

**ORDINANCE #75**  
**SUBDIVISION CONTROL**

Adopted: 02/03/76  
Effective: 03/06/76

An Ordinance of the Township of Bangor establishing regulations governing the subdivision of land; providing standards, procedures, and administrative guidelines and rules for the preparation and filing of subdivision plats; providing for approval or rejection of such plats by the Township of Bangor; and providing penalties for the violation thereof.

The Township of Bangor, Bay County, Michigan hereby ordains:

**ARTICLE 1.00**  
**GENERAL**

**SECTION 1.01 SHORT TITLE.** This Ordinance shall be known as the Township of Bangor Subdivision Control Ordinance.

**SECTION 1.02 PURPOSE.** The regulations contained herein have been enacted to provide for the orderly growth and harmonious development of the community; to secure adequate traffic circulation through coordinated street systems with relation to major streets, adjoining subdivisions, and public facilities; to achieve individual property lots of maximum utility and livability; to secure adequate provisions for water supply, drainage and sanitary sewerage, and other health requirements; to secure adequate provisions for recreational areas, school sites, and other public facilities; and to provide reasonable and logical procedures for the achievement of these purposes.

**SECTION 1.03 AUTHORITY.** The regulations contained herein are to be interpreted and enforced by the Board of Trustees pursuant to the authority granted the Township by the State of Michigan in the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.

**SECTION 1.04 INTERPRETATION.** The provisions of the regulations contained herein shall be held to be the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare within the Township. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the Township, nor conflict with any statutes of the State of Michigan or Bay County, except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations.

**SECTION 1.05 SCOPE.** Subsequent to the effective date of this Ordinance, plats which fail to conform with the regulations contained herein shall not be approved by the Township.

**ARTICLE 2.00**  
**DEFINITIONS**

**SECTION 2.01** DEFINITIONS. For the purpose of this Ordinance all definitions used in the Subdivision Control Act of 1967, as amended, and all applicable administrative regulations regarding said act, shall have the same meaning when employed herein. In addition, the following words as employed in this Ordinance shall have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise.

- A. ALLEYS: A strip of land dedicated to public use, generally for the purpose of providing secondary vehicular access to the rear of properties to which the principal access is provided by an abutting street.
- B. RESERVE STRIP: A strip of land in a sub-division which extends across the end of a street proposed to be extended by future platting or a strip which extends along the lengths of a partial width street proposed to be widened by future platting, to the minimum permissible width.
- C. BUILDING LINE: A line established in a plat for the purpose of prohibiting construction of any portion of a building or structure between such line and any easement, right-of-way, or other public area.
- D. CUL-DE-SAC: A short minor street with only one end open to vehicular traffic and being permanently terminated at the other end by a vehicle turn-around.
- E. DEAD END STREET: A street with only one end open to vehicular traffic and not provided with a vehicle turn-around at the other end.
- F. EASEMENT: A grant by the property owner of the use of a strip of land by the public, a corporation, or private person or persons for a specific purpose or purposes.
- G. FLOOD PLAIN: A flood plain is that area of land adjoining the channel of a river, stream, water course, lake, bay, or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.
- H. IMPROVEMENTS: Any additions to the natural state of the land which increases its value, utility or habitability. Improvements include street pavements, (with or without curbs) and gutters, sidewalks, water mains, storm and sanitary sewers, street trees and other appropriate and similar items.
- I. LOT: A portion of a subdivision or other parcel of land intended to be a unit for transfer of ownership or for development.
- J. MAJOR STREET: A street or highway used primarily for fast or heavy traffic, including expressways, freeways, boulevards and highways in the State system.

