

KINROSS TOWNSHIP
ORDINANCE NO. 20

KINROSS TOWNSHIP
SUBDIVISION CONTROL ORDINANCE

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**Kinross Township
Ordinance No. 20**

Subdivision Control Ordinance

In accordance with Public Act 288 of 1967, as amended, "The Subdivision Control Act", MCL 560.101-560.293, which states that it is: "An Act to regulate the subdivision of land; to promote the public health, safety and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements, and that there be adequate drainage thereof; to provide for proper ingress and egress to lots; to promote proper surveying and monumenting of land subdivided, and conveyed by accurate legal descriptions; to provide for the approvals to be obtained by subdividers prior to the recording and filing of plats; to

establish the procedure for vacating, correcting and revising plats; to control residential building development within flood plain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; and to repeal certain acts and parts of acts; and additionally:

An Act which in accordance with Section 259, MCL 560.259, "Minimum Standards: provides that: "The standards for approval of plats prescribed in this Act are minimum standards and any municipality, by ordinance, may impose stricter requirements and may reject any plat which does not conform to such requirements"; and

An Act, which in accordance with Section 186, MCL 560.186 provides that: "(d) Minimum width and area requirements for residential lots as bet forth in this Act may be waived in any subdivision where connection to a public water and a public sewer system is available and accessible on where are proprietor before approval of the plot has, posted security with the clerk of the municipality as provided in Section 182 (MCL 560.182) and where the municipality in which the subdivision is proposed has legally adopted zoning and subdivision control ordinances which include minimum lot width and lot area provisions for residential buildings", and

An Act which in accordance with Section 188, MCI 560.188, "(1) If the subdivision includes or abuts certain improvements other than streets and alleys, such as county drains and such improvements are not in existence at the time of consideration by the governing body of the municipality, it may require, as a condition of approval of the final plat, the proprietor to enter into an agreement to construct such improvements within a reasonable tins," and" (3) My municipality, as a condition of approval of the plat may require the proprietor to enter into an agreement as provided in this section;" and "(2) The governing body may require a cash deposit, certified check or irrevocable bank letter of credit, whichever the proprietor selects, or surety bond acceptable to the municipality, covering the estimated cost of construction, to be deposited with the clerk of the municipality to insure the faithful performance of the agreement. Outlots or parks used as a buffer strips, if between the boundary of the subdivision and such improvements, shall not alter the requirements of this section:"

The Township Board of the Township of Kinross, Chippewa County, Michigan Ordains:

Article I - General Provisions

Section 1.1 Title:

This Ordinance shall be known and may be cited as the "Kinross Township Subdivision Control Ordinance".

Section 1.2 Purpose:

The purpose of these regulations is to provide for the orderly growth and harmonious development of Kinross Township; to secure adequate traffic circulation through coordinated street systems which relate to existing streets and highways, adjoining subdivision and undeveloped lands and public utilities and facilities; to achieve individual property lots of maximum utility and livability; to secure adequate provisions for public school sites, recreation areas and other public areas and building requirements; and to

provide logical and reasonable procedures for the achievement of these purposes; to establish standards of subdivision design and site preparation and public improvement installation which will result in improved quality of new developments in the Township without adding substantially to the ultimate cost of houses to the purchasers; to provide for economics in the installation of utilities; to provide standardized procedures permitting a subdivider to design and process his plans without undue expenditure of funds or time; to insure the maintenance of proper levels of public health and safety standards by adopting standards for safe water, waste disposal, storm drainage, police and fire protection, streets and highways and public facilities such as schools, parks, and other Township needs.

Section 1.3 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 further dividing of existing lots. This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations. Where this Ordinance imposes a greater restriction upon land than is imposed or required by existing provisions of any other Ordinance of the Township, the provisions of this Ordinance shall prevail.

Section 1.4 Administration:

The approval provisions of this Ordinance shall be administered by the Township Board in accordance with Public Act 288 of 1967, "The Subdivision Control Act," and the Township Planning Commission in accordance with Public Act 168 of 1959, as amended, "The Township Planning Act".

Section 1.5 Determination of Fees:

The following schedule of fees for review of plats is herewith established by the Township Board and may, by resolution, be amended, from time to time by said Board.

1.51 Preliminary Plat:

The Planning Commission shall require a fee of twenty dollars (\$20.00) for each subdivision plat submitted for preliminary approval.

1.52 Final Plat:

The Planning Commission shall require a fee for each subdivision plat submitted for final approval according to the following schedule:

- (a) Up to and including twenty-five (25) lots - fifty dollars (\$50.00).
- (b) Twenty-six (26) up to and including fifty (50) lots - seventy five dollars (\$75.00).
- (c) Fifty-one (51) up to and including seventy-five (75) lots - one hundred dollars (\$100.00).

- (d) Seventy-six (76) up to and including one hundred (100) lots - one hundred and twenty-five dollars (\$125.00).
- (e) For each additional twenty-five (25) lots, or any part thereof, over one hundred (100) lots an additional twenty-five dollars (\$25.00).

1.53 Recording Final Plat:

The subdivider shall pay to the Township a recording fee of twenty dollars (\$20.00) which shall be forwarded with the final plat to the County Plat Board.

1.54 Payment of Fees:

The subdividers shall pay preliminary plat, final plat and recording fees in the following manner:

- (a) Preliminary Plat Fees shall be paid in full at the time of submitting Plat for preliminary approval.
- (b) Final Plat Fees shall be paid in full at the time of submitting Plat for final approval.
- (c) Recording Fee shall be paid in full at the time of submitting Plat for final approval.

Section 1.55 Fees for Inspection Improvements:

The Township Board may establish a fee schedule for the inspection of all special improvements to be included within a plat. The subdivider shall be held responsible for all inspection fees. All inspection fees shall be paid in advance of the next requested phase of approval.

Article II - Definitions

Section 2.1 Rules Applying To The Text:

For the purpose of this Ordinance the following rules of construction shall apply:

- (1) Words used in the present tense include the future tense: and the singular includes the plural, unless the context clearly indicates the contrary.
- (2) The term “shall” is always mandatory and not discretionary: The word “may” is permissive.
- (3) The word or terms not interpreted or defined by this article shall be used with a meaning of common or standard utilization.

