

**TOWNSHIP OF ORONOKO  
COUNTY OF BERRIEN  
STATE OF MICHIGAN**

ORDINANCE NO 29

ESTABLISHING REGULATIONS FOR THE SUBDIVISION OF LAND; FOR THE DEDICATION OR RESERVATION AND ACCEPTANCE OF LAND FOR PUBLIC USE; FOR THE INSTALLATION AND CONSTRUCTION OF UTILITIES, ROADWAYS, AND OTHER IMPROVEMENTS ESSENTIAL TO SERVICE THE SUBDIVIDED LAND; FOR THE PREPARATION OF SUBDIVISION PLATS AND REPLATS; AND FOR THE PROCEDURE FOR THE SUBMITTAL, APPROVAL AND RECORDING OF SUBDIVISION PLATS IN THE TOWNSHIP OF ORONOKO.

BE IT ORDAINED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF ORONOKO, COUNTY OF BERRIEN, AND STATE OF MICHIGAN.

**SECTION I TITLE**

This ordinance shall be known and may be cited and referred to as the "Subdivision Ordinance for the Township of Oronoko, Michigan"

**SECTION II INTENT AND PURPOSE**

This ordinance is adopted for the following purposes:

1. To insure sound, harmonious subdivision development and community growth, and to safeguard the interests of the home owner, the subdivider, the investor, and the Township of Oronoko.
2. To provide permanent assets to the locality and to the Township.
3. To prevent scattered development beyond existing public utilities and prevent excessive development costs.
4. To assure the development of land for the highest possible use with all the necessary protection against deterioration and obsolescence.
5. To provide common grounds of understanding and a sound working relationship between the community and the developer.
6. To secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities.

**SECTION III LEGAL BASIS**

This ordinance is enacted pursuant to the statutory authority granted by the Subdivision Control Act of 1967, Act 288, Public Acts of 1967; Act 191, Public acts of 1939 providing for publication of ordinances; Act 246; Public Acts of 1945, as amended; and Act 168, P.A. 1959 as amended.

**SECTION IV APPLICATION OF ORDINANCE**

This ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this ordinance, except for the further dividing of lots.

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Where this ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of the Township of Oronoko, the provision of this ordinance shall control.

#### SECTION V GENERAL PROVISIONS.

A. Whenever any subdivision of land shall hereafter be laid out within the corporate limits of the Township, the subdivider thereof or his agent shall submit both a preliminary and a final subdivision plat to the Planning Commission for its approval. The subdivision plats and all procedures relating thereto, shall in all respects be in full compliance with these regulations.

B. Until plats and plans for the subdivision are approved:

1. No land shall be subdivided, nor any street constructed, nor any improvements made to the natural land.

2. No lot, tract, or parcel of land within any subdivision shall be offered for sale nor shall any sale, contract for sale, or option be made or given.

3. No improvements, such as sidewalks, water supply, storm water drainage, sanitary sewerage facilities, gas service, electric service, lighting, grading, paving or surfacing of streets, shall hereafter be made by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent.

C. All offerings or dedications of land to the Township of Oronoko for use as streets, highways, alleys, schools, parks, playgrounds or other public uses shall be referred to the Planning Commission for review and recommendation, before being accepted by the Township Board or any other governing authority of the Township.

D. Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the community as a whole, the Planning Commission may, before approval, cause to be prepared a plan for the entire area or neighborhood, such plan to be used by the Planning Commission as an aid in judging the proposed plat. It shall be the responsibility of the subdivider to cooperate with the Planning Commission in the preparation of this plan, and furnish such surveys and data as may be necessary.

E. Whenever an area is subdivided into lots of thirty thousand (30,000) square feet or more, and there are indications that such lots will eventually be resubdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision, so that additional minor streets can be located which will permit a logical arrangement of smaller lots.

#### F. INTERPRETATION

1. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements.

2. Where the conditions imposed by any provision of this ordinance upon the use of land are either more restrictive or less restrictive than comparable conditions imposed

by any other provision of this ordinance, or any other law, ordinance, resolution, rule or regulation of any kind, (County or State), the regulations which are more restrictive or which impose higher standards or requirements shall govern.

3. This ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

## SECTION VI RULES AND DEFINITIONS

In the interpretation of this ordinance, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise.

### A. RULES

1. Words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular.
2. The word "shall" is mandatory and not discretionary.
3. The word "may" is permissive.
4. The word "lot" shall include the words "plot," "piece," and "parcel."
5. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

### B. DEFINITIONS

**ALLEY.** A right-of-way which affords a secondary means of vehicular access to abutting properties.

**BLOCK.** A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways or corporate boundary lines of municipalities.

**BUILDING.** Any covered structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

**BUILDING LINE.** The line nearest the front of and across a zoning lot, establishing the minimum open space to provide between the front line of a building or structure and the street right-of-way line.