- K. LOCAL STREET: A street intended primarily to provide access to abutting property.
- L. OUTLOT: An “outlot” when included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use, or reserved for private use.
- M. PARCEL OR TRACT: A unit of land under one ownership.
- N. PLANNING COMMISSION: The Planning Commission of the Township of Bangor, Bay County, Michigan.
- O. PLAT: A map or chart of a subdivision of land.
1. Pre-Preliminary Plat. A sketch plan of proposed subdivision at sufficient accuracy and scale to serve the purposes of procedure as set forth in this Ordinance.
  2. Preliminary Plat. A map showing the salient features of a proposed subdivision submitted to the Township for purposes of preliminary consideration.
  3. Final Plat. A map of all or part of a subdivision prepared and certified as to its accuracy by a registered engineer or land surveyor. Such map must meet the requirements of this Ordinance and of the Subdivision Control Act, Act 288, Public Acts of 1967, as amended.
- P. PUBLIC RESERVATION: A portion of a subdivision which is set aside for public use and made available for public use and acquisition.
- Q. STREET: A right-of-way dedicated and deeded for public use, other than an alley, which provides for vehicular and pedestrian traffic.
- R. SUBDIVIDE OR SUBDIVISION: The partitioning 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 (5) or more parcels of land each of which is ten (10) acres or less in area; are created by successive divisions within a period of ten (10) years.
- S. SUBDIVIDER OR PROPRIETOR: A natural person, firm, association, partnership, corporation or combination of any of these which may hold any ownership interest in land, whether recorded or not.
- T. TOWNSHIP BOARD: The Board of Trustees .of the Township of Bangor, Bay County, Michigan.
- U. ZONING ORDINANCE: The Zoning Ordinance of the Township of Bangor, Bay County, Michigan, adopted on September 14, 1972, as amended.

**ARTICLE 3.00**  
**PROCEDURE FOR PLAT PREPARATION AND FILING**

**SECTION 3.01 PRE-PRELIMINARY PLAT.** The purpose of the pre- preliminary plat is to provide the proprietor with an opportunity to avail himself of the advice and assistance of the Planning Commission, Township Board, Township Engineer and the many other agencies involved in subdividing, prior to preparing a preliminary plat and its sub- mission for approval,

Prior to the preparation and filing of a preliminary plat, the proprietor may meet informally with the Planning Commission in order that he may become familiar with this Ordinance and with the proposals of the Comprehensive Plan as they affect the area in which his proposed subdivision is located. The proprietor should concern himself with the following factors:

- The area of the proposed subdivision should be properly zoned for the intended use.
- An investigation of the adequacy of existing schools and public open spaces (including parks and playgrounds) to service the proposed subdivision.
- The relationship of the proposed subdivision to major thoroughfares
- Standards for sewage disposal, water supply and drainage of the Township and health standards of Bay County and the State of Michigan.

Nothing in this section, however, shall be construed as to require the submittal of a pre-Preliminary Plat. Review at this stage shall not constitute any approval of a proposed preliminary plat subsequently submitted, but shall serve primarily as guidance to the prospective proprietor. Any proprietor may elect to begin subdividing by submitting a preliminary plat in accordance with the provisions of this Ordinance.

**SECTION 3.02 PRELIMINARY PLAT, TENTATIVE APPROVAL.** Tentative approval under this section shall confer upon the proprietor for a period of one (1) year from date, approval of lot sizes, lot orientation, and street layout. Such tentative approval may be extended at the option of the Township Board for a period of one (1) year, if applied for by the proprietor and granted by the Township Board in writing.

- A. **SUBMITTAL:** The proprietor shall submit five (5) copies of the Preliminary Plat and other data to the Township Clerk at least twenty (20) days before a meeting of the Planning Commission and copies shall be distributed to:
1. Township Clerk retains two (2) copies.
  2. One (1) copy to the Township Engineer.
  3. One (1) copy to the Planning Commission.
  4. One (1) copy to the Superintendent of the School District having Jurisdiction in the area concerned.

