

**MARATHON TOWNSHIP
SUBDIVISION REGULATIONS
FINAL DRAFT**

Approved by the Marathon Township Board:

Published in the Lapeer County Press:

**TOWNSHIP PLANNING STANDARDS:
MARATHON PLANNING COMMISSION.**

LEGAL REVIEW:

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Section 102: 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 the further dividing of lots. Where this Ordinance imposes a greater restriction upon land than is imposed or required by existing provisions of any other ordinance of this Township, the provisions of this Ordinance shall control.

Section 103: Further Divisions of Lots: Pursuant to the provision of Section 263 of Act 288 of P.A of 1967, as amended any lot, outlot, or other parcel in a recorded plat may be further partitioned or divided so long as it shall meet the following minimum requirements:

- 1. The minimum lot size of any lot, outlot or other parcel of land in a recorded plat shall be in accordance with the applicable requirements of Marathon Township Zoning Ordinance, as amended, except when the partitioning or dividing of such land is for the development and/or use of such divided or partitioned land in conjunction with the adjoining lot, outlot or parcel. In that event, any portion of said lot, outlot or parcel which does not meet the minimum requirements of said zoning ordinance after division or partition shall not be developed or used except in conjunction with the lot, outlot or parcel immediately adjoining same. Division of lots shall not result in any parcel of less than our minimum lot size.**
- 2. The petitioner shall submit three (3) drawings of the proposed lot split prepared by a Registered Civil Engineer or Registered Land Surveyor. The Survey must show all existing structures on the lot. The petitioner shall also provide the Township Clerk with proof of ownership of the lot or lots to be split.**
- 3. The applicant shall present a written instrument fully executed in form legally sufficient for recording with the Lapeer County Register of Deeds to the Township Board for its written approval thereon prior to recording. Such instrument shall contain the legal description of the partition or division of the parcel described therein. If the division or partition of the parcel will result in a minimum lot size less than the requirements of the Marathon Township Zoning Ordinance, as amended, or its successor ordinance, if any, then the applicant shall submit in addition a fully executed affidavit in form legally sufficient for recording with the Lapeer County Register of Deeds and signed by all persons who have any legal or equitable interest in the parcel acknowledging that they understand the partitioned or divided parcel or parcels may not thereafter be developed or used separately but only in conjunction with the adjoining parcel or parcels of land.**
- 4. Any such division shall be permitted only after a resolution permitting such has been passed by the Township Planning Commission and may hold a public hearing where it is felt that such would be desirable or necessary.**

ARTICLE 2 – DEFINITIONS

Section 200. Definitions: For the purpose of the Ordinance, certain words, terms and phrases shall be defined as follows:

1. All terms defined in the Land Division Act of 1967 shall control in this Ordinance unless specifically defined hereinafter in the Article 2.
2. **Block:** Property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.
3. **Building Line or Setback Line:** A line parallel to a street right-of-way line, shore of a lake, edge of a stream or river bank, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building between such line and a right-of-way, other public area or the shore of a lake, or the edge of a stream or river bank.
4. **Clerk:** The Clerk of the Township of Marathon.
5. **Commission:** The Planning Commission of the Township of Marathon.
6. **Master Plan:** The Master Plan land use plan for the Municipality, including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, and all physical developments of the Municipality, and includes any unit or part of such plan separately adopted, and any amendments to such plan or parts thereof approved and/or adopted by the Planning Commission and the Governing Body.
7. **Easement:** A grant by the owner of the use of land by the public, a corporation, or persons, for specific uses and purposes, to be designated as a “public” or “private” easement depending on the nature of the use.
8. **Floodplain:** That area of land adjoining the channel of a river, stream, water course, lake or other similar body of water which will be inundated by a flood which can reasonably be expected in Lapeer County.
9. **Governing Body:** The Township Board of the Township of Marathon.
10. **Improvements:** Grading, street surfacing, curb and gutter, sidewalks, crosswalks, Water mains and lines, sanitary sewers, culverts, bridges, utilities, and other additions to the natural state of land which increases its value, utility or habitability.
11. **Lot:** A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.
12. **Municipality:** The Township of Marathon, Lapeer County, Michigan.
13. **Municipal Engineer or Township Engineer:** The staff engineer or consulting engineer of the Municipality.
14. **Municipal Planner or Township Planner:** The staff planner or consulting planner of the Municipality.

