

Chapter 93  
Subdivision Regulations\*

Article I  
General Provisions

93.010. Short Title. This Chapter shall be known and may be cited as the "Township Subdivision Regulations."

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

A. Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies;

B. Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares adjoining subdivisions and public facilities;

C. Achieve individual property lots of maximum utility and livability;

D. Assure adequate provisions for water, drainage and sanitary sewer facilities and other health requirements;

E. Plan for the provision of adequate recreational areas, school sites and other public facilities.

93.030. Legal Basis. This Chapter is enacted pursuant to the statutory authority granted by the Subdivision Control Act of 1967.

State Law Reference: MCLA 560.101, et seq

\*Derived from Ord. 32, 2-15-70

93.040. Scope. This Chapter shall not apply to any lot or lots forming a part of a subdivision in the process of approval for which tentative approval of the preliminary plat has been granted by the Township prior to February 15, 1970, provided that the final plat is approved by the Township Board on or before January 1, 1971, except for the further dividing of lots. Nor is it intended by this Chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations or with private restrictions placed upon property by deed, covenant or other private agreements or with restrictive covenants running with the land to which the Township is a party. Where this Chapter imposes a greater restriction upon land than is imposed or required by such existing provisions or any other ordinance of this Township, the provisions of this Chapter shall control.

93.050. Administration. The approval provisions of this Ordinance shall be administered by the Township Board in accordance with the Subdivision Control Act.

State Law Reference: MCLA 560.101, et seq

93.060. Schedule of Fees. The schedule of fees for review of plats shall be established by resolution of the Township Board.

## Article II Definitions

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

A. Alley. A public thoroughfare or service right-of-way not more than 30 feet wide and not less than 20 feet wide at the rear or side lines of property and affording only a secondary means of access to abutting property.

B. Block. A block shall include the property having frontage on the one side of a street and lying between the two nearest intersecting streets or between the nearest such street and railroad

right-of-way, unsubdivided acreage, river or live stream or between any of the foregoing and any other barrier to the continuity of development.

In case of a cul-de-sac street, a block shall include the property on one side of the street lying between the one intercepting street and the extension of the center line of the cul-de-sac street through the property facing the turn-around at the closed end of the street.

C. Board. The Township Board of the Charter Township of Plymouth.

D. 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 river bank.

E. Clerk. The Township Clerk of the Charter Township of Plymouth.

F. Commission. The Planning Commission of the Charter Township of Plymouth.

G. Comprehensive Development Plan. The Comprehensive Plan shall mean the Comprehensive Plan for the Charter Township of Plymouth as adopted by the Township Planning Commission.

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

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

J. Flood Plain. That area of land adjoining the channel of a river, stream, water course, lake or other similar body of water which will be

inundated by a flood which can reasonably be expected for that region.

K. Greenbelts. A strip or parcel of land, privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the residential environment.

L. Improvements. Any structure incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curbs and gutters, 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.

M. 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.

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

(1) Lot Depth. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

(2) Lot Width. The horizontal distance between the side lot lines measured on a line perpendicular to the lot depth line and passing through the intersection of the lot depth line and the building setback line.

O. Open Space, Common shall mean open space or recreational use set aside for the use of the owners of lots participating in a unit development of residential lots; such space may include private recreational facilities such as golf courses or swimming pools, historic building sites, parks, parkway areas, ornamental parks, extensive areas with tree cover, low land along streams or areas of rough terrain which have natural features worthy of scenic preservation.

P. Outlot when included within the boundary of a recorded plat means a lot set aside for

purposes other than building site, park or other land dedicated to public use or reserved to private use.

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

S. Parking Space. An area surfaced by use of either bituminous, oil aggregate, stabilized gravel or equivalent, enclosed or unenclosed, not less than 10 feet wide by 20 feet long for each auto or motor vehicle together with a surfaced driveway connecting such parking space with a street or alley and permitting ingress and egress of a motor vehicle.

T. Planning Commission Act. The words "Planning Commission Act" as used herein shall mean Act 285, Michigan Public Acts of 1931, (MCLA 125.31 et seq), as amended, which is made a part hereof by this reference.

U. Planned Residential Unit Development. Shall mean a plan designed to guide the development of housing subdivisions which incorporate privately owned, open, common areas and provide for the creation of means of maintaining the common properties.

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

(1) Tentative Preliminary Plat. An informal map or sketch drawn to scale indicating the proposed layout of the subdivision showing the existing features of the site and its surroundings.

(2) Final Preliminary Plat. A map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.

(3) Final Plat. A map of all or a part of a subdivision providing substantial conformance to the Final Preliminary Plat of the subdivision prepared in conformance with the requirements of the Subdivision Control Act and this Ordinance and made up in final form

ready for approval and recording by the County Register of Deeds.

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

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

Y. Public Utility. Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing to the public under Federal, State or municipal regulations electricity, gas, steam, communications, telegraph, transportation or water.

Z. Replat. The process of changing or 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.

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

BB. Street. A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, expressway, freeway, road, avenue, boulevard, land, place or however otherwise designated. A street includes the land between the street lines, whether improved or unimproved, and may comprise pavements, shoulders, gutters, sidewalks, parking areas and lawns.

(1) Freeway. Those streets designed for high speed, high volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.

(2) Parkway. A street designed for non-commercial, pleasure oriented traffic moving at moderate speeds between and through scenic areas and parks.

