

## CHAPTER 15 SUBDIVISION AND LAND MANAGEMENT REGULATIONS\*

*\*Editor's note: The 2014 ordinance recodification amended the Code substantially revising and reorganizing this Chapter to provide subdivision and land management regulations that conform to the state laws governing such matters and to the Township's Zoning Ordinance.*

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### ARTICLE I IN GENERAL

#### Sec. 15-001. Short title

The regulations in this chapter shall be known and referred to as the "Charter Township of Waterford Subdivision and Land Management Regulations."

*(Comp. Ords. 1986, § 16.011)*

#### Sec. 15-002. Purpose

The purpose of this Chapter is to regulate and manage the division of and access to land within the Township and carry out the provisions of the Land Division Act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended, in order to promote the public health, safety, and general welfare of the community. These regulations are specifically designed to:

- (a) Provide for orderly development of land through minimum requirements for the review and approval of certain land divisions within the Township.
- (b) Prevent the creation of parcels of property which do not comply with applicable ordinances and the Land Division Act
- (c) Secure adequate and convenient traffic circulation through coordinated street systems with relation to:
  - (1) major arterial streets, minor arterial streets, and collector streets,
  - (2) adjoining subdivisions,
  - (3) public facilities, and
  - (4) public safety and emergency medical services vehicles.
- (d) Achieve individual property lots of maximum utility and livability.
- (e) Ensure compliance with the Master Plan; Zoning Ordinance; and all other codes, ordinances and regulations which are applicable to the division of land.
- (f) Ensure adequate provisions for storm drainage, water and sanitary sewer facilities, and other health requirements.

*(Comp. Ords. 1986, § 16.012)*

*(CHAPTER 15, ARTICLE I cont.)*

**Sec. 15-003. Definitions**

In addition to those rules of construction and definitions contained in Section 1-002, the following definitions shall apply to this Chapter:

- (a) The following terms from the Land Division Act, Public Act 288 of 1967: “**Accessible**”, “**Alley**”, “**County Plat Board**”, “**Development Site**”, “**Division**”, “**Exempt Split**”, “**Forty Acres or the Equivalent**”, “**Government Survey**”, “**Land**”, “**Michigan Coordinate System**”, “**Outlot**”, “**Parcel**”, “**Parent Parcel**” or “**Parent Tract**”, “**Plat**”, “**Preliminary Plat**”, “**Proprietor**”, “**Public Utility**”, “**Public Sewer**”, “**Replat**”, “**Subdivide**” or “**Subdivision**”, “**Tract**”, and “**Topographical Map**”.
- (b) The following terms from the Waterford Township Zoning Ordinance: “**Planning Commission**”, “**Public Utility**”, and “**SPL Manual**”.
- (c) **Floodplain** shall be as defined in the Act and Section 8-045 of this Code.
- (d) When used in this Chapter, “**lot**” shall mean the same as “**Lot of Record**” as defined in Section 1-002 of this Code.
- (e) When used in this Chapter, “**Act**” shall mean the **Land Division Act**, Public Act 288 of 1967, as amended.

*(Comp. Ords. 1986, § 16.021)*

**Sec. 15-004. Fees and escrow requirements**

The Township Board shall establish by resolution a schedule of fees, escrow, and performance guarantee requirements intended to cover the costs associated with the procedures regulated by this Chapter, which may be modified by resolution of the Township Board as necessary.

*(Ord. of 5-22-1989)*

**Sec. 15-005. Delinquent taxes and special assessments**

Any due or unpaid taxes or special assessments upon the property shall be paid before any approved division of land under this Chapter is processed or recorded.

**Sec. 15-006. Variances**

Unless otherwise indicated elsewhere in this Chapter, the Township Board shall have the power to fully or conditionally vary or modify one or more regulations in this Chapter upon finding practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Chapter, such as topographical and other physical characteristics of a parcel or other difficulties which are not self-created or financial in nature, and:

- (a) The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which such property is situated.
- (b) Such variance will not violate the provisions of the Act.
- (c) Such variance will not have the effect of nullifying the interest and purpose of this Chapter, the Master Plan, or the Zoning Ordinance.

**Sec. 15-007. Appeals**

An applicant who is aggrieved by an administrative decision made pursuant to this Chapter may, within 30 days of notification of the decision, appeal the decision to the Township Board. At least ten (10) days written notice of the date, time and place of the meeting at which the appeal is to be considered shall be given to the applicant by regular, first class mail, directed to the applicant's address as shown on the application or the written appeal. The Township Board may affirm or reverse such administrative decisions, in whole or in part, and the decision of the Township Board shall be final.

**Sec. 15-008. Validity of land divisions**

- (a) The approvals required under the provisions of this Chapter shall be obtained prior to the installation of any subdivision or project improvements within the Township, in public alleys,

***(CHAPTER 15, ARTICLE I, SECTION 15-008(a) cont.)***

public rights-of-way, and public easements, and/or under the ultimate jurisdiction of the Township shall comply with all of the provisions and requirements of this or any other related ordinance.

- (b) No division of land shall be admitted to the public land records of the County or received or recorded by the County register of deeds until such division of land has received final approval in accordance with the requirements of this Chapter.

**Sec. 15-009. Violations and sanctions**

Violation of any section of this Chapter is a civil infraction, punishable as provided in Section 1-010(b).

**Secs. 15-010--15-019. Reserved.**

**ARTICLE II. SUBDIVISION CONTROL**

**Division 1. Generally**

**Sec. 15-020. Document standards and required information for plats**

All preliminary and final plats submitted for review and approval in Sections 15-030 through 15-039 shall conform to the following document standards and contain the listed information:

- (a) All plats shall be legibly prepared on one or more sheets, eighteen (18) inches wide by twenty-four (24) inches long in size, leaving a 1.5 inch binding margin and a ½ inch margin on all other sides.
- (b) All plats must be drawn to scale of at least one (1) inch to one hundred (100) feet and must be prepared by a professional surveyor licensed in the State of Michigan in accordance with the survey requirements of the Act.
- (c) The following information shall be shown on the plat:
  - (1) Date of the plat document.
  - (2) North arrow and bar scale.
  - (3) The name of the proposed subdivision.
  - (4) Parcel number and legal description of the proposed subdivision.
  - (5) The names, addresses and telephone numbers of the proprietor and surveyor preparing the plat. The plat must bear the seal and include the signature of the licensed professional surveyor preparing the plat.
  - (6) The location of the subdivision, giving the numbers of section, township and range, and the name of the township and county.
  - (7) The names of abutting developments, if any.
  - (8) A location map showing the relationship of the proposed plat to the surrounding area.
  - (9) The land use and existing zoning of the proposed subdivision and the adjacent tracts.
  - (10) Existing and proposed streets, street names, right-of-way, street roadway widths, pavement striping, lane widths, driveways, bypass lanes and off-site driveways within one hundred (100) feet of the subject property.
  - (11) Lots numbered in sequence, for the plat and/or all phases therein.
  - (12) Contours shall be shown on the preliminary plat at intervals as follows: one (1) foot intervals if the land is generally sloped less than one (1) percent and two (2) foot intervals if the slope is more than one (1) percent.
  - (13) The phasing plan, if the subdivision is proposed to be developed in phases.
  - (14) Any school district boundary lines that touch or fall within the proposed subdivision.
  - (15) Right-of-way easements, showing location, width and purpose.
  - (16) All stormwater, detention or sedimentation facilities to be located within the development.
  - (17) A grading plan for the subdivision.
  - (18) Street tree location plan.

