

SUBDIVISION REGULATION ORDINANCE

WHITE LAKE CHARTER TOWNSHIP

**ORDINANCE NO. 115
SUBDIVISION REGULATION ORDINANCE**

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ARTICLE 1

GENERAL PROVISIONS

Section 100 Short Title

This Ordinance shall be known and may be cited as the White Lake Charter Township Subdivision Regulation Ordinance.

Section 101 Purpose

The purpose of this Ordinance is to regulate and control the subdivision of land within White Lake Charter Township in order to promote the safety, public health and general welfare of the community. These regulations are specifically designed to:

- A. Provide for orderly growth and harmonious development of the community, consistent with adopted development policies of the Township.
- B. Secure proper arrangement of streets in relation to adequate traffic circulation by coordinating existing and planned streets with the adopted Master Plan, and adequate traffic circulation through coordinating street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities.
- C. Achieve individual lots of maximum utility and livability, and lots of such size and layouts as to be in harmony with the existing and proposed development pattern of the area.
- D. Insure adequate provisions for water, drainage and sanitary sewer facilities, and other health requirements.
- E. Insure adequate provision for recreational areas, school sites, and other public facilities.

Section 102 Legal Basis; Scope; Administration

A. Legal Basis

This Ordinance is enacted pursuant to the statutory authority granted by the Township Planning Act, Act 168, P.A. of 1959 as amended; and the Land Division Act, Act 591 of 1997, as amended.

B. Scope

This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance, except for further dividing of existing lots. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of the Township the provisions of this Ordinance shall prevail.

C. Administration

The provisions of this Ordinance shall be administered in accordance with the Land Division Act, Act 591 of 1996, as amended, and the Township Planning Act, Act 168, P.A. of 1959, as amended.

D. Fees

The schedule of fees for the review of plans and plats, the inspection of improvements for the administration of this Ordinance, and for other costs incurred by the Township in the platting process, shall be determined, and may be modified from time to time, by resolution of the Township Board.

E. Conformance With Zoning Ordinance

All plats reviewed under these regulations shall conform to all Zoning Ordinance provisions for the district in which the proposed plat is to be located. All required zoning changes shall be made prior to tentative approval of the preliminary plat by the Township Board.

ARTICLE 2

DEFINITIONS

Section 200 Rules Applying To The Text

For the purpose of this Ordinance certain rules of construction apply to the text, as follows:

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The term “shall” is always mandatory and not discretionary; the word “may” or “should” is permissive.
- C. Words or terms not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.

Section 201 Definitions

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated. Words not specifically defined in this Section shall be defined in conformance with the definitions in the White Lake Charter Township Zoning Ordinance and the Land Division Act (P.A. 591 of 1996, as amended).

AS-BUILT PLANS: Revised construction plans in accordance with all approved field changes which reflect all site improvements as actually constructed.

COUNTY DRAIN COMMISSIONER: The Oakland County Drain Commissioner.

COUNTY HEALTH DEPARTMENT: The Oakland County Health Department.

COUNTY PLAT BOARD: The Oakland County Plat Board.

COUNTY ROAD COMMISSION: Road Commission for Oakland County.

DEDICATION: The intentional transfer (by the proprietor to the public) of the ownership of, or an interest in, land for a public purpose. Dedication may be effected by compliance with the statutes relating to dedication of land, by formal deed of conveyance, or by any other method recognized by the Laws of Michigan.

EASEMENT: The right of a person, governmental agency, or public utility company to use public or private land owned by another for a specific purpose. A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

FILING DATE: The date which a complete application is received by the Township Clerk.

FLOOD PLAIN: That area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which will be inundated by a flood which has a 1% chance of occurrence in any year (100 year flood).

IMPROVEMENTS: Any structure or material change incident to servicing or furnishing facilities for a subdivision such as, but not limited to grading, street surfacing, curb and gutter, drainage ditches, driveway approaches, sidewalks, pedestrian ways, water mains and lines, sanitary sewers, wells or well systems, septic systems, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals, and other appropriate items, with appurtenant construction; demolition of structures; planting; or removal of trees and other vegetation cover.

MASTER PLAN: The Master Plan for the Charter Township of White Lake, Michigan, as adopted by the Planning Commission.

OPEN SPACE: Land dedicated or reserved for use by the general public or for use by residents of the subdivision, or land held out of development and retained in its natural condition, with or without public access. Open space includes but is not limited to parks, parkways, playgrounds, school sites, wildlife or plant life preserves, and nature study areas.

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.

PARK: A public or private park for outdoor recreation, such as a playground, playing field, picnic area, or similar use.

PEDESTRIAN WAY: A separate right-of-way dedicated to or reserved for public use by pedestrians, which crosses blocks or other tracts of land for the purpose of facilitating pedestrian access to adjacent streets and properties.

PLANNING COMMISSION: The Planning Commission of White Lake Charter Township as established under the Township Planning Act, Act 168, P.A. of 1959, as amended.

PERSONS: An individual, corporation, government, or governmental agency, business trust, estate trust, partnership or association, two or more persons having a joint or common interest, or any legal entity.

PROPRIETOR: Any person or any combination of persons, including a government agency undertaking any development as defined in this Ordinance. The term Proprietor includes such commonly used references as subdivider, developer, and owner.

SERVICE DRIVE: A dedicated public right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.

SOIL CONSERVATION DISTRICT: Oakland County Soil Conservation District.

STREET: A way of vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

COLLECTOR: Streets which carry traffic from local streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development, and streets (including Minor Collectors) which are identified as such in the White Lake Master Plan.

CUL-DE-SAC: A minor street with only one outlet and being permanently terminated at the other end by a vehicular turn-around, usually circular in nature.

FUTURE CONNECTION (STUB) STREET: A dead end street for the purpose of future connections to adjacent subdivisions or acreage parcels.

LOCAL STREET: Streets which are primarily for access to the abutting properties and which are identified as such in the White Lake Township Master Plan.

MARGINAL ACCESS STREET: Minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

MINOR ARTERIAL: Streets which are used as through routes while providing access to abutting properties and minor intersecting streets, and which are identified as such in the White Lake Township Master Plan.

PRINCIPAL/MAJOR ARTERIAL: Streets and highways which are used as through routes for traffic in the Township and which are identified as such in the White Lake Master Plan.

SUBDIVISION CONTROL ACT: Originally Act 288, P.A. of 1967, as amended, now Public Act 591 of 1996, The Land Division Act.

TOWNSHIP: White Lake Charter Township.

ZONING ORDINANCE: The White Lake Charter Township Zoning Ordinance.

ARTICLE 3

PLAT PROCEDURES AND SPECIFICATIONS

Proposed subdivisions within White Lake Charter Township shall conform to the following review procedures and specifications:

Section 300 Pre-application Conference

A. Purpose

The purpose of the pre-application conference is to acquaint the proprietor with the planning policies of White Lake Charter Township as they apply to the property to be subdivided, to give the Township an opportunity to discuss the subdivision with the proprietor before expensive surveys and drawings are made, and to discuss the concepts and basic organization of the proposed development in relation to existing and future conditions on and around the site. The basic decisions as to the interpretation of planning policy for the site and area in question, and modification of such policy as a result of the proposed development will be made in this stage. The consensus reached in this stage will form the basis of the preliminary plat.

B. Application - Pre-application Conference

1. The proprietor shall make application to the Township Planning Department for a pre-application conference with the Planning Department Director, Township planning consultant, and Township consulting engineers.

2. The proprietor is encouraged to consult the White Lake Charter Township Master Plan, Zoning Ordinance, this Ordinance, other ordinances which regulate the subdivision of land in White Lake Charter Township, White Lake Charter Township Ordinance 22, and other plans of any unit of government that affect the tract to be subdivided and the area surrounding it before submittal of an application for a pre-application conference.
3. The proprietor may also discuss the concepts of the proposed subdivision with the staff of appropriate County and State agencies and public utility companies serving the area.

C. Pre-application Conference - Suggested Information

In order to gain maximum benefit from the pre-application conference the proprietor should submit the following information with the application for a pre-application conference for the entire tract of land, whether or not the tract will be developed in stages. Information may be combined on one or more drawings.

1. Description of man-made or cultural features, existing and proposed, surrounding the site.
2. Description of natural features, general topographic and general soil conditions on the site. (Information is available from the Oakland County Development and Planning Division and the Soil Conservation District.)
3. A site analysis showing which of the site conditions the proprietor intends to retain or modify as part of the basic design of the subdivision.
4. The concept, objectives, general layout, and location and extent of the various uses and facilities to be incorporated within the subdivision, including a general layout of the proposed street system, lot sizes and lot configuration;
5. Stages of development;
6. Property dimensions and area;
7. Aerial photograph of the site and surrounding area, with the site clearly defined. (Photos are available from the Oakland County Planning Department.)
8. Proprietor's interest in the property, and verification of all persons having ownership interest in the parcel(s).

