

**LYON TOWNSHIP**  
**ROSCOMMON COUNTY, MICHIGAN**

**ORDINANCE NUMBER 33**

**ADOPTED: August 12, 1992**

**Effective date 30 days after publication**

**TOWNSHIP SUBDIVISION AND CONDOMINIUM CONTROL**

An ordinance to regulate the subdivision of land in Lyon Township, Roscommon County, Michigan: to require and regulate the preparation and presentation of preliminary and final plats, to establish minimum standards which must be met or guaranteed by the sub divider, to set forth a procedure to be followed by the Township in applying regulations and standards To make all those regulations , requirements and standards applicable, wherever possible to site condominiums and condo conversions and to prescribe penalties for the violations of the violation of the provisions of this ordinance.

**PURPOSE AND INTENT**

The purpose of this ordinance is to regulate and control the subdivisions of land within the township on order to promote the public safety, health and general welfare and to make all the regulations and controls over subdivisions equally applicable to site condominiums and condo conversions.

**TOWNSHIP OF LYON**  
**ROSCOMMON COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**TITLE**

This ordinance shall be known and cited as Lyon Township Subdivision and Condominium Control

**SECTION 2**

**DEFINITIONS**

**SECTION 3**

**REGULATIONS**

**WELFARE** This Ordinance in enacted pursuant to the authority granted to the subdivision Control Act of 21967, Public Act 288 of 1967, as amended, which authorizes township boards to adopt ordinances

to secure the public health, safety and general welfare. And the general powers police powers act, being MCL 41.181, which authorizes township boards to enact general ordinances for the public health, safety and general welfare of the residents of the township.

#### **SUBMISSION OF PRELIMINARY PLAT FOR TENTATIVE APPROVAL**

Every person, Firm or corporation who shall hereafter submit a proposed preliminary plat to the township board for tentative approval, shall submit not less than four or more than ten legible copies of said proposed preliminary plat. Said copies must contain, as a minimum, the following information and fees:

- A. Show relief of area proposed to be platted with not more than four foot contour intervals.
- B. Indicate where any grading of filling will occur.
- C. Indicate road layout
- D. Show where street lights and/or signs will be located.
- E. Indicate lot layout, showing size and shape of proposed sewer and/or water.
- F. Indicate whether proposed plat will be served by sanitary sewer and/or water.
- G. Indicate how drainage, runoff, and storm water disposal will be provided for, including engineer data as required for in Act 347 (PA of 1978 as amended)
- H. Indicate the general location and size of flood plain and wetlands possibly located within the area to be platted.
- I. Indicate, in detail, including engineering data, the methods proposed for storm water disposal.
- J. When the proprietor owns or plans to acquire and anticipates platting adjoining land, he shall submit, with the preliminary plat for tentative approval, a tentative plan, he shall showing the feasibility of the development of such adjoining land.
- K. Pay a nonrefundable base fee of \$500.00 and an additional \$150.00 per lot as depicted on the preliminary plat as originally submitted.

#### **TOWNSHIP BOARD REVIEW – PRELIMINARY PLAT FOR TENTATIVE APPROVAL**

Upon receipt of copies and said proposal plat for tentative approval, along with the fee described in section 4K above, the township board shall forward one copy each to the county planning commission, local soil conservation district and the county road commission and/or the state highway department where applicable for recommendation and shall examine said proposed preliminary plat with such assistance and review by the township engineer and township attorney as the township board shall require. The township board shall determine whether said proposed preliminary plat complies with all township ordinances and state statues as well as makes adequate provision of the following:

##### **A. STREETS**

- 1. Compatibility with the general flow or traffic through the township.
- 2. The arrangement of streets shall provide for continuation of existing streets from adjoining area into the new subdivision.
- 3. Where adjoining areas are not subdivided, the arrangement of streets in the proposed subdivision shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjoining areas; provided, however, that minor streets within the subdivision shall be so laid out that their use of through traffic will be discouraged.
- 4. Where the proposed subdivision abuts or contains a county primary road, the township board may require marginal access streets approximately parallel to the right of way of the primary road and may require such other treatment as is deemed necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
- 5. Private streets may be permitted by the township board if the township board finds that private streets within the plat will not adversely affect public health.
- 6. All new streets shall be named as follows: streets with predominant north-south direction shall be named "Street" streets with predominant east-west directions shall be named "Avenue"; meandering streets shall be named "Drive," "Lane,"