Section 2.2 Definitions:

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated.

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

Block Length: The distance between intersections of through streets, such distance being measured along the longest street bounding the block and from right-of-way line to right-of-way line of the two intersecting streets.

Building Line or Setback Line: A line parallel to a street, right-of-way line, shore of a lake, edge of a stream or river bank, 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 a river bank.

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 lane roadway improvements.

Commission or Planning Commission: The Kinross Township Planning Commission.

Comprehensive Development Plan (Or Master Plan): The unified document adopted by the Township of Kinross, County of Chippewa consisting of text; charts, graphics or maps, or any combination, designed to portray general, long-range proposals for the arrangement of land uses and which is intended primarily to guide government policy toward achieving orderly and coordinated development of the entire community.

County Drain Commissioner: The Chippewa County Drain Commissioner.

County Health Department: The Chippewa County Health Department.

County Plat Board: The Chippewa County Plat Board.

County Road Commission: The Chippewa County Road Commission.

County Drain Commissioner: The Chippewa County Drain Commissioner.

County Health Department: The Chippewa County Health Department.

County Plat Board: The Chippewa County Plat Board.

County Road Commission: The Chippewa County Road Commission.

Cross walkway (Pedestrian Walkway): Right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.

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

Easement: An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

Flood Plain: That land which can be expected to be inundated during an Intermediate Regional Flood as indicated in Flood Plain Information Report, prepared for the Michigan Water Resources commission, Department of Natural Resources, by the Corps of Engineers, U.S. Army.

Governing Body: The township board of the Township of Kinross.

Greenbelts 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 environment by averting encroachment of conflicting uses.

Improvements: Any structure incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, 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. **Corner lot:** a lot situated at the intersection of two (2) streets or on a curved street does not exceed 135' (degrees).
- b. **Lot frontage:** All property abutting the right-of-way of a street, dedicated to the public, measured along the right-of-way between the side lot lines of a lot. In no case shall the line along an alley be considered as acceptable for frontage.
- c. **Through lot:** a lot, other than a corner lot, having frontage on two parallel, or approximately parallel, or converging streets.
- d. **Lot depth:** the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
- e. **Lot width:** the horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.

Lot Line: The fixed boundaries of a lot described by survey and recorded in a plat.

- a. **Front lot line:** that boundary of a lot measured along the edge of the right-of-way of a street, dedicated to the public, which abuts that lot.
- b. **Rear lot line:** that boundary of a lot which is most parallel to the front lot line and does not intersect the front lot line. In the case of a triangular lot the point of intersection of the side lot lines shall be considered the rear lot line.
- c. **Side lot line:** that boundary of a lot which intersects both the front and the rear lot lines.

Master Plan For Streets And Highways Of Kinross Township, Chippewa County, Michigan: That portion of the Master Plan of the Township of Kinross dealing with streets and highways, adopted June 16, 1980, amended by the Township of Kinross Planning Commission.

Outlot: When included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site whether dedicated to public use or reserved to 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 Kinross as established under Act 168, Public Acts of 1959, as amended, being MCL 125.321-125.333.

Planned Unit Development: A land area which has both individual building sites and common property, such as a park, and which is designated and developed under one (1) owner or organized group as a separate neighborhood or community unit.

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

- a. **Sketch Plan:** 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 topographic 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 in accordance with the requirements of the Subdivision Control Act, Public Act 288 of 1967.

Public Utility: All persons, firms, corporations, co partnerships, 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 reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets, and highways and public parking spaces.

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 outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

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

a. Street Right-Of-Way Line: That line as specified in the Master Plan for Major Streets and Highways, Kinross Township, Chippewa County, Michigan.

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

a. Local street: A street designed to provide direct access to individual abutting properties.

b. Minor arterial: A street designed to move through traffic at moderate speeds and volumes to and from major arterials.

c. Major arterial: A street designed to nave through traffic at moderate speeds and high volumes to and from major traffic generators.

d. Stub street: A dead end local street which provides for eventual extension of the street onto unplatted land.

e. Alley: A roadway at least 20 feet wide to provide secondary access to commercial, industrial or multiple housing developments.

f. Marginal access street: A frontage road which separates properties from heavily traveled through streets and eliminates the need for unlimited access to through streets or individual properties.

g. Cul-de-sac street: A local street of short length with provision for turn around at its termination.

h. 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 heirs, executors, administrators, legal representatives,

successors or assigns for the purpose of sale, or lease of more than one (1) year, or of building development, where the act of division creates five (5) or more parcels of land each of which is ten (10) acres or less in area; or five (5) or more parcels of land each of which is ten (10) acres or less in area are created by successive divisions within a period of ten (10) years, dating from January 1, 1968.

Subdivider, Proprietor, Or Developer: A natural person, firm, association, partnership, corporation or continuation of any of them which may hold any recorded or unrecorded ownership interest in land whether recorded or not. The proprietor is also commonly referred to as the owner.

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

Surveyor: Either a land surveyor who is licensed in the state of Michigan as a licensed land surveyor or a civil engineer who is licensed in the State of Michigan as a licensed professional engineer.

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

Township: The Township of Kinross, Chippewa County, Michigan.

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

Article III - Platting Procedure and Data Required

Section 3.1 Pre-Application Contract and Sketch Plan:

The Subdivider shall have no obligation to submit his proposed plat for sketch plan approval. This procedure is suggested as a means of avoiding problems of a technical nature, which may arise due to a lack of information during the preliminary or final stages of approval. If the subdivider elects to submit a sketch plan, the following procedure shall apply.

3.11 Purpose:

- a) To provide guidelines for the subdivider concerning development policies of the Township.
- b) To acquaint the subdivider with the platting procedures and requirements of:
 - 1) The Township Board and the Planning Commission.
 - 2) Other agencies.
- c) To provide the Planning Commission and other affected agencies with general information concerning the proposed development.

- d) Acceptance of the sketch plan does not assure acceptance of the preliminary plat.

