

Part 235

235.000 SUBDIVISION CONTROL ORDINANCE

Ord. No. 06-005

Adopted: December 18, 2006

An Ordinance to regulate the subdivision of land in Atlas Township, Genesee 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, 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 ATLAS, GENESEE COUNTY, MICHIGAN ORDAINS:

235.001 Title.

Sec. 1. This ordinance shall be known as the Atlas Township Subdivision Control Ordinance.

235.002 Purpose.

Sec. 2. The purpose of this ordinance is to regulate and control the subdivisions of land within the township in order to promote the public safety, health and general welfare.

235.003 Welfare.

Sec. 3. 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.

235.004 Submission of pre-preliminary plat.

Sec. 4.

(1) *Not required.*

Prior to the submission of a preliminary plat, the applicant may meet informally with the site plan review committee, who may include the full planning commission, to investigate the procedures and standards of Atlas Township. This provision is voluntary. Applicants may proceed to submission of preliminary plat without penalty.

Prior to this review, the applicant shall file two copies of a sketch plan to the township clerk at least ten days prior to a meeting of the site plan review committee.

Sketch plan requirements B.

A. The plan shall include the proposed plats development scheme including:

1. General layout of streets and lots.
2. Existing structures and conditions of the site, and adjacent parcels.

Acceptance and review of a pre-preliminary sketch plan does not obligate the township or applicant in whole or in part for any aspect of the proposed development.

(2) *Tentative approval—Mandatory*

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

A. *Required site plan contents.*

1. Applicants shall remit all fees required by ordinance at the time of application and place on deposit an amount representing one percent of the current assessed value of the property for fees incurred by the township for consultants review of the proposed project.
2. A completed application form which contains the names and addresses of all property owners and the applicant; the interest of the applicant in the property; the name and addresses of the developer; and current proof of ownership of the land to be site planned or evidence of a contractual ability to acquire such land.
3. The site plan shall be drawn at an engineering scale of:

Acreage	Scale
5 or more	1" = 200'
2—4.99	1" = 100'
1—1.99	1" = 50'
0—.99	1" = 20'

4. The site plan shall have a cover sheet containing:
 - a. The name and address of the project;
 - b. The name, address, and professional certified seal of an engineer, surveyor or responsible for preparation of the site plan;
 - c. A complete and current legal description and size of the property in acres and square feet. Where a metes and bounds description is used, lot line angles or bearings shall be indicated on the plan. Lot line dimensions and angles and bearings shall be based upon a boundary survey prepared by a registered surveyor and shall correlate with the legal description;
 - d. A location sketch of sufficient size, scale and detail to locate the property within the township;
 - e. Title block with north arrow, date of preparation, and date of any revisions.
5. The site plan shall contain existing condition sheets illustrating:
 - a. All existing lot lines and dimensions, including setback lines and existing or proposed easements (proof of ownership of such easements to accompany the site plan submission).
 - b. Existing topography (minimum contour interval of two feet).

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- c. Existing natural features such as streams, marshes, ponds, drainage patterns, 100-year flood plain boundary and the limits of any wetland, including attachment of a wetland determination by a recognized consultant. Also note if the site is within 500 feet of a lake, river, stream, drainage course, or other waterway.
 - d. Existing woodlands shall be shown by approximate outline of the total canopy: individual deciduous trees over eight inches in caliper measured at a height of four and one-half above the ground and individual evergreen trees six feet in height or higher, when not a part of a group of trees shall be accurately located and identified by species and size (caliper for deciduous, height for evergreens).
 - e. Soil characteristics of the parcel, if not served by sanitary sewer, showing at minimum the detail as provided by the Soil Conservation Service Soil Survey of Genesee County.
 - f. Zoning and current land use of applicant's property and all abutting properties including properties across any public or private street.
 - g. Buildings and structures within the subject site and within 400 feet of the property lines.
 - h. An aerial photograph indicating the limits of the site, surrounding land uses and street system is required for site of 20 acres or more.

6. The site plan shall contain proposed project information as follows:

- a. The location of all existing buildings, structures, street names and existing rights-of-way, utility poles, towers, drainage ditches, culverts, pavement, sidewalks, parking areas, driveways, and other improvements on the property and within 400 feet of the subject property (including driveways on the opposite side of any street). Notes shall be provided indicating those which will remain and those which are to be removed or modified.
- b. Footprints, dimensions, setbacks and typical floor plan of any rooftop or ground mounted equipment to scale. Any accessory buildings or structures (garages, sheds, decks, fences, walls) shall be shown on the plan.
- c. Elevation drawings shall be submitted illustrating the building design and height, and describing construction materials for all proposed structures. Elevations shall be provided for all sides visible from an existing or proposed public street or visible to a residential district. These elevations shall be considered part of the approved site plan.
- d. Percentage of building coverage and impervious surface ratio (all acreage exclusive of any public right-of-way or private road access easement); lot area for each lot; and a description of the number of each unit by size and number of bedrooms; if a multi-phase development is proposed, identification of the areas included in each phase.

For commercial and office uses: The gross floor area and useable floor area of each use of lease space.

