

ORDINANCE NO. 42

**AS AMENDED BY ORDINANCES NO. 57
SUBDIVISION ORDINANCE**

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND IN SUPERIOR TOWNSHIP; REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSE; ESTABLISHING MINIMUM SUBDIVISION STANDARDS; PROVIDING FOR MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE PROPRIETOR; SETTING FORTH THE PROCEDURES TO BE FOLLOWED BY THE TOWNSHIP BOARD AND PLANNING COMMISSION IN APPLYING THESE RULES, REGULATIONS AND STANDARDS; ESTABLISHING FEES; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

Section 42.01. General Provisions

42.01.01 Short title.

This ordinance shall be known and may be cited as the Superior Township Subdivision Ordinance.

42.01.02 Policy.

It is hereby declared to be the policy of Superior Township to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of Superior Township pursuant to the adopted general development plan of Superior Township for the orderly, planned, efficient, and economical development of Superior Township.

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided unless proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

Existing and proposed public improvements shall conform to and be properly related to proposals set forth in the adopted general development plan, and the capital budget and program, of Superior Township. It is intended that this ordinance shall supplement and facilitate enforcement of the provisions and standards contained in the building code, zoning ordinance, general development plan, and capital budget and program of Superior Township.

42.01.02 Purpose.

SUPERIOR TOWNSHIP SUBDIVISION ORDINANCE

PAGE 2

These regulations are adopted for the following purposes:

To protect and provide for the public health, safety, and general welfare of Superior Township.

To guide the future growth and development of Superior Township in accordance with the adopted general development plan.

To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.

To protect the character and social and economic stability of all parts of Superior Township and encourage the orderly and beneficial development of Superior Township.

To protect and conserve the value of land throughout Superior Township and the value of buildings upon the land, and to minimize the conflicts among the uses of land and buildings.

To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, drainage, schools, and parks, playgrounds, recreation, and other public requirements and facilities.

To provide the most beneficial relationship between uses of land and buildings; for circulation of traffic throughout Superior Township, having particular regard to avoiding congestion in the streets and highways; for pedestrian traffic movements appropriate to the various uses of land and buildings; and to provide for proper location and width of streets.

To establish reasonable standards of design and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land; and to ensure proper legal description and monumenting of subdivided land.

To ensure that public facilities are available and of a sufficient capacity to serve a proposed subdivision.

To prevent pollution of air, streams, and water bodies; to assure adequacy of drainage facilities; to safeguard the water table; and to encourage wise use and management of natural resources throughout Superior Township in order to preserve the integrity, stability, and beauty of the community and the value of land.

To preserve the natural beauty and topography of Superior Township and to ensure appropriate development with regard to these natural features.

To provide for open spaces through the most efficient design and layout of the land, including the use of average dwelling unit density in providing for minimum width and area of lots, while preserving the density of land as established in the Superior Township Zoning Ordinance, where permitted by said ordinance.

42.01.04 Scope.

These subdivision regulations shall apply to all subdivisions of land within Superior Township.

A. No land shall be subdivided within Superior Township until all requirements of this ordinance and the Subdivision Control Act have been met.

B. No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, this ordinance. No excavation of land or construction of any public or private improvement shall take place or be commenced except in conformity of this ordinance.

C. In their interpretation and application, the provisions of this ordinance shall be held to meet the minimum requirements for the promotion of public health, safety, and welfare.

D. The provisions of this ordinance are not intended to abrogate any easement, covenant or any other private agreement or restriction. Where provisions of this ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this ordinance shall govern.

E. This ordinance shall not apply to any lot or lots which are a part of a subdivision created and recorded prior to the effective date of this ordinance, or to a lot or lots which are part of a subdivision which is in process of review or construction prior to the effective date of this ordinance, except for further dividing of such lots.

42.01.05 Legal Basis.

This ordinance is enacted pursuant to the statutory authority granted by Act 288, Public Acts of 1967, as amended, Act 168, Public Acts of 1959, as amended, Act 191, Public Acts of 1939, as amended, and Act 283, Public Acts of 1931, as amended.

42.01.06 Fees.

The schedule of fees for review of plans and plats, inspection of improvements for

administration of this ordinance, and for other costs incurred by Superior Township in the platting process, shall be established by resolution of the Superior Township Board.

42.01.07 Cemeteries.

Cemeteries shall not be included within the definition of subdivision, and shall not be subject to this ordinance.

42.01.08 Conformance of Laws, Rules, and Regulations.

In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations:

- A. The Subdivision Control Act and all other applicable statutes.
- B. The Superior Township Zoning Ordinance.
- C. The Superior Township Building Code.
- D. The Superior Township General Development Plan and Capital Improvements Program.
- E. The standards and regulations of the Superior Township Engineer.

42.01.09 Conflicts in Ordinances.

In any case where a provision of this ordinance is found to be in conflict with the provisions of any zoning, building, fire safety or health ordinance of the Township of Superior existing on the effective date of this ordinance, the provisions which established the higher standard for the promotion and protection of health and safety of the people shall prevail. In any case where provisions of this ordinance are found to be conflict with a provision of any other ordinance of the Township of Superior existing on the effective date of this ordinance which established a lower standard for the promotion and protection of the health and safety of the people, the provisions of this ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared -to be repealed to the extent that they may be found in conflict with this ordinance.

42.01.10 Invalidity.

If any section, subsection, paragraph, sentence, or phase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect; and to this end the provisions of this ordinance are hereby declared to be severable.

42.01.11 Additional Legal Remedies.

Nothing contained in this ordinance shall be deemed or construed to be a substitute for or to abolish or impair existing other or future legal remedies of the Township of Superior, or its officers, or agency, including criminal prosecution under this or any other ordinance of the Township of Superior, or of the laws of the State of Michigan even though such remedies may be specifically enumerated or mentioned herein.

42.01.12 Conditions.

Regulations of subdivision of land and attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Michigan to Superior Township. The proprietor has the duty of compliance with reasonable conditions established by the Superior Township Board for design, dedication, improvement and restrictive use of the land, so as to conform to the physical and economic development of Superior Township, and to the safety and general welfare of the future landowners in the subdivision, and of the community at large.

42.01.13 Planning Commission Responsibility.

The Superior Township Board hereby assigns to the Superior Township Planning Commission responsibility to review each plat as required by this ordinance. The Planning Commission shall report its findings and recommendations for each plat to the Superior Township Board.

42.01.14 Metes and Bounds Description.

The subdivision of any lot or any parcel of land, by the use of a metes and bounds description for the purpose of sale, transfer, or lease, with the intent of evading the provisions of this ordinance, shall be prohibited. All subdivisions shall be subject to all requirements of this ordinance.

42.01.15 Public Water and Sanitary Sewer Services.

Any subdivision which contains one (1) or more lots which are less than one (1) acre in area shall provide public water and sanitary services to each lot therein. In such situation each lot in the subdivision shall connect with the water and sanitary sewer lines.

Section 42.02. Definitions.

42.02.01 Rules Applying to the Text.

For the purpose of this ordinance certain rules of construction apply to the text, as follows:

Unless the contents clearly indicate to the contrary, words used in the present

tense include the future tense; words used in the plural number include the singular; the word "herein" means "in this ordinance".

A "person" includes a corporation, a partnership, and an incorporated association of persons, such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, designed to be used or occupied".

42.02.02 Definitions.

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

ALLEY: A public right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land whose frontage is on some other street.

AS-BUILT PLANS: Construction plans revised to show the facility as actually constructed.

BLOCK: A tract of land that is bounded by streets, or by a combination of streets, parks, cemeteries, railroad right-of-way, subdivided acreage, lines of watercourses or water bodies, municipal boundary lines, or any other barrier to the continuity of development.

BUILDING LINE OR SETBACK LINE: The minimum distance which any building must be located from a street right-of-way line, property line, high water line or easement line of an approved private street.

CAPTION: The name by which the plat is legally and commonly known.

COLLECTOR STREET: A street intended to move traffic from local streets to major thoroughfares. A collector street serves an entire neighborhood, subdivision or two or more subdivisions.

COMMERCIAL SUBDIVISION: A subdivision of land in which the land is to be developed for retail stores, wholesale businesses, offices, business services, and similar uses.

COMMON OPEN SPACE: An area within a subdivision held out of development by the proprietor and designed for the common use or enjoyment of residents of the subdivision. Common open space may contain such complementary structures as are necessary and appropriate for the use or enjoyment of the subdivision. Thus common open space may include areas for recreational use, wildlife or plant preserves, and nature study areas.

SUPERIOR TOWNSHIP SUBDIVISION ORDINANCE

PAGE 7

COMPREHENSIVE DEVELOPMENT: A commercial or industrial park or a planned community development.

COUNTY DRAIN COMMISSIONER: The Washtenaw County Drain Commissioner.

COUNTY HEALTH DEPARTMENT: The Washtenaw County Health Department.

COUNTY PLAT BOARD: The Washtenaw County Plat Board.

COUNTY ROAD COMMISSION: The Washtenaw County Road Commission.

CUL-DE-SAC STREET: A local street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.

DEDICATION: The intentional transfer by the proprietor to the public of the ownership of, or an interest in, land for a public purpose. Dedication may be effected by compliance with the statutes relating to dedication of land, by formal deed of conveyance, or by any other method recognized by the law of Michigan.

DEVELOPMENT: A subdivision of land or any material change in the use or appearance of any parcel of land subject to the provisions of this ordinance, or the act of building structures and installing site improvements.

FILING DATE: The date on which a plat and an application for its review is submitted to the Township Clerk.

FLOOD PLAIN: The area adjoining a river, stream, water course, or lake which is inundated by a flood discharge which results from a one hundred (100) year storm frequency of a twenty-four (24) hour duration. The flood plain shall include the stream channel and overbank area (the floodway) and the fringe areas of the floodway.

GENERAL DEVELOPMENT PLAN: A comprehensive plan or part or parts thereof for Superior Township which, through any combination of text, charts, and maps, sets forth proposals for general locations and extent of land uses, streets, and public facilities, and general standards and density of development, adopted and published in accordance with the Rural Township Planning Commission Act (Act 168, P.A. of 1959) as amended. The term includes such commonly used terms as basic plan, master plan, general plan, comprehensive plan, and land use plan.

IMPROVEMENTS: Any structure or material change incident to servicing or furnishing facilities for a subdivision such as, but not limited to grading, street surfacing, curb and gutter, driveway approaches, sidewalk, pedestrian ways, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals, and other appropriate items, with appurtenant construction; demolition of structures; planting; or removal of trees and other vegetation cover.

SUPERIOR TOWNSHIP SUBDIVISION ORDINANCE

PAGE 8

INDUSTRIAL SUBDIVISION: A subdivision of land in which the land is to be developed for manufacturing plants, trucking and warehouse facilities, and similar activities.

LOCAL STREET: A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

LOT: A measured portion of a parcel or tract of land, described and fixed in a recorded plat or in a plat proposed to be recorded, and is considered as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

LOT, CORNER: A lot located at the intersection of two (2) or more streets. A lot shall be a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot create an interior angle of less than one hundred thirty five (135) degrees.

MAJOR THOROUGHFARE: A street intended to move through traffic to and from such major attractors as commercial centers, major recreation areas, major industrial areas, and similar traffic generators within Superior Township; as a route for traffic between communities or large areas; and as an access route to the freeway system.

MARGINAL ACCESS STREET: A street or drive providing access to two or more adjoining lots along and generally parallel to a major thoroughfare, separated therefrom by a landscaped median at least twenty (20) feet wide. A marginal access street shall have only a limited number of openings onto the major street which it parallels.