**(CHAPTER 15, ARTICLE II, DIVISION 1 cont.)**

**Sec. 15-021. Additional information required**

The following information must be submitted along with all preliminary and final plats:

- (a) Statement of intended use of the proposed plat, such as single-family residential, multiple-family residential, commercial, industrial, or recreational; also proposed sites, if any, for parks, playgrounds, schools or other public uses.
- (b) Accompanying sketch showing the following information:
  - (1) Drainage pattern including drainageways and directions of their flow.
  - (2) Soil characteristics.
- (c) A plan delineating all natural features on or abutting the site, including but not limited to, ponds, streams, lakes, drains, floodplains, wetlands, and woodland areas.
- (d) If the proprietor has an interest in any adjacent land or excepted parcel shown on the plat, the proprietor shall indicate how this property could be developed in accordance with requirements of the existing zoning district in which it is located.
- (e) A map of the entire area scheduled for development, if the proposed plat is a portion of a larger holding intended for subsequent development.
- (f) For each proposed plat that will be located in more than one (1) school district, the proprietor must submit written documentation verifying the school district in or to which the future lots will be located or assigned. Said written documentation must include and be confirmed by an agreement signed by the superintendent of each affected school district, and must identify each lot and/or unit number affected, and to which school district each lot/unit will be associated.

**Secs. 15-022--15-029. Reserved.**

**Division 2. Review and Approval Procedures**

**Sec. 15-030. Steps**

The review and approval of subdivision land development plats shall follow the steps listed below:

- (a) Pre-application review.
- (b) Preliminary plat tentative approval.
- (c) Engineering plan approval.
- (d) Preliminary plat final approval.
- (e) As-built plan approval.
- (f) Final plat approval.

*(Comp. Ords. 1986, § 16.030)*

**Sec. 15-031. Pre-application review**

- (a) Prior to the preparation of a preliminary plat, the proprietor shall acquire all necessary background material, including:
  - (1) The proprietor shall secure a copy and become familiar with this Article, the Zoning Ordinance, Master Plan, Township Engineering Standards, SPL Manual, and other applicable ordinances and regulations relative to the subdivision and improvements of land.
  - (2) The zoning district designation of the proposed subdivision.
  - (3) The relationship of the proposed subdivision with respect to adjacent land uses and to major thoroughfares and plans for widening of thoroughfares.
  - (3) Adequacy and standards for schools and public open spaces, including parks and playgrounds, to serve the proposed subdivision.
  - (4) Availability, standards, and adequacy of sewage disposal, water supply, and drainage within the Township.
- (b) The proprietor may request that a pre-application review meeting be held to conduct an informal review of the proprietor's concept plan for the preliminary plat. Such a meeting shall take place by submitting a written request to the chairperson of the county plat board and submitting copies of the concept plan for the preliminary plat to the Township Clerk and to each officer or agency entitled to review the preliminary plat under Sections 113 to 118 of the Act. A pre-application review meeting shall take place not later than thirty (30) days after the written request and concept plan are received. The meeting shall be attended by the

***(CHAPTER 15, ARTICLE II, DIVISION 2, SECTION 15-031(b) cont.)***

- proprietor, representatives of each officer or agency entitled to review the preliminary plat under Sections 113, 114 and 118 of the Act, and the Zoning Official and Township Engineer as the Township representatives.
- (c) In the absence of such pre-application meeting, it is recommended that the proprietor meet informally with the Zoning Official and Township Engineer to investigate the procedures and standards of the Township established by this Article. At this informal meeting, it is suggested that the proprietor also informally submit a sketch plan showing the proposed development of the subdivision in schematic form and serving only as a general guide for the proprietor and the Township. However, nothing in this subsection shall be construed to require approval of the sketch plan. Such sketch plan shall include:
- (1) General layout of streets and lots.
  - (2) Existing characteristics and conditions of the site.
  - (3) General area set aside for schools, parks, and other community facilities.

**Sec. 15-032. Preliminary plat tentative approval**

- (a) To initiate the tentative approval process for a preliminary plat, the proprietor shall submit the number of copies established by the Township and in conformance with the requirements of the Act, of the preliminary plat and other information required by this Article to the Township Clerk; the proprietor shall also submit copies of the preliminary plat to all authorities as provided in Sections 113 to 119 of the Act and to the school district(s) in which the project is located. The proprietor shall submit a written application for approval and the review fee established by the Township Board.
- (b) The Township Clerk shall transmit copies of the preliminary plat to the Zoning Official and the Township Engineer for review and comment and for the Zoning Official to schedule the Planning Commission public hearing described in subsection (c). The Zoning Official and the Township Engineer shall submit their comments and recommendations to the Township Clerk within the timeframe established by the Township Clerk to achieve the requirements of subsection (d) below.
- (c) Upon receipt of the proposed preliminary plat, the Zoning Official shall identify a date, time and place for a public hearing by the Planning Commission on the proposed preliminary plat, notice of which shall be published in a newspaper of general circulation in the Township and mailed to the proprietor and owners of the land immediately adjoining the proposed platted land at least 15 days before the hearing. After holding the public hearing and before the deadline for a Township Board decision under subsection (d), the Planning Commission shall provide a recommendation to the Township Board for approval, conditional approval, or rejection/disapproval of the tentative plat.
- (d) Upon receipt and review of a preliminary plat, the Township Board shall issue one of the following decisions:
- (1) Tentative approval and note its approval on a copy of the preliminary plat to be returned to the proprietor,
  - (2) Tentative approval subject to conditions, noting its approval and the conditions on a copy of the preliminary plat to be returned to the proprietor, or
  - (3) Rejection of the preliminary plat, setting forth in writing to the proprietor its reasons for rejection, within the following time period, as applicable:
    - (i) Within sixty (60) days after it was submitted to the Township Clerk, if a pre-application review meeting was conducted.
    - (ii) Within ninety (90) days after it was submitted to the Township Clerk, if a pre-application review meeting was not conducted.
- (e) Tentative approval of a preliminary plat shall not constitute final approval of the preliminary plat, but rather shall confer upon the proprietor for a period of one (1) year from that date, approval of lot sizes, lot orientation, street layout, and application of the regulations in this

***(CHAPTER 15, ARTICLE II, DIVISION 2, SECTION 15-033(e) cont.)***

Article as of that date, and authorization to complete the engineering and final preparations of the preliminary plat. Such tentative approval may be extended if applied for by the proprietor and granted by the Township Board.

