ARMADA TOWNSHIP
MACOMB COUNTY, MICHIGAN

ORDINANCE NO. R2015-18

ARMADA TOWNSHIP LAND DIVISION REGULATIONS ORDINANCE

An Ordinance adopted pursuant to Act 288, P.A. of 1967, as amended, and Act 168, P.A. of 1959, as amended, establishing rules and regulations governing the division and subdivision of land in the Township of Armada, providing standards, procedures and rules for the preparation, filing and review of plats and land division applications, repealing all ordinances and resolutions inconsistent with the provisions of this Ordinance, and providing penalties for violations thereof.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ARMADA, MACOMB COUNTY, MICHIGAN ORDAINS:

ARTICLE I – IN GENERAL

Sec. 101. - Short title.

This Ordinance shall be known and may be cited as the "Armada Township Land Division Regulations Ordinance."

Sec. 102. - Purpose.

The purpose of this Ordinance is to promote the health, safety, comfort, convenience and general welfare of the inhabitants of the Township of Armada by regulating and controlling the division of land; to establish standards and procedures for regulating and controlling the division of land pursuant to the statutes of the State of Michigan; to provide for the orderly growth and harmonious development of the Township consistent with the Armada Township Master Plan and Zoning Ordinance; to attain and secure traffic circulation through coordinated street systems so as to lessen congestion on the streets and highways; to attain and secure adequate water supply, drainage, waste water disposal and other health requirements; to attain and secure recreational areas and other public facilities; to provide for and control the installation of sanitary sewer, storm drainage, water mains, site grading and paving in connection with residential, commercial and industrial projects; to preserve significant natural resources and a proper ecological aesthetic balance in connection with the division and subdivision of lands; and to establish standards, procedures, rules and regulations related to the review of plats and non-platted divisions of land which are designed to encourage unique, creative and innovative concepts in connection with the subdivision of land.

Sec. 103. - Legal authority.

This Ordinance is adopted pursuant to the Land Division Act of 1967, being Act 288, P.A. of 1967, as amended, and the Township Planning Act, being Act 168, P.A. of 1959, as amended.

Sec. 104. - Scope.

This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance, except for the further division of lots contained therein. Further, this Ordinance shall not be construed as affecting restrictions on the use of land established by deed, covenant, private agreement or otherwise created. Where this Ordinance imposes a greater restriction upon land than is imposed or required by other ordinances of the Township, the provisions of this Ordinance shall control.

ARTICLE II - DEFINITIONS

For the purposes of this Ordinance:

1. "Agricultural" shall mean substantially open land devoted to the production of plants and animals useful to man, including forages and sod crops; grains and feed crops; dairy and dairy crops; livestock, including breeding and grazing; fruits; vegetables; and other similar uses and activities.

2. "Alley" shall mean a dedicated public way of twenty [20'] feet or more in width, affording secondary access to abutting property and not intended for general traffic circulation.

3. "Block" shall mean property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, undivided acreage, lake, river or stream, or between any of the foregoing and any other barrier to the continuity of development.

4. "Board" shall mean the Armada Township Board of Trustees.

5. "Building Line or Setback Line" shall mean a line parallel to a street right-of-way line 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 edge of a lake, stream or riverbank.

6. "Caption" shall mean the name by which the plat is legally and commonly known.

7. "Clerk" shall mean the Armada Township Clerk.

8. "Commission" shall mean the Armada Township Planning Commission.

9. "Comprehensive Plan or Master Plan" shall mean the basic plan for the Township, including graphic and written material indicating the general locations recommended for streets, parks, schools, public buildings, zoning districts, and all physical developments of the Township, including any unit or parts of such plan separately accepted or adopted and any amendments to such plan or parts thereof in use by the Planning Commission.

10. "County Plat Board" shall mean the Register of Deeds, who shall act as Chairperson; the County Clerk, who shall act as Secretary; and the County Treasurer. If the offices of County Clerk and Register of Deeds have been combined, the Chairperson of the Board of Supervisors shall be a member of the Plat Board and shall act as Chairperson. In a County where a Board of Auditors is authorized by law, such Board may elect to serve on the County Plat Board by adopting a resolution so ordering. A copy of the recorded resolution shall be sent to the State Treasurer.

11. "Development Site" shall mean any parcel or lot on which exists or which is intended for building development other than the following:

a. Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; trees; and other similar uses and activities.

b. Forestry use involving the planting, management or harvesting of timber.

12. "Division" shall mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her 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 that results in one or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act. Division does not include a property transfer between two or more adjacent parcels, or property taken from one parcel added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act or the requirements of an applicable local ordinance.

13. "Easement" shall mean a specific area of land over which a right, privilege or advantage is granted by the owner to a person, firm, corporation or the public for specific uses and purposes and which shall be designated as a public or private easement.

14. "Engineer" shall mean a civil engineer who is a professional engineer licensed under Article 20 of the Occupational Code, Act No. 299 of the Public Acts of 1980, being Sections 339.2001 to 339.2014 of the Michigan Compiled Laws.

15. "Exempt Split" shall mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns that does not result in one or more parcels of less than forty (40) acres or the equivalent. For a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.

16. "Floodplain" shall mean that area as defined on the official FIRM maps prepared for the Township by FEMA.

17. "Forty Acres or the Equivalent" shall mean forty (40) acres, a quarter-quarter section containing no less than thirty (30) acres, or a government lot containing not less than thirty (30) acres.

18. "Governing Body" shall mean the Armada Township Board.

19. "Greenbelts or Buffer Areas" shall be as defined in the Armada Township Zoning Ordinance.

20. "Improvements" shall mean grading, street surfacing, curb and gutter, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers and drains, fire hydrants, culverts, bridges, utilities, parks and other additions to the natural state of the land which increase its value, utility or habitability.

21. "Land Division Act" shall mean the State Land Division Act of 1967, being Act 288, P.A. of 1967, as amended.

22. "Landscaping Easement" shall mean 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.

23. "Lot" shall mean a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

24. "Lot Width" shall mean the distance from one side lot line to the other side lot line, measured at the minimum front yard setback permitted in the Zoning Ordinance. Lot widths shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision is proposed. In no case shall the width of a lot at any point be less than seventy-five (75) percent of the required minimum lot width.

25. "Major Streets or Thoroughfare Plan" shall mean the Armada Township right-of-way requirements which set forth the location, alignment and dimensions of existing and proposed streets and thoroughfares. Such right-of-way requirements shall be those cited in the Township Master Plan or by the Macomb County Department of Roads, whichever is greater.

26. "Municipality" shall mean the Township of Armada.

27. "Outlot" when included within a boundary of a recorded plat, means a lot set aside for purposes other than a development site, park, or other land dedicated to public use or reserved to private use.

28. "Parcel" shall mean a continuous area of acreage of land which can be described as provided for in the Land Division Act.

29. "Parent Parcel" or "Parent Tract" shall mean a parcel or tract, respectively, lawfully in existence on the effective date of the amendatory act that added this subdivision.

30. "Performance Guarantee" shall mean any financial guarantee accepted by the Township in the form of cash, letter of credit or performance bond, provided that the Township shall not require the financial guarantee more than ten (10%) percent of the total performance cost to insure that all improvements, facilities or work required by the Ordinance will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development.

31. "Plat" shall mean a map or chart of a subdivision of land.

a. "Preliminary Plat" shall mean a map showing all requisite details of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration, in conformance with Land Division Act, this Ordinance, and any other applicable Township codes, ordinances, rules or regulations.

b. "Final Plat" shall mean a map of all or part of a subdivision providing substantial conformance to the Preliminary Plat of the Subdivision prepared in conformance with the requirements of the Township's Land Division Regulation Ordinance and the Land Division Act and suitable for recording by the County Register of Deeds.

32. "Proprietor" shall mean a natural person, firm, association, partnership, corporation, or combination of any of them which may hold any ownership interest in land, whether recorded or not.

33. "Public Open Space" shall mean land dedicated or reserved for use by the general public, including parks, parkways, recreation areas, school sites, or community building sites.

