

CHARTER TOWNSHIP OF HAMPTON ORDINANCE NO. 27A

FIRST AMENDMENT TO THE SUBDIVISION ORDINANCE,  
BEING ORDINANCE NO. 27

An Ordinance to amend the Subdivision Ordinance to regulate the subdivision of land in the Charter Township of Hampton; to promote the public health, safety, and general welfare; to require and regulate the preparation and presentation of pre-preliminary, preliminary, and final plats; to establish minimum subdivision requirements; to require minimum improvements to be made or guaranteed by the subdivider; to provide a procedure to be followed by the Hampton Township Board and Hampton Township Planning Commission in the application of the terms and provisions of this Ordinance; and to prescribe penalties for the violation of this Ordinance.

NOW, THEREFORE, THE CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY, MICHIGAN, ORDAINS:

That Ordinance No. 27 of the Charter Township of Hampton, being the Charter Township of Hampton's Subdivision Ordinance, be amended as follows:

SECTION A

ARTICLE III is amended to read as follows:

ARTICLE III

PLATTING PROCEDURE AND DATA REQUIRED

It is the responsibility of the subdivider to be familiar with the applicable provisions of the various Township ordinances; the Michigan Subdivision Control Act of 1967, as amended; ordinances and policies of the Bay County Road Commission, Bay County Drain Commission, Bay County Health Department and all other agencies that may have jurisdiction regarding the Subdividing of land in Hampton Charter Township.

Section 3.1 - Pre-Preliminary Plat (Optional)

While not required, a pre-preliminary plat may be submitted and a pre-application conference may be requested by the subdivider to provide guidelines for the subdivider concerning development policies of the Township, to acquaint the subdivider with the platting procedures and requirements of the Township Board and Planning Commission and to provide the Planning Commission and other affected agencies with general information concerning the proposed development. Acceptance of the pre-preliminary plat does not constitute or assure acceptance of the preliminary plat.

1) Requirements

If a pre-preliminary plat is submitted, it shall be drawn to a scale of not more than one hundred (100) feet to one (1) inch and shall contain at least the following data:

- a) All contiguous holdings of the subdivider with an indication of the portion subdivided if not the entire parcel.
- b) General layout of streets, blocks and lots in sketch form.
- c) Existing conditions and characteristics of the land on and adjacent to the site such as significant topographical and physical features.
- d) Any general area set aside for parks and/or other community facilities.
- e) Name of proposed plat, north point, scale and date.
- f) Current proof of ownership of land to be platted or evidence of a contractual ability to acquire such land such as an option or purchase contract.

2) Procedures

The following procedure will be followed in the review of any pre-preliminary plat that is submitted.

- a) The subdivider shall submit two (2) copies of the pre-preliminary plat to the Township Clerk at least ten (10) days before the first meeting of the Planning Commission at which time the pre-preliminary plat is to be considered.
- b) The Township Clerk shall promptly transmit all copies of the pre-preliminary plat to the Planning Commission
- c) The Planning Commission shall review the pre-preliminary plat with the subdivider or his agent. In the event that the Planning Commission shall reasonably determine that other public agencies are affected, the Planning Commission may recommend that copies of the pre-preliminary plat be submitted by the subdivider to such other affected agencies for review.
- d) The Planning Commission shall inform the subdivider or his agent of the Township's development policies

and make appropriate comments and suggestions concerning the proposed development scheme.

- e) The Planning Commission shall inform the Township Board and the subdivider in writing of the results of its review of the pre-preliminary plat.

### Section 3.2 - Preliminary Plat for Tentative Approval

A preliminary plat for tentative approval shall be prepared by the subdivider in accordance with the following requirements and the Subdivision Control Act.

#### 1) Requirements

- a) The preliminary plat shall include all of the contiguous land owned by the subdivider that is proposed for eventual development even though only a portion of the total land may be initially developed.
- b) The preliminary plat shall be drawn to a scale of not more than one hundred (100) feet to one (1) inch.
- c) The following shall be clearly shown on the plat or an attachment thereto:
  - (1) The proposed name of the subdivision.
  - (2) The location of the subdivision by section, town and range or by other legal description.
  - (3) The scale, north point & date of the proposed plat.
  - (4) The names, addresses and telephone numbers of the subdivider, and the surveyor who prepared the proposed plat.
  - (5) The seal of the surveyor who prepared the plat.
  - (6) An overall area map showing the relationship of the subdivision to surrounding areas within one-quarter mile. Information on the area map shall include section lines, streets and abutting subdivisions. The minimum acceptable scale for such map is eight hundred feet to one inch.

