

**FAIRFIELD TOWNSHIP  
LENAWEE COUNTY, MICHIGAN  
SUBDIVISION CONTROL ORDINANCE 2003-2**

An ordinance to regulate the subdivision of land in Fairfield Township, Lenawee 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 subdivider (also referred to herein as "developer"), to set forth a procedure to be followed by the township in applying regulations and standards, and to prescribe penalties for the violation of the provisions of this ordinance.

THE TOWNSHIP OF FAIRFIELD, LENAWEЕ COUNTY, MICHIGAN

**ORDAINS: Section 1: Title**

This ordinance shall be known as the Fairfield Township Subdivision Control

**Ordinance. Section 2: Purpose**

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

**Sections: Welfare**

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

**Section 4: Adoption of Minimum Standards Promulgated by the Board of County Road Commissioners of the County of Lenawee.**

The township board hereby adopts the "Standards and Procedures for Developing Public Roads" as promulgated in its current form by the Board of County Road Commissioners for the County of Lenawee ("Road Commission") adopted by the Road Commission on August 2, 2002 and as same may be amended from time to time by the Road Commission as the minimum standards applicable for developing public roads and subdivisions within the township.

**Section 5: Certificate of Professional Engineer**

The developer shall employ and pay for the services of a professional engineer licensed by the State of Michigan to oversee and certify that all requirements for street construction and subdivision development specified or required by the Lenawee County Road Commission, Lenawee County Drain Commission, Lenawee County Health Department, the township or any other governmental agency have been met at each stage of tentative preliminary plat approval, final preliminary plat approval and final plat approval set forth in this ordinance.

**Section 6: Initial Review by Planning Commission.**

The planning commission shall conduct the initial review of each proposed preliminary plat, preliminary plat and/or final plat submitted for approval. The planning commission shall review each plat at its next

regularly scheduled meeting immediately following receipt of the plat. Special meetings of the planning commission may be convened for such review. The planning commission shall review all plats using the same standards for township board review as set forth in the ordinance. Immediately following the meeting at which the plat was reviewed by the planning commission, any comments or recommendations of the planning commission shall be forwarded in written form to the township board for its consideration in reviewing the plat for approval.

### **Section 7: Submission of preliminary plat for tentative approval.**

Every person, firm or corporation which shall hereafter submit a proposed preliminary plat to the township for tentative approval, shall submit not less than fifteen (15) legible copies of said proposed preliminary plat which adheres to the minimum standards adopted by the township in this ordinance as well as additional requirements which may be required by the township board or planning commission upon review of the preliminary plat.

### **Section 8: Fee.**

The developer shall submit to the township a fee of Three Hundred (\$300.00) for the review of subdivision plans submitted under this ordinance. The township may adjust this fee from time to time by an ordinary resolution of the board.

### **Section 9: Township Board Review; Preliminary Plat for Tentative Approval.**

The planning commission shall initially review the proposed preliminary plat and forward any recommendations or comments to the township board. The township board shall then examine the proposed preliminary plat along with the recommendations or comments from the planning commission and with such other assistance from the township attorney or other township officials as the board deems necessary. In reviewing proposed preliminary plats the planning commission and township board shall determine whether said proposed preliminary plat complies with all township ordinances and state statutes as well as makes adequate provision of the following:

#### **A. Streets**

All street construction shall comply with Lenawee County Road Commission "Standards and Procedures For Developing Public Roads." At a minimum, the following are required:

1. The arrangements of streets shall provide for two points of ingress/egress, a continuous loop through the subdivision and shall provide for a continuation of existing streets from adjoining areas into the new subdivision.
2. Where adjoining areas are not subdivided, the arrangement of streets in the proposed subdivision shall be extended to the boundary line of the tract and make provision for the future projection of streets into adjoining areas including the provisions of easements if necessary.
3. There shall be no private roads within subdivisions.

B. Lots

All lots must conform to the requirements set forth in the current Fairfield Township Zoning Ordinance.