For industrial uses: The floor area devoted to industrial uses and the areas intended for accessory office use.

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- e. The alignment, width, pavement type and distance from street for all sidewalks or bike paths.
 - f. The layout and dimensions of proposed streets, and drives, including: grades, existing or proposed right-of-way or easement and pavement width, number of lanes, typical cross section showing surface and subbase materials and dimensions.
 - g. The location and design of access points including width, radii, provision for any deceleration or passing lanes, distance from adjacent driveways or street intersection. Written verification shall be provided for any shared access agreements or for driveway curb return extending beyond the property line. It is the intention herein that maximum detail be provided to the Planning Commission.
 - h. A traffic impact study shall be required when the proposed development is expected to generate over 50 vehicle trips during peak hours of traffic or over 500 vehicle trips a day (VTD). Additionally, when the proposed development is located on or adjacent to an unpaved road that is deemed to be at or in excess of 100 percent of its capacity a traffic impact study will be required showing the impact of the proposed development and any related (current or proposed) development on the affected infrastructure. An unpaved road is deemed to be at capacity when 350 VTD are generated from existing and/or proposed development. Road capacity (unpaved) will be calculated based on 12.5 vehicle trips per dwelling unit per day. (This number is derived from "Trip Generation" a publication of the Institute of Traffic Engineers.) Roads have dwelling units that must use the primary road for egress and ingress will be included in the capacity calculation of the impacted infrastructure. This requirement applies to all new development, phases or changes to a development where a traffic study is more than two years old and/or roadway conditions have changed significantly (traffic volume increasing more than two percent annually) or a change in use or expansion at an existing site.
 - i. Existing and proposed locations of utility services (with sizes), degrees of slope and sides of retention/detention ponds; calculations for size of storm drainage facilities; location of electricity and telephone poles and wires; location and size of surface mounted equipment for electricity and telephone services; location and size of outdoor incinerators; location and size of wells, septic tanks and drain fields; location of manholes, catch basins and fire hydrants; emergency water, supplies for fire suppression, location, size, and inverts for storm and sanitary sewers; all necessary public or private easements for constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits, and other installations of a similar character: including proposed location for fire fighting infrastructure such as hydrants, dry hydrants, cisterns, etc., notes shall be provided clearly indicating which existing services will remain and which will be removed. It is the intention herein that maximum detail be provided to the Planning Commission. Proposed locations for fire-fighting infrastructure such as hydrants, dry hydrants, etc.
 - j. A site grading plan for all developments where grading will occur, with existing and proposed topography at a minimum of two-foot contour intervals and with topography extending a minimum of 100 feet beyond the site in all directions

and a general description of grades within 50 feet, and further where required to indicate stormwater runoff into an approved drain or detention/retention pond as so to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines. A general description and location of the stormwater management system shall be shown on the grading plan. An engineer as hired on a consulting basis by the township shall require detailed design information for any retention/detention ponds and stormwater outfall structures or basins. If regulated wetlands are to be used, the applicant shall provide status of DEQ permit application or copy of permit with attached conditions. However, in no event shall the rate or quantity of drainage from any lot exceed the rate or quantity of drainage from the undeveloped site.

- k. A landscape plan which indicates proposed ground cover and plant locations and with common plant name, number, and size at installation, which trees and landscape material shall be congruent with landscape material similarly found in the area and which are aesthetically attractive. For any trees to be preserved, a detail shall be provided to illustrate protection around the tree's drip line. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade. The location, type and height of proposed fences shall be described. No certificate of occupancy shall be granted unless grass seeding between May 15 and August 15 has been completed.
- l. Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosures; showing materials and dimensions.
- m. Parking, storage and loading/unloading areas, including the dimensions of a typical space, aisle, and angle of spaces. The total number of parking and loading/unloading spaces to be provided and the method by which the required parking was calculated shall be noted.
- n. Details of exterior lighting including location, height, photometric grid, method of shielding and style of fixtures. Parking lot lighting to be mounted on the building, if permitted by the Planning Commission, shall not be placed such as to interfere with clear sight by all cars gaining access to or from adjoining, abutting or surrounding properties.
- o. Locations of all signs including location, size, area, type, height and method of lighting. All regulatory signs shall meet the standards from the Michigan Manual of Uniform Traffic Control Devices (MMUTCD).
- p. Woodlands and individual trees of eight inches or greater caliper as measured at dbH four and one-half feet above the ground shall be shown, and preserved to the extent possible.
- q. The boundaries of any state regulated wetland shall be shown. Documentation of a wetland determination by a qualified wetland specialist may be required.
- r. The Planning Commission shall require the applicant to prepare and submit an environmental impact assessment upon a finding that the site contains sensitive environmental features (as defined in the Atlas Township Master Plan) which may be impacted by the proposed development. The Planning Commission may require a community impact statement.

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- s. General description of any deed restrictions, protective covenants, master deed or association bylaws shall be listed. Final deed restrictions, protective covenants, master deed or association bylaws be reviewed and approved by the Township Attorney.
 - t. Character of land. Land that the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of the local government engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve any danger to public health, safety, and welfare.
 - u. If a portion of the plat contains recreational or public areas, applicants shall comply with any parks and recreation plan adopted by the Township.