**COUNTY.** The County of Berrien, Michigan.

**CROSSWALK (PEDESTRIAN WALKWAY).** A public right-of-way located across a block to provide pedestrian access to adjacent streets or areas.

**CUL-DE-SAC.** A minor street of short length having one end terminated by a vehicular turnaround.

DEDICATION. The intentional appropriation of land by the owner to public use.

EASEMENT. A grant by a property owner for the use of a strip of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

FLOOD PLAIN AREA. That continuous area adjacent to a stream or stream bed or any storm water retention area and its tributaries, whose elevation is equal to or lower than the flood crest elevation including land also having an elevation higher than flood crest elevation but less than ten (10) acres in area and surrounded by land in a flood plain area or an area of such elevation accomplished by land fill projecting into a flood plain area.

GENERAL DEVELOPMENT PLAN. A plan adopted by the Township Board as a guide for the physical development of Oronoko Township showing the general location for major streets, parks, schools, public building sites, land use and other similar information. The plan may consist of maps, data, and other descriptive matter.

GREENBELTS OR BUFFER PARKS. A strip or parcel of land, privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the environment.

HIGHWAY. See street.

IMPROVEMENTS. Any structure incidental to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals, and other appropriate items, with appurtenant construction.

INDUSTRIAL DEVELOPMENT. A planned industrial area designed specifically for industrial use providing screened buffers, wider streets and turning movement and safety lane roadway improvements, where necessary.

LOT OF RECORD. A "lot of record" is an area of land designated as a lot on a plat of subdivision recorded or registered, pursuant to statute.

OUTLOT. When included within the boundary of a recorded plat, it means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

PARCEL OR TRACT. A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act.

PLANNED UNIT DEVELOPMENT. A land area of 10 acres or more which has both individual building sites and common property, such as a park, and which is designated and developed under one (1) owner or organized group as a separate neighborhood or community unit under Section 14.00, Planned Unit Development, of the Oronoko Township Zoning Ordinance.

PLANNING COMMISSION. Oronoko Township Planning Commission, as constituted by Ordinance and functioning as a recommending body.

PLAT. A map or chart of a subdivision of land.

1. PRE-PRELIMINARY PLAT (SKETCH PLAN). An informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.

2. PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.

3. FINAL PLAT. A map of a subdivision of land made up in final form ready for approval and recording.

PROPRIETOR, SUBDIVIDER OR DEVELOPER. A natural person, firm, association, partnership, corporation or combination of any of them, which may hold any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as "owner."

PUBLIC OPEN SPACE. Land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways and public parking spaces.

PUBLIC UTILITY. All persons, firms, corporations, co-partnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation or other services of a similar nature.

REPLAT. The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

RESERVE STRIP. A strip of land within the boundaries of a subdivision reserved for the purpose of controlling access to streets.

RIGHT-OF-WAY. Land reserved, used, or to be used for a street, alley, walkway, or other public purposes.

SIGHT DISTANCE. The unobstructed vision on a horizontal plane along a street centerline that agrees with the standards set up by the Berrien County Road Commission.

SKETCH PLAN. A pre-preliminary plat.

STREET, ROAD OR HIGHWAY. A public or private right-of-way or easement which is designated as a permanent right-of-way or easement for common use as the primary means of vehicular access to properties abutting on it.

1. FREEWAY. Those streets designed for high speed, high volume though traffic, with completely controlled access, no grade crossings and no private driveway connections.

2. EXPRESSWAY. Those streets designed for high speed, high volume traffic, with full or partially controlled access, some grade crossings, but no driveway connections.

3. PARKWAY. A street designed for non commercial, pleasure-oriented traffic moving at moderate speeds, between and through scenic areas and parks.

4. ARTERIAL STREET. Those streets of considerable continuity which are used or *may* be used primarily for fast or heavy traffic.

5. COLLECTOR STREET. Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.

6. CUL-DE-SAC. A minor street of short length having one end terminated by a vehicular turnaround.

7. MARGINAL ACCESS STREET. A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic and not carrying through traffic.

8. MINOR STREET. A street which is intended primarily for access to abutting properties.

STREET APPROVED. Any street, whether public or private, meeting standards and specifications of the Berrien County Road Commission.

STREET, PRIVATE. *Any* street which is under the jurisdiction of an individual, corporation, or trustee, or *any* street which is privately owned or established.

STREET, PUBLIC. Any street which is shown on the subdivision plat and is or is to be dedicated for public use.

STREET WIDTH. The shortest distance between the lines delineating the right-of-way of streets.

SUBDIVIDE OR SUBDIVISION. The portioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five or more parcels of land each of which is ten acres or less in area; or five or more parcels of land each of which is ten acres or less in area are created by successive divisions within a period of ten years.

SUBDIVISION CONTROL ACT. Act 288, Public Acts of 1967, State of Michigan.

SURVEYOR. Either a land surveyor who is registered in the State of Michigan as a registered land surveyor, or a civil engineer who is registered in the State of Michigan as a registered professional engineer.