15. **Financial Guarantee:** Any security including cash deposits, certified check, irrevocable standby bank letter of credit or Surety bond which may be accepted by the Township Board as a guarantee that required subdivision improvements will be made by the developer.
16. **Plat:** A map or chart of a subdivision of land.
 - a. **Preliminary Plat** – A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration prepared in conformance with the Land Division Act.
 - b. **Final Plat** – A map of all or part of a subdivision providing substantial conformance to the Preliminary Plat of the Subdivision prepared in conformance with the requirements of the Subdivision Control Act and this Ordinance, and suitable for recording by the County Register of Deeds.
17. **Parcel (or Tract):** A continuous area or acreage of land which can be described as provided for in the Land Division Act.
18. **Proprietor:** A natural person, firm, association, partnership, corporation, or combination of any of them which may hold any ownership interest in land, whether recorded or not.
19. **Secretary:** The Secretary of the Marathon Township Planning Commission,
20. **Shall and May:** The word “shall” and “will” are mandatory and the word “may” is permissive.
21. **Street:** Any avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing state, county, or municipal roadway or way shown in a plat heretofore approved pursuant to law. A street, as defined above, includes the land between the right-of-way lines, whether improved or unimproved and may comprise pavement, shoulders, gutters, sidewalks, parking areas and lawns.
 - a. **Major Roadways**– An arterial street with continuity which is intended to serve as a large volume trafficway for both the immediate Municipality area or region beyond, and may be designated in the Township Master Plan as a major roadway, parkway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan.
 - b. **Collector Street** – A street intended to serve as a major means of access from minor streets to major roadways, including principal entrance streets to large scale developments.
 - c. **Minor Street** – A street of limited continuity used primarily for access to abutting residential properties.
 - d. **Marginal Access Street** – A minor street paralleling and adjacent to a major roadway which provides access along one side to abutting properties and protection from through traffic.

- e. **Boulevard Street** – A street developed in two one-way pavements separated by a median.
 - f. **Cul-de-Sac Street** – A short minor street having one end permanently terminated by a vehicular turn-around.
 - g. **Alley** – A minor service street used primarily to provide secondary vehicular access to the rear or side of properties otherwise abutting upon a street.
22. **Land Division Act:** The Land Division act, Michigan Public Act. No. 288 of 1967, as amended.
23. **Subdivision or Subdividing:** The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or building development, that results in 1 or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act by sections 108 and 109. “Subdivide” or “subdivision” does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.

ARTICLE 3 – INITIAL INVESTIGATION.

1. **Prior to the preparation of a preliminary plat, it is suggested that the proprietor meet informally with the Township Planning Commission to investigate the procedures and standards of the Municipality with reference to this Subdivision Ordinance and with the proposals of the Master Plan as they may affect the area in which the proposed subdivision is located.**

The meeting may include discussion of the following:

- a. **Availability of copies of the Township Zoning Ordinance, Master Plan, Subdivision Regulations, engineering specifications, procedures guide to plat land and other similar ordinances or controls relative to the subdivision and improvement of land.**
- b. **The relationship of the proposed subdivision with respect to adjacent land uses to Major Roadways and plans for widening of roadways.**
- c. **Adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to serve the proposal subdivision.**
- d. **Availability, standards and adequacy of sewage disposal, water supply and drainage within the Township.**

2. The developer may submit a plan showing the proposed development of the subdivision in schematic form, including the area of first development. Such a sketch plan should include: general layout of streets and lots; existing characteristics and conditions of the site, and general area set aside for schools, parks and other community facilities.
3. Nothing in this section, however, shall be so construed as to require any pre-application contact and review at this stage shall not constitute any approval of the proposed preliminary plat but shall serve primarily as guidance to the proprietor and the municipality.

ARTICLE 4 – PRELIMINARY PLAT – TENTATIVE APPROVAL.

The preparation of a Preliminary Plat shall be carried out through two phases: Tentative and Final Preliminary Plat approval, all in accordance with the procedure in Article 4 and Article 5.

SECTION 400. Filing.

1. The proprietor shall submit ten (10) copies of the preliminary plat and other data concerning the proposed subdivision, together with a copy of proof of ownership to the Township Clerk or Planning Commission Secretary at least ten (10) days before a meeting of the Planning Commission. The Planning Commission Secretary or Clerk shall place the preliminary plat on the next agenda of the Planning Commission for the establishment of a review date.
2. The Clerk or Planning Commission Secretary shall check the proposed plat and other data for completeness. Should any of the data required in the Land Division Act or in this Ordinance be omitted from the proposed plat, the Clerk or Secretary shall inform the proprietor of the data required and suggest that the application not be filed until the required data is received.
3. The preliminary plat shall be prepared in accordance with Section 111 and 112 of the Land Division Act and in accordance with the requirements of this Ordinance.
4. The appropriate School Board or School Boards Superintendent shall be informed of the proposed preliminary plat by the proprietor. The proprietor shall submit evidence that a copy of the preliminary plat has been delivered to the appropriate school district for its information.
5. The proprietor shall deposit the sum required in Article 13 to cover costs of reviewing all plans and layouts, said deposit to be made at the time the preliminary plat is submitted to the Township Clerk.

SECTION 401. IDENTIFICATION AND DESCRIPTION:

- 1. Proposed name of Subdivision.**
- 2. Location by Section, Town and Range or by other legal description.**
- 3. Names and addresses of the proprietor, owner proprietor, and the planner, designer, engineer or surveyor who designed the subdivision layout. The proprietor shall also indicate his interest in the land.**

Date, Northpoint and scale of plat, 1" = 100' as minimum acceptable scale.