- (7) Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for subdividing, including those located across abutting roads.
- (8) The location, widths and names of existing or prior platted streets and public and private easements within or adjacent to the tract being proposed for subdividing, including those located across abutting roads.
- (9) The topography drawn as contours with an interval of not more than two feet.
- (10) Significant natural and man-made features which could influence the layout and design of the subdivision.
- (11) The layout of streets indicating proposed street names, right-of-way widths and connections with adjoining streets.
- (12) The layout, numbers and dimensions of lots including building setback lines and showing approximate dimensions.
- (13) Statement of intended use of the proposed plat, such as: residential single-family, two-family and multiple housing.
- (14) An 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.
- (15) An indication of the ownership and the existing and proposed use of any parcel identified as "excepted" on the preliminary plat. If the proprietor has an interest in or owns any parcel so identified as "excepted", the preliminary plat shall indicate how this property can be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.
- (16) The location of all proposed connections to the existing public sanitary sewerage system or a statement of the alternate method meeting

the requirements of the Michigan Department of Natural Resources.

- (17) The location of all proposed connections to the existing public water distribution system or a statement of an alternate method meeting the requirements of the Michigan Health Department.
- (18) An indication of the storm drainage method, any areas proposed for retention or detention and the location of any existing storm drain proposed to be used.
- (19) Any variance from the provisions of these subdivision regulations must be requested in writing upon the submission of a preliminary plat for tentative approval and, further, must be acted upon prior to tentative preliminary plat approval. A request for a variance is considered to be required data, and the failure to timely request a variance will be treated as a failure to supply required data as set forth below in Section 3.2(2)(b).

2) Tentative Preliminary Plat Approval Procedure

- a) The subdivider shall submit to the Township Clerk six (6) copies of the preliminary plat together with a fee in accordance with the schedule adopted by the Township Board at least fourteen (14) days before the first meeting of the Planning Commission at which the preliminary plat is to be considered.

In addition, the subdivider shall submit copies of the preliminary plat, as necessary, to the authorities provided in Sections 112 to 119 of the Subdivision Control Act. Approval by these authorities, however, is not required for tentative preliminary plat approval.

- b) If any of the required data is omitted, the Township shall notify the subdivider, in writing, of the additional data required. Said notification shall also constitute a rejection of the tentative preliminary plat for failure to provide all required data. However, the subdivider may supply the required data within sixty days of the date of written notification that required data had been omitted without the need to pay an additional fee for tentative preliminary plat approval, and the Commission shall delay any action until the

required data is received. Additionally, the subdivider must agree, as a condition of supplying the additional required data without payment of additional fee, that the date of filing, for purposes of computation of time deadlines, shall be the date when all required data is received.

- c) The Township Clerk shall transmit all copies of the preliminary plat to the Planning Commission.
- d) The Township Clerk shall send a notice to the subdivider and to all persons to whom any real property within 300 feet of the premises in question is assessed. The notice shall be made at least five (5) days prior to the Planning Commission meeting at which time the preliminary plat will be considered and shall state the time, place, date and purpose of the hearing. Said notice may be personally delivered or sent by mail. A list of all persons notified shall be filed with the Planning Commission prior to the hearing.
- e) The Planning Commission shall review the preliminary plat and give its report and recommendation to the Township Board not more than sixty (60) days after submission of the plat. This sixty (60) day period may be extended by a written agreement between the subdivider and the Planning Commission, which shall also similarly extend the ninety (90) day requirement of action by the Township Board as set forth in Section 112 of the Michigan Subdivision Control Act of 1967, as amended. Any such written agreement shall contain a specific delineation of time period in which the Township must act to either tentatively approve or disapprove the plat. A copy of any agreement reached by the Planning Commission and the subdivider with respect to any extension of time shall be transmitted to the Township Clerk. If no action is taken within sixty (60) days by the Planning Commission, then the preliminary plat shall be deemed to have been recommended for approval by the Planning Commission.

- (1) If the preliminary plat does not meet all requirements, the Planning Commission shall notify the subdivider by letter indicating any additional information or changes required, and shall, further, simultaneously recommend rejection of the tentative approval of the preliminary plat to the Township Board unless

the Planning Commission and subdivider agree, pursuant to the procedure set forth above, to extend the time for action to enable the subdivider to correct any defects identified in the letter.