**Sec. 15-033. Engineering plan approval**

- (a) After tentative approval of the preliminary plat and prior to consideration for final approval of the preliminary plat the proprietor shall obtain engineering approval for all or that portion of the preliminary plat for which the proprietor desires preliminary plat final approval. Engineering plans for the proposed subdivision and the review fee established by the Township Board shall be submitted to the Township Engineer for review and approval in accordance with the Township Engineering Standards.
- (b) No installation or construction of any improvements shall be made or begun at or during this time.

**Sec. 15-034. Preliminary plat final approval**

- (a) To initiate the final approval process for a preliminary plat, the proprietor shall submit to the various approving authorities the number of copies of the final preliminary plat required by Sections 113 to 119 of the Act, one (1) copy of the final preliminary plat to the school board of each respective school district in which the plat is to be located, and the number of copies established by the Township to the Township Clerk for internal review and distribution to the Planning Commission. The proprietor shall also submit the following to the Township Clerk:
  - (1) A list of all authorities to whom copies of the final preliminary plat have been distributed.
  - (2) The review fee established by the Township Board.
  - (3) Verification of the engineering plan approval by the Township Engineer.
  - (4) The plan for installation of landscaping and other improvements required by this Article.
  - (5) Verification of Assessing Official approvals for any necessary parcel splits and/or combinations.
  - (6) A draft of any proposed restrictive covenants for the subdivision to be submitted for review and approval by the Township.
  - (7) Verification of the establishment of the special assessment district for the operation and maintenance of street lights within the subdivision.
  - (8) Where applicable, verification of a special assessment district established to install and maintain detention or retention facilities for the subdivision.
  - (9) All supporting documentation required by the Township in accordance with this Article.
- (b) Zoning Official and Township Engineer Reviews.  
Copies of the final preliminary plat shall be forwarded to the Zoning Official and Township Engineer for review to determine compliance with the preliminary plat document that received tentative approval from the Township Board and all policies, codes, ordinances and the Master Plan.
- (c) Letters of conditional approval or rejection. When the proprietor has secured the approvals of the various approving authorities, as required by Sections 113 to 119 of the Act, the proprietor shall deliver all copies to the Township Clerk who shall then schedule consideration and review of the final preliminary plat approval for a Township Board meeting that is no more than 20 days after receipt of those approvals.
- (d) Township Board review and approval process.
  - (1) The Township Board shall not reject, or unconditionally approve a final preliminary plat until it has received the Planning Commission's recommendation.
  - (2) The Township Board shall:
    - (i) Consider and review the final preliminary plat at a meeting scheduled as provided in subsection (c), and after receiving the Planning Commission recommendation, shall approve it if the proprietor has met all conditions laid down by the Township for approval of the preliminary plat.
    - (ii) Instruct the Township Clerk to promptly notify the proprietor of approval or rejection in writing and if rejected, give the reasons.

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- (iii) Instruct the Township Clerk to note all proceedings in the minutes that are open to public inspection and to transmit a certified copy of the approved meeting minutes to the proprietor.
- (e) Final approval of a preliminary plat shall not constitute approval of the final plat, but rather shall confer upon the proprietor for a period of two (2) years from the date of approval, the conditional right that the general terms and conditions under which preliminary plat final 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 transmitted by the Township Clerk to the other appropriate authorities involved in the plat approval process in accordance with the Act.

**Sec. 15-035. Initial site construction**

After final approval of the preliminary plat, the proprietor may, after submittal of all required bond(s) and after obtaining any required permits from the Township and other agencies, apply for permits to install underground utilities and construct the street improvements. Building permits for building on the individual lot sites shall not be issued until after final plat approval.

**Sec. 15-036. Final plat approval**

- (a) After obtaining all required State and County approvals, the proprietor shall submit to the Township Clerk the number of final plat copies established by the Township and in conformance with the requirements of the Act and the documentation required in accordance with this Article. A written application for approval and the review fee established by the Township Board shall accompany all final plats. The Township Clerk shall forward copies to the Zoning Official and Township Engineer for review to determine compliance with the approved final preliminary plat and all applicable ordinances and regulations, and for recommendation to the Township Board.
- (b) At the next regularly scheduled Township Board meeting, or at a meeting to be called within twenty (20) days of receipt of all information required by the Act and the Township, the Township Board shall review the final plat and the reports from the Zoning Official and Township Engineer. After reviewing all such information and documents, the Township Board shall instruct the Township Clerk to record all proceedings in the minutes that are open to public inspection and send a copy of the minutes to the county plat board, and issue one of the following decisions:
  - (1) Approve the final plat and instruct the Township Clerk to transmit the approval notification and a certified copy of the approved meeting minutes to the proprietor as well as to sign the municipal certificate on the approved plat on behalf of the Township Board, showing the date of the Township Board's approval. Approval of the final plat may be conditioned on the proprietor providing one (1) or more agreements or performance guarantees to insure timely completion of required subdivision improvements.
  - (2) Reject the final plat and instruct the Township Clerk to transmit to the proprietor a certified copy of the approved meeting minutes and a written explanation of the Township Board's reasons for rejecting the final plat as set forth in the meeting minutes, and return the plat to the proprietor.

**Sec. 15-037. Guarantee of completing of improvements required**

To ensure the actual and timely installation of required subdivision improvements required by the Township or any other governmental agency, the Township Board may require the proprietor to enter into an agreement and/or provide a financial performance guarantee in the form of a cash deposit, certified check, or irrevocable bank letter of credit or surety bond in a form acceptable to the Township, except that the Township may not require a performance guarantee for an improvement for which another governmental has a performance guarantee. Performance guarantees required by the Township shall be subject to the following:

***(CHAPTER 15, ARTICLE II, DIVISION 2, SECTION 15-037 cont.)***

- (a) Shall accrue and be payable to the Township and be deposited with the Township Treasurer or a responsible escrow agent or trust company approved by the Township Treasurer.
- (b) The amount of the performance guarantee shall be based on the Township's total estimated cost of construction of the subdivision improvement for which it is given, including contingencies.
- (c) Upon written application by the person that provides a performance guarantee, the Township Treasurer may reduce the amount of the required performance guarantee to the extent of the cost of the completed portions of the subdivision improvement for which it is held.

