

**SUBDIVISION CONTROL
Ord. No. 176
Adopted: December 10, 1969**

An ordinance enacted under Act 288, Public Acts of 1967, as amended, of the State of Michigan establishing regulations governing the subdivision of land; providing for the procedure for the preparation and filing of plats, tentative approval of preliminary plats, submission of record of final plats, approval of the plat by the Township Board; providing for platting regulations and requirements in regard to conformity to the Township Comprehensive Development Plan, hereby declared, to be part of this ordinance, as to streets, alleys and easements, and to provide penalties for the violation thereof.

THE TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

**ARTICLE I
GENERAL**

SECTION 100. Short title.

These Regulations shall be known and may be referred to as the Township of Fenton Subdivision Control Ordinance.

SECTION 101. Purpose.

These Subdivision controls have been enacted for the purpose of protecting the public health, safety and general welfare of the residents of the Township and of insuring the orderly growth and harmonious development by requiring:

1. Proper arrangement of streets in relation to existing or planned streets and to the Comprehensive Development Plan.
2. Adequate and convenient open spaces for traffic, utilities, access of fire fighting equipment, recreation, light, air, privacy, and safety from fire hazards.
3. Avoidance of population congestion.
4. Establishment of standards for the construction of any and all improvements as herein required.

SECTION 102. Interpretation.

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. Nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants, running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of the Township, the provisions of the Ordinance shall control.

SECTION 103. Scope.

Subsequent to the effective date of these regulations, no plat within the Township of Fenton shall be approved by the Township Board unless it conforms to these regulations.

**ARTICLE II
DEFINITIONS**

SECTION 200. Definitions.

The following definitions apply to the meanings of respective terms as they are to be construed in these regulations.

1. **Block** shall mean an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys, and the exterior boundary or boundaries of the subdivision.
2. **Commission** shall mean the Township Planning Commission of the Township of Fenton.
3. **Comprehensive development plan** shall mean the Master Plan of the Township of Fenton as adopted by the Planning Commission.
4. **Easement** is a grant by the owner of the use of a strip of land by the public, a corporation, or persons, for specific uses and purpose, to be designated as a "public" or "private" easement depending on the nature of the use.
5. **Flood plain** means that area of land adjoining the channel of a river, stream, water course, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for the region.
6. **Lot** means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.
 - (a) Lot depth is the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
 - (b) Lot Width is the horizontal distance between the side lot lines measured at the minimum building setback line as established by the zoning ordinance.
7. **Major thoroughfare plan** is that part of the Comprehensive Development Plan which sets forth the location, alignment and dimensions of existing and proposed thoroughfares.
8. **Outlot** means a lot, when included within the boundary of a recorded plat, set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.
9. **Parcel or tract** means a continuous area or acreage of land which can be described as provided for in the Subdivision Control Act.
10. **Plat** means a map or chart of a subdivision of land.
 1. Pre-preliminary plat is a map indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for review and to meet the requirements and procedures set forth in this ordinance.
 2. Preliminary plat is a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration prepared in conformance with the Subdivision Control Act.
 3. Final plat is a map prepared in conformance with the requirements of the Subdivision Control Act and this ordinance, and suitable for recording by the County Register of Deeds.
11. **Proprietor** means a natural person, firm, association, partnership, corporation or combination of any of them which may hold any ownership interest in land whether recorded or not.
12. **Street** means a way of vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated. A street includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas, and lawns.
 - (a) Alleys are minor service streets providing a secondary means of access to a lot, block or parcel of land.
 - (b) Cul-de-sac is a minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
 - (c) Local or Minor streets are those streets which are used primarily for access to the abutting properties and have limited continuity.

- (d) Major thoroughfares are those streets and highways which are used as through routes for larger volumes of traffic and have considerable continuity within the municipality and the region beyond. A major thoroughfare shall be designated in the Township's Major Thoroughfare Plan.
13. **Subdivide or subdivision** means the partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale or lease of more than one year, or of building development, where the act of division creates five (5) or more parcels of land each of which is ten (10) acres or less in area; or five (5) or more parcels of land each of which is ten (10) acres or less in area are created by successive divisions within a period of ten (10) years.
14. **Subdivision Control Act** means the Subdivision Control Act, Michigan Public Acts of 1967, as amended.
15. **Township Board** shall mean the legislative body of the Township of Fenton.
16. **Township Clerk** shall mean the Township Clerk of the Township of Fenton.
17. **Township engineer or engineer** is the staff engineer, consulting civil engineer, or designated engineer of an appropriate County Department.
18. **Township planner or planner** is the staff planner or consulting planner of the Township.

**ARTICLE III
SUBDIVISION PROCEDURE**

The review and approval of a proposed subdivision shall be carried out through Preliminary Investigation, Pre-Preliminary Plat, Preliminary Plat and Final Plat in accordance with the following procedure:

SECTION 300. Preliminary investigation.

Prior to the preparation of a preliminary plat, the subdivider shall meet informally with the Township Planning Commission to investigate the procedures and standards of the Township of Fenton with reference to this Subdivision Control Ordinance and with proposals of the Comprehensive, Development Plan that effect the area in which the proposed subdivision, is located. It is the responsibility of the subdivider to:

- (a) Familiarize himself with the Zoning Ordinance, Subdivision Control Ordinance, engineering specifications, and other similar ordinances or controls relative to the subdivision and improvement of land, so as to make himself aware of the requirements of the Township of Fenton.
- (b) Review the area zoning for the proposed subdivision to determine if it is zoned for the intended use.
- (c) Investigate the adequacy of existing schools and public open spaces including parks and play grounds to serve the proposed subdivision.
- (d) Review the open space development options of the Zoning Ordinance to determine the feasibility of utilizing one of these approaches.
- (e) Investigate the relationship of the proposed subdivision with respect to major thoroughfares and plans for future widening of thoroughfares.
- (f) Investigate the standards for sewage disposal, water supply, and drainage of the Township of Fenton and the health standards of Genesee County and the State of Michigan.
- (g) Review Act 288, Public Acts, 1967, and the requirements of those State and County agencies which are required by said Public Act to review and approve the plat.

SECTION 301. Pre-preliminary plat.

Pre-preliminary review is an aid to the developer and to the Township. Under this procedure, a developer provides the information described below and the Planning Commission acts on the information provided. This review is intended to serve as a guide for the immediate inspection of the officials, subject to a thorough study and analysis before a recommendation from such bodies is made. During this stage, changes and additions which may have to be made before an agreement is reached can be made with the minimum of difficulty. Acceptance of the Pre-Preliminary Plat does not assure acceptance of the Preliminary Plat.