Section 301 Preliminary Plat-Tentative Approval

A. Filing Procedures

The proprietor shall file sixteen (16) copies of the tentative preliminary plat together with a completed application form and tentative preliminary plat review fees with the Township Planning Department at least twenty one (21) days prior to the regular Planning Commission meeting at which the tentative preliminary plat is to be considered. The Township Planning Department shall check the completeness of the submittal, and if complete, transmit same to the Planning Commission in adequate time for inclusion on the agenda for the Planning Commission's next regular meeting. If the application is not complete, the Clerk or Planning Department shall so notify the applicant in writing and shall list deficiencies. The Planning Department shall also mail one (1) copy of the application packet and tentative preliminary plat to the Township planning consultant and engineer for their review and comment. An application shall not be officially received until all deficiencies noted by the Clerk or Planning Department have been corrected.

B. Information Required

The following information is required for all preliminary plats submitted for tentative approval. The required information may be combined for presentation on one or more drawings or maps. The Planning Commission may request that the information be presented on drawings or maps in addition to those submitted.

1. Name of proposed subdivision.
2. Legal description of the entire site to be subdivided.
3. Scale, date, and north point shall be indicated on each map or plan.
4. Name and address of proprietor; other owners, if any, and planner, engineer, surveyor, or designer who prepared the subdivision layout. The plans shall be sealed by the professionals who prepared the drawings.
5. Names of adjacent subdivisions, layout of streets indicating street names, right-of-way widths, and connections with adjoining streets, widths and locations of service drives, easements, and public walkways adjacent to or connecting with the proposed subdivision; layout and dimensions of lots or parcels adjacent to the proposed subdivisions; names and addresses of owner(s) of record of all adjacent property.

6. Topography, existing and proposed, at two (2) foot intervals. Proposed grading and land filling shall be indicated on the plans along with a description of measures to be used to control sedimentation and erosion. All topographic data shall relate to NGV datum of 1929.
7. Plans and specification of soil erosion and sedimentation control measures in accordance with standards and specifications of the Soil Conservation District.
8. A site report for subdivisions that will not be served by public water and sewer shall be submitted which provides an analysis of the site soil conditions and other site characteristics which demonstrate ability to meet required County Health Department criteria for septic and well installations.
9. Proposed deed restrictions or protective covenants. (May be delayed until the Final Preliminary Plat). If no deed restrictions are proposed, a statement of such in writing.
10. Layout and width of rights-of-way and surfacing of all streets or public ways proposed for the subdivision.
11. Lot layout, dimensions, setback requirements, area in square feet and lot numbers of proposed lots.
12. All parcels, public facilities, or lands to be dedicated or reserved for public use, open space, or for use in common by property owners in the subdivision shall be indicated on the preliminary plat, along with any conditions of such dedication or reservation. The plat shall clearly specify dedication of such areas or facilities to the public.
13. Location and size of all existing and proposed sanitary sewer, septic, storm sewer and water supply lines, wells, or other facilities; location of, and points of connection to, proposed lines; location of valves and hydrants; location, description, and details of any on-site facilities to serve the entire subdivision.
14. Identification, location, and nature of all uses other than single family residences to be included within the subdivision.
15. Staging of development of the entire subdivision shall be clearly shown on the plat, and the relation of each stage to the entire subdivision plan shall be clearly indicated.
16. Location, dimensions, and purpose of all existing structures shall be shown on the plat.

17. Location and type of sidewalks, street lighting, street trees, curbs, water mains, sanitary sewers and storm drains, man-holes, catch basins and underground conduits.
18. Zoning status of property included in the preliminary plat and of all adjacent properties and civil jurisdiction of all such properties.

C. Review Procedures - Tentative Preliminary Plat Approval

1. The Planning Commission shall review the preliminary plat for conformance with the Master Plan and to standards and specifications set forth in the Land Division Act, the White Lake Charter Township Zoning Ordinance and this Ordinance.
2. The Planning Commission shall take action on the preliminary plat within sixty 60 days of the date of filing of the plat. The Planning Commission shall approve, conditionally approve, or disapprove the preliminary plat and transmit all copies of the preliminary plat together with the reasons for its action to the Township Board. The review period may be extended by written agreement between the Planning Commission and the proprietor. If no action is taken by the Planning Commission within the 60 day period, and if no extension is secured, the Township Board shall proceed with their review of the plan as though the preliminary plat has been approved by the Planning Commission.
3. The Township Board shall, within thirty (30) days of receiving the Planning Commission's recommendation, tentatively approve or disapprove the preliminary plat.

D. Effect Of Tentative Approval Of Preliminary Plat

Tentative approval of the preliminary plat shall confer upon the proprietor for a period of one (1) year from the approval date by the Township Board, approval of the lot size, lot orientations and street layout of the proposed subdivision. The tentative approval may be extended for a single period of one year if an extension is applied for in writing by the proprietor and granted in writing by the Township Board. The Township Board shall be under no obligation to extend the time period and may exercise its discretion in deciding whether to approve such a request.

Section 302 Preliminary Plat - Final Approval

A. Filing Procedures

The proprietor shall submit sixteen (16) copies of the preliminary plat, as tentatively approved by the Township Board and approved by all county and state plat approval authorities as required by the Land Division Act, together with the required information, completed application form, and fees, to the Township Planning Department at least twenty (20) days prior to the meeting of the Township Board at which the preliminary plat is to be considered for final approval. The Township Planning Department shall determine if the application is complete, and if complete, transmit same to the Township Board in adequate time for inclusion on the agenda for the Board's next meeting. If the application is not complete the Township Planning Department shall so notify the proprietor in writing and shall list deficiencies. An application shall not be officially received until all deficiencies identified by the Planning Director have been corrected.

B. Information Required For Final Approval Of Preliminary Plat

The proprietor shall submit the following information to the Township Board for final approval of the preliminary plat:

1. A list of all county and state authorities required by the Land Division Act to approve the preliminary plat, certifying that the list is complete and that each authority has approved the preliminary plat.
2. One (1) approved copy of the preliminary plat from each county and state authority required by the Land Division Act to approve the preliminary plat.
3. One (1) Copy of a receipt from the Township Treasurer that all fees required under this Ordinance have been paid.
4. Certificates of approval from the Township engineer for all improvements proposed to be completed prior to final plat approval and construction schedules.
5. Elevations, grades, direction of flow and profiles of all existing and proposed sanitary sewer, storm sewer and water supply lines.
6. Location, dimensions, and purpose of all proposed easements.
7. Sixteen (16) copies of the final preliminary plat.

C. Review By The Township Board

1. The Board shall review the preliminary plat at its next regular meeting after submittal of the complete application, provided that the submittal is made at least 20 days in advance of the Board meeting. The Board shall approve the preliminary plat if it conforms to the preliminary plat as tentatively approved by the Board and if all other required approvals have been obtained by the proprietor. The Township Planning Department shall promptly notify the proprietor of the final approval, in writing.
2. The Board shall disapprove the preliminary plat if it does not conform to the preliminary plat as tentatively approved by the Board, or if any of the other approvals required by the Land Division Act have not been obtained. The Township Planning Department shall promptly notify the proprietor of the disapproval and the reasons thereof, in writing. The reasons for the disapproval shall be recorded in the minutes of the meeting of the Board. Notice of disapproval shall be sent to each of the other plat approval authorities by the Township Planning Department.
3. In case of disapproval of the preliminary plat, further consideration of a plat for subdividing the same land can be obtained only if the proprietor first applies for tentative approval of a preliminary plat.
4. The proprietor and the Board may agree in writing to extend the 20 day review period. Any changes made in the plat during the period of extension shall be sent to each of the other authorities which have approved the preliminary plat. Approval of such changes by each such authority shall be obtained before the Board may approve the preliminary plat. This provision is intended to be used only in situations where, in the opinion of the Board, objections to final approval are minor.

D. Effect Of Final Approval Of Preliminary Plat

1. For a period of two (2) years from the date of Township Board approval of the final preliminary plat, the proprietor shall be granted the conditional right that the general terms and conditions under which the final approval of the preliminary plat 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 any extension shall be sent by the Township Clerk or Planning Department to all other plat approval authorities. The Township Board shall be under no obligation to extend the time period and may exercise its discretion in deciding whether to approve such a request.

Section 303 Improvement Design - Review and Approval

A. Submission

1. Engineering plan review and approval consistent with Township engineering standards shall be obtained after final preliminary plat approval and prior to final plat approval. Once engineering plan approval is granted, construction permits for site improvements can be issued by the Township and other applicable regulatory agencies. The subdivider shall file the following with the Township Planning Department: an application for design review, plans for all improvements to be installed within the proposed subdivision, and all plan review fees.
2. The Township Planning Department shall forward all plans received to the Township engineers and Township planner.
3. Said improvement plans shall be held for review by the Township engineers and planners for a period not to exceed a total of forty-five (45) calendar days. Said forty-five (45) days shall include only those days in which the improvement plans are in the possession of the Township.

B. Plan contents

1. All improvement plans shall be prepared in accordance with Article 5 of this ordinance and with Township engineering standards.

C. Plan Review

1. The Township Engineer shall initially review all plans submitted to determine their conformance with Township engineering standards and the approved preliminary plat. The Township Planner shall review the plans for their conformance with Township standards for traffic impact and design.
2. The improvement plans shall then be reviewed by the other appropriate Township Departments.
3. After the improvement plans have received final approval from the Township engineer, Township planner, Township departments and all other governmental agencies, the Township engineer shall issue approval to the subdivider's engineer, with copies to the subdivider and the Township Planning Department.