34. "Public Utility" shall mean any persons, firm, corporation, governmental unit or other entity duly authorized to furnish to the public electricity, gas, sanitary sewers, water, communications, transportation or other services or commodities pursuant to federal,

state or municipal regulations, excluding commercial radio, television and other transmitting or relay antenna towers or monopoles.

35. "Public Walkway" shall mean right-of-way dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets, open spaces or properties.

36. "Replat" shall mean 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.

37. "Secretary" shall mean the Secretary of the Armada Township Planning Commission.

38. "Street" shall mean any avenue, boulevard, road, lane, parkway, viaduct or other way which is an existing State, County or municipal roadway, or any road or way shown in a plat heretofore approved pursuant to law. A street, as defined above, includes the land between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and lawns.

a. "Regional Thoroughfare" shall mean an arterial street of great continuity which is intended to serve large volumes of primarily region-to-region traffic, and shall be designated in the Township Master Plan or by the Macomb County Department of Roads as a regional thoroughfare.

b. "Major Thoroughfare" shall mean an arterial street of great continuity which is intended to serve as a large volume traffic way for both the immediate municipal area and region beyond, and may be designated in the Township Master Plan as a major thoroughfare, secondary thoroughfare, parkway, freeway, or equivalent term to identify those streets comprising the basic structure of the street plan.

c. "Collector Street" shall mean a street intended to serve as a major means of access from minor streets to major thoroughfares, including principal entrance streets to large-scale developments.

d. "Local Street" shall mean a road of limited continuity used primarily for access to abutting residential properties.

e. "Marginal Access Street" shall mean a local street parallel to and adjacent to a major thoroughfare which provides access to abutting properties and protection from thru-traffic.

f. "Boulevard Street" shall mean a street developed in two, one-way pavements separated by a median.

g. "Turnaround" shall mean a short boulevard street permanently terminated by a paved area with sufficient outside radius to permit vehicular turnaround appropriate for this particular type of street.

h. "Cul-de-sac" shall mean a short minor street having one end permanently terminated by a vehicular turnaround.

i. "Loop Street" shall mean a minor street of short length with two openings to traffic, beginning from the same street, and projecting parallel to each other and connecting at their termination by a loop.

39. "Subdivision or Subdivide" shall mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than forty (40) acres or the equivalent, and that is not exempted from the platting requirements of this act by Sections 108 and 109 of the Land Division Act. Subdivide or subdivision does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of the Land Division Act, this Ordinance, the Armada Township Zoning Ordinance and all applicable codes.

40. "Surveyor" shall mean a professional surveyor licensed under Article 20 of the Occupational Code, Act 299 of the Public Acts of 1980, being Sections 339.2001 to 339.2014 of the Michigan Compiled Laws.

41. "Township" shall mean the Township of Armada, Macomb County, Michigan.

42. "Township Engineer or Engineer" shall mean the consulting professional engineer employed by the Township.

43. "Township Planner or Planner" shall mean the consulting community planner employed by the Township.

44. "Tract" shall mean two or more parcels that share a common property line and are under the same ownership.

45. "Zoning Ordinance" shall mean the Armada Township Zoning Ordinance, as amended.

ARTICLE III - INITIAL INVESTIGATION [PRE-PRELIMINARY PLAN]

Prior to the preparation of a plat, it is suggested that the proprietor meet informally with the Township Planning Commission to investigate the procedures of the Township with reference to subdivision requirements.

1. The proprietor should obtain copies of and/or be thoroughly familiar with:

   a. The Township Zoning Ordinance, Master Plan, Land Division Regulations Ordinance, engineering specifications, and other similar ordinances or controls relative to the subdivision and improvement of land.

   b. The relationship of the proposed subdivision with respect to adjacent land uses and to major thoroughfares and plans for widening of thoroughfares.

   c. The adequacy and standards for schools and public open spaces, including parks and playgrounds to serve the proposed subdivision.

   d. The availability, standards and adequacy of sewage disposal, water supply and storm drainage within the Township.

   e. The presence of floodplains, wetlands and woodlands on the site. Wetland assessments should be sought at this stage from the Michigan Department of Environmental Quality.

2. The proprietor may, at his/her election, submit a pre-preliminary plan showing the proposed development of the subdivision in schematic form, including the area of first development. Such a sketch plan should include general layout of streets and lots, existing characteristics and conditions of the site, and general area set aside for schools, parks and other community facilities (see Section 404 of this Ordinance).

3. Nothing in this Section, however, shall be so construed as to require approval of the pre-preliminary plan. The pre-preliminary plan shall serve only as a general guide to the proprietor and the Township.

ARTICLE IV - PRELIMINARY PLAT - TENTATIVE APPROVAL

A Preliminary Plat shall be prepared and reviewed in accordance with Tentative and Final Preliminary Plat approval procedures set forth in this Ordinance.

Sec. 401. - Filing.

1. Prior to filing a preliminary plat, the applicant shall submit a Certified Survey in accordance with Act 132, P.A. 1970, as amended, showing the area of land to be platted and any residual parcel. The Township Assessor shall review and approve all proposed parcel splits and combinations for compliance with the Township Land Division Ordinance

prior to the submission of a preliminary plat. The applicant shall submit evidence of such approvals with the tentative preliminary plat.

2. The proprietor shall submit seven (7) copies of the Preliminary Plat to the Macomb County Plat Coordinating Committee (PCC) for review, and obtain the County's written comments before the filing of paragraph 3, below.

3. The proprietor shall submit twenty (20) copies of the Preliminary Plat, PCC comments, and other data concerning the proposed subdivision, together with a copy of proof of ownership, to the Township Planning and Zoning Department at least thirty (30) days before the meeting date of the Planning Commission. The Planning and Zoning Department shall forward such data to the Planning Commission Secretary and shall request that the Preliminary Plat be placed on the next agenda of the Planning Commission.

4. The School District having jurisdiction in the area concerned shall be informed and made aware of the proposed Preliminary Plat by the proprietor. The proprietor shall submit evidence that a copy of the Preliminary Plat has been delivered to the appropriate School District for its information.

5. In cases where the property proposed for platting was previously platted, proof of subdivision vacation must be submitted. No plat shall be given tentative approval until such existing plat is vacated.

6. The Preliminary Plat shall be prepared in accordance with Sections 111 and 112 of the State of Michigan Land Division Act and in accordance with the requirements of this Ordinance. The Planning Commission shall act on the Preliminary Plat within sixty (60) days after the first meeting of the Planning Commission after the proposed Preliminary Plat has been properly filed with the Township Planning and Zoning Department and accepted by the Planning Commission. Such first Planning Commission meeting date shall be considered the date of filing subject to the conditions of Section 405 of this Ordinance.

7. The Township Planning and Zoning Department shall determine that the proposed plat contains all information required in the Land Division Act and this Ordinance. The Township Planning and Zoning Department may refer the plat application to the Commission for a review of the submission requirements. If the information is incomplete, the Planning and Zoning Department shall inform the proprietor of the data required and direct that the application not be filed until the required data is received.
8. The proprietor shall deposit the sum required in Article X of this Ordinance, the deposit to be made at the time the Preliminary Plat is submitted to the Planning and Zoning Department.

Sec. 402. - Identification and description.

1. Proposed name of subdivision.

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

3. Names, addresses and phone numbers of: 1) the proprietor, 2) the owner (if other than the proprietor), and 3) the planner, landscape architect, designer, engineer or surveyor who designed the subdivision layout. The proprietor shall disclose the nature of his/her interest in the land.

4. Date, north point and scale of plat (1" = 100' shall be the minimum acceptable scale). The minimum drawing size shall be 24 inches by 36 inches.

Sec. 403. - Existing conditions.

1. An area location map at a scale of not less than 1" = 200', showing the relationship of the subdivision to significant surroundings, i.e., section lines, major streets or collector streets.

2. Boundary line of proposed subdivision, section or Township line within or adjacent to the tract and overall property dimensions.

3. Property lines of contiguous adjacent tracts of subdivided and unsubdivided land up to one-half (½) mile are to be shown in relation to the tract being proposed for subdivision, including those located opposite abutting roads.