SECTION 402 – EXISTING CONDITIONS:

- 1. An over-all area map at a scale of not less than 1" = 2,000' showing the relationship of the subdivision to its surroundings such as section lines and/or major streets or collector streets shall be provided.**
- 2. Boundary Line of proposed subdivision, section or corporation lines within or adjacent to the tract and over-all property dimensions.**
- 3. Property Lines of contiguous adjacent tracts of subdivided and unsubdivided land up to 300 feet are to be shown in relation to the tract being proposed for subdivision including those located across abutting roads.**
- 4. Location, width, and names of existing or prior platted streets, public areas and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.**
- 5. Location and water levels of lakes and swamps, and the direction or flow of streams and surface drainage ways.**
- 6. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision.**
- 7. Topography drawn as contours with an interval of at least two (2) feet in elevation, except if grade exceeds five (5) percent, the contour interval shall be five (5) feet. Topography should be based on United States Geological Survey Datum.**
- 8. Soil types and characteristics as made available by the United States Department of Agricultural Soil Conservation Service shall be sketched and submitted indicating the sustainability of the proposed site for the proposed development. (See Soil Survey, Lapeer County, Michigan, January 1972)**
- 9. Vegetation on the site shall be carefully inventoried and sketched as to type and location. In particular, existing trees by type and size shall be recorded.**

SECTION 403. – PROPOSED CONDITIONS:

- 1. A design or concept sketch shall be submitted showing the layout of streets indicating proposed street names, right-of-way widths, and connections with adjoining platted streets and also the widths and location of alleys, existing easements and public walkways.**
- 2. Layout, numbers and dimensions of lots, including building set-back lines showing dimensions.**
- 3. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.**
- 4. An indication of the status of the petitioner's ownership, and existing and proposed use of any parcels identified as "excepted" on the preliminary plat. If the proprietor has an interest or owns any parcel so identified as "excepted", the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.**
- 5. An indication of the required utilities including sanitary sewage disposal, water supply and storm drainage.**
- 6. Statement of intended use of the proposed plat, such as, residential single family, two-family and multiple housing; commercial; industrial; recreational; or agricultural. Also proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other nonpublic uses exclusive of single-family dwellings. Also, any sites proposed for parks, playgrounds, schools, or other public uses.**
- 7. In the case where the proprietor wishes to subdivide a given area, but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the proprietor intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the proprietor is subdivided.**
- 8. If the subdivision is proposed to be developed under the Open Space Preservation Plan, said subdivision shall meet the requirements of Article 16 of Marathon Township Zoning Ordinance 200.**

SECTION 404. – REVIEW BY PLANNING COMMISSION:

- 1. The Planning Commission shall act on the preliminary plat within specified time frames of sections 111 and 112 of the Land Division Act.**
- 2. The Planning Commission Secretary shall send notice to the owners of land immediately adjoining the property to be platted of the presentment of the preliminary plat and the time and place of the meeting of the Planning Commission to consider said preliminary plat; said notice shall be sent not less than 15 days before the date fixed thereof. At their discretion, the Planning Commission in lieu of a separate notice may advertise that a public meeting will be held at which time the proposed plat will be discussed.**
- 3. Two copies of the preliminary plat may be transmitted to the Township Planner for his technical review and recommendation. Should any of the data required in the Land Division Act, or this Ordinance, be omitted, the Township Planner shall inform the Planning Commission of the data required.**
- 4. The Planning Commission may direct that two copies of the preliminary plat be transmitted to the Township Engineer for his technical review and recommendation.**
- 5. The Township Planner and Engineer within 30 days of receipt of the preliminary plat shall notify the Planning Commission of the recommendations for either approval or rejection of the preliminary plat.**
- 6. The Commission shall review the preliminary plat for compliance with the following:**
 - a. Applicable ordinances and regulations.**
 - b. Availability and adequacy of utilities.**
 - c. Availability of school and recreation facilities.**
 - d. Marathon Township Master Plan**
 - e. Street and lot layout and orientation.**
 - f. Environmental Effects.**
 - g. Objectives and policies of the Township.**
- 7. The Commission shall recommend conditional approval, disapproval, or approval of the preliminary plat.**
 - a. Should the approval be a conditional approval, the preliminary plat may be forwarded to the Governing Body.**
 - b. Should the Commission disapprove the preliminary plat, it shall record the reasons in the minutes of the meeting. The proprietor shall be notified of the action of the Commission and may request copies of the recommendations for the purposes of revision and resubmittal.**
 - c. Should the Commission find that all conditions have been satisfactorily met, it shall give approval to the preliminary plat. The Secretary shall make a**

notation to that effect on each copy of the preliminary plat and distribute copies of same as follows:

- i. Retain one (1) copy which shall become a matter of permanent record in the Commission files;
- ii. Forward one (1) copy to the School Board or School Superintendent of the School District having jurisdiction in the area concerned;
- iii. Forward the remaining copies, to the Governing Body via the Clerk's Office with recommendations for approval.

SECTION 405 – PLAN REVIEW BY GOVERNING BODY

1. The Governing Body will not review the tentative preliminary plat until it has received the review and recommendations of the Commission. Following the receipt of such tentative approval recommendations, the Governing Body shall consider the preliminary plat and shall take action on the preliminary plat within ninety (90) days of the date of filing.
2. Should the Governing Body give tentative approval to the preliminary plat, it shall be deemed to confer upon the proprietor the right to proceed with the preparation of the preliminary plat for final approval.
3. The tentative approval of the preliminary plat by the Township Board shall be effective for a period of twelve (12) months. Should the preliminary plat in whole or in part not be submitted for final approval within this time limit, the preliminary plat must again be submitted to the Planning Commission for recommendation and approval to the Governing Body. The one (1) year period may be extended if applied for by the proprietor and granted by the Governing Body in writing.
4. No land balancing, installation or construction of any improvements shall be made or begun at this time.