4. The subdivider's engineer shall submit to the Township Engineer cost estimates for all approved improvements.
5. The Township Engineer shall review and approve the estimate prepared by the subdivider's engineer. The approved cost estimates shall provide the basis for all performance guarantees. Copies shall be sent to the Township Planning Department and the subdivider.

D. Site work/construction of improvements/models:

1. No preliminary site work, such as clearing and grubbing, shall commence until the subdivider has:
 - a. Been issued all necessary wetlands, watercourse, and soil erosion permits;
 - b. If final approval of all improvement plans has not been obtained, the subdivider shall execute an agreement acknowledging that it is proceeding at its own risk and that permission to proceed with preliminary site work does not in any way guarantee approval of the final plat; and
 - c. Completed a pre-construction meeting with staff and consultants, and verification that necessary permits have been obtained. The purpose of the pre-construction meeting shall be to review the manner in which the preliminary site work shall be performed and inspected.
 - d. Deposit an amount of money with the Township sufficient to restore the site by grading, redistributing topsoil, seeding and mulching all areas disturbed. The amount of the deposit shall be approved by the Township engineer but shall not be less than \$3000 per acre. The deposit shall be refunded upon final approval or completion of restoration by the developer and any outstanding fees have been paid.
2. No construction of improvements shall begin until the subdivider has:
 - a. Received approval of all improvement plans;
 - b. Received necessary approvals from all other governmental agencies;
 - c. Deposited with the Township all necessary inspection fees.
3. No building permit shall be granted for a permanent building within a subdivision until final plat approval, and completion of all improvements except as follows:

- a. Streets, water supply, sewage disposal, storm drainage and other utilities to service model home lots shall be completed and determined to be acceptable for use prior to issuance of building permits. The Building Department may issue building permits for model homes upon the proprietor submitting metes and bounds legal descriptions of the properties upon which the homes will be constructed. Permits shall be issued for not more than four (4) model homes nor more than ten (10) percent of the total number of lots, whichever is less. Certificates of occupancy for such homes shall be limited to occupancy and use for model purposes until such time as the final plat is approved and all streets, water supply, sewage disposal and other utilities throughout the subdivision have been installed and deemed acceptable for use.
- b. The Building Department may issue building permits after substantial completion of all site improvements if the developer has guaranteed completion of all remaining site work in compliance with Section 504 of this Ordinance. Certificates of Occupancy may not be issued prior to Final Plat approval by the Township.

Section 304 Final Plat

A. Filing Procedures

1. Final plats shall be submitted to the Township Planning Department in the form required in the Land Division Act, together with the following:
 - a. Completed application form,
 - b. Fees for filing, recording, plat review, and inspection of improvements; and
 - c. Agreement and security required to guarantee performance.
 - d. One (1) reproducible copy of the final plat on mylar or other dimensional stable material, signed by the County Treasurer, Township Treasurer, County Road Commission, and County Drain Commissioner and four (4) paper prints thereof.
 - e. One (1) copy of the final plat drawings in AutoCAD compatible, digital media.

2. All required information and submittals shall be submitted to the Township Planning Department at least twenty one (21) days prior to the meeting of the Township Board at which the plat is to be considered. The Township Planning Department shall determine if the submittal is complete, and if complete, transmit same to the Board in adequate time for inclusion on the agenda for the Board's next meeting. If the application is not complete the Township Planning Department shall so notify the applicant in writing and shall list deficiencies. A final plat shall not be accepted for review after the date of expiration of the final approval of the preliminary plat. The final plat shall be submitted to the following agencies, in the indicated order, and the proprietor shall obtain signatures from the agency thereon, in the indicated order, prior to filing the plat with the Board for approval.
 - a. County and Township Treasurer
 - b. Drain Commissioner
 - c. County Road Commission
3. The final plat shall be sealed and signed by the registered land surveyor who prepared the final plat, and by the proprietor(s) prior to filing with the Township Planning Department.

B. Information Required - Final Plat Approval

1. All final plats shall be in the form, and contain the information, required by the Land Division Act.
2. Abstract of title or other certificate establishing ownership interest and to ascertain if proper parties have signed the plat, for all land included in the subdivision.
3. The proprietor shall provide the Township Planning Department with a certificate from the design engineer indicating that improvements have been installed in conformance with the approved engineering drawings, with any changes noted therein and attached in drawings, and proof of a guarantee of completion for those improvements to be installed after final plat approval, as finally approved in the preliminary plat.
4. A detailed estimate of all costs of all required improvements not to be installed prior to final plat approval, as provided in Article 5, herein. The estimate of costs shall be verified and approved by the Township Engineer prior to review of the final plat by the Township Board.

C. Review Of Final Plat

1. The final plat shall substantially conform to the preliminary plat as finally approved. The final plat may cover only a portion of the area covered by the preliminary plat as finally approved.
2. All improvements and facilities to be provided by the proprietor shall be installed, or adequate security in lieu thereof shall be provided, and all dedications and easements shall be evident as having been made before the Township Board may approve the final plat. However, approval of the final plat shall not constitute acceptance of items for dedication. The Township Board may request review of the final plat by its consultants or staff.
3. The Township Board shall review all recommendations and either approve or disapprove the final plat at its next regular meeting after the date of submission, or at a meeting called within 20 days of the date of submission. The Board shall approve the plat if it conforms to the final preliminary plat approval, other applicable Township ordinances, and to the provisions of the Land Division Act.
4. If the final plat is approved, the Township Clerk shall transmit the reproducible copy of the plat and the filing and recording fee to the County Plat Board. The reproducible copy shall be a reduced size mylar image which does not exceed 10½" x 14". One paper print shall be forwarded to the Township Planning Department and Building Department; and one print shall be retained by the Township Clerk. The reproducible copy and paper prints shall have the date of approval marked thereon.
5. If the final plat is approved, the Township Clerk shall sign a certificate signifying approval of the final plat by the Township Board, which shall include the date of approval and the date on which the Clerk signs the certificate.
6. If the final plat is disapproved, the Township Clerk shall record the reasons for rejection in the minutes of the meeting, notify the proprietor in writing of the action and the reasons therefor, and return the plat to the proprietor.

D. Effect Of Final Plat Approval

1. Approval of the final plat by the Township Board shall not constitute legal acceptance of dedicated streets, service drives, or other public areas indicated on the plat. The proprietor shall be responsible for obtaining all required approvals of

the final plat and / or construction plans from the County Road Commission and other governmental agencies having jurisdiction over any aspect of the plat.

2. Upon approval of the final plat by the Township Board, the Township Clerk shall cause the final plat to be stamped approved and shall provide written notification of the Township Board's approval to the proprietor.

ARTICLE 4

DESIGN AND DEVELOPMENT STANDARDS

Section 400 - General

In reviewing applications for approval of subdivision plats, the standards set forth in this Article shall be considered minimum requirements. Where another ordinance requires higher standards, such higher standards shall apply. Variances from the standards set forth in this Article shall be granted only as provided in Article 6, herein.

Section 401 - Design and Development Standards

A. Streets and Service Drives

The specifications contained in this Ordinance are the standards for all highways, streets, and service drives that might hereafter be platted within the Township.

1. Street Layout

- a. Street layout shall conform to the adopted White Lake Charter Township Master Plan, Township Zoning Ordinance, as applicable, and all applicable County Road Commission road and right of way design standards.
- b. The arrangement of streets in the subdivision shall provide for the continuation of streets in adjacent subdivisions. The layout shall provide for proper extension of principal streets into adjoining properties not yet subdivided. Where future connections to adjacent areas are to be provided, the land for such connection shall be shown on the various plats in accordance with the Township Zoning Ordinance, where applicable, and County Road Commission standards. The future connection shall end with

a T turn. Each such connection shall be shown on the plat at the time of filing of the preliminary plat for tentative preliminary approval.

- c. In general, all such streets shall have a pavement and right of way width at least as great as the street being extended. In no instance shall the right-of-way width be less than sixty (60) feet.
- d. Streets in areas approved for open ditch street construction shall have a minimum pavement width of 22 feet.
- e. Local streets shall be laid out so as to discourage their use by through traffic.
- f. Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable grades, both for the streets and for driveways intersecting therewith.
- g. The street layout shall not isolate parcels or lots from streets or roads, unless suitable access is provided, and that such access be granted by easement or dedicated to public use.
- h. Jogs in continuous streets at points of intersection with other streets shall not be permitted. The maximum distance between centerlines of the intersecting streets shall be in accordance with County Road Commission standards.
- i. Intersecting streets shall be laid out so that the angle of intersection is as close to ninety (90) degrees as possible, consistent with Road Commission for Oakland County standards.
- j. The street layout shall provide more than one point of external access to the subdivision. A boulevard street entrance shall not be considered as providing secondary access. Multiple access points shall be as remote from one another as is feasible. The requirement for secondary access may be satisfied by access to an adjacent subdivision. Secondary access shall not be required under the following conditions:
 - (1) When each lot in the subdivision is no farther than eight hundred (800) feet in street length from the point of external access to the subdivision.
 - (2) Where safe ingress and egress cannot be established, due to the property having limited frontage along external arterials or

topographic conditions on the external arterials which reduce sight line distances. The Township may permit the use of an eighteen (18) foot wide emergency access road. Said road shall be of all-weather construction, designed to support emergency vehicles of at least thirty-two (32) tons, and paved with asphalt or concrete or surfaced with grass pavers or similar materials. The emergency access road shall have minimum entering and exiting radii of 25 feet. The roadway itself shall provide minimum radii of 25 feet at the inside curb line and 50 feet at the outside curb line. To discourage non-emergency vehicles, emergency access roads shall be designated by signage as for emergency access only and shall be separated from other roadways by mountable curbs, where appropriate.

