

MORTON TOWNSHIP SUBDIVISION CONTROL ORDINANCE

EFFECTIVE DATE 07-01-90

UPDATED: MARCH 1, 1997

REVISION EFFECTIVE: APRIL 20, 2006

RECOMMEND FOR REVISION MORTON TOWNSHIP ZONING BOARD: 03/16/2006

APPROVED REVISIONS BY MORTON TOWNSHIP BOARD OF TRUSTEES: 04/11/2006

PUBLISHED IN BIG RAPIDS PIONEER: 04/20/2006

The Subdivision Control Act defines certain words and where used in this Ordinance, the definitions are identical. The word “shall” is always mandatory and not merely directory.

ARTICLE I - GENERAL PROVISIONS

SECTION 1.1 TITLE

This Ordinance shall be known as the:

“MORTON TOWNSHIP SUBDIVISION CONTROL ORDINANCE”.

SECTION 1.2 PURPOSE

The purpose of this Ordinance is to regulate and control the subdivision of land within the township in order to promote the public safety, health and general welfare.

SECTION 1.3 AUTHORITY

This Ordinance is enacted pursuant to the authority granted by the Subdivision Control Act of 1967, Act 288 of the Public Acts of 1967 as amended and Act 246, Public Acts of 1945 as amended, which authorizes township boards to adopt ordinances, to secure the public health, safety and general welfare.

SECTION 1.4 SCOPE

This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except for the further dividing of lots. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other Ordinance of this Township, the provisions of this Ordinance shall control.

SECTION 1.5 ORDINANCE CONTROL MANAGER

No subdivision plat required by this Ordinance or the Subdivision Control Act shall be submitted for approval until the Ordinance Control Manager has confirmed that all requirements have been met and has documentation from all the necessary agencies.

ARTICLE II - PLATTING PROCEDURE

SECTION 2.1 PRELIMINARY PLAT

This is an informal procedure designed to permit a developer to present his project ideas to the Zoning Board at minimum cost. The developer must contact the Ordinance Control Manager ten (10) days prior to the regular meeting of the Zoning Board to request agenda time and bring location and proposed density information plus a scale pencil sketch of his proposal for discussion.

SECTION 2.2 SUBMISSION OF PRELIMINARY PLAT FOR TENTATIVE APPROVAL

Every person, firm or corporation which shall hereafter submit a proposed preliminary plat to the Zoning Board for tentative approval, shall submit a written application for approval, the fee established by this Ordinance and six (6) eligible copies of said proposed Preliminary plat to the Township Ordinance Control Manager at least ten (10) days before a regular meeting of the Zoning Board. The preliminary plat may be on paper and shall not be less than 24" by 36", at a minimum scale of 1" to 200', showing date and North arrow. Said copies must contain, as a minimum, the following information:

1. The name of the proposed subdivision and it's legal description.
2. The names, addresses and telephone numbers of the subdivider and the surveyor preparing the plat.
3. Names of abutting subdivisions or land owners.
4. Statement of proposed use of plat, such as, residential single family, multiple housing; commercial; industrial; recreational; etc.
5. Show relief of area proposed to be platted with not more than 2 foot contour intervals where slope is 10% or less and 5 foot contour intervals where slope is greater than 10%.
6. Indicate road layout, lot layout showing size and shape of proposed lots, rights-of-way easement showing location, width and purpose.
7. Indicate whether proposed plat will be served by sanitary sewer and/or water. If not so served, a site report as described in the rules of the State Department of Public Health is required.
8. Indicate the proposed methods for storm water disposal and the general location and size of any flood plain located within the area to be platted.
9. Any subdivision which provides access to lakes or rivers other than individually owned lots, either through parks, outlets or open-space, shall have a ratio of 15 feet solid usable shore line in the provided area for each lot in the plat.
10. When the proprietor owns or plans to acquire and anticipates platting adjoining land, he shall submit, with the preliminary plat for tentative approval, an outline plan showing the feasibility of such development.

11. Six copies of proposed protective covenants and deed restrictions, or state in writing that none are proposed.
12. A fee equal to the sum of \$1.00 multiplied by the number of lots contained in the proposed subdivision, but not less than \$60.00.