MOBILE HOMES: A single-family detached dwelling unit prefabricated on its own chassis, factory assembled and portable, designed and used for year-round residence purposes. A mobile home is designed to be transported on its own chassis and to be ready for occupancy when it arrives at its site, except for minor unpacking and assembly operations, and connection to utility systems. A mobile home may contain parts that may be folded, collapsed, or telescoped for towing and expanded when located on the site. A mobile home may also be two or more separately towable components designed to be joined into one integral structure capable of again being separated into components for repeated towing. A mobile home shall have a minimum body width of ten (10) feet. Travel trailers, motor homes, or other recreation vehicles shall not be considered a mobile home for purposes of this ordinance.

MODEL HOME: A dwelling unit used initially for display purposes which typifies the type of dwelling unit that will be constructed in the subdivision.

OPEN SPACE: Land dedicated or reserved for use by the general public or for use by residents of the subdivision, or land held out of development and retained in its natural condition, with or without public access. Open space includes but is not limited to

SUPERIOR TOWNSHIP SUBDIVISION ORDINANCE

PAGE 9

parcs, parkways, playgrounds, school sites, wildlife or plant life preserves, and nature study areas.

OUTLOT: When included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

PARCEL (OR TRACT): A continuous area or acreage of land which can be described as provided in the Subdivision Control Act.

PEDESTRIAN WAY: A separate right-of-way dedicated to or reserved for public use by pedestrians, which crosses blocks or other tracts of land for the purpose of facilitating pedestrian access to adjacent streets and properties.

PLANNED COMMUNITY DEVELOPMENT: An area with a minimum contiguous acreage of twenty (20) acres, or lesser area when permitted by the zoning ordinance, which is to be developed in an integrated and coordinated manner with residential buildings and certain nonresidential uses, according to approved area and site plans and subdivision plats, as provided in the zoning ordinance.

PLANNING COMMISSION: The Planning Commission of Superior Township as established under Act 168, P.A. of 1959, as amended.

PERSONS: An individual, corporation, government, or governmental agency, business trust, estate trust, partnership or association, two or more persons having a joint or common interest, or any legal entity.

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

PROPRIETOR: Any person, firm, association, partnership, corporation, or combination of these, including a governmental agency undertaking any development as defined in this ordinance, and which hold an ownership interest in land, whether recorded or not. The term "proprietor" includes such commonly used references as subdivider, developer, and owner. The word "proprietor" shall not include a person, firm, partnership, corporation, or combination of these which hold an option to purchase land.

PUBLIC OPEN SPACE: An area within a subdivision held out of development by the proprietor and conveyed or otherwise dedicated to, or reserved for purchase by, a municipality, municipal agency, board of education, state or county agency, or other public body for recreation or conservation uses.

PUBLIC USE AREAS: Public parks, playgrounds, or other recreational areas; scenic or historic sites, school sites or sites for other public buildings; and other areas dedicated to public use or enjoyment.

SUPERIOR TOWNSHIP SUBDIVISION ORDINANCE

PAGE 10

PUBLIC UTILITY: All persons, firms, corporations, co-partnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation, or other services of a similar nature.

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.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established, and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way. Such land area within the right-of-way shall not be included within the dimensions or areas of adjoining lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency, shall be dedicated to public use by the proprietor, when dedication is requested by the governing body.

RIGHT-OF-WAY, STREET: The distance between property lines measured at right angles to the centerline of the street.

SIDEWALK: A facility, placed within the right-of-way of streets, or a facility connecting with buildings, parking lots, or other activities having access to the street right-of-way, for the purpose of providing safe movement of pedestrians.

STREET: A public or private traffic way which provides vehicular and pedestrian access to abutting properties.

STRUCTURE: Anything constructed, erected, or placed with a fixed location on the surface of the ground, or attached to something having a fixed location on the ground. A structure is any improvement, as defined in this Article, other than an improvement which consists only of a material change, as defined in this article.

SUBDIVIDE OR SUBDIVISION: The partitioning of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one (1) year, or of building development, where the act of division creates five (5) or more parcels of land of which is ten (10) acres or less in area, or where such parcels are created by successive divisions within a period of ten (10) years, dated from January 1, 1968, in accordance with the Subdivision Control Act, is to subdivide or is the act of subdivision. The term subdivision also refers to any area which is subdivided in accordance with the foregoing definition.

SUBDIVISION ADVISORY COMMITTEE (SAC): A committee created by resolution

SUPERIOR TOWNSHIP SUBDIVISION ORDINANCE

PAGE 11

of the County Planning Commission, for the purpose of reviewing the technical aspects of proposed plats.

SUBDIVISION CONTROL ACT: Act 288, P.A. of 1967, as amended.

SURVEYOR: Either a land surveyor who is registered in the State of Michigan as a registered land surveyor or a civil engineer who is registered in this State as a registered professional engineer.

TOPOGRAPHICAL MAP: A map showing existing physical characteristics with contour lines of not greater than two (2) foot intervals to permit determination of proposed grades and drainage.

TOWNSHIP: The Township of Superior, Washtenaw County, Michigan.

TOWNSHIP ENGINEER: A civil engineer registered in the State of Michigan as a professional engineer and appointed to the position of Township Engineer by the Superior Township Board.

WATER RESOURCES COMMISSION: The Water Resources Commission of the Michigan Department of Conservation.

ZONING ORDINANCE: The Superior Township Zoning Ordinance.

Section 42.03. Plat Procedures and Specifications.

42.03.01. Initial Procedures: The proprietor is encouraged to consult the general development plans and detailed plans of any unit of government that affect the tract to be subdivided and the area surrounding it before a preliminary plat is submitted for review. The proprietor should also become acquainted with the zoning ordinance, this ordinance, and other ordinances which regulate the subdivision of land in Superior Township. The proprietor should also discuss the concepts of the proposed subdivision with the Planning Commission and the public utility companies serving the area.

42.03.02. Purpose: The purpose of the initial procedures stage of the platting process is to acquaint the proprietor with the planning policies of Superior Township as they apply to the property to be subdivided, to give the Planning Commission an opportunity to discuss the subdivision with the proprietor before expensive surveys and drawings are made, and to discuss the concepts and basic organization of the proposed development in relation to existing and future conditions on and around the site. The basic decisions as to the interpretation of planning policy for the site and area in question, and modification of such policy as a result of the proposed development, will be made in this stage. The consensus reached in this stage will form the basis of the preliminary plat.

42.03.03. Suggested Information: In order to gain maximum benefit from the initial procedures phase the proprietor should submit the following information to the Planning Commission for the entire tract of land, whether or not the tract will be developed in stages. Information may be combined on one or more drawings:

- A. Description of features, existing and proposed, surrounding the site, of importance to the proposed development.
- B. Description of general topographic and general soil conditions on the site.
- C. Location and description of existing and future man-made features of importance to the proposed development.
- D. A site analysis showing which of the site conditions the proprietor intends to retain or modify as part of the design of the subdivision.
- E. The concept, objectives, general layout, and location and extent of the various uses and facilities to be incorporated within the subdivision.
- F. Stages of development.
- G. Property dimensions and area.
- H. Aerial photograph of the site and surrounding area, with the site clearly defined.
- I. Proprietor's interest in the land.

42.03.04. Subdivision Advisory Committee: The proprietor may present preliminary development ideas to the Subdivision Advisory Committee for its comments and advice. The Planning Commission may request comments and advice from the Committee on the proposed layout.

42.04. Preliminary Plat – Tentative Approval.

42.04.01 Filing Procedures: The proprietor shall file ten (10) copies of the preliminary plat together with a completed application form and plat review fees with the Township Clerk at least ten (10) days prior to the regular Planning Commission meeting at which the plat is to be considered. The Clerk shall check the completeness of the submittal, and, if complete, transmit eight (8) copies to the Planning Commission in adequate time for inclusion on the agenda for the Planning Commission's next regular meeting. If the application is not complete, the Clerk shall so notify the applicant in writing and shall list deficiencies. The Clerk shall send two (2) copies to the Township Engineer.

42.04.02. Information Required: The following information is required for all

SUPERIOR TOWNSHIP SUBDIVISION ORDINANCE

PAGE 13

preliminary plats submitted for tentative approval. The required information may be combined for presentation on one or more drawings or maps. The Planning Commission may request that the information be presented on drawings or maps in addition to those submitted.

A. Name of proposed subdivision.

B. Legal description of the entire site to be subdivided.

C. The location of the subdivision shall be shown on the preliminary plat by means of a locator map and shall be noted by means of section, Township, and range numbers, and by the name of "Superior Township" and "Washtenaw County".

D. Scale, (not more than one hundred (100) feet to one (1) inch), date, and north point shall be indicated on each map or plan.

E. Name and address of proprietor; other owners; and planner, engineer, surveyor, or designer responsible for the subdivision layout.

F. A map showing all contiguous land holdings of the proprietor and other owners if applicable, of the lands which include the land in the subject subdivision.

G. An affidavit, signed by the proprietor, certifying the identity of all legal owners of record of the property in the subject subdivision from which the respective holdings were acquired.

H. Names of adjacent subdivisions, layout of streets (with names), right-of-way widths, connections with adjoining platted streets, widths and locations of alleys, easements and public walkways adjacent to or connecting with the proposed subdivision; names and addresses of owners on record of all adjacent property.

I. Existing topography, at two foot contour intervals. All topographic data shall relate to USGS and USCGS data.

J. A site report as described in Rule 560.402 of the Michigan Administrative Code, shall be required for subdivisions that will not be served by public water and sewer. The information listed therein and not required elsewhere in this ordinance, shall be submitted as part of the application for preliminary plat approval.

K. Proposed deed restrictions or protective covenants; if none, a statement of such in writing.

L. Layout and width of right-of-way and surfacing of all streets or public ways proposed for the subdivision.

M. Lot layout, dimensions, setback requirements, area of each lot (in square feet or acres) and lot numbers.

N. All parcels or lands to be dedicated or reserved for public use or for use in common by property owners in the subdivision shall be indicated on the preliminary plat, along with any conditions of such dedication or reservation.

O. Location, size, and invert elevations of all existing sanitary and storm sewers, location and size of all existing water mains, valves, and hydrants; location of existing electrical, telephone, and gas lines, and appurtenances.

P. Identification, location, and nature of all uses other than single family residences to be included within the subdivision.

Q. Staging of development of the entire subdivision shall be clearly shown on the plat, and the relation of each stage to the entire subdivision plan shall be clearly indicated.

R. Location and purpose of all existing and proposed easements.

S. Zoning status of property included in the preliminary plat and of all adjacent properties; civil jurisdiction of all such properties.

T. Existing natural features such as trees, wooded areas, streams, marshes, ponds and other wetlands; clear indication of all natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy. Individual deciduous trees of six (6) inch diameter or larger and individual evergreen trees six (6) feet in height or higher, when not a part of a group of trees, are to be accurately located on the preliminary plat.

42.04.03. Review Procedures: The Planning Commission shall review the preliminary plat for conformance to the General Development Plan and to standards and specifications set forth in the Subdivision Control Act and in this ordinance. If the Planning Commission determines that there is substantial conformance, it shall transmit one copy of the preliminary plat to the Subdivision Advisory Committee for technical review, and information about the preliminary plat to the Superintendent of Schools of the School District in which the proposed subdivision is to be located. If the Planning Commission determines that there is not substantial conformance it shall recommend disapproval of the preliminary plat to the Township Board.

After receiving comments and recommendations, if any, from the Township Engineer, Subdivision Advisory Committee and the Superintendent of Schools, the Planning Commission shall re-evaluate the preliminary plat in view of the new information it has

received, and may request modifications in the preliminary plat. The Planning Commission shall then approve, conditionally approve, or disapprove the preliminary plat and transmit the preliminary plat together with the reasons for its action to the Township Board.