(3) When a stub street is provided to adjacent property, it shall be at a location feasible and practical for the development of a future connecting street. Where feasible, the Township shall require access roads for emergency vehicles for use until such time as the adjacent property is developed so as to provide secondary access. Emergency access roads shall be of all-weather construction designed to support emergency vehicles of at least thirty-two (32) tons and paved with asphalt or concrete. To discourage non-emergency vehicles, emergency access roads shall be designated by signage as for emergency access only, shall be separated from other roadways by mountable curbs, where appropriate, and shall utilize entrance radii designed to permit emergency vehicles while discouraging non-emergency traffic.

k. Intersections of local or residential roads with collector and arterial roads shall be designed in accordance with County Road Commission Standards.

l. All street construction shall be centered on the street right-of-way. Section line and quarter line roads shall be centered on these lines unless the Township Engineer or County Road Commission approves an exception.

2. Drainage

a. All streets and service drives shall be provided with facilities for adequate surface drainage. This may be accomplished by the use of ditches, county drains, natural water courses, or tributaries constructed thereto.

- b. Drainage facilities shall be designed, constructed and maintained in accordance with County Road Commission and County Drain Commission standards.

3. Cul-De-Sac Streets

Each cul-de-sac street shall not be more than eight hundred (800) feet in length, unless approved by the Township Board and the Road Commission for Oakland County. The cul-de-sac street shall be designed, constructed and maintained in accordance with County Road Commission standards. In no case shall the paved surface of the cul-de-sac turnaround have an outside diameter less than one hundred (100) feet.

4. Service Drives

- a. Service drives shall be prohibited, except in commercial and industrial zoning districts.
- b. Where service drives are provided they shall be at least thirty (30) feet wide. Dead-end service drives shall be prohibited.
- c. Service drives shall be designed in accordance with standards of the County Road Commission and/or Township Engineer.

5. Marginal Access Streets

- a. Where marginal access streets are required or proposed, the proprietor shall be responsible for improving said streets according to County Road Commission standards.
- b. Where a subdivision borders or contains a limited access highway right-of-way, the Township Board, based on a recommendation by the Planning Commission may require a street approximately parallel to and on one or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land and in accordance with applicable County Road Commission standards. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- c. When a subdivision abuts or contains an existing or proposed arterial or collector street, the Township may require a marginal access street, side or

reverse frontage lots with screen planting contained in a non-access reservation along the side or rear property line, or such other treatment as might be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to retain the traffic carrying capacity of the arterial or collector streets.

- d. A greenbelt at least twenty (20) feet wide shall be provided between a marginal access street and the adjacent street. Said greenbelt shall be designed and planted in accordance with the Zoning Ordinance, subject to Road Commission Standards for tree location.

6. Future Connection Streets

- a. Future street connections shall be required to provide future access to an adjacent parcel or parcels at intervals along the property boundary not to exceed two thousand (2,000) feet, unless one of the following are found to exist:
 - 1. The extension is impractical because of topography, the dimensions of the property subdivided, or other natural features, including but not limited to regulated wetlands, floodplains, open water bodies, and steep slopes;
 - 2. The extension will result in the creation of undesirable traffic patterns not customarily found in residential areas.
- b. The future connection right of way and street shall be designed and built in conformance with the Zoning Ordinance, where applicable, and County Road Commission standards.
- c. In their respective reviews of the plat, the County Road Commission and Township Engineer shall determine whether a turn-around is warranted at the terminus of the future connection street.

7. Street Names

- a. Street names shall not duplicate names of any existing street in White Lake Township, except where a new street is a continuation of an existing street. Duplication shall be avoided by checking new street names with White Lake Township.

- b. Street names that are spelled differently but sound the same shall be avoided.
- c. Generally, no street shall change direction by more than 90 degrees without a change in street name.
- d. Streets names shall not include numbers, or single letters.

8. Location For Utilities

- a. Utilities shall be located so as to best conform to the layout of existing facilities. In streets where no pattern has been established, utilities shall be located in conformance with standards of the County Road Commission.
- b. The proprietor shall contact the Township Engineer and public utility involved to locate and design utilities.

9. Street Standards and Specifications

Streets shall be provided in accordance with the street standards and specifications adopted by the County Road Commission and as provided for in the Zoning Ordinance, as applicable.

B. Blocks

- 1. Blocks generally shall not be less than 500 feet or more than 1320 in length as measured from centerlines of streets.
- 2. No block width shall be less than twice the normal lot depth except where lots back onto major street, natural feature or subdivision boundary. A block shall be designed so as to provide two (2) tiers of lots, except where the lots back onto a major street, natural feature, subdivision boundary or other feature or facility which necessitates double frontage.
- 3. The Township Board, based on a recommendation by the Planning Commission, may require reservation of an easement through blocks to provide for the crossing of underground utilities and/or pedestrian traffic where needed or desirable, and may specify further, at its discretion, that sidewalks be provided by the proprietor. Blocks intended for non-residential uses shall be designed in accordance with Zoning Ordinance provisions. In such cases the above dimensions do not apply.

C. Lots

1. Lots shall conform to the requirements of the Zoning Ordinance for the district(s) in which the subject parcel(s) are located.
2. Corner lots shall have extra width to permit appropriate building setbacks. At a minimum, corner lots shall maintain the minimum lot width, as specified in the Zoning Ordinance, adjacent to both street or road frontages. Lots abutting a pedestrian mid-block crosswalk or other right-of-way shall be treated as corner lots.
3. Residential lots shall not front directly onto a freeway, arterial or collector right-of-way, shopping centers, industrial districts or parks, and other similar non-residential areas. In such situations, lots shall be designed in accordance with one of the following:
 - a. Lots may back onto the above features, but shall be separated from the proposed future right of way or property line, whichever is greater, by a 20 foot wide landscaped greenbelt along the rear property line of all lots which abut the feature. The 20 foot wide greenbelt shall be considered part of the contiguous lot, shall be reserved as an open space easement and shall not be located in any road right-of-way or utility easement.
 - b. Lots may face onto a marginal access street.
 - c. Corner lots shall front onto intersecting local streets. All driveway openings shall access the intersecting local streets. Corner lots which abut a major street right-of-way or non-residential area shall be separated from the proposed future right of way or property line, whichever is greater, by a 20 foot wide landscaped greenbelt along the property line of all lots which abut the feature. The 20 foot wide greenbelt shall be considered part of the contiguous lot, shall be reserved as an open space easement and shall not be located in any road right-of-way or utility easement.
4. All lots shall abut and have access to a street in conformance with the frontage and lot width requirements in the Zoning Ordinance.
5. Where a lot borders a lake, stream, regulated wetland or similar amenity, the front yard shall be the street side area of the lot. Minimum setbacks for any yard shall be determined in conformance with the Zoning Ordinance.

6. Re-Subdividing

Where a tract is to be subdivided into lots substantially larger than the minimum size required in the Zoning Ordinance, or when the tract is in an area which the Planning Commission and/or Township Board can reasonably expect to be served with sewer and water lines in the future, but which at time of subdividing does not have sewer and water services available, the Commission may require that streets and lots be laid out so as to permit future re-subdivision in a logical manner and in accordance with provisions of this Ordinance. Lot arrangements shall allow for ultimate extension of adjacent streets through blocks or the splitting of lots into smaller lots. The plan for such future re-subdividing or lot-splitting shall be approved by the Township Board, based on a recommendation by the Planning Commission, before division of lots may be made.

7. Lot Lines

Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved streets. All side and rear lot lines shall be straight lines unless natural features or street curvature so prevent. Variations in these provisions may be made when, in the opinion of the Planning Commission, such variations would result in a better arrangement of lots.

8. Lots To Be Buildable

Lots shall be designed such that in constructing a building in compliance with the Zoning Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. Acute angles created by side lot lines, and odd shaped lots shall be avoided. The size, shape, and location of each lot shall have the following qualities:

- a. A suitable site for placing a house without excess grading;
- b. A usable area for outdoor living and other activities;
- c. Adequate surface drainage away from the house site and outdoor living areas;
- d. Reasonable driveway grades; and
- d. General site grading shall be minimized with significant trees and other vegetation retained.

9. Non-Residential Lots

Lots intended for uses other than residential shall be identified on the plat, and shall be specifically designed for such uses, in accordance with provisions of this Ordinance and the Zoning Ordinance.

D. Setback And Yard Requirements

1. Placement of the building on the site shall conform to all yard requirements of the Zoning Ordinance.
2. Variation in the placement of the building on each lot is encouraged.
3. The setbacks provided shall conform to topography and natural features of the site.

E. Access To Lots

1. Driveways and curbcuts shall conform to the design, construction and locational standards of the County Road Commission and the White Lake Charter Township Zoning Ordinance, where applicable.
2. Reserve Strips

Privately held reserve strips controlling access to streets shall be prohibited.