(3) Arterial Street. Those streets of considerable continuity which are used or may be used primarily for fast or heavy traffic.

(4) Connector Street. Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.

(5) Cul-de-sac. A minor street of short length having one end terminated by a vehicular turnaround and not extended into adjoining property.

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

(7) Minor Street. A street which is intended primarily for access to abutting properties.

(8) Street Width. The shortest distance between the lines delineating the right-of-way of streets.

CC. 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 for more than one year or of building development where the act of division creates five or more parcels of land each of which is 10 acres or less in area or five or more parcels of land each of which is 10 acres or less in area are created by successive divisions within a period of 10 years.

DD. Subdivision Control Act. Act 288, P.A. 1967, State of Michigan. (MCLA 560.101, et seq)

EE. Zoning Ordinance. The words "Zoning Ordinance" as used herein shall mean the Zoning Ordinance of the Charter Township of Plymouth.

Article III  
Procedure for the Preparation of Filing of Plats

93.200. Pre-Preliminary Procedure.

A. Purpose. Prior to the filing of an application for approval of a Preliminary Plat, the proprietor may meet informally with the Commission in order that he may become familiar with these regulations and with the proposals of the Comprehensive Development Plan as they affect the area in which his proposed subdivision is located. The proprietor shall investigate and become aware of the following:

- (1) The zoning of the area;
- (2) Adequacy of existing schools and public open space;
- (3) Relationship of the proposed subdivision to existing streets and thoroughfares and any proposed street widenings;
- (4) Availability of utilities;
- (5) Diversification in relationship of various buildings, structures and open space under a Residential Unit Development Plan.

B. Requirements. The proprietor may then submit to the Commission pre-preliminary plans and data to include the following:

- (1) General subdivision information;
- (2) Sketch plan showing the proposed layout of streets, lots and other features in relation to existing conditions. The sketch may be made directly on a print of the survey or on the topographic survey.

C. Review. The Commission may review the pre-preliminary plans and related data and offer any information which will aid the proprietor in preparing a Tentative Preliminary Plat.

93.210. Tentative Preliminary Plat Procedure.

A. Application. An application, in writing, shall be submitted to the Clerk at least 15 days prior to the regular Planning Commission meeting along with 15 copies of the Tentative Preliminary Plat at a scale of not more than 100 feet to an inch and other related data.

B. Fees. At the time of filing, the proprietor shall deposit with the Clerk such sums of money as shall be required for engineering services in relation to all Preliminary Plat work in accordance with the schedule of fees and charges as established by resolution of the Township Board as required under Section 93.050 and 93.

93.220. Tentative Preliminary Plat Requirements. The plat shall show the subdivision's entire development scheme, including the area for immediate development and including the following:

A. General layout of streets, blocks and lots;

B. Existing conditions, location of all sound eight inch or greater trees other than elms and characteristics and zoning of the land on and adjacent to and on land within 200 feet of the proposed plat;

C. Any general area set aside for schools, parks and other community facilities;

D. A letter from the surveyor concerning the general feasibility of the land for subdividing;

E. Proof of ownership of the land proposed to be subdivided as may be required by the Board of Commission.

93.230. Procedure.

A. Submittal. The proprietor shall submit the 15 copies of the Tentative Preliminary Plat to the Clerk 15 days before the next meeting of the Commission and the Clerk shall place the Tentative

Plat on the agenda of the next regular meeting of the Commission for review.

B. Plat Review. The Commission or Subdivision Committee of the Commission shall review the plat in reference to the Comprehensive Development Plan, the Zoning Ordinance and the standards of this Ordinance and the most appropriate use of the land.

C. Technical Review. The Commission shall transmit copies of the Tentative Plat to the Township Engineer and Planning Consultant for their technical review and to the Township Department and the School Board for review and recommendations.

D. Hearing. Any plat submitted to the Commission shall contain the name and address of the applicant or his authorized representative to whom notice of a public hearing shall be sent and no plat shall be acted on by the Commission without affording a hearing thereon, as provided in Section 15 of the Planning Commission Act 285 P.A. of 1931, as amended. On request of the Commission, the Clerk shall send notice by registered or certified mail to the proprietor and to owners of land immediately adjoining the property to be platted of the time and place said plat will be considered by the Commission. Said notice shall be sent not less than five days before the date fixed for the hearing.

E. Action on the Plat. Following review of the Tentative Preliminary Plat and other material submitted for conformity thereof to these regulations and negotiations with the proprietor on changes deemed advisable and the kind and extent of improvements to be made by him, the Commission shall within 45 days act thereon as submitted or modified.

93.240. Approval of the Tentative Preliminary Plat.

A. Requirements. Before recommending approval of a Tentative Preliminary Plat of a proposed subdivision, the Commission shall find that the land covered by the proposed subdivision is suitable both for development and the type of development proposed in that:

- (1) It can be safely used for building purposes without danger from flood or from any

other menace to health or safety, as determined by the Township Engineers;

(2) It can be served economically with public facilities and services as in the opinion of the Commission or other particular agencies concerned (i.e., Township Engineer, County Health Department, Superintendent of Schools, Water and Sewer Departments or districts having jurisdiction, etc.) are required by the type of development (residential, commercial or industrial) and the circumstances of the particular case.