B. INFORMATION REQUIRED. The following information shall be shown on the Preliminary Plat or submitted with it:

1. Proposed name of subdivision.
2. Location of the subdivision giving the numbers of Section, Township and Range, or by other legal description.
3. Names and addresses of the proprietor owner proprietor, and the planner, designer, engineer or surveyor who prepared the Preliminary Plat.
4. The names of abutting subdivisions, layout of streets, indicating street names, right-of-way widths and connections with adjoining platted streets, the widths and location of alleys, easements and public walkways and lot layouts.
5. The Preliminary Plat shall be at a scale of two hundred feet (200') to one (1") inch or larger.
6. Date, cardinal points, scale.
7. A map of the entire area scheduled for development, if the proposed plat is a portion of a larger holding intended for subsequent development.
8. Layout, numbers and dimensions of lots.
9. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.
10. Location of any existing and proposed sanitary sewers, water mains, storm drains and other underground facilities.
11. A site report, if the proposed subdivision is not to be served by public sewer and water systems, as described in the rules of the State Department of Public Health.
12. Contours shall be shown on the Preliminary Plat at five (5') foot intervals where slope is greater than ten (10%) percent. Topography to be based on U.S.G.S. datum.
13. The proprietor shall submit preliminary engineering plans for streets, water, sewers, sidewalks and other required public improvements. The engineering plans shall contain enough detail to enable the Township Engineer to make preliminary determination as to conformance of the proposed improvements to applicable regulations and standards

C. PROCEDURES.

1. The Township Clerk shall place the Preliminary Plat on the agenda of the next regular meeting of the Planning Commission.
2. The Planning Commission shall review the Preliminary Plat and the comments of the Township Engineer and other interested parties and, if the Plat meets all requirements shall:
  - Find all conditions have been satisfactorily met and recommend to the Township Board tentative approval of the Preliminary Plat. The Planning Commission Chairman shall record the approval on the Plat and return one (1) copy to the proprietor, or
  - If the Preliminary Plat does not meet all requirements, the, Planning Commission shall notify the proprietor in writing, giving the earliest date for resubmission of the Plat and additional information required, and submit its

report and recommendation to the Township Board within sixty (60) days following submission of the Preliminary Plat.

- If no action is taken within sixty (60) days, the Preliminary Plat shall be deemed to have been approved by the Planning Commission.
3. The Township Board, at their next regular meeting after receiving the recommendation from the Planning Commission, shall review said Preliminary Plat and shall tentatively approve the Preliminary Plat or disapprove said Plat. The Township Board shall record their approval on the Plat and return one (1) copy to the proprietor or set forth in writing its reasons for rejection and requirements for tentative approval.
  4. The proprietor upon receiving tentative approval from the Township Board shall submit the Preliminary Plat to all authorities as required by sections 113 to 119 of the Subdivision Control Act, Act 288, Public Acts of 1967, as amended.

**SECTION 3.03 PRELIMINARY PLAT-FINAL APPROVAL.** Final approval of the Preliminary Plat under this section shall confer upon the proprietor for a period of two (2) years from date of approval, the conditional right that the general terms and conditions under which preliminary approval was granted will not be changed. The two (2) year period may be extended if applied for by the proprietor and granted by the Township Board in writing. Written notice of the extension shall be sent by the Township Clerk to the other approving authorities.

- A. **SUBMITTAL.** Five (5) copies of the Preliminary Plat for final approval shall be submitted to the Township clerk.
- B. **INFORMATION REQUIRED.** The following information shall be shown on the Preliminary Plat or submitted with it:
  1. A list of all required approving authorities to the Township Clerk, certifying that the list shows all authorities as required.
  2. Submit copies of the approvals to the Township Clerk after all necessary approvals have been secured.
  3. Copy of the receipt from the Township Treasurer that all fees, as provided in this Ordinance, have been paid.
  4. Engineering inspection fees, and other charges and deposits provided for in this Ordinance.
  5. Copies of the proposed protective covenants and deed restrictions.
- C. **PROCEDURES.** The Township Board, after receipt of the necessary approved copies of the Preliminary Plat, shall:
  1. Consider and review the Preliminary Plat at its next meeting, or within met all conditions laid down for approval of the Preliminary Plat.
  2. Instruct the Township Clerk to promptly notify the proprietor of approval or rejection in writing, and if rejected, to give the reasons.