F. Lot Division

1. The division of a lot in a recorded plat is prohibited unless approved following application to the Township Board in conformance with the Land Division Act and the White Lake Charter Township Land Division Ordinance. The application shall be filed with the Township Assessor and shall state the reasons for the proposed division.
2. No building permit shall be issued, nor any construction commenced, until the division has been approved in accordance with the provisions of the White Lake Charter Township Land Division Ordinance.

G. Pedestrian Ways And Sidewalks

1. Pedestrian ways, other than sidewalks in street rights-of-way as regulated below, shall be located within an easement at least fifteen (15) feet wide, when required. The Planning Commission and/or Township Board may require a paved walkway to be provided by the proprietor or, may permit other surfacing material appropriate to the design and function of the walkway.
2. Sidewalks shall be required on both sides of a street, or may be required on one side of a street, according to the discretion of the Township Board, based on the recommendation of the Planning Commission. Sidewalks shall not be required for developments with the agricultural or suburban farms zoning districts. Street rights-of-way shall be sufficient to provide for sidewalks on both sides of the street. Streets leading directly to a school, recreational areas or other public facility shall have sidewalks on both sides of the streets.
3. Walkways in pedestrian ways and sidewalks shall have a minimum pavement width of five (5) feet, and shall have a minimum of lateral slope of $\frac{1}{4}$ inch per foot of width. Sidewalks shall be placed within the street right-of-way, one-foot away from the property line. Sidewalks shall be concrete, 4 inches thick, with 6 inch thickness under driveways. Driveway aprons shall not break the sidewalk level. The Township Board, based on a recommendation by the Planning Commission, may permit asphalt or other surfacing material for walkways within pedestrian ways, excluding sidewalks, such as bikepaths, nature walkways, and the like. Where a pathway is designed to accommodate bicycle traffic, the pathway shall be a minimum eight (8) feet in width and shall be designed in accordance with engineering specifications adopted by the Township Board.
4. The surface of a pedestrian way shall consist of concrete, asphalt, stone, or other surface material, in accordance with engineering specifications adopted by the Township Board. The surface treatment shall be approved by the Planning Commission. Fences and/or other improvements may also be required if the Planning Commission and/or Township Board determine such are necessary to buffer adjacent property owners or pedestrians, and shall be designed, constructed and maintained in conformance with the White Lake Charter Township Zoning Ordinance. The Township Board, based on a recommendation by the Planning Commission, may require that pedestrian ways be lighted, with the lighting to be located and designed in conformance with the performance standards in the Zoning Ordinance.

H. Natural Features

1. The Township Board, based on a recommendation by the Planning Commission, may require the preservation of natural features such as large trees or groves of trees, water courses, vistas, historic structures, places and features, wildlife habitats and ecological areas, and similar irreplaceable assets.
2. The location, nature, and extent of such features may be required to be identified in the initial review stages of the preliminary plat, subject to the discretion of the Township Board based on a recommendation by the Planning Commission. All features required by the Township to be provided on the plat shall be made a part of the subsequent plats to the greatest possible extent. The preservation and/or inclusion of such features may be made a condition of tentative approval of the preliminary plat.
3. Designated floodplains, regulated wetlands, and open water bodies shall not be platted for residential use, or for any other use that might create a danger to health, safety, or property, or which might increase the flood hazard within or outside the subdivision. Such lands shall be retained in their natural state as permanent open space. Any area of land within the proposed subdivision which lies either wholly or partly within the flood plain of a river, stream, creek, or lake, any designated wetland, or any other areas which are subject to flooding shall be clearly shown on the preliminary plat and the final plat.

I. Utilities

1. Storm Drainage
 - a. Where a subdivision is traversed by a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided in accordance with standards of the County Drain Commissioner and the White Lake Township Engineering Design Standards. Such easements shall be placed so as not to interfere with use of lots. Existing drainage ways may be re-channeled but such re-channeling shall not increase the flow or level, or cause impoundment of water on properties upstream or downstream from the proposed subdivision. Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.
 - b. All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way,

except as approved by the County Drain Commissioner. If, in the judgment of the Drain Commissioner, a natural water drainage way or impoundment area shall be reserved in the public interest, a storm drainage easement(s), of a width and/or to an elevation specified by the Drain Commissioner, shall be required and reserved as a public storm drainage easement or impoundment area. Access rights for maintenance purposes to same shall be dedicated to the public through the Drain Commissioner and placed on file with the County Register of Deeds.

The proprietor may be required to carry away by pipe or open ditch, in appropriate easements, any spring or surface water that might exist either previous to, or as a result of, the subdivision.

- c. A culvert or other drainage facility to be provided in the proposed subdivision shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether that area is inside or outside the subdivision. The design and size of the facility shall be based on anticipated run-off from a ten (10) year storm under conditions of total potential development permitted by the Zoning Ordinance, and other applicable ordinances, and recommended in adopted development policies for the lands lying within the drainage area.
- d. The effect of the subdivision on existing downstream drainage facilities outside the subdivision shall be reviewed by the proprietor and the County Drain Commissioner. Where it is anticipated that the additional run-off resulting from development of the subdivision will overload an existing downstream drainage facility during a ten (10) year storm, the County Drain Commissioner shall notify the Township Board of such potential condition. In such situations the Board shall not approve the subdivision until provision has been made for improvement of said condition, or storm detention facilities have been provided to limit the discharge to an amount permitted by the County Drain Commissioner.
- c. All drainage improvements shall conform to duly adopted and published Master Plan for the area covered by the proposed subdivision and for the upstream and downstream areas involved, and to the standards and specifications of the County Drain Commissioner. The Township Board, based on a recommendation by the Planning Commission, may, if it considers such requirements necessary for the proper and safe development of the subdivision and surrounding area, require that the drain be enclosed.

- d. All drainage facilities, including detention and retention facilities, shall be constructed in accordance with the requirements of the Oakland County Drain Commission and the White Lake Township Engineering Design Standards.

2. Sewer And Water Utilities

- a. Sanitary sewer and water supply facilities shall be designed and located according to the specifications and procedural requirements of the Michigan Department of Environmental Quality and the White Lake Township Engineering Design Standards.
- b. On-site services and private sanitary sewer and water systems shall be designed according to requirements of the County Health Department, White Lake Charter Township Ordinance 22, and the White Lake Township Engineering Design Standards.

3. Gas, Wire Or Cable Utilities

- a. All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout a subdivision. This Section shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as, but not limited to, surface mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, streets lights and street light poles.
- b. All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the agency having jurisdiction over the utility lines and the Land Division Act. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review before filing for final approval of the preliminary plat. All said utilities placed in public rights-of-way shall not conflict with other underground lines. Easements shall be provided in accordance with Section 401J below.

J. Easements

- 1. All underground public utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by

the proprietor and approved by the public utility or shall be in the public road right of way.

2. Such easements shall be so located as to not interfere with use of any lot or other part of the subdivision.
3. The size of, and restrictions pertaining to, such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines and the Land Division Act, and shall be indicated on the preliminary plat submitted for final approval.

K. Reservation Of Public Use Areas

1. Where a proposed park, playground, open space area, public school, library or other public use area is shown on the adopted Master Plan and is located in whole or in part in a proposed subdivision, such area or areas shall be shown on the plat.
2. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication.

L. Commercial Subdivisions

1. Where commercial developments for retail sales, wholesale sales, business services, offices, and similar establishments fall within the definition of "subdivision" as set forth in the Land Division Act, such development shall conform to the provisions of this Ordinance, except for modifications provided for in this Section.
2. The development shall conform to all Zoning Ordinance requirements for the zoning district in which the development is located.
3. Streets shall conform to the requirements of Section 401. All streets in a commercial subdivision shall be paved, and shall have curb and gutter, and underground storm drainage. Streets shall be designed and constructed in accordance with County Road Commission industrial subdivision standards to adequately handle truck traffic. Curb side parking and loading shall not be provided for, nor permitted on, any street in a commercial subdivision unless approved by the Planning Commission. No backing or similar maneuvering of vehicles to enter or leave a parking or loading space shall be permitted or provided for on a commercial subdivision street. Such movements shall be adequately provided for on each lot.

4. Entry drives for the subdivision shall be located and designed in conformance with the design and construction standards of the County Road Commission.
5. Blocks shall be designed to meet the needs of commercial uses in conformance with the lot standards for commercial uses in the Zoning Ordinance. Block sizes shall meet the requirements of fire protection, snow removal, and other service and emergency vehicles.
6. Lots in a commercial subdivision shall have access from subdivision or frontage streets, and shall not open directly onto an arterial or collector street.
7. Sidewalks shall be required in commercial subdivisions, except where the Township Board, based on a recommendation by the Planning Commission, determines that such facilities are not required for the safety and convenience of pedestrians within or around the subdivision.
8. Landscaping and screening shall be provided in accordance with the provisions of the Zoning Ordinance for the proposed use(s).