3.12 Requirements:

The plan shall show the subdivisions' entire development scheme in schematic form including the area for immediate development, and shall include the following:

- (1) Drawn to scale, but may be in sketch form.
- (2) Existing conditions and characteristics of the land on and adjacent to the site.
- (3) General layout of streets, blocks and lots.
- (4) Any general area to be set aside for schools, parks or other community facilities.

3.13 Procedure:

- (a) The developer shall submit two (2) copies of the sketch plan plat to the Township Planning Commission ten (10) days before the next meeting of the Planning Commission.
- (b) The Planning Commission or Subdivision Committee of the commission will review the plan with the subdivider or his agent. The Commission may also request that copies of the sketch plan be submitted to other affected public agencies for review.
- (c) The Planning Commission shall inform the subdivider or his agent of the Township's development policies and making appropriate comments and suggestions concerning the proposed development scheme. The Planning Commission may grant tentative sketch stage approval or indicate its intent to reject the proposed plat, provided however, that an indicated rejection at this stage not bar the developer from submitting a preliminary plat.

Section 3.2 Preliminary Plat Preparation and Submittal

3.21 Application by the Subdivider

- (a) Subdivider submits to the Township Clerk a written application, together with written and graphic information, and the fee authorized by the Township Board, at least ten (10) days prior to the regular monthly Planning Commission meeting at which he hopes to have his proposed plat on the agenda. The Township Clerk records the receipt of the plat and partly forwards it to the Chairman of the Planning Commission who places it on the agenda of the next scheduled meeting of the Planning Commission.
- (b) Subdivider submits five (5) copies of the preliminary plat on paper not greater than twenty-four (24) inches by thirty-six (36) inches drawn at a scale of at least one (1) inch to two hundred (200) feet which shall include the following information:
 - 1. Scale and north arrow;

2. Name of proposed subdivision;
3. Names, addresses and telephone numbers of subdivider(s) and surveyor preparing the plat;
4. Location map of the subdivision, giving the numbers of the sections, township and range and name of the township and county, also showing adjoining roads, physical features, township or section lines to which reference may be made, school district within which the proposed plat is located, and the general location of the proposed plat in relation to schools, shopping centers and major community facilities;
5. A property and topographic survey map of the proposed plat area, including the location of property lines, topographical lines at not more than 2 foot intervals, streams, lakes, swamps and drainage sources, location of flood plain areas, existing streets and highways within the area to be platted, or in the immediate vicinity of the area to be platted, from which access to the property can be made, and the adjacent property lines and names of adjacent property owners, and the location of existing facilities and structures, such as buildings, sewage systems, high tension towers, utility easements of record or in use, excavations, bridges and culverts.
6. Streets, street names, right-of-way and roadway widths. Other right-of-way easements, showing location, width and purpose as available.
7. Lot lines and the total number of lots by block.

(c) Subdivider submits supporting written information which shall include:

1. A LEGAL OPINION showing the legal and equitable owners (including mortgages, contract purchasers and fee owners) of the land to be platted, plus all grants, reservations, deed restrictions and easements of record which may condition the use of the property.
2. Statement of intended use of the proposed plat, such as, residential single family, two family and multiple housing; commercial; industrial; recreational; or agricultural. Also proposed sites, if any, for multifamily 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.
3. Statement as to whether the high groundwater is less than or greater than six (6) feet from either the existing or proposed finished ground surface. In those cases where the groundwater is less than six (6) feet, the groundwater level shall be specified. A statement as to how and when the high groundwater level was established shall be included.
4. Statement of the availability of water of good quality for domestic use on the land proposed to be subdivided. If questionable the County Health Department may require an estimate as to the availability of quality water prepared by and based

upon a study by a registered civil engineer or hydro-geologist competent in the field of water supply.

5. A report of soil limitations based on site inspection carried out by a soil specialist qualified in the area of soil classification and mapping, including soils information as may be obtained from a modern soil map, which meets the standards of the National Cooperative Soil Survey. The source of information shall be specified.
 6. Copies may be required of proposed protective covenants and deed restrictions by the Planning Commission.
 7. The names and addresses of all property owners whose lands abut the proposed subdivision as they appear on the tax records of the Township.
- d) **The subdivider shall obtain and submit letters indicating approval or rejection from the following agencies:**
1. Chippewa County Road Commission
 2. Chippewa County Drain Commissioner
 3. Chippewa County Health Department
 4. Michigan Department of State Highways and transportation, if any of the proposed subdivision includes streets or roads that connect with or lie within the right-of-way of state trunk line highways.
 5. Michigan Department of Natural Resources, Bureau of Water Management, if the land proposed to be subdivided abuts a lake or a stream, or abuts an existing or proposed channel or lagoon affording access to a lake or stream where public rights may be affected; or if any part of the proposed subdivision lies within the flood plain of a river, stream, creek or lake.
 6. The School Board of the respective school district in which the subdivision is to be located.
 7. Chippewa County Road Commission for verification that street names do not duplicate or conflict with existing street names.
 8. The Chippewa County Soil Conservation District for a review of Soil Limitations Report.
 9. The Kinross Township Engineer for review of utility service plans and any other pertinent information.
- e) **The Subdivider shall submit:**
1. Preliminary engineering plans for 'streets, water, sanitary and storm sewers, and other required public improvements. The engineering plans shall contain enough

information and detail to enable the Planning Commission to make a preliminary determination as to conformance of the proposed improvements to applicable Township regulations and standards.

2. Plans showing location and results of all percolation tests and soil borings performed on the site when subdivision is proposed in areas not served by a public sewer system. Percolation tests should be provided on the basis of at least one (1) per acre or one (1) per lot if lots exceed one (1) acre in size. The County Health Department may notify this requirement based on local conditions.

Section 3.22 Review and action by the Planning Commission

- a) The Planning Commission shall review the submitted preliminary plat for completeness and shall not place the preliminary plat on the agenda of the Commission until all data required by this ordinance shall have been submitted.
- b) The subcommittee for reviewing plats shall report to the full Planning Commission their recommendations on any factors which would be of general concern to the Township in respect to the preliminary plat.
- c) The Planning Commission shall review the preliminary plat, and, if the plat does not meet all requirements, the Planning Commission shall notify the subdivider by letter, giving the earliest date for resubmission of the plat and additional information required.
- d) The Planning Commission shall give its report to the 'Township Board not more than sixty (60) days after submission of the preliminary plat. The sixty (60) day period may be extended if the applicant consents. If no action is taken within sixty (60) days, the preliminary plat shall be deemed to have been approved by the Planning Commission. Said report shall indicate whether or not the Planning Commission recommends that preliminary approval be granted and may contain any other recommendations, conditional or otherwise, which the Planning Commission deems essential.