The Planning Commission shall take action on the preliminary plat within sixty (60) days of the date of filing of the plat. The review period may be extended by written agreement between the Planning Commission and the proprietor.

The Township Board shall within thirty (30) days of receiving the Planning Commission's recommendation, tentatively approve the preliminary plat or shall disapprove the preliminary plat and set forth its reasons for rejection and requirements for tentative approval.

The proprietor, upon receiving tentative approval from the Township Board, shall submit the preliminary plat to all authorities as required by the Subdivision Control Act.

42.04.04 Effect of Tentative Approval of Preliminary Plat: Tentative approval of the preliminary plat shall confer upon the proprietor for a period of one (1) year from the approval date, approval of the lot sizes, lot orientations and street layout of the proposed subdivision. The tentative approval may be extended if an extension is applied for by the proprietor and granted in writing by the Township Board.

42.04.05. Expiration of Tentative Approval: If the preliminary plat is not submitted to the Township Board for final approval within one (1) year of the date of tentative approval thereof by the Township Board, the Township Board may declare tentative approval to have expired and to be of no effect, unless good cause can be shown for the delay. If the Township Board so declares, the proprietor shall submit a new preliminary plat for approval in accordance with this ordinance and the Subdivision Control Act. In such cases the Township Board shall immediately notify all agencies required to approve or review the plat of such action.

42.05. Preliminary Plat – Final Approval.

42.05.01. Filing Procedures: The preliminary plat, as tentatively approved by the Township Board and approved by all county and state plat approval authorities as required by the Subdivision Control Act, together with the required information, completed application form, and fees, shall be submitted to the Clerk at least ten (10) days prior to the meeting of the Township Board at which the preliminary plat is to be considered for final approval. The Clerk shall determine if the application is complete, and if complete, transmit same to the Township Board in adequate time for inclusion on the agenda for the Board's next meeting. If the application is not complete the Clerk shall so notify the proprietor in writing and shall list deficiencies.

The Township Clerk shall simultaneously transmit one copy of the preliminary plat as

tentatively approved by the Township Board and as approved by all County and State authorities, to the Township Planning Commission. The Planning Commission shall review the preliminary plat for conformance to the plat which it reviewed in the tentative approval stage. The Commission shall report to the Township Board on the extent of conformance, and shall note any significant changes and recommend action thereon. The Commission's report shall be made prior to the meeting at which the Township Board is to consider the preliminary plat for final approval. If the report is not so received by the Board, Planning Commission approval shall be presumed.

42.05.02. Information Required for Final Approval of Preliminary Plat: The proprietor shall submit the following information to obtain final approval of the preliminary plat:

- A. A list of all county and state authorities required by the Subdivision Control Act to approve the preliminary plat, certifying that the list is complete and that each authority has approved the preliminary plat.
- B. One approved copy of the preliminary plat from each county and state authority required by the Subdivision Control Act to approve the preliminary plat.
- C. Copy of receipt from the Township Treasurer that all fees have been paid.
- D. Certificates of approval of engineering plans from the Township Engineer of each improvement to be installed, including lot drainage plans, and evidence of approval of engineering plans required by county or state agencies.

42.05.03. Review by the Township Board: The Board shall review the preliminary plat at its next regular meeting after submittal of the complete application, or within twenty (20) days of the date of submission to the Clerk. The Board shall finally approve the preliminary plat if it conforms to the preliminary plat as tentatively approved by the Board and if all other required approvals have been obtained by the proprietor. The Clerk shall promptly notify the proprietor of the final approval, in writing. A certificate of approval shall be entered on the plat by the Township Clerk.

The Board shall disapprove the preliminary plat if it does not conform to the preliminary plat as tentatively approved by the Board, or if any of the other required approvals have not been obtained. The Clerk shall promptly notify the proprietor of the disapproval and the reasons therefore, in writing. The reasons for the disapproval shall be recorded in the minutes of the meeting of the Board. Notice of disapproval shall be sent to each of the other plat approval authorities by the Clerk.

In case of disapproval of the preliminary plat, further consideration of a plat for subdividing the same land can be obtained only if the proprietor applies for tentative approval of a preliminary plat.

In order to reach a reasonable compromise as expeditiously as possible when the Board indicates that it is going to disapprove the preliminary plat, the proprietor and the Board may agree in writing to extend the twenty (20) day review period. Any changes made in the plat during the period of extension shall be sent to each of the other authorities which have approved the preliminary plat.

Approval of such changes by each such authority shall be obtained before the Board may finally approve the preliminary plat. This provision is intended to be used only in situations where, in the opinion of the Board, objections to final approval are minor.

42.05.04. Effect of Final Approval of Preliminary Plat: Final approval of the preliminary plat shall confer upon the proprietor for a period of two (2) years from the date of approval the conditional right that the general terms and conditions under which the final approval of the preliminary plat was granted will not be changed. The two (2) year period may be extended if an extension is applied for by the proprietor and granted by the Township Board in writing. Written notice of any extension shall be sent by the Board to all other plat approval authorities. Construction of improvements may commence upon final approval of the preliminary plat by the Township Board, provided all engineering plans for such improvements have been approved by the Township Engineer or other applicable person or agency, and a copy of a permit for soil erosion and sedimentation control, as issued by the Washtenaw County Soil Erosion and Sedimentation Control Agent, has been submitted.

Final approval of a preliminary plat shall permit construction and display of not more than four model homes, provided that the lots on which the model homes are to be located are individual lots as shown on the approved preliminary plat; that such lots are located within 500 feet of and have access to, an existing public street; that future road and other improvements are anticipated where such lots are proposed; and provided that such model homes shall not interfere with permanent lot or public improvements. The model homes shall not be occupied until the final plat containing said lots is approved and recorded in accordance with this ordinance and the Subdivision Control Act. Said lots shall be identified to the Township Board before the Board gives final approval to the preliminary plat and shall be approved by the Township Board for such use before the model homes may be constructed.

42.06. Final Plat.

42.06.01 Filing Procedures: Final plats shall be submitted in the form required in the Subdivision Control Act, together with a) the completed application form; b) fees for filing and recording and plat review, and inspection of improvements; and c) agreement and security required to guarantee performance. The submittal shall be made to the Clerk at least ten (10) days prior to the meeting of the Township Board at which the plat is to be considered. The Clerk shall determine if the submittal is complete, and if complete, transmit same to the Board in adequate time for inclusion on the agenda for the Board's next meeting. If the application is not complete the Clerk shall so notify the applicant in writing and shall list deficiencies. A final plat shall not be accepted for

SUPERIOR TOWNSHIP SUBDIVISION ORDINANCE

PAGE 18

review after the date of expiration of the final approval of the preliminary plat. The final plat shall be submitted to the following agencies, as required by the Subdivision Control Act, in the indicated order, and the proprietor shall obtain signatures from the agency thereon, in the indicated order, prior to filing the final plat with the Board for approval.

County Treasurer
County Drain Commissioner
Board of County Road Commissioners

The final plat shall be signed by a registered land surveyor or a registered civil engineer and by the proprietor(s) prior to filing with the Township Clerk.

42.06.02. Information Required: All final plats shall be in the form, and contain the information required by the Subdivision Control Act:

- A. One (1) reproducible copy on dimensionally stable material, and four (4) paper prints thereof, and the filing and recording fees shall be filed by the proprietor with the Township Clerk.
- B. Abstract of Title certified to date of the proprietor's ownership interest and any other information deemed necessary to determine whether proper parties have signed the plat, or a policy of title insurance, currently in force, covering all land within the boundaries of the proposed subdivision.
- C. The proprietor shall provide the Township Clerk with a certificate from the proprietor's engineer indicating that improvements have been installed in conformance with the approved engineering drawings, with any changes noted therein and attached in drawings, and proof of a guarantee of completion for those improvements to be installed after final plat approval.
- D. A detailed estimate of all costs of all required improvements not to be installed prior to final plat approval, as provided in 42.24, herein. The estimate of costs shall be checked and approved by the Township Engineer prior to review of the final plat by the Township Board.

42.06.03. Review of Final Plat:

- A. The final plat shall conform closely to the preliminary plat as finally approved. The final plat may cover only a portion of the area covered by the preliminary plat as finally approved.
- B. The final plat shall be reviewed by the Township Engineer as to compliance with the preliminary plat as finally approved, and plans for utilities, lot drainage plans, and other improvements, before the Township Board acts on the final plat.

C. All improvements and facilities to be provided by the proprietor shall be installed, and shall be inspected and approved by the Township Engineer, or adequate security in lieu of installation shall be provided, and all dedications and easements shall be evidenced as having been made, before the Township Board may approve the final plat. However, approval of the final plat shall not constitute acceptance by the Township Board of any improvements or land areas to be dedicated to Superior Township.

D. The Township Board shall review all recommendations and either approve or disapprove the final plat at its next regular meeting after the date of submission, or at a meeting called within twenty (20) days of the date of submission. The Board shall approve the plat if it conforms to the preliminary plat as finally approved and to the provisions of the Subdivision Control Act.

E. If the final plat is approved, the Clerk shall transmit the reproducible copy of the plat and the filing and recording fee to the County Plat Board. One paper print shall be forwarded to the Planning Commission, to the Subdivision Advisory Committee, and to the Building Department; and one (1) print shall be retained by the Township Clerk. The reproducible copy and paper prints shall have the date of approval marked thereon.

F. If the final plat is approved, the Township Clerk shall sign a certificate signifying approval of the final plat by the Township Board, which shall include the date of approval and the date on which the Clerk signs the certificate.

G. If the final plat is approved, the Township Clerk shall sign a certificate signifying approval of the final plat by the Township Board, which shall include the date of approval and the date on which the Clerk signs the certificate.

H. If the final plat is disapproved, the Clerk shall record the reasons for rejection in the minutes of the meeting, notify the proprietor in writing of the action and the reasons therefore, and return the plat to the proprietor.

42.06.04. Vested Rights: No vested rights shall accrue to any plat until a certificate of approval has been attached thereto by the Superior Township Clerk.

Section 42.07. Design and Development Standards.

42.07.01. General: The standard set forth in this article shall be considered minimum requirements. Where the Township's adopted General Development Plan requires standards, such higher standards shall apply. The Planning Commission and the Township Board recognize that the standards set forth in this article are directed primarily to residential subdivisions and that such standards are not always reasonably applicable to commercial and industrial subdivisions or large developments of mixed uses. Therefore, Sections 42.13, 42.14, and 42.15 are included to provide for necessary

modifications. Variances from the standards set forth in this article shall be granted only as provided in 42.28, herein.

42.07.02. Streets: The specifications contained in this ordinance are the standards for all highways, streets, and alleys which might hereafter be platted within Superior Township.

42.07.03. Street Layout: Street layout shall conform to the adopted General Development Plan or the portion thereof relating to streets and traffic. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the General Development Plan. Land for a future street extension shall be covered by an easement and shall be designated "future road" on the various plats. Each such easement shall be at least sixty-six (66) feet wide and a document conveying the easement for road purposes shall be filed with the County Road Commission at the time of filing of the preliminary plat for final approval. A temporary turn-around shall be provided in accordance with County Road Commission standards.

Local streets shall be laid out so as to discourage their use by through traffic and shall be curved or otherwise laid out wherever possible to avoid uniformity of lot appearance.

Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable grades, both for the streets and for driveways intersecting therewith, and to require the minimum number and length of streets. A combination of curves and steep grades shall be avoided.

The street layout shall not isolate lands from existing public streets or roads, unless suitable access is provided, and that such access be granted by easement or dedicated to public use.

All street construction shall be centered on the street right-of-way. Section line and quarter line roads shall be centered on these lines unless the Township Engineer or County Road Commission approves an exception.

