

## Kinross Charter Township

### ORDINANCE NO. 20

Subdivision Control Ordinance

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**The Township Board of the Charter Township of Kinross, Chippewa County, Michigan Ordains:****Article 1 – General Provisions****Section 1.1 - Title**

This Ordinance shall be known and may be cited as the “Kinross Township 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 set 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, MCL 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 time, and (2) By municipality, as a condition of approval of the plat may require the proprietor to enter into an agreement as provided in this section; and (3) 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:”

**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 types of fees will be levied by Kinross Charter Township:

- Preliminary Plat
- Final Plat
- Recording Final Plat

The dollar amount of these fees will be set by resolution of the Kinross Charter Township Board and published in Appendix B.

## Article 2 – Definitions

### Section 2.1 – Rules applying to the text

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

- a. Words used in the present tense include the future tense and the singular includes the plural, unless the context clearly indicates the contrary.
- b. The term “shall” is always mandatory and not discretionary. The word “may” is permissive.
- c. The word or terms not interpreted or defined by this article shall be used with a meaning of carriage 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.

**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.

**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.

**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; 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:** An individual, 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 3 – Application Contract and Sketch Plan

### 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.

#### Section 3.11 – Purpose

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

#### Section 3.12 – Requirements

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

- a. Drawn to scale, but may be in sketch form
- b. Existing conditions and characteristics of the land on and adjacent to the site
- c. General layout of streets, blocks and lots
- d. Any general area to be set aside for schools, parks, or other community facilities

## Section 3.13 – Procedures

- 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

- 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 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 imitations 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 address 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 for verification that street names do not duplicate or conflict with existing street names
  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 of roads that connect with or lie within the right-of-way of state truck 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 right 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 Soil Conservation District for a review of Soil Limitations Report

8. Kinross Charter Township Supervisor, or his designee, 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 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 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, as, 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.

### Section 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 the report and recommendations from the Planning Commission.
- 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 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.

### Section 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 the proprietor and approved by both the Planning Commission and the Township Board.

## Section 3.3 – Final Plats

### Section 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

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

## Section 3.32 – Procedures

Submittal to approving authorities – The subdivider shall submit the final plat and as-built engineering plans, where required for approval, to the following agencies for approval or rejection:

- a. Chippewa County Road Commission
- b. Chippewa County Drain Commissioner
- c. Chippewa County Health Department
- d. Kinross Charter Township Planning Commission

## Section 3.33 – Actions

### a. 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 (Ma160.120), 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 4 – Subdivision Standards

### Section 4.1 – Trafficways – Streets and Roads

#### Section 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 or Michigan Department of Transportation (MDOT) shall prevail. Generally, all streets shall be dedicated to public use and arterial streets shall be dedicated to public use in all cases.

#### Section 4.12 – Location

Platted streets shall be required to conform to the "Master Plan for Streets and Highways" of Kinross Charter 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 the 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, of-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

3. 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”.

#### Section 4.13 – Specifications

- a. Street rights-of-way, roadway width:  
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 Michigan Department of Transportation (MDOT)
- 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. 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.
- d. Vertical alignment – Minimum sight distances shall be two hundred (200) feet for minor streets and three hundred (300) feet for collector streets.

#### Section 4.14 – Street Names

Street names shall not duplicate any existing street in Kinross Charter 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 Charter Township Planning Commission master listing.

#### Section 4.2 – Intersections

##### Section 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.

##### Section 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.

#### Section 4.23 – Sight distance

The minimum extent of unobstructed vision on a horizontal plan along a street surface at a driver eye height of three and three-quarters (3.75) feet above the centerline of a street to an object height of six (6) inches above the centerline of a street for a distance of two hundred (200) feet for local street and a distance of three hundred (300) feet for collector street between said heights.