TOPOGRAPHICAL MAP. A map showing existing physical characteristics, with contour lines at sufficient interval to permit determination of a proposed grades and drainage.

## SECTION VII PROCEDURE FOR APPROVAL

### A. PRE-APPLICATION PROCEDURE.

#### 1. PURPOSE

a. A pre-preliminary plat or sketch plan may be submitted for information and review only in order to:

- (1) Provide guidelines for the subdivider concerning development policies, platting procedures and requirements of Oronoko Township.
- (2) Provide the Planning Commission and other affected agencies with general information concerning the proposed development.

b. Review the sketch plan does not assure acceptance of the preliminary plat.

#### 2. REQUIREMENTS

a. Pre-Preliminary Plat or Sketch Plan. The plan shall show the subdivision's entire development scheme in schematic form including the area for immediate development, and shall include the following:

- (1) General layout of streets, blocks and lots in sketch form.
- (2) Existing conditions and characteristics of the land on and adjacent to the site.
- (3) Any general area set aside for schools, parks and other community facilities.
- (4) Proof of ownership of the land proposed to be subdivided, or agreement with the owner of the land in question, may be required if deemed necessary.
- (5) Land Subject to Flooding or Poor Drainage. No plat will be approved for a subdivision which is subject to periodic flooding, or which contains poor drainage facilities and which would make adequate drainage of the lots and streets impossible. However, if the subdivider agrees to make improvements which will, in the opinion of a Professional Engineer, make the area completely safe for residential occupancy and provide adequate lot and street drainage, the preliminary plat of the subdivision may be approved.

#### 3. PROCEDURE

a. The subdivider shall submit two (2) copies of the pre-preliminary plat to the Township Clerk.

b. The Township Clerk shall promptly transmit a copy of the pre-preliminary plat to the Planning Commission.

c. The Planning Commission will review the plan with the subdivider or his agent.

d. The Planning Commission shall inform the subdivider or his agent of Oronoko Township's development policies and make appropriate comments and suggestions concerning the proposed development Scheme.

e. The Planning Commission shall inform the Oronoko Township Board of the results of the review of the pre-preliminary plat.

## B. PRELIMINARY PLAT PROCEDURE

1. Size and Scale; The preliminary plat may be on paper and shall be not less than twenty-four (24) inches by thirty-six (36) inches, at a scale of one (1) inch to one hundred feet showing the date and north arrow.
2. Information Required: The following shall be shown on the preliminary plat or submitted as an attachment to it.
  - a. The name of the proposed subdivision.
  - b. Names, addresses and telephone numbers of the subdivider and the surveyor preparing the plat.
  - c. Location of the subdivision, giving the numbers of section, township and range, and the name of the township and county.
  - d. The names of abutting subdivision.
  - e. Statement of intended use of the proposed plat, such as residential single dwelling, two-family and multiple housing; commercial; industrial; recreational; or agricultural. Also proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other nonpublic uses exclusive of single-family dwellings. Also, any sites proposed for parks, playgrounds, schools, or other public uses.
  - f. A map of the entire area scheduled for development, if the proposed plat is a portion of a larger holding intended for subsequent development.
  - g. A location map showing the relationship of the proposed plat to the surrounding area.
  - h. The land use and existing zoning of the proposed subdivision and the adjacent tracts.
  - i. Streets, street names, right-of-way and roadway widths.
  - j. Lot lines and the total number of lots by block.
  - k. Contours shall be shown on the preliminary plat at five (5) foot intervals where slope is greater than ten (10) percent, and two (2) foot intervals where slope is ten (10) percent or less.
  - l. Boundary lines; bearings and distances.
  - m. A site report as described in the rules of the State Department of Public Health shall be required if the proposed subdivision is not to be served by public sewer and water systems.
  - n. Proposed and existing storm and sanitary sewers, water mains and their respective profiles, or indicate alternative methods.
  - o. Two (2) copies of proposed protective covenants and deed restrictions, or state in writing that none are proposed.
  - p. Right-of-way easements, showing location, width, and purpose.
3. Preliminary Engineering Plans: The subdivider shall submit four (4) sets of preliminary engineering plans for required public improvements such as streets, water, sewers, sidewalks, and any other improvements required by Oronoko Township. The engineering plans shall contain enough information and detail to enable the Planning Commission to make preliminary determination as to conformance of the proposed improvements to applicable Oronoko Township regulations and standards. All copies of the preliminary plat necessary to meet the requirements of Section 112 (1) and *lor* 113 to 119 of the Subdivision Control Act shall be identical.



#### 4. PROCEDURES

a. Submittal. The subdivider shall submit to the Township Clerk at least ten (10) days before the Planning Commission meeting:

- (1) Six (6) copies of the preliminary plat on a topographic map.
- (2) Written application for approval, on form furnished by Township Clerk.
- (3) The fee established by this Ordinance for review of preliminary plats.

b. Tentative Approval: A preliminary plat shall be submitted to the Township Board for tentative approval or rejection before submitting to other approving authorities. Such action will only be taken after a review by the Planning Commission and will extend only to lot sizes, lot layout, street layout and street names.