**Sec. 15-038. Condition of Township approval of final plat; performance guarantees**

- (a) Unless it states otherwise, Township Board approval of all final subdivision plats shall be conditioned on the proprietor providing an agreement and/or performance guarantee as described in Section 15-037 for any subdivision improvements that have not been completed to the satisfaction of the Township or applicable governmental agency as of the date of that Township Board approval.
- (b) Before approving a final plat and construction plans and specifications for public improvements, an agreement between the proprietor and the Township Board shall be made to provide for inspecting the construction and its conformity to the submitted plans.
- (c) If the proprietor fails to complete a subdivision improvement within the time required by an agreement or performance guarantee with the Township, the Township may, but shall not be required to, complete the improvement using the performance guarantee to pay the cost of completion and for the Townships staff time and out-of-pocket costs and expenses in doing so.
- (d) Prior to the acceptance of improvements, by the Township, a two-year maintenance bond in an amount set by and form acceptable to the Township shall be posted by the proprietor.

**Sec. 15-039. As-built plan approval**

As-built plans shall be submitted to the Township Engineer for review and approval in accordance with the Township Engineering Standards. As-built plans are required for final acceptance of all proposed improvements.

**Sec. 15-040. Certificates of occupancy**

No final certificates of occupancy shall be issued for a new building on an individual lot until satisfactory evidence is furnished that the yard grading is complete, vegetation and required landscaping are established, and required sidewalks and other subdivision improvements are installed for the lot upon which the building is located. Upon the decision of the Building Official and the Zoning Official a Temporary Certificate of Occupancy may be issued allowing occupancy prior to full completion of all such improvements provided that a performance guarantee in a form described in Section 15-037 is submitted by the applicant to provide for the installation of the remaining improvements before the expiration of the Temporary Certificate of Occupancy without expense to the Township.

**Secs. 15-041--15-049. Reserved**

**Division 3. Development Requirements and Layout Standards**

**Sec. 15-050. Generally**

It is the purpose of this Division to establish and define the public improvements which will be required to be constructed by the proprietor as conditions for final plat approval for plats. The improvements set forth under this Division are to be considered as the minimum acceptable standards.

**Sec. 15-051. Monuments and lot irons**

Monuments and lot irons shall be set in accordance with Section 125 of the Act.

**(CHAPTER 15, ARTICLE II, DIVISION 3 cont.)**

**Sec. 15-052. Streets**

- (a) Streets shall conform to the following minimum requirements so that the street layout shall:
  - (1) be arranged in relation to topography so as to result in desirable and usable lots and safe streets with reasonable gradients;
  - (2) be arranged in relation to the existing and planned major arterial streets, minor arterial streets, and collector streets;
  - (3) be arranged to provide for continuation of collector streets in adjoining subdivisions;
  - (4) be arranged to provide local streets where use by through traffic shall be discouraged;
  - (5) be arranged such that intersecting streets shall possess intersection angles of approximately ninety (90) degrees, but in no case less than sixty (60) degrees;
  - (6) provide a minimum street right-of-way width of sixty (60) feet, except where a greater right-of-way width is required by the governing street agency;
  - (7) provide permanent concrete curb and gutter for all streets in accordance with the Township Engineering Standards; and
  - (8) ensure that all street rights-of-way and street intersections shall comply with the clear vision area requirements of the Zoning Ordinance.
- (b) Street names shall not be permitted which might cause confusion with names of existing streets within the Township. Streets that will be continuations of existing streets shall be called by the same names as such existing streets. All names shall be approved in accordance with the street naming procedure established by the Township Board.
- (c) The proprietor shall provide and erect street signs in accordance with the requirements of the governing street agency.
- (d) The street layout shall be regulated by the following restrictions:
  - (1) Dead-end streets, half-streets, and alleys shall not be permitted unless authorized by the Township Board upon the recommendation of the Township Engineer and approval of the governing street agency that such dead-end streets and alleys are necessary to achieve the purpose and intent of this Chapter.
  - (2) Cul-de-sacs may be utilized when constructed in accordance with the right-of-way and layout requirements of the governing street agency and Township Engineering Standards. The maximum permissible length of cul-de-sacs shall be six hundred (600) feet measured from the right-of-way line of the nearest intersecting street to the farthest point on the right-of-way of the cul-de-sac.
  - (3) The length of blocks between intersecting streets or emergency vehicle turnarounds shall not exceed the maximum length established by the Fire Chief and Township Engineer to protect the public safety and provide for the accessibility of emergency response vehicles.
  - (4) Marginal access streets, reverse frontage, or such other treatment shall not be permitted unless authorized by the Township Board upon the recommendation of the Township Engineer and approval of the governing street agency that such methods are necessary to provide effective separation from an adjoining major arterial street or railroad. Any intersection occurring on a street which crosses a railroad track shall not be less than four hundred (400) feet from the nearest railroad right-of-way. Greater distance may be required if it is deemed necessary for safety, approach gradients or future grade separations.

**Sec. 15-053. Utilities**

- (a) *Requirements for underground wiring.* The proprietor shall make arrangements for all facilities for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout a subdivided area. Overhead utility lines may be authorized by the Township Board upon the recommendation of the Township Engineer at the time of final preliminary plat approval where it is determined that overhead lines will not constitute a detriment of the health, safety, general welfare, plat design and character of the subdivision. The proprietor shall provide all necessary easements to each utility company installing and maintaining facilities to and throughout the subdivision. Facilities placed in dedicated public ways shall be planned so as not to conflict with other

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- underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.
- (b) *Sewage disposal.* All subdivisions shall be required to be connected to the public sanitary sewer system and conform to all requirements of Chapter 17 of this Code. The location and construction of all sewer mains, laterals, and appurtenances within the subdivision shall receive the approval of the Public Works Official.
  - (c) *Water supply.* All subdivisions shall be required to be connected to the public water system and conform to all requirements of Chapter 17 of this Code. The location and construction of all water mains, fire hydrants and required water system appurtenances within the subdivision shall receive the approval of the Public Works Official, along with the approval of the Fire Chief for all fire hydrant locations.
  - (d) *Storm drainage system.* All subdivisions shall require a storm drainage system that conforms to all requirements of, and receives approvals in accordance with Chapter 8 of this Code. All proposed storm drainage construction plans as it relates to street rights-of-way shall be approved by the governing street agency. Construction of street right-of-way storm drainage systems shall follow the specifications and procedures established by the governing street agency. All lots proposed for exclusive use as part of a subdivision storm drainage system, such as for a retention or detention facility, shall be regulated and secured by such deed restrictions, maintenance agreements, or other such mechanisms required by the Township Attorney and Township Engineer to ensure the maintenance and viability of such system components.