#### Section 4.24 – Number of streets

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

#### Section 4.25 – Intersection

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

#### Section 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.

#### Section 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 – Pedestrian-ways

##### Section 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.

##### Section 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

##### Section 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.)

##### Section 4.42 – Drainage way

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

##### Section 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

### Section 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.

### Section 4.52 – Minimum length

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

### Section 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

### Section 4.61 – Conform to zoning

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

### Section 4.62 – Lot lines

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

### Section 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 (2 ½) times the width as measured at the building line.

### Section 4.64 – Corner lots

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

### Section 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.

### Section 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 along the rear at least twenty (20) feet wide in addition to the utility easement to restrict access to the arterial street, to minimize noise and to protect outdoor living areas. Lots extending through a block and having frontage on two (2) local streets shall be prohibited.

## Section 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.

## Section 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, 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.

## Section 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 Charter 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 site plan drawn to scale indicating the original lot, the proposed division, the pertinent dimensions, and the legal description of the resultant parcels.

## Section 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. No 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

### Section 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.

### Section 4.72 – Reserve strips

- a. Reserve strips – Private: Privately held reserve strips controlling access to streets shall be prohibited.

- b. Reserve strips – Public: A one (1) 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

### Section 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 canceled or shall automatically cease to exist.

### Section 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

### Section 4.91 – Modification

This ordinance may be modified in accordance with Article 6 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.

### Section 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

### Section 4.101 – Commercial or industrial modifications

These subdivision design standards may be modified in accordance with Article 6 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 of off-street parking and loading areas as well as for traffic circulation in accordance with the requirements of the Kinross Charter Township Zoning Ordinance.

## Article 5 – Subdivision Improvements

### Section 5.1 – Purpose

This section establishes and defines (1) the public improvements which will be required to be constructed by the subdivider as conditions for final plat approval, (2) outline the procedures and responsibilities of the subdivider, various public officials, and agencies concerned with the administration, planning, design, construction, and financing of public facilities and, (3) 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 licenses, 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

#### Section 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. 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:

#### Section 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 Charter Township Board.

#### Section 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.

#### Section 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.

## Section 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 Charter Township of Kinross. The underground work for utilities shall be stubbed into the property line of each lot or parcel in the plat.

## Section 5.45 – Telephone and electric utility lines

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

## Section 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 Charter Township. Construction shall follow the specifications and procedures established by the Chippewa County Drain Commissioner and Kinross Charter Township.

## Section 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 Charter Township. All easements and water supply improvements shall be dedicated to the public and accepted by the Kinross Charter Township Board for administration, operation and maintenance if 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 size 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 Charter Township. A construction permit is required from 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 judgement 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.

## Section 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 judgement of the Township, accessible to said system. The Township may also 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 judgement of the Kinross Charter Township Engineer, and the Chippewa County Health Department. It shall comply with the requirements of Public Act 98 of 1913, as amended, and the adopted standards of Kinross Charter Township. All such easements and sanitary sewer improvements may be required to be dedicated to the public through the Kinross Charter Township Board with dedication made a matter of record with the Chippewa County Register of Deeds. Where it is determined, in the judgement of the Kinross Charter 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 which shall comply with the requirements of the Chippewa County Health Department.

#### Section 5.49 – 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.

#### Section 5.50 – 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 ninety (90) feet. In areas within one-half (.5) 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 (2) feet wide shall be required on one (1) side of the streets regardless of average lot widths. Sidewalks shall be constructed in accordance with the requirements of the Chippewa County Road Commission.

#### Section 5.51 – Crosswalks

Crosswalks, when required by Kinross Charter 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.

#### Section 5.52 – 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. 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 with three (3) years of plat recording the purchase is not agreed upon, the restrictions may be cancelled or shall automatically cease to exist.

#### Section 5.53 – Greenbelts

It is desirable for the protection of residential properties to have greenbelts of landscaped screen planting 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.

## Section 5.54 – Street trees

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

- a. Species – The trees should be species which are most 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 the intersection of two (2) street right-of-way lines. Approaches to building should be considered when locating trees.
- c. Tree size – Street trees shall be at least one and one-half (1.5) 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 more than seventy (70) feet. At least three (3) trees shall be provided for a corner lot.