ARTICLE 5 – PRELIMINARY PLAT – FINAL APPROVAL.

Within one year after having received tentative approval of the Preliminary plat as prescribed in Article 4 of this Ordinance, the proprietor shall submit the Preliminary Plat for Final approval.

SECTION 500 – FILING:

1. The proprietor shall submit to the Township Clerk ten (10) copies of the preliminary plat and other data concerning the proposed subdivision at the time he files copies with the authorities as required in Sections 113 to 119 of the Land Division Act. At this filing he shall include a certified list of all authorities to which he has submitted preliminary plats for review.

2. In the case where the proprietor wishes to subdivide only a given area but has submitted the entire area to be platted during the Tentative Approval, the proprietor may elect to start with the procedures of Article 5, Section 500. However, if substantial changes have been made to the overall plat then it shall be necessary to resubmit the plat according to the procedures of Article 4. The part which is being submitted for approval shall be clearly superimposed upon the overall plan in order to clearly indicate the development pattern.
3. The Clerk shall check the proposed plat and other data for completeness. Should any of the data required in the Land Division Act or in this Ordinance be omitted from the proposed plat, the Clerk shall inform the proprietor of the data required and suggest that the application not be filed until the required data is received.
4. The proprietor shall submit as evidence of title a policy of title insurance, or a legal opinion with reference to ownership, for examination in order to ascertain as to whether or not the proper names appear on the plat.
5. The Planning Commission Secretary shall place the preliminary plat on the agenda of the Planning Commission within 30 days of the filing date. The proprietor shall be requested to appear.
6. The preliminary plat shall be prepared in accordance with Section 120 of the Land Division Act and in accordance with the requirements of this Ordinance. The Planning Commission shall act on the preliminary plat within 30 days after the proposed preliminary plat has been deposited with the Township Clerk.

SECTION 501 – IDENTIFICATION AND DESCRIPTION:

1. Same as Section 401

SECTION 502 – EXISTING CONDITIONS:

1. Same as Section 402

SECTION 503 – PROPOSED CONDITIONS:

1. Same as Section 403
2. An indication of the required underground utilities.
3. Proposed Utility installations to the standards adopted by the Township and appropriate County agencies and as required by the Township Engineer.
4. Water Areas: Plan of any proposed water areas indicating depths, normal water levels, slopes and type of bank retention; methods of controlling insects, water growths and vegetation.
5. Proposed topography: Superimposed on the preliminary plat shall be proposed contours at a minimum of two feet of the area including the area at least 100 feet outside of the project.

SECTION 504 – REVIEW BY THE PLANNING COMMISSION:

- 1. One copy of the preliminary plat may be transmitted to the Township Planner for his technical review and recommendation. The Planner shall check the proposed plat for completeness. Should any of the data required in the Land Division Act, or this Ordinance, be omitted, the Township Planner shall inform the Planning Commission of the data required.**
- 2. The Planning Commission may direct that a copy of the preliminary plat be transmitted to the Township Engineer for his technical review and recommendation.**
- 3. The Township Planner and Engineer shall notify the Planning Commission of their recommendations for either approval or rejection of the preliminary plat in ample time for the Planning Commission to review it before the end of the thirty-day review period.**
- 4. The preliminary plat documents shall be reviewed by the Planning Commission as to compliance with the previous tentatively approved plat.
 - a. Should the Planning Commission find that the submitted plat documents are in close agreement with the tentatively approved preliminary plat, it shall recommend approval and notify the Township Board of this action in its official minutes and forward same together with all accompanying data to the Township Board for their action.**
 - b. Should the Planning Commission find that the submitted plat documents do not conform substantially to the tentatively approved preliminary plat and that it is not acceptable, they shall record the reasons in their official minutes and forward same to the Township Board together with all accompanying data for their review and action.****

SECTION 505 – REVIEW BY THE TOWNSHIP BOARD:

- 1. The Township Board will not review the preliminary plat until all of the requirements of the Land Division Act and this Ordinance have been complied with. The Township Board shall consider the preliminary plat and shall take action thereon at its next meeting or within twenty (20) days of the date of submission as qualified in Section 120 (1) (C) of the Land Division Act.**
- 2. Should the Township Board give approval to the preliminary plat, it shall be deemed to confer upon the proprietor the right to proceed with the preparation of the final plat.**
- 3. The approval of the Preliminary Plat by the Township Board is effective for a period of two (2) years. Should the final plat in whole or in part not be submitted for approval within this time limit, the preliminary plat must again be submitted to the Planning Commission for recommendation and approval to the Township Board.**

The two (2) year period may be extended if applied for by the proprietor and granted by the Township Board in writing.