4. Location, width(s) and name(s) of existing or prior platted street, private street, public area and public easement within, or adjacent to, the tract being proposed for subdivision, including those located opposite abutting roads.

5. Location of existing sewers, water mains, storm drains and other underground facilities within, or adjacent to, the tract being proposed for subdivision and a statement describing how these improvements will be provided for the subdivision. For lots intended to be served by individual water wells and septic systems, the minimum lot width may not be less than 98 feet. The developer must submit proof from the County Health Department that adequate provisions for such on-site services are available for each proposed lot with a lot width equal to or exceeding 98 feet.

6. Drainage patterns shall be graphically displayed on an accompanying sketch and including the following information:

a. Lake location and river, stream or open drainage ways (ditches) and the direction of flow.

b. The direction of surface drainage over the site.

c. Ridgeline or watershed boundary, if any, on or within one-half (½) mile of the site.

d. Soil drainage characteristics shall be designated as:
   1) Well drained, or
   2) Subject to ponding, or
   3) Susceptible to flooding.

7. Elevations shall be based on U.S.G.S. datum, with Township Bench Marks used where they are available. At least three (3) bench marks shall be indicated on the plan for each 40 acres of the project site area. Contours shall be drawn at an interval of two (2) feet in elevation, and the survey shall show the limits of any floodplain, any water body, lake, river, stream, creek or drain, when such floodplain is within or adjacent to the proposed plat. The topographic map and slope gradient sketch shall include the area of the proposed subdivision, as well as an area at least two hundred (200') feet beyond it.

8. Soil types and characteristics, as made available by the United States Department of Agriculture, Soil Conservation Service, shall be sketched and submitted at the same scale as the subdivision site, indicating the suitability of the proposed site for the proposed development (see Soil Survey, Macomb County, Michigan).

9. Vegetation on the site shall be carefully inventoried and sketched as to type and location on a map at the same scale as the preliminary plat. In particular, existing trees of type and size shall be recorded, as well as the ground elevation at the base of each tree of significant size (five (5) inch caliper or greater), or clusters of trees at the same base or average base elevation.

10. Wetlands, as determined by a wetlands consultant, shall be indicated on the plat if wetlands are suspected or known to exist on a site or if a general wetlands map indicates the potential presence of a wetland in the area of the site. A Level 3 wetland assessment from the Michigan Department of Environmental Quality will be required prior to final preliminary plat submission.

Sec. 404. - Proposed conditions.

1. A design concept sketch at 1" = 100' shall be submitted with the plat that shows the features proposed for the development (i.e., lots, streets, drains, open space, parks, schools, etc.) related to the site's natural characteristics and superimposed over the topographic survey (drainage, topography, slope, wetlands, floodplains, soil types, vegetation, trees, etc.). The reason this scheme was chosen over others shall be noted on the plan or in a separate narrative.

2. An illustration showing the information indicated below shall be submitted as the preliminary plat drawing:
   a. Layout of streets indicating proposed street names, right-of-way widths and connections with adjoining platted streets, existing easements and public walkways. All street names shall be reviewed and approved by the Township prior to final preliminary plat approval.

b. Layout, number and dimensions of lots, including building setback lines showing dimensions. The area of each lot shall be indicated on the lot or on a supplemental table. A typical building footprint, representing a building size consistent with that which is planned for the subdivision, shall be drawn on each lot.

c. Indication of parcels of land intended to be dedicated or set aside for public use and/or for the use of property owners in the subdivision, in particular, a landscape easement and plan as required pursuant to Section 705 of this Ordinance.

d. An indication of the status of the petitioners' ownership and existing and proposed use of any parcels adjacent to or abutting the subject proposed plat. Such parcels shall be identified as "excepted" on the preliminary plat. The proprietor shall indicate how excepted parcels could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.

e. Statement of intended use of the proposed plat, such as residential, single-family and multiple-family housing; commercial; industrial; recreational; or agricultural. Also, state the intended use for proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other non-public uses, exclusive of single-family dwellings. Also, designate any site proposed for parks, playgrounds, schools, or other public uses.

f. If the subdivision is proposed to be developed under an open space development option, said subdivision shall meet all the applicable requirements of the Township Zoning Ordinance and all provisions of this Ordinance.

g. A landscape plan for the entire development, including specific details for the subdivision entrance sign and subdivision entrance lighting.

Sec. 405. - Review by Planning Commission.

1. One (1) copy each of the preliminary plat shall be transmitted by the Township to the Township Engineer and the Township Planner for their technical review and recommendation to the Planning Commission.

2. The Township Planner shall check the proposed plat for planning and site layout. Should any of the data required in Sections 402-404 of this Ordinance be omitted, the

Township Planner shall inform the Planning Commission of the data required, and that the application shall not be considered properly filed until the required data is received.

3. Upon proper and timely receipt of the proposed plat, the Secretary shall place the preliminary plat on the next regular Planning Commission Agenda at which meeting the proprietor will be scheduled to appear. The Planning Commission shall act on the preliminary plat as provided in Section 401(6) of this Ordinance, unless the proprietor agrees to an extension in writing at this time or approves an extension verbally for the record.

4. The Commission shall review the preliminary plat for compliance with the following:

   a. Applicable ordinances and regulations.

   b. General availability and adequacy of utilities.

   c. Availability of school and recreation facilities.

   d. Master Plan.

   e. General design and site layout (street and lot orientation).

   f. Environmental impacts.

5. The Planning Commission shall recommend conditional approval, disapproval, or approval of the preliminary plat.

   a. Should the recommendation for approval be a conditional approval, the preliminary plat shall not be forwarded to the Township Board until said conditions have been satisfied by the proprietor as determined by the Planning and Zoning Department. A plat so approved shall not be considered properly filed until the conditions set forth are complied with.

   b. Should the Planning Commission recommend disapproval of the preliminary plat, it shall record the reasons in the minutes of the meeting. The proprietor shall be notified of the action of the Commission in writing. A copy of this action shall also be submitted to the Township Board.

   c. Should the Commission find that all conditions have been satisfactorily met, it shall recommend tentative approval to the preliminary plat. The Secretary shall make a notation to that effect on each copy of the preliminary plat and distribute copies of same as follows:

      1) Retain one (1) copy, which shall become a matter of permanent record in the Commission files.

2) Forward one (1) copy to the School Board(s) or School Superintendent(s) of the district(s) having jurisdiction in the area concerned.
3) Forward the remaining copies to the Township Board via the Township Clerk with recommendations for approval.
4) Forward one (1) copy each to the Township Public Service/Water and Sewer Department, the Township Engineer and Township Planner.

Sec. 406. - Review by the Township Board.

1. The Township Board will not review a preliminary plat before compliance with Section 405 of this Ordinance, and then shall consider the preliminary plat and shall take action thereon within ninety (90) days of the date of filing, as defined herein.

2. Should the Township Board give tentative approval of the preliminary plat, it shall be deemed to confer upon the proprietor the right to proceed with the necessary steps for final preliminary plat approval.

3. Tentative approval of the preliminary plat by the Township Board is effective for a period of one (1) year. Should the preliminary plat, in whole or in part, not be submitted for final approval within this time limit, the preliminary plat shall expire. The one (1) year period may be extended if requested in writing by the proprietor and granted by the Township Board prior to the expiration of the plat. A plat shall not be reinstated after the expiration date.

4. No installation or construction of any improvements shall be made prior to final preliminary plat approval and approval of all engineering plans, as provided herein.
5.

ARTICLE V - PRELIMINARY PLAT - FINAL APPROVAL

Within one (1) year after having received tentative approval of the preliminary plat, as prescribed in ARTICLE IV of this Ordinance, and after having received approval from the Township Engineer, the proprietor shall submit the preliminary plat for final approval.

Sec. 501. - Filing.

1. The proprietor shall file with the Township Planning and Zoning Department twenty (20) copies of the preliminary plat and other data concerning the proposed subdivision, including twenty (20) copies of an approved engineering plan, coincidental with filing copies thereof with the authorities as required in Sections 112 to 119 of the Land Division Act. A list of the authorities and evidence of their approvals shall accompany the filing

with the Township Planning and Zoning Department. All other information required for tentative preliminary plat approval must be provided.