## Section 5.55 – 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.

## Section 5.6 – Plans required for the control of erosion and sedimentation

- a. 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.
- b. 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). In an amount approved by the Township Board that 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 Township representative.
- c. At the building and zoning permit application stage a review will be conducted to ensure conformance with the plan as approved.
- d. The plan for and implementation of soil erosion controls shall conform to the "Standards and Specification 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 5.7 – Guarantee of completion of public improvements

### Section 5.71 – Financial guarantee arrangements and exceptions

In Lieu of the actual installation of Township required public improvements, the subdivider may elect to provide a financial guarantee of performance.

#### 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, subject to the approval by the respective public agency/Township Board.
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 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 to the respective public agency; 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, subject to approval by the respective public agency/Township Board.
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.
4. An agreement between the respective public agency and the developer may provide for progressive payments out of the cash deposit in recognition of the completed portion of the public improvement.

### Section 5.72 – Conditional approval of final plat

The approval of all final subdivision plat 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 respective public agency/Township Board.
- b. Surety acceptable to the responsible public agency as established in Section 5.71.

### Section 5.73 – Special Agreements

A special agreement shall be entered into between the subdivider and the respective public agency/Township Board in the event that public improvements are required in excess of the requirements established in Article 5.

### Section 5.74 - Inspection of public improvements under construction

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



**Section 5.75 – Penalty for failure to complete the construction of a public improvement**

In the event the subdivider shall 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 responsible public agency/Township Board to have such work completed. The responsible public agency/Township Board may reimburse itself the cost and expense from the cash deposit or surety bond.

**Article 6 – 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. The Planning Commission shall only recommend variances that it deems necessary to, or desirable for, the public interest. The Planning Commission shall consider:

(1) the nature of the proposed use of land and the existing use of land in the vicinity, (2) the number of persons to reside or work in the proposed subdivision, or (3) 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. There are such special circumstances or conditions affecting the property that the application of the provisions of this Ordinance would be impractical or unreasonable. In such cases the subdivider shall submit reasons in writing as to the specific provision or requirement involved to the Planning Commission.
- b. Granting the variance will not be detrimental to the public welfare or injurious to other's property in the area in which the property is situated.
- c. The 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 of the Kinross Charter Township Zoning Ordinance.
- d. The variance will not have the effect of nullifying the intent and purpose of this Ordinance or the Master Plan of Kinross Charter Township.

**Section 6.2 – Principal structures located upon a single lot or parcel of land under single or multiple ownerships existing as of June 16, 1980**

The lot requirements of this ordinance may be waived by the Township Board upon recommendation of the Planning Commission and with letters of waiver from all affected government agencies.

**Section 6.3 – Topographical-physical limitation variances**

In cases of unusual topography or other conditions, the Planning Commission may recommend to the Township Board that variance modification or a waiver of these requirements be granted.

**Section 6.4 – Planned unit development, condominium development and special use variances**

The developer may request a specific variance in the case of a planned unit development, condominium development, or a special use permitted in accordance with the Kinross Charter Township Zoning Ordinance. If the Planning Commission determines such a plan provides adequate public spaces and includes provisions for efficient circulation, light, and other needs, it shall recommend:

- a. The proposed project will constitute a desirable and stable community development.
- b. The proposed project will be in harmony with adjacent land uses.

## Section 6.5 – Variances from the required public improvements or utilities

The Planning Commission may recommend to the Township Board that waivers be granted for public utilities and infrastructure when installation is impractical.

## Section 6.6 - Applications required

### Section 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.

### Section 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. The application shall state 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 8 – Amendments**

### Section 8.1 – Procedures

The Township Board may 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, Planning Commission, or by any petitioner. All proposals must be reviewed by the Planning Commission before any action is taken on the proposal by the Township Board.