M. Industrial Subdivisions

1. Where industrial developments fall within the definition of “subdivision” as set forth in the Land Division Act, such development shall conform to the provisions of this Ordinance, except for modifications provided for in this Section.
2. The development shall conform to all Zoning Ordinance requirements for the zoning district in which the site is located.
3. Streets shall conform to the requirements of Section 401 herein. All streets shall have concrete curb and gutter with enclosed underground storm drainage.
4. All streets within the subdivision shall be designed and constructed to accommodate the movement of large trucks in conformance with County Road Commission standards for design and construction.
5. Parking and loading on all streets in an industrial subdivision shall be prohibited. Adequate parking and loading areas, and space necessary for maneuvering of trucks in loading and unloading operations shall be provided on each site in accordance with the requirements for parking and loading in the Zoning Ordinance. Layouts which permit use of streets for turnaround and other maneuvers shall not be acceptable.

6. Entry drives for the subdivision shall be located and designed in conformance with the design and construction standards of the County Road Commission.
7. Streets within an industrial subdivision normally shall not be extended to the boundaries of adjacent existing or potential residential areas or connected to streets intended for predominantly residential traffic. Streets within the subdivision, except collector and arterial streets, shall be laid out so as to discourage through traffic.
8. Blocks shall be designed to meet the needs and characteristics of industrial operations in conformance with the lot standards for industrial uses in the Zoning Ordinance. Block sizes may vary in size and shall meet the requirements of fire protection, snow removal, and other service and emergency vehicles.
9. Lots in an industrial subdivision shall have access only from subdivision or frontage roads, and shall not open directly onto arterial or collector streets.
10. Sidewalks and pedestrian ways shall be required in industrial subdivisions, except where the Township Board, based on a recommendation by the Planning Commission, determines that such facilities are not required for the safety and convenience of pedestrians within or around the subdivision.
11. Landscaping and screening shall be provided in accordance with the provisions of the Zoning Ordinance for the proposed use(s).
12. Any intended future expansion of the industrial development shall be shown on the preliminary plat as submitted for tentative approval.
13. The proprietor's continuing interest, if any, in the subdivision shall be clearly described.

N. Soil Erosion and Sedimentation Control

Plans for a subdivision shall contain proposed erosion and sedimentation control measures for review by the Township Engineer. The control measures shall be incorporated into the final plat and final construction drawings. Erosion and sedimentation control measures shall conform to applicable standards and specifications established by the County Drain Commissioner, or other agency of jurisdiction. These standards shall be applied in their current form and as modified from time to time, it being the intent of this Section to incorporate such standards and specifications into this Ordinance by reference. The measures shall apply to all street and utility installations as well as to individual lots.

Measures shall be instituted to prevent or control erosion and sedimentation during all stages of construction of the subdivision.

O. Restrictive Covenants

1. Covenants may be provided by the proprietor. Such covenants shall be recorded with the plat and shall apply to the entire subdivision.
2. Covenants shall be reviewed by the Planning Commission and Township Board during the initial procedures and/or preliminary plat stages for conformance with Township standards.
3. Covenants may require more stringent restrictions on use of land or the design and construction of a subdivision. However, they shall not in any way constitute a reduction or variance from the provisions of this ordinance or any other ordinance of the Township. Where there is a conflict between the provisions of this ordinance or another Township ordinance, the provisions of said ordinance shall apply.
4. The Township shall not be responsible for enforcement of private covenants or deed restrictions, unless specifically designated in such capacity through open space agreements, easements, or other form of conveyance approved by the Township.
5. Covenants shall be recorded with the County Register of Deeds prior to the sale of any lot within the subdivision.

P. Trees

1. Trees shall be provided along both sides of all streets, and shall be placed at the minimum rate of two (2) per single family residential lot or at a maximum distance apart of 60 feet, whichever results in a greater number of trees. Trees may also be required by the Township Board to be installed, based on a recommendation by the Planning Commission, according to the same spacing standards, along one (1) or both sides of pedestrian ways. The Township Board, based on a recommendation by the Planning Commission, shall have the authority to modify or waive all or part of the foregoing tree planting requirements where they find that existing vegetation satisfies the intent of this Ordinance or that a better neighborhood design would result.
2. Trees to be installed adjacent to streets shall be large deciduous trees. Ornamental trees may be installed adjacent to pedestrian pathways. All trees shall be planted in accordance with the standards of the Zoning Ordinance.

3. The following trees are not permitted in any landscaped area: box elder, soft maples, American elm, poplar, ailanthus (tree of Heaven) and willow.
4. All trees shall be protected from damage by wind and other elements during the first full year after planting.
5. All trees shall be located in conformance with applicable County Road Commission and White Lake Charter Township Zoning Ordinance standards for planting location and setbacks from roadways.
6. Full size shade and evergreen trees shall not be located within 10 feet of the water main, storm sewers or sanitary sewers. Shrubs and ornamental trees may be permitted, subject to Township approval.

Q. Street Lights

1. Street lights shall be provided in all commercial and industrial subdivisions. Street lights may be required within residential subdivisions at the discretion of the Planning Commission.
2. Where provided, street lights shall have underground wiring.
3. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed subdivision.
4. Where lights are to be provided, they shall be installed prior to the occupancy of structures within the subdivision.

ARTICLE 5

SUBDIVISION IMPROVEMENTS

Section 500 - Purpose

It is the purpose of this Article to establish and define the improvements which the proprietor will be required to provide as conditions for final plat approval; to outline the procedures and responsibilities of the proprietor and the various public officials and agencies concerned with the planning, design, construction, financing, and administration of improvements; and to establish procedures for assuring compliance with these requirements.

Section 501 - General

A. Standards

1. Improvements shall be provided by the proprietor in accordance with this Article and/or with any other applicable standards and requirements which may from time to time be established by the Township Board or by any of the various Township departments or county and state agencies, in the form of ordinances or published rules.
2. The improvements required under this Article shall be considered the minimum acceptable standards.
3. Where the standards or requirements of this ordinance are different than the provisions of another ordinance, the more stringent of the two shall apply.

B. Preparation Of Plans

1. It shall be the responsibility of the proprietor to have prepared by a registered engineer a complete set of construction plans for streets, utilities, and other improvements required in Section 503.
2. Such construction plans shall conform to the preliminary plat as finally approved.
3. Construction plans are subject to approval by the Township and responsible agencies and shall be prepared in accordance with the White Lake Township Engineering Design Standards and with the applicable agency standards and specifications.

C. Timing Of Improvements

Except as provided in Section 303.3.b, no grading, removal of trees or other vegetation, land filling, construction of improvements, or other material change except for that which is required by any of the reviewing agencies for purpose of aiding in their review of the preliminary plat, shall commence on the subject property until the proprietor has:

1. Received a written notice from the Township Planning Department that the Township Board has given final approval to the preliminary plat.
2. Deposited with the Township a bond or other form of security as required by this Ordinance for the provision of improvements.

3. Entered into a subdivision agreement with the Township Board for completion of all improvements required in the preliminary plat as finally approved.
4. Received a certificate of approval or similar evidence of approval of the engineering plans from the Township Engineer of each improvement to be installed prior to approval of the final plat. Where approval of such plans must be obtained from the County Road Commission, County Drain Commissioner, County Health Department, or other county or state agency, the proprietor shall provide evidence of such approvals to the Township Engineer prior to his report and recommendation to the Township Board. Such plans and approvals shall include those for soil erosion and sedimentation controls.

D. Staging

Where a subdivision is to be developed in stages, the provisions of this Article shall apply to each stage. However, improvements and financial guarantees may be required to extend beyond the boundaries of a subdivision stage if such extension is necessary to insure the relative self-sufficiency of the stage pending completion of the entire subdivision. Such extension, schedules, and similar arrangements shall be set forth in an agreement between the proprietor and the Township Board prior to final approval of the preliminary plat.

Section 502 - Engineering Drawings Of Improvements

A. Required Prior To Construction

1. Engineering drawings of all required improvements shall be reviewed and approved by the Township Engineer or Building Inspector. Improvements to be made under the jurisdiction of the County Road Commission, County Drain Commissioner, or other county or state agencies shall also be submitted to the appropriate agency for review and approval. Where review and approval of engineering drawings is made by a county or state agency, the Township Engineer or Building Inspector shall obtain written confirmation of such approvals prior to issuance of any approvals or permits.
2. No grading, land filling, removal of trees or other vegetation, construction of improvements, or other land development activity shall commence until the engineering drawings of same have been approved by the Township Engineer and all county and state agencies having approval or permit jurisdiction.

B. Modification During Construction

1. All installations and construction shall conform to the approved engineering drawings.
2. Modifications to approved construction plans shall require approval by the original approval agency or individual prior to construction or installation of the improvement. Modifications in design and/or specifications during construction, are at the proprietor's own risk, without any assurance that the Township or other public agency will accept the completed facility. It shall be the responsibility of the proprietor to notify the appropriate agency of any changes in the approved drawings and secure necessary reviews and/or approvals.

C. As Built Drawings

The proprietor shall submit to the Township Engineer, Building Inspector, and water department one reproducible set of "as built" engineering drawings of each of the required improvements that have been completed prior to final plat approval. As built drawings may be provided in digital format (AutoCAD compatible). Each set of drawings shall be certified by the proprietor's engineer. The Township Engineer shall review a copy of the "as-built" engineering drawings to verify compliance with the Checklist of As-Built Drawing Requirements as contained in the White Lake Township Engineering Design Standards.