**Sec. 15-054. Lots**

Lots shall conform to the following standards:

- (a) Lot areas and widths shall conform to the minimum requirements of the zoning district in which the subdivision is located.
- (b) Lot depths shall not exceed the maximum depth-to-width ratio of three (3) to one (1).
- (c) Building setback lines shall conform to the minimum requirements of the zoning district in which the subdivision is located.
- (d) Corner lots in residential subdivisions shall be platted at least twenty-five (25) feet wider than the minimum width permitted by the zoning district in which the subdivision is located.
- (e) Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setbacks, and other requirements in accordance with the zoning district in which the subdivision is located.
- (f) Every lot shall front or abut on a street.
- (g) Side lot lines shall be at right angles or radial to the street lines, or as nearly as possible thereto.
- (h) Residential lots abutting major arterial or collector streets, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots (rear lot line at such street), or with side lot lines parallel to such streets, or shall be platted with extra depth to permit sufficient setbacks from such streets.

**Sec. 15-055. Non-motorized pathways**

- (a) *Crosswalks.* The Township Engineer may require pedestrian crosswalks in the middle of long blocks to obtain safe and convenient pedestrian circulation to and from schools, parks or other pedestrian destinations.
- (b) *Sidewalks.* Rights-of-way shall be provided to enable the installation of sidewalks on both sides of all subdivision streets. The Township Board is empowered to ensure sufficient right-of-way for future sidewalk installation and to defer the installation of a required sidewalk until after initial subdivision development if immediate installation is not necessary to adequately serve the residents of the subdivision and doing so would be consistent with the public health, safety and welfare. All sidewalks shall be constructed in accordance with the SPL Manual and Township Engineering Standards.

***(CHAPTER 15, ARTICLE II, DIVISION 3, SECTION 15-055 cont.)***

- (c) Bikepaths. Where a subdivision either fronts along a public right-of-way that is part of the Township bikeway master plan, a bike path, in lieu of a sidewalk, shall be installed as part of the subdivision. Bikepaths shall be constructed in accordance with the SPL Manual and Township Engineering Standards.

**Sec. 15-056. Natural features**

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as woodlands, watercourses, and similar community assets that will add attractiveness and value to the property, when preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.

**Sec. 15-057. Floodplain**

Any areas of land within the proposed subdivision which lie either wholly or in part within the floodplain of a river, stream, or lake, or any other areas which are subject to flooding or inundation by stormwater shall require specific compliance with Section 138 of the Act.

**Sec. 15-058. Street trees**

Street trees shall be provided and installed in accordance with the SPL Manual. The healthy establishment of all street trees shall be guaranteed by the proprietor for a period of one (1) year.

**Sec. 15-059. Open spaces**

In the design of the plat, thorough and equitable consideration shall be given by the proprietor to the allocation of areas within the plat suitably located and of adequate size for playgrounds, parks, and recreation facilities for the use of property owners. Such areas shall be secured through deeds, easements, subdivision restrictions, or open space, maintenance and other agreements reviewed and approved by the Township Attorney when such documents meet the objectives of this Chapter.

**Sec. 15-060. Public street lights**

A street light shall be required, and if necessary, installed and dedicated to the public by the proprietor as a public improvement, at each intersection within the subdivision and of a subdivision street with a public road. The street light shall meet the design, construction, location and approval standard of the governing street agency and utility company that will provide the source of power, and be shown and disclosed on the preliminary plat. The cost of maintenance and operation of a street light required by this Section shall be the responsibility of the properties in the subdivision, to be assessed and collected by the Township as a special assessment. The proprietor shall record notice of said requirement on or with the final plat.

**Secs. 15-061--15-069. Reserved**

**ARTICLE III. ASSESSOR'S PLATS**

**Sec. 15-070. Assessor's plats.**

If it is established that conditions exist whereby an assessor's plat is necessary, the assessor's plat shall comply with Sections 201 through 213 of the Act.

**Secs. 15-071--15-079. Reserved.**

**ARTICLE IV. LAND DIVISIONS**

**(CHAPTER 15, ARTICLE IV, cont.)**

**Sec. 15-080. Generally**

- (a) It shall be unlawful for any person to divide, partition or split any lot, zoning lot, outlot, tract, parcel, parent parcel, or other parcel of land except in accordance with the provisions of this Article.
- (b) Lots, zoning lots, outlots, tracts, parcels, parent parcels, or parent tracts of land may be partitioned, divided or split in accordance with the provisions of Sections 108 and 109 of the Act; the provisions of this Article adopted to administer and enforce the Act, and applicable township ordinances and regulations.
- (c) Any due or unpaid tax(es) or special assessment(s) upon the property to be divided shall be paid prior to an approved division, partitioning, splitting, transfer, combination, or separation of land, lot, zoning lot, or outlot being processed or recorded.

**Sec. 15-081. Submittal requirements**

An applicant shall file all of the following with the Assessing Official for review and approval of a proposed land division:

- (a) A completed application on such form(s) provided by the Assessing Official.
- (b) An affidavit of ownership interest in the land which is the subject of the proposed division, or written consent to the application, signed by the owner of such land on the form(s) provided by the Assessing Official.
- (c) A copy of each deed or other instrument of conveyance which contains the statement required by Section 109(3) of the Act concerning the right to make further divisions.
- (d) Six (6) copies of a survey prepared by a professional engineer or land surveyor licensed in the State of Michigan of the proposed division of land and properly scaled within the range of one (1) inch = twenty (20) ft. to one (1) inch = fifty (50) ft. and shall consist of the following items of information:
  - (1) The seal of the licensed engineer or surveyor who prepared the survey;
  - (2) Date, north arrow, and scale;
  - (3) Proposed boundary lines and the dimensions of each resultant parcel;
  - (4) A drawing or written description of all previous land divisions from the same parent parcel or parent tract, identifying the number, area and date of such divisions;
  - (5) The location, dimensions and nature of the required ingress to and egress from the adjoining public or private street(s); and
  - (6) The location of all existing buildings and structures.
- (e) A statement explaining how the proposed land division complies with Section 108 of the Act.
- (f) A statement confirming that the resultant parcels shall possess a depth-to-width ratio of three (3) to one (1) and a lot area and lot width conforming to the Waterford Township Zoning Ordinance requirements for the zoning district in which the resultant parcels are located.
- (g) The application fee, as established by the governing body.