- 4. The Township Clerk shall promptly notify the proprietor of approval or rejection in writing and if rejected to give the reasons.**
- 5. No installation or construction of any improvements shall be made before the preliminary plat has been approved by the Governing Body and any deposits required have been received by the Municipality.**

ARTICLE 6 – FINAL PLAT.

SECTION 600 - PREPARATION:

- 1. The final plat shall comply with the provisions of the Land Division Act.**
- 2. The final plat shall conform substantially to the preliminary plat as approved and it may constitute only that portion of the approved preliminary plat which the proprietor proposed to record and develop at the time; provided, however, that such portion conforms to this Subdivision Ordinance.**

SECTION 601 – FINAL PLAT REVIEW:

- 1. The proprietor shall submit one true copy and 10 paper prints of the final plat with the required deposits of money with the Township Clerk.**
- 2. The final plat at the discretion of the Board shall be reviewed by the Municipal Engineer as to compliance with the approved preliminary plat and plans for utilities and other improvements. The Municipal Engineer shall notify the Governing Body of his recommendation for either approval or rejection of the final plat within ten (10) days of its date of filing.**
- 3. The governing body shall require the following:**
 - a. Conformance to the Master Plan of Marathon Township.**
 - b. Proper drainage, grading and construction of approved materials of a thickness and width provided for in this ordinance and those adopted by the municipality.**
 - c. Installation of bridges and culverts where deemed necessary by the municipal engineer or the county.**
 - d. Submission of complete plans for grading, drainage and construction as required in Articles 7, 8, 9, and 10 of this ordinance.**
- 4. The Governing Body shall review all recommendations and take action on the final plat within twenty (20) days of its date of filing.**
- 5. Upon approval of the final plat by the Governing Body, one true copy shall be forwarded to the County Plat Board.**

6. **Placing of required monuments and lot corner markers may be waived by the Governing Body for a period of one year from the date of approval of the final plat by the Governing Body, provided:**
 - a. **That monuments or other markers adequately witnessed, shall be in place at all angles and at all ends of curves in the boundaries of the subdivision, and**
 - b. **That the proprietor shall have delivered to the Clerk cash or a certified check, or irrevocable bank letter of credit running to the Municipality, whichever the proprietor selects, in amounts set by the Planning Commission, but in no event less than \$35.00 per monument remaining to be placed plus \$15.00 per lot corner marker remaining to be placed.**

Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor or engineer that the monuments and markers have been placed as required. If the proprietor defaults, the Governing Body shall engage a surveyor to locate the monuments and markers called for on the plat and on completion of the work shall return any unexpected balance of the deposit to the party from whom it was received.

7. **The Township Board shall require of the proprietor as a condition of final plat approval, a deposit in the form of cash, certified check, or irrevocable bank letter of credit running to the Municipality for the full cost, as estimated by the Municipal Engineer, of the improvement of public places, roads and streets, and the installation of any required public sewer, water supply, and drainage facilities, to insure the completion of said improvements and facilities within a length of time agreed upon from the date of approval of the final plat by the Governing Body. The Municipality shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project, provided that at least ten percent (10%) shall be retained pro-data from each payment until one year after completion of the improvements to insure against any repairs that may be necessary.**
8. **A copy of the proposed Subdivision Deed Restrictions or Protective covenants or a statement in writing that none are proposed shall be furnished to the Governing Body to be filed with the Township Copy of the final plat.**

ARTICLE 7 – SUBDIVISION DESIGN STANDARDS.

The subdivision design layout standards set forth under this section are development guides for the assistance of the proprietor. All final plans must be reviewed and approved by the Township Board in accordance with this Subdivision Regulations Ordinance.

SECTION 700 – STREETS:

Streets shall conform to all minimum requirements, general specifications, typical cross-sections and other requirements of the Lapeer County Road commission and article 22 of the Marathon Township Zoning Ordinance 200.

1. Location and Arrangement:

- a. The proposed subdivision shall conform to the various elements of the Master Plan of Marathon Township and shall be considered in relation to the existing and planned major roadways and collector streets, and such street shall be platted in the location and width indicated on such plan. The proposed subdivision shall also conform to any state, or county right-of-way plan which may be applicable to that location.**
- b. The street layout shall provide for continuation of local or collector streets in the adjoining areas that are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas.**
- c. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.**
- d. Should a proposed subdivision border on or contain an existing or proposed major roadway, the Lapeer County Road Commission may require marginal access streets, reversed frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.**
- e. Should a proposed subdivision border on or contain a railroad, expressway or other limited access highway right-of-way, the Lapeer County Road Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks and residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.**
- f. Streets shall be arranged in proper relation to topography so as to result in desirable and usable lots, and safe streets with reasonable gradients.**
- g. Except where justified by extreme conditions, alleys and private streets will not be permitted in areas of single or two-family residences.**

2. RIGHT OF WAY WIDTHS:

Street right-of-way widths shall conform to the following requirements:

STREET TYPE	RIGHT OF WAY WIDTHS
Major Roadways	In conformance with Lapeer County Road Commission
Collector Streets	86'
Industrial Service Streets	66'
Multiple-Family Residential Streets where Platted	66'
Minor (Single-Family Residential) Streets	66'
Boulevard Streets	86'
Cul-de-sac Streets – Turn Arounds	66' R-O-W- terminating with 70' radius

Maximum length for cul-de-sac streets shall generally be 600 feet. This may be exceeded where necessary subject to the approval of the Planning Commission.