- (2) If the preliminary plat does meet all requirements, the Planning Commission shall so inform the subdivider by letter and recommend approval by the Township Board.
- f) The Township Board, within ninety (90) days from the date of filing (unless the time period for approval has been extended pursuant to Section 3.2 (2) (e), shall tentatively approve and note its approval on the copy of the preliminary plat to be returned to the subdivider or set forth in writing its reasons for rejection and the requirements that must be met for tentative approval.
- (1) The Township Board shall not review, approve or reject a preliminary plat until it has received a report and recommendation from the Planning Commission, provided, however, that the Township Board can act without a report and recommendation from the Planning Commission if the Planning Commission does not issue such a report and recommendation within sixty (60) days or within such extended time period as may be agreed upon between the subdivider and the Planning Commission.
  - (2) Tentative approval shall confer upon the subdivider approval of lot sizes, lot orientation, and street layout for a period of one (1) year from the date of tentative approval. Such tentative approval may be extended if applied for by the subdivider and granted by the Township Board in writing.

### Section 3.3 - Preliminary Plat for Final Approval

A preliminary plat for final approval including detailed plans for all improvements shall be prepared by the subdivider in accordance with the following requirements and the Subdivision Control Act.

#### 1) Requirements

- a) The preliminary plat submitted for final approval shall conform substantially to the preliminary plat as tentatively approved and shall include all

information required for tentative approval. It may constitute only that portion of the tentatively approved preliminary plat which the subdivider proposes to record and develop at the time. However, such portion shall conform to these subdivision regulations. Any portion of the preliminary plat not submitted for final approval shall not create any vested right in the developer or subdivider that those other phases will be given final preliminary plat approval unless they are submitted for preliminary plat final approval within the one-year time period as prescribed in Section 3.2(2)(f)(2).

- b) The subdivider shall provide proof of approval of plats from each of the necessary authorities required for approval in Sections 112 through 119 of the Subdivision Control Act, as amended.
- c) The subdivider shall provide detailed working drawings and calculations in accordance with Township standards and the standards of other agencies having jurisdiction, showing plans for grading, drainage structures, all proposed utilities (including a street lighting plan), road construction plans (including traffic control devices) for roads within the plat and soil erosion and sedimentation measures.
- d) For projects or subdivisions having more than one sheet of plans, a general plan having a scale not more than one hundred (100) feet to one (1) inch shall be provided showing the overall project or subdivision and indicating the location of all improvements shown in the detailed plans. Street names, street and easement width, lot lines, lot dimensions and lot numbers shall be shown on all plans. Superimposed on this general plan shall be two (2) foot contours of the area and the area outside the boundaries of the proposed subdivision to the extent necessary to demonstrate that the drainage patterns of adjacent properties will not be adversely affected. Detailed plan sheets showing all improvements should be prepared at one (1) inch to equal forty (40) feet.
- e) All proposed sanitary sewers, storm sewers and watermains shall be shown in plan and profile. Profiles shall indicate the size, class of pipe, invert and slope and shall indicate the existing ground along the route and the proposed easement grade, or existing or proposed top of curb or



centerline of pavement grades. The location of compacted granular backfill required shall be indicated on the profile together with other intersecting, existing or proposed utilities.

- f) Elevations shall be based on United States Geological Survey data. There shall be at least two bench marks established within the site, and at least two bench marks shall be shown on each plan sheet.
- g) Finished grades and elevations of utility structures shall be indicated on the plan or profiled for all utilities.
- h) When working drawings are submitted to the Township for approval they shall include all proposed construction within the development. All required improvements shall be shown to the boundaries of the subdivision unless otherwise approved by the Township Engineer. A complete plan shall generally include sanitary sewers, watermains, storm sewers and paving.
- i) When the complete set of plans have been approved by all agencies having jurisdiction, the plans shall be provided to and approved by the Township before construction may begin. The plans submitted to the Township shall be sealed by a Professional Engineer.
- j) A site report as described in the rules of the State Department of Public Health, as amended, shall be submitted if the proposed subdivision will not be served by public sewer and water systems. The preliminary plat shall show the location and depth of soil borings and the location of percolation test holes if the proposed subdivision will not be served by public sewer and water systems.

2) Final Preliminary Plat Approval Procedure

- a) The subdivider shall submit to the Township Clerk six (6) copies of the preliminary plat, four (4) sets of detailed engineering working drawings, proof of approval from each of the necessary authorities required for approval in Sections 112 to 119 of the Subdivision Control Act together with a fee in accordance with the schedule adopted by the Township Board.