1. **Submittal.** The proprietor shall submit to the Township Clerk, at least twenty (20) days prior to a Planning Commission meeting, ten (10) copies of the Pre-Preliminary Plat. The Clerk shall promptly transmit two (2) copies to the Planning Commission, two (2) copies to the Consulting Planner and two (2) copies to the Township Engineer, and retain four (4) copies for the Township Board.
2. **Information required.** The following information shall be shown on the Pre-Preliminary Plat or submitted with it:
 - (a) The sketch plan at a scale of 100 feet to one (1) inch.
 - (b) Names and addresses of the proprietor, owner-proprietor, and the planners, designer, engineer or surveyor who designed the proposed subdivision.
 - (c) An overall map at a scale not less than one (1) inch to one thousand (1,000) feet showing the relationship of the subdivision to its surroundings, such as existing road rights-of-way, existing buildings, water-courses, railroads, marshes, nearby public spaces and other physical features on and adjacent to the tract.
 - (d) Location and road rights-of-way of proposed streets, alleys, easements, parks, open spaces and lot lines.
 - (e) All parcels of land proposed to be dedicated to public use and conditions of such dedication.
 - (f) Date, cardinal points, scale.
 - (g) Zoning on and adjacent to the tract.
 - (h) Site data, including connections with adjoining streets, building set-back lines, acres in parks, etc.
 - (i) The proprietor shall furnish the Planning Commission with a statement indicating the proposed use to which the subdivision will be put, along with a description of the type of residential buildings and number of dwelling units contemplated or the type of business so as to reveal the effect of the development on traffic, fire hazards or congestion of population. Such proposed uses shall not be in conflict with the Zoning Ordinance of Comprehensive Development Plan.
 - (j) If the proprietor has an interest or owns any parcel identified as "outlots" or "excepted", the Pre-Preliminary Plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed Pre-Preliminary Plat.
 - (k) The Township Board and Planning Commission may require such proof of ownership of the land proposed to be subdivided as they deem necessary.
 - (l) Other related data as the Planning Commission deems necessary.
3. **School authorities.** The School Board or School Board Superintendent of the School District having jurisdiction in the area concerned shall be informed and made aware of the proposed Pre-Preliminary Plat by the proprietor so that officials may have an opportunity to meet school needs. A letter or document from the School Board or School Board Superintendent indicating awareness of the proprietor's

intentions shall be submitted to the Planning Commission as part of the Pre-Preliminary Plat.

4. **Procedures.** The Planning Commission shall follow the following procedures:
 - (a) The Planning Commission shall review all details of the proposed subdivision within the framework of the Zoning Ordinance, within the various elements of the Comprehensive Development Plan and within the standards of this Subdivision Regulations Ordinance.
 - (b) After reviewing comments of the Township Planner, Engineer and any other persons or agencies who have been provided copies of the Pre-Preliminary Plat, the Planning Commission shall make appropriate comments and suggestions concerning the proposed development. The Planning Commission may require the Proprietor to resubmit the Pre-Preliminary Plat if substantial changes are required, the Planning Commission shall receive a marked-up copy of the Pre-Preliminary Plat which shall retain one (1) copy of the Pre-Preliminary Plat which shall become a matter of permanent record in the Planning Commission's files and the proprietor shall receive a marked-up copy of the Pre-Preliminary Plat by the Planning Commission shall confer upon the proprietor the right to prepare and submit a preliminary plat for tentative approval.
 - (c) The Planning Commission shall inform the Township Board of the results of the review of the Pre-Preliminary Plat.

SECTION 302. Preliminary plat-tentative approval.

Tentative approval under this section shall confer upon the proprietor for a period of one (1) year from date, approval of lot sizes, lot orientation, and street layout. Such tentative approval may be extended if applied for by the proprietor and granted by the Board in writing.

1. **Submittal.** The proprietor shall submit ten (10) copies of the Preliminary Plat and other data to the Township Clerk and copies shall be distributed to:
 - (a) Township Clerk retains three (3) copies.
 - (b) Two (2) copies of the Preliminary Plat are sent to the Planning Commission.
 - (c) Two (2) copies of the Preliminary Plat are sent to the Township Engineer.
 - (d) Two (2) copies of the Preliminary Plat are sent to the Township Planner.
 - (e) One (1) copy of the Preliminary Plat is sent to the School Board and the School district in which the plat is located.
2. **Information required.** The following information shall be shown on the Preliminary Plat or submitted with it:
 - (a) Proposed name of subdivision.
 - (b) Location of the subdivision giving the metes and bounds description according to Section, Township and Range, and the name of the Township and County.
 - (c) Names and addresses of the proprietor, owner proprietor, and the planner, designer, engineer or surveyor who designed the subdivision layout.
 - (d) The names, locations of abutting subdivision, layout of streets indicating street names, right-of-way widths and connections with adjoining platted streets, the widths and location of alleys, easements and public walkways and lot layouts.
 - (e) The Preliminary Plat may be on paper and shall be not less than 24 inches by 36 inches at a scale of one hundred (100) feet to one inch showing date and north arrow.
 - (f) A map of the entire area scheduled for future development, if the proposed plat is a portion of a larger holding intended for subsequent development.

- (g) Ten (10) copies of the proposed protective covenants and deed restrictions, or state in writing that none are proposed. If common areas are to be reserved for use of the residents of the subdivision, copies of an agreement showing how the area will be maintained, shall also be submitted.
- (h) Layout, numbers, area, and dimensions of lots including; dimensioned building setback lines.
- (i) Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.
- (j) Location of any existing and proposed sanitary sewers, water mains, storm drains and other underground facilities and public utilities.
- (k) A site report, if the proposed subdivision is not to be served by public sewer and water systems, as described in the rules of the State Department of Public Health.
- (l) Contours shall be shown on the Preliminary Plat at five (5) foot intervals where slope is greater than ten per cent (10%) and two (2) foot intervals where slope is ten (10%) per cent or less. Topographic contours to be based upon U.S.G.S. datum.
- (m) The proprietor shall submit preliminary engineering plans for streets, water, sewers, sidewalks and other required public improvements. The engineering plans shall contain enough detail to enable the Township Engineer to make preliminary determination as to conformance of the proposed improvements to applicable Township regulations and design standards of this ordinance.
- (n) The Preliminary Plat shall conform substantially with the approved Pre-Preliminary Plat.