## **Article 9 – 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.

This Ordinance reviewed and update by the Planning Commission December 2017.

**Appendix A**  
**Summary of Procedures for Processing a Subdivision Plat**

1. Subdivider obtains land
2. Subdivider submits plan of proposed development, including:
  - a. Characteristics of land
  - b. General layout of streets, blocks, and lots
  - c. Any special area for schools, parks, etc.
3. Subdivider submits two (2) copies of plan to Planning Commission ten (10) days before next Planning Commission meeting
4. Planning Commission receives plan and studies it
5. Planning Commission makes appropriate comments and suggestions concerning the plan to the subdivider
6. Subdivider refines plan
7. Subdivider makes formal preliminary plat application to the Township Clerk, ten (10) days before next Planning Commission meeting. Said application to include:
  - a. Five (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 refers application to Planning Commission immediately
9. Planning Commission reviews application. If all necessary data has been submitted it is then placed on the agenda.
10. Planning Commission reviews preliminary plat.
11. Planning Commission publicly discusses the preliminary plat.
12. Planning Commission reports to Township Board not more than sixty (60) days after submission of completed application.
13. Township Board receives preliminary plat and report from Planning Commission
14. Township Board approves or rejects preliminary plat with thirty (30) days of receipt from Planning Commission. Upon approval:
  - a. Subdivider instructs licensed surveyor to prepare final plat
  - b. Licensed surveyor certifies the plat
  - c. Subdivider certifies the plat
  - d. County Treasurer certifies the plat
  - e. Subdivider submits final plat to the County Drain Commissioner
  - f. Subdivider submits final plat to the County Road Commission
  - g. Subdivider obtains letter of approval from County Health Department
15. Subdivider submits final plat to the Township Clerk within two (2) years of date of preliminary plat approval and ten (10) days before the next Planning Commission meeting which application shall include:

- a. Final plat shall meet requirement of Public Act 288 of 1967 “The Subdivision Control Act” and this Ordinance
  - b. Written application and final fees according to Kinross Charter Township fee schedule.
  - c. Proof of ownership of property
  - d. Required letters and certificates
16. Clerk transmits final plat to Planning Commission
  17. Planning Commission reviews final plat and issues determination within thirty (30) days of receipt
  18. Planning Commission refers final plan and report to the Township Board
  19. The Township Board receives final plat, reviews and issues determination within thirty (30) days.
  20. Township Board refers final plat with necessary certificates to Count Plat Board
  21. County Plat Board issues determination within thirty (30) days
  22. County Plat Board forwards approved final plat to State Department of Treasury
  23. State Department of Treasury reviews final plat
  24. State Department of Treasury refers plat to State Highway Department
  25. State Department of Treasury refers approved plat to County Register of Deeds for recording

## Appendix B

### Kinross Charter Township Zoning & Ordinance Fee Schedule Revised February 13, 2006

**PERMIT FEES:**

Zoning Permit	\$ 20.00
Special Use Permit	\$100.00
Quarry Permit	\$300.00
Quarry Renewal	\$160.00
Junk Yard Permit	\$ 24.00
Junk Yard Renewal	\$ 10.00
Sign Permit (less than billboard size)	\$ 25.00
(Billboard)	\$100.00
Home Occupation Permit	\$ 20.00
Home Occupation Renewal	\$ 10.00

**SPECIAL MEETING FEES:**

Planning Commission	\$300.00
Zoning Board of Appeals	\$150.00

**SITE PLAN REVIEW FEES:**

Subdivision Plans	\$100.00 Basic Fee + \$5.00 Per Lot
Commercial/Industrial Plans	\$100.00 Per Acre (Acreage rounded to next full acre)

**OTHER FEES:**

Land Division	\$ 60.00
Copy of Zoning CD	Actual cost to produce
Copy of Zoning on Paper	Actual cost to produce
Maps	Actual cost to produce

All fees may be waived by the Kinross Charter Township Board

Approved by the Kinross Charter Township Board March 6, 2006