

PLANNING

111.000 LAND DIVISION ORDINANCE ORDINANCE NO. 151

Adopted: March 10, 1997
Effective: March 24, 1997

An Ordinance to regulate the subdivision of land in the Charter Township of Cooper, Kalamazoo County, Michigan; to require and regulate the preparation and presentation of preliminary and final plats, to establish minimum standards which must be met or guaranteed by the subdivider; to set forth a procedure to be followed by the Township in applying regulations and standards; and to prescribe penalties for the violation of the provisions of this Ordinance.

111.100 GENERAL PROVISIONS

A. Title.

This Ordinance shall be known as the “Township Land Division Ordinance.”

B. Purpose.

The purpose of this Ordinance is to regulate and control the division and subdivision of land within the Township in order to promote the public safety, health and general welfare.

C. Authority.

This Ordinance is enacted pursuant to the authority granted by the Land Division Act, Public Act 591 of 1996, and Public Act 288 of 1967, as amended, which authorize township boards to adopt Ordinances, to secure the public health, safety and general welfare.

111.200 PLATTING PROCEDURES

A. Submission of preliminary plat for initial review and recommendations (Step One approval).

Every person, firm or corporation which shall hereafter submit a proposed preliminary plat to the Township Zoning Board for tentative approval shall submit not less than 10 legible copies of said proposed preliminary plat and required submissions. All required documents must be submitted to the Clerk at least 21 days before the meeting at which the request for approval is to be heard. Said copies must contain, at a minimum, the following information and fees. (Ord. No: 208):

1. Proposed name of the project.

2. Full legal description to adequately describe the parcel or parcels comprising the project.
3. Names and addresses of the applicant, owners, and professionals who designed the project.
4. A legal opinion showing the legal and equitable owners of the land to be platted, plus all grants, reservations, deed restrictions and easements of record which condition the use of the property.
5. Indicate scale of the plan (maximum scale shall be 100 feet to an inch).
6. Show relief of area proposed to be platted with not more than 4-foot contour intervals.
7. Indicate road layout and the type of street construction and drainage structures or facilities intended to be installed.
8. Indicate lot layout, showing size and shape of proposed lots.
9. Indicate whether proposed development will be served by sanitary sewer and/or water.
10. Indicate the general location and size of any floodplain possibly located within the area to be developed.
11. Indicate in general the methods proposed for stormwater disposal.
12. When the proprietor owns and anticipates developing adjoining land, he shall submit, within the preliminary plat for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.
13. Indicate property lines of adjacent tracts of land shown in relation to the tract being proposed for development, including those areas across abutting roads.
14. Letter from the Kalamazoo County Road Commission and the State Highway Department, where applicable, with said agencies' recommendation to the Township as to the suitability of the street layout and conformity to the location, alignment and construction requirements of such commission and/or department.
15. Indicate location of sign(s) identifying the development and include a detailed description of such. Sign(s) must meet requirement set forth in Section 120.320.
16. Indicate the location of proposed street lights with a letter of agreement by the developer that the same shall be added to the Township's general street light district unless a waiver is granted from such requirement by the Township Board.

17. Indicated location of existing sewers, water mains, storm drains, and other underground utilities within or adjacent to the tract being proposed for development.
18. Indicate the location of significant natural features such as natural water courses, bodies of water, stands of trees, and individual trees within the projects area have a caliper of twelve (12) inches or greater at a height of two (2) feet above existing grade.
19. A fee based upon the fee schedule adopted by the Township Board, which schedule may be amended from time to time by Township Board resolution.

B. Township Zoning Board review--Preliminary plat for tentative approval - recommendation.

The Township Zoning Board shall examine said proposed preliminary plat with such assistance and review by the Township Engineer and Township Attorney, as Board shall require. Developer shall forward one copy of said proposed preliminary plat to the County Planning Commission for recommendation. The Township Zoning Board shall determine whether said proposed preliminary plat complies with all Township Ordinances and State Statutes as well as makes adequate provision for the following:

1. Streets and Roads:

- a. Compliance with a major street thoroughfare plan adopted by the Township, if any.
- b. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new subdivision.
- c. Where adjoining areas are not subdivided, the arrangement of streets in the proposed subdivision shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjoining areas; provided, however, that minor streets within the subdivision shall be so laid out that their use by through traffic will be discouraged.
- d. Direct access to a County primary road or major thoroughfare shall be prohibited for all lots abutting such roads or thoroughfares. Where the proposed subdivision abuts or contains a county primary road or major thoroughfare as defined in the Township Major Thoroughfare Plan, the Township Board may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of residential properties into afford separation of through traffic from local traffic.