3. Procedures.

- (a) The Preliminary Plat shall be placed on the agenda of the next regular meeting of the Planning Commission.
- (b) The Planning Commission shall review the Preliminary Plat and the comments of the Township Planner and Engineer and shall: recommend provisional approval subject to specified modifications and changes to be recorded in the minutes of the meeting. If provisional approval is granted, it shall be the responsibility of the proprietor to resubmit amended plans conforming to the specified modifications within fourteen (14) days of the date of this provisional approval. Failure to resubmit revised plans within fourteen (14) days, shall result in the submittal to the Township Board with a recommendation for disapproval. If the revised plans are timely submitted, and revisions meet the approval of the Township Engineer, and Planner, and conform to the specified modifications of the Planning Commission, the plat shall be submitted to the Township Board with recommendations for tentative approval of the preliminary plat. The Planning Commission shall give its report to the Township Board not more than sixty (60) days after submission of the Preliminary Plat. The sixty (60) day period may be extended if the proprietor consents. If no action is taken within sixty (60) days, the Preliminary Plat shall be deemed to have been approved by the Planning Commission.
- (c) The Township Board shall not review a preliminary plat until it has received the review and recommendations of the Planning Commission. Upon receipt of the recommendations from the Planning Commission, the Township Board shall at their next regular meeting review said Preliminary plat and within ninety (90) days from date of filing, tentatively approve the Preliminary Plat or disapprove said Plat. The Board shall record their approval on the Plat and return one copy

to the proprietor or set forth in writing its reasons for rejection and requirements for tentative approval.

- (d) The proprietor upon receiving tentative approval from the Township Board shall submit the Preliminary Plat to all authorities as required by Sections 112 through 119 of the Subdivision Control Act. Tentative approval shall not constitute final approval of the preliminary plat.

SECTION 303. Preliminary plat-Final approval.

Final approval of the Preliminary Plat under this section shall confer 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 preliminary 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 authorities.

1. **Submittal.** The proprietor desiring final approval of a Preliminary Plat shall submit to the Township Clerk the following information.
 - (a) Ten (10) copies of a valid preliminary plat with a certified list of all authorities required for approval in Sections 112 through 119 of the Subdivision Control Act to the Municipal Clerk.
 - (b) Copy of the receipt from the Municipal Treasurer that all Engineering inspection fees, and other charges and deposits, as provided in Article VII of this Ordinance, have been paid.
 - (c) Final engineering construction plans for all improvements to be constructed in connection with the proposed plat in accordance with standards and specifications of the Township Engineering and Township Board.
2. **Procedures.** The Township Board, after receipt of the necessary approved copies of the Preliminary Plat, shall:
 - (a) Consider the review and recommendation of the Township Engineer and Planner for compliance with tentatively approved preliminary plat and engineering design standards.
 - (b) Consider the Preliminary Plat at its next meeting, or within twenty (20) days from the date of the submission of all necessary approved plats.
 - (c) If the preliminary plat conforms substantially to the plat approved tentatively by the Township Board and has met all conditions specified for tentative approval, the Township Board shall give the final approval to the preliminary plat.
 - (d) The Township Clerk shall promptly notify the proprietor of approval or rejection in writing, and if rejected, to give the reasons.
 - (e) Construction of improvements may be commenced by the proprietor if he has:
 - (1) Received notice of final approval of the Preliminary Plat by the Township Board, and engineering plans have been approved by the Township Engineer.
 - (2) Entered into a subdivision agreement with the Township for construction of all required subdivision improvements.
 - (3) Deposited with the Township a performance guarantee and cash escrow as required under Section 501 of this Ordinance.

SECTION 304. Final plat approval.

Following final approval of the Preliminary Plat by the Township Board, the proprietor shall cause a survey and five true plats thereof to be made by a surveyor.

1. **Submittal.** Final Plats shall be submitted to the Township Clerk and shall be accepted after the date of expiration of the Preliminary Plat approval. An additional five (5) paper prints shall also be submitted.

2. **Information required.** All Final Plats of subdivided land shall comply with the provisions of the Subdivision Control Act of 1967 and shall conform to the approved preliminary plat.
 - (a) An abstract of title certified to date of the proprietor's certificate to establish recordable ownership interest and any other information deemed necessary for the purpose of ascertaining whether the proper parties have signed the plat, or a policy of title insurance currently in force, covering all of the land included within the boundaries of the proposed subdivision. The Township Board, in lieu of an abstract of title, may accept on its own responsibility an attorney's opinion in writing based on the abstract of title as to ownership and marketability of title of the land.
3. **Procedures.**
 - (a) The Final Plat shall be reviewed by the Township Engineer as to compliance with the approved Preliminary Plat and final construction plans for utilities and other improvements.
 - (b) The Township Board shall review all recommendations and take final action of the Final Plat within 20 days of its date of filing and shall:
 - (1) Approve the plat if it conforms to all provisions of this Act and instruct the Clerk to certify on the plat the Township Board approval, showing the date of the approval, the approval of the Health Department, when required, and the date thereof as shown on the approved preliminary plat; or
 - (2) 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.
 - (c) The Clerk shall transcribe a certificate of approval of the Township Board on the plat and deliver all copies to the Clerk of the County Plat Board together with the filing and recording fee required by the Plat Act.

**ARTICLE IV
DESIGN STANDARDS FOR SUBDIVISION PLANNING**

The following design standards are intended as a guide to sound land planning and are the minimum standards for subdivision development in the Township of Fenton.

SECTION 400. Streets and alleys.

The specifications herein set forth are to be the standards adopted for the width and location of all highways, streets and alleys which may hereafter be platted or accepted within the Township of Fenton. The standards for County roads are intended to be in harmony with road and right-of-way standards and policies of the Genesee County Road Commission.

1. **Layout.** The layout of proposed street shall provide for the continuation of existing streets in surrounding areas and/or shall conform to a plan for the neighborhood approved by the Planning Commission in cases where topographical or other conditions preclude the continuation of existing streets. In general, such streets shall be of width as great as that of the street so extended. Local residential streets shall be laid out as to discourage their use by through traffic.
2. **Major thoroughfares.** Where the subdivision abuts or contains an existing or proposed major thoroughfare, the Planning Commission shall require the construction of marginal access streets or reverse frontage of lots with provision of screen planting contained in a non-access reservation along the rear property lines with a minimum width of fifteen (15) feet, or with side lot lines parallel to the major thoroughfare.
3. **Private streets and alleys.** Private streets and alleys shall not be permitted, but rather all streets and alleys shall be dedicated to the public.