3.23 Review and Action by the Township Board

- a) The Township Board shall not review, approve or reject a preliminary plat until it has received from the Planning Commission its report and recommendations.
- b) Following receipt of the recommendations of the Planning Commission, the Township Board shall consider the proposed subdivision at its next regularly scheduled meeting. In any event, the Township Board, should, within a thirty (30) day period of the initial receipt of the preliminary submission from the Township Planning Commission, grant or deny preliminary approval.
- c) The Township Board may also make recommendations, suggestions and proposals, which they deem necessary as conditions for granting preliminary approval of the subdivision.

3.24 Conditions and Duration of Approval:

Tentative approval under this section shall confer upon the proprietor for a period of one year from date, approval of lot sizes, lot orientation and street layout. Such tentative approval may be extended for not more than one year if applied for by the proprietor and approved by both the Planning Commission and the Township Board.

Section 3.3 Final Plats:

3.31 Requirements:

a) General:

- (1) Final Plats shall be prepared and submitted as provided for in Public Act 288 of 1967, the “Subdivision Control Act” and in this Kinross Township Subdivision Control Ordinance.
- (2) A written application for approval and the recording fee shall accompany all final plats at the time they are presented to the Township Clerk.
- (3) The subdivider shall submit proof of ownership of the land included in the final plat in the form of a title opinion prepared by an attorney at law licensed to practice law in Michigan, or a policy of the title insurance currently in force.
- (4) The Township may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

b) Time of Submittal:

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

3.32 Procedures:

a) Submittal to Approving Authorities: The subdivider shall submit the final plat and as-built engineering plans, where required for approval, to the following agencies:

- (1) Chippewa County Road Commission: For approval or rejection.
- (2) Chippewa County Drain Commissioner: For approval or rejection.
- (3) Chippewa County Health Department: For issuance of a letter of approval or rejection.
- (4) Kinross Township Planning Commission: For recommendations to the Township Board.

3.33 Actions:

a) Township Planning Commission:

- (1) The Planning Commission shall examine the plat at its next regular meeting, or within thirty (30) days of receipt thereof, for conformance to:
 - a) The provisions of Public Act 288 of 1967, “The Subdivision Control Act.”
 - b) The provisions of this Ordinance.
 - c) The preliminary plat, as approved.
- (2) The time for review and recommendation by the Planning Commission may be extended by agreement with the subdivider.
- (3) 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.
- (4) Recommendation for approval of the plat by the Township Board shall be accompanied by a report.

b) Township Board:

- (1) 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 of the recommendation from the Planning Commission.
- (2) The Township Board shall approve the plat, or disapprove it. If disapproved, the Township Board shall give the subdivider its reasons in writing and refund the recording fee. Approval shall be effective for two (2) years, with extension considered upon application in accordance with Section 120 (Ma 560.120), Public Act 288 of 1967, “The Subdivision Control Act.”
- (3) The Township Board shall instruct the Clerk to record all proceedings in the minutes of the meeting and if it approves the plat, it shall direct its proper officers to sign the same.

c) Improvements and Facilities Required by the Township:

- (1) The Township Board may require all improvements and facilities to be completed before it approves the final plat.

- (2) 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, and such contract shall be recorded and referred to on the plat.
- (3) Performance of the contract may be secured by requiring a cash deposit, certified check, or negotiable bond, or irrevocable bank letter of credit from the proprietors and payable to the public agency responsible for the improvement.
- (4) The Township Board shall not require a bond duplicating any bond required by another governmental agency.
- (5) Such surety may be rebated or credited to the account of the proprietor as the work progresses, as included in a written agreement between the Township and the subdivider.

ARTICLE IV - SUBDIVISION STANDARDS

Section 4.1 TRAFFICWAYS - STREET AND ROADS:

4.11 General:

The standards set forth in this Ordinance shall be the minimum standards for streets, roads and intersections. Any higher standards adopted by the Chippewa County Road Commission shall prevail. Generally, all streets shall be dedicated to public use and arterial streets shall be dedicated to public use in all cases.

4.12 Location:

Platted streets shall be required to conform to the "Master Plan for Streets and Highways" of Kinross Township as adopted and amended.

- a) **Local Streets:** Such streets shall be so arranged as to discourage their use by through traffic.
- b) **Street Continuation and Extension:** The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivision, unless otherwise approved by the Planning Commission and the Chippewa County Road Commission.
- c) **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 4.72b).

- d) **Relation to Topography:** Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable gradients.
- e) **Alleys:** Alleys shall not be permitted in areas of detached single or two-family residences. Alleys shall be provided in multiple dwelling or commercial subdivisions unless other provisions are made for service access, off-street loading, and parking. Dead end alleys shall be prohibited.
- f) **Marginal Access Streets:** Where a subdivision abuts or contains an arterial street, the 'Township may require:
 - (1) Marginal access streets approximately parallel to and on each side of the right-of-way.
 - (2) Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
- g) **Cul-de-sac Streets:** Cul-de-sac streets shall not be more than six hundred (600) feet in length. Special consideration shall be given to a longer cul-de-sac under certain topographic conditions or other unusual situations. Cul-de-sacs shall terminate with an adequate turn-around with a minimum external diameter of one hundred fifty (150) feet.
- h) **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 of Partial Street, the other part of the street shall be dedicated within such street.
- i) **Private Streets:** Private Streets and roads shall be prohibited, except as provided in the Township Zoning Ordinance in relation to "Planned Unit Developments", "Condominium Developments" and specified "Special Uses" required to be processed through township zoning "Site Plan Review Procedures."