- e. All new streets shall be named as follows: Streets with predominant north-south directions shall be named, "Street"; streets with predominant east-west directions shall be named, "Avenue"; meandering streets shall be named, "Drive", "Lane", "Path", "Road", or "Trail", etc., and cul-de-sacs shall be named, "Circle", "Court", "Way", or "Place", etc.
- f. Streets should intersect at 90° or closely thereto and in no case less than 80°.
- g. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect such cross street closer than 175 feet from such opposite existing street, as measured from the centerline of said streets.
- h. The maximum length allowed for residential blocks shall be 1,320 feet.
- i. All primary road rights-of-way, as designated by the Township Board, within or abutting plats hereafter recorded, shall provide a 50-foot half-width. All other rights-of-way within or abutting such plats shall be not less than 66 feet in width. Permanent dead-end streets in excess of 1,320 feet in length and temporary dead-end streets in excess of 660 feet in length as measured from the through intersection or "T" intersection shall be prohibited except upon a variance from the Township Board, to be granted only where the topography of the area, rivers, streams, other natural conditions or the prior development of the area cause practical difficulties or unnecessary hardships in plat layout, and an extension can be granted without creating a safety hazard.
- j. A subdivision or extension of an existing subdivision creating a total of 50 or more lots must be developed so as to provide 2 or more access streets.

2. Private Streets and Roads:

Private streets/roads must meet all criteria set forth in Section 111.200 B.1., in addition to the following:

- a. Determination for Private Streets/Roads.

Private streets/roads may be permitted by the Township Board, after preliminary approval by the Zoning Board, if the Township finds that private streets/roads within the plat will not adversely affect public health, safety or welfare. In determining same, the Board shall consider:

- (1) The number of dwelling units or lots to be served by said streets;
- (2) The layout of the proposed subdivision;
- (3) Ability to access with emergency vehicles;

(4) Whether the street/road will serve as a link between different public streets/roads; and

(5) All other relevant factors.

b. Procedural Requirements:

(1) *Preliminary Approval for Private Street/Road.* Prior to the commencement of the installation, construction or establishment of a private street or road within the scope of this Section, preliminary private street/road approval must be obtained from the Zoning Board (to be considered during the Step One Approval).

In order to obtain private street/road preliminary approval, the following must be provided to the Zoning Board:

(a) Application for preliminary private street/road approval;

(b) Initial plans and specifications regarding the design and proposed construction of the private street or road;

(c) Any and all easements required herein;

(d) Maintenance agreement required herein; the maintenance agreement shall clearly provide unequivocal notice that the roads within the subdivision will not be maintained by the Township but shall be maintained by the abutting land owners;

(e) A fee based upon the fee schedule adopted by the Township Board, which schedule may be amended from time to time by the Township Board.

(2) *Final Approval of Preliminary Private Street/Road.* At the time the Township board considers the preliminary site subdivision control plan for final approval (Step Two) the Township Board shall consider the final approval of the preliminary private street/road. Approval shall be given if the Township Board determines that a private street/road will not adversely affect the public health, safety or welfare pursuant to subpart (a) above and the same is reviewed and approved by the Township Engineer.