235.005 Township Board review; preliminary plat for tentative approval.

Sec. 5. Upon receipt of copies of said proposed plat for tentative approval, 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 statutes as well as makes adequate provision of the following:

A. *Streets.*

1. Compliance with a major street thoroughfare plan and road classification guidelines adopted by the Township, if any.
2. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas 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 by through traffic will be discouraged.
4. Where the proposed subdivision abuts or contains a county primary road and major thoroughfare as defined in the Township Thoroughfare Plan, the Township Board may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare 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. All new streets shall be named as follows: streets with predominant north-south direction shall be named "Street"; streets with predominant east-west direction 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., and shall be approved by the Township Fire Chief. Developers shall place with the Township a fee set by the Township, per road sign to be placed at all intersections.

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6. Streets should intersect at 90 degrees or closely thereto and in no case less than 80 degrees.
 7. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect such cross street closer than 175 feet from such opposite existing street, as measured from the centerline of said streets.
 8. The maximum length allowed for residential blocks shall be 2,200 feet and shall not be less than 400 feet.
 9. All primary road rights-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 1,000 feet in length shall be prohibited.
 10. A subdivision or extension of an existing subdivision creating a total of 50 or more lots must be developed so as to provide two or more access streets.
- B. *Lots.* Lots must meet minimum requirements of zoning districts.
1. *Lot arrangement.* The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance and Health Regulations and in providing driveway access to buildings on the lots from an approved street.
 2. *Lot dimensions.* Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinances.
 3. *Lot orientation.* The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the sideline of an adjacent lot.
 4. *Double frontage lots and access to lots.*
 - A. Double frontage lots. Double frontage lots and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
 - B. Access from major and secondary arterials. Lots shall not, in general, derive access exclusively from a major or secondary street. Where driveway access from a major or secondary street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards on the street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major and secondary arterials.
- C. *General provisions.*
1. Privately-held reserve strips controlling access to streets shall be prohibited.

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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.

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 proprietor.

235.006 Submission of preliminary plat for final approval.

Sec. 6. Every person, firm or corporation which 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 proposed plan.
- B. Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private roads within an 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 fee as set by the Township Board related to the number of lots contained in the property development.

235.007 Township Board review; preliminary plat; final approval.

Sec. 7. Upon receipt of all required copies of the preliminary plat for final approval, 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 governmental agencies and in addition, meets the following requirements:

- A. All road grades shall not exceed a seven percent grade or be less than a one-half percent grade except upon special approval of the township engineer.
- B. All grades in excess of three percent shall require installation of curb and gutter. Said curb and gutter to be set apart not less than 35 feet as measured from back to back and fully paved between the lip of the gutters.
- C. All road rights-of-way within or abutting such plat shall be constructed with not less than six inch compacted gravel base, 22 feet wide, covered with not less than two inches of bituminous aggregate pavement, 20 feet wide.
- D. All rights-of-way shall be graded to the full width thereof for proper drainage and prospective future widening and improving. Road grading shall be accomplished so as to establish a one-half foot higher elevation at the boundary of the right-of-way than at the crown of the traveled roadway. All trees or other obstructions within the right-of-way which interfere with the grading and/or drainage shall be

removed. The foregoing one-half foot elevation and 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.

- E. 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.
- F. 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. Where 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 the Township engineer, 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.
- G. 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.
- H. In the discretion of the Township Board, the proprietor 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 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.
- I. Stormwater 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.
- J. No land within the subdivision may be isolated from a public highway nor may any adjoining land of the proprietor or others be isolated from a public thoroughfare thereby creating land-locked parcels.
- K. Street lighting may be required by the Township Board when said board determines that street lighting is necessary for public health, safety and welfare.
- L. 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 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 proprietor.

235.008 Submission of final plat for final approval.

Sec. 8. 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. An abstract of title or title insurance policy showing merchantable title in the proprietor of the subdivision.
- B. A fee as set by the Township Board.

235.009 Review by the Township Board; final plat; final approval.

Sec. 9. 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 agreement executed by the proprietors.
- B. All roads, streets, bridges and culverts have been completed and installed or a cash or equivalent deposit has been made with the Township 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 Township 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 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 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 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 agreement executed by the proprietors.
- H. The proposed final plat complies with all applicable state statutes and Township ordinances and has received the requisite statutory approval of other governmental agencies.
- I. That the dedication is executed by all required owners.
- J. The Township Board may require a performance bond at the completion of the project and may impose a maintenance bond to insure continued maintenance.

235.010 Penalty in case of failure to complete the construction of a public improvement.

Sec. 10. 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 agreement executed by the proprietors.

235.011 Subdivision lot division.

Sec. 11. 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 (sic) 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.

235.012 Variance procedure.

Sec. 12. Where there are practical difficulties or unnecessary hardships in carrying 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 so that the spirit of the ordinance shall be observed and public health, safety and welfare secured.

235.013 Enforcement and penalties for failure to comply with this ordinance.

Sec. 13. 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 its 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.

235.014 Effective date.

Sec. 14. This ordinance shall become effective 30 days after publication.