D. Construction Schedule

The proprietor shall submit to the Township Engineer or Building Inspector and to all approving agencies and to public utility companies that will service the subdivision, prior to final approval of the preliminary plat, a general schedule of the timing and sequence for the construction of all required improvements. The schedule shall meet the procedural requirements and inspection needs of the Township, county, and state agencies.

Section 503 - Required Improvements

The proprietor shall install the following improvements in accordance with the conditions and specifications of this Ordinance.

A. Monuments

Monuments and iron lot corner markers shall be set in accordance with the Land Division Act and applicable State administrative rules, as from time to time may be promulgated.

B. Streets And Service Drives

All streets, curbs, gutters, and service drives shall be constructed in accordance with the standards and specifications of the County Road Commission and this ordinance. All streets and service drives shall be public.

C. Public Utilities

Public utilities placed in street rights-of-way shall be located in accordance with County Road Commission requirements and this ordinance.

D. Storm Drainage

1. Storm drainage, including necessary storm sewers, drain inlets, manholes, culverts, bridges and other appurtenances, shall be required in all subdivisions, and shall be provided by the proprietor.
2. All proposed storm drainage construction plans shall be approved by the Township engineer, County Drain Commissioner, and the County Road Commission, where applicable. Construction shall follow the specifications and procedures of the State Drain Code, as amended, and specifications of the County Road Commission where applicable. Storm sewer and detention basin design shall be in accordance with the White Lake Township Engineering Design Standards.

E. Water Supply System

1. When a proposed subdivision is to be serviced by a public water supply system, water lines and appurtenances shall be provided by the proprietor.
2. Where a water supply system for the common use of the lots within the subdivision is proposed, said system shall be designed in accordance with all applicable standards of the Township, State and County Health Departments.
3. All easements and improvements for such systems shall be dedicated to the Township for administration, operation and maintenance.
4. Individual wells may be permitted where public water supplies are not available, in accordance with the requirements of the County Health Department and the White Lake Charter Township Ordinance 22.

F. Sanitary Sewer System

1. When a proposed subdivision is to be serviced by a public sanitary sewer system, sanitary sewers and their appurtenances shall be provided by the proprietor in compliance with provisions of Act 451, P.A. 1994, as amended.
2. If there is not an existing or accessible public sanitary sewer system, septic tanks and disposal fields on individual lots may be approved in compliance with standards and specifications of the County Health Department and the State.
3. Sewer systems for the common use of lots within a subdivision (community drain fields) shall be permitted only where all of the following conditions are met:
 - a. Sanitary sewers are not currently available to the site;
 - b. Sanitary sewers are not planned to be extended or available to the site according to the adopted Master Plan;
 - c. There exists an environmental pollution problem that may be partially or wholly abated by installation and operation of such a system;
 - d. The design, construction and maintenance of such a system is determined to be feasible in the judgment of the Township Engineer and the County Health Department or the State;
 - e. Such a system complies with Act 451, P.A. of 1994, as amended.
 - f. If a permitted system produces under 10,000 gallons per day, it shall be maintained by the homeowner's association under contract with a licensed operator. Approval of systems under 10,000 gallons per day shall include a clause that the Township may intervene if necessary to maintain the health, safety, and general welfare of the community. Systems which may produce over 10,000 gallons per day are classified as treatment systems and shall be maintained and operated by the Oakland County Health Department.

G. Gas, Wire, And Cable Utilities

The proprietor shall arrange for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be installed underground and may arrange for gas distribution facilities throughout a subdivided area.

H. Oversize Facilities

Facilities installed as a part of a subdivision plat may be designed to accommodate land areas or developments outside the plat. The amount of proprietor responsibility and the means for allocating costs shall be agreed to prior to approval of the preliminary plat by the Township Board.

I. Street Name and Traffic Control Signs

Street name and traffic control signs shall be installed in conformance with the design, location and construction standards of the County Road Commission at the expense of the proprietor.

J. Sidewalks And Pedestrian Ways

Sidewalks and pedestrian ways shall be provided by the proprietor in accordance with Section 401.

K. Open Space and Public Use Areas

Open space and public use areas shall be provided by the proprietor as set forth on the approved final plat, in accordance with the provisions of this ordinance and the Zoning Ordinance.

L. Trees

Trees shall be provided by the proprietor in accordance with the provisions of this ordinance and the Zoning Ordinance, where applicable.

M. Street Lighting

Street lighting, where provided, shall be located and installed in accordance with applicable public utility company, Township and County Road Commission standards.

N. Driveways

All driveways shall be installed in conformance to standards of the Township, County Road Commission, or, when applicable, to standards of the Michigan Department of Transportation.

O. Erosion And Sedimentation Control

1. The proprietor shall install and maintain erosion and sediment control measures as specified on the approved final preliminary plat.
2. Installation and maintenance of soil erosion and sedimentation control measures shall be in conformance with applicable State and County agency requirements.

Section 504 - Performance Guarantees

A. Financial Guarantees

In lieu of the actual installation of improvements, as required in Section 503 above, the Township may require a financial guarantee of performance. The Township Board is under no obligation to allow the use of a performance guarantee in connection with required subdivision improvements and may require that all improvements be installed before building permits may be issued or may allow performance guarantees for some, but not all, of the required improvements. Financial guarantees are not required for those improvements for which County or State Agencies obtain performance guarantees, in accordance with the Land Division Act. Township performance guarantees shall be required for those improvements that have not been installed and approved prior to the date of application for final plat approval.

B. Performance or Surety Bonds shall not be acceptable to White Lake Charter Township.

C. Cash Deposit, Certified Check, or Irrevocable Bank Letter of Credit

1. A deposit by the proprietor with the Township Clerk in the form of cash, a certified check or irrevocable letter of credit shall accrue to the Township for administering the construction, operation or maintenance of the improvement.
 - a. If an irrevocable letter of credit is provided, the form and contents of the irrevocable letter of credit shall be approved by the Township attorney.
2. The amount of the cash deposit, certified check, or irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the improvement, including contingencies and Township administrative fees, as estimated by the proprietor's engineer and approved by the Township Engineer.

3. Length of Escrow

- a. The Township shall deposit the cash and/or certified check in an escrow account prior to issuance of permits for the work. Said deposit shall be maintained until the improvements are completed.
- b. If the improvements are not completed within twelve (12) months from approval of the final plat, (twenty-four (24) months for road paving improvements), the Township shall notify the proprietor and direct the proprietor to appear before the Township Board to show cause why the Township should not utilize the financial guarantee to complete the improvements. Following the hearing, the Township may, at its discretion, extend the time period for the proprietor to complete the improvements or declare the performance guarantee forfeited, in which case the Township may proceed as provided by subsection F below.
- c. Upon application by the proprietor, the Township may accept irrevocable bank letters of credit issued for a minimum period of one year. The letter of credit shall provide that it shall be automatically renewed for successive one-year periods until the improvements are completed or the performance guarantee is forfeited, pursuant to subsection F below. Before any portion of the letter of credit is released, the Township Engineer shall review the status of the matter, and prepare a report as to the current estimated cost of completing all improvements secured by the letter of credit. Any excess amount shall be released.
- d. Progressive Payment - In the case of cash deposits or certified checks, the proprietor may request a partial refund of the cash escrow, to the extent of the estimated cost of the completed, inspected and approved portion of the improvement(s). There shall be no progressive reduction in the amount of the irrevocable bank letter of credit.

D. Contingency Fee

In addition to the actual estimate of costs, an amount of twenty-five (25) percent shall be added to the calculated performance guarantee amount to cover contingency expenses that might occur, including unforeseen costs to complete any improvement required herein.

E. Protection And Repair Bond

The Township may also require, in addition to the security and the contingency fee, a bond to cover damage that might occur during construction to existing improvements, facilities, and features on or around the construction site or to adjacent properties. This bond shall

include the costs of any cleaning of construction debris from the subdivision and from adjacent parcels that might be necessary.

F. Penalty In Case Of Failure To Complete The Construction Of An Improvement

In the event the proprietor fails to complete the construction, within the period of time required by the conditions of the guarantee, for improvements under the Township jurisdiction, the Township Board may have such work completed. In order to accomplish this, the Board may reimburse itself for the cost and expense thereof by appropriating the cash deposited by the proprietor, or by collecting the irrevocable bank letter of credit. The Township and its agents and employees are specifically authorized to enter onto the property and complete the required improvements. The Township may act under this subsection without being required to give notice to the proprietor. If the amount of the performance guarantee is insufficient to complete the improvements the Township shall be entitled to seek reimbursement from the proprietor for any deficiency.

Section 505 - Inspection Of Improvements

A. Inspection Required

All improvements required by this Ordinance shall be inspected by the Township Engineer or Building Inspector, except for improvements made under the jurisdiction of the County Road Commission. Where inspections are made by other agencies the proprietor shall submit the written reports of all such inspections to the Township Engineer and/or Building Official.

B. Inspection Schedule

It shall be the responsibility of the proprietor to notify the Township or other appropriate public agencies when installations are ready for inspection.

C. Inspection Of Improvements Under Construction

Before approving a final plat and construction plans and specifications for the required improvements, an agreement between the proprietor and the Township Board shall be made to provide for inspecting the construction or installation of each improvement under its jurisdiction and its conformity to the approved plans. The proprietor shall be responsible for all staff and/or consultant expenses associated with construction inspections.