- (3) *Final Private Street/Road Approval.* Prior to issuance of a building permit, final private street/road approval must be obtained from the Township Board. The final private street/road approval shall be issued after the construction of a private street or road for which a preliminary approval was granted, and after review and approval of said private street or road by the Township's engineer.
- (4) *Other Permits.* Nothing in this section shall relieve any person, firm, corporation or other entity from compliance with other permit requirements of the County or State.

c. Design and Construction Requirements:

All private streets or roads within the scope of this section shall comply with the following standards and requirements of design and construction:

- (1) All streets or roads shall be located upon a right-of way of not less than 66 feet.
- (2) All streets or roads shall be constructed in accordance with Kalamazoo County Road Commission standards and specifications.
- (3) The subdivision project shall be furnished a minimum of two access streets connecting same to a public street or streets unless the Township Board grants a variance from such requirement where, in the opinion of the Board, the additional access(es) would not improve traffic safety because of particular characteristics of the proposed development.

d. Documentary Requirements:

- (1) *Utility Easements.* No private street or road within the scope of this section shall be established unless an easement is provided to the Township within or adjoining said private street or road for all public utilities.
- (2) *Access Easements.* No private street or road within the scope of this section shall be established unless all necessary access easements are provided to the benefited properties and/or to the Township.
- (3) *A Maintenance and Repair Agreement.* No private street or road within the scope of this section shall be established unless a maintenance and repair agreement, recordable with the County Register of Deeds, is supplied providing:

- (a) Legal description(s) of all property enjoining a right to utilize the private street or road, i.e., "benefited properties";
- (b) Legal description(s) of all right-of-way and public utility easements;
- (c) Legal description(s) of all property having a responsibility for repair, maintenance and/or snow removal for the private street or road, i.e., "responsible properties";
- (d) A description of the respective responsibilities, monetary and otherwise, of such responsible property(ies) for repair, maintenance and/or snow removal;
- (e) The method by which decisions regarding repair, maintenance or snow removal are to be made by the owner(s) of the responsible property(ies);
- (f) A provision indicating that the agreement runs with the land and is binding on all grantees, heirs or successors in interest as to the benefited and responsible property(ies);
- (g) Signatures of all persons having any interest in the property or properties on which the street or road is located, benefited properties and responsible parties.

3. Lots:

- a. The minimum size of lots shall be:
 - (1) Lots served by public sewer and public water:
 - ❖ Single-family residential lots: 80-foot minimum width at the building setback line; 10,560-square-foot minimum area.
 - ❖ Two-family residential lots: 100-foot minimum width at the building setback line; 13,200-square-foot minimum area.
 - (2) Lots served by public water or public sewer:
 - ❖ Single-family residential lots: 100-foot minimum width at the building setback line; 15,000-square-foot minimum area.
 - ❖ Two-family residential lots: 120-foot minimum width at the building setback line; 18,000-square-foot minimum area.

- (3) Lots not served by either public water or public sewers:
- ❖ Single-family residential lots: 100-foot minimum width at the building setback line; 22,000-square-foot minimum area.
 - ❖ Two-family residential lots; 120-foot minimum width at the building setback line; 30,000-square-foot minimum area.

Note: Area located within a flood plain shall not be included in calculating the minimum square foot area required by this Ordinance.

- b. The minimum size of lots abutting more than one street must be sufficient to provide area to meet building setback requirements contained in the Township Zoning Ordinance from all such abutting streets.
- c. A lot shall be considered "served" by public water or public sewer where any of the following exist:
- (1) The mains exist in the abutting street or other public places and are suitable for connection and service.
 - (2) The mains will exist in the abutting streets or other public places prior to the sale of any lots and will then be suitable for connection and service.
 - (3) A contract has been entered into between the Township and others providing for the extension of the mains to the plat and the mains within the plat are constructed prior to or during the platting of the property in suitable manner for connection to the public system.
 - (4) A legal petition has been filed with the Township Clerk, signed by sufficient property owners under Michigan Public Act 188 of 1954, as amended, requesting the creation of a special assessment district of sufficient size and location to fund a main from the existing main to the proposed plat; and mains within the plat are either constructed prior to or during the platting of the property in suitable manner for connection to the public system.
 - (5) Any combination of the foregoing which provides assurance to the Township that public water or sewer service will be supplied to the plat.

- (6) Other legal arrangements or conditions are provided or exist which, in the absolute discretion of the Township Board, provide assurance that public water and/or public sewer service will be furnished to and utilized in the proposed plat in the immediate future and before any substantial development within the plat has been completed.
- d. Any lot created whose rear or side yard abuts an existing road outside the plat shall be required to have the additional building setbacks as follows:
 - ❖ *Primary Roads* – Setback shall be not less than 50 feet from front, side and rear property lines.
 - ❖ *Secondary Roads* – Setback shall be not less than 40 feet from front property line and 25 feet from side and back property lines.