3. STREET GEOMETRICS

Standards for maximum and minimum street grades, vertical and horizontal street curves and sight distances, to be in accordance with current Lapeer County Road Commission standards.

4. STREET INTERSECTIONS:

Streets shall be laid out so as to intersect as nearly as possible to ninety (90) Degrees.

5. CENTERLINE RADIUS:

Minimum Centerline Radius of 230'.

6. TRUCK WELLS:

Truck wells, and receiving and shipping depots will be so located as to provide adequate vehicular movement on the site, and shall not face directly onto a public right-of-way unless at least 100 feet from the right-of-way.

7. DRIVEWAYS:

All driveway locations shall be in accordance with current Lapeer County Road Commission Standards. Wherever possible driveways onto a State highway or County primary road shall be minimized.

SECTION 701. BLOCKS:

Blocks within subdivisions shall conform to the Following standards:

1. Sizes:

- a. Maximum length for blocks shall not exceed 1,400 feet in length, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.**
- b. Widths of blocks shall be determined by the condition of the layout and shall be suited to the Intended layout.**

2. Public Walkways:

- a. Location of public walkways or crosswalks may be required by the Planning Commission to obtain satisfactory pedestrian circulation within the subdivision and to public or private facilities such as, but not limited to, schools and parks.**
- b. Right-of-way widths of public walkways when not adjacent to or part of street rights-of-way shall be at least 10 feet and shall be dedicated to the use of the public.**

3. Easements:

- a. Location of utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than ten (10) feet wide.**
- b. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the preliminary plat to all appropriate public utility agencies.**
- c. Easements three (3) feet in width shall be provided where needed along side lot lines so as to provide for street light dropouts. Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained from the appropriate public utility**

indicating that easements have been provided along specific lots. A notation shall be made on the final plat indicating; “The side lot lines between lots (indicating lot numbers) are subject to street light dropout rights granted to the Detroit Edison Company”.

- d. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction or both as will be adequate for the purpose. Such easements shall meet the approval of the County Drain Commissioner and/or County Road Commission.

SECTION 702. LOTS:

Lots within subdivisions shall conform to the following standards:

1. SIZES AND SHAPES:

- a. The lot size, width, depth, and shape in any subdivision proposed for residential uses shall be appropriate for the location any the type of development contemplated.
- b. Lot areas, lot widths and building setback lines shall conform to at least the minimum requirements of the current Marathon Township Zoning Ordinance for the district in which the subdivision is proposed.
- c. Building setback lines shall conform to at least the minimum requirements of the current Marathon Township Zoning Ordinance.
- d. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of not more than 4 to 1 shall be desirable.
- e. Corner lots in residential subdivisions shall be platted at least ten (10) feet wider than the minimum width permitted by the current Marathon Township Zoning Ordinance.
- f. Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setbacks, and other requirements in accordance with the current Marathon Township Zoning Ordinance.

2. ARRANGEMENT:

- a. Every lot shall front or abut on a dedicated street except in those instances involving a planned development for multiple dwellings, business centers or industrial tracts, where, in the judgement of the municipality, such requirements would not serve the best interest of the municipality.**
- b. Side lot lines shall be essentially at right angles to straight streets and radial to curved streets, and must exhibit satisfactory rear and side yard relationships to provide for privacy and drainage.**
- c. Residential lots abutting major roadways or collector streets, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots, or with side lot lines parallel to the major traffic streets, or shall be platted with extra depth to permit generous distances between building and such trafficway.**
- d. Lots shall have a front-to-front relationship across all streets where possible.**
- e. Where lots border upon bodies of water, the front yard shall be designated as that site fronting on the water.**
- f. Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes, or for uses that may in the judgement of the Planning Commission increase the danger to health, life, or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as parks or other open space.**

SECTION 703. NATURAL FEATURES:

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor, and the dedication and provision of adequate barriers, (dams, bulkheads, retaining walls, etc.) where appropriate, shall be required.

SECTION 704 FLOOD PLAINS:

Any areas of land within the proposed subdivision which lie either wholly or in part within the flood plain of a river, stream, creek or lake, or any other areas which are subject to flooding or inundation by storm water shall require specific compliance with the Land Division Act and its review by the Water Resources Commission of the Michigan Department of Environment, Great Lakes, and Energy.

SECTION 705. TOPSOIL

Removal of topsoil from areas to be subdivided shall be prohibited except in those areas to be occupied by buildings, roads or parking areas. A plan for storage or stockpiling of topsoil shall be submitted by the proprietor with the final plat and shall be approved prior to receiving approval of the final plat.