B. Disapproval. If the Tentative Preliminary Plat is disapproved by the Commission, it shall make such recommendations to the Board and record the reasons in the minutes of the meeting. A copy of the minutes and a copy of the Tentative Preliminary Plat shall be forwarded to the Board and the proprietor.

C. Conditional Approval. If the Commission recommendation is a conditional approval, the Tentative Preliminary Plat shall not be forwarded to the Board until such conditions are satisfied by the proprietor and the minutes shall so state the conditions and its reasons therefore and so notify the proprietor in writing.

D. Approval. If the Tentative Preliminary Plat meets the approval of the Commission, it shall then be submitted to the Board for its approval. Plans approved by the Commission and Board shall bear the signature of the Chairman of the Commission and the Clerk and one copy shall be filed in the Office of the Township Engineer, one copy in the file of the Commission and one copy returned to the proprietor.

E. Board Approval. The Board, within 90 days from the date of filing, shall approve and note its approval on the copy of the Tentative Preliminary Plat to be returned to the proprietor or set forth in writing its reasons for rejection and requirements for approval.

F. Approval Confers Right to Proceed with Final Preliminary Plat. Should the Board approve the Tentative Preliminary Plat, it shall be deemed

to confer upon the proprietor the right to proceed with the preparation of the Final Preliminary Plat.

G. Approval Is not Approval of Final Preliminary Plat. The approval of the Tentative Preliminary Plat shall not constitute approval of the Final Preliminary Plat. It shall be deemed as approval of the layout of the Tentative Preliminary Plat, which will act as a guide in the preparation of the Final Preliminary Plat.

H. Time Effective. Tentative approval of the Board shall be effective for a period of one year. The Final Preliminary Plat shall be submitted within one year after approval of the Tentative Preliminary Plat; otherwise, such approval shall become null and void unless an extension of time is applied for, in writing, and granted by the Board.

93.250. Requirements for Final Preliminary Plat Approval.

A. Submittal. The proprietor shall submit 15 copies of the Final Preliminary Plat on a topographic map to the Clerk at least 15 days before a meeting of the Commission. The proprietor shall also submit a written application for approval of the Final Preliminary Plat.

B. Size and Scale. The Final Preliminary Plat may be on paper and shall not be less than 24 inches by 36 inches at a scale of not less than 1" 0 100'.

C. Information Required. The following shall be shown on the Final Preliminary Plat or submitted with it:

(1) The name of the proposed subdivision;

(2) Names, addresses and telephone numbers of the subdivider and the surveyor preparing the plat;

(3) Location of the subdivision, giving the number of section, township and range, and the name of the township and county;

(4) The names of abutting subdivisions;

(5) 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 multi-family dwellings, shopping centers, churches, industry and other non-public uses exclusive of single-family dwellings. Also, any sites proposed for parks, playgrounds, schools or other public uses;

(6) A map of the entire area scheduled for development, if the proposed plat is a portion of a larger holding intended for subsequent development;

(7) A location map showing the relationship of the proposed plat to the surrounding area;

(8) The land use and existing zoning of the proposed subdivision and the adjacent tracts;

(9) Streets, street names, right-of-way and roadway widths;

(10) Lot lines, lot numbers and the total number of lots;

(11) Contours shall be shown on the Final Preliminary Plat at five-foot intervals where slope is greater than 10% and two-foot intervals where slope is 10% or less;

(12) All sound trees, other than elms, eight-inch caliper or greater;

(13) Proposed and existing storm and sanitary sewers, water mains and their respective profiles or indicate alternative methods;

(14) Fifteen copies of proposed protective covenants and deed restrictions;

(15) Right-of-way easements, showing location and purpose and, where underground utilities are installed or required, it shall be the proprietor's responsibility to provide

easements acceptable to utilities for water, sanitary, storm, gas, electric, telephone and street lighting service. These easements shall be recorded on the plat as private easements for public utilities or easements provided by separate instrument.

D. Preliminary Engineering Plans.

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

93.260. Distribution to Authorities. The proprietor shall submit copies of the Final Preliminary Plat to the following authorities which may be concurrent or consecutive at the option of the Proprietor and before, after or concurrent with approval by the Board.

Three copies to the Engineer or Chairman of the Wayne County Road Commission.

Three copies to the County Drain Commission.

Three copies to the Department of State Highways, if any of the proposed subdivision includes or abuts a state trunk line highway or includes streets or roads that connect with or lie within the right-of-way of State trunk line highways.

Two copies to the Conservation Department for information purposes, if the land proposed to be subdivided abuts a lake or stream or abuts an existing or proposed channel or lagoon affording access to a lake or stream where public rights may be affected.

Copies of the cover letters mailed with the above Final Preliminary Plats shall be sent to the State Treasurer.

Two copies to the Water Resources Commission of the Department of Conservation, if any of the

subdivision lies wholly or in part within the flood plain of a river, stream, creek or lake.

Two copies to the Health Department having jurisdiction, if public water and public sewers are not available and accessible to the land proposed to be subdivided.

Two copies to the County Plat Board.

Two copies to the public utilities serving the area.

Two copies to the School Board for informational purposes.

93.270. Approval or Denial by Authorities. The various authorities shall, within 30 days of receipt of the Final Preliminary Plat, approve or reject the plat as provided for in the Sections 111 to 119 of the Subdivision Control Act of 1967.