4. **Access to property.** A plat shall not be approved which is isolated from or which isolates other lands from existing public streets, unless suitable access is provided.
5. **Intersections.** Intersecting streets shall be laid out so that the intersection angle is as nearly as possible to ninety (90) degrees. Streets convening at one point shall be reduced to the least practicable number.
6. **Half-streets.** Half-streets shall not be permitted where a subdivision adjoins developed property, except for such major streets of over sixty (60) feet in right-of-way width as may be recommended in the Comprehensive Development Plan or by the Genesee County Road Commission. They shall be permitted only when the Planing Commission considers the use of a half-street essential to the reasonable development of the subdivision in accordance with the intent of these regulations and where said Commission finds it practicable to require the dedication of the other half of the right-of-way when the adjoining property is subdivided. Wherever there already exists a dedicated and recorded half-street or half-alley on an adjoining plat, the other half shall be dedicated on the proposed lot to make the street or alley complete. A one-foot public reserve may be required to be placed between half-streets and subdivision boundaries. These reserves shall be deeded in fee simple to the Township for future street purposes.
7. **Dead-end streets.** Where adjoining areas are not platted, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provisions for the future projection of streets into adjacent areas. A one-foot public reserve may be required to be placed between half-streets and subdivision boundaries. These reserves shall be deeded in fee simple to the Township for future street purposes.
8. **Alleys.** Alleys shall not be permitted in residential areas, but may be permitted or required in commercial or industrial areas for the purpose or service access, such as for off-street parking and loading.
9. **Street names.** Street names shall not be permitted which may cause confusion for purposes of assessing, mail delivery, or locating by the public with names of existing streets in or near the Township of Fenton. Streets that will be continuations of existing streets shall be called by the same names of such existing streets.
10. **Building lines and setback lines.** Building lines shall conform to the requirements of the Township Zoning Ordinance.
11. **Street alignment.**
 - (a) Vertical curves shall be adequate to provide the minimum vertical visibility as required under Section 400-11C for Major Thoroughfares, Collector Streets and Minor Streets.
 - (b) Minimum Horizontal centerline radii of curvature shall be:
 - (1) Major Thoroughfares 700 feet radius
 - (2) Collector Streets 450 feet radius
 - (3) Local Streets 275 feet radiusA minimum fifty (50) foot tangent shall be introduced between reverse curves on minor streets, one hundred (100) feet on collector streets and three hundred (300) feet on major thoroughfares.
 - (c) Visibility requirements:
 - (1) Minimum vertical visibility (measured from four and one-half (4 1/2) foot eye level to eighteen (18) inch tail light) shall be:
 - 500 feet on major thoroughfares
 - 300 feet on collector streets
 - 200 feet on local streets
 - 100 feet on local streets less than. 500 feet in length

- (2) Minimum horizontal visibility, as measured on centerline, shall be:
 - 300 feet on major thoroughfares
 - 200 feet on collector streets
 - 100 feet on local streets
 - (d) Street Jogs: Street jogs with centerline off-sets of less than one hundred and fifty (150) feet shall be avoided.
 - (e) Intersections: Curved streets intersecting: with major thoroughfares or collector streets shall do so with a tangent section of centerline one hundred (100) feet in length measured From the right-of-way of the major thoroughfare or collector streets.
12. **Street grades.** Profiles may be required on all streets at the discretion of the Township Engineer. The minimum gradient allowed shall be not less than 0.4 per cent. The maximum gradient shall be six per cent except that upon the recommendation of the Township Engineer an exception may be granted by the Township Board.
13. **Surface drainage.** Adequate and safe disposal of all yard drainage shall be provided in accordance with details and specifications prescribed by the Township Engineer.
14. **Street right-of-way width.** Street right-of-way widths shall conform to at least the following minimum requirements:
- (a)

<u>Street type</u>	<u>Minimum right-of-way</u>
Major Thoroughfare	(in accordance with the major thoroughfare plan of the Township of Fenton)
Collector Street	
Industrial and Commercial Service Streets	Sixty-six (66) feet
Local (residential) Streets	Sixty-six (66) feet
Marginal Access Streets	Forty (40) feet
Boulevard Streets	Eighty-six (86) feet
Alleys	Twenty-four (24) feet
Cul-de-sac Streets	Sixty (60) feet, terminating in a circle one hundred twenty (120) feet in diameter
 - (b) Maximum length for residential cul-de-sac shall not exceed five hundred (500) feet. In very low density residential plats the Planning Commission, may at its discretion, permit this to be exceeded, but the maximum length may not exceed seven (7) times the average lot width. Maximum length of industrial cul-de-sac streets may exceed five hundred (500) feet subject to the approval of the Planning Commission, and shall terminate in a circle one hundred and fifty (150) feet.

SECTION 401. Utility and drainage easements.

- 1. Drainage easements shall be provided, which conform substantially with the lines of any natural water course, drainage ditch, channel or stream. Such easements shall be of adequate width for the particular conditions of the site. The Township Engineer, may, if he considers such requirement necessary to the proper development of the subdivision and the circulation of local traffic, require that the drain, if within a public right-of-way, will be tiled and enclosed.
- 2. Except where alleys are provided for the purpose, a private utility easement, not less than twelve (12) feet in width, with six (6) feet located on each side of the property line, shall be provided along rear or side lot line. Utility easements six (6) feet in width are permissible along rear property lines, in cases where such rear property lines abut unplatted land.

3. Land within a public drainage easement intended for surface use, or land within a private utility easement for major electrical power transmission lines, shall not be considered as satisfying a part of the minimum required lot area.
4. Private fencing shall not be permitted within public drainage easements.

SECTION 402. Lots.

The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lots shall be of such size as to permit a variety of housing types, to provide side yards for desirable access, light, air, privacy, and safety from fire hazards, and to provide for setbacks from the street line and allow sufficient space for household purposes.