42.07.04. Drainage: All streets and alleys shall be provided with facilities for adequate surface drainage. This may be accomplished by the use of ditches, county drains, natural water courses, or tributaries constructed thereto. Drainage should be provided by underground storm drains. In the urban area of Washtenaw County, as defined by the County Road Commission, the storm drain shall be underground and only curb-type design shall be permitted. Exceptions may be made for subdivisions in which each single-family dwelling lot is one (1) acre or larger in area and has a minimum road frontage of one hundred fifty (150) feet, in which case a thirty (30) foot wide pavement section with open ditches will be permitted.

42.07.05. Half-Streets: Half-streets shall be prohibited, except where unusual circumstances make them essential to the reasonable development of a tract in conformance with this ordinance. Half-street dedication will be acceptable only when the boundary of the proposed plat coincides with the boundary of a recorded plat on which a half-street has previously been dedicated, or on a county certified road.

42.07.06. Cul-de-Sac Streets: Each cul-de-sac street shall not be more than six hundred (600) feet in length (one thousand (1,000) feet in subdivisions of one (1) acre or larger lots). Exceptions may be made where topographic or other unusual existing conditions would so require. Each cul-de-sac street shall terminate with an adequate turnaround of a minimum external diameter of one hundred fifty (150) feet. The minimum length of a cul-de-sac shall be one hundred forty (140) feet.

42.07.07. Alleys: Alleys shall be prohibited, except in commercial and industrial areas. Where alleys are provided they shall be at least thirty (30) feet wide. Dead-end alleys shall be prohibited. Alleys shall be provided in accordance with standards of the County Road Commission.

42.07.08. Private Streets: Private streets are generally unacceptable in subdivisions in which any of the streets are dedicated to the public. Exceptions will be considered in commercial and industrial subdivisions, and in planned community developments.

42.07.09. Marginal Access Streets: Where marginal access streets are required, the proprietor shall dedicate property for the purpose of marginal access streets to the County Road Commission and shall improve said streets according to County Road Commission standards. A landscaped strip at least twenty (20) feet wide shall be provided between a marginal access street and the adjacent street.

42.07.10. Other Required Streets:

Where a subdivision borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on one or both sides of such right-of-way, at a distance suitable for appropriate use of the intervening land (as for park purposes in residential areas, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

42.07.11. Special Treatment along Major Streets: When a subdivision abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, or such other treatment to provide adequate protection for residential properties, to afford separation of through and local traffic, and to retain the traffic carrying capacity of the arterial or collector streets.

42.07.12. Street Names: Street names shall not duplicate names of any existing street in Washtenaw County, except where a new street is a continuation of an existing street.

Street names that are spelled differently but sound the same shall be avoided. New street names shall be checked with the master listing of the County Road Commission. Generally no street should change direction by more than 90 degrees without a change in street name. Streets shall have names and not numbers or letters.

42.07.13. Location of Utilities: Utilities shall be located in conformance with standards of the County Road Commission and shall conform to the layout of existing facilities.

42.07.14. Street Standards and Specifications: All public and private streets shall be provided in accordance with the street standards and specifications as adopted by the Washtenaw County Road Commission.

42.07.15. Right-of-Way Plan: All rights-of-way within the subdivision shall conform to the Township's adopted right-of-way plan. Where a subdivision includes all or a portion of a street, existing or proposed, which is shown on the adopted right-of-way plan, the proprietor shall dedicate sufficient right-of-way to conform to the adopted right-of-way plan.

42.07.16. Excess Right-of-Way: Right-of-way width in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three (3) to one (1).

42.07.17. Frontage on Improved Roads: No subdivision plat shall be approved unless the area to be subdivided shall have frontage on, and access from, an existing County or State Road, or a street shown on an approved plat recorded in the County Register of Deeds office. Such street shall be improved as required by the rules, regulations, specifications, or orders of the County Road Commission, or the Michigan Department of State Highways and Transportation, where applicable, or secured by a performance bond or other form of performance guarantee. Wherever the area to be subdivided is to utilize the existing road frontage, such road shall be improved as provided herein.

42.07.18. Intersections: At an intersection streets should be approximately at right angles to each other for a minimum distance of one hundred (100) feet. In no case shall an intersection be at an angle of less than eighty (80) degrees.

Intersections of major thoroughfares shall be a minimum of eight hundred (800) feet apart. Intersections of local streets with collector and major thoroughfares shall be reduced to a minimum and should be at least one thousand (1,000) feet apart, centerline to centerline.

Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with existing intersections on the opposite side of such street. Street jugs with centerline offset of less than one hundred twenty five (125) feet shall

not be permitted, except where the intersected street has separate dual lanes without median breaks at either intersection. Where streets intersect major thoroughfares, alignment shall be continuous.

Intersections shall be designed with flat grades wherever practical. In hilly or rolling areas a leveling area shall be provided at the approach to an intersection, and shall have a grade no greater than two (2) percent for a distance of sixty (60) feet measured from the nearest right-of-way line at the intersecting street.

Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the proprietor shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

42.08. Blocks.

42.08.01. Dimensions: Blocks generally shall not be less than 500 feet or more than 1,320 feet in length as measured from centerlines of streets. No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature or subdivision boundary. A block shall be designed so as to provide two (2) tiers of lots, except where the lots back onto a major street railroad, natural feature, subdivision boundary or other feature or facility which necessitates reverse frontage.

42.08.02. Easements: In blocks exceeding eight hundred (800) feet in length, the Planning Commission may require reservation of an easement twenty (20) feet wide, through the block to provide for crossing of underground utilities, and for pedestrian/bicycle traffic where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities. The Planning Commission may specify further, at its discretion, that a paved footpath be provided by the proprietor.

42.08.03. Non-Residential Blocks: Blocks intended for non-residential uses shall be especially designed for such purposes, and in accordance with zoning ordinance provisions. In such cases the above dimensions do not apply.

42.09. Lots.

42.09.01. Dimensions: Lots shall conform to the requirements of the zoning ordinance except for outlots that are provided for indicated and approved purposes. Lots abutting a mid-block pedestrian way or other right-of-way shall be treated as corner lots. Dimensions of corner lots shall be large enough to provide a buildable area while observing the minimum front yard requirements along both streets.

42.09.02. Access: Residential lots shall not, in general, open or face directly onto a freeway right-of-way, an arterial or collector street, shopping centers, industrial districts

or parks, railroad tracks, and other similar non-residential areas. In such situations, lots should be laid out in one of the following ways:

(a) Lots may back onto the above features, but shall be separated therefrom by a landscape strip twenty (20) feet wide along the rear property line. The landscape strip shall not be considered part of the lot's minimum width, length, or area, but shall be considered part of the platted lot, and shall be designated on the plat as follows: "This strip is reserved for screening. The placement of structures hereon is prohibited." Access shall be taken from a local street.

(b) Lots may face onto a marginal access street.

(c) Lots may face onto local streets with driveways opening onto the local streets. The corner lots which abut the major street right-of-way or the non-residential area shall each have the landscape strip as required in 42.09.02 (a), preceding.

(d) Lots may be grouped around cul-de-sac or loop streets which open onto a major street. In such situations the corner lots abutting the major street right-of-way shall each contain the landscaped strip required in 42.09.02 (a) preceding.

The layout of lots, whichever method is used, is intended to restrict the number of access points to the major streets and thereby reduce the number of traffic hazard points, to preserve the traffic carrying capacity of the major street; and to protect each lot's privacy and its freedom from noise, fumes, dust and litter.

Any landscaped strip required above shall not be part of a road right-of-way or utility easement.

42.09.03. Lot Frontage: Lots extending through a block are generally prohibited except where they back onto a freeway right-of-way, an arterial or collector street, a shopping center, an industrial district, a park, or other similar non-residential area or where necessary to overcome specific disadvantages of topography and orientation.

All lots shall abut, by their full frontage, on a dedicated public street, or an approved private street. Variances to this provision may be permitted in comprehensive developments.

The portion of a lot bordering on a lake, stream, open area or similar amenity may be designated as the front, provided that a setback can be obtained on the street side equal to the setback required for the front. In no case, however, shall either setback be less than the front setback required in the zoning ordinance.

42.09.04. Re-subdividing: Where a track is to be subdivided into lots substantially larger than the minimum size required in the zoning ordinance, and where there are indications that such lots will eventually be re-subdivided into smaller lots, or when the

tract is in an area which the Planning Commission can reasonably expect to be served with sewer and water lines in the future, but which at time of subdividing does not have sewer and water services available, the Commission may require that streets and lots be laid out so as to permit future re-subdivision in a logical manner and in accordance with provisions of this ordinance. Lot arrangements shall allow for ultimate extension of adjacent streets through blocks or the splitting of lots into smaller lots. The plan for such future re-subdividing or lot-splitting shall be approved by the Planning Commission before division of lots may be made. Easements providing for the future opening and extension of streets may be made a requirement of the plat.

42.09.05. Lot Lines: Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved streets. All side and rear lot lines should be straight lines unless natural features or street curvature so prevent. Relaxation of these provisions may be made when in the opinion of the Planning Commission such variation would result in a better arrangement of lots.

42.09.06. Lots to be Buildable: The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in obtaining building permits to build on each lot in compliance with the zoning ordinance and Health Department regulations, where applicable, and in providing driveway access to each lot from an approved street.

The size, shape, and location of each lot should have the following characteristics:

- a) A suitable site should be provided for placing a house-without excessive grading.
- b) A useable area should be provided for outdoor living activities.
- c) Surface runoff water should be drained away from all building and all outdoor living areas. Individual lot drainage should be coordinated with the storm drainage pattern for the subdivision and surrounding area. Drains should be designed so as to avoid concentration of storm drainage water from each lot on adjacent lots.
- d) Reasonable driveway grades should be provided.
- e) Site grading should be minimized and significant trees and other vegetation should be retained.

42.09.07. Driveways: Driveways and curbcuts shall conform to standards of the County Road Commission. The curb section of driveways and aprons shall be designed so that excessive breakover angle will be avoided.

42.09.08. Access from Private Streets: Access from private streets shall be acceptable only if such streets are designed and improved in accordance with this

ordinance.

42.09.09. Lot Division: The division of a lot in a recorded plat is prohibited unless approved following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reason for the proposed division. A survey drawing of the property shall be submitted with the application and shall be prepared by a surveyor registered in the State of Michigan. The drawing shall be to scale, shall clearly and accurately show the property before and after the proposed division, shall show all lot line dimensions and bearings, and shall be in recordable form. No building permit shall be issued nor any construction commenced until the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the County Health Department for all lots not served by public sanitary sewer and water. No lot in a recorded plat shall be divided into lots for building purposes, each of which is less in area and dimension than is permitted by the zoning ordinance, unless such division is for the sole purpose of adding to an existing building site or sites. The application shall so state and shall be in affidavit form.

42.09.10. Reserve Strips: Privately held reserve strips controlling access to streets shall be prohibited, except as provided in 42.07.11, herein.

42.09.11. Non-Residential Lots: Lots intended for uses other than residential shall be identified on the plat, and shall be specifically designed for such uses, in accordance with provisions of this ordinance and the zoning ordinance.

42.09.12. Pedestrian Ways and Sidewalks: Pedestrian ways, other than sidewalks in street rights-of-way, shall be at least twenty (20) feet wide, when required. The Planning Commission may require a paved walkway to be provided by the proprietor. The pedestrian way shall be treated as an easement and the easement shall be indicated on the plat.

Sidewalks may be required on both sides of a street, or one side of a street, or in subdivisions of one acre or larger lots, may be excepted entirely, according to the discretion of the Township Board, based on recommendation of the Planning Commission. Street rights-of-way shall be sufficient to provide for sidewalks on both sides of the street, except in planned community developments, where variations may be permitted. Streets leading directly to a school shall have sidewalks on both sides of the streets.