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 (such as streams, water courses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the subdivision.
3. Lands subject to flooding or otherwise determined by the township board to be uninhabitable should not be platted for residential, commercial or industrial purposes.  
Such lands within a subdivision may be set-aside for other purposes such as parks and/or open space. Such space could be the subject of a plat dedication, restrictive covenant, conservation easement or other legal mechanism, which may serve to perpetually guarantee the space will remain undeveloped and which may decrease the tax burden of the subdivider.

D. Said copies must contain, at a minimum, the following information:

1. Show relief of area proposed to be platted with not more than four foot contour intervals;
2. Indicate road layout;
3. Indicate lot layout, showing size and shape of proposed lots;
4. Indicate whether proposed plat will be served by sanitary sewer and/or water;
5. Indicate the general location and size of any flood plain possibly located within the area to be platted.
6. Indicate, in general, the methods proposed for storm water disposal.
7. When the subdivider owns or plans to acquire and anticipates platting adjoining land, he shall submit, with the preliminary plat for tentative approval, a tentative master plan showing the feasibility and proposal for development of such adjoining lands.
8. Indicate location of all fire hydrants.

If the township board determines that the proposed preliminary plat complies with all applicable ordinances and statutes 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 date of approval, lot size, lot orientation and street layout. Such tentative approval may be extended in the discretion of the township board upon application of the developer.

**Section 10: Submission of Preliminary Plat for Final Approval; Referral to Planning Commission**

Every person, firm or corporation which shall hereafter submit copies of a proposed preliminary plat to the township 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 proposed plan.
- B. Evidence that the Lenawee County Road Commission, Lenawee County Drain Commission, Lenawee County Health Department and any other required governmental agencies have given final approval to the preliminary plat. The approval of each such agency shall be evidenced by the signature of an authorized agency representative affixed to the preliminary plat or by letter from that official evidencing final preliminary plat approval.
- C. Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public 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.
- D. A fee equal to the sum of \$2 multiplied by the number of lots contained in the proposed subdivision, but not less than \$100.00. The township may adjust this fee from time to time by an ordinary resolution of the township board.
- E. The Planning Commission shall conduct the initial review of the preliminary plat submitted for final approval at its next regularly scheduled meeting following receipt of said plat and shall then immediately submit its recommendations or comments to the township board.

### **Section 11: Township Board Review; Preliminary Plat; Final Approval**

Upon receipt of all required copies of the preliminary plat for final approval, the township board shall examine the same along with the recommendations and comments from the planning commission and with such other assistance from the township attorney or other township officials as the board deems necessary. 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 governmental agencies and in addition, meets the following requirements:

#### **A. Streets.**

All road or street construction complies with the Lenawee County Road Commission "Standards and Procedures For Developing Public Roads," and any additional requirements mandated by the township.

#### **B. Surface Water Drainage.**

The Drain Commission and to the extent necessary the Road Commission shall have approved the manner and mechanism for controlling all surface water drainage.

C. Sanitary Sewer and/or Water Service.

The township board may require connection to sanitary sewers and/or water mains when the township board determines, in its discretion, that said sewers and/or water mains are reasonably available to the proposed subdivision.

D. Utility Location.

In the discretion of the township board, the developer shall make arrangements for all distribution lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely through the residential subdivided area. Electrical distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. Such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways if allowed by the Lenawee County Road Commission or Michigan Department of Transportation. 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.

E. Storm Water.

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. All such plans shall have the approval of the Lenawee County Drain Commission and to the extent necessary the Lenawee County Road Commission.

F. Isolated Lands.

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

G. Street Lighting.

The township board may require street lighting when the board determines, in its opinion, that street lighting is necessary for public health, safety and welfare.

H. Sidewalks.

The township board may require sidewalks 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, using a six sack mixture, four feet in width, four inches in depth, upon a two inch minimum sand base with expansion joints set at 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 complies 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 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 developer.

### **Section 12: Submission of Final Plat for Final Approval**

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

- A. An abstract of title or title insurance policy showing merchantable title in the developer of the subdivision.
- B. The planning commission shall conduct the initial review of the final plat submitted for final approval at its next regularly scheduled meeting following receipt of said plat and shall then immediately submit its recommendations or comments to the township board.