2. The proprietor shall submit twenty (20) copies of the proposed Subdivision Deed Restrictions, or protective covenants, or a signed statement in writing that none are proposed.

3. The proprietor shall deposit the required fees to cover costs of reviewing the plat and layout.

4. As evidence of title, the proprietor shall submit a policy of title insurance, or a legal opinion, disclosing the name(s) of the titleholder(s) and all other persons having an interest in the realty proposed for the subdividing. The title policy shall indicate encumbrances against the property, such as, but not limited to, easements and special assessments.

5. If the proprietor wishes to stage the subdivision of a parcel, the preliminary plat shall include the proposed general layout for the entire parcel. The portion proposed to be subdivided first shall be superimposed upon the overall plan in order to illustrate clearly the sequence of development which the proprietor intends to follow. Each subsequent plat shall follow the same procedure until the entire parcel is subdivided.

6. The application shall include evidence that the Fire Department reviewed and approved all street names.

Sec. 502. - Review by the Township Engineer.

1. A copy of the preliminary plat shall be transmitted by the Township to the Township Engineer and Township Planner for technical review and recommendation.

2. The Township Engineer and Township Planner shall recommend approval or rejection of the preliminary plat before the end of the thirty (30) day review period.

Sec. 503. - Review by the Township Planning Commission.

The preliminary plat documents shall be reviewed by the Planning Commission for conformity with the tentatively approved preliminary plat. Any changes to the layout, configuration, number or pattern of lots or streets shall require a resubmission of the tentative plat to the Planning Commission for recommendation to the Township Board.

Sec. 504. - Review by the Township Board.

1. The Township Board will not review the preliminary plat until all of the requirements of the Land Division Act and this Ordinance have been met. The Township Board shall take action on the preliminary plat as set forth in Section 120[2] of the Land Division Act.

2. If approvals of other agencies have been received, and if the preliminary plat conforms substantially to the plat tentatively approved by the Board and meets all conditions for tentative approval, the Board shall grant final approval to the preliminary plat.

3. The Clerk shall promptly notify the proprietor of approval or rejection in writing. If rejected, reasons therefor shall be given.

4. Final approval shall be effective for a period of two (2) years from the date of final approval. The two (2) year period may be extended if requested in writing by the proprietor and granted by the Board. Such request by the proprietor must be submitted prior to the expiration of the approval period.

5. No installation or construction of any improvements shall be made before the preliminary plat has received final approval of the Board, engineering plans have been approved by the Township Engineer, acceptable executed easements for off-site improvements received by the Township or other governmental agency, and any deposits required under this Ordinance, Township Zoning Ordinance or Engineering and Construction Standards Ordinance have been received by the Township.

ARTICLE VI - FINAL PLAT

Sec. 601. - Preparation.

1. The final plat shall comply with the provisions of the Land Division Act.

2. The final plat shall conform to the preliminary plat, as approved.

3. As evidence of title, the proprietor shall submit an abstract of title, certified to date with the written opinion of an attorney-at-law thereon, or a policy of title insurance disclosing the name(s) of title holder(s) and all other persons having an interest in the realty subdivided. The title policy shall indicate encumbrances against the property, such as, but not limited to, easements and special assessments.

4. Final plat approval shall not be requested by the proprietor or approved by the Township Board unless the engineering plans have been approved by the Township Engineer, acceptable executed easement agreements for off-site improvements have been received by the Township or other governmental agency, and any deposits required under this Ordinance, Township Zoning Ordinance or Engineering and Construction Standards Ordinance have been received by the Township. Plats shall not be considered properly filed until all applicable Federal, State, County, and local review agencies have submitted written approval.

5. Six (6) copies of the proposed Subdivision Deed Restrictions, or protective covenants, or a signed statement in writing that none are proposed shall be furnished to the Township Board to be filed with the Township's copy of the final plat.

Sec. 602. - Final plat review.

1. The proprietor shall file fourteen (14) paper prints of the final plat with the Clerk, and shall deposit such sums of money as required herein and/or by other ordinances. Five (5) mylar copies of the final plat are required; the proprietor may submit one (1) mylar copy of the final plat and, at his/her expense and request the State Treasurer's Office to make the remaining four (4) copies.

2. The final plat shall be reviewed by the Township Engineer and Township Planner for compliance with the approved preliminary plat and plans for utilities and other improvements.

3. The Township Engineer and Township Planner shall notify the Township Board of their recommendation for approval or rejection of the final plat before the Board's next regular meeting, or within twenty (20) days of its date of proper filing.

4. The Township Board shall approve or disapprove the final plat at its next regular meeting, or within twenty (20) days after its date of proper filing.

5. Upon approval of the final plat by the Township Board, the subsequent approvals shall follow the procedure set forth in the Land Division Act. Seven (7) prints of the final plat shall be forwarded as follows: one (1) to the Clerk: one (1) to the Planning Commission; one (1) to the Assessor; one (1) to the Township Engineer; one (1) to the Township Supervisor, and two (2) to the Building Department. Five (5) mylar copies, supplied by the developer, shall be forwarded to the Macomb County Clerk, Register of Deeds. A digital copy of the final plat shall be submitted to the Township, in a format acceptable to the Township Engineer.

6. Placing of required monuments and lot corner markers may be waived by the Township Board for a period of one (1) year from the date of Board approval, provided that:

a. Monuments or other markers adequately witnessed shall be in place at all angles and at all ends of curves in the boundaries of the subdivision.

b. The proprietor shall deposit with the Township Clerk cash, certified check or irrevocable bank letter of credit running to the Township, in amount equal to One Hundred Twenty ($120.00) Dollars per monument and Forty ($40.00) Dollars per iron. A minimum deposit of Two Thousand ($2,000.00) Dollars shall be necessary.

Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed within the time specified. If the proprietor defaults, the Township Clerk shall engage a surveyor to install the monuments and markers on the plat and shall return any unexpended balance of the deposit to the party from whom it was received.

7. The Township Board requires that the proprietor complete all improvements and facilities and that such are approved by the Township, before the Township Board approves the final plat.

8. One complete set of "as built" mylar drawings shall be provided to the Township Engineer before final acceptance of the public improvements.

Sec. 603. - Assessor's plats.

If it is established that conditions exist whereby an assessor's plat is necessary, said assessor's plat shall comply with Sections 201 to 213 of the Land Division Act.

ARTICLE VII - SUBDIVISION DESIGN STANDARDS

The subdivision design layout standards set forth under this Article are development requirements. All final plats, condominium developments, and lot splits must be reviewed and approved by the Township Board in accordance with this Ordinance.

Sec. 701. - Streets.

Streets shall conform to all minimum requirements, general specifications, typical cross-sections, and other requirements of the Macomb County Department of Roads, this Ordinance, other related Township ordinances, and/or requirements of the Township Engineer.

1. Location and Arrangement.

   a. The proposed subdivision shall conform to the various elements of the Township's Master Plan. It shall be considered in relation to the existing and planned regional thoroughfares, major thoroughfares and collector streets; such part shall be platted in the location and width indicated on such plan. The proposed subdivision shall also conform to any State, County or local right-of-way plan which may be applicable to that location.

   b. The street layout shall provide for the continuation of collector streets in the adjoining subdivisions or of the proper projections of streets when adjoining property is not subdivided, or conform to a plan for an open space development approved by the Planning Commission. Any such streets, which are stubbed at the boundary of a subdivision, shall be posted with a

sign indicating that such stub street is a "Temporary Dead End." Any such stub street shall be provided with a paved temporary turnaround at the end. The diameter of the pavement shall match that required for a permanent cul-de-sac, and the pavement shall match the type and thickness of the through street.

c. The local street layout shall include streets so laid out as to discourage through-traffic and high speed vehicular travel.

d. Should a proposed subdivision border on or contain an existing or proposed major thoroughfare, the Commission may require marginal access streets, reverse frontage, or such other treatment regarding acceleration, deceleration and passing lanes as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.

e. Street rights-of-way shall not be platted within forty feet of the project's perimeter. A landscaped easement along such perimeter shall be provided in conformance with Section 705 of this Ordinance where such rights-of-way are not separated by residential lots between said road and the project's perimeter.

f. Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations. Wherever these exist adjacent to the tract to be subdivided, a dedicated or platted and recorded half-street shall be established abutting thereto.

g. Streets shall be arranged in proper relation to topography so as to result in desirable and usable lots and safe streets with reasonable gradients.

h. Alleys and private streets shall not be permitted in platted subdivisions.

i. When feasible, subdivisions containing more than sixty-five (65) lots shall be platted with two or more access roads to a major, secondary or collector road, so designated in the Township's Master Plan. At least one access road shall be a boulevard entrance to facilitate emergency access needs.