**Sec. 15-082. Procedure for review of applications for land division approval**

- (a) Upon receipt of an application for a land division, the Assessing Official shall review the submittal for completeness. It shall be the responsibility of the applicant to ensure that they submit a complete application package in accordance with the requirements of this Article. No progress beyond this step will occur until the applicant fully complies with the application submittal requirements of the preceding section.
- (b) As soon as the Assessing Official determines that a land division application is complete, copies of the application shall be transmitted to the Zoning Official and Township Engineer for review and determination of compliance with the requirements of this Article. The Zoning Official and Township Engineer shall review the application and submit their respective determinations of compliance to the Assessing Official within thirty (30) days of the Assessing Official's receipt of the complete application.
- (c) A proposed land division shall be approved by the Assessing Official within forty-five (45) days of receipt of a complete application if all of the following requirements are met:

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- (1) Each resulting parcel shall be accessible to a public or private street. Such access shall comply with one of the following requirements:
  - (i) A driveway or area for a driveway that meets all applicable location standards for vehicular access of the governing street agency and applicable township ordinances.
  - (ii) An existing or proposed vehicular access easement that is a minimum of twenty (20) feet in width, meet all the location standards for vehicular access of the governing street agency, and only serves one (1) parcel. Such an easement that serves more than one (1) parcel shall be established as a private street in accordance with the requirements in Article VII of this Chapter. A proposed easement shall be in writing in a form suitable for recording and be signed by all the owners of the parcel upon which the easement is to be located.
- (2) The proposed land division, together with any previous land division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.
- (3) Each resulting parcel that is a development site shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.
- (4) The depth-to-width ratio of any parcel created by the proposed division(s) does not exceed three (3) to one (1).
- (5) All resulting parcels shall comply with the minimum lot area and width zoning lot requirements of the Zoning Ordinance for the zoning district in which the resulting parcels are located.
- (d) The approval of a land division shall not, of itself, constitute an assurance that a building permit or any zoning approvals such as special approval use or site plan approval will be issued for the parcel.
- (e) A denial of a land division request under this Section may be appealed to the Township Board in accordance with Section 15-007. In considering such appeals, the Township Board shall incorporate into its decision all applicable conditions established under the Zoning Ordinance.

**Sec. 15-083. Requirements for land divisions resulting in parcel areas less than one (1) acre**

- (a) In accordance with Section 109a of the Act, a building permit shall not be issued for a parcel less than one (1) acre in size that results from a division unless the parcel has all of the following:
  - (1) Available connection to the Waterford Township public water system in accordance with Chapter 17 of this Code.
  - (2) Available connection to the Waterford Township public sewer system in accordance with Chapter 17 of this Code.
- (b) If a division resulting in a parcel area less than one (1) acre is approved in accordance with this Article, the notice of approval shall contain a statement as follows: "The Township and its officers and employees are not liable if a building permit or zoning approvals are not issued for this parcel because required public water and/or sewer system connections are not available."

**Sec. 15-084. Property transfers**

In accordance with Section 102 of the Act, an applicant may apply to the Assessing Official for a property transfer between two (2) or more adjacent parcels if the property taken from one (1) parcel is added to an adjacent parcel. The Assessing Official shall approve a property transfer request and note such transfers upon the township assessment roll if, upon the review and recommendations of the Zoning Official and Township Engineer, the resulting parcels comply with all applicable zoning lot requirements of the Zoning Ordinance for the zoning district in which the resulting parcels are located, including minimum lot area and lot width, and do not result in a parcel having a depth to width ratio of more than three (3) to one (1).

**(CHAPTER 15, ARTICLE IV cont.)**

**Sec. 15-085. Combination of zoning lots**

Two (2) or more zoning lots established on the township assessment roll and in common ownership may be combined into one zoning lot established on the township assessment roll after application to, and approval by, the Assessing Official in accordance with the procedures established by the Assessing Official. All taxes must be paid and all parties who have a legal interest in the property must sign and provide the Assessing Official with an approval of the split and combination application.

**Sec. 15-086. Separation of combined lots in a recorded plat**

- (a) Where a zoning lot has been established on the Township assessment roll through the combination of two (2) or more undivided lots of record, an applicant may apply to the Assessing Official to re-establish such undivided lots of record as separate zoning lots on the Township assessment rolls provided that such lots of record conform to all of the following:
  - (1) No existing buildings or structures, or any part thereof, are located on a lot line.
  - (2) Existing buildings or structures on a re-established lot comply with all applicable zoning lot setback and impervious surface requirements of the Zoning Ordinance for the zoning district in which the lot is located.
  - (3) Buildings and structures can be constructed on a re-established vacant lot in compliance with all applicable zoning lot setback, impervious surface, and floor area requirements of the Zoning Ordinance for the zoning district in which the lot is located.
- (b) An applicant shall submit to the Assessing Official three (3) copies of a survey of the subject property prepared by a professional engineer or land surveyor licensed in the State of Michigan and properly scaled within the range of one (1) inch = twenty (20) ft. to one (1) inch = fifty (50) ft. and shall consist of the following items of information:
  - (1) The seal of the licensed engineer or surveyor who prepared the survey;
  - (2) Date, north arrow, and scale;
  - (3) Existing zoning lot lines, and the lines and dimensions of each lot to be re-established; and
  - (4) The location of all existing buildings and structures.
- (c) The Assessing Official shall transmit copies of the application to the Zoning Official and the Township Engineer for review and determination of compliance.
- (d) The Assessing Official shall issue one of the following decisions:
  - (1) Approve the application when the Zoning Official and Township Engineer have determined the request would be in compliance with the provisions of subsections (a)(2) or (a)(3) above.
  - (2) Hold the application in abeyance when the Zoning Official and Township Engineer have determined the request would result in noncompliance with the provisions of subsections (a)(2) or (a)(3) above and the applicant decides to seek variance relief from the Zoning Board of Appeals in accordance with the ZBA procedures and standards established in the Zoning Ordinance. Once the ZBA renders a decision on the applicant's request, the Assessing Official shall:
    - (i) Approve the application if the ZBA grants the variance relief necessary for compliance with the provisions of subsections (a)(2) or (a)(3) above.
    - (ii) Deny the application if the ZBA denies the variance relief necessary for compliance with the provisions of subsections (a)(2) or (a)(3) above.
  - (3) Deny the application when the Zoning Official and Township Engineer have determined the request would result in noncompliance with the provisions of subsections (a)(2) or (a)(3) above if the applicant has not applied for variance relief from the Zoning Board of Appeals within 30 days of being notified by the Assessing Official that the request would result in noncompliance with the provisions of subsection (a)(2) and/or (a)(3).