3. Instruct the Township Clerk to note all proceedings in the minutes of the meeting, which minutes shall be open for inspection.
4. No construction of improvements shall be commenced by the subdivider until he has:
  - Received notice of final approval of the Preliminary Plat by the Township Board, and
  - Entered into a subdivision agreement with the Township for construction of all required subdivision improvements, and
  - Deposited a performance guarantee and cash performance bond as required by the Bay County Road Commission, Department of Public Works or other supervising public agency.

**SECTION 3.04. FINAL PLAT.** Following final approval of the Preliminary Plat by the Township Board, the proprietor shall cause a survey and a true plat thereof to be made by a registered land surveyor.

- A. **SUBMITTAL:** Final Plat shall be submitted to the Township Clerk. A Final Plat shall not be accepted after the date of expiration of the Preliminary Plat approval.
- B. **INFORMATION REQUIRED:** The Final Plat of subdivided land shall comply with the provisions of survey and mapping requirements cited in the Subdivision Control Act, Act 288, Public Acts of 1967, as amended.

The proprietor shall provide an abstract of title, certified to date, of the proprietor's certificate to establish recorded ownership interests and any other information deemed necessary for the purpose of ascertaining whether the proper parties have signed the plat, or a policy of title insurance currently in force, covering all of the land included within the boundaries of the proposed subdivision. The Township Board, in lieu of an abstract of title, may accept on its own responsibility an attorney's opinion based on the abstract of title as to ownership and marketability of title of the land.

C. **PROCEDURES.**

1. The Final Plat shall be reviewed by the Township Engineer as to compliance with the approved Preliminary Plat and plans for utilities and other improvements.
2. The Final Plat shall be reviewed by the Township Attorney who shall approve any necessary agreements to guarantee the construction or installation of improvements as provided in this Ordinance.
3. The Township Board shall review all recommendations and take action on the Final Plat within thirty (30) days.
4. The Township Board shall require all improvements and facilities to be constructed or require a bond in lieu of construction of facilities prior to approving the Final Plat.
5. Upon the approval of the Final Plat by the Township Board, the subsequent approvals shall follow the procedure set forth in the Subdivision Control Act, Act 288, Public Acts of 1967, as amended. If disapproved, the Township Board shall

- give the proprietor its reasons in writing.
6. 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 of the approved Plat in behalf of the Township Board.
  7. It is the responsibility of the proprietor to furnish four additional copies of the Final Plat to the required agencies in accordance with the Subdivision Control Act.

**ARTICLE 4.00**  
**DESIGN STANDARDS FOR SUBDIVISION PLANNING**

The following design standards are intended as a guide to sound land planning and are the minimum standards for subdivision development in the Township of Bangor.

**SECTION 4.01. STREETS AND ALLEYS.** The specifications herein set forth are to be the standards adopted for the width and location of all highways, streets, and alleys which may hereafter be platted or accepted within the Township.

- A. **LAYOUT.** The layout of proposed streets shall provide for the continuation of existing streets in surrounding areas and/or shall conform to a plan for the neighborhood approved by the Township Board in cases where topographical or other conditions preclude the continuation of existing streets. In general, such streets shall be of width as great as that of the street so extended. Local residential streets shall be laid out as to discourage their use by through traffic.
- B. **PRIVATE STREETS AND ALLEYS.** Private streets and alleys shall not be permitted, but rather all streets and alleys shall be dedicated to the public.
- C. **ACCESS TO PROPERTY.** A plat shall not be approved which is isolated from or which isolates other lands from existing public streets, unless suitable access is provided.
- D. **INTERSECTIONS.** Intersecting streets shall be laid out so that the intersection angle is as nearly possible, ninety (90°) degrees. Streets converging at one point shall be reduced to the least practicable number.
- E. **HALF STREETS.** Half streets shall not be permitted. Wherever there already exists a dedicated and recorded half-street or half-alley on an adjoining plat, and such half-street or half-alley cannot be vacated, the other half shall be dedicated on the proposed plat to make the street or alley complete.
- F. **DEAD-END STREETS.** When adjoining areas are not platted, the arrangement of certain streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas. A one-foot public reserve may be required to be placed between stub streets and subdivision boundaries. These reserves shall be deeded in fee simple to the public for future street purposes.