- (1) Purpose: to encourage long range planning of developments and at the same time offer the subdivider reasonable protection against changes in lot sizes and layout.
- (2) The Township Board, within 90 days from the date of filing, shall tentatively approve and note its approval on the copy of the preliminary plat to be returned to the proprietor, or set forth in writing its reasons for rejection and requirements for tentative approval.
- (3) Tentative approval shall confer upon the subdivider for a period of one (1) year from date approval of lot sizes, lot layout, street layout, and street names. Such tentative approval may be extended if applied for by the subdivider and granted by the Township Board in writing.

C. Distribution to Authorities:

- (1) Following tentative approval of the preliminary plat, the subdivider shall submit to the various approving authorities the number of identical copies of the preliminary plat required by Section 112 to 119 of the Subdivision Control Act.
- (2) The Township Clerk shall submit one (1) copy of the preliminary plat to the school board of the respective school district in which the subdivision is to be located, for informational purposes only.
- (3) The subdivider shall file with the Township Clerk a list of all authorities to whom identical copies of the preliminary plat have been distributed.

5. Actions for Final Approval-Preliminary Plat.

a. Letters of Conditional Approval or Rejection

(1) The subdivider shall secure the approvals of the following authorities as required by Section 113 to 119 of the Subdivision Control Act:

Berrien County Road Commission  
Berrien County Drain Commissioner  
Michigan State Highway Department (if necessary)  
Michigan State Department of Natural Resources (if necessary)  
Michigan State Water Resources Commission (if necessary)  
Berrien County Health Department (if necessary)  
Berrien County Plat Board  
Public Utilities serving Oronoko Township

(2) The subdivider shall deliver all copies to the Township Clerk who shall promptly transmit them to the Planning Commission.

(3) Official Filing Date: The date all copies are received by the Township Clerk in accordance with (1) and (2) above shall be the official filing date.

b. Planning Commission

(1) The Planning Commission shall review the preliminary plat to determine if it meets all requirements.

(2) If the preliminary plat does not meet all requirements, the Planning Commission shall notify the subdivider by letter giving the earliest date for resubmission of the plat and additional information required.

(3) The Planning Commission shall give its report to the Township Board not more than sixty (60) days after submission of the preliminary plat in accordance with Section 3.2 (3.A-3).

(4) The sixty (60) day period may be extended if the applicant consents. If no action is taken within the stated period, the preliminary plat shall be deemed to have been approved by the Planning Commission.

c. Township Board

(1) The Township Board shall not review, approve or reject a preliminary plat unit it has received, from the Planning Commission, its report and recommendations, or time has expired in accordance with b (4) above. .

(2) The Township Board shall consider the preliminary plat at its next meeting, but not later than ninety (90) days from the date of filing.

(3) The Township Board shall within ninety (90) days from the date of filing either reject the preliminary plat and give its reasons, or set forth in writing the conditions for granting approval.

6. Conditions and Duration of Final Approval-Preliminary Plat:

a. Conditions: Final 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.

b. Duration:

(1) Final approval of the preliminary plat by the Township Board shall be for a period of two (2) years from the date to its approval after approval by the other required authorities.

(2) The Township Board may extend the two (2) year period if applied for and granted in writing but only concerning its own requirements.

C. FINAL PLAT PROCEDURE:

1. Requirements

a. General

(1) Final plats shall be prepared and submitted as provided for in the Subdivision Control Act.

(2) A written application for approval, the fee as established by the Oronoko Township Board.

(3) The subdivider shall submit proof of ownership of the land included in the final plat in the form of an affidavit attesting that there are no other owners of interest, recorded or unrecorded, or a policy of title insurance currently in force.

(4) The Township Board may require such other information as it deems necessary to establish whether the proper parties have signed the final plat.

b. Time of Submittal: Final Plats shall be submitted to the Township Clerk at least ten (10) days before a meeting of the Planning Commission.

## 2. PROCEDURES

a. Submittal to Approving Authorities: The subdivider shall submit the final plat and as-built engineering plans were required for approval to the following:

- (1) Berrien County Road Commission: For approval or rejection.
- (2) Berrien County Drain Commissioner: For approval or rejection.
- (3) Berrien County Health Department: For issuance of a letter of approval or rejection.
- (4) Planning Commission (through the Township Clerk); For recommendations to the Township Board.
- (5) Township Clerk: For approval or rejection by the Township Board.

### B. PLANNING COMMISSION:

(1) The Planning Commission shall examine the final plat at its next regular meeting, or within thirty (30) days of receipt of the final plat, for conformance to:

- (a). The provisions of the subdivision Control Act.
- (b). The provisions of this Ordinance.
- (c). The preliminary plat, as approved.

(2) The time for review and recommendations by the Planning Commission may be extended by agreement with the subdivider.