93.280. Approval of the Final Preliminary Plat.

A. General Procedure. The proprietor shall submit to the Clerk a certified list showing all authorities to whom a copy of the Final Preliminary Plat was submitted as required by Sections 112 to 119 of the Subdivision Control Act of 1967.

(1) The proprietor shall submit all approved copies of the Final Preliminary Plat to the Clerk after all necessary approvals have been secured from the various authorities.

(2) The Clerk shall notify the Commission when all plats and information regarding the Final Preliminary Plat is complete.

(3) The Commission shall consider and review the Final Preliminary Plat at its next meeting or within 15 days from the date of submission and recommend approval or rejection to the Board and, if rejected, state the reasons.

(4) Board Action. The Board, at its next meeting or within 20 days from the date of submission, shall consider and approve it if

the proprietor has met all conditions laid down for approval of the Final Preliminary Plat.

(5) The Clerk shall promptly notify the proprietor of approval or rejection in writing and, if rejected, to give the reasons. The Clerk shall note all proceedings in the minutes of the meeting, which minutes shall be open for inspection.

(6) Final Preliminary Plats thus approved by the Board permits the Proprietor to proceed to make an accurate survey of the property and prepare the Final Plat.

B. Approval not Acceptance of Subdivision. The approval of the Final Preliminary Plat shall not constitute an acceptance of the subdivision.

C. Time Effective. Approval of Final Preliminary Plat under this section shall confer upon the proprietor for a period of two years from date of approval the conditional right that the general terms and conditions under which approval was granted will not be changed. The two-year period may be extended if applied for by the proprietor and granted by the Board in writing. Written notice of the extension shall be sent by the Board to the other approving authorities.

D. Construction Commencement. No installation or construction of improvements shall be commenced before the Final Preliminary Plat has received final approval nor before the engineering plans have been approved by the Township and other governmental agencies having jurisdiction. Provided, however, where the Board finds that an undue hardship would otherwise result, it may, by resolution, grant permission to the proprietor to proceed with installation or construction of certain improvements in accordance with approved engineering plans for off-site improvements when said improvements are contained in easements granted to the Township.

93.290. Final Plat Procedure. When the Final Plat has been approved by the Drain Commissioner and the County Road Commissioners, the proprietor shall submit to the Clerk one true copy on polyester film of the plat and 12 additional

paper prints of the plat together with the filing and recording fee of \$20.00.

A. Conformity to Final Preliminary Plat. The Final Plat shall conform substantially to the Final Preliminary Plat as approved and shall be prepared and presented in accordance with the provisions of the Subdivision Control Act, as amended, or succeeding Acts and show the following:

(1) The plat shall make reference to any private restrictions which shall accompany the plat and shall contain proper acknowledgement of proprietor and mortgagees and land contract purchasers accepting said platting restrictions and which shall be in proper form for recording. These restrictions shall include a section requiring that rear and side yard drainage be maintained in accordance with the grades established on the approved development plan. In addition to the above, the Commission will require a statement from the proprietor indicating:

(a) Ownership of the property proposed to be subdivided as evidenced by an abstract of title certified to date or, at the option of the proprietor, a policy of title insurance.

(b) The private restrictions to be imposed upon the property after subdividing in form for recording.

(c) The proprietor of a plat shall furnish with the engineering drawings a plan for electric lighting and telephone, including overhead and underground services. The easements for such services shall be provided in the plat and approved by the utilities.

B. Planning Commission Action. The Commission shall examine the Final Plat for compliance with the Final Preliminary Plat and required changes thereof and shall approve or disapprove the plat at the next regular meeting or within 20 days after submission thereof to it, provided the proprietor for the Commission's approval may waive this requirement and consent to an extension of such period.

(1) Should the Commission find that the Final Plat does not conform substantially to the previously approved Final Preliminary Plat, or that it is not acceptable, the Commission shall recommend to the Board that the Final Plat be disapproved and returned to the proprietor with a letter expressing its disapproval and its reasons therefor.

(2) If the Planning Commission's recommendation is not received within the time period referred to herein, the Board shall consider the plat approved by the Commission and shall take action thereon.

C. Board Action on Final Plat. The Board shall review the plat and shall approve or disapprove the plat at the next regular meeting or within 20 days of the submission, unless this time requirement is waived in writing by the proprietor.

(1) As a condition to approval of the Final Plat, the Board shall require a cash deposit, certified check, irrevocable bank letter of credit or surety bond running to the Township of Plymouth for the full cost to insure the performance of any contract relative to development of open space and any required improvements within the time limit specified in the contract after approval of the plat; provided, that the Township shall rebate to the proprietor as work progresses amounts of any cash deposits equal to the ratio of the work completed to the entire project. In addition, the Board shall have received a certificate from the Wayne County Road Commission that the proprietor has complied with one of the following alternatives.

(a) All improvements have been installed in accordance with requirements of the Wayne County Road Commission;

(b) A security deposit has been filed with the Board of Wayne County Road Commission to guarantee the improvements after the approval of the plat.

(2) Upon the approval of the Final Plat by the Board, the subsequent approvals shall

follow the procedure set forth in the Subdivision Control Act. Two prints of the Final Plat shall be presented to the Clerk, one copy to the Township Engineer, one copy to the Planning Consultant, one copy to the Assessors Office and one copy to the Department of Buildings and Safety. The five polyester film copies shall be forwarded to the Clerk of the County Plat Board along with the filing fee.