2. Right-of-Way Widths. Street right-of-way widths shall conform to the requirements of the Macomb County Department of Roads or at least the following requirements, whichever is greater:

a. Major Thoroughfares - In conformance with the transportation portion of the Armada Township Master Plan and/or the Inter-County Highway Commission Standards adopted by the Township Board.

b. Collector Streets—86 feet.

c. Industrial Service Streets—70 feet.

d. Multiple-Family Residential Streets, where platted—60 feet.

e. Local Streets (Single-Family Residential)—60 feet.

f. Marginal Access Streets—50 feet.

g. Boulevard Streets—80 feet or more.

h. Turnaround (loop or "U") Streets—120 feet.

i. Alleys—20 feet.

j. Cul-de-sac Streets—Turnarounds:

1) Industrial—70 feet terminating with 90-foot radius.
2) Residential and Others—60 feet terminating with 60-foot radius.

k. Maximum length for cul-de-sac streets shall be eight hundred (800) feet measured from the centerline of the adjoining road to the center point of the cul-de-sac.

3. Street Geometrics. Standards for maximum and minimum street grades, horizontal and vertical street curves, and sight distances shall be as follows. In no case shall the requirements be less restrictive than the standards of the Macomb County Department of Roads.

a. Street Gradients.
1) Maximum Grades—Longitudinal street grades shall not exceed five (5%) percent on either local street or collector streets. Within 100 feet of an intersection, the maximum longitudinal grade shall not exceed three (3%) percent.
2) Minimum Grades—No longitudinal street grade shall be less than zero point five (0.5%) percent.

b. Street Alignment.
1) Horizontal Alignment—The minimum centerline radius shall be 500 feet for major roads, 300 feet for collector roads, and 150 feet for minor or local roads. Between reverse curves, the minimum centerline tangent shall be 200 feet for major and collector roads, and 50 feet for minor and local roads.

2) Vertical Alignment—The maximum allowable grade break without a vertical curve shall be two (2%) percent for all roads. The minimum length of any vertical curve shall be based upon the design speed of the road, and shall not be less than that required by the Township Engineer and/or Macomb County Department of Roads, whichever is more stringent.
3) Intersections—Streets shall be laid out so as to intersect as nearly as possible at ninety (90) degrees, and in no case shall streets intersect at less than eighty (80) degrees. Curved local streets intersecting with local streets shall do so with a tangent centerline section of not less than fifty feet measured from the intersecting right-of-way. Curved local streets intersecting with collector or major roads shall do so with a tangent centerline section of not less than 100 feet measured from the intersecting right-of-way.

c. Street Jogs. Local street jogs with centerline offsets of less than 150 feet shall be prohibited.

4. Driveways.

a. All driveway locations for interior lots shall be subject to regulations, recommendations and review of the Macomb County Department of Roads.

b. There shall be no direct vehicular access to external roadways from lots which front upon roadways internal to the subdivision.

Sec. 702. - Blocks.

1. Sizes. Blocks within subdivisions shall conform to the following standards, except where, in the opinion of the Planning Commission, physical conditions may justify a variation.

a. Maximum block length (in feet), measured between right-of-way lines:

1) Blocks containing lots of 75 feet or less in width: 1,175
2) Blocks with all lots exceeding 75 feet and not more than 100 feet in width: 1,550
3) Blocks with all lots exceeding 100 feet in width: 2,000

b. Subdivisions with all lots equal to or exceeding two (2) acres shall not be restricted by the above dimensions of the block length when the lots do not exceed a 3-to-1 ratio of depth-to-width.

c. Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout. In no case shall the width of the block exceed the permitted block length.

2. Public Walkways.

   a. Location of public walkways or crosswalks may be required by the Commission to obtain satisfactory pedestrian access to public or private facilities such as but not limited to, schools and parks.

   b. Pavement for sidewalks on all local streets shall have a five (5') foot minimum width. Eight (8') foot wide pathways shall be provided along all other road frontages.

   c. Sufficient road right-of-way shall be provided so that sidewalks shall be installed on both sides of all streets. The requirement of five (5') foot sidewalks on both sides of all local streets may be waived by the Township Board when an acceptable and more imaginative solution to pedestrian circulation is proposed by the proprietor.

3. Easements.

   a. Location of utility line easements shall be provided along the front, rear or side lot lines as necessary for utility lines. Proposed electrical, telephone and cable shall be installed underground in locations approved by the Township Engineer and Building Official. Preservation of natural features shall be a major determinant of utility locations.

   b. Recommendations on the proposed layout for telephone, gas and electric utility easements shall be obtained from the utility companies serving the Township. It shall be the responsibility of the proprietor to submit copies of the preliminary plans to all appropriate public utility agencies. Location of utilities shall be reviewed and approved by the Township Engineer and Building Official.

   c. Easements three (3') feet in width shall be provided where needed alongside lot lines so as to provide for street light dropouts.

   d. Where a subdivision is traversed by a water course, drainage channel or stream, there shall be provided a storm easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will be adequate for the purpose. Such easements shall meet the approval of the Township Engineer, Building Official and the County Public Works Commissioner or Macomb County Department of Roads if under their jurisdiction. Further, no such County easement or water course, channel, stream, lake, regulated wetland, floodplain, retention/detention pond or similar undevelopable feature shall be included within any lot area calculation.

e. The Township may require an easement for emergency vehicle access through properties adjacent to bodies of water.

Sec. 703. - Lots.

Lots within subdivisions shall conform to the following standards:

1. Sizes and Shapes.

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

b. Lot areas and widths, as defined within the Zoning Ordinance, shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision is proposed. At no point in a lot shall the distance between lot lines be less than seventy-five (75) percent of the required width.

c. Building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance.

d. The depth of a lot shall not exceed four (4) times the width, as measured at the building line. Flag lots, pan-handle lots, "L" shaped lots or other irregularly shaped lots shall not be permitted within subdivisions.

e. Corner lots in subdivisions shall be platted at least twenty-five (25) feet wider than the minimum width permitted by the Zoning Ordinance within that particular zoning district. In the case of open space developments, the corner lots shall be a minimum of twenty (20) feet wider than the average lot width provided throughout the entire development. In all subdivisions, the minimum lot width required shall be observed on all portions of a lot abutting a road right-of-way.

f. Lots abutting major thoroughfares, secondary, or collector streets, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots, or with side lot lines parallel to the major traffic streets, and shall be platted with a minimum of fifteen (15') feet of extra depth to permit appropriate privacy screening as required by the Township and generous distances between building and such roadway.

g. Lots intended for purposes other than residential use shall be specifically designed for such purposes and shall have adequate provisions for off-street parking, setbacks and other requirements in accordance with the Zoning Ordinance.

2. Arrangement.

a. Every lot shall front or abut a publicly dedicated street, except in those instances involving a planned development for multiple dwellings, business centers or industrial tracts where, in the judgment of the Township, such requirements would not serve the best interests of the Township.

b. Side lot lines shall be at right angles or radial to the street lines.

c. Back-up lots: Lots shall back into such features as freeways, regional, major or secondary roads, shopping centers or industrial properties, except where there is a marginal access street.

d. Lots shall have a front-to-front relationship across all streets, where possible.

e. Where lots border upon bodies of water, the front yard shall be designated as that side fronting on the street, except as noted in the Township Zoning Ordinance.

f. Subaqueous areas or areas subject to standing water or flooding such as lakes, ponds, streams, drains, floodplains, wetlands or areas otherwise deemed by the Planning Commission to be uninhabitable due to similar conditions, shall not be used in the calculation for lot area.