**Sec. 15-087. Authority to consolidate zoning lots governed by individual site plan**

Where two (2) or more zoning lots have been identified for common development and regulation through a site plan required and approved in accordance with the Zoning Ordinance, and where such zoning lots remain separately established on the township assessment roll after improvements governed by the site plan have been constructed, the Assessing Official is authorized to consolidate

***(CHAPTER 15, ARTICLE IV, SECTION 15-087 cont.)***

such parcels into one zoning lot upon request of the Zoning Official. The intent of such consolidation is to ensure that the boundaries of a zoning lot match the boundaries established on an approved site plan. This section does not prevent the Assessing Official from establishing multiple tax parcels within a zoning lot owned by the County, containing wireless communication facilities, or developed with condominium units in accordance with Public Act 59 of 1978, Condominium Act.

**Secs. 15-088--15-099. Reserved**

## **ARTICLE V. TAX PARCELS**

### **Sec. 15-100. Creation of tax parcels**

Tax parcels, as defined in Section 1-002(f) of this Code, may be established by the Assessing Official within the boundaries of a lot or zoning lot to identify buildings, sections of a building, or structural improvements for the purpose of treating such improvements as separate units for tax administration purposes. Except as provided in Section 15-087, the procedures under Article IV of this Chapter shall not be used to create tax parcels.

**Secs. 15-101--15-109. Reserved.**

## **ARTICLE VI VACATION OF SUBDIVISION STREETS**

### **Sec. 15-110. Intent and purpose**

It is the intent and purpose of this article to establish the authority and procedure for vacating certain streets dedicated as part of the subdivision of land under the Land Division Act, Act 288 of the Public Acts of 1967, as amended, and to provide standards for Township Board consideration of petitions for vacation. It is the further intent and purpose of this article to clarify and reflect the law in the State of Michigan that the Township Board's jurisdiction to vacate streets is limited, and even when exercised, may not be sufficient to vest title in vacated street areas without relief in the circuit court.

*(Ord. of 3-11-1996, § 1)*

### **Sec. 15-111. Jurisdiction**

- (a) Concurrent jurisdiction. The Township Board and the circuit court have concurrent jurisdiction to consider petitions for the vacation of streets dedicated to the public as part of the subdivision of land under the Land Division Act following abandonment of such streets by the governing street agency, except as provided in the next subparagraph.
- (b) Exclusive circuit court jurisdiction. The Circuit Court has exclusive jurisdiction, and the Township does not have jurisdiction, to consider the vacation of:
  - (1) Subdivision streets not dedicated for public use.
  - (2) Public streets having any part within twenty-five (25) meters of a lake or the general course of a stream.
- (c) For streets that the Township board does not have jurisdiction to vacate, if requested or required by law and without requiring the petition and processing in Sections 15-112 and 15-113, by Resolution the Board may state its position regarding a pending circuit court action that seeks vacation of a publicly dedicated street to the Township.

*(Ord. of 3-11-1996, § 1)*

### **Sec. 15-112. Petitions for vacation**

- (a) Qualification. A petition seeking vacation under this article may be filed by:
  - (1) One (1) or more owners of lots abutting the street proposed to be vacated; or
  - (2) Any ten (10) persons residing in the Township.

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***(CHAPTER 15, ARTICLE VI, SECTION 15-112 cont.)***

- (b) Contents. A person or entity requesting the Township Board to vacate a subdivision street shall prepare and file with the Township Clerk copies of a petition, in the quantity established by the Township Clerk, as well as the following documentation:
  - (1) A description of the part or parts of the street sought to be vacated.
  - (2) The reasons for seeking the vacation.
  - (3) An identification of each public utility known to the petitioner to have installations or equipment in the subdivision, or which has a recorded easement or franchise right in the existing street right-of-way, or which would otherwise be affected by the vacation.
  - (4) A copy of the file and resolution of the governing street agency abandoning and discontinuing the street.
  - (5) Any and all additional facts known to the petitioner relative to:
    - a. The use or non-use of the street to be vacated.
    - b. Any function performed, or anticipated to be performed by the street, or the lack of present or anticipated function to be performed by the street.
    - c. Any other relevant facts and circumstances.
- (c) Preliminary review. Upon receipt of a petition by the Township Clerk, copies shall be distributed to the Township Supervisor, Building Official, Zoning Official, Township Engineer, Public Works Official, Police Chief and Fire Chief. Such officials shall undertake a review and provide a report to the Township Board, to be filed with the Township Clerk for distribution, providing a recommendation on whether the petition for vacation of the street should be granted. If a recommendation is that the petition should be denied, the reasons for such denial should be stated. In addition, such report shall include a recommendation to the Township Board with regard to any conditions or reservations that should be made in the event the petition for vacation is granted, such as, the reservation of right-of-way for drainage and/or utilities, fire access, or similar public interests.

*(Ord. of 3-11-1996, § 1)*

**Sec. 15-113. Proceedings on petition**

- (a) Following receipt of the reports and recommendations from the several Township officials, consideration of the petition for vacation shall be placed on an agenda of the Township Board. In connection with such agenda item, the Board shall be provided with a copy of the petition, together with the reports and recommendations of the Township officials.
- (b) Notice of the time, date and place of the meeting shall be given to the petitioner, which shall include a statement that the Township Board shall commence its consideration of the petition at such meeting.
- (c) At the meeting, which the Board may adjourn, for reasons stated at the meeting, the petition shall be analyzed in light of the reports and recommendations of the respective Township officials. In addition, the petitioner shall be provided with an opportunity to be heard.
  - (1) On the basis of the reports and recommendations of the Township officials, taking into consideration the materials and any presentation of the petitioner, if the Township Board determines that the petition for vacation should be denied, the Board shall adopt a resolution denying the petition for vacation, including a statement of the reasons for denial.
  - (2) If the Township Board finds that the street sought to be vacated has not been dedicated and accepted for public use as part of the establishment of a subdivision, or that any part of the street to be vacated is within twenty-five (25) meters of a lake or the general course of a stream, the Board shall deny the petition for vacation on the ground that the Board lacks jurisdiction to vacate such a street.
  - (3) If the Township Board has not otherwise denied the petition for vacation in accordance with subparagraphs (1) or (2), above, and if the Board tentatively determines that the petition for vacation may be granted, the Board shall set a date for a public hearing on the petition. The Board may require the petitioner to submit additional information and documentation on or before a date specified by the Board, for consideration at the public hearing.
- (d) Notice of the time, date and place of the public hearing on the petition for vacation shall be transmitted to the petitioner, and to the owners of each lot or zoning lot within three hundred

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***(CHAPTER 15, ARTICLE VI, SECTION 15-113(d) cont.)***

(300) feet of the street sought to be vacated, with ownership being determined on the basis of the Township tax assessment roll. Notice shall also be transmitted to the County Water Resources Official.

