable public improvement. The Planning Commission may recommend and the Township Board may waive financial guarantee of performance under this Ordinance for sidewalks, but completion shall be required prior to the issuance of occupancy permit.

1. Performance of 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.

2. Cash Deposits, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit:

- a. Treasurer, Escrow Agency 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. Progressive Payment: In the case of cash deposits or certified checks, an agreement between the Township and the proprietor may provide for progressive payments out of 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.
- e. The escrow agreement shall be drawn to the satisfaction of the Township Board.

SECTION 605. 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.

SECTION 606 INSPECTION OF PUBLIC IMPROVEMENTS UNDER CONSTRUCTION:

Before approving a final plat and construction plans and specifications for public improvements, an agreement between the proprietor and the Township Board shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans, and inspection fees as specified in Section 902 shall be paid to the Township.

SECTION 607. PENALTY IN CASE OF FAILURE TO COMPLETE CONSTRUCTION OF A PUBLIC IMPROVEMENT:

In the event the proprietor 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, irrevocable bank letter of credit or negotiable bond which the proprietor 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 the written agreement between the Township Board and the proprietor.

ARTICLE VII - COMPLIANCE STANDARDS

The approvals required under the provisions of this Ordinance shall be obtained prior to the installation of any subdivision or project improvements within the Township, in public streets, public alleys, public rights-of-way, and public easements, or under the ultimate jurisdiction of the Township or County. All subdivision or project improvements within the Township installed in public streets, public alleys, public rights-of-way, or public easements, or under the ultimate jurisdiction of the Township or County, shall comply with all of the provisions and requirements of this or any other related ordinance.

ARTICLE VIII - INTERPRETATION

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

ARTICLE IX - REVIEW FEES

Preliminary and final plat review fees, planning fees, engineering fees, inspection fees, water and sewer connection charge and other applicable development charges shall be paid by the proprietor as may be provided for as follows:

SECTION 900. PLANNING REVIEW FEES:

Fees shall be charged for the review of preliminary plats on the basis of the following schedule. There shall be no additional planning review fee charged for final plats which are in substantial conformance to a previously approved preliminary plat:

1. Conventional Subdivision Plats \$500.00 plus \$10.00 per lot over 50 lots
2. Subdivision Open Space Plan \$1,000.00 plus \$20.00 per lot over 50 lots
3. Review of Proposed Subdivision Park Plan \$100.00 plus \$20.00 per acre
4. Inspection of Open Space Plan \$240.00 plus \$12.00 per acre for the first two inspections - \$215.00 for each inspection thereafter.

SECTION 901. OTHER FEES:

\$20.00 County Plat Board

Deposit for Monuments and Markers:

(\$10.00 per corner marker)

(\$25.00 per monument, but not less than \$100.00 total deposit for Monuments)

SECTION 902. FEES FOR DIVISION OF LAND:

\$10.00 per resulting parcel of land

ARTICLE X - VIOLATIONS AND PENALTIES

Any person, persons, firm or corporation or anyone acting in behalf of said person, persons, firm or corporation, violating any of the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine of not more than Five Hundred dollars (\$500.00) and the costs of prosecution or in default of the payment thereof, by imprisonment in the County Jail for a period not to exceed thirty (30) days, or both such fine and imprisonment in the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate violation.

ARTICLE XI - SEVERABILITY

If any section, paragraph, clause, phrase or part of these Subbidivion Regulations is for any reason held invalid by any court of competent jurisdiction, such decisions shall not affect the validity of the remaining provisions of these Regulations; and the application of those provisions to any persons or circumstances shall not be affected thereby.

ARTICLE XII - VARIANCE

SECTION 1200. VARIANCE FOR HARDSHIP:

The Township Board or Planning Commission may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance and provided the variance does not pertain to requirements of the Zoning Ordinance. In granting any variance, the Township Board or Planning Commission shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Township Board or 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 granted unless the Township Board or Planning Commission finds:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

SECTION 1201. VARIANCE FOR COMPLETE COMMUNITY:

The Township Board may authorize a variance from these regulations in case of a plan for a complete community or planned residential development where such development is permitted by the Zoning Ordinance.

ARTICLE XIV - EFFECTIVE DATE

This Ordinance is an ordinance necessary for the health and safety of the people of the Township of Erie and shall be in full force and effect thirty (30) days after publication in a newspaper of general circulation within the Township of Erie.

Adopted Date: December 22, 1980

Publication Date: January 6, 1981

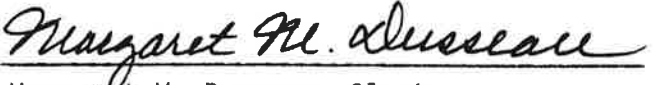
Effective Date: February 5, 1981

I, Margaret M. Dusseau, Clerk of the Township of Erie, do hereby certify that the above Ordinance was approved and adopted by the Erie Township Board at the regular meeting thereof held on the 22nd day of December, 1980, the vote thereon being as follows:

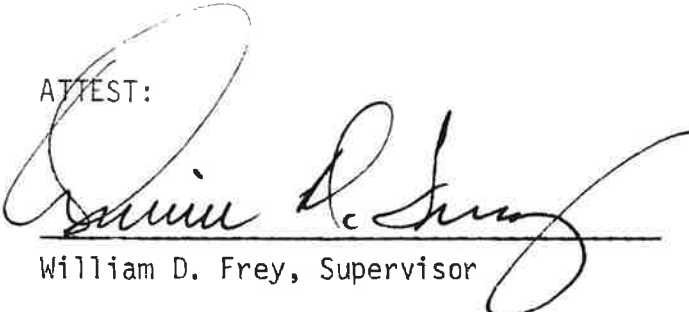
Ayes	5
Nays	0
Absent	0

THE TOWNSHIP BOARD, TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN

BY:


Margaret M. Dusseau, Clerk

ATTEST:


William D. Frey, Supervisor