SECTION 2.3 PRELIMINARY PLAT PROVISIONS

A. Street

1. Compliance with a major street thoroughfare plan adopted by the Township, if any.
2. The arrangement of streets shall provide a continuation of existing streets from adjoining areas into the new subdivision.
3. Where adjoining areas are not subdivided, the arrangement of streets in the proposed subdivision shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjoining areas: provided, however, that minor streets within the subdivision shall be so laid out that their use by through traffic will be discouraged.
4. Where the proposed subdivision abuts or contains a county primary road or major thoroughfare as defined in the Township Major Thoroughfare Plan or the County Road Commission Plan, the Zoning Board may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
5. Private streets may be permitted by the Zoning Board if the Zoning Board finds that private streets within this plat will not adversely affect public health, safety or welfare.
6. Proposed street names shall not duplicate any existing street name in the county, except where a new street is a continuation of an existing street. Street names that may be spelled differently but sound the same shall also be avoided. Developer will be responsible for installing street signs similar to those used throughout the county.
7. Streets should intersect at ninety degrees or closely thereto and in no case less than eighty degrees.
8. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect such cross street closer than 175 feet from such opposite existing street, as measured from the center line of said streets. The Township encourages the use of "T" intersections for local roads to avoid future traffic problems.
9. The maximum length allowed for residential blocks shall be 1,000 feet.
10. All primary roads shall be placed in rights-of-way, eighty (80) feet in width, or less as allowed by a variance.
All local roads shall be placed in rights-of-way, sixty-six (66) feet in width, or less as allowed by a variance.

All private roads shall be placed in rights-of-way, sixty-six (66) feet in width, or less as allowed by a variance.

11. Permanent dead end streets in excess of six hundred (600) feet in length are prohibited, except by variance where the topography of the area, rivers, streams, and other natural conditions or prior development prevent a through street from being constructed.
12. A subdivision, or the extension of an existing subdivision, creating a total of more than fifty (50) lots must be developed so as to provide two (2) or more access streets.
13. Road definitions:
 - a. "Primary Roads" shall mean county primary roads that are part of the Mecosta County Primary Road System, and any proposed road that will be constructed and included in the Mecosta County Primary Road System.
 - b. "Local Roads" shall mean local county roads that are part of the Mecosta County Local Road System, and any proposed road that will be constructed and included in the Mecosta County Local Road System.
 - c. "Private Roads" shall mean an area of land that is privately owned, provides vehicular access to more than one (1) lot and has not been dedicated to public use other than access by emergency and public safety vehicles, and is maintained by its private owners.
14. Variances from the road right-of-way width requirements in this ordinance may be sought from the Morton Township Zoning Board of Appeals by filing an application with the Morton Township Ordinance Control Manager and paying a seventy- five (\$75) dollar application fee.
15. Variances on road right-of-way widths can be granted by the Morton Township Zoning Board of Appeals within the following limitations, and according to the following guidelines:
 - a. Primary road width can be varied from eight (80) feet to no less than sixty-six (66) feet.
 - b. Local Road width can be varied from sixty-six (66) feet to no less than forty (40) feet.
 - c. Private road width can be varied from sixty-six (66) feet to no less than forty (40) feet.
 - d. Factors to be considered by the Zoning Board of Appeals in evaluating a request for a road right-of way width variance ***include, but are not limited to the following:***
 - (1) The length of the road; the longer the road the less likely it is that a variance should be granted.
 - (2) The number of the actual and potential residential dwelling units to be served by the road; the more units to be served the less likely it is that a variance should be granted.
 - (3) The likelihood of the road being extended or otherwise connected to other roads in the future; the greater the likelihood of extension or connection the less likely it is that a variance should be granted.

(4) Whether utilities will be placed in the road right-of-way, or in some other location set aside or dedicated for utilities, reducing the need for having road right-of-way for the placement of utilities.

(5) The likelihood a private road will be added to the public road system in the future; the greater the likelihood of adding the road to the public road system, the less likely it is that a variance should be granted.

(6) Whether there is adequate or extra off-street parking in the subdivision or site condominium that may reduce the need for parking of vehicles along the road.

(7) Whether emergency vehicles can safely access all of the structures to which road will provide access.

(8) A variance is required in order to comply with conflicting County or State laws, rules, or regulations.

e. That such variance will not have the effect of nullifying the intent and purpose of this Ordinance, the Master Plan or the Zoning Ordinance.