- G. ALLEYS. Alleys shall not be permitted in residential areas, but may be permitted or required in commercial or industrial areas for the purpose of service access, such as for off-street parking and loading.
- H. STREET NAMES. Street names shall not be permitted which might cause confusion for purposes of assessing, mail delivery, or locating by the public with names of existing streets in or near the Township. Streets that will be continuations of existing streets shall be called by the same names of such existing streets.
- I. BUILDING LINES AND SETBACK LINES. Building lines shall conform to the requirements of the Zoning Ordinance.
- J. SURFACE DRAINAGE. Adequate and safe disposal of all yard drainage shall be provided in accordance with details and specifications prescribed by the Township Engineer.
- K. FRONTAGE ON IMPROVED ROADS. No plat shall be approved unless the area to be subdivided shall have frontage on and at least two access roads from an existing street or road that has been publicly dedicated and accepted for maintenance. This requirement shall not include plats composed of a single street not exceeding six hundred (600) feet in length and terminating with a turning circle, commonly referred to as a cul-de-sac street.
- L. STREET ALIGNMENT, RIGHT-OF-WAY WIDTH, CUL-DE-SACS AND GRADES. In accordance with adopted standards and construction requirements of the Bay County Road Commission.

**SECTION 4.02. UTILITY AND DRAINAGE EASEMENTS.**

- A. Drainage easements shall be provided, which conform substantially with the lines of any natural watercourse, drainage ditch, channel or stream and the requirements of the Bay County Road Commission. Such easements shall be of adequate width for the particular conditions of the site. The Bay County Road Commission may require, if it is considered necessary to the proper development of the subdivision and the circulation of local traffic, that the drain, if within a public right-of-way, will be tiled and fully enclosed.

Except where alleys are provided for the purpose, a private utility easement, not less than twelve (12') feet in width, with six (6') feet located on each side of the property line, shall be provided along rear or side lot line. Utility easements six (6') feet in width are permissible along rear property lines, in cases where such rear property lines abut unplatted land.

**SECTION 4.03. LOTS.** The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lots shall be of such size as to permit a variety of housing types, to provide side yards for desirable access, light, air, privacy, and safety from fire hazards, and to provide for setbacks from the street line and allow sufficient space for household purposes.

- A. ACCESS. All lots shall abut upon their full frontage on a dedicated public street. Lots, other than corner lots, shall not be permitted to abut two streets.
- B. DEPTH. No lot shall be less than one hundred twenty (120') feet in depth. The depth of a lot may not exceed a depth to width ratio of 2-1/2 to 1.
- C. CORNER LOT. Corner lots in single family plats shall be provided with an extra fifteen (15') feet of width to permit the maintenance of the minimum front building setback lines on both the front and side street lines.
- D. SIDE LOT LINES. Side property lines of lots shall generally be perpendicular or radial to street lines except where, in the opinion of the Township Board, a better plotting plan can be achieved. Side and rear property lines should be generally straight.
- E. AREA. The area and width of lots shall be in accordance with the minimum Zoning Ordinance requirements for the district in which the plat is proposed.
- F. INDUSTRIAL AND COMMERCIAL LOTS. No lot or parcel zoned industrial or commercial shall be platted unless such lot or parcel be sufficient in size as to provide area for off-street parking and loading in accordance with the requirements of the Zoning Ordinance.
- G. LARGE LOTS. In case a tract is subdivided into parcels containing over one acre in area, such parcels shall be arranged to allow the resubdivision of any parcels into smaller lots in accordance with the provisions of this Subdivision Control Ordinance.
- H. LAND SUBJECT TO FLOODING. Any areas of land within the proposed subdivision which are subject to flooding or inundation by storm water shall be clearly shown on the Final Plat. Such land shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property, or unduly aggravate the flood hazard.

**SECTION 4.04. BLOCKS.** The size and shape of blocks shall be appropriate for the type of lots and land use proposed. Blocks shall be designed so as to permit good lot orientation, safe street design and economical use of the land.