Walkways in pedestrian ways and sidewalks in residential subdivisions shall have a minimum pavement width of four (4) feet, when adjacent to local streets, and a minimum width of five (5) feet when adjacent to collector streets or major thoroughfares. All sidewalks in commercial and industrial subdivisions shall have a minimum have a minimum lateral slope of 1/4 inch per foot of width. Sidewalks within a street right-of-way shall be placed one (1) foot from the property line. Sidewalks shall be four (4) inches thick, with six (6) inches thickness under driveways. Driveway

aprons shall not break the sidewalk level.

42.09.13. Natural Features: The Planning Commission shall, wherever possible, require the preservation of all natural features which add value to the proposed subdivision and to the community at large, such as large trees or groves of trees, water courses, vistas, historic features, wildlife habitats and ecological areas, and similar irreplaceable assets. The location, nature, and extent of such features should be identified in the initial procedures and preliminary plat stages and shall be made a part of the subsequent plats to the greatest possible extent. The preservation and/or inclusion of such features may be made a condition of tentative approval of the preliminary plat. All trees required to be retained shall be preserved, and, where required, shall be welled and protected against grade changes.

42.09.14. Unsuitable Development Areas: Land which the Township Board determines to be unsuitable for subdivisions or development due to flooding, improper drainage, steep slopes, adverse earth formations, topography, utility easements, or other features which will be harmful to the health, safety, and general welfare of present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the proprietor. These methods shall be approved by the Township Board, upon recommendation of the Township Planning Commission or by other County and State agencies where applicable. Such lands shall be set aside for uses as will not involve such dangers. Such areas shall be identified and delineated on the preliminary plat. Flood plains shall also be delineated on the final plat.

42.10. Utilities

42.10.01. Storm Drainage: The Township Board shall not approve any plat of a subdivision which does not make adequate provision for storm water runoff. The storm water drainage system shall be separate and independent of any sanitary sewer system. A copy of design computations shall be submitted with drainage plans. All drainage improvements shall conform to the standards of the Drain Commissioner and the Superior Township Engineer, and the adopted General Development Plan, where applicable.

Where a public storm sewer is accessible, the proprietor shall install storm sewer facilities. If no outlets are within a reasonable distance, adequate provisions shall be made for the disposal of storm waters, subject to the specifications of the County Drain Commissioner and the Township Engineer. However, in subdivisions containing lots less than fifteen thousand (15,000) square feet in area, and in commercial and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision, and shall be conducted through an approved outfall. Inspection of facilities shall be conducted by the County Drain Commissioner or the Township Engineer, whichever is applicable. If a connection to a public storm sewer will be provided eventually, as determined by the Township Board, the proprietor shall make arrangements for future storm water disposal at the time the final plat is approved.

SUPERIOR TOWNSHIP SUBDIVISION ORDINANCE

PAGE 28

Provision for such connection shall be covered by the performance guarantee required for the subdivision plat.

Adequate provisions shall be made for proper drainage of storm water runoff from individual lots and yards. In the event the Township Board determines that a drainage easement across a lot or lots is essential to the proper, drainage of the subdivision, such easement may be provided along rear or side lot lines. The Township Engineer may require that catch basins be provided in said easements. The Township Engineer may require that drainage tile be provided for easement drainage. In such cases said tile shall be laid in a trench backfilled with pea-gravel or approved bank-run gravel. The depth of grade and outlet for said tile shall be subject to approval by the Township Engineer.

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 to the lines of such water course, and of such width and construction or both as will conform to the standards of the County Drain Commissioner. Wherever possible, drainage should be provided by an open channel with landscape banks and adequate width for maximum potential volume of flow. Existing drainage ways may be rechanneled but such rechanneling shall not increase the rate or level of flow, or cause impoundment of water within the proposed subdivision, or on properties upstream or downstream therefrom. Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.

Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines, and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities. Such easements shall be placed so as not to interfere with the use of lots.

If a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights shall be secured, in accordance with the standards of the County Drain Commissioner.

Low-lying lands-along water courses subject to flooding during storm periods, whether or not included in areas for dedication, shall be preserved and retained in a natural state as drainage ways. Such lands shall not be utilized in computing the area requirement of any lot.

All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the County Drain Commissioner. If, in the judgment of the Drain Commissioner, a natural water drainage way or impoundment area should be reserved, a storm drainage easement acceptable to the Drain Commissioner shall be provided.

Such easement shall be conveyed to the County Drain Commissioner.

The proprietor may be required to carry away any spring or surface water that might exist either previous to, or as a result of, the subdivision, by pipe or open ditch, in appropriate easements.

A culvert or other drainage facility to be provided in the proposed subdivision shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether that area is inside or outside the subdivision. The design and size of the facility shall be based on anticipated run-off from a ten (10) year storm under conditions of total potential development permitted by the zoning ordinance, and other applicable zoning ordinances, and recommended in adopted development policies for the lands lying within the drainage area.

The effect of the subdivision on existing downstream drainage facilities outside the subdivision shall be reviewed by the proprietor with the County Drain Commissioner. Where it is anticipated that the additional run-off resulting from development of the subdivision will overload an existing downstream drainage facility during a ten (10) year storm, the County Drain Commissioner shall notify the Township Board of such potential condition. In such situations the Board shall not approve the subdivision until adequate provision has been made for resolving downstream drainage problems.

Storm water retention (impoundment) basins may be required in order to provide controlled discharge of storm water which will originate as surface runoff from a proposed subdivision. Design criteria and engineering plans for retention basins shall be subject to review of and approval by the Township Engineer.

42.10.02. Sanitary Sewer and Water Utilities:

Where a water system is available, the proprietor shall install adequate water facilities, including fire hydrants, subject to the specifications of the Township Engineer. All water mains shall be at least six (6) inches in diameter. Water main extensions shall be approved by the Township Engineer and the Michigan Department of Health.

Fire hydrants shall be required in all subdivisions which will be served by public water mains. Fire hydrants shall meet specifications and locational requirements of the Superior Township Fire Chief.

Each lot in a subdivision which is provided with public water service shall be connected to a water main before occupancy of that lot shall be permitted.

In subdivisions of one (1) acre or larger lots, if a public water system is not available, individual wells may be used, subject to standards and procedural requirements of the County Health Department.

B. Sanitary Sewerage Facilities

The proprietor shall install sanitary sewerage facilities in accordance with the standards and specifications of the Township Engineer and the County Health Department, where applicable. All plans shall be designed in accordance with the rules, regulations, and standards of, and shall be approved by the Township Engineer, and the County Health Department, where applicable. Where sanitary sewers are available, plans and specifications for sanitary sewers shall also be approved by the Michigan Department of Natural Resources.

Where public sanitary sewerage facilities are available sewers shall be installed to serve each lot and to grades and sizes required by the Township Engineer.

If sanitary sewerage facilities are not available, minimum lot sizes shall conform to requirements of the County Health Department. In no case shall the minimum lot size be less than that required by the zoning district in which located. The individual disposal system shall be approved by the County Health Department.

Each lot in a subdivision which is served by public sanitary sewers shall be connected to a sanitary sewer line before occupancy of that lot shall be permitted.

42.10.03. Gas, Wire, or Cable Utilities: All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout a subdivision unless permission for overhead lines is obtained. Overhead lines may be permitted upon recommendation of the Planning Commission and approval by the Township Board at the time of tentative approval of the preliminary plat, where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and character of the subdivision, and only where such overhead lines are brought to the perimeter of the subdivision. This section shall not prohibit construction above ground of surface equipment associated with an underground distribution system, such as, but not limited, to surface mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, street lights and street light poles.

All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review before filing for final approval of the preliminary plat. All said utilities placed in public rights-of-way shall not conflict with other underground lines. Easements shall be provided in accordance with Section 408.0, herein.

42.11. Easements: All underground public utility installations which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility company. Location of easements shall not interfere with the use of any lot or other part of the subdivision. The size of, and restrictions

pertaining to, such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines and the Subdivision Control Act, and shall be indicated on the preliminary plat submitted for tentative approval.

42.12. Reservation of Public Use Areas: Where a proposed park, playground, open space, public school, library, or other public use area shown in the adopted General Development Plan, or in an adopted applicable part of such plan, is located in whole or in part in a proposed subdivision, such area or areas shall be shown on the plat. Such area or areas may be dedicated to the Township or other public agency by the proprietor if the Township Board or other public agency approves such dedication. Such area, if not dedicated, shall be reserved by the proprietor for future purchase by the Township or other public agency.

The precise nature, location, and extent of the reservation shall be determined prior to the Township Board's tentative approval of the preliminary plat. The reservation shall be valid for a period of one (1) year from the date on which the Board approves the final plat or such longer period as might be agreed to in writing by the proprietor. Unless during such period the Township Board or other public agency shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the proprietor at the end of said period. The reservation shall freeze the price per acre of the reserved area for such period at the average value per acre on the date when the preliminary plat was first filed with the Clerk. Because the Township Board or other public agency has the option not to purchase the reserved property, the plat for the entire subdivision should include provisions for incorporating the reserved area into the overall development.

42.13. Commercial Subdivisions: Commercial developments for retail sales, wholesale sales, business services, offices, and similar establishments which constitute "subdivisions" as defined in the Subdivision Control Act, shall conform to the provisions of this ordinance, except for modifications provided for in this section. The development shall conform to all zoning ordinance requirements.

Streets shall conform to the requirements of 42.07.02 and 42.07.03, herein. All streets in a commercial subdivision shall be paved, and shall have curb and gutter, and underground storm drainage. Streets shall be designed and constructed to adequately handle truck traffic. Curb side parking and loading shall not be provided for, nor permitted on, any street in a commercial subdivision. No backing or similar maneuvering of vehicles to enter or leave a parking or loading space shall be permitted or provided for on a commercial subdivision street; such movements shall be adequately provided for on each lot. Streets within a subdivision, except major thoroughfares and collector streets, shall be laid out so as to prohibit through traffic. Streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities where applicable, and the provision of truck loading and maneuvering areas, walks and parking areas, so as to minimize conflict of movement between the various types of

traffic, including pedestrian.

Entry drives for the subdivision shall be located and designed so as not to create congestion or hazardous conditions on public streets serving the subdivision. Driveways from parking and/or loading areas shall intersect subdivision streets at a distance from street intersections that is large enough to permit safe and convenient maneuvering of vehicles.

The block sizes set forth in Section 42.08, herein, shall not apply to commercial subdivisions. The blocks shall be designed to meet the needs of the commercial uses that will occupy the subdivision. However, block sizes shall meet the requirements of fire protection, snow removal, and other service and emergency vehicles.

Lots in a commercial subdivision shall have access from subdivision or frontage streets, and shall not open directly onto an arterial or collector street.

Sidewalks and pedestrian ways shall be required in commercial subdivisions, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the subdivision.

Buffer strips shall be provided along the perimeter of a commercial subdivision according to zoning ordinance requirements. The Planning Commission may require provision of a fence, wall or screen if it determines such is necessary to protect the adjacent areas from litter, trespass and other nuisances. Any intended future expansion of the commercial development should be shown on the preliminary plat submitted for tentative approval.

42.14. Industrial Subdivision: Where industrial developments such as manufacturing establishments, trucking and warehouse facilities, and similar activities, fall within the definition of "subdivision" as set forth in the Subdivision Control Act, such developments shall conform to the provisions of this ordinance, except for modifications provided for in this section. The developments shall conform to all zoning ordinance requirements.

Streets shall conform to the requirements of Section 42.07.02 and 42.07.03 herein. All streets in an industrial subdivision shall be paved according to standards suitable for heavy trucking activities. All streets shall have concrete curb and gutter with enclosed underground storm drainage.