- b) The Township Clerk shall transmit copies of the preliminary plat and working drawings to the Township Board, Engineer, Fire Chief and Department of Public Works, and copies of the preliminary plat to the Planner and Attorney.
- c) The detailed working drawings and calculations shall be reviewed by the Township Engineer, the Township Fire Chief and the Township Department of Public Works for compliance with the Subdivision Control Act and Township codes, ordinances and standards and each reviewer shall transmit any comments and recommendations in writing to the Township Board.
- d) The preliminary plat shall be reviewed by the Township Planner and Township Attorney for compliance with the previous tentative approval, the zoning ordinance and these subdivision regulations and they shall transmit any comments and recommendations in writing to the Township Board.
- e) The Township Board shall consider and review the preliminary plat and any comments submitted by the Township Engineer, Planner, Attorney, Fire Chief and Department of Public Works at its next meeting or within twenty (20) days from the date of submission of all required materials prescribed in Section 3.3,1). The Township Board shall approve the preliminary plat if the subdivider has met all conditions laid down for approval of the preliminary plat. The Township Clerk shall promptly notify the subdivider of approval or rejection in writing and, if rejected, shall give the reasons.
  - (1) Approval of a preliminary plat shall not constitute approval of the final plat, but rather that final plat approval shall be conditioned on all requirements being met.
  - (2) Final approval of the preliminary plat by the Township Board shall confer upon the proprietor for a period of two (2) years from the date of approval, the conditional right that the general terms and conditions under which final preliminary plat approval was granted will not be changed. The Township Board may extend the two (2) year period if applied for by the subdivider and granted in writing, but only concerning the Township's

own requirements. Written notice of such an extension shall be sent by the Township Clerk to the other approving authorities.

- e) No installation or construction of any improvement shall be made before the Township Board grants Final Preliminary Plat approval and approves the final engineering plans prescribed in Section 3.3.1)i) and all necessary construction permits are obtained from all other regulatory agencies.

#### Section 3.4 - Final Plats

##### 1) Requirements

The subdivider shall submit the following:

- a) A final plat prepared as provided in the Subdivision Control Act ( Sections 131 to 151).
- b) A written request for approval and the recording fee shall accompany all final plats.
- c) Proof of ownership of the land included in the final plat in the form of an abstract of title certified to a date on or after the proprietor's certificate, or a policy of title insurance currently in force.
- d) One (1) mylar copy and three (3) sets of paper prints of approved as built construction plans for streets, water, sewer, storm drainage, sidewalks and other required public improvements. If the construction of any improvements are being guaranteed in accordance with the provisions of Section 5.6 the mylar copy of as built plans need not be submitted until the construction of all improvements have been completed and approved by the Township.
- e) One (1) copy of the final deed restrictions or restrictive covenants, if any.
- f) Deeds to any properties to be dedicated to the Township.
- g) Performance or installation agreements for any improvements not controlled or regulated by other agencies, such as watermains, sidewalks or street lights.

- h) One (1) copy of any financing arrangements between the Township and the proprietor for the installation of required improvements.
- i) Such other information as the Township shall deem to be reasonably necessary to establish whether the proper parties have signed the plat.

2) Final Plat Approval Procedure

- a) The subdivider shall submit the final plat with construction plans and other data, where required, to the Township Clerk.
- b) The Township Clerk shall promptly transmit all copies of the plat and supporting documents to the Township Board and shall transmit one (1) set of construction plans to the Township Engineer.
- c) The Township Engineer shall be responsible for the final inspection of all constructed improvements identified in the final plat and shall certify to the Township Board that all proposed improvements have either been constructed in accordance with approved plans or have been guaranteed in accordance with the provisions of Section 5.6.
- d) The Township Board shall review the final plat and the report from the Township Engineer at its next regular meeting, or at a meeting to be called within twenty (20) days of submission of the final plat.
  - (1) The Township Board shall either approve or disapprove the plat. If disapproved, the Township Board shall transmit to the subdivider its reasons in writing.
  - (2) If the plat is approved, the Township Board shall instruct the Clerk to sign the municipal certificate on the approved plat on behalf of the Township Board showing the date approved on the plat and instruct the Clerk to record all proceedings in the minutes of the meeting.
  - (3) Recording of the final plat shall have the effect of an irrevocable offer to dedicate all streets and other public ways, all park areas, school sites, and other such areas to the public use unless a notation is placed in the plat by the subdivider stating there is no

such offer of dedication of certain areas or ways.

- (4) Recording of the plat, however, shall not impose any duty upon the Township, County or other governmental unit concerning improvement or maintenance of any such dedicated or reserved area until the proper authorities have agreed to accept the same by legal action.

Section 4.1,4) Stub Streets is amended to read as follows:

4) Stub Streets

Subject to the requirements of Section 4.7, paragraph 2) b), hereafter, where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas and shall terminate with an adequate temporary cul-de-sac as required in Section 4.1,8).

