

ORDINANCE NO. 268 SUBDIVISION ORDINANCE

The Charter Township of Larkin, County of Midland, Michigan ordains, pursuant to the authority vested in it by the Michigan Land Division Act, Public Act 288 of the State of Michigan of 1967, as amended, MCL 560.101, et seq., an Ordinance establishing regulations and minimum standards for subdivisions in Larkin Township.

Section 1. Title

This ordinance shall be known and cited as the “Larkin Township Subdivision Ordinance.”

Section 2. Purpose

The purpose of this Ordinance is to establish regulations and standards for the development and subdivision of land within the Charter Township of Larkin, in order to promote the public safety, health and general welfare of the community and to provide for suitable neighborhoods with adequate streets.

Section 3. Definitions

“Act” – the Michigan Land Division Act, Public Act 288 of the State of Michigan of 1967, as amended, MCL 560.101, *et. seq.*

“Proprietor” – A natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

Section 4.

All subdivisions of land requiring a plat under the Act shall be submitted, reviewed, approved or denied in accordance with this ordinance.

Section 5. Tentative Preliminary Plat Approval

Before making or submitting final plat for approval, the proprietor shall make a preliminary plat and submit copies to the Township Clerk who shall forward same to the Chair of the Township Planning Commission.

- A. Four (4) copies of the preliminary plat, supplementary materials and an application fee, as determined by the Township Board, shall be submitted to the Township Clerk.
- B. Upon receipt of the preliminary plat, the Planning Commission shall review same for compliance with the Act and this Ordinance. The Planning Commission review of the preliminary plat shall be conducted at a regular or special meeting of the Planning Commission. After review of

the preliminary plat, the Planning Commission shall make its recommendation as to its approval, conditional approval or denial of the tentative preliminary plat to the Township Board.

- C. The tentative approval, conditional approval or denial of the preliminary plat lies with the Township Board, after its receipt of the Planning Commission recommendation. The Township Board may require submission by the proprietor, at its expense, of other related data as it deems necessary, including, without limitation traffic studies as to the effect of traffic within the platted area as well as to the surrounding roadways.
- D. Tentative approval of a preliminary plat confers upon the proprietor for a period of one (1) year from date, approval of lot size, lot orientation, and street layout, and application of the then-current subdivision regulations. The tentative approval may be extended if applied for by the proprietor and granted by the Township Board in writing.
- E. Conditional approval of the preliminary plat shall not constitute approval of the final subdivision plat. Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the installation of streets, sewers, and other required improvements and the preparation of the final plat. Conditional approval is effective for one (1) year unless extended by the Township Board in writing.

Section 6. Final Preliminary Plat Approval

- A. After tentative approval of a preliminary plat by the Township Board, the proprietor shall submit the tentatively approved preliminary plat to each officer or agency required by the Act to review same.
- B. Upon receipt by the proprietor of approval of the tentatively approved preliminary plat by the other officers or agencies required by the Act, the proprietor shall submit to the Township Clerk all such written approvals. Those approvals shall be forwarded to the Planning Commission which shall review same and forward them to the Township Board with its recommendation as to final approval, conditional approval or denial of the of the preliminary plat.
- C. The final approval, conditional approval or denial of the preliminary plat lies with the Township Board, after its receipt of the Planning Commission recommendation.
- D. Final approval of a preliminary plat confers upon the proprietor, for a period of two (2) years from date of approval, the conditional right that the general terms and conditions under which the preliminary plat approval was granted will not be changed. The two (2) year period may

be extended if applied for by the proprietor and granted by the Township Board in writing. Written notice of the extension shall be sent by the Township Board to the other approving agencies.

Section 7. Final Plat Approval

- A. A final plat shall not be accepted after the date of expiration of the preliminary plat approval.
- B. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the proprietor, it may constitute only that portion of the approved preliminary plat which the proprietor proposes to record and develop at the time; provided, however that such conforms to all requirements in this Ordinance.
- C. The final plat together with the filing and recording fees required by the Act shall be submitted to the Township Clerk within two (2) years after approval of the preliminary plat; otherwise such approval shall become null and void, unless an extension of time is applied for and granted in writing by the Township Board. The Township Clerk shall forward same to the Chair of the Planning Commission.
- D. The final plat will be reviewed by the Planning Commission for compliance with the Act and this Ordinance. The Planning Commission review of the final plat shall be conducted at a regular or special meeting of the Planning Commission. After review of the final plat, the Planning Commission shall make its recommendation as to its approval, conditional approval or denial to the Township Board.
- E. Once the final plat and the Planning Commission's recommendation have been received, the Township Board shall do one of the following:
 - Approve the final plat if it conforms with the preliminary plat as approved and the requirements of the Act and this Ordinance.
 - Reject the plat, instruct the Clerk to give the reasons in writing as set forth in the minutes of the meeting, and return the plat to the proprietor.
- F. If the Township Board shall approve the final plat, it shall cause to be transcribed upon the plat its certificate of approval.
- G. The certificate of approval shall be signed by the Township Clerk and shall include a statement that the plat was reviewed by the Township Board and that the plat is in conformance with all applicable provisions of the Act.