All streets within the subdivision shall be designed and constructed to easily and conveniently accommodate the movement of large trucks. Street grades shall not exceed five (5) percent and shall follow the land contours longitudinally. Street intersections shall have a minimum curb radius of 25 feet.

Parking and loading on all streets in an industrial subdivision shall be prohibited. Adequate parking and loading areas, and space necessary for maneuvering of trucks in

SUPERIOR TOWNSHIP SUBDIVISION ORDINANCE

PAGE 33

loading and unloading operations shall be provided on each site. Layouts which permit use of streets for turnaround and other maneuvers shall not be acceptable. Streets within a subdivision, except major thoroughfares and collector streets, shall be laid out so as to prohibit through traffic. Streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities where applicable, and the provision of truck loading and maneuvering areas, walks and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian.

Entry drives for the subdivision shall be located and designed so as not to create congestion or hazardous conditions on public streets serving the subdivision. Driveways from parking and/or loading areas shall intersect subdivision streets at a distance from any street intersection that is large enough to permit safe and convenient maneuvering of all vehicles.

Streets within an industrial subdivision should not be extended to the boundaries of adjacent existing residential areas or connected to streets intended for predominantly residential traffic. Streets within the subdivision, except collector and arterial streets, shall be laid out so as to prohibit through traffic.

The block sizes set forth in Section 42.08 herein, shall not apply to industrial subdivisions. The blocks shall be designed to meet the needs and characteristics of the industrial operations that will be conducted therein, and may vary considerably in size. However, block dimensions shall meet the requirements of fire protection, snow removal, and other services and emergency vehicles. The subdivision plat should emphasize flexibility to accommodate various industrial needs for space and should concentrate on the size and shape of blocks rather than on individual lots.

Lots in an industrial subdivision shall have access only from subdivision or frontage roads, and shall not open directly onto arterial or collector streets.

Sidewalks and pedestrian ways shall be required in industrial subdivisions, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the subdivision.

Buffer strips shall be provided along the perimeter of an industrial subdivision in accordance with zoning ordinance requirements. The Planning Commission may require a fence, wall, or screen, if it determines such is necessary to protect the adjacent areas, and/or the industrial subdivision from litter, trespass, and other nuisances.

Any intended future expansion of the industrial development should be shown on the preliminary plat as submitted for tentative approval.

The proprietor's continuing interest, if any, in the subdivision shall be clearly described.

42.15. Planned Community Development: Proposed land developments, including some or all of the nonresidential activities, land uses, and facilities necessary to serve the principal residential use of land in the development may be granted certain variances from this ordinance. Such variances are intended to accommodate the site planning, financial, engineering, and other requirements of large, comprehensive residential developments with associated uses. Such variances may include, but are not limited to, time extensions, flexible schedules for installation of improvements, security requirements for improvements, reductions in minimum lot areas and dimensions, mixture of residential densities and building types, and mixtures of residential and nonresidential structures.

Variances shall be granted in accordance with the zoning ordinance provisions regulating planned community developments with Section 42.07, herein. All required zoning changes shall be made prior to the Township Board's tentative approval of the preliminary plat of a planned community development.

A plat for a planned community development, hereinafter referred to as a PCD, shall be submitted in accordance with the procedures and standards of this ordinance.

A PCD shall be designed to produce a stable and desirable residential community. Overall maximum densities shall not exceed those permitted under applicable provisions of the zoning ordinance. Open space areas shall meet the standards for open space established in the adopted General Development Plan. The Board, upon advice from the Planning Commission, shall have the right and duty to reject a proposed PCD if the open space areas therein are, in its opinion, of such size and shape as to be difficult or impossible to utilize or maintain for appropriate open space purposes.

Common open space provided in a PCD and conveyed to a homeowners' association shall remain permanently open for recreation and conservation purposes. The open space character of common open space shall be secured by restrictive covenants, negative easements, or other appropriate legal devices. Such common open space shall be set aside for the common benefit, use, and enjoyment of the subdivision lot owners, present and future. All common open space, including recreation areas, tree cover areas, scenic vistas, wildlife, or plant preserves, nature study areas, and private walkways, whose acreage is used in determining the size and extent of common open space shall be included in the restrictive covenants, negative easements, or other legal devices.

Open space in a PCD shall be laid out, to the maximum feasible extent, so as to connect with other open space, existing or proposed, in the vicinity whether such areas are or will be public or private. In the case of two or more adjacent subdivisions, proprietors may cooperatively allocate open space areas, if such areas are coordinated in design and location to an extent acceptable to the Planning Commission.

PCD's should be laid out so as to reduce the lineal feet of streets that would be

otherwise needed to serve the area; to economize on the cost of utility installations; to retain and take advantage of existing natural features and vistas; to reduce the amount of grading required; to take maximum advantage of storage absorption, and drainage characteristics of the natural landscape; and to otherwise secure the objectives of a PCD. In so doing, the minimum lot areas, lot widths, and other standards may be modified in accordance with this ordinance and the zoning ordinance.

The PCD shall be laid out so that its development can be staged in an efficient and economical manner with respect to the opening and maintenance of new streets, the provision of utilities, access to schools and other public and private service facilities, and similar considerations.

Utility easements, such as for electric transmission or distribution lines and storm sewers, may be included in the common open space area calculation only if they are available to residents of the subdivision for use, may be landscaped and developed for recreational or other open space uses, and are safe for use by persons engaging in recreational or other open space activities. Unless all these conditions are satisfied, such easements shall not be included in the common open space calculations.

Open drainage courses, suitably graded and stabilized with sod or other ground cover, and planted with trees, shrubs, and other landscape materials, and made an integral part of the overall open space and recreation system, may be acceptable, if approved by the Township Engineer.

The proprietor shall insure the permanence and proper maintenance of all open space by either dedicating it to a public agency responsible for such areas or by conveying it to a homeowners' association to be made up of the future residents of the subdivision.

Any proposed PCD shall conform to the adopted General Development Plan with respect to the kind, location, extent, and density of land uses; the character and location of streets; and the location and character of neighborhood and community services, facilities, and utilities.

Reservations of public use areas shall be made in accordance with Section 42.12, herein.

42.16. Homeowners' Association: Homeowners' associations shall meet the following requirements:

- A. The association shall be established before dwellings are sold.
- B. Membership shall be mandatory for each home buyer and any successive buyer.
- C. Common open space shall be held and maintained by the association as open space in perpetuity.

D. The association shall be responsible for payment of property taxes, maintenance of all common open space areas and facilities, maintenance of liability insurance, and other similar duties of ownership.

E. The proprietor shall file a declaration of restrictions with the application for tentative approval of the preliminary plat, setting forth the above conditions and other features of the homeowners' association. The proprietor shall also supply to the Township Board a copy of the articles of incorporation and a complete set of the by-laws of the homeowners' association.

F. The Township Board may require the proprietor to grant a negative easement over all common open space to the Township to insure that these areas will remain open in perpetuity. Such a negative easement is intended only to preclude development and preserve common open space; it may not be required to provide for public access to, or use of, common open space. Such easement may be in addition to the insertion of covenants and/or provisions creating negative easements and provisions for mandatory membership in the homeowners' association.

G. If a Homeowners' Association or any successor association fails to maintain common open space in reasonable order and condition, the Township Board may serve written notice upon such association setting forth the manner in which the association has failed to maintain the common open space. Said notice shall include a demand that deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon. Such hearing shall be held within fourteen (14) days of the notice. At such hearing the Board may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof are not corrected within said thirty (30) days or any extension thereof, the Board, in order to preserve the taxable values of the properties within the PCD and to prevent the common open space from becoming a public nuisance, may authorize appropriate Township employees to enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the common open space.

Before the expiration of said year, the Board shall, upon its own initiative or upon the request of the association theretofore responsible for the maintenance of the common open space, call a public hearing. Notice of the hearing shall be sent to the association. The association or the residents of the PCD shall show cause at the hearing why such maintenance by the Township should not continue for a succeeding year. If the Township Board shall determine that the association is ready and able to maintain the common open space in reasonable condition and order, the Township Board shall cease to maintain the common

open space at the end of said year. If the Board shall determine that such association is not ready and able to maintain the common open space in reasonable condition and order, the Board may, in its discretion, continue to maintain the common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The cost of such maintenance by the Township shall be assessed ratably against the properties within the PCD that have a right of use and enjoyment of the common open space, and shall become a tax lien on said properties. The Township, at the time of entering upon the common open space for the purpose of maintenance, shall file a notice of such tax lien in the office of the Township Treasurer.

42.17. Soil Erosion and Sediment Control: Subdivision plats shall contain a soil erosion and sedimentation control plan. The plan shall conform to the standards and specifications established by the Washtenaw County Soil Erosion and Sedimentation Control Agent.

42.18. Restrictive Covenants: Covenants designed to preserve the character of the subdivision and to help retain its stability, permanence, and marketability are encouraged to be provided by the proprietor. Such covenants should be recorded with the plat and should be blanket covenants that apply to the entire subdivision. Such covenants are intended to complement the Township's continuing regulation of the subdivision through its zoning and building code powers.

Blanket covenants may contain items such as, but not limited to, land use control; architectural control, including walls and fences; yard and setback requirements minimum lot size; prohibition of nuisances; regulation of signs; control of type, duration, location, etc., of temporary buildings or vehicles, to be stored on each lot; scenic or open space easements; and other similar controls.

Covenants shall be discussed with the Planning Commission during the initial procedures and/or preliminary plat stages and shall be coordinated with existing or anticipated police power regulations.

Covenants should be recorded prior to the sale of any lot within the subdivision.

42.19. Trees: The proprietor shall provide trees in the margins of both sides of all streets, public or private, at a minimum rate of two (2) per single-family residential lot or at a maximum distance of sixty (60) feet apart. Trees may also be required to be installed according to the same distances in pedestrian ways. Trees to be installed in the street margins shall be deciduous, such as oak, hard maple, ash, hackberry, or sycamore. However, ornamental trees may be installed in the margin where permitted by the Planning Commission. Both kinds of trees may be provided in pedestrian ways. These requirements may be relaxed by the Planning Commission, if existing trees within the right-of-way or easement, or trees growing adjacent to the right-of-way or easement, satisfy the intent of this ordinance.

SUPERIOR TOWNSHIP SUBDIVISION ORDINANCE

PAGE 38

The following trees are not permitted in street margins, pedestrian ways, or any other landscaped areas required by this ordinance: box elder, soft maple, American elm, poplar, ailanthus (tree of Heaven) and willow.

All required trees shall be nursery grown and shall be sound and healthy at the time of planting. Root systems shall be balled and burlapped. Required trees shall be protected from damage by wind and other elements; however guy wires and ropes, where provided, shall not damage bark or break branches.

Trees shall be guaranteed by the proprietor for one (1) full year after planting with dead or otherwise unacceptable trees to be replaced by the proprietor, at the proprietor's expense, during the guarantee period.

Required trees shall meet the following size requirements:

Large deciduous, non-ornamental (such as maple, oak, sycamore)	2 inch caliper (12 inches above ground)
Ornamental (such as flowering cherry, dogwood)	6-7 feet in height
Evergreen	4-5 feet in height

42.20. Street Lights: Street lights shall be required in all subdivisions except those of one (1) acre or larger residential lots, and commercial and industrial subdivisions. Street lights shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed subdivision. Lights should be installed prior to occupancy of structures within the subdivision.

42.21. Debris and Waste: No cut trees, timber, debris, earth, rocks, stone, soil, junk, rubbish, or other waste materials or any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy. Removal of same shall be required prior to issuance of the certificate of occupancy in a subdivision. Nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvement, whichever is sooner.