Note: Building sites must also meet requirements as set forth in Section 120.600 of the Cooper Township Zoning Ordinance.

4. General Provisions:

- a. Privately held reserve strips controlling access to streets shall be prohibited.
- b. Existing natural features, which add value to residential development, that enhance the attractiveness of the community (such as streams, watercourses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the subdivision.
- c. Lands subject to flooding or otherwise determined by the Township Board to be uninhabitable should not be platted for residential, commercial or industrial purposes. Such lands within a subdivision may be set aside for other purposes such as parks and/or open space.

If the Township Zoning Board determines that the proposed preliminary plat complies with all applicable Ordinances and statutes, the Zoning Board shall recommend approval of the preliminary plat to the Township Board which approval shall confer upon the proprietor for a period of one year from date of approval for development purposes, the lot size, lot orientation and street layout. Such tentative approval may be extended in the discretion of the Township Board upon application of the proprietor.

C. Submission of preliminary plat for final preliminary approval (Step Two approval).

Every person, firm or corporation which shall hereafter submit a proposed preliminary plat to the Township Board for final approval shall submit not less than 10 legible copies of said proposed preliminary plat and required submissions. All required documents must be submitted to the Clerk at least 21 days before the meeting at which the request for approval is to be heard. Said copies must contain, at a minimum, the following relevant data and fees (Ord. No. 208):

1. Evidence that all requirements imposed by the Township Zoning Board at the time of granting tentative approval have been incorporated into the proposed plan.
2. Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private roads within and adjoining said plat. Prior to submitting copies of the preliminary plat to the Township Board for final approval, the developer shall document consultation with all public utilities which will be servicing the subdivision to resolve any conflicts in location between public utility facilities and other improvements.
3. A fee based upon the fee schedule adopted by the Township Board, which schedule may be amended from time to time by Township Board resolution.
4. Letter from the Kalamazoo County Health Department together with percolation tests and test analysis, with respect to the suitability of the land included in the plat for the use of septic tank, dry wells and tile fields, if individual sewage disposal systems are proposed and public sewage facilities are not available.

D. Township Board review--Preliminary plat--Final Approval.

Upon receipt of all required copies of the preliminary plat for final approval, the Township Board shall examine the same with such assistance and review by the Township Engineer and Township Attorney as said Township Board shall request. Upon completing its review, the Township Board shall determine whether said proposed preliminary plat complies with the requirements imposed by the Township Board at the time of tentative approval, has obtained the required statutory approval of other governmental agencies and, in addition, meets the following requirements or to correct County Road Commission Standards for public roads whichever is greater:

1. All roads both public and private shall be paved and constructed to current Kalamazoo County Road Standards.
2. Permanent dead-end streets shall be provided at the closed end with a turn-around having an outside improved roadway diameter of at least 125 feet as measured from the centerline of the gutter or back of curb and a street property line diameter of at least 150 feet. Temporary dead-end streets shall be provided at the closed end with a turnaround constructed the full width of the right-of-way. A permanent dead-end street is defined as one which is not reasonably anticipated to be extended within the following 10 years.

3. All surface waters shall be adequately drained within each plat by a separate system of drainage structures or through the connection of such separate system to an adequate adjoining system. Where storm sewers are used, inlet basins must not be spaced further apart than 300 feet except upon express approval of the Township Board, upon recommendation of the Township Engineer, to be granted only where other equivalent and sufficient drainage inlets are provided. Where such outlets are not thus available, such drainage structures may consist of leaching basins so spaced that water shall not be required to run on the surface of the road further than 250 feet to such basin, or so spaced as to afford equivalent and sufficient drainage. The determination of what is equivalent and sufficient drainage shall be left to the Township Board upon the recommendation of the Township Engineer.
4. Connection to sanitary sewers and/or water mains may be required by the Township Board when the Township Board determines, in its discretion, that said sewers and/or water mains are reasonably available to the proposed subdivision.
5. In the discretion of the Township Board, the proprietor shall make arrangements for all distribution lines of telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely through the residential subdivided area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. Private easements for underground utilities shall be shown on the preliminary plat.
6. Stormwater disposal methods proposed for the subdivision must be adequate to insure each building site and roadway will not be flooded and that all necessary easements for storm sewers or open drains can feasibly be dedicated to the public for such purposes.
7. No lot, outlot or land within the subdivision may be isolated from a public highway, nor may any adjoining land of the proprietor or others be isolated from a public thoroughfare thereby creating land-locked parcels. Such isolation may be avoided and direct access to a public street or highway be satisfied and accomplished through a dedicated easement for ingress and egress, and all public utilities, shown upon the recorded plat, which easement shall be of suitable width of not less than 20 feet assuring permanent access to such lot, outlot or parcel of land.