4.13 Specifications:

a) Street Rights-of-Way, Roadway Width:

- (1) Street and road right-of-way and roadway pavement widths shall conform to the adopted "Master Plan for Streets and Highways" and rules of the

Chippewa County Road Commission and the Department of State Highways and Transportation.

b) Street Gradients:

- (1) **Maximum Grades:** Street grades shall not exceed five (5) percent on either local streets or collector streets.
- (2) **Minimum Grades:** No Street grade shall be less than zero point five (0.5) percent.

c) Street Alignment:

- (1) **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 arterial streets, three hundred (300) feet for collector streets.
- (2) **Vertical Alignment:** Minimum sight distances shall be two hundred (200) feet for minor streets and three hundred (300) feet for collector streets.

4.14 Street Names:

Street names shall not duplicate any existing street in Kinross Township 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 shall be avoided by checking new street names with the Kinross Township Planning Commission master listing.

Section 4.2 INTERSECTIONS

4.21 Angle of Intersection:

Streets shall intersect at ninety (90) degrees or closely thereto and in no case at less than eighty (80) degrees.

4.22 Sight 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.

4.23 Sight Distance:

The minimum extent of unobstructed vision on a horizontal plane along a street surface at a driver eye height of 3.75 feet above the centerline of a street to an

object height of 6 inches above the centerline of a street for a distance of 200 feet for local street and a distance of 300 feet for collector street between said heights.

4.24 Number of Streets:

No more than two (2) streets shall cross at any one (1) intersection.

4.25 Intersections:

Except on arterials and certain collectors, "T" type intersections shall be used where practical.

4.26 Centerline offsets:

Slight jogs at the intersections shall be avoided. Where such jogs are unavoidable, street centerlines shall be offset by a distance of one hundred fifty (150) feet or more.

4.27 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 percent (2%) intersection grade in rolling and four percent (4%) in hilly terrain will be permitted.

Section 4.3 PEDESTRIANWAYS:

4.31 Crosswalks:

Right-of-way for pedestrian crosswalks in the middle of long blocks shall be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas. The right-of-way shall be at least ten (10) feet wide and extend entirely through the block.

4.32 Sidewalks:

Sufficient right-of-way shall be provided so that sidewalks may be installed on both sides of all streets.

Section 4.4 EASEMENTS:

4.41 Location:

Easements shall be provided along rear lot lines and also along side lot lines when necessary for utilities. 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 4.66 for backup lots.)

4.42 Drainage way:

The subdivider shall provide drainage way easements as required by the rules of the Chippewa County Drain Commissioner.

4.43 Major Easements:

Where easements are required to allow access to the municipal water and sanitary sewer facilities, the Township shall have the power to require the grant of additional easements to the boundary of the proposed subdivision. Said grants and extensions may be required in order to insure the continuation of said services into adjoining lands or subdivisions.

Section 4.5 BLOCKS:

4.51 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.

4.52 Minimum Length:

Blocks shall not be less than five hundred (500) feet long.

4.53 Maximum length:

The maximum length allowed for residential blocks shall be one thousand three hundred twenty (1,320) feet long from center of street to center of street.

Section 4.6 LOTS:

4.61 Conform to Zoning:

The lot width, depth, and area shall not be less than the particular district requirements of the Kinross Township Zoning Ordinance except where outlots are provided for sane indicated and permitted purpose.

4.62 Lot Lines:

Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.

4.63 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.

4.64 Corner Lots:

Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.

4.65 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 judgment of the Planning Commission, increase the danger to health, life, general welfare, or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as parks.

4.66 Backup Lots:

Lots shall not 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 long 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 frontage on two (2) local streets shall be prohibited.

4.67 Lot Frontage:

All lots shall front upon a publicly dedicated street. Variances from this may be permitted if in accordance with township zoning for planned unit developments, condominium developments, and special uses permitting non-public or private streets and drives.

4.68 Future Arrangements:

Where parcels of land are subdivided into unusually large lots (such as when large lots are required for septic tank operations, or for agricultural use) 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 or splitting of lots into smaller lots. 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.

4.69a Division of Platted Lots:

- a) The Planning Commission may approve the subdividing or partitioning of a platted lot where the purpose is to add area to an adjacent building site, and the resulting parcels will be used as separate building sites or lots.
- b) The Planning Commission may partition or divide a platted lot to accommodate sale, lease or development, provided however, that the resulting lots shall not be less in area and dimension than provided by Public Act 288 of 1967, "The Subdivision Control Act" or the Kinross Township Zoning Ordinance for the zoning district in which the lot is located. The division of platted outlots shall generally be discouraged.
- c) Application for approval to partition or subdivide shall be made in writing to the Commission and shall be accompanied by a sketch drawn to scale indicating the original lot, the proposed division, the pertinent dimensions, and the legal description of the resultant parcels.

4. 69b Division of Unplatted Parcel:

The division of an unplatted parcel of land into two (2), three (3) or 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. It building or zoning permit shall be issued in such cases until the 'Township Board has approved division of such lands.

Section 4.7 PLANTING STRIPS AND RESERVE STRIPS:

4.71 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 right-of-way or utility easement.

4.72 Reserve Strips:

- a) **Reserve Strips-Private:** Privately held reserve strips controlling access to streets shall be prohibited.
- b) **Reserve Strip-Public:** A one-foot reserve may be required to be placed at the end of "stub" or "dead end" streets which terminate at subdivision boundaries and between half-streets. These reserves shall be deeded in fee simple to the Township for future street purposes.

Section 4.8 PUBLIC SITES AND OPEN SPACES:

4.81 Public uses:

Where a proposed park, playground, school or other public use 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 three (3) years of plat recording, the purchase is not agreed on, the reservation may be cancelled or shall automatically cease to exist.

4.82 Natural Features:

Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, water courses, historic spots, and similar irreplaceable assets) shall be preserved to the satisfaction of the Planning Commission in the design of the subdivision.

Section 4.9 LARGE SCALE DEVELOPMENTS:

4.91 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 Plan and with a building and development program which provides and dedicates adequate public open space and improvements for the circulation, recreation, education, light, air and service needs of the tract when fully developed and populated.

4.92 Neighborhood Characteristics:

A community or neighborhood under this provision shall generally be consistent with the Comprehensive Plan and contain one hundred (100) 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.