Article IV  
Subdivision Design Standards

93.400. Streets and Roads. All subdivisions shall be in harmony with the Township Comprehensive Plan and the Zoning Ordinance.

93.410. General. The standards set forth in this Ordinance shall be minimum standards for streets, roads and intersections. All streets shall be dedicated to public use.

93.420. Location.

A. Street Location and Arrangements. When a major street plan has been adopted, subdivision streets shall be required to conform to the plan.

B. Local or Minor Streets. Such streets shall be so arranged as to discourage their use by through traffic.

C. Street Continuation and Extension. The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions, unless otherwise approved by the Commission and the Board.

D. Stub Streets. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary lines of the tract to make provision for the future projection of streets into adjacent areas.

E. Relation to Topography. Streets shall be arranged in proper relation to topography so as to

result in usable lots, safe streets and reasonable gradients.

F. Alleys. Alleys shall not be permitted to areas of detached single or two-family residences.

G. Marginal Access Streets. Where a subdivision abuts or contains an arterial street, the Township may require:

(1) Marginal access streets approximately parallel to each side of the right-of-way, not less than 35 feet in width;

(2) Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic.

H. Cul-de-sac Streets. Cul-de-sacs shall not be more than 600 feet in length. Special consideration shall be given to longer cul-de-sacs under certain topographic conditions or other unusual situations. Cul-de-sacs shall terminate with an adequate turn-around with a minimum radius of 55 feet for right-of-way.

I. Half Streets. Half streets shall generally be prohibited except where unusual circumstances make it essential to the reasonable development of a tract in conformance with these regulations and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract.

J. Private Streets. Private streets and roads shall be prohibited.

93.430. Specifications.

A. Street Rights-of-Way Roadway Widths. Street and road rights-of-way and roadway widths shall conform to the adopted Major Street Plan and the rules of the County Road Commission and the State Department of Highways.

Street Types	R.O.W. Widths
Major Thoroughfares	120 Feet
Secondary Thoroughfares	86 Feet
Boulevards	86 Feet
Marginal Access Streets	35 Feet
Minor Streets	60 Feet
<u>Cul-de-sac</u> Streets	60 Feet
	Terminated With a 110 Foot Diameter Turn- Around
Loop Streets	110 Feet
	Terminated with a 110 Foot Diameter Turn- Around
Alley	24 Feet

B. Grades, Curves and Sight Distance. Standards for maximum and minimum street grades, vertical and horizontal street curves and sight distances shall comply with the standards of the Wayne County Road Commission.

C. Street Alignment.

(1) Horizontal Alignment. When street lines deflect from each other by more than 10 degrees in alignment, the centerlines shall be connected by a curve with a minimum radius of 500 feet for arterial streets, 300 feet for collector streets and 150 feet for local or minor streets. Between reverse curves on minor streets, there shall be a minimum tangent distance of 100 feet and on collector and arterial streets 200 feet.

(2) Vertical Alignment. Minimum sight distances shall be 200 feet for minor streets and 300 feet for collector streets.

93.440. Intersections.

A. Angle of Intersection. Streets shall intersect at 90 degrees or closely thereto and in no case at less than 80 degrees.

B. Sign Triangles. Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of

another vehicle when each is 125 feet from the center of the intersection.

C. Number of Streets. No more than two streets shall cross at any one intersection.

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

E. Centerline Offsets. Slight jogs at intersections shall be avoided. Where such jogs are unavoidable, street centerlines shall be offset by a distance of 125 feet or more.

F. Vertical Alignment of Intersection. A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be carried back 50 to 100 feet each way from the intersection. An allowance of 2% maximum intersection grade in rolling and 4% in hilly terrain will be permitted.

93.450. Pedestrian Crosswalks.

A. Crosswalks. Right-of-way for pedestrian crosswalks, not less than 12 feet wide in the middle of long blocks shall be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas.

B. Sidewalks.

(1) In subdivisions located in R-1, R-2 and R-1-S Zoning Districts, sidewalks shall be provided on both sides of all streets, including side streets.

(2) In subdivisions located in R-1-E and R-1-H Zoning Districts, sidewalks are required along the lots in the subdivision abutting upon arterial and collector streets.

93.460. Easements.

A. Rear and Side Lot Easements. Easement across lots or centered on rear or side lot lines shall be provided for utilities where necessary and

shall be at least 12 feet wide, usually six feet dedicated from each lot or parcel, except side lot easements three feet wide granted for street lighting dropouts. These easements should be direct and continuous from block to block.

B. Street Lighting Easements. Underground lines for the street lighting system within a subdivision shall be installed in easements which shall be provided in the plat and approved by the utility.

C. Drainageway Easements. Where a subdivision is traversed by a water course, drainage-way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width for construction on both as will be adequate for the purpose and as shall be approved by the Wayne County Drain Commission and/or Township Engineer. (Such drainage easement or land within a public easement for major power transmission lines shall not be considered a part of the minimum required lot area but shall be considered in computing density under the Unit Development Plan.) Parallel streets or parkways may be required in connection therewith.

93.470. Monuments. Monuments shall conform to and shall be placed as required by the Subdivision Control Act, as amended. The Township shall, in addition, require a surveyor's certificate guaranteeing the rechecking and replacement of monuments and bringing them to grade after sidewalks are in place.