42.22. Fencing: Each proprietor shall be required to furnish and install fences wherever the Township Board determines that a hazardous condition might exist. The fences shall be constructed according to standards furnished by the Township Engineer, and shall be noted as to height and material on the preliminary plat. No certificate of occupancy shall be issued until said fence improvements have been installed.

42.23. Water Bodies and Water Courses: If a tract being subdivided contains a

water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of the adjacent lots. The Township Board may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a responsibility of Superior Township or other government authority. Where a watercourse separates the buildable area of a lot from the street from which it has access, provision shall be made for installation of a culvert or other structure, of a design approved by the Township Engineer, or the County Road Commission, whichever is applicable.

42.24. Subdivision Improvements

42.24.01 Purpose

The purpose of this article is to establish and define the improvements which the proprietor will be required to provide as conditions for final plat approval; to outline the procedures and responsibilities of the proprietor and the various public officials and agencies concerned with the planning, design, construction, financing, and administration of improvements; and to establish procedures for assuring compliance with these requirements.

42.24.02 General

A. STANDARDS: Improvements shall be provided by the proprietor in accordance with this article and with any other applicable standards and requirements which may from time to time be established by the Township Board or by any of the various Township departments or county and State agencies, in the form of ordinances or published rules. .

The improvements required under this article shall be considered the minimum acceptable improvements.

B. PREPARATION OF PLANS: It shall be the responsibility of the proprietor to have a complete set of construction plans for streets, utilities, and other improvements required in Section 503.0 prepared by a registered civil engineer. Such construction plans shall conform to the preliminary plat as finally approved. Construction plans are subject to approval by the responsible public agencies and shall be prepared in accordance with their standards and specifications.

C. TIMING OF IMPROVEMENTS: No grading, removal of trees, or other vegetation, land filling, construction of improvements, or other material change except that which is required by any of the reviewing agencies for purpose of aiding in their review of the preliminary plat, shall commence on the subject property until the proprietor has:

- (1) Received a written notice from the Clerk that the Township Board has given final approval to the preliminary plat.

(2) Entered into a subdivision agreement with the Township Board for completion of all improvements required in the preliminary plat as finally approved.

(3) Deposited with Superior Township a bond or other form of security as required by this ordinance for the provision of improvements.

(4) Received a certificate of approval or similar evidence of approval of the engineering plans from the Township Engineer of each improvement to be installed prior to approval of the final plat. Where approval of such plans must be obtained from the County Road Commission, County Drain Commissioner, County Health Department, or other county or State agency, the proprietor shall provide evidence of such approvals to the Township Engineer prior to the Engineer's report and recommendation to the Township Board. Such plans and approvals shall include those for soil erosion and sedimentation controls.

D. STAGING: Where a subdivision is to be developed in stages, the provisions of this article shall apply to each stage. However, improvements and financial guarantees therefore may be required to extend beyond the boundaries of a subdivision stage if such extension is necessary to insure the relative self-sufficiency of the stage pending completion of the entire subdivision. Such extensions, schedules, and similar arrangements shall be set forth in an agreement between the proprietor and the Township Board prior to final approval of the preliminary plat.

E. COSTS OF IMPROVEMENTS: All required improvements shall be made by the proprietor, at the proprietor's expense, without reimbursement by a public agency.

F. COMPLETION OF IMPROVEMENT: All required improvements shall either be completed prior to submittal of the final plat for approval, or shall be completed following final plat approval, if adequate financial guarantees of performance are provided, subject to the discretion of the approving agency in each case, and subject to the requirements of this ordinance, published rules of other approving authorities, and the Subdivision Control Act. For all improvements installed prior to final plat approval by the Township Board, and which are to be dedicated to Superior Township, such dedication shall be made prior to submittal of the final plat for Township approval. The property and public improvements to be dedicated shall be free and clear of all liens and encumbrances.

G. TEMPORARY IMPROVEMENTS: The proprietor shall build and pay for all costs of temporary improvements required by the Township Board, and shall maintain same for the period specified by the Township Board. Prior to construction of any temporary facility or improvement, the developer shall file with the Township Board a separate suitable bond for all temporary facilities, which bond shall ensure that the temporary facilities will be properly constructed, maintained and removed.

42.24.03. Engineering Drawings of Improvements

A. REQUIRED PRIOR TO CONSTRUCTION: Engineering drawings of all required improvements shall be reviewed and approved by the Township Engineer, except for improvements to be made under the jurisdiction of the County Road Commission, County Drain Commissioner, or other County or State agencies, in which case the drawings shall be submitted to the appropriate agency for review and approval. Where review and approval of engineering drawings is made by a County or State agency, the proprietor shall supply written confirmation of such approvals to the Township Engineer.

No grading, land filling, removal of trees, or other vegetation, or construction of improvements shall commence until the engineering drawings of same have been approved, as provided in Section 42.24.02.C, herein.

B. MODIFICATION DURING CONSTRUCTION: All installations and construction shall conform to the approved engineering drawings. If the proprietor makes minor modifications in design and/or specifications during construction, such changes shall be made at the proprietor's own risk without any assurance that Superior Township or other public agency will approve the completed facility. It shall be the responsibility of the proprietor to notify the appropriate agency of any changes in the approved drawings. The proprietor may be required to correct the installed improvements so as to conform to the approved engineering drawings.

C. AS-BUILT DRAWINGS: As-built drawings shall be provided as follows:

(1) The proprietor shall submit to the Township Engineer one reproducible copy of "as-built" engineering drawings of each of the required improvements that have been completed prior to final plat approval. Each set of drawings shall be certified by the proprietor's engineer. Similar drawings shall also be submitted to improvements installed under a financial guarantee, after final plat approval. This provision does not apply to improvements made under the jurisdiction of other public agencies. The drawings shall be submitted to, and shall be approved by, the Township Engineer prior to release of any financial guarantee or part thereof covering such installation.

(2) As-built drawings shall show, but shall not be limited to, such information as materials; exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slope of open drainage courses and retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.

(3) As-built drawings shall show all work as actually installed and as field

verified by a registered civil engineer. As built drawings shall be provided on dimensionally stable reproducible film. The drawings shall be identified as "As Built Drawings" in the title block of each drawing, shall be signed and dated by the proprietor, and shall bear the seal of a registered civil engineer.

42.24.04. Construction Schedule: The proprietor shall submit to the Township Engineer and Building Inspector and to all approving agencies and to public utility companies that will service the subdivision, prior to final approval of the preliminary plat, a general schedule of the timing and sequence for the construction of all required improvements. The schedule shall meet the procedural requirements and inspection' needs of the Township, County, and State agencies.

42.24.05. Required Improvements: The proprietor shall be required to install the following improvements in accordance with this ordinance.

42.24.06. Survey Requirements: Monuments and lot corner shall be set in accordance with the Subdivision Control Act and the rules of the State Department of the Treasury.

42.24.07. Streets and Alleys: All streets, curbs, gutters, and alleys shall be constructed in accordance with the standards and specifications of the County Road Commission and as provided in Section 42.07.02 and 42.07.03, herein.

42.24.08. Public Utilities: Public utilities placed in street rights-of-way shall be located in accordance with County Road Commission requirements and Section 42.07.02 and 42.07.03, herein.

A. **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, and shall be provided by the proprietor.

All proposed storm drainage construction plans shall be approved by the Township Engineer, and by the County Drain Commissioner and the County Road Commission, where applicable. Construction shall follow the specifications and procedures of the State Drain Code of 1956 as amended, and specifications of the County Road Commission, where applicable.

B. **WATER SUPPLY SYSTEM:** If a proposed subdivision is to be serviced by a public water supply system, water lines and appurtenances shall be provided by the proprietor. If there is no existing or accessible public water supply system, the proprietor may be required to install a water supply system for the common use of the lots within the subdivision. All easements and improvements for such systems shall be dedicated to Superior Township for administration, operation, and maintenance.

The location, design, and installation of water mains and necessary appurtenances and the installation of fire hydrants shall be first approved by the Township Engineer and

all applicable reviewing agencies as to suitability. All construction shall be inspected by the Township Engineer.

D. SANITARY SEWER SYSTEM: When a proposed subdivision is to be serviced by a public sanitary sewer system, sanitary sewers and their appurtenances shall be provided by the proprietor in compliance with provisions of Act 98, P.A. 1913, as amended.

The location and design of all trunk lines and lateral sanitary sewers and necessary appurtenances, such as manholes and pumping stations, shall be first approved by the Township Engineer and all applicable reviewing agencies as to suitability. All construction shall be inspected by the Township Engineer.

If there is no existing or accessible public sanitary sewer system, a sewer system for the common use of lots within the subdivision may be required to be provided by the proprietor, if feasible in the judgment of the Township Engineer and the County Health Department, and shall comply with provisions of Act 98, P.A. of 1913, as amended. Where such a system is permitted, said system, together with necessary easements, shall be dedicated to the Township for administration, operation, and maintenance. Septic tanks and disposal fields on individual lots may be approved if in compliance with standards and specifications of the County Health Department and the Michigan Department of Environmental Quality.

E. GAS, WIRE AND CABLE UTILITIES: The proprietor shall arrange for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be installed underground and may arrange for gas distribution facilities throughout a subdivided area. Overhead lines and facilities may be permitted as set forth in Section 42.10.03, herein.

F. OVERSIZE FACILITIES: Where such facilities are required, the proprietor shall be responsible only for that subdivision's share of the costs of same as based on land area, population, or a similar proportionate measure. The amount of proprietor responsibility and the means for allocating costs shall be agreed to prior to final approval of the preliminary plat by the Township Board.

42.24.09. Street Name Signs: Street name signs shall be installed by the County Road Commission at the expense of the proprietor.

42.24.10. Sidewalks and Pedestrian Ways: Sidewalks and pedestrian ways shall be provided by the proprietor in accordance with Section 42.09.12, herein.

42.24.11. Public Use Areas: Such areas shall be provided by the proprietor as set forth in Section 42.12, herein.

42.24.12. Trees: Trees shall be provided by the proprietor in accordance with Section

42.19, herein.

42.24.13. Street Lighting: Street lighting shall be located and installed in accordance with community or public utility company's recommendations and Section 42.20, herein.

42.24.14. Driveways: All driveway openings, from the street surface edge to the property line, shall be installed in conformance to standards of the County Road Commission or, when applicable, to standards of the Michigan Department of Transportation.

42.24.15. Erosion and Sedimentation Control: Installation and maintenance of soil erosion and sediment control measures shall be accomplished by the proprietor as specified in the preliminary plat as finally approved. The measures shall be subject to financial guarantees of performance established by the Township.

42.25. Guarantee of Completion of Improvements.

42.25.01. Financial Guarantee Arrangements: In lieu of installation of improvements as required in Section 503.0, herein, the Township Board may require, prior to Township Board approval of the final plat, a financial guarantee of performance in one or a combination of the following arrangements for those improvements for which performance guarantees may not be required by County or State agencies. Such guarantees shall be required only for those required improvements which have not been installed and are without certificates of completion prior to the date of application for final plat approval. A guarantee shall be sufficient to secure to Superior Township the satisfactory construction, installation, dedication, where applicable, of the improvements.

42.25.02. Performance or Surety Bond: The bond shall comply with all statutory requirements and shall be satisfactory to the Township Attorney as to form, sufficiency, and manner of execution.

A. ACCRUAL: The bond shall accrue to the Township Board for administering the construction, operation and maintenance of the improvement.

B. AMOUNT: The bond shall be of an amount equal to the total estimated cost for completing construction of the improvements, including contingencies, as estimated by the proprietor's engineer and approved by the Township Board.

C. TERM LENGTH: The term length in which the bond is in force shall be for a period to be specified by the Township Board for improvement, but shall not exceed two (2) years from the date on which the Township Board approves the final plat. The Township Board, may, upon proof of difficulty, extend the completion date set forth in the bond for a maximum period of one (1)

additional year.