8. Street lighting, in addition to that proposed and approved in Step One, may be required by the Township Board when the Board determines that additional street lighting is necessary for public health and safety and welfare and any such changes shall indicate the location of the proposed street lights in a letter of agreement by the developer that the same shall be added to the Township's general street light district unless a waiver is granted from such requirement by the Township Board.
9. Sidewalks may be required by the Township Board when the Township Board determines, in its opinion, that sidewalks are necessary for pedestrian safety, public health and welfare. When required, sidewalks shall be constructed of concrete 4 feet in width, 4 inches in depth, upon a 2-inch minimum sand base with expansion joints set at a minimum of 50 feet; sidewalks built across driveways shall be constructed of concrete 6 inches in depth.
10. The proprietor shall make arrangements for and assume the costs of the assignment of a street number for each lot proposed to be included within the subdivided area.

If the Township Board determines that the preliminary plat has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth above in this Ordinance, the Township Board shall grant final approval of the preliminary plat which shall confer upon the proprietor for a period of 2 years from date of approval the conditional right that the general terms and conditions under which said approval was granted will not be changed. Said 2-year period may be extended in the discretion of the Township Board upon application by the proprietor.

**E. Submission of final plat for final approval
(Step Three approval).**

Every person, firm or corporation which shall hereafter submit a proposed final subdivision development plan to the Township Board for final approval shall submit not less than 10 legible copies of said proposed plat. All required documents must be submitted to the Clerk at least 21 days before the meeting at which the request for approval is to be heard. Said copies must contain the following relevant data and fees (Ord. No. 208)

1. An abstract of title or title insurance policy showing merchantable title in the proprietor of the subdivision.
2. Evidence that all the requirements of the Zoning Board and/or Township Board at the time of preliminary approval were met.
3. A fee based upon the fee schedule adopted by the Township Board, which schedule may be amended from time to time by Township Board resolution.
4. Letter from Kalamazoo County Health Department confirming that construction of septic tank, dry well or tile field area has been completed as shown on the preliminary plat.
5. One complete mylar(s) of Final Plat, as recorded.

6. A Digital copy of Final Plat, as recorded, in an AutoCAD (.dwg) format or a .DXF format on a disk, CD, or via e-mail to the Township. Each digital copy shall show a minimum of two ties to government section corners. In addition, each digital copy shall include as a minimum the following information:

- ❖ Lot/Unit Numbers
- ❖ Dimensions
- ❖ Lot Lines
- ❖ Boundaries
- ❖ Right-of-Ways
- ❖ Street Names
- ❖ Easements
- ❖ Section Lines & Section Corners
- ❖ Utility Lines (if available)
- ❖ Adjacent Plat Corners (if available)

F. Review by the Township Board--Final plat--Final approval.

The Township Board shall review the proposed final plat and determine that:

1. All monuments required to be placed in the subdivision have either been placed or, at the discretion of the Township Board, a cash or equivalent deposit has been made with the Township and Deposit Agreement executed by the proprietors in a form approved by the Township Board. (Ord. No. 208)
2. All roads, streets, bridges and culverts have been completed and installed or, at the discretion of the Township Board, a cash or equivalent deposit has been made with the Township and Deposit Agreement executed by the proprietors in a form approved by the Township Board. (Ord. No. 208)
3. If the subdivision has any waterways or lagoons, etc., as set forth in Land Division Act, that all such waterways, etc., shall be installed or, at the discretion of the Township Board, a cash or equivalent deposit has been made with the Township and Deposit Agreement executed by the proprietors in a form approved by the Township Board. (Ord. No. 208)
4. If any floodplains are involved in the proposed subdivision, then such floodplains shall be restricted as provided by the Land Division Act, and such restrictions shall be submitted to the Township Board for review and approval prior to recording and thereafter shall be recorded in the Office of the Register of Deeds contemporaneously with the recording of the plat.
5. All utilities servicing the plat have been installed and water and sanitary sewer mains have been stubbed to the lot line or, at the discretion of the Township Board, a cash or equivalent deposit has been made with the Township and Deposit Agreement executed by the proprietors in a form approved by the Township Board. (Ord. No. 208)

6. All underground 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. These easements shall be recorded on the final plat as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for utilities shall be at least 12-feet wide, usually 6-feet dedicated from each lot or parcel except side lot easements 3-feet wide granted for street lighting dropouts. These easements should be direct and continuous from block to block.
7. All public improvements, such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the Township Board, have been completed and installed and reviewed and approved by the Township Engineer or, at the discretion of the Township Board, a cash or equivalent deposit has been made with the Township and Deposit Agreement executed by the proprietors in a form approved by the Township Board. (Ord. No. 208)
8. The proposed final plat complied with all applicable state statutes and Township Ordinances and has received the requisite statutory approval of other governmental agencies.
9. That the dedication is executed by all required owners.

G. Penalty in case of failure to complete the construction of a public improvement.

In the event the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the security deposit which the subdivider has deposited with the Township or it may take such steps as may be necessary to require performance in accordance with the Deposit Agreement executed by the proprietors.

111.300 LAND DIVISION

A. Procedure for Dividing or Combining Platted Lots.

After a subdivision has been recorded, platted lots may thereafter be divided or combined with the approval of the Township Board into not more than four (4) parts; provided, that the resulting lots or parcels or combinations or portions of two or more divided lots shall not be less in width or size than the more restrictive of this Ordinance, the Township Zoning Ordinance or the Land Division Act; and provided further, that such resulting lots shall each have direct access to a public roadway or private roadway constructed to the standards of this Ordinance, and also to public utilities necessary or required to service such lot; and provided further, that all such resulting lots shall conform in all particulars to the requirements of the Land Division Act and all Township Ordinances.

Every person, firm or corporation which hereafter seeks to divide or combine lots in a plat shall submit the following information and fees for approval:

Application form including:

1. Proof of ownership.
2. Signatures of all property owners.
3. Parcel number(s) of parcels involved.
4. Scaled drawing of proposed division or combination.
5. A fee based upon the fee schedule adopted by the Township Board, which may be amended from time to time.
6. Legal Descriptions for each parcel proposed.

B. Lot Line Adjustments.

1. The Township Assessor is authorized to adjust lot lines in platted subdivisions, provided that such adjustments must be made in accordance with applicable federal, state, and local law, including the Township Zoning Ordinance.
2. The adjustment of lot lines shall not alter the lot numbering system. The legal descriptions for lots with adjusted lot lines shall refer to portions of the lots as previously numbered, as applicable. (By way of example and not limitation, a legal description of a lot with an adjusted lot line may refer to "Lot #1 and ½ of Lot #2.")
3. If a lot or unit, and a non-buildable metes-and-bounds-described parcel are combined for tax purposes as provided in Subsection C, the metes and bounds portion of the combination remains non-buildable, unless subject to the accessory building exception provided for within the Zoning Ordinance.

C. Dividing Unplatted Land and Procedures for Land Division.

To divide land that is not, in any part, located in a plat or site condominium, prior approval must be obtained from Cooper Township.