(3) If the Planning Commission recommends disapproval of the final plat by the Township Board it shall state its reasons in its official minutes and forward same to the Township Board, with a copy to the subdivider, and recommend that they disapprove the final plat until the objections causing disapproval have been changed to meet with the approval of the Planning Commission.

(4) Recommendations for approval of the final plat by the Township Board shall be accompanied by a report.

### c. Township Board:

(1) The Township Board shall review the final plat and the report from the Planning Commission at its next regular meeting, or at a meeting to be called within thirty (30) days of receipt from the Planning Commission.

(2) The Township Board shall approve the final plat or disapprove it. If disapproved, it shall give the subdivider its reasons in writing and rebate the recording fee and whatever portion of the review fee is provided for in this ordinance.

(3) The Township Board shall instruct the Township Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection and to sign the municipal certificate on the approved final plat in behalf of the Township Board.

### d. Improvements and facilities required by Oronoko Township:

(1) The Township Board may require all improvements and facilities to be completed before it proves the final plat.

(2) If improvements and facilities are not required to be completed before final plat approval, the final plat shall be accompanied by a contract between the subdivider and the Township Board for completion of all required improvements and facilities.

(3) Performance of the contract shall be guaranteed by a cash deposit, certified check, or irrevocable bank letter of credit or performance bond.

(4) The Township Board shall not require a surety deposit duplicating any surety deposit required by another governmental agency.

(5) Such surety shall be rebated or credited to the account of the proprietor as the work progresses, as included in a written agreement between the Township Board and the subdivider.

## SECTION VIII DESIGN STANDARDS

The standards set forth in this Ordinance shall be the minimum standards for streets, roads and intersections. Any higher standards adopted by the Berrien County Road Commission shall prevail. All streets shall be dedicated to public use.

### A. LOCATION

1. Street Location and Arrangements: When a major street plan has been adopted, subdivision streets shall be required to conform to the plan.
2. Street Continuation and Extension: The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions, unless otherwise approved by the Planning Commission and the Berrien County Road Commission.
3. Local or Minor Streets: Such streets shall be so arranged as to discourage their use by through traffic.
4. Stub Streets: 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 future projections of streets into adjacent areas (See Section H 2B)
5. Relation to Topography: Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and reasonable gradients.
6. Alleys: Alleys shall not be permitted in areas of single or two-family residences. Alleys shall be provided in multiple dwellings or commercial subdivisions unless other provisions are made for service access, off-street loading and parking. Dead-end alleys shall be prohibited.
7. Marginal Access Streets: Where a subdivision abuts or contains an arterial street, the Township may require:
  - a. Marginal access streets approximately parallel to and on each side of the right-of way.
  - b. Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
8. Cul-de-sac Streets: Cul-de-sacs shall not be more than six hundred (600) feet in length. Special consideration shall be given to longer cul-de-sacs under certain topographic conditions or other unusual situations. Cul-de-sacs shall terminate with an adequate turnaround with a minimum radius of seventy-five (75) feet for right-of-way and fifty feet for pavement.
9. Private Streets: Private streets and roads shall be prohibited except in an approved Planned Unit Development.

### B. SPECIFICATIONS

Specifications for the following shall conform to the Major Street Plan, if adopted, the rules of the Berrien County Road Commission, and/or Michigan State Department of Highways.

1. Street Rights-of-Way Roadway Widths.
2. Street Gradients.
3. Street Alignment.
4. Street Intersections.

### C. STREET NAMES

1. Street names shall not duplicate any existing street name in the local post office area or the Township except where a new street is a continuation of an existing street.
2. Street names that may be spelled differently but sound the same shall be prohibited.

3. Duplications can be avoided by checking new street names with the post office master listing, if available.

4. A guide for naming new streets shall be as follows:

Streets with predominant north-south directions shall be names "Avenue" or "Road": streets with predominant east-west direction shall be names "Street" meandering streets shall be named "Drive," "Lane," "Path," or "Trail": and cul-de-sac shall be named "Circle, ": "Court" "way," or "Place."

#### D. PEDESTRIAN WAYS

1. Crosswalks: Right-of-way for pedestrian crosswalks in the middle of long blocks, may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas.

The right-of-way shall be at least ten (10) feet wide and extend entirely through the block.

2. Sidewalks: Sufficient right-of-way shall be provided so that sidewalks may be installed on both sides of all streets.

#### E. EASEMENTS

1. Location: Easements shall be provided along rear lot lines for utilities and also along side lot lines when necessary. The total width shall not be less than six (6) feet along each lot, or a total of twelve (12) feet for adjoining lots. (See also Section G-5 for backup lots).

2. Drainage way: The subdivider shall provide drainageway easements as required by the rules of the Berrien County Drain Commissioner.

#### F. BLOCKS

1. Arrangements: A block shall be so designed as to provide two (2) tiers of lots, except where lots back onto an arterial street; natural feature or a barrier.