Sec. 704. - Natural features.

The natural features and character of lands must be preserved, wherever possible. Due regard must be shown for all natural features, such as large trees, natural groves, water courses and similar community assets that will add attractiveness and value to the property if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers (dams, retaining walls, etc.), where appropriate, shall be required. The identification of wetlands on a final preliminary plat shall only be found acceptable when a determination has been completed by the Michigan Department of Environmental Quality.

Sec. 705. - Landscape easement.

1. A landscape easement shall be required to be placed next to incompatible features and existing or proposed land uses, such as commercial and industrial land contiguous to residential uses; highways, regional, major, secondary and collector roads (without residential frontage); railroads, schools, churches, libraries, offices, etc., to screen the view from incompatible features and land uses; to minimize noise; and to assure adequate outdoor living areas. A landscaping plan shall be submitted to the Planning Commission and reviewed based on the following standards:

a. A landscape easement shall be a minimum of twenty-four (24) feet wide.

b. A landscape easement shall not be a part of a roadway right-of-way, utility easement or lot.

c. A landscape easement must be identified on the plat as a common area, park or other appropriate designation.

d. The area of the plat designated as the landscape easement must contain the following statement on the plat: "The entire common area is subject to a private easement dedicated to the ownership association for landscaping."

e. Should the landscape easement be separated by a roadway, etc., then the continuation of the landscape easement must be identified and contain the dedication as set forth above.

f. A complete site plan prepared and sealed by a registered professional, licensed by the State of Michigan to prepare such plan. The plan must show the finished grade of the landscape easement; the topography, including berms, drainage, relationship to the structures built on each lot, the sidewalks, catch basins, slopes, watering systems; the location of all trees and shrubs, including their spacing and size; signs; lighting; and other landscape features. A plant list with the number, size, genus and species of each tree, shrub or other plant shall also be provided on the plan. The plan must be drawn to scale and labeled to explain all features.

g. A three (3') high landscape berm shall be required within the easement. The minimum height shall be measured from the uphill side of the berm. Such berm shall have a slope no steeper than three (3) foot of run for each one (1) foot of rise. The berm shall be planted with two staggered rows of suitable evergreen screening trees. Trees in each row shall be evenly spaced at thirty (30) feet on center. The distance between rows shall be no less than ten (10') on center. The berm and evergreen screen shall be supplemented with deciduous trees, plants and shrubs.

h. An ample variety and quantity of ornamental plants, trees and shrubs should be used in the plan. Some dominant types are usually chosen, with subordinate types interspersed for accent. Repeating certain types creates unity, but no types should be overused. Variety should be achieved with respect to seasonal changes, species selected, texture, color and size at maturity.

i. The plan must also indicate the planting and staking details of all plantings to be installed. Further, all plant materials used in the plan shall be of

acceptable varieties and species, hardy in Macomb County, conform to standards of the American Association of Nurserymen, and have passed any inspections required under State Regulations. All plants must be planted in fertile soil.

j. The following plant materials are specifically prohibited for use in any plan considered under provisions of these regulations: box elder, soft maple, elm, poplar, willow, nut-bearing horse chestnut, tree of heaven, catalpa, fruit-bearing trees (except apple trees), all thorned trees and shrubs, gooseberry and cottonwood.

k. The acceptable size of the plant materials used in the plan must meet or exceed the sizes listed in the following:

Large evergreen trees (including arborvitae)	6 feet to 8 feet in height
Large deciduous shrubs	3 feet to 4 feet in height
Small and large deciduous trees	2-inch to 2½-inch caliper
Small deciduous shrubs	18 inches to 2 feet in height
Small evergreen shrubs	18-inch to 2-foot spread
Large evergreen shrubs	2 feet to 3 feet in height
Ground cover	2-inch peat pot

l. The landscape easement area must be provided with an appropriate irrigation system that is separately metered and utilized to provide the plants with scheduled watering to maintain the landscaping in a healthy growing condition. Adequate drainage must also be provided per Township Engineering Standards.

m. The landscape easement area must be sodded with pre-grown grass seed and placed to enhance the tree and shrub installation.

n. All signs and landscape features, such as walls, light standards or fixtures, kiosks and/or other ornamental structures such as gazebos and arches, constructed in accordance with Township standards, must be shown on the plan.

o. The construction of any feature of the plan must respect any and all easements of the plat. Any encroachment into an easement must have approval of the Township and/or County or other entity which may have jurisdiction over said easement.

p. The plan must include a written cost breakdown of each item of the plan determined by the registered professional who sealed the plan.

q. The restrictive covenants of the subdivision shall make provision for the responsibility and maintenance of the landscape easement. A homeowner association shall be established for the subdivision to maintain the landscaping easement. In the event the association shall, at any time, fail to maintain the landscape easement in accordance with the approved landscape plan, then the Township is authorized to enter the landscape easement to maintain the same. Cost and expenditures for such maintenance shall be at the expense of the association.

r. The location of all landscaping and all other improvements must respect the property lines of each lot.

s. The Planning Commission may approve variations in the landscape easement, to not require berming, additional plantings, sodded area, etc. if the petitioner provides evidence that the existing conditions are equal to or exceed the above standards.

2. Building permits for the construction of structures within a subdivision shall not be issued until such time as the landscape easement is completed and accepted by the Township.

Sec. 706. - Floodplains.

Any areas of land within the proposed subdivision which lie either wholly or in part within the floodplain of a river, stream, wetland, creek or lake, or any other areas which are subject to flooding or inundation by storm water, shall require specific compliance with the Land Division Act and its review by the Township, County Public Works Commissioner, and the Land and Water Management Division of the Department of Environmental Quality. No modifications to or improvements on such areas shall be made prior to the approval of the Armada Township Building Official, pursuant to the local floodplain management ordinance and pursuant to any other applicable Township Ordinances.

Sec. 707. - Topsoil.

Removal of topsoil from areas to be subdivided shall be prohibited, except in those areas to be occupied by buildings, roads or parking areas. A plan for storage or stockpiling of topsoil shall be submitted by the proprietor with the site engineering plans and shall be approved by the Township Engineer. No topsoil shall be removed from the site without prior authorization, as provided by Township ordinances.

Sec. 708. - Trees.

1. Existing trees near street rights-of-way shall be preserved by the subdivider.

2. All trees shall be guaranteed for a period of no less than two (2) years.

3. Street trees shall be provided: at least one (1) per lot, or not less than one (1) tree for each forty (40') feet—placed in the road right-of-way, parallel to the roadway, in an area approved by the Township Engineer and Building Official and not directly located over any existing public utility.

4. The following species of trees shall be permitted as street trees:

   a. Norway Maple
   b. Sugar Maple
   c. Little Leaf Linden
   d. Green Ash (Marshall Seedless)
   e. Tulip Tree
   f. Red Oak
   g. Such other species as may be approved by the Planning Commission.

ARTICLE VIII - SUBDIVISION IMPROVEMENTS

The improvements set forth under this Article are to be considered as the minimum acceptable standard. All those improvements for which standards are not specifically set forth shall have said standards set by Ordinance or by published rules of the Township. All improvements shall meet the approval of the Township Board.

The approvals required under the provisions of this Ordinance shall be obtained prior to the installation of any subdivision or project improvements within the Township of Armada, in public streets, public alleys, public rights-of-way, and public easements, and/or under the ultimate jurisdiction of the County of Macomb.

Sec. 801. - Purpose.

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

Sec. 802. - Responsibility for plans.

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared, by a registered professional engineer, a complete set of construction plans, including profiles, cross-section, specifications and other supporting data, for the

hereinafter required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies and the Township Engineer. All construction plans shall be prepared in accordance with their standards or specifications.

Sec. 803. - Procedure.

Whenever construction has been completed at the time of filing the final plat, one (1) complete mylar copy of as-built engineering plans of each required public improvement shall be filed with the Township Clerk for review by the Township Engineer, coincident with the filing of the final plat. Other requirements and procedures in the submittal of final plats shall be as provided in Article VI.