Section 4.10 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS:

4.101 Commercial or Industrial Modifications:

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 in accordance with the requirements of the Kinross Township zoning Ordinance.

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.

Section 5.2 RESPONSIBILITY FOR PLANS:

It shall be the responsibility of the subdivider of every proposed plat to have prepared by a licensed, professional engineer, a complete set of construction plans, including profiles, cross sections, 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.

Section 5.3 PROCEDURE:

5.31 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 **provided in Section 3.3.**

Section 5.4 REQUIRED PUBLIC IMPROVEMENTS:

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

5.41 Monuments:

- a) Monuments shall be set in accordance with Public Act 288 of 1967, “The Subdivision Control Act”, and the rules of the State Department of the Treasury.
- b) Any monument or lot marker removed during construction of roads, placement of utilities or other public improvement shall be replaced by the contractor or utility responsible with the help of a licensed surveyor and be inspected by an appointed representative of the Kinross Township Board.

5.42 Streets, Roads, and Alleys:

All streets, roads, and alleys shall be constructed in accordance with the standards and specifications adopted by the Chippewa County Road Commission.

5.43 Curbs and Gutters:

Curbs and gutters shall be required on all streets and shall be constructed in accordance with the standards and specifications adopted by the Chippewa County Road Commission.

5.44 Installation of Public Utilities:

Public utilities shall be located in accordance with the rules of the Chippewa County Road Commission and the rules, regulations, and standards of the Township of Kinross. The underground work for utilities shall be stubbed into the property line of each lot or parcel in the plat.

5.45 Telephone and Electric Utility Lines:

All new telephone and electric utility lines may be required to be installed underground.

5.46 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 Chippewa County Drain Commission and Kinross Township. Construction shall follow the specifications and procedures established by the Chippewa County Drain Commissioner and Kinross Township.

5.47 Water Supply System:

When a proposed plat 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 a system of mains is installed by the developer, all subsequent building in said plat shall be required to connect to said systems. 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 Public Act 98 of 1913, as amended, and Kinross Township. All easements and water supply improvements shall be dedicated to the public and accepted by the Kinross Township Board for administration, operation and maintenance. It proprietary rights of any type or description shall be retained by the developer or owner of the subdivision. Individual wells may be permitted in accordance with the requirements of the Chippewa County Health Department.

The sizes of water mains, the location and type of valves and hydrants, and the amount of soil cover over the pipes, and other features of the installation, shall conform to the requirements of the Michigan Department of Public Health, and the adopted standards of Kinross Township. A construction permit is required for the Michigan Department of Public Health prior to the start of the project. Connection to a nearby public water system may be required by the Township if the proposed subdivision is, in the judgment of the Township, accessible to said system, and the Township may require the developer to pay all or a share of the cost of extending said facility to his subdivision.

5.48 Sanitary sewer System:

When a proposed subdivision is to be serviced by a public sanitary sewer system, sanitary sewers and other required appurtenances thereto shall be provided by the subdivider. Sewer system shall comply with the requirements of the Michigan Department of Public Health, and the adopted standards of the Township. Connection to a nearby public sanitary sewer system may be required by the Township if the proposed subdivision is, in the judgment of the Township accessible to said system, and the Township may require the developer to pay all or a share of the cost of extending said facility to his subdivision.

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 advise of the Kinross Township Engineer, and the Chippewa County Health Department, and it shall comply with the requirements of Public Act 98 of 1913, as amended, and the adopted standards of Kinross Township. All such easements and sanitary sewer improvements may be required to be dedicated to the Public through the Kinross Township Board with the dedication made a matter of record with the Chippewa County Register of Deeds. Where it is determined in the judgment of the Planning Commission, with the advise of the Kinross Township Engineer and the Chippewa County Health Department, that a subdivision cannot be feasibly 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 with shall comply with the requirements of the Chippewa County Health Department.

5.49a Street Name Signs:

Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the Chippewa County Road Commission.

5.49b Sidewalks and Bicycle Paths:

Four (4) foot wide sidewalks shall be required on both sides of streets where the width of lots as measured at the street frontage line or at the building setback line average less than 90 feet. In areas within one-half mile of any existing or proposed elementary school for which a site has been acquired and a building date set, bicycle paths a minimum of two feet wide shall be required on one side of the streets regardless of average lot widths. Sidewalks shall be constructed in accordance with the requirements of the Chippewa County Road Commission.

5.49c Crosswalks:

Crosswalks, when required by Kinross Township, shall have easements at least ten (10) feet in width and include a paved walk at least five (5) feet in width, located generally along the centerline of the easement, and dedicated as a public pedestrian walkway. Crosswalks shall be constructed in accordance with the requirements of the Chippewa County Road Commission.

5.49d Recreational:

Where a school site, neighborhood park, recreation area, or public access to water frontage, as previously delineated in the Comprehensive Plan or specified by official action of the Planning Commission, is located in whole or part in the proposed subdivision, the Township Board may request the reservation of such open space for school, park and recreation or public access purposes. All such areas shall either be reserved for the respective school district in the case of school sites or for Kinross Charter Township in all other cases; however, voluntary dedication of these land areas may be accepted, if within three (3) years of plat recording the purchase is not agreed upon, the restrictions may be cancelled or shall automatically cease to exist.

5.49e 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 rights-of-way. Where a subdivider desires to protect his development in this respect, or Kinross Charter Township requires the same, a proposed subdivision plat shall show the location of said greenbelts.

5.49f Street Trees:

Street trees shall be provided as required by the Planning Commission, as follows:

- a) **Species:** The trees should be species as determined by the Planning Commission which are nest resistant to damage and disease in this part of the country and which are not likely to cause interference with underground utilities or street lighting or street pavement.
- b) **Location:** Street trees should be spaced so that there will be approximately ten (10) feet between branch tips when the trees are fully grown. No trees shall, be planted within fifty (50) feet of intersection of two (2) street right-of-way lines. Approaches to buildings should be considered when locating trees.
- c) **Thee Size:** Street trees shall be at least one and one-half (1½) inches in diameter when planted. Any tree which dies within two (2) years after planting shall be replaced by the subdivider.
- d) **Number:** The number of trees shall be determined by the lot widths. There shall be a minimum of one (1) tree per interior lot with a frontage of seventy (70) feet or less, or a minimum of two (2) trees per lot with a frontage of sore than seventy (70) feet. At least three (3) trees shall be provided for a corner lot.