2. Minimum Length: Blocks shall not be less than six hundred (600) feet long.

3. Maximum Length: The maximum length allowed for residential blocks shall be one thousand three hundred twenty (1,320) feet long from center of street to center of street.

#### G. LOTS

1. Conform to Zoning: The lot width, depth and area shall not be less than the particular district requirements of the zoning ordinance, except where outlots are provided for some permitted purpose.

2. Lot Lines: Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.

3. With related to Length: Narrow, deep lots shall be avoided. The depth of a lot generally shall not exceed two and one half (2 1/2) times the width as measured at the set-back line.

4. Corner Lots: Corner lots shall have extra width as may be required to permit appropriate building setback from both streets or orientation to both streets. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.

5. Back-up Lots: Lots bordering such features as freeways, arterial streets, shopping centers, or industrial properties, shall back into same, except where there is a marginal access street, unless a secondary access is provided. Such lots shall contain a greenbelt or buffer park along the rear at least twenty (20) feet wide in addition to the utility easement to restrict access to the arterial street, to minimize noise and to protect outdoor living areas.

Lots extending through a block and having frontage of two (2) local streets shall be prohibited.

6. Lot frontage: All lots shall front upon a publicly dedicated street.

7. Lot Division: The division of a lot in a recorded plat is prohibited unless approved in accordance with the Oronoko Township Lot Splitting Ordinance.

#### H. GREEN BELTS/BUFFER PARKS AND RESERVE STRIPS

1. Greenbelts/Buffer Parks: Greenbelts or buffer parks may be required to be placed next to incompatible features such as highways, railroads, commercial, or industrial uses to screen the view from residential properties. Such screens shall be a minimum of twenty (20) feet wide, and shall not be a part of the normal roadway right-of-way or utility easement.

##### 2. Reserve Strips:

a. Reserve Strip-Private: Privately held reserve strips controlling access to streets shall be prohibited.

b. Reserve Strip-Public: A one-foot reserve may be required to be placed at the end of "stub" or "dead-end" streets which terminate at subdivision boundaries and between half streets. These reserves shall be deeded in fee simple to Oronoko Township for future street purposes.

#### I. PUBLIC SITES AND OPEN SPACES

1. Public Uses: Where a proposed park, playground, school or other public use shown on the Comprehensive Development Plan is located in whole or in part within a subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase.

If within two (2) years of plat recording the purchase is not agreed on, the reservation may be canceled.

2. Natural Features: Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots, and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision.

#### J. LARGE SCALE DEVELOPMENTS

1. Modifications: This Ordinance may be modified in accordance with Section 14.00, Planned Unit Development of the Oronoko Township Zoning Ordinance, in the case of a subdivision large enough to constitute a complete community or neighborhood, consistent with the Comprehensive Development Program which provides and dedicates adequate public open space and improvements of the circulation, recreation, education, light, air, and service needs of the tract when fully developed and populated.

2. Neighborhood Characteristics: A community or neighborhood under this provision shall generally be consistent with the Comprehensive Plan and contain five hundred (500) living units or more, contain or be bounded by major streets or natural physical barriers as necessary, and shall contain reserved areas of sufficient size to serve its population, for schools, playgrounds, parks, and other public facilities. Such reserves may be dedicated.

#### K. COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

1. Commercial or Industrial Modification: These subdivision design standards may be modified in accordance with Section 14.00 Planned Unit Development of the Oronoko

Township Zoning Ordinance, in the case of subdivisions specifically for commercial or industrial development, including shopping districts, wholesaling areas, and planned industrial districts. In all cases, however, adequate provision shall be made for off-street parking and loading areas, as well as for traffic circulation.

## SECTION IX. SUBDIVISION IMPROVEMENTS

It is the purpose of this section to establish and define the public improvements which will be required to be constructed by the subdivider as the conditions for final plat approval and also to outline the procedures and responsibilities of the subdivider and the various public officials and agencies concerned with the administration, planning, design, construction, and financing of public facilities, and to further establish procedures for assuring compliance with these requirements.

### A. RESPONSIBILITY FOR PLANS

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared a registered engineer, a complete set of construction plans, including profiles, cross-section, specifications, and other supporting data, for the hereinafter required public streets, utilities, and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the agencies shown. All construction plans shall be prepared in accordance with their standards.

### B. PROCEDURE

Submittal: When construction has been completed at the time of filing the final plat, one (1) complete copy of construction plans of each required public improvement shall be filed with the Township Clerk coincident with the filing of the final plat. Other requirements and procedures in the submittal of final plats shall be as provided in SECTION VII, C.