Sec. 804. - Required public improvements.

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

1. Monuments and Lot Corner Markers. Monuments and lot corner markers shall be set in accordance with the Subdivision Control Act of 1967, Act No. 288 of the Public Acts of 1967, and the rules of the State Department of Treasury.

2. Streets. All streets shall be constructed in accordance with the standards and specifications adopted by the Macomb County Department of Roads.

3. Curbs and Gutters. Curbs and gutters may be required on all neighborhood access streets and local streets and shall be constructed in accordance with the standards and specifications adopted by the Macomb County Department of Roads.

4. Installation of Public Utilities. Public utilities and driveways shall be located in accordance with the rules of the Macomb County Department of Roads, the Township Engineer, and the Township Building Official. The underground work for utilities shall be stubbed to the property line.

5. Driveways. All driveway openings in curbs, culverts or swales shall be as specified by the Macomb County Department of Roads or the Michigan Department of Transportation.

6. 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 County Drain Commissioner and the Township Engineer.

Construction shall follow the specifications and procedures established by the County Drain Commissioner and the Township Engineer. All proposed storm drainage

construction plans for proposed plats shall be approved by the County Drain Commissioner and the Township Engineer.

7. Water Supply System. When a proposed subdivision is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the subdivider according to standards adopted by the Township. Pre-water taps may be required.

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

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

8. Sanitary Sewer System. When a proposed subdivision is to be serviced by a public sanitary sewerage system, sanitary sewers and other required appurtenances thereto shall be provided by the subdivider according to the standards adopted by the Township. Sewer systems shall comply with the requirements of Act 98, P.A. 1913, as amended.

If there is no existing or accessible public sewer system, a sewer system for the common use of the lot owners may be required to be provided by the subdivider, if feasible in the judgment of the Planning Commission with the advice of the Township Engineer and County Health Department, and shall comply with the requirements of Act 98, P.A. 1913, as amended. The system provided shall be turned over to the Township for operation and maintenance.

Where it is determined, in the judgment of the Planning 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 septic tanks and disposal fields may be approved which shall comply with the requirements of the County Health Department.
However, where studies by the Township Planning 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 [3] years), sanitary sewer mains and house connections shall be installed and capped.

9. Street Name Signs. Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the Macomb County Department of Roads.

10. Sidewalks and Crosswalks. Sidewalks shall be required on both sides of the street. Crosswalks, when required by the Township, shall have easements at least twelve (12)

feet in width and include a paved walk at least five (5) feet in width, located generally along the centerline of the easement, dedicated as a public pedestrian walkway.

Sidewalks and crosswalks shall be constructed in accordance with the requirements of the Macomb County Department of Roads, the Township Engineer and Engineering and Construction Standards Ordinance.

Sec. 805. - Guarantee of completion of improvements required by the Township.

1. Financial Guarantee Arrangements, Exceptions. The Township Board, on recommendation of the Planning Commission, may permit a subdivider to furnish a financial guarantee for the installation of sidewalks, street lights, street trees, or other public improvements required by the Township in lieu of actual construction and/or installation. Notwithstanding anything contained herein, however, said improvements shall be constructed and/or installed prior to issuance of occupancy permits. Financial guarantees may be by corporate surety bond, cash, certified check or irrevocable bank letter of credit.

a. Corporate Surety Bond.
   1) Accrual. The bond shall accrue to the Township, covering construction, operation and maintenance of the specific public improvements.
   2) Amount. The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvements, including contingencies, as estimated by the Township Engineer.
   3) Term. The term of the bond shall be specified by the Township Board.
   4) Bonding or Surety Company. The corporate surety shall be authorized to do business in the State of Michigan and shall be acceptable to the Township Board.

b. Cash Deposit, Certified Check, or Irrevocable Bank Letter of Credit.
   1) Treasurer; Escrow Agent. A cash deposit, certified check, or irrevocable bank letter of credit, accruing to the Township shall be deposited with the Township Treasurer, or an escrow agent agreed upon by the Township and subdivider. The escrow agreement shall be prepared and furnished by the Township.
   2) Amount. The amount of the case deposit, certified check, or irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specified public improvements including contingencies, as estimated by the Township Engineer.
   3) Escrow Period. The escrow period for the cash deposit, certified check, or irrevocable bank letter of credit, shall be specified by the Township Board.
   4) Reduction of Guarantee. By agreement between the Township and the subdivider, a partial refund of the cash deposit or reduction of the certified check or irrevocable bank letter of credit may be authorized to

the extent of the cost of the completed portion of the public improvements.

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

b. A financial guarantee acceptable to the Township shall have been filed in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond.

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

4. Inspection of Public Improvements Under Construction. Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the Township Board shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans, and the owner shall pay all fees required therefor.

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

Sec. 806 - Other improvements.

1. Street Signs. To facilitate the location of given lots by emergency vehicles, temporary signs shall be installed by the developer before housing construction begins.

a. Temporary signs shall be six (6") inches in height by twenty-four (24") inches in width. All signs shall be mounted on poles between six (6') and eight (8') feet from grade.

b. All temporary signs must be clearly distinguishable, with black lettering on a white background. The lettering shall be no less than four (4") inches in height.

c. All temporary signs must be constructed of metal, plastic or plywood.

2. Sidewalks, Parks and Trees. Sidewalks, parks and trees shall be installed and preserved in accordance with Article VII of this Ordinance.

3. Addresses. Each housing unit shall clearly identify the address of the house in a manner which is readily visible from the street. Such address shall also be placed on the mailbox for each housing site. The numbers and/or letters shall be no less than two-inch in height for the mailbox address identification. (Addresses shall be shown as "312" rather than "three hundred and twelve.")

4. Lighting. A subdivision entrance sign and lighting shall be provided at each entrance to a subdivision within the required landscape easement. All lights (including the base and pole) shall be limited to a total height of fifteen (15') feet and shall be screened to prevent glare on traffic and surrounding parcels. The ground level illumination from such lights shall not exceed 1.0 foot candles. Such lighting shall remain lit from dusk until dawn. The restrictive covenants of the subdivision shall make provision for the responsibility and maintenance of the lighting. The homeowner association shall be responsible to operate and maintain the lighting. In the event the association shall, at any time, fail to maintain the landscape easement in accordance with the approved landscape plan, then the Township is authorized to enter the landscape easement to maintain the same. Cost and expenditures for such maintenance shall be at the expense of the association.

ARTICLE IX - DIVISION, PARTITIONING AND SPLITTING OF LAND EXEMPT FROM PLATTING

It shall be unlawful for a proprietor to further divide any lot, tract, parcel, parent parcel or other parcel of land not resulting in a subdivision, except in accordance with the provisions of this Article. Authority to enact this Article is found in 1967 PA 288, as amended, the Land Division Act (formerly known as the Subdivision Control Act).

1. Lots, outlots, tracts, parcels, parent parcels, or parent tracts of land may be partitioned, divided or split in accordance with the provisions of Sections 108 and 109 of the Land Division Act; the provisions of this Article adopted to administer and enforce the Land Division Act, and conformance with Township ordinances, codes, provisions, standards, rules and regulations, etc., which regulate and control the division and/or development of land. No lot shall be split within a subdivision that results in the creation of a lot that is out of character with the size and shape of existing lots within such subdivision.

2. A division shall not result in a parcel which is determined to be in violation of the Township's Ordinances. All divisions must result in parcels containing sufficient "buildable" area outside unbuildable wetlands, flood plains and other areas where buildings and other improvements are prohibited therefrom. However, approval of a division does not guarantee that the resultant parcels are buildable.

3. Any due or unpaid tax(es) or special assessment(s) properly due and owing according to the records of the Township Treasurer upon the property shall be paid prior to the division, partitioning or splitting of the land, lot or outlot.