B. Lots

1. All lots, whether served by water and/or sewage lines or providing private water wells and private sewage disposal, must have a minimum width of 100 feet at the building setback line and a minimum of 15,000 square feet of area.
2. Lots which abut water, either lake, river or stream, will have a building setback line of 50 feet from said water or 30 feet if property line borders a green belt, however, in no case less than 50 feet from water's edge, and in all cases buildings shall conform to neighboring structures.
3. Corner lots shall have extra width to permit 30 foot setback from both streets.
4. The Township Board of Trustees wishes to discourage double fronting of lots. Therefore, any lot which has frontage on two local roads may be prohibited.

C. General

1. Privately held reserve strips controlling access to streets shall be prohibited.
2. Existing natural features which add value to a residential development, that enhance the attractiveness of the community, such as streams, water courses, historic spots and similar irreplaceable assets should be preserved insofar as possible in the design of the subdivision.
3. Lands subject to flooding or otherwise determined by the Zoning Board to be uninhabitable should not be platted for residential, commercial or industrial purposes. Such lands within a subdivision may be set aside for other purposes such as parks and/or open space.
4. If, in the opinion of the Zoning Board, an environmentally sensitive area is being considered for development, an environmental impact study may be required by the Zoning Board from the developer.

SECTION 2.4 PRELIMINARY PLAT FOR TENTATIVE APPROVAL ZONING BOARD ACTION

Upon receipt of copies of said proposed plat the Zoning Board shall examine said plat with such assistance by the Township Attorney and/or Township engineer as the Zoning Board shall require. If the Zoning Board determines that the proposed plat complies with all applicable ordinances and statutes and the provisions set forth above, it shall grant, within ninety (90) days, tentative approval in writing of the preliminary plat. This approval shall confer upon the proprietor for a period of one (1) year from date of approval, lot size, lot orientation and street layout. Such tentative approval may be extended, at the discretion of the Zoning Board upon application of the proprietor.

SECTION 2.5 SUBMISSION OF PRELIMINARY PLAT FOR FINAL APPROVAL

Every person, firm or corporation which shall hereafter submit a proposed preliminary Plat to the Ordinance Control Manager for final approval shall submit a written application for approval, the fee established by this Ordinance and six (6) eligible copies of said plat to the Ordinance Control Manager at least 30 days prior to a regular meeting of the Zoning Board. Said copies must contain, as a minimum, the following information:

1. Evidence that all requirements imposed by the Zoning Board at the time of granting tentative approval have been incorporated into the proposed plan.
2. The developer shall document consultation with all public utilities which will be servicing the subdivision to resolve any conflicts in location between public facilities and other improvements.
3. The developer shall document the approval of the various approving authorities as required by Sections II3 to II9 of the Subdivision Control Act (PA 288, 1967) as amended. (See attached.)
4. Shall include detailed working drawings showing grades, drainage structures, proposed utilities, sidewalk, lighting and road construction plans for public and/or private roads within and adjoining said plat.
5. A fee equal to the sum of \$2.00 multiplied by the number of lots contained in the proposed subdivision, but not less than \$100.00.

SECTION 2.6 FINAL PRELIMINARY PLAT PROVISIONS

A. Roads

1. All road grades shall not exceed a 7% grade or be less than a 4% grade except upon special approval of the Township Engineer or the County Road Commission.
2. Road requirements. Anyone engaged in grading shall at all times take appropriate and reasonable steps to prevent erosion including the construction of roads, silt traps, the mulching and temporary or permanent planting of all areas exposed by grading, the construction of roads, diversions, channel linings, grade stabilization structures, and bank protection structures, and shall limit, insofar as is practical, the area of the land exposed to erosion resulting from grading at any one time and the length of time that any area is exposed, and shall, upon completion of operations, leave the area in a condition where further erosion

will not take place and the land is at least as suitable for uses permitted under this Ordinance as when grading operations commenced.