1. **Access.** All lots shall abut upon their full frontage on a dedicated public street. Lots, other than corner lots, shall not be permitted to front onto two streets except when reverse frontage lots are to be platted in accordance with Section 400(2).
2. **Depth.** No lot shall be less than one hundred twenty (120) feet in depth. The depth of a lot may not exceed a depth to width ratio of 2 1/2 to 1.
3. **Corner lots.** Corner lots in single family plats shall be provided with an extra fifteen (15) feet of width to permit the maintenance of the minimum front building setback lines on both the front and side street lines.
4. **Side lot lines.** Side property lines of lots shall generally be perpendicular or radial to street lines except where, in the opinion of the Planning Commission a better lotting plan can be achieved. Side and rear property lines should be straight. In plats specifically intended for mobile homes, side lot lines shall be as near to 30 degrees to the street as possible.
5. **Area.** The area, width and depth of lots shall be in accordance with the minimum Zoning Ordinance requirements for the district in which the Plat is proposed. For purposes of determining whether a lot meets the minimum requirement for lot area, only usable land area shall be considered. Wetlands and lake areas shall be excluded from the land area calculation. (Amended: Ord. No. 496, 5-20-96)
6. **Industrial and commercial lots.** No lot or parcel zoned industrial or commercial shall be platted unless such lot or parcel be sufficient in size as to provide sufficient area for off-street parking and loading in accordance with the provisions of this Subdivision Control Ordinance.
7. **Roadways or easements.** Roadways or easements for ingress and egress to adjacent land through or over platted lots is prohibited.
(Added: Ord. No. 452, 1-23-95)

SECTION 403. Blocks.

The size and shape of blocks shall be appropriate for the type of lots and land use proposed. Blocks shall be designed so as to permit good lot orientation, safe street design and economical use of the land.

1. **Maximum Length.** Maximum length of blocks, measured between intersecting street centerlines, shall not exceed 1,400 feet. This maximum may be exceeded where extreme topography conditions warrant or where lot sizes average over 20,000 square feet, except that in no case, however, may the maximum block length exceed 1,800 feet.
2. **Minimum length.** Minimum block length, measured as above, shall not be less than 500 feet.
3. **Width.** Width of blocks shall be equal to the total depth of two (2) tiers of lots and shall not be less than two hundred and forty (240) feet except where reverse frontage is required in Section 400(2).

4. **Non-residential blocks.** Blocks intended for purposes other than residential shall be especially designed for such purposes, shall have adequate provision for off-street parking and loading in accordance with the requirements of the Zoning Ordinance

SECTION 404. Pedestrianways.

1. **Crosswalks.** Right-of-way for pedestrian crosswalks in the middle blocks exceeding 1,000 feet in length shall be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas. The right-of-way shall be at least ten (10) feet wide and extend entirely through the block.
2. **Surfacing.** The walkway surface shall be five (5) feet in width, and constructed to meet County concrete sidewalk specifications. The balance of the easement shall be seeded or sodded to meet Township or County specifications.

SECTION 405. Use restrictions and flood plain.

1. **Restrictions.** Wherever property is subdivided with the intention that it shall have a use more restrictive than that designated in the Zoning Ordinance, such use shall be stated in an application for an amendment to the Zoning Ordinance or in a separate statement filed with the Planning Commission. Conformance with the objectives of the Comprehensive Development Plan shall be required so as to insure general uniformity of land uses within blocks and neighborhoods.
2. **Land subject to flooding.** Any areas within the proposed plat which are subject to flooding, inundation by storm water, or within the flood plain of a river, stream, creek or lake, or have inadequate drainage shall not be platted for any use so as to increase danger to life, health or property. If the Township Board determines that a flood problem does exist, then it shall reject all or part of the proposed plat lying within the flood plain or area subject to flooding. Areas of land lying within a flood plain shall require compliance with the Subdivision Control Act and review by the Michigan Department of Natural Resources. The proprietor may show by engineering site plans that a change in the topography will eliminate flooding and shall demonstrate that any planned topographical change will not aggravate the flood hazard beyond the limits of the plat.

**ARTICLE V
REQUIRED IMPROVEMENTS**

SECTION 501. Utilities and improvements.

The improvements set forth under this section are to be considered as the minimum acceptable standard. All those improvements for which standards are not specifically set forth shall be established by the Township Engineer or by the Township Board. All utilities except essential services, shall be placed underground.

The proprietor shall be required to deposit with the Township Clerk cash, certified check, or irrevocable bank letter of credit, whichever the proprietors select, or a corporate surety bond acceptable to the Township Board, in an amount sufficient to insure the construction of all improvements including sidewalks required on major thoroughfare and collector street rights-of-way. The amount of deposit shall be set by the Township Board based on an estimate by the Township Engineer. The deposit shall guarantee the completion of the required improvements within a period of time specified by the Township Board from the date of the approval of the final plat. The Township shall rebate to the proprietors as the work progresses, amounts of cash deposits equal to the ratio of work completed to the entire project. The proprietor shall place cash in escrow for the following: water main testing and chlorination, traffic name and traffic controls signs.

Prior to the acceptance by the Township of improvements, a three year maintenance bond in an amount equal to 35 per cent of the total cost shall be deposited by the proprietor.

(1) **Suggested location for utility structures:**

General Location on sixty-six foot right-of-way

(a) North and South Street

EAST SIDE:

Storm Sewer.....	15' to 23' from centerline
Water Main.....	25' from centerline

WEST SIDE:

Gas Main	19' from centerline
Sanitary Sewer.....	24' from centerline
Utility Poles	27' from centerline

(b) East and West Street

NORTH SIDE:

Storm Sewer	same as above
Utility Poles	same as above
Water Main.....	same as above

SOUTH SIDE:

Gas Main	same as above
Sanitary Sewer.....	same as above

(2) **Street pavement.** Street improvements shall be provided by the proprietor in accordance with standards and specifications of the County Road Commission and the following schedule:

(a) Street Type	Pavement Width
Major Thoroughfare	(measured curb back to curb back) in accordance with standards and specifications established by the Township Engineer
Collector Street	Thirty-six (36) feet
Industrial and Commercial Service Street	Thirty (30) feet
Local Single Family Street	Thirty (30) feet
Multiple Family Street	Thirty-six (36) feet
Marginal Access Street	Twenty-two (22) feet
Boulevard Street	Dual twenty-two (22) foot pavements separated by a twenty (20) foot island
Alleys	Twenty (20) feet
Cul-de-sac streets (outside radius)	
Industrial	Sixty-five (65) feet
Residential	Fifty (50) feet

(2) (A) **Storm drainage.** All streets shall have enclosed storm drainage sewers in accordance with standards and specifications prescribed by the Township Engineer. Where County drains are included in the proposed plat, a letter or document of approval shall be submitted by the proprietor from the Genesee County Drain Commissioner.

(3) **Sanitary sewerage system.** All new plats shall have a sanitary sewerage system which must meet standards and specifications prescribed by the Township Engineer, the Township Board of Health, and the Genesee County Drain Commissioner. A letter or document of approval from the latter-agencies must be submitted by the proprietor.