- (e) On the date scheduled for public hearing, which may be adjourned from time-to-time, as determined by the Township Board, the Board shall provide the petitioner with an opportunity to be heard, and also provide an opportunity to be heard to interested parties. The Board may also elect to consider further reports and/or testimony from the Township officials or other experts and consultants.
- (f) Following the public hearing, the Township Board shall adopt a resolution granting the petition for vacation, denying the petition for vacation or granting the petition for vacation with conditions and/or reservations. If vacation is granted, the effective date of vacation shall be the date recorded by the Township Clerk with the Register of Deeds or such later date as may be specified in the Resolution. If vacation is denied, the reasons for denial shall be specified.

*(Ord. of 3-11-1996, § 1)*

**Sec. 15-114. Standards for decision making**

In arriving at its decision on a petition for vacation at the conclusion of a public hearing, the following standards for decision making shall be considered by the Township Board:

- (a) If objections to the petition for vacation are presented which create a material question as to whether the street is necessary for the promotion or protection of the public health, safety and general welfare, the petition for vacation may be denied by the Board.
- (b) The Township Board may adopt a resolution granting the petition if it is found by the Board that there are no material questions as to whether the street is necessary for the promotion or protection of the public health, safety and general welfare, and that there are no reasonable objections presented. In reaching its conclusions on these issues, the Board shall take into consideration:
  - (1) Whether any property intended to be served by the street would be landlocked, considering property improvements and divisions previously made, as well as those likely to occur in the future.
  - (2) Whether access to any one (1) or more properties, natural features, or natural resources would be terminated, and the nature of any objections with regard to such termination.
  - (3) The positive and negative impacts of a transfer of ownership of the land to be vacated to adjacent property owners upon vacation of the street, including impact relating to law enforcement and fire and emergency medical services, views of natural features and resources, buffering, and other public or private purposes, services, rights, or interests, and the likelihood of losing effective control of land which is used or usable for maintaining grades relative to drainage and/or the installation, repair and/or maintenance of utilities, telecommunications facilities, or other subdivision improvements.
  - (4) The present or future need for the right-of-way for through traffic purposes.
  - (5) Any impact vacation would have on future right-of-way planning.
  - (6) Other considerations which are relevant to the particular facts and circumstances attendant to the street sought to be vacated.

*(Ord. of 3-11-1996, § 1)*

**Sec. 15-115. Conditions and reservations**

With or in conjunction with a resolution granting a petition to vacate, the Township Board may impose conditions and/or reservations. A resolution granting a vacation of a street being used by a public utility for public utilities purposes shall reserve an easement for the use of public utilities and may reserve an easement for other purposes, including such things as drainage, law enforcement, fire and emergency medical access, views of natural features and resources, buffering, telecommunications, and other public purposes.

*(Ord. of 3-11-1996, § 1)*

*(CHAPTER 15, ARTICLE VI cont.)*

**Sec. 15-116. Vesting of title upon vacation of street**

- (a) Upon the effective date of a street vacation granted under this article the Township shall have no interest in or jurisdiction of the vacated street, and subject to any requirement under the Act for a circuit court order or judgment and the preparation and recording of an amended plat, title to the land occupied by the vacated street may vest in the owners of the lots abutting the vacated street as provided for in the Act.
- (b) In granting a street vacation under this article, the Township Board is not guaranteeing or warranting, to the petitioner or any other person, the transfer of ownership of the vacated street as provided in this Section, or that all requirements under the Act related to this street vacation will be satisfied upon the Township Clerk recording the Township Board resolution granting such street vacation and filing copies with the S.E.A. as provided in this Chapter and in the Act. The language of this subsection shall be incorporated into all resolutions adopted by the Township Board to grant street vacations in accordance with this Article.
- (c) All resolutions adopted by the Township Board granting street vacations in accordance with this Article shall indicate that the resolution is conditioned on the petitioner for the street vacation:
  - (1) Complying with and being solely responsible for satisfying any additional requirements under the Act related to the subject street vacation, and
  - (2) Indemnifying and holding the Township harmless from any and all costs and expenses that the Township may be required to incur in connection with any such additional requirements.

*(Ord. of 3-11-1996, § 1)*

**Sec. 15-117. Requirements upon approval**

The Township Clerk shall record a certified copy of the Resolution granting a petition for vacation with the Register of Deeds and file a copy with the S.E.A. as defined in Section 1-002(g) of this Code, within thirty (30) days following approval of the minutes of the meeting at which the vacation was granted.

*(Ord. of 3-11-1996, § 1)*

**Sec. 15-118. Fees**

At the time of filing of a petition for vacation under this article, the petitioner shall pay the fee established by resolution of the Township Board.

*(Ord. of 3-11-1996, § 1)*

**Secs. 15-119--15-129. Reserved**

**ARTICLE VII. PRIVATE STREET REQUIREMENTS**

**Sec. 15-130. Private street requirements**

In all cases where a parcel resulting from or proposed in a land division pursuant to this Chapter does not possess frontage on a public street, access to which is or proposed to be provided over a vehicular access easement that is or may be used by more than one (1) parcel, such vehicular access easement shall comply with the following private street requirements:

- (a) All private streets shall have a minimum right-of-way of sixty (60) feet in width, and shall conform to governing street agency standards and the Township Engineering Standards.
- (b) Prior to building occupancy, the street shall be completed in accordance with subsection (1) above.
- (c) The private street shall be named. All private street names shall be approved in accordance with any street-naming procedure established by the Township Board.
- (d) The applicant seeking approval of a private street shall provide evidence satisfactory to the Township Board of the physical and financial ability to regularly maintain said private street. The evidence of ability to maintain the street shall include:

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- (1) A method of initiating and financing whatever improvements and/or maintenance may be needed from time to time in order to keep the private street in a reasonably good and usable condition.
- (2) Should the private street be owned by more than one person, a workable method of apportioning the cost of maintenance and improvement shall be provided.
- (3) Easements granting to the Township or other applicable authorities the right to come upon the property for emergency, police, fire or other public services shall be provided.
- (4) Evidence that the owners of any and all of the property using the private street shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include any use by the family, guests, invitees, tradesmen, businesses, industrialists and others bound to or returning from any of the properties having a right to use the private street.

**Sec. 15-131. Township Engineer review of private street requests**

The Township Engineer shall be responsible for processing and reviewing all private street requests under this Article. The Township Engineer shall make a recommendation on such applications to the Township Board within thirty (30) days of receipt of a complete application.

**Sec. 15-132. Township Board approval of private street requests**

The Township Board shall have sole authority to approve, in whole or part, requests for the establishment and construction of private streets.