- “Path,” “Road,” or “Trail,” etc., and cul-de-sacs shall be named “Circle,” “Court,” “Way,” or “Place,” etc.
7. All street names must be original and approved by the Roscommon County Road Commission.
  8. Streets should intersect at 90 degrees or closely thereto and in no case less than 80 degrees.
  9. Where the proposed continuation of a street of a street at an intersection is not in alignment with the existing street, as measured from the centerline of said streets.
  10. The maximum length allowed for residential blocks shall be 1,000 feet.
  11. All primary road right of way, as designated by the township board, within or abutting plats hereafter recorded, shall provide a 50 foot half-width. All other rights of way within or abutting such plats shall be not less than 66 feet in width. Permanent dead-end streets in excess of 660 feet in length shall be prohibited except upon prior approval of the township board, to be granted only where the topography of the area, rivers, streams or other natural conditions or the prior development of the area prevents a through street from being constructed.
  12. A subdivision or extension of an existing subdivision creating a total of 50 or more lots must be developed as to provide two or more access streets.

**B LOTS**

1. Each lot must meet all width and square footage requirements of the Lyon Township Zoning Ordinance exclusive of streams, lagoons, water courses and natural buffer areas and storm water retention ponds.
2. Corner lots shall have required frontage to permit appropriate setback from both streets.

**C GENERAL PROVISIONS**

1. Privately-held reserve strips controlling access to streets shall be prohibited
2. Existing natural features which add value to residential development, that enhance the attractiveness of the community and/or protect against erosion (such as streams, water courses, natural buffer areas, historic spots and similar irreplaceable assets) shall be preserved insofar as possible in the design of the subdivision, and conveyed without restriction to Lyon Township.
3. Lands which are subject to flooding, subject to causing significant runoff, or causing erosion, or otherwise determined by the township board to be uninhabitable shall not be platted for residential, commercial or industrial purposes. Such lands within a subdivision may be set aside for other purposes such as parks and/or open space.
4. If the township board determines that the proposed preliminary plat complies with all applicable ordinances and statues and the provisions set forth above, it shall grant tentative approval of the preliminary plat, which approval shall confer upon the proprietor for a period of one year from the date of approval, lot size, lot orientation and street layout. Such tentative approval may be extended in the proprietor.

**SUBMISSION OF PRELIMINARY PLAT FOR FINAL APPROVAL**

Every person, firm or corporation who shall hereafter submit copies of a proposed preliminary plat to the township board for final approval shall submit the following relevant data and fees:

- A. Evidence that all requirements imposed by the township board at the time of granting tentative approval have been incorporated into the proposal plan.

- B. Detailed working drawing showing grades, drainage structures, proposed utilities and road construction plans for public and/or private roads within and adjoining said plat. Prior to submitting copies of the preliminary plat to the township board for final approval, the developer shall document consultation with all public utilities which will be servicing the subdivision to resolve any conflicts in location between public utility facilities and other improvements.
- C. A nonrefundable fee of \$300.00

#### **TOWNSHIP BOARD REVIEW – PRELIMINARY PLAT-FINAL APPROVAL**

Upon receipt of all required copies of the preliminary plat for final approval and receipt of the fee described in Section 6C above, the township board shall examine the same with such assistance and review by the township engineer and township attorney as said township board shall request. Upon completing its review, the township board shall determine whether said proposed preliminary plat complies with the requirements imposed by the township board at the time of tentative approval; has obtained the required statutory approval of other government agencies and in addition, meets the following requirements:

- A. All road grade requirements will not be less than that specified by the County Road Commission.
- B. All rights-of-way shall be graded to the full width thereof for proper drainage and prospective future widening and improving. All trees or other obstructions within the right-of-way which interfere with the grading and/or drainage shall be removed. The foregoing tree and obstruction removal may be varied or adjusted by the township board upon recommendation of the township engineer where valuable trees or obstacles are involved and as long as drainage and safety will not be impaired.
- C. Permanent dead-end streets shall be provided at the closed end with a turn-around having an outside improved roadway diameter of at least 100 feet as measured from the centerline of the gutter or back or curb and a street property line diameter of at least 120 feet. Temporary dead-end streets shall be provided at the closed end with a turn-around constructed the full width of the right-of-way.
- D. All surface waters shall be adequately drained within each plat by a separate system of drainage structures or through the connection of such separate system to an adequate adjoining system and in a manner so as to not adversely affect adjoining properties. When storm sewers are used, inlet basins must not be spaced further apart than 300 feet except upon express approval of the township board, upon recommendation of an engineer used by the township, to be granted only where other equivalent and sufficient drainage inlets are provided. Where such outlets are not thus available, such drainage structures may consist of leaching basins so spaced that water shall not be required to run on the surface of the road further than 250 feet to such basin, or so spaced as to afford equivalent and sufficient drainage. The determination of what is equivalent and sufficient drainage shall be left to the township board upon the recommendation of the township engineer.
- E. Connection to sanitary sewers and/or water mains may be required by the township board when the township board determines, in its discretion that said sewers and/or water mains are reasonably available to the proposed subdivision.
- F. At the discretion of the township board, the proprietor shall make arrangements for all distribution lines for telephones, electric, television and other similar services distributed by wire or cable to be placed underground entirely through the residential subdivided area. Electric distribution lines or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. Private easements for underground utilities shall be shown on the preliminary plat.
- G. Storm water disposal methods proposed for the subdivision must be adequate to insure each building site and roadway will not be flooded and that all necessary easements for storm

sewers or open drains can feasibly be dedicated to the public for such purposes. Adequate protection must exist to insure that adjoining properties will not be affected by runoff.

- H. No land within subdivision may be isolated from a highway nor may any adjoining land of the proprietor or others be isolated from a public thoroughfare thereby creating land-locked parcels.
- I. Street lighting may be required by the township board when board determines that street lighting is necessary for public health, safety and welfare.
- J. Sidewalks may be required by the township board when the township board determines in its opinion, that sidewalks are necessary for pedestrian safety, public health and welfare. When required, sidewalks shall be constructed of concrete, four feet in width, four inches in depth, upon a two inch minimum sand base with expansion joints set a minimum of 50 feet, sidewalks built across driveways shall be constructed of concrete, six inches in depth. If the township board determines that the preliminary plat has obtained the required statutory approval of other governmental agencies and companies with the requirements set forth above in this ordinance, the township board shall grant final approval of the preliminary plat which shall confer upon the proprietor for a period of two years from the date of approval the conditional right that the general terms and conditions under which said approval was granted will not be changed. Said two year period may be extended in the discretion of the township board upon application by the proprietor.

**Sec. 8 SUBMISSION OF FINAL PLAT FOR FINAL APPROVAL**

Every person, firm or corporation which shall hereafter submit a proposed final plat to the township board for final approval shall also submit the following relevant data and fees.

- A. All abstract of title or title insurance policy showing merchantable title in the proprietor of the subdivision.
- B. A nonrefundable fee of \$300.00.

**Sec. 9 REVIEW BY THE TOWNSHIP BOARD FINAL PLAT FINAL APPROVAL**

Upon receipt of the final plat for approval, along with the fee described in Section 8B above, the township board shall review the proposed final plat and determine that:

- A. All monuments required to be placed in the subdivision have been placed or a cash or equivalent deposit has been made to the appropriate entity and a receipt for same has been given and deposit agreement executed by the proprietors.
- B. All roads, streets, bridges, culverts and storms water retention facilities have been completed and installed or a cash or equivalent deposit has been made to the appropriate entity and a receipt for same has been given and a deposit agreement executed by the proprietors.
- C. If the subdivision has any waterways or lagoons, etc., as set forth in section 188 of the Michigan Subdivision Control Act, that all such waterways, etc., shall be installed or a cash or equivalent deposit made to the appropriate entity and a deposit agreement executed by the proprietors.
- D. If any flood plains are involved in the proposed subdivision, then such flood plains shall be restricted as provided by the Michigan Subdivision Control Act and such restrictions shall be submitted to the township board for review and approval prior to recording and thereafter shall be the recording and thereafter shall be recorded in the office of the register of deeds contemporaneously with the recording of the plat.
- E. All utilities serving the plat have been installed and water and sanitary sewer mains (if required) have been stubbed to the lot line or a cash or equivalent deposit has been made to the appropriate entity and a receipt for same has been given sufficient in amount to insure completion thereof within the time specified and a deposit agreement executed by the proprietors.

