

ARTICLE R 15

SECTION R 15.01 FRUITLAND TOWNSHIP SUBDIVISION ORDINANCE

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND IN THE TOWNSHIP OF FRUITLAND, REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSE; ESTABLISHING MINIMUM SUBDIVISION STANDARDS; PROVIDING FOR MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER; SETTING FORTH THE PROCEDURES TO BE FOLLOWED BY THE TOWNSHIP BOARD IN APPLYING THESE RULES, REGULATIONS AND STANDARDS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS:

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 15.02 GENERAL PROVISIONS

Short Title: This Ordinance shall be known and may be cited as the “Fruitland Township Subdivision Ordinance.”

- A. Purpose: The purpose of this Ordinance is to regulate and control the subdivision of land within the Township of Fruitland, in order to promote the safety, public health and general welfare of the community. These regulations are specifically designed to:
1. Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies.
 2. Achieve individual property lots of maximum utility and livability.
 3. Insure adequate provisions for water, drainage, sanitary facilities, and other health requirements.
- B. Legal Basis: This Ordinance is enacted pursuant to the statutory authority granted by the Subdivision Control Act of 1967, Act 288, P.A. 1967, as amended: Act 191, P.A. 1939 providing for publication of Ordinances; Act 246, P.A. 1945, as amended, authorizing Township Boards to adopt ordinances and regulations to secure the public, health, safety, and general welfare.
- C. Scope: 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. Nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land is imposed or required by such existing provision of any other ordinance of this Township, the provisions of this Ordinance shall control.
- D. Administration: The approval provisions of this Ordinance shall be administered by the Township Board in accordance with Act 288, P.A. 1967, as amended.

- E. Schedule of Fees: The schedule of fees for review of plats shall be determined by the Township Board.

SECTION R 15.03 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated. The word “shall” is always mandatory and not merely discretionary.

- A. ALLEY: A public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.
- B. DEDICATION: The intentional appropriation of land by the owner to public use.
- C. IMPROVEMENTS: Any structure incident to servicing or furnishing facilities for a subdivision.
- D. LOT: A measured portion of a parcel of tract of land, which is described and fixed in a recorded plat.
- E. LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
- F. LOT WIDTH: The horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.
- G. OUTLOT: When included within the boundary of a recorded plat, means a lot set aside for purpose other than a building site, park or other land dedicated to public use or reserved to private use.
- H. PARCEL OR TRACT: A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act, Act 288, P.A. 1967 as amended.

SECTION R 15.04 PLATTING PROCEDURE AND DATE REQUIRED

- A. PRELIMINARY PLATS: Preliminary plats shall be submitted and filed for final approval under Sections 112 and 120 of the Subdivision Control Act. The fee provided for in this Ordinance for review of plats shall be deposited with the Township Clerk at the time of filing. The preliminary plat shall be referred to the Planning Commission, which shall consider it and make a recommendation to the Township Board. Such consideration and recommendation shall take place following a public hearing by the Planning Commission on the preliminary plat. For such hearing, notice shall be given in accordance with Section 21.04 of the Fruitland Township Zoning Ordinance.

The Planning Commission shall recommend approval, approval with conditions, or disapproval of a plat within 63 days after the plat is submitted to the Planning Commission. If applicable standards under the State of Michigan Land Division Act, 1967 PA 288, MCL 560.101 to 560.293 and the requirements of the Fruitland Township Subdivision Ordinance are met, the Planning Commission shall recommend approval of the plat.

If the Planning Commission fails to act within the required period, the plat shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the Planning Commission upon request of the proprietor. However, the proprietor may waive this requirement and consent to an extension of the 63-day period. The grounds for any recommendation of disapproval of a plat shall be stated upon the records of the Planning Commission.

The preliminary plat, together with minutes showing the action of the Planning Commission thereon, shall be referred to the Township Board.