D. Compliance With Standards

The proprietor shall bear the final responsibility for the installation and construction of all required improvements according to the provisions of this Ordinance, all applicable Township ordinances, and to the standards and specifications of all other applicable public agencies.

E. Acceptance

Approval of the installation and construction or any improvement(s) shall not constitute acceptance by the Township of any improvement for dedication purposes.

F. Fees

The proprietor shall pay all inspection costs incurred by the Township according to schedules determined by resolution of the Township Board, by deposit made at the time of the pre-construction meeting. Any funds not used by the Township in its inspections shall be refunded to the proprietor when the subdivision, or stage thereof, is completed. Where the actual inspection costs exceed the deposited fee escrow, the proprietor shall pay to the Township an amount by which the inspection charges exceed the deposited fee prior to Township final approval of the improvements. The Township may, from time to time, establish a tracking form and receipt for unused escrow funds reimbursed to the proprietor of a subdivision. The proprietor must make application for the refund.

G. Site Cleanup

The proprietor shall remove all equipment, material and general construction debris from the subdivision and from any lot, street, or public way or property therein or adjacent to the subdivision.

ARTICLE 6

VARIANCES

Section 600 - General

Variations from the provisions of this Ordinance shall apply only to improvements, standards, and specifications set forth in this Ordinance in accordance with Section 601 below. No variations shall be granted on procedures required herein. Variations from the specifications, standards and procedures under the jurisdiction of other agencies shall be in accordance with the policies of those agencies. Written verification and certification of any such variations shall be provided to the

Township prior to Township approval of any aspect of the subdivision which includes or relates to the improvements which are the subject of said variance.

Section 601 - Variances

- A. Variances may be granted if the proprietor can show that strict compliance with the provisions of this Ordinance, as they apply to the subject property, will result in extraordinary hardship or practical difficulty. The proprietor shall make a formal request for such variance to the Township Board, in which the reasons for the request are clearly stated.

- B. No variance shall be granted unless the following findings are made:
 - 1. There are such special circumstances or conditions affecting said property that strict application of the provisions of this Ordinance would clearly be impractical or unreasonable.
 - 2. The conditions requiring the variance were not created by the proprietor.
 - 3. The variance is necessary for the preservation and enjoyment of a substantial property right of the proprietor, and is not primarily intended for his economic gain.
 - 4. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
 - 5. The variance will not have the effect of nullifying the intent and purpose of this Ordinance, the adopted Master Plan, and the Zoning Ordinance.
 - 6. The variance will not violate the provisions of the Land Division Act.

- C. The Township Board may request review of the requested variance by the Township's consultants or other reviewing agencies at a cost to the applicant. A copy of these reports shall be made part of the record of the meeting at which action is taken and one copy of the report shall be transmitted to the proprietor.

- D. In granting a variance the Township Board may attach conditions to the variance which will substantially secure the objectives of this Ordinance, and which will further the adopted policies expressed in the Township's Master Plan, or part or parts thereof, and in various ordinances and resolutions.

- E. Variances from the provisions of the Zoning Ordinance shall be granted only by the Zoning Board of Appeals.
- F. Application for any such variance shall be submitted in writing by the proprietor to the Township Board at the time the preliminary plat is filed for tentative approval by the Planning Commission and all fees shall be paid at this time. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

ARTICLE 7

ENFORCEMENT

Section 700 - Building And Occupancy Permits

A. Building Permits

Building permits shall not be issued until the final plat has received approval, except as provided in Section 303D, and until the building inspector has been officially notified of such approval by the Township Board.

B. Occupancy Permits

Permits for the occupancy of structures or any parts thereof shall not be issued until all improvements required by this Ordinance and agreed to in the preliminary plat as finally approved have been completed or otherwise provided for according to this Ordinance. Completion shall constitute inspection, approval, and acceptance of improvements, where applicable, by the Township. A certificate of completion shall be issued by the Township Building Inspector or Engineer as evidence of adequate and complete installation of facilities.

Section 701 - Presumption of Civil Infraction

A violation of the White Lake Township's Subdivision Regulations Ordinance shall be deemed to be a municipal civil infraction.

Section 702 - Violation and Penalties

- A. The following civil fines shall apply in the event of a determination of responsibility for a

municipal civil infraction, unless a different fine is specified in connection with a particular ordinance provision:

1. The First Offense

The civil fine for a first offense violation shall be in an amount of Seventy-Five Dollars (\$75.00), plus costs and other sanctions, for each offense.

2. First Repeat of Offense

The civil fine for any offense which is a first repeat offense shall be in an amount of One Hundred Fifty Dollars (\$150.00), plus costs and other sanctions, for each offense.

3. Second (or any subsequent) Repeat of Offense

The civil fine for any offense which is a second or subsequent repeat offense shall be in an amount of Five Hundred Dollars (\$500.00), plus costs and other sanctions, for each offense.

B. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the Judge or Magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation of, this ordinance.

C. Continuing Offense

Each act of violation and each day upon which any such violation shall occur, shall constitute a separate offense.

D. Remedies Not Exclusive

In addition to any remedies provided for in this ordinance, any equitable or other remedies available may be sought.

E. Judge or Magistrate

The Judge or Magistrate shall also be authorized to impose costs, damages and expenses as provided by law.

F. Default on Payment of Fines and Costs

A default in the payment of a civil fine, costs, damages or expenses ordered under Subsection A or B or an installment of the fine, costs, damages or expenses as allowed by the court, may be collected by the Township of White Lake by a means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act, MCL 600.101, *et. seq.*, MSA 27A.101, *et. seq.*, as amended.

G. Failure to Comply With Judgment or Order

If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under Section I.

H. Failure to Appear in Court

A defendant who fails to answer a citation or notice to appear in court for a violation of this ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00), plus costs and/or imprisonment not to exceed ninety (90) days.

I. Civil Contempt

1. If a defendant defaults in the payment of a civil fine, costs, damages, expenses, or installment as ordered by the district court, upon motion of the Township of White Lake or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
2. If a corporation or an association is ordered to pay a civil fine, costs, damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
4. If it appears that the default in the payment of a civil fine, costs, damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of

each installment or revoking the fine, costs, damages or expenses.

5. The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, damages or expenses shall be specified in the order of commitment and shall not exceed one day for each Thirty Dollars (\$30.00) due. A person committed for nonpayment of a civil fine, costs, damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30.00) per day.
6. A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs, damages or expenses shall not be discharged from custody until one of the following occurs:
 - a. Defendant is credited with an amount due pursuant to Subsection I(5).
 - b. The amount due is collected through execution of process or otherwise.
 - c. The amount due is satisfied pursuant to a combination of Subdivisions I (6)(a) and (b).
7. The civil contempt shall be purged upon discharge of the defendant pursuant to Subsection I(6).

J. Lien Against Land, Building or Structure

If a defendant does not pay a civil fine, costs or installment ordered under Subsection A or B within 30 days after the date upon which the payment is due for a violation of this ordinance involving the use or occupation of land, a building or other structure, the Township of White Lake may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the Register of Deeds for Oakland County. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.

1. The lien is effective immediately upon recording of the court order with the Register of Deeds.
2. The court order recorded with the Register of Deeds shall constitute the pendency of the lien. In addition, a written notice of lien shall be sent by White Lake Township by first class mail to the owner of record of the land, building, or structure at the owner's last known address.
3. The lien may be enforced and discharged by White Lake Township in the manner

described by its Charter, by the General Property Tax Act, Act No. 206 of the Public Acts of 1893, being Sections 211.1, 211.157 of the Michigan Compiled Laws, or by an ordinance duly passed by the Township. However, property is not subject to sale under Section 60 of Act No. 206 of the Public Acts of 1893, being Section 211.60 of the Michigan Compiled Laws, for nonpayment of a civil fine or costs or an installment ordered under Subsections A or B unless the property is also subject to sale under Act No. 206 of Public Acts of 1893 for delinquent property taxes.

4. A lien created under this section has priority over any other lien unless one or more of the following apply:
 - a. The other lien is a lien for taxes of special assessments.
 - b. The other lien is created before the effective date of the amended ordinance that added this section.
 - c. Federal law provides the other lien has priority.
 - d. The other lien is recorded before the lien under this section is recorded.
5. The Township may institute an action in a court of competent jurisdiction for collection of the fines and costs imposed by a court order for a violation of this ordinance. However, an attempt by the Township to collect the fines or costs does not invalidate or waive the lien upon the land, building, or structure.
6. A lien provided for by this subsection shall not continue for a period longer than 5 years after a copy of the court order imposing a fine or cost is recorded unless within that time an action to enforce the lien is commenced.

ARTICLE 8

AMENDMENTS

Section 800 - Amendment Procedures

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

ARTICLE 9

MISCELLANEOUS PROVISIONS

Section 900 - Validity

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

Section 901 - Effective Date

This ordinance shall become effective upon publication as provided by law.

This ordinance was adopted by the Township Board of the Charter Township of White Lake on the 20 th day of November, 2001.

Carol J. Burkard, Clerk
White Lake Township

Bonnie L. Elliott, Supervisor
White Lake Township