- (4) **Water system.** Each lot shall be serviced with an adequate water supply subject to the standards and specifications of the Township Engineer and the Genesee County Health Department.
- (5) **Curbs and gutters.** Roll or batter curbs shall be constructed on all streets shown on the plat in accordance with standards and specifications of the Township Engineer.
- (6) **Sidewalks.** Concrete sidewalks may be required to be constructed along those streets shown on the plat, including major thoroughfares, where the Planning Commission determines that sidewalks are required for the health, safety and welfare of the citizens of the Township. In determining whether sidewalks should be required on any specific street, the Planning commission shall consider the following factors:
 - (a) Proposed density of residential use in the proposed subdivision and surrounding residential areas.
 - (b) Proximity to schools, shopping centers and other public facilities that could generate pedestrian traffic.
 - (c) Potential for future residential development as shown on the Township Master Plan. In making its determination that sidewalks may be required on specified streets in a subdivision, the Planning commission shall specify whether sidewalks are required on one side or both sides of the streets. Sidewalks where required, shall be five (5) feet in width and shall be placed one (1) foot off the property line. Sidewalks shall be constructed in accordance with standards and specifications prescribed by the Planning Commission. Where the average lot width, as measured at the building setback line, is over one hundred and fifty (150) feet, no sidewalks shall be required.

(Amended by Ord. No. 430 5-17-93)
- (7) **Trees.** Street trees shall be planted between curb and sidewalk in accordance with the following schedule for all residential lots:
 - (a) Lots with street frontage of sixty-five (65) feet or less shall have a minimum of one (1) tree.
 - (b) Lots with street frontage of sixty-five (65) feet or more, and less than one hundred twenty (120) feet shall have a minimum of two (2) trees.
 - (c) Lots with street frontage of one hundred twenty (120) or more shall have a minimum of three (3) trees.
 - (d) Minimum tree size shall be three (3) to four (4) inches caliper as measured six (6) inches above crown.
 - (e) The selection of variety spacing and planting of all trees shall be done in accordance with standards and specifications of the Township of Fenton or County Road Commission.
- (8) **Street signs.** For the proper identification of streets, the subdivider shall provide and erect street signs at all intersections meeting the standards of the Township of Fenton.
- (9) **Street lighting.** Street lights shall be required at intersections throughout the subdivision. In these cases, a subdivider shall conform to the requirements of the Township and public utility providing such lighting.

SECTION 502. Completion and acceptance for maintenance.

- (1) **Certification by the developer's engineer.** The proprietor's engineer shall furnish the County Road Commission a letter or document indicating satisfactory completion of the required improvements.
- (2) **Inspection by the proprietor's engineer and the Township Engineer.** After the completion of the construction of the streets and other related facilities, the Township Engineer will conduct a final inspection. This inspection shall be made in conjunction

with the proprietor's Engineer to assure the Subdivision is completed according to the approved plans and specifications.

- (3) **Partial acceptance.** In no case will a partial acceptance of any street in the Subdivision be made for maintenance.

**ARTICLE VI
VARIANCES**

SECTION 600. Variances in general.

The Township Planning Commission may recommend to the Township Board a variance from the provisions of this Ordinance on a finding that application of such provision of requirement is impracticable. The Planning Commission shall only recommend variances that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Planning Commission shall take into account the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the Planning Commission finds after a public hearing:

- (1) That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this Ordinance would clearly be impracticable or unreasonable. In such cases the subdivider shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the Planning Commission.
- (2) That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- (3) That such variance will not violate the provisions of the State Subdivision Control Act.
- (4) The Planning Commission shall include its findings and the specific reasons therefor in its report of recommendations to the Township Board and shall also record its reasons and actions in its minutes.
- (5) That such variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Comprehensive Development Plan.

**ARTICLE VII
FEES**

Engineering fees, inspection fees, water connection charges and other applicable development charges may be provided for by resolution of the Township Board. The proprietor shall pay all applicable filing fees as established by the Township Board. When the Final plat is submitted to the Township Clerk, a filing and recording fee of \$20.00 shall be deposited as provided in Section 241 of Act 288, Public Acts, 1967. All plats hereafter submitted to the Township shall not be reviewed or acted upon unless the following fees accompany the proposed plat:

- (1) Upon original submission of Preliminary Plat for tentative approval, the total sum of \$5.00 times the number of lots contained in the proposed subdivision, but not less than a minimum of \$100.00.
- (2) Upon submission of Preliminary Plat for final approval, the total sum of \$5.00 times the number of lots contained in the proposed subdivisions, but not less than a minimum of \$100.00.
- (3) Upon submission of the Final Plat for preliminary review by the Township Clerk prior to submission to the Township Board for final approval, the total sum of \$5.00 times

the number of lots contained in the proposed subdivision but not less than a minimum of \$100.00 plus:

- (a) \$50.00 for title examination of the abstract unless the proprietor submits a fee title insurance policy or lawyer's title opinion in which event the sum of \$25.00 for review of the title policy or lawyer's title opinion and \$100.00 for review of public water supply plans and \$100.00 for review of public sanitary sewer system, or the direct cost incurred by the Township over the \$100.00 minimum.
- (b) \$75.00 for preparation by the Township of each of the following documents if required by the Michigan Subdivision Control Act, provided that if the documents shall be prepared and submitted by the proprietor and shall not require any revision, then the sum of \$25.00 for review of each of the following documents:
 1. Deposit agreement for guaranteed placement of subdivision monuments if monuments are not placed by the proprietor at time of submission of final plat.
 2. Deposit agreement for guaranteed installation of Township roads, streets, alleys, bridges and culverts if some are not completed at time of submission of final plat. (This does not apply to county roads or state highway improvements.)
 3. Deposit agreement for guaranteed construction of lagoons, water- ways, etc., where subdivision includes such and if not completed and in place at time of submission of Final Plat.
 4. Deposit agreement for restrictive covenants to prevent building in floodplain area if subdivision includes such.
 5. Subdivision common use area documents if subdivision includes such. (Sec. 258 of Plat Act.)

**ARTICLE VIII
LOT SPLITTING**

1. **Submittal and review.** Any person desiring a lot split within a platted area shall submit to the Township Assessor written application for lot splitting, and five (5) copies of the lot split. In addition he shall deposit the necessary fees as provided in Article VI of this Ordinance.
2. **Duties of Township Assessor.** The Township Assessor shall review the proposed lot split to determine its compliance with the applicable Township Ordinances, and with Act 288, Public Acts, 1967. If the resultant split is in conformance with these conditions, the Township Assessor shall have the authority to authorize the requested lot splits.
3. **Taxes.** No lot shall be split until all taxes and special assessments have been paid. A receipt of payment must be submitted with the proposed lot split plan.