### C. REQUIRED PUBLIC IMPROVEMENTS

Every Subdivider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

1. Monuments: Monuments shall be set in accordance with the State Subdivision Control Act of 1967, Act No. 288 of the Public Acts of 1967, and the rules of the Michigan State Department of Treasury.
2. Streets and Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the Berrien County Road Commission.
3. If installation of curbs and gutters is desired by the subdivider or requested by the township, such curbs and gutters shall be installed and constructed in accordance with any standards and specifications adopted by the Berrien County Road Commission and the Berrien County Drain Commissioner.
4. Installation of Public Utilities: Public utilities shall be located in accordance with the rules of the Berrien County Road Commission. The underground work for utilities shall be stubbed to the property line.
5. Driveways: All driveways and driveway openings in curbs shall be specified by the Berrien County Road Commission or the Michigan State Department of Highways.
6. Storm Drainage: An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be

established by the Berrien County Drain Commissioner.

Construction shall follow the specifications and procedures established by the Berrien County Drain Commissioner. All proposed storm drainage construction plans for proposed plats shall be approved by the Berrien County Drain Commissioner.

7. Water and Sanitary Sewer Systems:

a. All subdivisions shall be connected to a public water supply system and/or a public sanitary sewer system if available and accessible. In determining availability and accessibility, the following shall be given consideration by the Township Board.

(1) Distance to nearest public services from the proposed subdivision (Less than 1/4 mile shall warrant consideration).

(2) Planned public services that are to be installed and ready for use within a two-year period. .

(3) Topography between the subdivision and the public service.

(4) Capacity of existing public system.

(5) Current policy of the Township Board on service extension.

(6) Population density of surrounding area to determine the need for public service.

b. When a proposed subdivision is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the subdivider.

c. When a proposed subdivision is to be serviced by a public sanitary sewer system, sanitary sewers and other required appurtenances thereto shall be provided by the subdivider.

d. Public water and public sanitary sewer systems shall comply with the requirements of Act 98, Public Acts of 1913, as amended, and with the procedures established by the Township Board.

e. Where studies by the Township indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided appears probable within a reasonably short time (up to three (3) years), sanitary sewer mains and house connections shall be installed and capped.

Where it determined that a subdivision cannot be connected with an existing public water system and/or a public sewer system, and then approved septic tanks, disposal fields and individual wells, which shall comply with the requirements of the Berrien County Health Department, may be allowed.

8. Street Name Signs: Street name signs shall be installed in the appropriate location of each street intersection in accordance with the requirements of Berrien County Road Commission.

9. Traffic Signs: Traffic signs, in addition to those required by the Berrien County Road Commission, may be required by the Township. All traffic signs shall be provided by the subdivider and be in accordance with the rules and regulations of the Berrien County Road Commission.

10. Sidewalks and Crosswalks: Where public water and sanitary sewer systems are required, sidewalks shall be required on both sides of the street.

Crosswalks 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 center- line of the easement, dedicated as a public pedestrian walkway.

Sidewalks and crosswalks shall be constructed in accordance with the requirements of the Berrien County Road Commission.



#### D. OPTIONAL PUBLIC IMPROVEMENTS

1. Recreational: Where a school site, neighborhood park, recreation area, or public access to water frontage, as previously delineated or specified by official action of the Planning Commission, is located in whole or part in the proposed subdivision, the Township Board may request the reservation of such open space for school, park and recreation or public access purposes. All such areas shall either be reserved for the respective school district in the case of school sites or for the Township unit in all other cases; however, voluntary dedicated of these land areas may be accepted.
2. Greenbelts or Buffer Parks: It is desirable for the protection of residential properties to have greenbelts or buffer parks located between a residential development and adjacent major arterial streets and railroad rights-of-way. Where a subdivider desires to protect his development in this respect, a proposed subdivision plat shall show the location of said greenbelts or buffer parks.
3. Street Trees: Street trees of a variety and size in accordance with the standards adopted by the Township shall be planted between the street curb and sidewalk. The location of street trees shall be approved by the Berrien County Road Commission.
4. Street Lighting: Street lights shall be required to be installed throughout the subdivision according to a plan submitted by Indiana & Michigan Electric Co. In these cases, a subdivider shall conform to the requirements of Oronoko Township and the public utility providing each lighting. Said lighting to be paid by special assessment of the property owner(s) unless otherwise provided. This restriction is to appear in each and every abstract of lot within this subdivision.

#### E. GUARANTEE OF COMPLETION OF IMPROVEMENTS REQUIRED

1. Financial Guarantee Arrangements, Exceptions: In lieu of the actual installation of required public improvements, the Township Board, on recommendation of the Planning Commission, may permit the subdivider to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of the Berrien County Road Commission, Berrien County Drain Commissioner or any other agency responsible for the administration, operation and maintenance of the applicable public improvement. The Planning Commission may recommend and the Township Board may waive financial guarantees of performance under this Ordinance for sidewalks or street trees.
  - a. Performance Bond
    - (1) Accrual: The bond shall accrue to Oronoko Township covering construction, operation and maintenance of the specific public improvement.
    - (2) Amount: The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement, including contingencies, as estimated by the Township Board.
    - (3) Term Length: The term length in which the bond is in force shall be for a period to be specified by the Township Board for the specific public improvement.
    - (4) Bonding Company: The bond shall be with a company authorized to do business in the State of Michigan, acceptable to the Township Board.
    - (5) The escrow agreement shall be furnished by the subdivider and approved by the Township Board.
  - b. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit
    - (1) Treasurer, Escrow Agent or Trust Company:  
A cash deposit, negotiable bond, or an irrevocable bank letter of credit (surety acceptable by the Township Board), shall accrue to the Township. These deposits shall be made with the Township Treasurer or deposits with a responsible escrow agent, or trust company, subject to the approval of the Township Board.