SECTION 706 PUBLIC SITES AND OPEN SPACES

When consideration is given by the proprietor to the allocation of areas suitably located and of adequate size for playgrounds, school sites, parks and recreation facilities, as indicated in the Marathon Township Master Plan, said areas shall be provided by one of the following methods:

- 1. Dedication to the Township.**
- 2. Reservation of land for use of property owners by deed or covenants.**
- 3. Reservation for acquisition by the Township or School Board within a period of two (2) years after development is completed. Said reservations shall be made in such a manner as to provide for a release of the land to the proprietor in the event that the Township or the School Board does not proceed with the purchase.**

Due regard shall be shown by the Board for preserving outstanding natural features such as scenic spots, water courses or exceptionally fine groves of trees.

SECTION 707 PLANTING STRIPS

Planting strips may be required to be placed next to incompatible features such as highways, commercial or industrial uses to screen the view from residential properties. Such screens or greenbelts shall be a minimum of fifteen (15) feet wide. Where mature trees are present, they shall be preserved.

In all other instances the proprietor shall furnish a satisfactory landscape plan to the Planning Commission.

ARTICLE 8 – IMPROVEMENTS

The improvements set forth under this Article are to be considered as the minimum acceptable standard. All those improvements for which standards are not specifically set forth shall have said standards set by Ordinance or by published rules of the Municipality. All improvements must meet the approval of the Governing Body.

SECTION 800 STREETS:

All streets and appurtenances thereto shall be constructed in accordance with the current specifications of the Lapeer County Road Commission and Governing Body in accordance with article 22 of the Marathon Township Zoning Ordinance 200.

SECTION 801 – UTILITIES:

1. REQUIREMENTS FOR UNDERGROUND WIRING:

The proprietor shall make arrangements for all local distribution lines for telephone, electric, television and other similar services distributed by wire or cable to be placed under ground entirely throughout the area subdivided for residential use, except for main supply and perimeter feed distribution lines which serve areas outside the subdivided area; and except for surface facilities related to underground service, such as above ground closures or terminals. Such wires, 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. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor.

2. SEWAGE DISPOSAL:

A sanitary sewer system including all appurtenances shall be required in all subdivisions. When a proposed subdivision is located within, adjacent to or reasonably near the service area of a municipal public sewer system, sanitary sewers and other required appurtenances thereto, shall be installed in such a manner as to adequately serve all lots from the municipal system. Public sewer systems shall be approved by the Michigan Department of Health, the County Health Dept. and the Governing Body. Septic tank systems must be approved by the County Health Dept.

3. WATER SUPPLY:

When a proposed subdivision is located within, adjacent to or reasonably near the service area of a municipal water supply system, water mains, fire hydrants and required water system appurtenances shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat, both for domestic use and fire protection. In the event of the non-existence or non-availability of a municipal water supply system, a subdivision water supply system may be installed by the proprietor, if it meets the approval of the County Health Dept. and the Township. Private wells shall meet approval of the Township and the Lapeer County Health Dept.

4. STORM DRAINAGE SYSTEM:

Shall be in accordance with current Lapeer County Road Commission and Lapeer County Drain Commission standards and specifications.

SECTION 802 OTHER IMPROVEMENTS:

1. SIDEWALKS:

- a. If sidewalks are required they shall be constructed to a minimum of five (5) foot.**
- b. The surface of the walkways shall be developed in concrete. Planting pockets may be provided along public walkways for tree and shrub planting. The planting plan and surface treatment shall meet the approval of the Planning Commission.**

2. STREET TREES:

A Street Tree Plan shall be provided by the proprietor for Planning Commission Review. Trees shall be set on street frontage lot line except where sidewalks are required.

3. STREET SIGNS:

An appropriate street sign shall be erected at each street intersection within the subdivision. The type of sign and location thereof, shall be on accordance with the Michigan Manual of Uniform Traffic Control Devices.

4. FENCING:

The proprietor shall construct woven wire fences suitable for holding livestock around any part of the subdivision abutting a farm. Such fences shall have the approval of the Township Fence Viewers.

ARTICLE 9 ENGINEERING DESIGN STANDARDS.

SECTION 900. GENERAL REQUIREMENTS:

- 1. Plans submitted shall be on 24”x 36” white prints having blue or black lines, and shall be neatly and accurately prepared. Judgement shall be exercised in the design and layout and presentation of proposed improvements.**
- 2. All sewers shall be shown in plan and profile. Profiles of sewers shall indicate the size, invert and slope of the sewer and shall indicate the existing ground and proposed grade along the route of the sewer.**
- 3. Elevations shall be on U.S.G.S datum. If in a street right-of-way, show on the profile the adjacent top of curb or edge of pavement grade (existing or proposed). Two bench marks for the work shall be indicated on each sheet of the plans.**
- 4. Finished grades of structures shall be indicated on the plan or profile for all structures...**
- 5. All engineering plans submitted shall bear the seal of the Registered Professional Engineer.**
- 6. One mylar copy of as-built plans of water, sanitary sewer, roads and storm sewer system and certification from a Registered Professional**

Engineer that all surface grades, roads and structures are in conformance with the approved plan shall be provided prior to acceptance of the subdivision improvements by the Municipality.