93.480. Blocks.

A. Residential Blocks. Residential blocks shall not be less than 240 feet wide, they shall not be less than 660 feet long nor more than 1,400 feet long. Where lots are 1/2 acre or more in size, blocks up to 1,800 feet long may be approved.

B. Commercial Blocks. Business and commercial blocks shall not be less than 300 feet wide or less than 400 feet long.

93.490. Lots.

A. Conform to Zoning. The lot width, depth and area shall not be less than the particular district requirements of the Zoning Ordinance, except where outlots are provided for some permitted purpose.

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

C. Width Related to Length. Narrow deep lots shall be avoided. The depth of a lot generally shall not exceed 1-1/2 times the width as measured at the building line.

D. Corner Lots. Corner lots shall be platted at least 15 feet wider than the minimum width permitted by the Zoning Ordinance 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.

E. Uninhabitable Areas. Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purpose or for uses that may in the judgment of the Planning Commission increase the danger to health, life or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as parks or other open space.

F. Back-Up-Lots. Lots shall back into such features as freeways, arterial streets, shopping centers or industrial properties, except where there is a marginal access street provided. Such lots shall contain a landscaped easement along the rear at least 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 local streets shall be prohibited.

G. Lot Frontage. All lots shall front upon a publicly dedicated street. Variances may be permitted for approved planned community unit developments.

H. Lot Division. The division of a lot in a recorded plat is prohibited, unless such division complies with the requirements of Article VI.

I. Division of Unplatted Parcels. The division of an unplatted parcel of land into two, three or four lots shall require recommendation by the Commission and the approval of the Board prior to taking such action. All such applications shall be made in writing and shall be accompanied by a drawing of the proposed division. No building or occupancy permit shall be issued in such cases until the Board has approved the division of such land.

93.500. Planting Strips.

A. Planting strips may be required to be placed next to incompatible features such as highways, railroads, commercial or industrial uses or industrial parks to screen the view from residential properties. Such screens shall be a minimum of 20 feet wide, shall comply with the zoning Ordinance requirements for plating distances and type of trees and shrubs and shall not be a part of the normal roadway right-of-way or utility easement.

B. Where marginal access streets are provided, an eight foot greenbelt, meeting the requirements of the Zoning Ordinance, shall be required in the area between the access street and the arterial street and shall be approved by the Planning Commission.

93.510. Reserve Strips.

A. Reserve Strips-Private. Privately-held reserve strips controlling access to streets shall be prohibited.

B. Reserve Strips-Public. A one-foot reserve strip may be placed at the end of the "stub" of "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.

93.520. Public Sites and Open Spaces.

A. 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.

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

93.530. Large Scale Developments.

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

B. Neighborhood Characteristics. A community or neighborhood under this provision shall generally be consistent with the Comprehensive Plan and contain 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.

Article V

Subdivision Improvements

93.600. Purpose. It is the purpose of this Article to establish and define the public improvements which will be required to be constructed by the proprietor as conditions for Final Plat approval and also to outline the procedures and

responsibilities of the proprietor 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.

93.610. Responsibility for Plans. It shall be the responsibility of the proprietor of every proposed subdivision to have prepared by a registered engineer a complete set of construction plans (except telephone, electric and television utility plans and specifications and improvements), 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 Final 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.

93.620. Procedure. When construction has been completed at the time of filing the Final Plat, one complete copy of as-built engineering plans of each required public improvement shall be filed with the Clerk coincident with the filing of the Final Plat. Other requirements and procedures in the submittal of Final Plat shall be as provided in Section 93.300.

93.630. Required Public Improvements. Every proprietor shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

A. Monuments. Monuments shall be set in accordance with the Subdivision Control Act and the rules of the State Department of Treasury.

B. Streets and Alleys. All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the Wayne County Road Commission.

C. Curbs and Gutters. Curbs and gutters shall be required on all neighborhood access streets and minor streets and shall be constructed in accordance with the standards and specifications adopted by the Wayne County Road Commission.

D. Installation of Utilities. Utilities (except electric, telephone and gas) shall be located in accordance with the rules adopted by the Board. Sanitary sewer house connections shall be brought to the property line.

E. Driveways. All driveway openings in curbs shall be as specified by the Wayne County Road Commission or the Department of State Highways.

F. Storm Drainage. An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the Township Engineer or County Drain Commissioner.

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

Road drainage shall meet the requirements of the Wayne County Road Commission.

G. Water Supply System.

(1) When a proposed subdivision is to be served by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the proprietor.

(2) If there is no existing or accessible public water supply system, the subdivider may be required to install a water supply system for the common use of the lots within the subdivision in accordance with the requirements of Act 98, P.A. 1913, as amended MCLA 325.201, et seq. The system provided shall be turned over to the Township for operation and maintenance.

(3) Individual wells may be permitted in accordance with the requirements of the County Health Department.

H. Sanitary Sewer System.

(1) When a proposed subdivision is to be serviced by a public sanitary sewerage system, sanitary sewers and other required appurtenances thereto shall be provided by the proprietor. Sewer systems shall comply with the requirements of Act 98, P.A. 1913, as amended. (MCLA 325.201, et seq)

(2) 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 proprietor if feasible in the judgment of the Planning Commission with the advice of the Township Engineer and County Health Department and shall comply with the requirements of Act 98, P.A. 1913, as amended. The system provided shall be turned over to the Township for operation and maintenance.