- A. MAXIMUM LENGTH. Maximum length of blocks, measured between intersecting street centerlines, shall not exceed thirteen hundred and twenty (1,320') feet. This maximum may be exceeded where lot sizes average over 20,000 square feet, except that in no case, however, may the maximum block length exceed 1,800 feet.
- B. MINIMUM LENGTH. Minimum block length, measured as above, shall not be less than five hundred (500') feet.
- C. WIDTH. Width of blocks shall be equal to the total depth of two (2) tiers of lots and

shall not be less than two hundred and forty (240') feet.

## **ARTICLE 5.00 REQUIRED IMPROVEMENTS**

### **SECTION 5.01. REQUIRED FINANCIAL GUARANTEE ARRANGEMENTS.**

- A. The proprietor shall be required to provide financial security in one or a combination of cash deposit, deposit by certified check, or irrevocable letter of credit in an amount to cover the cost of the contemplated improvements. The Bay County Road Commission or other supervising public agency shall estimate the cost of the contemplated improvements and receive the financial security in a manner as they may dictate. The supervising public agency may rebate or release to the proprietor, as the work progresses, amounts equal to the ratio of the completed and accepted work to the entire project.
- B. In case the subdivider shall fail to complete the required public improvements work within such time period as required by the conditions or guarantees as outlined above, the County agency or Township may proceed to have such work completed and reimburse itself for the cost thereof by appropriating the cash deposit, certified check, or by drawing upon the letter of credit.
- C. The proprietor shall also place cash in escrow for sanitary sewer infiltration testing, water main testing and chlorination, street name and traffic control signs.
- D. One year maintenance guarantee bonds may be required at the discretion of the supervising County agency and deposited by the proprietor.

**SECTION 5.02. UTILITIES AND IMPROVEMENTS.** The improvements set forth under this Section are to be considered as the minimum acceptable standard. Those improvements for which standards are not specifically set forth shall be established by the Township Board with assistance from the Township Planning Commission. The current M.D.H. & T. and State Health Department requirements will also be applicable.

- A. **STREET PAVEMENT.** Street improvements shall be provided by the proprietor in accordance with standards and specifications of the Bay County Road Commission.
- B. **STORM DRAINAGE.** All streets shall have enclosed storm drainage sewers in accordance with standards and specifications prescribed by the Bay County Road Commission. Where County drains are included in the proposed plat a letter or document of approval shall be submitted by the proprietor from the Bay County Drain Commissioner and other public agencies that have jurisdiction.
- C. **SANITARY SEWERAGE SYSTEM.** A public sanitary sewer system shall be constructed and the sewer size, type grade and other appurtenances of the system shall be constructed in conformance with the standards and specifications prescribed by the Bay

County DPW and Bay County Health Department

- D. **WATER SYSTEM.** A public water supply system shall be required and water mains, fire hydrants and necessary water system appurtenances shall be constructed in such a manner as to adequately serve all lots shown on the plat both for domestic use and fire protection. Standards and specifications shall be prescribed by the Township.
- E. **CURBS AND GUTTERS.** Curbs shall be constructed on all streets shown on the plat in accordance with standards and specifications of the Bay County Road Commission.
- F. **STREET SIGNS.** For the proper identification of streets, the proprietor shall provide and erect street signs and traffic control signs meeting the standards of the Bay County Road Commission and State of Michigan.
- G. **UNDERGROUND WIRING.** The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout a subdivided area (except for major street right-of-way, if in agreement with the Utility Company and the Township Engineer) and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the Township Engineer and the approval of the Township Board at the time of final plat approval.

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. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor.