Every person, firm or corporation which hereafter seeks to make a "division" of land which is exempt from the platting requirements by Sections 108 and 109 of the Land Division Act, but which is required by the Act to obtain municipal approval, shall submit the following information and fees:

1. Application form showing:
 - a. Name and address of the proprietor/applicant;
 - b. Name and address of the preparer of the tentative map;
 - c. Parcel number and zoning district of parent parcel or tract;

- d. Depth-to-width ratio of each lot.
- 2. A tentative parcel map, drawn to scale, showing parcel area of not less than minimum required square footage, parcel lines, parcel dimensions, public utility and other easements, location of public roads and access thereto showing the required minimum frontage width, access to public water and sewer or location of on-site supply/disposal for each proposed parcel. Minimum requirements per Section 120.600.
- 3. Accurate legal description for each proposed parcel.
- 4. If available, a copy of County Health Department letter recommending approval of on-site well and/or septic (optional).
- 5. Copy of Deed for parcel to be divided by which applicant obtained his/her/its interest in the parcel.
- 6. A fee based upon the fee schedule adopted by the Township Board, which may be amended from time to time.
- 7. Filing of Application

The application, fee and information required shall be submitted to Cooper Township for review and approval by the Township Assessor or other person(s)/official(s) as are designated by the Township Board.

- 8. Review and Approval of Land Division

Within 45 days, the Township shall determine whether the proposed land division complies with the following:

- a. Each parcel complies with the dimensional and other requirements of the Township Zoning Ordinance.
- b. The land division and each resulting parcel comply with the Land Division Act, and each resulting parcel has a depth that does not exceed 4 times the width of the parcel, except:
 - (1) All resulting parcels greater than 10 acres in area are exempt from the 4:1 depth-to-width ratio limitation.
 - (2) For each parent parcel or parent tract, one resulting parcel of 10 acres or less in area may exceed the 4:1 depth-to-width ratio limitation.
- c. Each resulting parcel is accessible.

- d. Each resulting parcel has public water or County Health Department approval for on-site water supply or will be provided at the time a building permit is sought.
 - e. Each resulting parcel has public sewer or County Health Department approval for on-site sewage disposal or will be provided at the time a building permit is sought.
 - f. There are adequate easements from each resulting parcel to existing public utility facilities.
9. Consolidation of Parcels
- a. To be deemed buildable, parcels created through land division must comply with the Township Zoning Ordinance.
 - b. Parcels approved by the Township as non-buildable parcels shall remain non-buildable unless the Township approves consolidation with another parcel, provided that the resulting parcel must comply with the Township Zoning Ordinance to be deemed buildable.
 - c. A non-buildable parcel shall not be consolidated with a platted lot or site condominium unit for purposes of making a parcel buildable. A non-buildable parcel may be consolidated with a platted lot or site condominium for tax or other non-building purposes (e.g. meeting health department requirements for well and septic systems), unless subject to the accessory building exception provided for in the Zoning Ordinance.

111.400 VARIANCE PROCEDURES

Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance, the Township Board shall have power in passing upon proposed subdivisions to vary or modify any of the terms and provisions of this Ordinance so that the spirit of the Ordinance shall be observed and public health, safety and welfare secured.

111.500 ENFORCEMENT; VIOLATIONS AND PENALTIES

Any person, firm or corporation or other entity, which violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and shall pay a fine according to the following schedule:

First offense.....	\$ 75.00
Second offense within three years of first offense.....	150.00
Third offense within three-year period.....	325.00
Fourth offense within three-year period.....	500.00

If a determination of responsibility is made by the Court, the Court may impose costs as provided for by law in addition to the fines called for above.

The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Every day that violation is permitted to exist shall constitute a separate offense. The imposition of any fine shall not exempt the offender from compliance with the provisions of this Ordinance. (Amended: Ord. No. 132, Eff. 08/25/1994)

111.600 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 for the amendment of Ordinances.

111.700 VALIDITY

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

111.800 EFFECTIVE DATE AND REPEAL

This Ordinance took effect on March 24, 1997. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

[Amended by Ord. No. 153, Eff. 07/28/1997]

[Amended by Ord. No. 157, Eff. 02/02/1998]

[Amended by Ord. No. 170, Eff. 10/19/2000]

[Amended by Ord. No. 199, Eff. 03/18/2004]

[Amended by Ord. No. 201, Eff. 07/28/2004]

[Amended by Ord. No. 208, Eff. 8 days after publication]

[Amended by Ord. No. 220, Eff. 10/18/2012]

[Amended by Ord. No. 238, Eff. 09/27/2016]