### **Section 13: Review by the Township Board; Final Plat; Final Approval**

The planning commission and the township board shall review the proposed final plat and determine that:

- A. All monuments required to be placed in the subdivision have either been placed or a cash or equivalent deposit has been made with the township and deposit escrow agreement executed by the developers.
- B. All roads, streets, bridges and culverts have been completed and installed to the satisfaction of the Lenawee County Road Commission or a cash or equivalent deposit has been made with the township and a deposit escrow agreement executed by the developers. Alternatively, the developer may provide sufficient security to the Lenawee County Road Commission to ensure completion of the street construction to Road Commission standards.
- 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 township and a deposit escrow agreement executed by the developers.
- 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 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 have been stubbed to the lot line or a cash or equivalent deposit has been made with the township board sufficient in amount to insure completion thereof within the time specified and a deposit agreement executed by the developers.
- F. All underground utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the developer and

approved by the public utility. These easements shall be recorded on the final plat as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for each lot or parcel, except side lot easements three feet wide granted for street lighting drop-outs. These easements should be direct 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 with the township sufficient in amount to insure completion within the time specified and a deposit escrow agreement executed by the developers.
- H. The proposed final plat complies with all applicable state statutes and township ordinances and has received the requisite statutory approval of all other governmental agencies.
- I. That all owners execute the dedication.

#### **Section 14: Penalty in Case of Failure to Complete the Construction of a Public Improvement**

In the event the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the township board 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 subdivider has deposited with the township or-it may take such steps as may be necessary to require performance in accordance with the deposit escrow agreement executed by the proprietors.

#### **Section 15: Subdivision Lot Division**

After a subdivision has been recorded, platted lots may thereafter be partitioned or devised with the approval of the township board into not more than four parts, provided that the resulting lots or parcels or combinations or portions of two or more divided lots shall not be less in width or size than the more restrictive of this ordinance, the township zoning ordinance or the Michigan Subdivision Control Act of 1967, and provided further that such resulting lots shall each have direct access to a public roadway or private roadway constructed to the standards of this ordinance, and also to public utilities necessary or required to service such lot, and provided further, that all such resulting lots shall conform in all particulars to the requirements of the Michigan Subdivision Control Act of 1967 and all township ordinances.

#### **Section 16: Variance Procedure**

Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this ordinance, the township board shall have the power, in its sole discretion, in passing upon proposed subdivisions to vary or modify any of the terms and provisions-of this ordinance so that the spirit of the ordinance shall be observed and public health, safety and welfare secured. The Township Board shall not have the power to grant any variance from the Lenawee County Road Commission "Standards and Procedures For Developing Public Roads" without prior written approval of the Lenawee County Road Commission.

**Section 17: Enforcement and Penalties for Failure to Comply with this Ordinance.**

Any person or other entity who fails or refuses to comply with an order approved or issued by the township board pursuant to this Ordinance within the time prescribed in the notice or order is responsible for a municipal civil infraction as defined by Michigan Law and subject to a civil fine of not more than \$500.00 plus costs which may include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law. Each day a violation of this Ordinance continues shall constitute a separate and distinct violation.

**Section 18: Prior and Inconsistent Ordinances Repealed**

All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict, repealed.

**Section 19: Severability**

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses are hereby declared severable, and if any of them are adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected by such determination.

**Section 20: Effective Date**

This Ordinance shall become effective immediately upon publication as required by law following adoption by the Township Board.

Yeas:3

Nays:2

Absent:

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**ORDINANCE DECLARED ADOPTED ON September 8 2003**

Kevin H. Keller, Supervisor  
Fairfield Township

**CERTIFICATION OF ADOPTION AND PUBLICATION**

I, Carol DeLong, the duly elected Clerk of Fairfield Township, certify that the foregoing Ordinances a true and correct copy of the Ordinance enacted by the Fairfield Township Board on September 8 2003 and published in the Adrian Daily Telegram, a newspaper circulated in Fairfield Township on 9/18/03

Carol DeLong, Clerk  
Fairfield Township