- H. *Sidewalks shall be required on both sides of all streets within the plat. Sidewalks will be constructed in accordance with the standards set forth in the Bangor Township Sidewalk Ordinance. (Amended by Ordinance #273, effective 10/05/01)*

**SECTION 5.03. COMPLETION AND ACCEPTANCE FOR MAINTENANCE.**

- A. **CERTIFICATION BY THE DEVELOPER'S ENGINEER.** The proprietor's Engineer shall furnish the supervising County agencies a letter or document indicating satisfactory completion of the required improvements.
- B. **INSPECTION BY THE PROPRIETOR'S ENGINEER AND BAY COUNTY ROAD COMMISSION ENGINEER AND TOWNSHIP ENGINEER.** After the completion of the construction of the streets and other related facilities, the supervising County agency and Township Engineer will conduct a final inspection. This inspection shall be made in conjunction with the proprietor's Engineer to assure the subdivision is completed according to the approved plans and specifications.

- C. PARTIAL ACCEPTANCE. In no case will a partial acceptance of any street in the subdivision be made for maintenance.

**ARTICLE 6.00  
VARIANCES**

**SECTION 6.01. GENERAL.** The Township Board may consider variances from the provisions of this Ordinance on a finding that application of such provision or requirement is impracticable. In making its findings, as required herein below, the Township Board 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 granted unless the Township Board finds after a public hearing:

- A. That there are such special circumstances or conditions affecting said property that the strict 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 Township Board.
- B. 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.
- C. That such variance will not violate the provisions of the State Subdivision Control Act.

**ARTICLE 7.00  
PUBLIC RESERVATIONS AND SPECIAL DEVELOPMENTS**

**SECTION 7.01. PUBLIC SITES AND OPEN SPACES.**

- A. Where a site for a park, playground, school, library, fire station or other public use is deemed necessary by the Planning Commission to fulfill its objectives, the Township Board may require, upon recommendation from the Planning Commission, the reservation of such areas within the subdivision.
  - 1. Upon determination by the respective public agency that space for the public facility is required the agency involved shall within ninety (90) days enter into an agreement to purchase the site.
  - 2. Acquisition of the site shall be accomplished within three (3) years.
- B. Reservation of other public open spaces may be required where deemed necessary by the Planning Commission and the Township Board for preservation of historic sites and scenic areas or for a particular type of development proposed in the subdivision.
- C. Dedication of greenbelts or buffer parks may be required by the Township Board in areas where they are desirable to separate and protect residential subdivisions from adjacent

commercial developments, highways, streets and railroads or any obnoxious use.

**ARTICLE 8.00  
LOT SPLITTING**

**SECTION 8.01. SUBMITTAL AND REVIEW.** Any person desiring a lot split within a platted area shall submit to the Township Supervisor written application for splitting, and five (5) copies of the lot split.

**SECTION 8.02. DUTIES OF THE SUPERVISOR.** The Supervisor shall review the proposed lot split to determine its compliance with the applicable Township Ordinances, and with Act 288, Public Acts, 1967, as amended. If the resultant split is in conformance with these conditions, he shall have the authority to authorize the requested lot splits.

**SECTION 8.03. TAXES.** No lot shall be split until all taxes and special assessments have been paid. A receipt of payment must be submitted with the proposed lot split plan.

**ARTICLE 9.00  
PENALTY**

**SECTION 9.01. PENALTY.** Any person who shall violate any of the provisions of these regulations, whether such person be the owner or agent of the owner of the property shall be fined not to exceed the sum of five hundred (\$500.00) dollars, and the cost of the prosecution or by imprisonment for not more than ninety (90) days, or both, at the discretion of the Court. Each day such violation shall exist shall constitute a separate offense. Furthermore, all persons shall be subject to the penalties set forth in Section 264 of the Subdivision Control Act, Act No. 288, P.A. 1967, as amended.

**ARTICLE 10.00  
VALIDITY**

**SECTION 10.01. VALIDITY.** Should any section, clause or provision of these regulations be declared by the courts to be invalid, the same shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so declared to be invalid.

**ARTICLE 11.00  
EFFECTIVE DATE**

This Ordinance governing the subdivision of land within the Township of Bangor, Bay County, Michigan is hereby declared to have been adopted by the Township Board at a meeting thereof, duly called and held on the 3<sup>rd</sup> day of February, 1976, is ordered to be given publication in the manner prescribed by law and shall take effect thirty (30) days after publication.