3. All road rights-of-way within or abutting such plat shall be constructed with not less than 6 inch compacted gravel base, 30 feet wide, covered with not less than 2 inches of bituminous aggregate pavement, 20 foot wide shoulder to shoulder.
4. All rights-of-way shall be graded to the full width thereof for proper drainage and prospective future widening and improving. Road grading shall be accomplished so as to establish a .5 foot higher elevation at the boundary of the right-of-way than at the crown of the traveled roadway. All trees or other obstructions within the rights-of-way which interfere with the grading and/or draining shall be removed. The foregoing .5 foot elevation and tree/obstacle removal may be varied or adjusted by the Township Zoning Board upon recommendation of the Township Engineer or County Road Commission.
5. Permanent dead-end streets shall be provided at the closed end with a turnaround having an outside improved roadway diameter of at least 150 feet as measured from the centerline of the gutter or back of curb and a street property line diameter of at least 150 feet. Temporary dead-end streets shall be provided at the closed end with a turnaround constructed the full width of the rights-of-way.
6. Half width dedication of roads and streets will not be permitted.
7. Where the requirements for roads and streets in this Ordinance are more restrictive than the County Road Commission's current requirements for plats, this Ordinance shall prevail.

B. Drainage and Sewers

1. Storm water disposal methods proposed for the subdivision must be adequate to insure each building site and roadway will not be flooded and that all necessary easements for storm sewers or open drains can feasibly be dedicated to the public for such purposes.
2. All surface waters shall be adequately drained within each plat by a separate system of drainage structures or through the connection of such separate system to an adequate adjoining system. If such adjoining system is under County control; e.g. County Road Commission ditches or County ditches, permission must be obtained from the appropriate County Department.
Where storm sewers are used, inlet basins must not be spaced further apart than 300 feet except upon express approval of the County Drain Commission, to be granted only where other equivalent and sufficient drainage inlets are provided. Where such outlets are not thus available, such drainage structures may consist of leaching basins so spaced that water shall not be required to run on the surface of the road further than two hundred fifty feet to such a basin, or so spaced as to afford equivalent and sufficient drainage. The determination of what constitutes "equivalent and sufficient drainage" shall be the responsibility of the County Drain Commissioner.
3. Connection to sanitary sewers and/or water mains may be required by the Zoning Board when the Zoning Board determines through the recommendations of the Township Engineer and/or County Health Department, and/or County Drain Commissioner, that said sewers and/or water mains are reasonably available to the proposed subdivision.

C. Public Utilities

1. The proprietor shall make arrangements for all distribution lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely through the residential subdivided area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground facilities. All such facilities shall be constructed in accordance with standards of construction approved by The Michigan Public Service Commission. Private easements for underground utilities shall be shown on the preliminary plat.

D. General

1. No land within the subdivision may be isolated from a public highway nor may any adjoining land of the proprietor or others be isolated from a public thoroughfare thereby creating landlocked parcels.

**SECTION 2.7 PRELIMINARY PLAT FOR FINAL APPROVAL
TOWNSHIP BOARD OF TRUSTEES ACTION**

Upon receipt of copies of said proposed plat for final approval, the Township Board of Trustees shall examine said proposed plat with such assistance by the Township Attorney and/or Township Engineer, as the Township Board of Trustees shall require. If the Township Board of Trustees determines that the preliminary plat has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth in this Ordinance, the Township Board of Trustees shall:

1. Provide for an adequate public hearing, giving due notice to all parties of interest.
2. Give notice of its approval or disapproval of the preliminary plat in writing within twenty (20) days after the next Township Board of Trustees meeting which is held after the Public Hearing.
3. A negative decision will contain the reasons for disapproval and specifics under which approval may be gained. If approved the proprietor gains the conditional right, for a period of (two) 2 years from the date of approval, that the general terms and conditions under which said approval was granted will not be changed. Said two (2) year period may be extended at the discretion of the Township Board of Trustees upon application by the proprietor.

SECTION 2.8 SUBMISSION OF FINAL PLAT FOR FINAL APPROVAL

Every person, firm or corporation which shall hereafter submit a proposed final plat to the Ordinance Control Manager for final approval shall submit a written application for approval, the fee established by this Ordinance and six (6) eligible copies of said proposed final plat to the Ordinance Control Manager at least thirty (30) days prior to a regular meeting of the Township Board of Trustees. Also, the following relevant data must be submitted:

1. An abstract of title or title insurance policy showing salable title in the name of the proprietor of the subdivision.

2. A fee equal to the sum of \$2.00 multiplied by the number of lots contained in the proposed subdivision but not less than \$100.00.