B. ACTIONS: Township Board

1. The Township Board shall consider the preliminary plan at its next meeting, but no later than twenty (20) days after receipt.
2. The Township Board shall within twenty (20) days either reject the preliminary plat and give its reasons, or set forth in writing the conditions for granting approval.

C. CONDITIONS AND DURATION OF APPROVAL:

1. Approval of a preliminary plats shall not constitute approval of the final plat, but rather than final plat approval shall be conditioned on all requirements being met.
2. Approval of the preliminary plat by the Township Board shall be for a period of one year from the date of its approval after approval by the other required authorities.
3. The Township Board may extend the one (1) year period if applied for and granted in writing but only concerning its own requirements.

D. FINAL PLATS – REQUIREMENTS AND ACTIONS

1. Final Plats shall be prepared and submitted s provided for in the Subdivision Control Act.
2. A written application of approval and the recording fee shall accompany all final plats.
3. The sub-divider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to the date of the proprietor's certificate, or a policy of title insurance currently in force.
4. The Township may require such other information as it deems necessary to establish whether the proper parties have signed the plat.
5. The Township Board shall review the final plat at its next regular meeting, or at a meeting to be called within twenty (20) days of receipt of the plat.

6. The Township Board shall approve the plat, or disapprove it. If disapproved, the Township Board shall give the sub-divider its reasons in writing and rebate the recording fee and whatever portion of the review fee is provided for in this Ordinance.
7. The Township Board shall instruct the Clerk, to record all proceedings in the minutes of the meeting, which shall be open for inspection and to sign the municipal certificates on the approved plat on behalf of the Township Board.

Section R 15.05 REQUIREMENTS FOR LOTS

- A. **LOT SIZE:** The lot width, depth, and area shall not be less than the particular district requirements of the Township or any applicable County Zoning Ordinance. In addition, no lot shall be less than one hundred (100) feet wide, and less than thirty thousand (30,000) square feet in area. Provided, however, that lots containing not less than twenty thousand (20,000) square feet may be approved by the Township Board based on a determination that sewage facilities are adequate to service and lots.
- B. **LOT LINES:** Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.
- C. **WIDTH RELATED TO LENGTH:** Narrow deep lots shall be avoided. The depth of a lot generally should not exceed three (3) times the width as measured at the building line.
- D. **CORNER LOTS:** Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets.
- E. **UNINHABITABLE AREAS:** Lands subject to flooding or otherwise deemed by the Township Board to be uninhabitable shall not be platted for residential purposes or for uses that may in the judgement of the Township Board increase the danger to health, life or property or increase the flood hazard. Such land within a sub-division may be set aside for other uses, such as parks or other open space.
- F. **LOT FRONTAGE:** All lots shall front upon a street or road. Exceptions may be permitted for lots on lakes, rivers, or streams. The front line shall be the street or road unless otherwise shown on the plat.
- G. **LOT DIVISION:** The division of a lot in a recorded plat is prohibited, unless approved following applications to the Township Board. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. No building permit shall be issued, or any building construction commenced, unless the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the County Health Department. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in area than permitted by the Township Zoning Ordinance. Provided however, that the division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

SECTION R 15.06 PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE

Any person, firm or corporation who violates a provision of this ordinance or any person who knowingly or intentionally aids or abets another person in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.

Nothing herein contained shall prevent the Township Board or any other public officials or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance or of the Subdivision Control Act.

SECTION R 15.07 AMENDMENTS

The Township Board may, from time to time, amend, supplement, or repeal the regulation and provisions of this Ordinance, as provided by law.

SECTION R 15.08 MISCELLANEOUS PROVISIONS

Should any section, clause, or provisions of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION R 15.09 EFFECTIVE DATE

This Ordinance shall take effect in the Township after adoption by the Township Board, publication within ten (10) days after adoption, entry in the Township Ordinance Book and certification by the Clerk as to the date of adoption, vote and publication, within seven (7) days of publication. The effective date shall be thirty (30) days after date of publication.

Passed: June 10, 1971

Amended: April 18, 2005 to amend numbering, article and section identification

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