D. BONDING OR SURETY COMPANY: The bond shall be with a surety company authorized to do business in the State of Michigan.

42.25.03. Cash Deposit, Certified Check, or Irrevocable Bank Letter of Credit:

A. TREASURER, ESCROW AGENT OR TRUST COMPANY: The proprietor may deposit cash, a certified check or irrevocable letter of credit with the Township Clerk. The deposit shall accrue to the Township for administering the construction, operation or maintenance of the improvement.

B. AMOUNT: The amount of the deposit shall be equal to the total estimated cost of construction of the improvement, including contingencies, as estimated by the proprietor's engineer and approved by the Township Board.

C. ESCROW TIME: The escrow time for the deposit shall be for a period to be specified by the Township Board.

D. PROGRESSIVE PAYMENT: The Township Board and the proprietor may agree to progressive payment out of the deposit or to the extent of the estimated cost of the completed portion of the improvement.

42.25.04. Maintenance Bond: The Township Board shall require the proprietor to file a maintenance bond with the Board in addition to the foregoing security, to assure satisfactory condition of all required improvements under the jurisdiction of Superior Township. The maintenance bond shall be in an amount determined by the Township Engineer to be adequate and in a form satisfactory to the Township Attorney. The term of the bond shall not exceed one (1) year from the date of the certificate of completion.

42.25.05. Protection and Repair Bond: The Township Board may also require, in addition to the foregoing security, a bond to cover damage that might occur during construction to existing improvements, facilities, and features on or around the construction site or to adjacent properties. This bond shall include the costs of any cleaning of construction debris from the subdivision and adjacent properties.

42.25.06. Penalty in Case of Failure to Complete the Construction of a Public Improvement:

If the proprietor shall fail to complete such work within the period of time required by the conditions of the guarantee of completion of improvements under Township jurisdiction, the Township Board shall have authority to have such work completed. The Board may reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, or irrevocable bank letter of credit, or may require performance by the bonding or surety company.

42.26. Inspection of Improvements

42.25.01. Required: All improvements required by this ordinance shall be inspected during construction by the Township Engineer, except for improvements made under the jurisdiction of the County Road Commission, County Drain Commissioner, and other County or State agencies. Where inspections are made by other agencies, the proprietor shall supply written reports of each final inspection to the Township Engineer.

42.25.02. Inspection Schedule: The proprietor shall notify the Township or other appropriate public agency when installations are ready for inspection.

42.25.03. Inspection of Improvements under Construction: Before commencement of construction of required improvements, an agreement shall be made between the proprietor and the Township Board to provide for inspecting the construction or installation of each improvement under its jurisdiction to insure compliance with approved plans.

42.25.04. Fees: The proprietor shall pay all inspection costs incurred by Superior Township according to schedules adopted by resolution by the Superior Township Board. The proprietor shall make a deposit to cover such costs prior to commencement of construction. Any funds not used by the Township in its inspection shall be refunded to the proprietor when the subdivision or stage thereof is completed. The proprietor shall pay to the Township an amount by which the inspection costs exceed the deposited fees.

42.25.05. Compliance with Standards: The proprietor shall bear the final responsibility for the installation and construction of all required improvements according to the provisions of this ordinance and to the standards and specifications of the various public agencies. Where improvements are covered by a performance bond, the proprietor and the bonding company shall be severally and jointly liable for completing the improvements according to specifications and approved plans.

42.25.06. Certification of Completion: The Township Engineer shall supply a certificate of completion to the Superior Township Board when a required improvement under the jurisdiction of Superior Township is satisfactorily completed according to the approved construction plans and Superior Township specifications. The certificate shall not be issued until the Township Engineer has made final inspection, has approved the installation, and has approved the as-built drawings. If the improvement is installed prior to final plat approval the Township Board shall not approve the final plat until the certificate of completion is provided. If the improvement is to be installed subsequent to final plat approval, no bond or other deposit shall be released or reduced until a certificate of completion is provided.

42.26. Acceptance: Acceptance of formal offers of dedication of improvements and lands to Superior Township shall be by resolution of the Superior Township Board. Approval of a subdivision plat by the Township Board shall not constitute or imply

acceptance by the Township Board of improvements and lands shown on said plat. The Township Board may require the plat to be endorsed with appropriate notes to this effect.

42.26.01. Requirements: The following conditions shall be met before a dedication shall be accepted by the Superior Township Board.

A. A certificate of completion, where required, shall have been issued by the Township Engineer.

B. A title insurance policy shall have been furnished to and approved by the Township Attorney. The policy shall be in an amount and in a form acceptable to the Township Attorney, shall indicate that the improvements and lands are ready for dedication to Superior Township, and shall indicate that same are free and clear of any and all liens and encumbrances.

C. A maintenance bond, when required by the Superior Township Board, shall have been supplied by the proprietor.

42.26.02. Site Cleanup: The proprietor shall remove all equipment, material and construction debris from the subdivision and from any lot, street, or public way or property therein or adjacent.

42.27. Building Permits and Certificates of Occupancy: Where a financial guarantee of performance has been required for a subdivision, the Township Board may direct the Township Building Inspector to refuse to issue a certificate of occupancy for any building within the subdivision prior to the completion of the improvements, if, in the Board's opinion, such occupancy might endanger the health, safety, and general welfare of the occupants or residents in the vicinity.

The extent of street improvements shall be adequate for vehicular access by prospective occupants and by fire and police equipment, as determined by the Superior Township Board, prior to the issuance of a certificate of occupancy.

No building permit shall be issued for the final ten (10) percent of lots in a subdivision, or if ten (10) percent be less than two (2) lots for the final two (2) lots of a subdivision, until all required public improvements have been completed, and where applicable, dedicated.

42.28. Variances

42.28.01. General: A variance from the provisions of this ordinance may be obtained for one of two reasons: first, relief from hardship; and second, to permit a comprehensive development according to a plan for the entire project. Variances shall apply only to improvements, standards, and specifications set forth in this ordinance, no

variances shall be granted on procedures required herein.

42.28.02. Hardship Variance: A hardship variance may be granted so that substantial justice may be done and the public interest secured. The proprietor shall show that strict compliance with the provisions of this ordinance, as they apply to the proprietor's property or parts thereof, will result in extraordinary hardship or practical difficulty, as distinguished from mere inconvenience. The proprietor shall make a formal request for such a variance to the Township Board, in which the reasons for the request are clearly stated.

42.28.03. Findings Required: No variance shall be granted unless the following findings are made:

A. That there are special circumstances or conditions effecting property, such that strict application of the provisions of the ordinance would clearly be impractical or unreasonable. These conditions or circumstances shall be unique to the subject property, and shall not be generally applicable to other property.

B. That the conditions requiring a variance were not created by the proprietor.

C. That a variance is necessary for the preservation and enjoyment of a substantial property, and is not primarily intended for the proprietor's economic gain.

D. That the granting of a variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the area in which said property is situated.

E. That such variance will not have the effect of nullifying the intent and purpose of this ordinance, the adopted General Development Plan, and the zoning ordinance and will not in any manner vary the provisions of the zoning ordinance.

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

42.28.04. Report: The Township Board shall prepare a complete statement of the proceedings concerning the requested variance, containing all findings of fact and actions taken. A copy of this statement shall be made part of the record of the meeting at which action is taken and one copy of the statement shall be transmitted to the proprietor.

42.28.05. Conditions: In granting a variance the Township Board may attach conditions to the variance which will substantially secure the objectives of this ordinance, and which will further adopted policies as expressed in the Township's General Development Plan, or part or parts thereof, and in various ordinances and

resolutions.

42.28.06. Comprehensive Development Variance: The Township Board may authorize variances from the provisions of this ordinance for a comprehensive development upon written request of the proprietor. The Board shall find that such comprehensive development is permitted by the zoning ordinance, and shall have the recommendation of the Planning Commission, before acting on the request for a variance. Variances for comprehensive developments may include, but are not limited to, reduction in minimum lot area and dimensions, and modifications in street and utility standards.

The Township Board shall determine on the basis of the Planning Commission's report that the comprehensive development plan, together with the requested variances, provides for efficient circulation, adequate light and air, and other needs, and otherwise meets the intent of this ordinance, the zoning ordinance, and the adopted General Development Plan or part thereof. The Board, in making its determination shall take into account the criteria set forth in the preceding Sections 42.28.03. D, E, and F.

A. That the proposed project will constitute a desirable and stable community development.

B. That the proposed project will be in harmony with the existing or proposed development of adjacent areas.

C. That the Planning Commission has reviewed the project plan and recommends its approval as having met the standards and intent of the General Development Plan, or part thereof, as it applies to the area in and around the subdivision.

D. Any variance granted for a comprehensive development shall be valid only so long as the plan for the comprehensive development is carried out as approved. Any departure from the approved plan shall permit revocation by the Township Board of any variance granted.

E. The proprietor shall submit a time schedule for completion of the various stages of a comprehensive development with the preliminary plat thereof.

42.28.07. Applications Required.

A. **HARDSHIP VARIANCE:** Application for such variance shall be submitted in writing by the proprietor to the Township Board at the time the preliminary plat is filed for tentative approval. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

B. **COMPREHENSIVE DEVELOPMENT VARIANCE:** Application for such variance shall be made in writing by the proprietor at the time the preliminary plat is filed for tentative approval, stating fully and clearly all facts relied upon by the

proprietor. The application shall be supplemented with maps, plans, or other additional data which might aid the Planning Commission and the Township Board in their analysis of the proposed project. The plans for such development shall include covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan. The Planning Commission shall submit a report thereon to the Township Board, as set forth in Section 42.28.06, herein.

42.28.08. Authority for Granting Variances: The Township Board shall have authority for granting variances to this ordinance.

42.29. Enforcement

42.29.01. Responsibility: It shall be the duty of the Township Building Inspector or the Township Engineer where applicable to enforce this ordinance and to bring to the attention of the Township Attorney and the Superior Township Board any violations to, or lack of compliance with, this ordinance.

42.29.02. Building and Occupancy Permits.

A. BUILDING PERMITS: The Superior Township Building Inspector shall not issue permits for the building of houses or other structures intended for human occupancy or any portion thereof until the preliminary plat has received final approval as provided in the Subdivision Control Act, and until he has been officially notified of such approval by the Township Board. No building permits shall be issued for a tract of land between the time that the subdivision process has commenced and a preliminary plat thereof has received final approval. The Township Clerk shall immediately notify the Building Inspector that such process has been initiated. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of this ordinance.

B. OCCUPANCY PERMITS: The Building Inspector shall not issue permits for the occupancy of structures or any parts thereof until all improvements required by this ordinance and agreed to in the preliminary plat as finally approved have been completed or otherwise provided for according to this ordinance, and until the Building Inspector has been notified by the Township Clerk of completion of improvements. A certificate of completion issued by the Township Engineer shall be evidence of adequate and complete installation of facilities.

C. PENALTIES: Penalties for failure to comply with the provisions of this ordinance shall be as provided in the Subdivision Control Act.

42.30. Amendments: The Superior Township Board may amend this ordinance in the manner prescribed by law. A proposed amendment may be originated by the Township Board, Planning Commission, or by petition. All proposals regarding amendments to this ordinance not originating with the Planning Commission shall be referred to the Planning Commission for a report thereon before any action is taken on such proposals

by the Township Board.

42.31. Effective Date: A true copy of this ordinance shall be published in accordance with the law within thirty (30) days of the date of adoption by the Superior Township Board. Publication shall be in a newspaper having general circulation within Superior Township. This ordinance shall be effective thirty (30) days after the date of said publication.

Adopted by the Superior Township Board on February 7, 1977, and effective March 19, 1977.