(3) Where it is determined, in the judgment of the Commission with the advice of the Township Engineer and the County Health Department, that a subdivision cannot be economically connected with an existing public sewer system or that a public sewer system cannot be provided for the subdivision itself, then approved individual septic tanks and disposal fields may be approved which shall comply with the requirements of the County Health Department.

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

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

J. Sidewalk and Crosswalk. Sidewalks shall be required on both sides of the street.

Sidewalks and crosswalks shall be constructed in accordance with the Township engineering requirements.

K. Street Trees. Street trees of a variety and size in accordance with the standards adopted by the Wayne County Road Commission shall be planted between the street curb and sidewalk. The location of street trees shall be approved by the Wayne County Road Commission.

L. Requirements for Underground Wiring. The proprietor shall make arrangements for all distribution lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the residential subdivided area, except for major thoroughfare right-of-way and except for main supply lines, perimeter feed lines and necessary surface facilities. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways, provided only that overhead lines may also be permitted upon written recommendation of the Engineer and Commission and the approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design and character of the subdivision. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor.

M. Yard Grading and Drainage. All subdivisions shall be graded in such a manner as will avoid, as far as possible, the ponding of storm water in the rear yards of a subdivision. The plans for grading and drainage shall meet the requirements of the Township regulations and shall be approved by the Township Engineer.

N. Greenbelts. A 20-foot greenbelt conforming to the requirements of the zoning Ordinance shall be required.

93.640. Optional Public Improvements.

A. Recreational. Where a school site, neighborhood park, recreation area or public access to water frontage as previously delineated or specified by official action of the Planning Commission, is located in whole or part in the proposed subdivision, the Township may request the reservation of such open space for school, park and recreation or public access purposes.

B. Requirements for Street Lighting. Street lighting service by underground conductors may be provided throughout the residential subdivision in conformity with Engineering Standards and construction practices prescribed by the utility furnishing such service and the Michigan Public Service Commission.

C. Street Lighting. Street lights may be required to be installed at intersections only throughout the subdivision. In these cases, a subdivider shall conform to the requirements of the Township and the public utility providing such lighting.

D. Parks and Open Space. Parks and open spaces may be dedicated to the Township subject to the approval of the Township Board.

93.650. Guarantee of Completion of Improvements Required by the Township.

A. Financial Guarantee Arrangements, Exceptions. In lieu of the actual installation of required public improvements, the Board, on recommendation of the Commission, may permit the proprietor to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of the County Road Commission, County Drain Commissioner or any other agency responsible for the administration, operation and maintenance of the applicable public improvement. The Commission may recommend and the

Board may waive financial guarantees of performance under this Ordinance for sidewalks, street lights or street trees. In case these improvements are specified, completion shall be required prior to the issuance of occupancy permits. !

B. Performance or Surety Bond.

(1) Accrual. The bond shall accrue to the Township, covering construction, operation and maintenance of the specific public improvement.

(2) Amount. The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement, including contingencies as estimated by the Board.

(3) Term Length. The term length in which the bond is in force shall be for a period to be specified by the Board for the specific public improvement.

(4) Bonding or Surety Company. The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the Board.

(5) The escrow agreement shall be drawn and furnished by the Board.

C. Cash Deposit, Certified Check, Negotiable Bond or Irrevocable Bank Letter of Credit.

(1) Treasurer, Escrow Agent or Trust Company. A cash deposit, certified check, negotiable bond or an irrevocable bank letter of credit, such surety acceptable by the Board, shall accrue to the Township. These deposits shall be made with the Township Treasurer or deposited with a responsible escrow agent or trust company, subject to the approval of the Board.

(2) Dollar Value. The dollar value of the cash deposit, certified check, negotiable bond or an irrevocable bank letter of credit shall be equal to the total estimated cost of

construction of the specific public improvement, including contingencies as estimated by the Board.

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

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

D. Transfer of Subdivision Ownership. When the proprietorship of a subdivision changes through the sale of property before all improvements have been completed and accepted by the Wayne County Road Commission and the Township, the original proprietor shall be held liable for completion of the improvements and any damage that may be incurred by contractors, unless the original proprietor in his contract of sale shall specifically transfer said obligation for completion of improvements, cleanup, and damages incurred to the new proprietor of the subdivision. The original proprietor shall notify the Township Board in writing within ten days of the transfer that the original bonds have been transferred to the new proprietor.

93.660. Condition of Township Approval of Final Plat-Financial Guarantees. With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

A. Improvements Completed. The construction of improvements required by this Ordinance shall have been completed by the proprietor and approved by the Board;

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

93.670. Special Agreements. A special agreement shall be entered into between the proprietor and the Board when street trees and street lights have been required by the Board.

93.680. Inspection of Public Improvements Under Construction. Before approving a final plat and construction plans and specifications for public improvements, an agreement between the proprietor and the Board shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.

93.690. Penalty in Case of Failure to Complete the Construction of a Public Improvement. In the event the proprietor shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Board to proceed to have such work completed. In order to accomplish this, the Board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit or negotiable bond which the subdivider may have deposited in lieu of a surety bond or may take such steps as may be necessary to require performance by the bonding or surety company and as included in a written agreement between the Board and the subdivider.