- F. All underground utility installations, including lines for street lighting systems, which traverse privately owned property, shall be protected by easements granted by the proprietor and approval by the public utility. These easements shall be recorded on the final plat as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for utilities shall be at least 12 feet wide, usual six feet dedicated from each lot or parcel, except side lot easement three feet wide granted for street lighting drop-outs. These easements should be directed and continuous from block to block.
- G. All public improvements such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the township board, have been completed and installed or a cash or equivalent deposit has been made to the appropriate entity and a receipt for same has been given sufficient in amount to insure competition within the time specified and a deposit agreement executed by the proprietors.
- H. The proposed final plat complies with all applicable state statutes and township ordinances and has received the request statutory approval of other governmental agencies.
- I. That the dedication is executed by all required owners.

## SECTION 4

### VIOLATIONS AND PENALTIES

Sec. 10 **PENALTY IN CASE OF FAIL TO COMPLETE THE CONSTRUCTION OF A PUBLIC IMPROVEMENT**

In the event the sub divider shall, in any case fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the township board to proceed to have such work completed. In order to accomplish this, the township board shall reimburse itself for the cost and expense thereof by appropriating the security deposit which the sub divider has deposited with the township of it may take steps as may be necessary to require performance in accordance with the deposit agreement executed by the proprietors.

Sec. 11 **SUBDIVISION LOT DIVISION**

After a subdivision has been recoded, platted lots may not thereafter to divided unless approved under the Lyon Township Lot Split Ordinance # 12

Sec. 12 **VARIANCE PROCEDURE**

Where there are practical difficulties or unnecessary hardships in caring out the strict letter of this ordinance, the township board shall have power in passing upon proposed subdivisions to vary or modify any of the terms and provisions of this Ordinance shall be observed and public health, safety and welfare secured.

Sec. 13 **ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE.**

Violation of any of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this

ordinance or fails to comply with any of the requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 90 days or both. Each day, such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the township board or public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance or the Michigan Subdivision Control Act.

Sec. 14 **APPLICATION TO SITE CONDOMINIUMS AND CONDO CONVERSIONS.**

All site condominiums and condo conversions hereafter shall comply with all of the informational, procedural, structural, dimensional and other requirements specified herein for new subdivisions, including the requirement for payment of fees. Any violations of provisions of this ordinance occurring in new site condominiums will subject the owner and/or developer to the penalties provided herein.

Any person who violates any of the provisions of this ordinance shall be deemed to be responsible for a Municipal Civil Infraction as defined by Michigan statute, punishable by a civil fine determined in accordance with the schedule:

	<u>Minimum Fine</u>
1 <sup>st</sup> offense within a 3-year period*	\$ 50.00
2 <sup>nd</sup> offense within a 3-year period*	\$125.00
3 <sup>rd</sup> offense within a 3-year period*	\$250.00
4 <sup>th</sup> or subsequent offense in a three-year period*	\$400.00

\*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lyon Township has been put in connection with the Municipal Civic Infraction.

In addition, any violation of this ordinance is hereby declared to be a public nuisance per se which may be abated in Circuit Court in lieu of or in addition to other civil infractions.

Each day that a violation exists shall constitute a separate offense for enforcement purposes.

**SECTION 5**

**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 6**

**REPEAL**

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this ordinance are hereby repealed. However, this ordinance shall not be construed to repeal any provisions in any applicable Zoning Ordinance, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

## **SECTION 7**

### **EFFECTIVE DATE**

This ordinance shall take effect upon publication following its adoption.