

TOWNSHIP OF BIRCH RUN
ORDINANCE NO. 90-2

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

THE TOWNSHIP OF BIRCH RUN ORDAINS:

Section 100.00 SHORT TITLE: This Ordinance shall be known and may be cited as the "Birch Run Township Subdivision Ordinance."

Section 100.1 PURPOSE: The purpose of this Ordinance is to regulate and control the subdivision of land within the Birch Run Township in order to promote the safety, public health and general welfare of the community. These regulations are specifically designed to:

100.11 Provide for orderly growth and harmonious development of the community, consistent with the orderly growth policies, and consistent with adopted development policies of the Birch Run Township.

100.12 Secure proper arrangement of streets in relation to adequate traffic circulation through coordinated existing and planned streets and to the adopted General Development Plan, and adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities.

100.13 Achieve individual property lots of maximum utility and livability, and lots laid out and of such size as to be in harmony with the existing and proposed development pattern of the area.

100.14 Insure adequate provisions for water, drainage and sanitary sewer facilities, and other health requirements.

100.15 Insure adequate provision for recreational areas, school sites, and other public facilities.

Section 100.2 LEGAL BASIS: This Ordinance is enacted pursuant to the statutory authority granted by the Township Planning Commission Act, Act 168 of 1959 as amended; and the Subdivision Control Act of 1967, Act 288, P.A. of 1967; Act 191, P.A. of 1939; Act 246, P.A. of 1945, as amended.

Section 100.3 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. Nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant,

or other private agreements, or with restrictive covenants running with the land to which the Birch Run 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 Birch Run Township the provisions of this Ordinance shall prevail.

Section 100.4 ADMINISTRATION: The provisions of the Ordinance shall be administered in accordance with Act 288, P.A. of 1967 as amended, and Act 168, Michigan Public Acts of 1959, as amended.

Section 100.5 FEES: The schedule of fees for the review of plans and plats, the inspection of improvements for the administration of this Ordinance, and for the costs incurred by the Birch Run Township in the platting process, shall be determined, and may be modified from time to time, by resolution of the Birch Run Township Township Board.

Section 100.6 CEMETERIES: Cemeteries shall not be included in the definition of subdivision and shall not be subject to the provisions of this Ordinance.

Section 100.7 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.

SUMMARY OF ORDINANCE: This Subdivision Ordinance sets forth the purposes for which it is enacted, including the legal basis upon which it is enacted; the scope of the Ordinance is set forth, as well as provisions for the administration of the same, including provision for fees to be paid; the Ordinance provides that it does not apply to cemeteries, and shall conform to all zoning ordinance provisions; the Ordinance contains an Article as to the definition of terms used in the Ordinance; the Ordinance contains and sets out procedures for plats, and specifications for plats, including the information to be provided; the Ordinance contains all filing procedures and provisions as to all procedures thereafter, including hearings and review procedures up through securing final approval of a proposed plat; the Ordinance contains detailed "Design and Development Standards" for Plats including but not limited to design of streets and alleys, drainage, street and house numbers, street standards and specifications, block layout, lots and lot dimensions, lot frontage, re-subdividing, lot lines, set-back and yard requirements, lot division, reserve strips, nonresidential lots, pedestrian ways and sidewalks, utilities such as storm drainage, sewer and water utilities, gas, wire or cable utilities, easements, reservation of public use areas, residential planned unit developments, mobile home subdivisions, commercial subdivisions, industrial subdivisions, industrial subdivisions, soil erosion and sedimentation control, restrictive covenants, trees, street lights. The Ordinance contains detailed specifications as to "Subdivision Improvements", including but not limited to standards, preparation of plans, timing of improvements, those required prior to construction, modification during construction, drawings, construction schedule, monuments, streets, alleys, storm drainage, water supply system, sanitary sewer system, gas, wire and cable utilities, street names, sidewalks, trees, street lighting, driveways, erosion control, financial guarantee arrangements, performance or surety bond, or cash deposit etc., inspection of

improvements required, and all other general matters and provisions relating to subdivision improvements; the Ordinance provides for enforcement, including provisions as to issuance of building permits, occupancy permits, penalties for violation of the Ordinance; the Ordinance makes provision for amendments thereto; the Ordinance covers all aspects of the subdividing of land within the township from the initial application to plot or subdividing through the completion of the plat.

WHERE ORDINANCE CAN BE INSPECTED OR OBTAINED: A true copy of this Ordinance can be obtained at the Birch Run Governmental Center, 8411 Main Street, Birch Run, Michigan 48415.

INVALIDITY: If any section, paragraph, sentence, clause, phrase or part of this ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

REPEAL: All Ordinances or parts of Ordinances of the Township of Birch Run, inconsistent or in conflict with this said ordinance, are hereby repealed, except as is otherwise provided in such Ordinance.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days from and after the date of publication hereof.

This Ordinance is declared to have been adopted by the Township Board of the Township of Birch Run, County of Saginaw, State of Michigan, at a regular meeting held on the 10 day of July 1990, and ordered to be given publication in the manner prescribed by law.

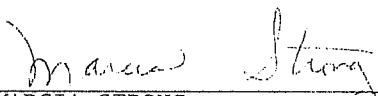
WE, EDGAR SCHARRER, Supervisor of the Township of Birch Run, and MARCIA STRONG, Clerk of the Township of Birch Run, do hereby certify that the foregoing is a true copy of the Ordinance adopted by the Township Board, at said meeting held on the 10 day of July, 1990.

Edgar Scharrer
EDGAR SCHARRER
Supervisor Birch Run Township

Marcia Strong
MARCIA STRONG
Clerk Birch Run Township

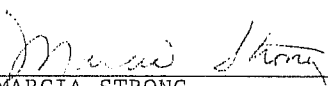
	AYE	NAY	NOT VOTING
Edgar Scharrer, Supervisor	<u>X</u>	_____	_____
Marcia Strong, Clerk	<u>X</u>	_____	_____
Maria Foerster, Treasurer	<u>X</u>	_____	_____
Thomas Totten, Trustee	<u>X</u>	_____	_____
Clifford White, Trustee	<u>X</u>	_____	_____

I, MARCIA STRONG, Township Clerk, do hereby certify that the above is a true copy of an Ordinance enacted at a regular meeting of the Township Board held on the 10 day of July, 1990.



MARCIA STRONG
Clerk Birch Run Township

This Ordinance was given publication on the _____ day of July, 1990, in the Birch Run Weekly Budget.



MARCIA STRONG
Clerk Birch Run Township