#### Article VI Division of Land in Recorded Plats

93.700. Basis for Control. Subject to the provisions of Section 263 of the Subdivision Control Act, the following provisions shall control the partitioning or dividing of lots, outlots or other parcels of land in a recorded plat.

93.710. Partitioning Permitted. Land may be unconnected from one such lot, outlot or parcel and added to another lot, outlot or parcel upon application to and approval of the Township Supervisor after review by the Planning Director. The fact of such division shall be noted upon the Township Assessment roll and thereafter the enlarged lot, outlot or parcel shall be considered to be a single lot, outlot or parcel for the assessment and all other purposes. No such division shall be permitted unless the remainder of the lot,

outlot or parcel from which the part was taken meets the minimum requirements of the Township Zoning Ordinance, including requirements as to width, area and open space.

93.720. Partitioning into Two or More Lots. Such lot, outlot or parcel may be divided into two or more lots but not more than four separate lots outlots or parcels upon application to and approval by the Township Supervisor after review by the Planning Director. A survey showing such proposed division prepared by a registered civil engineer or land surveyor and including a proper legal description of each separate lot, outlot or parcel proposed shall be forwarded to the Planning Director for review. The Township Supervisor may thereafter approve the partitioning and shall notify the Township Assessor of the fact of such a division, which shall be noted upon the Township Assessment roll and thereafter the divided portions of the lot, outlot or parcel shall be considered to be separate lots, outlots or parcels for the assessments and all other purposes.

No such division shall be permitted unless each of the parts into which lot, outlot or parcel is to be divided meets the minimum requirements of the Township Zoning Ordinance including requirements as to width, area and open spaces. In these cases where water, sewers or other services have been installed within the plat by special assessment and the lot proposed to be divided has been assessed therefor, no division shall be permitted unless the applicant agrees in writing to pay into the special assessment district an additional amount to be determined by the Board representing the increased share of the cost of the special assessment district which shall be borne by said divided lot, outlot or parcel due to increased benefits received by said lot, outlot or parcel when divided into two, three or four such lots, outlots or parcels.

#### Article VII Enforcement

93.800. Submission to and Approval by the Board Required. No plat shall be transmitted to any county or State approving authority for official action as required by the State Platting Procedure until such plat shall have, in the first instance, been approved by the Board in accordance with the regulations of this Chapter and Section 148 of the Subdivision Control Act, as amended.

93.810. Plat Approval Deemed Amendment. Every plat approved by the Commission shall, by virtue of such approval, be deemed to be an amendment of, an addition to or a detail of the Comprehensive Plan and a part thereof.

93.820. Metes and Bounds Platting. The description of any lot or parcel in a plat of a subdivision, filed hereinafter, by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer is a violation of these regulations.

93.830. Sales Contrary to Requirements. No person shall sell or convey any lot in any plat by reference thereto until such plat has been duly recorded in the Office of the County Register of Deeds.

Any sale of lands subdivided in violation of the provisions of the Subdivision Control Act, as amended, shall be voidable at the option of the purchaser thereof and shall subject the seller thereof to the forfeiture of any and all consideration received or pledged therefor together with any damages sustained by said purchaser thereof, recoverable in an action of law.

93.840. Public Water and Sewer Service. Public sewer or water service shall not be provided for any dwelling or other structure located on a plat subdivided or sold in violation of these regulations, excepting that such service may be installed in any structure when deemed necessary by the Health Department for the protection of the public health.

93.850. Fees. The proprietor shall pay a fee to the Treasurer at the time a Tentative Preliminary Plat is filed with the Clerk. The fee shall be established by resolution of the Board and shall cover the cost for the examination and inspection of the plat and the land proposed to be subdivided, engineering and the other applicable development charges. This fee does not include the fee for filing and recording fee as required in Section 93.300.

Article VIII  
Variances

93.900. Permitted Variances. When the Commission finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured provided, that such variation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or these regulations. No variance shall be granted unless the Commission finds:

A. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land;

B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;

C. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated;

D. That such variance will not violate the provisions of the State Subdivision Control Act.

93.910. Planned Unit Development Variance. The standards and requirements of these regulations may be modified by the Commission in the case of a plan and program for a complete community or a neighborhood unit which, in the judgment of the Commission, provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provide such covenant or other legal provisions as will assure conformity to and achievement of the plan.

93.920. Application for Variance. Application for any such variance shall be submitted in writing by the proprietor at the time when the Tentative Preliminary Plat is filed for the consideration of the 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 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.

93.930. Variances Subject to Conditions. In granting variances and modifications, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

#### Article IX Penalties

93.940. Penalty. Any person, firm or corporation who shall violate any provisions of this Code shall be punished as provided in Chapter 1 of the Township Code. Each day that the violation continues after due notice has been served in accordance with the terms and provisions hereof shall be deemed a separate offense. The land owners, tenant, proprietor, builder, public official or any other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or of the Subdivision Control Act.

#### Article X Amendments

93.950. Procedures. The Board may, from time to time, amend, supplement or repeal the regulations and provisions of this Chapter in the manner prescribed by Act 285, Public Acts of 1931 (MCLA 125.31, et seq), as amended. A proposed amendment, supplement or repeal may be originated by the Board, Commission or by petition. All proposals not originating with the Commission shall be referred to it for a report thereon before any action is taken on the proposal by the Board.