- (2) Dollar Value: The dollar value of the acceptable surety shall be equal to the total estimated cost of construction of the specific public improvement including contingencies, as estimated by the Township Board.
- (3) Escrow Time: The escrow time for the acceptable surety shall be for a period to be specified by the Township Board.
- (4) Progressive Payment: In the case of cash deposits or certified checks, an agreement between the Township and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond, or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement in accordance with a previously entered into agreement.

#### F. CONDITION OF TOWNSHIP APPROVAL OF FINAL PLAT-FINANCIAL GUARANTEES

With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

1. The construction of improvements required by this Ordinance shall have been completed by the subdivider and approved by the Township Board.
2. Surety acceptable to the Township shall have been filed in the form of a cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit.

#### G. INSPECTION OF PUBLIC IMPROVEMENTS UNDER CONSTRUCTION

Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the Township Board shall be made to provide for checking or inspecting the construction and its conformity to submitted plans.

#### H. 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 cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond, or may take such steps as may be necessary to require performance by the bonding company, and as included in a written agreement between the Township Board and the subdivider.

#### A. GENERAL

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

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

#### B. TOPOGRAPHICAL PHYSICAL LIMITATION VARIANCE

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this Ordinance would result in extra-ordinary hardship to the subdivider because of unusual topography, other physical conditions, or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of this Ordinance, the Planning Commission may recommend to the Township Board that variance modification or a waiver of these requirements be granted.

#### C. PLANNED UNIT DEVELOPMENT VARIANCE

The developer may request a variance from specified portions of this Ordinance in the case of a planned unit development. If in the judgment of the Planning Commission such a plan provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs, it shall make findings, as required herein below. The Planning Commission shall take into account the nature of the proposed use of land and existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect on the proposed subdivision upon traffic conditions in the vicinity. The Planning Commission shall report to the Township whether:

1. The proposed project will constitute a desirable and stable community development.
2. The proposed project will be in harmony with adjacent areas.

### SECTION XI ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE:

#### A. ENFORCEMENT

No subdivision plat required by this Ordinance or the Subdivision Control Act shall be admitted to the public land records of Berrien County or received or recorded by the Berrien County Register of Deeds, until such subdivision plat has received final approval by the Township Board. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Ordinance unless such public improvement shall have already been accepted, opened or otherwise received the legal status of a public improvement prior to the adoption of this Ordinance unless such public improvement shall correspond in its location and to the other requirements of this Ordinance.

#### B. BUILDING PERMITS

Building Permits shall not be issued for construction on property subdivided in violation of this Ordinance.

#### C. PENALTIES

Penalties for failure to comply with the provisions of this Ordinance shall be as follows: 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 Five Hundred (\$500.00) Dollars or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. The land owner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of the Ordinance, or of the Subdivision Control Act.

#### D. OCCUPANCY CERTIFICATE

No occupancy certificate shall be granted by any governing official for the use of any structure within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property, and until roadways providing access to the subject lot or lots have been constructed or are in the course of construction.

### SECTION XII AMENDMENTS PROCEDURES

The Township Board may, from time to time, amend supplement or repeal the regulations and provisions of this Ordinance in the manner prescribed by Act 246, Public Acts of 1945 as amended. A proposed amendment, supplement, or repeal may be originated by the Township Board, Planning Commission, or by petition. All proposals not originating with the Planning Commission shall be referred to it for a report thereon before any action is taken on the proposal by the Township Board.

### SECTION XIII SCHEDULE OF FEES

The schedule of fees for review of plats shall be set by the Oronoko Township Board in the Oronoko Township Schedule of Fees.

### SECTION XIV MISCELLANEOUS PROVISIONS

#### A. SEVERABILITY PROVISION

If any portion of this ordinance or the application thereof to any person, firm, corporation, or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of these regulations, which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations are declared to be severable.

#### B. REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

C. ADOPTION

Adopted by the Oronoko Township Board of Trustees of the Oronoko Township of Michigan on this 13 day of September, 1977. This ordinance shall take effect thirty (30) days after publication.

ALEX MISKIEWICZ, ORONOKO TOWNSHIP CLERK

ROBERT FEATHER, ORONOKO TOWNSHIP SUPERVISOR

ORONOKO TOWNSHIP BOARD OF TRUSTEES

ATTEST:

Alex Miskiewicz, Oronoko Township Clerk.

ORDINANCE NO 29

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