5.49g Street Lighting:

Streetlights may be required to be installed at intersections only, or, throughout the subdivision. In the event of such requirements, a subdivider shall conform to the requirements of Kinross Charter Township and the public utility providing such lighting.

5.49h Plans Required for the Control of Erosion and Sedimentation:

In the event that any developer shall intend to make changes in the contour of any land proposed to be subdivided, developed, or changed in use by grading, excavating or the removal or destruction of the natural topsoil, trees, or other vegetative covering thereon, the same shall only be accomplished after the owner of said land or his agent has submitted to the Planning Commission for approval of a plan for erosion and sedimentation controls, unless there has been a prior determination by the Planning Commission that such plans are not necessary. Such plans shall contain adequate measures for control of erosion and siltation, where necessary, using the guidelines and policies contained herein. The Planning Commission shall review these plans as submitted, and shall take necessary steps to ensure compliance by the developer with these plans as finally approved.

a) Requirements:

- (1) Three (3) sets of plans for the control of erosion and sedimentation shall be submitted to the Planning Commission at the time the final plat drawings are submitted.
- (2) Measures to be taken to control erosion and sedimentation shall be described and provided for in the construction agreement and the estimated cost of accomplishing such measures may be covered in the performance bond. In addition the subdivider may be required to provide a cash escrow guarantee (to be held by a company which is in the practice of handling escrows), approved by the Township Board in an amount determined by the Planning Commission which would ensure the Township that emergency measures could be taken by the Township at the subdivider's expense, if he did not initiate corrective action determined to be needed by the Planning Commission. In this regard, the subdivider shall, at the time of Final Plat submission, deliver to the Township Board written instructions addressed to the escrow holder to (1) Convey to~ the subdivider, after completion of the entire subdivision, (as per the construction agreement) upon approval, by resolution of the Township Board the cash guarantee or (2) to convey to the Township when the Township Board has approved such action, by resolution, such amounts of the cash guarantee, as the resolution requires.
- (3) At the building and zoning permit application stage, a review will be conducted to insure conformance with the plan as approved.
- (4) During the construction phase, further consultative technical assistance will be furnished, if necessary, by the Planning Commission. The Planning Commission shall enforce compliance with the approved plans.
- (5) The Planning Commission shall make a continuing review and evaluation of the methods used and the overall effectiveness of the erosion and sedimentation control program.

b) Required Control Measures:

The plan for and implementation of soil erosion controls shall conform to the "Standards and specifications for Soil Erosion and Sediment Control" as established by the Chippewa County Soil Conservation District. The developer shall submit a letter of review of soil erosion control plans from the Chippewa County soil Conservation District to the Planning Commission.

Section 5.5 GUARANTEE OF COMPLETION OF PUBLIC IMPROVEMENTS

5.51 Financial Guarantee Arrangements and Exceptions:

In lieu of the actual installation of public improvements, as required by the Township, the subdivider may elect to provide a financial guarantee of performance in one or a continuation of the following arrangements for those requirements which are over and beyond the requirements of the Chippewa County Road Commission or any other agency responsible for the administration, operation and maintenance of the applicable public improvement.

a) Performance or Surety Bond:

- (1) The bond shall accrue to the respective government agency responsible for administering the construction, operation and maintenance of the specific public improvement.
- (2) The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement.
- (3) The term length in which the bond is in force shall be for a period to be specified by the respective public agency responsible for the specific public improvement.
- (4) The bond shall be with a bonding company or surety company authorized by the Secretary of State of the State of Michigan, to do business in the State of Michigan.

b) Cash Deposit, Certified Check, Negotiable Bond, Irrevocable Letter of Credit:

- (1) A cash deposit, certified check, or negotiable bond, shall accrue to the respective public agency responsible for administering the construction, operation or maintenance of the respective government of which the public agency is a part, or deposited with a responsible escrow agent, or trust company, subject to the approval of the respective governmental legislative body.
- (2) The dollar value of the cash deposit, certified check, negotiable bond, shall be equal to the total estimated cost of construction of the specified public improvement.
- (3) The escrow time for the cash deposit, certified check, or negotiable bond, shall be for a period to be specified by the respective public agency responsible for administering the specific public improvement.
- (4) In the case of either cash deposits or certified checks, an agreement between the respective public agency and the developer may provide for

progressive payments out of the cash deposit or reduction of the certified check or negotiable bond to the extent of the estimated cost of the completed portion of the public improvement in accordance with the standard practices of the public agency responsible for administering the specific public improvement.

5.52 Conditional Approval of Final Plat:

The approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

- a) The construction of improvements required by this Ordinance shall have been completed by the subdivider and approved by the Township Board.
- b) Surety acceptable to the Township Board shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable letter of credit, or surety bond.

5.53 Special Agreements:

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

5.54 Inspection of Public Improvements Under Construction:

Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivision developer and the Township Board shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.

5.55 Penalty for 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 may reimburse itself the cost and expense thereof by appropriating the deposit, certified check, or negotiable bond 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 the written agreement with the Township Board and the subdivider.

ARTICLE VI - VARIANCES

SECTION 6.1 GENERAL VARIANCES:

The Planning Commission may recommend to the Township Board a variance from the provisions of this Ordinance on a finding that undue hardship or practical difficulties may result from strict compliance with specific provisions or requirements of the Ordinance or that application of such provision or requirements is impractical. The Planning Commission shall only recommend variances that it deems necessary to, or desirable for, the public interest. In making its finding 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 the following:

- 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 impractical 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 Public Act 288 of 1967, "The Michigan Subdivision Control Act," except as modified by the provisions of this Subdivision Control Ordinance or the Kinross Charter Township Zoning Ordinance.
- d) The Planning Commission shall include its findings and the specific reasons therefore in its report of recommendations to the Township Board, which shall also record its reasons and actions in its minutes.
- e) That such variance will not have the effect of nullifying the intent and purpose of this Ordinance and the Master (Comprehensive Development) Plan of Kinross Township.