SECTION 2.9 FINAL PLAT PROVISIONS

A. Completion

1. All monuments required to be placed have been placed.
2. All roads, streets, bridges and culverts have been completed.
3. All utilities servicing the plat have been installed and water and sanitary sewer lines, if required, have been stubbed to the lot line.
4. All surface water drainage systems have been completed.
5. All street signs have been installed.
6. Any other improvements required by this Ordinance or specified in the final plat have been installed or completed.

B. Guarantee of Completion of Improvements Required

1. In lieu of the actual installation of required public improvements, the Township Board of Trustees may permit the subdivider to provide a financial guarantee of performance. Security acceptable to the Township Board of Trustees shall be filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.
 - a. Such surety acceptable by the Township Board of Trustees shall accrue to the Morton Township.
 - b. The dollar value of such surety shall be equal to the total estimated cost of construction of the specific public improvement, including contingencies, as estimated by the Township Board of Trustees.
 - c. The escrow time or term length shall be for a period to be specified by the Township Board of Trustees.

C. Penalty in Case of Failure to Complete the Construction of Public Improvement

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

D. General

1. If any flood plains are involved in the proposed subdivision then such flood plains shall be restricted as provided by the Michigan Subdivision Control Act and such restrictions shall be submitted to the Township Zoning Board for review and approval prior to the recording and thereafter shall be recorded in the office of the Register of Deeds contemporaneously with the recording of the plat.
2. All underground utility installations, including lines for street lighting systems, where applicable, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded on the final plat as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for utilities shall be at least 12 feet wide, usually 6 feet dedicated from each lot or parcel, except side lot easements 3 feet wide granted for street lighting dropouts. These easements should be direct and continuous from block to block.
3. The Township Board of Trustees has the right to make inspections of public improvements during constructions to insure conformation to standards.
4. County Health Department, Zoning Board, Soil Erosion and Sedimentation Department, Drain Commission and County Road Commission provisions must be observed except where they conflict with this Township Ordinance.
5. Within the dedication listed with the plat shall be included provision for any park, outlot or open space within the subdivision.
6. The dedication must be executed by all required owners.

**SECTION 2.10 FINAL PLAT FOR FINAL APPROVAL
TOWNSHIP ZONING BOARD ACTION**

Upon receipt of copies of said final plat for final approval, the Township Zoning Board shall examine said plat with such assistance by the Township Attorney and/or Township Engineer as the Township Zoning Board shall require. If the Township Zoning Board determines that the final plat has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth in this Ordinance, the Township Board of Trustees shall give notice of its approval or disapproval of the final plat in writing within 20 days after the next regular scheduled meeting of the Township Board of Trustees. A negative decision will contain the reasons for disapproval and specifics under which approval may be gained.

ARTICLE III - SUBDIVISION LOT DIVISION

After a subdivision has been recorded, platted lots may thereafter be partitioned or divided only with the approval of the Township Board of Trustees pursuant to the authority granted under Section 263 of the Subdivision Control Act (copy attached), as amended and the provisions stated in this Ordinance.

ARTICLE IV - VARIANCE PROCEDURE

Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance, the Township Board of Trustees shall have power in passing upon proposed subdivisions to vary or modify any of the terms and provisions of this Ordinance so that the spirit of the Ordinance shall be observed and public health, safety and welfare secured.

ARTICLE V - ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction, thereof, be fined not more than \$1,000.00 or imprisoned for not more than 180 days or both for the first offense and for each subsequent offense, a like fine or imprisonment in the County Jail not to exceed 1 year, or both. Nothing herein contained shall prevent the Township Board of Trustees or public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or the Subdivision Control Act.

ENFORCEMENT: No subdivision plat required by this Ordinance or the Subdivision Control Act shall be admitted to the public land records of the County or received or recorded by the County Register of Deeds, until such subdivision plat has received the final approval of the Township Board of Trustees.

ARTICLE VI - AMENDMENTS

The Township Zoning Board may from time to time amend, supplement or repeal the regulations and provisions of this Ordinance in the manner prescribed by law for the amendments of Ordinances.

ARTICLE VII - MISCELLANEOUS PROVISIONS

Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

This Ordinance shall take effect in the Township 30 days after publication.

PUBLIC HEARING DATE	<u>February 24, 1990</u>
TOWNSHIP BOARD ADOPTION	<u>April 3, 1990</u>
PUBLICATION DATE	<u>June 1, 1990</u>
EFFECTIVE DATE	<u>July 1, 1990</u>