4. Submittal Requirements. An applicant shall file all of the following, or documentation establishing all the following, for review and approval of a proposed land division:

a. An application for a division, partition or split regulated by this Article shall be submitted to the Township Assessor on the form(s) provided by the Assessing Department.

b. A Survey in accordance with the requirements of Act 132, P.A. 1970, as amended, showing area, parcel lines, legal descriptions, public utilities, easements, encroachments, bearings and dimensions, structures and accessibility of each resulting parcel, signed and sealed by a registered engineer or land surveyor;

c. Each resulting parcel(s) of ten (10) acres or less, shall have a depth of not more than four (4) times the width. A parcel in excess of ten (10) acres shall comply with the frontage requirements of the Township Zoning Ordinance.

d. Each resulting parcel has a minimum width as required by the Township Zoning Ordinance. Minimum width shall equal the Township Zoning Ordinance requirements for public road frontage.

e. Each resulting parcel has a minimum area not less than that required by the Township Zoning Ordinance.

f. Each resulting parcel that is a development site has adequate easements for public utilities from the parcel to existing public utility facilities.

g. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the Land Division Act.

h. Compliance with all other applicable Township ordinances, codes, provisions, standards, rules and regulations, etc., which regulate and control the division and/or development of land.

5. Procedures for dividing, partitioning, or splitting of land.

a. The completed Land Division Application and all required supporting documentation and information must be filed with the Township Assessor for review and approval.

b. The Township Assessor shall not approve an application for a land division unless the application is completed in its entirety and is accompanied by the required documentation and fees. An application which is not complete will be rejected.

c. The Assessor shall transmit the completed land division application to the Township planner, for review and confirmation of compliance with Zoning Ordinance provisions.

d. The Assessor shall either approve or reject the application for Land Division within forty-five (45) days after a complete application has been filed with the Assessor.

e. The forty-five (45) day review period will begin on the date the application is filed with the Assessor. An application is complete if it contains information necessary to ascertain whether the requirements of Sections 108 and 109 of the Land Division Act, this Article, and other applicable Township Ordinances, etc., are met.

f. The Assessor shall provide the person who filed a land division application with written notice whether the application is approved or disapproved and if disapproved, the reasons for disapproval.

g. If there is compliance with the Land Division Act, this Article, and other applicable Township ordinances, codes, provisions, standards, rules and regulations, the Assessor shall approve the division, partition or split, and forward to the County Land File Department for assignment of the new parcel identification number(s) and verification of the legal description(s).

h. If a parcel resulting from a division is approved by the Assessor and is less than one (1) acre in size, the notice of approval shall contain a statement as follows:

"A division resulting in a parcel of less than one (1) acre in size shall not be issued a building permit for the parcel unless the parcel has all of the following:

1) Public water or city, county, or district health department approval for the suitability of an on-site water supply under the same standards as set forth for lots under Rules described in Section 105(g) of the Land Division Act, as well as approval from the Township Engineer.
2) Public sewer or city, county, or district health department approval for on-site sewage disposal under the health department standards as set forth for lots under Rules described in Section 105(g) of the Land Division Act, as well as approval from the Township Engineer."

ARTICLE X - REVIEW FEES

Fees and related expenses for examination and inspection of plats, land proposed to be subdivided, and divisions of land exempt from platting shall be paid to the Township by the proprietor. Such fees shall include the Township fee; the Planner's fee; the Engineer's fee; and, the Township Attorney's fee will be based upon their arrangement with the Township in effect at that time. The legal fees shall be over and above the other charges listed. Preliminary and final plat review fees shall be paid by the proprietor as follows:

Sec. 1001. - Planning review fees.

The schedule of fees for review of plats shall be as adopted by separate resolution of the Township Board of Trustees and may be modified by resolution of the Township Board as necessary.

Sec. 1002 - Engineering plan review and construction inspection fees.

Engineering Plan Review to be charged in accordance with such fee schedule as the governing body by resolution may adopt from time-to-time.

Sec. 1003. - Attorney fees.

Any services required by the Township Attorney will be charged on an hourly basis in accordance with the then existing contract between the Township Attorney and the Township of Armada.

ARTICLE XI - VARIANCE

1. The Township Board may grant a variance from the provisions of this Ordinance on a finding that undue hardship or practical difficulty will result from strict compliance

with specific provisions or requirements of the Ordinance or that application of such requirement is impracticable. The Township Board shall only grant variances that it deems necessary to or desirable for the public interest. In making its findings, as required in this section, the Township Board shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Township Board finds that:

a. There are such special circumstances or conditions affecting the property that the strict application of the provisions of this Ordinance would clearly be impracticable or unreasonable. In such cases, the subdivider shall identify for the Township Board, in writing, the specific provision or requirement involved in the variance request. Further, the subdivider shall clearly present to the Township Board, in writing, the special circumstances or conditions affecting the property that render compliance with the Ordinance to be impracticable or unreasonable.

b. The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.

c. The variance will not violate the provisions of the Land Division Act.

d. The variance will not have the effect of nullifying the interest and purpose of this Ordinance, the Master Plan of the Township or the comprehensive development plan of the Township.

2. The Township Board shall record its findings and actions in the meeting minutes. The Township Board shall review the record prior to making a decision on any variance request. The Township Board shall either approve or deny the variance request based on the criteria outlined above. The Township Board shall clearly indicate, on the record, its reasons for approving or denying all variance requests.

ARTICLE XII - VIOLATIONS AND PENALTIES

Any person, firm or corporation who violates the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding Five Hundred ($500.00) Dollars, or ninety (90) days in the Macomb County Jail, or both.

ARTICLE XIII - SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is, for any reason, held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section,

paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

ARTICLE XIV - REPEAL

Ordinance No. 102 of the Armada Township Ordinances is hereby repealed. All other resolutions or ordinances, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

ARTICLE XV - PUBLICATION

This Ordinance shall be published in full, or a summary thereof shall be published in the North Macomb Voice, a newspaper of general circulation in the Township of Armada, within thirty (30) days after its adoption.

ARTICLE XVI - EFFECTIVE DATE

This ordinance shall take effect thirty (30) days from and after the date of publication of a true copy thereof in a newspaper circulating within the Township of Armada as provided by Article XV.

Adopted: 12/9/2015

ARMADA TOWNSHIP
MACOMB COUNTY, MICHIGAN
SUMMARY OF ARMADA TOWNSHIP LAND DIVISION REGULATIONS ORDINANCE

The Armada Township Board of Trustees at its regularly scheduled meeting of December 9, 2015, adopted Ordinance No. R2015-18, Armada Township Land Division Regulations Ordinance, a summary of which is as follows:

ARTICLES I - II. GENERAL; DEFINITIONS. Contain definitions relevant to the division of land; purpose of the Ordinance is to regulate and control the division of land within the Township in order to promote the health, safety and general welfare of the community; and statutory authority for enactment of Land Division Regulations.

ARTICLES III - VIII. SUBDIVISION DEVELOPMENT, PLATTING PROCEDURE AND SITE CONDOMINIUM. Contains the procedure for the submittal, review and approval of preliminary, final preliminary, final plats, and site condominium subdivisions; required improvements and facilities which must be constructed as a condition for final plat approval, and the issuance of building permit for site condominium subdivisions; procedure for obtaining permits for construction of model homes; and sets forth the design requirements for required public improvements contained within a plat or site condominium subdivision.

ARTICLE IX. DIVISION, PARTITIONING AND SPLITTING OF LAND EXEMPT FROM PLATTING. Requires that any division, partition or splitting of a lot, tract, parcel, parent parcel, or other parcel of land must comply with the provisions of this section and all other Township ordinances; establishes submittal requirements for land divisions and contains the procedure for dividing, partitioning or splitting of land.

ARTICLE X - XIV. ADMINISTRATION; REPEAL. Authorizes the Township Board of Trustees to administer the Land Division Regulations; provides for fees; procedures to amend the Land Division Regulations; enforcement thereof; establishes a procedure for obtaining variances from the Land Division Regulations, provides a penalty for the violation of the Ordinance and repeals Ordinance No. 102.

The Armada Township Land Division Regulations Ordinance may be inspected or a copy obtained from the Armada Township Clerk's office at the Armada Township Hall located at 23121 Main Street, Armada, Michigan 48005 during regular business hours. This Ordinance will take effect thirty (30) days from the date of this publication.

Mary K. Swiacki

Mary K. Swiacki,
Armada Township Clerk

Published: 12/16/15