Section 8. Approval Criteria

For tentative or final preliminary plat approval and for final plat approval, in addition to the requirements of the Act, all lots and streets in plats must comply with the following:

- A. Except as otherwise set forth in this section all roads and streets within any plat shall comply with the specifications and design criteria published by the Midland County Road Commission, including its Subdivision Regulations, as may be amended.
- B. All lots in any plat shall comply with the minimum area, depth and width requirements of the Larkin Township Zoning Ordinance for the district in which the plat is located.
- C. All lots in any plat shall be of sufficient size and proportion to accommodate the minimum required yard and building set back requirements of the Larkin Township Zoning Ordinance for the district in which the plat is located.
- D. The arrangement of streets within any plat may provide for a continuation of and connection to existing streets from adjoining areas into the new subdivision, provided however:
 - 1. The use of existing streets into a new subdivision shall not impair adequate access and response time for emergency vehicles;
 - 2. Continuation of or connection to existing streets shall not create congestion or safety hazards on the existing streets.
- E. Continuation of or connection to existing streets which are within a previously platted subdivision, which travel through developments or neighborhoods of single family dwellings or are classified by the Midland County Road Commission as residential local roads shall not unreasonably impact the single family residential character of those developments or unreasonably increase traffic count on those streets.
- F. No street names shall be used which will duplicate or be confused with the names of existing streets. New streets which are extensions of or obviously in alignment with existing streets shall bear the name of the existing streets. Street names shall be subject to the approval of the Planning Commission. Street names that may be spelled differently, but sound the same, shall be avoided.

Section 9. Conformity with Statutes, Township Plan and Township Requirements

All new subdivisions shall be in conformance with the Act and this Ordinance.

Section 10. Township Engineering and Professional Fees, Performance Guarantees

- A. Applicants for tentative or final preliminary plat or final plat approval by the Township shall, in addition to the application fees submitted with the application, pay to and reimburse the Township its costs incurred in acquisition of professional, engineering or other technical advice or review of those applications, including without limitation engineering or traffic studies. Those fees shall be paid in full to the Township before issuance of any plat approval. No plat approvals may be issued until all such fees have been paid. Should the Planning Commission or Township Board request, the applicant shall post with the Township, through its Clerk, a deposit to be held for purposes of paying the Township its costs incurred in obtaining professional, engineering or technical assistance.
- B. As a condition of final approval of a plat, the Township Board shall require a deposit to be made for completion of all required improvements.
 1. The deposit shall be made to the Township Clerk and shall be in the form of an irrevocable letter of credit or a surety bond, whichever the proprietor selects, acceptable to the Township Board, in an amount sufficient to insure completion within the time specified.

Section 11. Violations, Penalty and Persons Responsible

Any person or other entity who sells or agrees to sell any lot, piece or parcel of land without first having recorded a plat thereof when required by the Act or this Ordinance or who otherwise violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than Five Hundred (\$500) dollars, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. Agreement to sell under this section does not include an option to buy extended from the seller for a monetary consideration to the prospective buyer. In no case, however, shall costs of more than five hundred (\$500.00) dollars be ordered. All violations of this Ordinance are declared nuisances per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance. Each day a violation of this ordinance continues to exist constitutes a separate violation.

Section 12. Validity

Should any section, clause or provision of this Ordinance be declared by any court 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.

Section 13. Repeal, Savings Clause

All ordinances and amendments thereto, in conflict with this Ordinance are hereby repealed, providing, however, any proceedings pending, including prosecutions for violations, under any previous ordinance being repealed hereby shall not be affected by the Ordinance and may be continued pursuant to said previous ordinance.

Section 14. Effective Date

If adopted by the Larkin Township Board, this Ordinance will become effective thirty (30) days after publication.

Adopted at a meeting of the Township Board, Charter Township of Larkin, Midland County, Michigan.

Ordinance No. 268, adopted December 11, 2018