**ARTICLE IX
PENALTY**

Any person who shall violate any of the provisions of these regulations, whether such person be the owner or agent of the owner of the property shall be fined not to exceed the sum of one hundred (\$100.00) dollars, and the cost of the prosecution or by imprisonment for not more than ninety (90) days, or both, at the discretion of the court. Each day such violation shall exist shall constitute a separate offense. Furthermore, all persons shall be subject to the penalties set forth in Section 264 of the Subdivision Control Act of 1967, Act No. 288, P.A. 1967.

**ARTICLE X
VALIDITY**

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

**ARTICLE XI
EFFECTIVE DATE**

This ordinance shall be effective immediately upon its publication. Made and passed by the Township Board of the Township of Fenton, this 10th day of December, 1969.

**LAND DIVISION
Ordinance No. 516
Adopted: October 6, 1997**

An ordinance to regulate partitioning or division of parcels or tracts of land in the Charter Township of Fenton, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

THE CHARTER TOWNSHIP OF FENTON, COUNTY OF GENESEE, STATE OF MICHIGAN ORDAINS:

SECTION 1. Title.

This ordinance shall be known and cited as the Charter Township of Fenton Land Division Ordinance.

SECTION 2. Purpose.

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

SECTION 3. Definitions.

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

- A. **Applicant.** a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land, whether recorded or not.
- B. **Divide or Division.** the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act.
- C. **Exempt Split or Exempt Division.** the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.
- D. **Forty acres or the equivalent.** either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- E. **Township.** the Charter Township of Fenton.
- F. **Township Board.** the township board of the Charter Township of Fenton.

SECTION 4. Prior Approval Requirement For Land Divisions.

Land in the township shall not be divided without the prior review and approval of the Township Assessor in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Township's Subdivision Control Ordinance and the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the Township's Subdivision Control Ordinance and the State Land Division Act.
- C. An exempt split as defined in this Ordinance.

SECTION 5. Application For Land Division Approval.

An applicant shall file all of the following with the Township Assessor or other official designated by the Township Board for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be provided by the Township.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public or private roads and/or proposed public roads.
- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- F. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- G. All divisions shall result in parcels sufficient to comply with the minimum area and width requirements of the Fenton Township Zoning Ordinance, (Ordinance 186, Article XVII). Declared agricultural land and land for forestry use shall not be subject to the foregoing as "development sites" as provided in Section 102 of the State Land Division Act.
- H. The fee, as may from time to time be established by resolution of the Township Board, to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

SECTION 6. Procedure For Review Of Applications For Land Division Approval.

- A. The Township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to the requirements of this Ordinance and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- B. Any person or entity aggrieved by the decision of the Township Assessor or designee may, within 30 days of said decision, appeal the decision to the Township Board which shall consider and resolve such appeal by a majority vote of said Board

at its next regular meeting affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

- C. The Township Assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

SECTION 7. Standards For Approval Of Land Divisions.

A proposed land division shall be approved if the following criteria are met:

- A. All the parcels to be created by the proposed land division(s) fully comply with the minimum area and width requirements of the Fenton Township Zoning Ordinance, (Ordinance 594, Article 3), or have received a variance from such requirement(s) from the Fenton Township Zoning Board of Appeals.
- B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
- C. All parcels created and remaining have adequate frontage on an existing public road or existing private road for public utilities and emergency and other vehicles not less than the requirements of the Fenton Township Zoning Ordinance and this Ordinance,
or

All parcels created and remaining have adequate frontage on a proposed new dedicated public road for public utilities and emergency and other vehicles not less than the requirements of the Genesee County Road Commission, the Fenton Township Zoning Ordinance and this Ordinance.

- 1. Where accessibility is to be provided by a proposed new dedicated public road, proof that the Genesee County Road Commission or Michigan Department of Transportation has approved the proposed layout and construction design of the road and of utility easements and drainage facilities connected therewith.
- D. The ratio of depth to width of any parcel created by the division does not exceed a five to one ratio, or a variance has been granted by the Fenton Township Board to allow a ratio exceeding five to one. The ratio does not apply to the remainder of the parent parcel. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The width shall be "Lot Width" as defined in the Fenton Township Zoning Ordinance.

(Amended: Ord. No. 600, 12-16-02)

SECTION 8. Allowance For Approval Of Other Land Divisions.

Notwithstanding disqualification from approval pursuant to this ordinance, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of the Fenton Township Zoning Ordinance or this Ordinance may be approved in the following circumstances:

- A. Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not

result in either parcel violating the Fenton Township Zoning Ordinance, this Ordinance, or the State Land Division Act.

SECTION 9. Consequences Of Noncompliance With Land Division Approval Requirement.

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance.

An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

SECTION 10. Severability.

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION 11. Repeal.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed; however this Ordinance shall not be construed to repeal any provision in the Fenton Township Zoning Ordinance, the Fenton Township Subdivision Control Ordinance, or the Fenton Township Building Code or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

SECTION 12. Effective Date.

This ordinance shall be published as required by law and shall take effect upon publication following its adoption.

Enacted at a regular meeting of the Fenton Township Board held on the 6th day of October, 1997.

**LOT PARTITION
Ordinance No. 688
Adopted: August 20, 2007**

An ordinance to regulate partition of lots in platted subdivisions; to establish a procedure for reviewing and acting upon lot splitting requests; to establish administrative fees for consideration of lot splitting applications; to establish penalties for the violation of the ordinance; and to repeal Ordinance No. 475.

THE CHARTER TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN
ORDAINS:

SECTION 1. Conformity with ordinance provisions.

No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the provisions of this Ordinance.

SECTION 2. Approval, disapproval; Planning Commission and ZBA.

- (a) The Fenton Township Planning Commission, after consideration of the recommendations of the advisory authorities hereafter identified, may approve or disapprove any proposed partition. The Township Planning Commission shall approve, approve with conditions or deny each application. The Planning Commission may also approve or deny an application as it may be modified by the applicant.
- (b) In the case where a proposed lot partition does not meet the requirements of the Township Zoning Ordinance and will require a variance prior to approval, the request shall be referred to the Township Zoning Board of Appeals (ZBA) which will have the power to approve the lot partition as well as the variance.

(Amended: Ord. 764, 5-5-14)

SECTION 3. Division limit.

No lot, outlot or other parcel of land in a recorded plat shall be divided into more than four (4) parts.

SECTION 4. Application procedure.