6.2 Existing groups of principal structures located upon a single lot or parcel of land under single or multiple ownerships existing on the effective date of this Kinross Charter Township Subdivision Control Ordinance Variances:

The aforesaid lot width, depth, area, ratio and other specific requirements of this Ordinance may be waived, upon recommendation of the Township Planning Commission and with letters of waiver from all affected government agencies, by the Township Board of the preliminary and final plat, when the proposed subdivision includes principal structures not built on caused-to-be-built by the subdivider, when the Township Board with the recommendations of the Township

Planning Commission, determines that (1) application of the specific requirements of this ordinance will not be injurious to the purposes of this Ordinance as set forth in Article I, Section 1.2.

6.3 Topographical - Physical Limitation Variances:

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 such other 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.

6.4 Planned Unit Development, Condominium Development and Special Use Variances:

The developer may request a variance from specified portions of this Ordinance in the case of a planned unit development, condominium development, condominium development or a special use permitted in accordance with the Kinross Charter Township Zoning Ordinance. If in the judgment of the Planning Commission, such a plan provides adequate public spaces and includes provisions for efficient circulation, light and 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 land uses.

6.5 Variances From The Required Public Improvements or Utilities:

The Planning Commission may recommend to the Township Board that waivers be granted for the installation of a public sanitary sewer system, curb and gutter, a public water system, or any or all of them, when in its best judgment, said installations shall be impractical. Provided, however, that the average width of the lot in the proposed subdivision as measured at the street frontage is two hundred (200) feet or more, and where the average lots size is at least forty thousand (40,000) square feet, or that the proposed subdivision is an extension of an existing subdivision which does not have this public.

Section 6.6 APPLICATIONS REQUIRED:

6.61 Required Improvement Variance or Topographical Variance:

Application for any such variance shall be submitted in writing by the subdivider or at any time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

6.62 Planned Unit Development, Condominium Development and Special Use Variances:

Application for any such variance shall be made in writing by the subdivider at the time when the proposed project is filed for the consideration of the Planning Commission stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans, or other additional data which may aid the Planning Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.

ARTICLE VIII - AMENDMENTS

Section 8.1 PROCEDURES:

The Township Board may, from time to time, amend, supplement, or repeal provisions of this Ordinance in the manner prescribed by Public Act 359 of 1947, as amended. A proposed amendment, supplement, or repeal may be originated by the Township Board, Township Planning Commission, or by any petitioner. 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.

ARTICLE IX - MISCELLANEOUS PROVISIONS

Section 9.1 Validity:

Should any section, clause, or provision of this Ordinance be declared by the courts of jurisdiction 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.

APPENDIX A

Summary of Procedures for Processing a Subdivision Plat in Kinross Charter Township, Chippewa County, Michigan

1. Subdivider obtains land
2. Subdivider makes sketch plan of proposed development, includes:
 - (a) Characteristics of land
 - (b) General layout of streets, blocks, and lots
 - (c) Any special area for schools, parks, etc.
3. Subdivider submits 2 copies of sketch plan to Planning Commission 10 days before next Commission meeting
4. Planning Commission receives sketch plan and studies it
5. Planning Commission makes appropriate comments and suggestions concerning the plan to the subdivider
6. Subdivider refines sketch plan
7. Subdivider makes formal preliminary plat application to the Township Clerk 10 days before next Planning Commission meeting, said application to include:
 - (a) 5 copies of proposed plat
 - (b) A property and topographic survey map
 - (c) A legal opinion on ownership of the property
 - (d) A statement of intended use of the plat
 - (e) A report on groundwater, water supply and soil limitations
 - (f) A list of names and addresses of adjacent property owners
 - (g) Letters from agencies specified in the Ordinance
 - (h) Preliminary engineering plans for streets, sewer, water, drainage, and other items listed in the Ordinance
 - (i) A fee of \$20.00 for review
8. Clerk transmits application to Planning Commission immediately

9. Planning Commission reviews application for completeness and places it on the agenda of the next meeting of the Commission only if all necessary data have been submitted
10. Planning Commission reviews preliminary plat and if it is incomplete notifies the subdivider.
11. Planning Commission publicly discusses the preliminary plat as an agenda item at its next meeting.
12. Planning Commission reports to Township Board not more than 60 days after submission of completed application by the subdivider
13. Township Board receives preliminary plat and report from Planning Commission
14. Township Board approves or rejects preliminary plat within 30 days of receipt from Planning Commission if approved:
15. Subdivider instructs licensed surveyor to prepare final plat
16. Licensed surveyor certifies the plat
17. Subdivider certifies the plat
18. County Treasurer certifies the plat
19. Subdivider submits final plat to the County Drain Commissioner for certification or rejection
20. Subdivider submits final plat to the County Road Commission for certification or rejection
21. Subdivider obtains letter of approval or denial from County Health Department
22. Subdivider submits final plat to the Township Clerk within 2 years of date of preliminary plat approval and 10 days before the next Planning Commission meeting which application shall include:
 - (a) Final plat according to requirements of Public Act 288 of 1967, "The Subdivision Control Ordinance
 - (b) Written application and final fees according to fee schedule in Kinross Charter Township Subdivision Control Ordinance
 - (c) Proof of ownership of property

(d) Required letters and certificates

- 23.** Clerk transmits final plat to Planning Commission
- 24.** Planning Commission receives final plat, studies the plat, and certifies or rejects it within 10 days of receipt
- 25.** Planning Commission transmits final plat and report to the Township Board
- 26.** The Township Board receives final plat, studies the plat, and certifies or rejects it within 20 days of receipt
- 27.** Township Board transmits final plat with necessary certificates to County Plat Board
- 28.** County Plat Board certifies or rejects final plat within 15 days of receipt
- 29.** County Plat Board forwards approved final plat to State Department of Treasury
- 30.** State Department of Treasury certifies or rejects final plat
- 31.** State Department of Treasury forwards plat to State Highway Department if applicable
- 32.** State Department of Treasury forwards approved plat to County Register of Deeds for recording.