Section 4.1,8) is amended to read as follows:

8) Cul-de-sac Streets

Temporary cul-de-sacs shall be provided at the termini of streets where a future extension is planned. Temporary cul-de-sacs need not be a part of the dedicated right-of-way; however, easements shall be furnished in a manner acceptable to the Bay County Road Commission for this purpose. Such easement to be released at such time as the road is extended.

Cul-de-sacs shall not normally be more than six hundred (600) feet in length and shall be designed in accordance with the requirements of the Bay County Road Commission. The Planning Commission, however, can allow longer cul-de-sacs in instances where it is deemed necessary for the wise, practical, and efficient development of the subdivision, taking into consideration the particular circumstances of the property to be subdivided. In granting a longer cul-de-sac, the Planning Commission shall insure that the cul-de-sac provides for safe and efficient traffic circulation, including the movement of emergency and utility vehicles and, further, that all utilities can properly serve the extended cul-de-sac.

Section 4.1,11) is amended to read as follows:

11) Street Rights-of-Way & Roadway Widths

Street and road rights-of-way and roadway widths shall conform to the rules of the County Road Commission and the Michigan Department of Highways, as applicable.

Section 4.1,13) is amended to read as follows:

13) Street Alignment

a) Horizontal Alignment

When street lines deflect from each other by more than ten (10) degrees in alignment, the centerlines shall be connected by a curve with a minimum radius of five hundred (500) feet for arterial streets and three hundred (300) feet for collector streets.

Section 4.5--Blocks--is amended to read as follows:

1) Arrangements (remains the same)

Section 4.5,2) is amended to read as follows:

2) Minimum Length

Blocks shall not normally be less than five hundred (500) feet long from center of street to center of street.

Section 4.5,3) is amended to read as follows:

3) Maximum Length

The maximum length normally allowed for residential blocks shall be one thousand (1000) feet from center of street to center of street.

However, the Planning Commission may vary the minimum length and maximum length of a block in instances where it is determined necessary for the wise, practical, and safe development of the property to be subdivided, taking into consideration the character of the land to be divided. The Planning Commission shall take into consideration, in granting a block less than the recommended minimum or more than the recommended maximum, all criteria and conditions set forth in Section 4.1,8) to insure that the health, safety, and welfare of ultimate purchasers of lots in the subdivision are not affected by allowing blocks less than the normal minimum or more than the normal maximum.

Section 5.2 - Responsibility for Plans is amended to read as follows:

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by an Engineer, a complete set of construction plans, including profiles, cross sections, specifications, and other supporting data, for the hereinafter

required streets, utilities, and other facilities. Such construction plans shall be prepared and approved in conjunction with the final approval of the preliminary plat. Construction plans are subject to approval by the approving bodies listed in Article III, Section 3.3,1)b) and the construction plans shall be prepared in accordance with their standards or specifications.

Section 5.3 - Procedure is amended to read as follows:

Submittal

When construction has been completed at the time of submitting the final plat, one (1) mylar copy and three (3) paper prints of approved as-built or final construction plans for streets, water, sewer, storm drainage, sidewalks and other required public improvements shall be filed with the Township Clerk coincident with the submission of the final plat. If the construction of any improvements are being guaranteed in accordance with the provisions of Section 5.6 the mylar copy of as-built plans need not be submitted until the construction of all improvements have been completed and approved. Other requirements and procedures in the submittal of final plats shall be as provided in Section 3.4.

Section 5.4 1) Street Trees is deleted in its entirety.

Section 5.5 - Optional Public Improvement is deleted in its entirety.

Section 5.4,1) is added as follows:

Sidewalks shall be required on both sides of all streets within the plat.

Crosswalks, when required by Section 4.3(1), shall have easements at least ten (10) feet in width and include a paved walk at least five (5) feet in width, located generally along the centerline of the easement, dedicated as a public pedestrian walkway.

Sidewalks and crosswalks shall be constructed in accordance with the standards and specifications adopted by the County Road Commission and the Township.

SECTION B

PENALTY

The penalty for violation of this ordinance shall be the same as those penalties set forth in Ordinance No. 27 of the Charter Township of Hampton, being the Charter Township of Hampton's Subdivision Ordinance.

SECTION C

PUBLICATION AND EFFECTIVE DATE

A copy of this Ordinance shall be published in a newspaper circulated within the Township of Hampton, Bay County, Michigan, within ten (10) days following the adoption thereof.

SECTION D

EFFECTIVE DATE

These amendments to Ordinance No. 27 shall become effective thirty (30) days after the last required publication.

SECTION E

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION F

SEVERABILITY AND SAVING CLAUSE

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 this ordinance as a whole or any part thereof, other than the part declared to be invalid.