The following procedure shall be followed by a party making application to partition a lot, outlot or other parcel of land in a plat:

- (a) Ten (10) copies of an application for the proposed partition shall be submitted to the Township Clerk at least 30 days prior to any meeting of the Fenton Township Planning Commission or ZBA as applicable which may be required. Application shall be on a form provided by the Township Clerk.
- (b) The application shall be accompanied by a sealed drawing of the proposed partition prepared by a registered civil engineer or registered surveyor. The drawing shall contain the information relating to the physical characteristics of the land and surrounding areas including driveways, fences, septic systems and wells on the subject property and all buildings on the property and within 100' of the subject parcel; the adjacent rights-of-way and public utilities; the existing plat lot lines and zoning classifications; and such other pertinent information as the Planning Commission or ZBA shall from time to time request.

(Amended: Ord. 764, 5-5-14)

SECTION 5. Fees.

An application for a partition shall be accompanied by a fee, the amount of which shall be established from time to time by the Fenton Township Board by resolution.

SECTION 6. Notarized consent from deed holder.

Each applicant who is not the deed holder of record of the parcel of land to be partitioned shall submit with the application a notarized statement signed by each deed holder of record, giving consent to the proposed partition.

SECTION 7. Referral to other commissions, agencies.

Applications proposing partitions shall be referred by the Township Planning Commission or ZBA, (if deemed necessary, because of the particular circumstances of the land or surrounding land), to the Genesee County Road Commission, the Genesee County Drain Commissioner, and to the Genesee County Health Department.

(Amended: Ord. 764, 5-5-14)

SECTION 8. Review by Planning Commission or ZBA.

The Township Planning Commission or ZBA shall review all proposed partitions referred to them and determine if all proposed sites will comply with the Fenton Township Zoning Ordinances and all applicable administrative rules and regulations.

(Amended: Ord. 764, 5-5-14)

SECTION 9. Notification; published notice.

The Township Clerk shall notify all residents and property owners of the Township Planning Commission or ZBA public hearing on the application for partition. The notice will comply with the requirements for notices for Special Use Permits outlined in Section 9.05 of the Township Zoning Ordinance.

(Amended: Ord. 764, 5-5-14)

SECTION 10. Standards for Approval

In considering the approval of a proposed lot partition, the Planning Commission or ZBA shall base the decision on the following standards: The proposed lots shall comply with the township zoning ordinance requirements for lots including density of dwelling units, minimum lot size standards, unless granted a variance by the ZBA, and must be able to meet all of the setback requirements of the ordinance.

- (a) A platted lot may be split into two non-conforming parcels for the purpose of adding to adjacent tax parcels.
- (b) The proposed lots shall be accessible as determined by the Genesee County Road Commission when the lot is adjacent to a public road, or by the Planning Commission when adjacent to a private road.
- (c) The proposed partition shall not have a negative drainage impact on adjacent properties.
- (d) The proposed partition shall not exceed the capacity of public infrastructure to service the area.
- (e) The proposed partition shall be consistent with the public health, safety and welfare of the community.
- (f) A platted lot may not be divided into more than four (4) parts, per the Land Division Act.
- (g) In the case of requests that require a variance from the ZBA, the ZBA shall apply the standards for approval of a variance contained in the Township Zoning Ordinance.

(Amended: Ord. 764, 5-5-14)

SECTION 11. Time Limit on Approval.

Following approval of a lot split, the applicant must record the division with the County Register of Deeds and apply to the Township Assessor for separate tax ID numbers for each parcel where the lot partition resulted in new tax parcels. Failure to do so within one year of lot split approval shall result in expiration of the approval.

SECTION 12. Severability.

This ordinance and its various sections, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

SECTION 13. Conflicting Ordinances.

All ordinances and provisions of ordinances of the Charter Township of Fenton in conflict herewith, including Ordinance No. 475, are hereby repealed.

SECTION 14. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

SECTION 15. Publication; effective date.

This ordinance shall be published by the Township Clerk as required by law and shall take effect 30 days after publication.

Enacted at a regular meeting of the Fenton Township Board held on the 20th day of August 2007.

FENTON TOWNSHIP PLANNING COMMISSION

Ordinance No. 737

Adopted: June 20, 2011

An ordinance to establish a Planning Commission under the authority of PA 33 of 2008, The Michigan Planning Enabling Act

THE CHARTER TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

ARTICLE I. That there is hereby constituted a planning commission to be known as the "Fenton Township Planning Commission", said Commission to have all powers and duties as provided in Act 33 of the Public Acts of 2008 as amended.

ARTICLE II. The Fenton Township Planning Commission shall consist of seven (7) members. The members shall be appointed by the Supervisor with the approval of the Fenton Township Board. The membership of the Planning Commission shall be representative of important segments of the township, such as the economic, governmental, educational, and social development of the community, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable. One (1) member of the Planning Commission may be a non-elect. One (1) member of the Township Board shall be appointed to the Planning Commission, as an ex officio member.

ARTICLE III. The Supervisor shall fill any vacancy in the membership of the Planning Commission for the unexpired term with the approval of a majority of the members of the Fenton Township Board. A member shall hold office until his or her successor is appointed.

ARTICLE IV. The term of the members of the Planning Commission shall be three (3) years commencing from the date of appointment, except for the Township Board representative, whose term shall be their term as Township Board member. The members of the Fenton Township Planning Commission existing at the enactment of this ordinance are hereby re-appointed for the balance of their existing terms.

ARTICLE V. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure of a member to disclose a potential conflict of interest as required by Section 17 (9) of the Michigan Planning Enabling Act constitutes malfeasance in office. For the purpose of this ordinance, conflict of interest shall be defined based on the applicable provisions of the bylaws adopted by the Planning Commission.

ARTICLE VI. The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

ARTICLE VII. The Township Board may employ a planning director and other personnel as it considers necessary, contract for the services of planning and other technicians, and incur other expenses, within a budget authorized by it.

ARTICLE VIII. Members of a planning commission may be compensated for their services as provided by the Township Board.

ARTICLE IX. After preparing the annual report required under Article VI, the Planning Commission may prepare a detailed budget and submit the budget to Township Board for approval or disapproval. The Township Board annually may appropriate funds for carrying out the purposes and functions permitted under this act, and may match local government funds with federal, state, county, or other local government or private grants, contributions, or endowments.

ARTICLE X. This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

ARTICLE XI. This ordinance supersedes the resolution previously adopted by the Township Board establishing the Planning Commission under the authority of PA 168 of 1959 as amended, the Township Planning Act.

ARTICLE XII. This Ordinance shall be published as required by law and shall take effect immediately after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 20th day of June 2011.