- 7. Complete project improvement plans shall be submitted prior to review and approval of any portion thereof.**

SECTION 901 SUBMITTAL PROCEDURE:

For Township approval of sanitary sewer systems, storm sewers or water mains, the applicant shall furnish to the Township a detailed estimate of the cost and two sets of plans including the general plan, for the system on which he desires approval. The Township shall collect review fee and refer the plans to the Municipal Engineers, who shall check the estimate and review plans for conformity to the standards of the Municipality and certify that they are consistent with the overall utility plans of the Municipality, after which they will return one of the two sets with appropriate comments. The applicant, after making any changes requested on the set of plans returned to him, shall then submit the revised plans to the Municipality, for final approval. If the revisions have been properly made, the Township will transmit copies to the appropriate County and/or State agencies for their review.

SECTION 902 DESIGN STANDARDS – SANITARY SEWERS:

- 1. The following notes pertaining to the sanitary sewers shall appear on the plans.**
 - a. Footing drains of any structure shall not be connected to the sanitary sewer unless a Registered Professional Engineer shall certify that the building footing drains are a minimum of two feet above the maximum natural ground water level.**
 - b. Downspouts, or any conduit, that carries storm or ground water shall not be allowed to discharge into a sanitary sewer except for footing drains allowed under item 1 (a) above.**
 - c. No sewer installation or portion thereof shall have an infiltration exceeding 250 gallons per inch diameter per mile of pipe per twenty-four hour period.**

SECTION 903 DESIGN STANDARDS: STORM SEWERS:

Shall be in accordance with all applicable county agencies and standards such as the Lapeer County Drain Commission, Lapeer County Health Department, and Lapeer County Road Commission.

SECTION 904 DESIGN STANDARDS WATER MAINS:

- 1. Type of pipe and joint shall be in accordance with the current County and Municipal standards.**
- 2. All water mains shall be installed with a minimum cover of five feet below finished grade. Where water mains must dip to pass under a storm sewer or sanitary sewer, the sections which are deeper than normal shall be kept to a minimum length by the use of vertical bends properly anchored.**
- 3. In general, lateral water mains shall be 8” in diameter. Six inch diameter water mains shall not have a run longer than 400 feet between connections to an eight inch water main. Gate valves shall be located in the system such that not more than four valves need to be turned off to isolate any section of water main. Moreover, sufficient valves shall be placed such that not more than thirty lots shall be serviced within such section of water main which can be so isolated. Where possible, gate valves shall be located at street intersections five feet from the intersection street right-of-way line.**
- 4. Hydrants shall be installed along the water main at least every 500 feet. In no case shall a house be more than 350 feet from a hydrant. In commercial or industrial districts, additional hydrants may be required. Hydrants shall be installed at the ends of all dead-end water mains. When near a street intersection, hydrants shall be located fifteen feet from the intersecting street right-of-way. Hydrants shall be to Municipal standard. Location of hydrants shall be approved in writing by the Municipal Fire Chief.**
- 5. The plans shall indicate the finished grades of all hydrants and gate wells.**

SECTION 1000 SUBMITTAL PROCEDURE:

For Municipal approval of the grading plan for erosion and sediment control, the applicant shall furnish a detailed estimate and two sets of the project grading plans. The Municipal Engineer shall review the estimate and plans for conformity to the principles set forth herein, after which they will return one of the two sets with appropriate comments. The applicant, after making any changes requested on the set of plans returned to him, shall then submit four sets of revised plans to the Municipality for final approval. The Municipal Engineer shall then review these revised plans for conformity to the comments mentioned heretofore, and if they have been properly made, will retain three copies for the Municipality's records and return one approved copy to the applicant.

SECTION 1001. EROSION AND SEDIMENT CONTROL PRINCIPLES:

- 1. In order to provide effective erosion and sediment control, practical combinations of the following technical principles shall be applied to the erosion control aspects of the grading plan, according to the Lapeer County Soil and Erosion Commission and Lapeer County Health Department:**
 - a. The smallest practical area of land should be exposed at any one time during development.**
 - b. When land is exposed during development, the exposure should be kept to the shortest practical period of time.**
 - c. Temporary vegetation and/or mulching should be used to protect critical areas exposed during development.**
 - d. Sediment basins (debris basins or silt traps) should be installed and maintained to remove sediment from run-off waters from land undergoing development.**
 - e. Provision should be made to effectively accommodate the increased run-off caused by changed soil and surface conditions after development.**
 - f. The permanent final vegetation and structures should be installed as soon as practical in the development.**

- g. The development plan should be fitted to the topography and soil so as to create the least erosion possible.**
- h. Wherever feasible, natural vegetation should be retained and protected.**

ARTICLE 11 COMPLIANCE STANDARDS.

The approvals required under the provisions of this Ordinance shall be obtained prior to the installation of any subdivision or project improvements within the Municipality, in public streets, public alleys, public rights-of-way and public easements, and/or under the ultimate jurisdiction of the Municipality. All subdivision or project improvements within the Municipality installed in public streets, public alleys, rights-of-way, or public easements, and/or under the ultimate jurisdiction of the Municipality shall comply with all of the provisions and requirements of this or any other related ordinance.

ARTICLE 12 INTERPRETATION:

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

ARTICLE 13 FEES:

Preliminary and final plat review fees shall be paid by the proprietor. Fees for inspection and examination of plats and the land to be subdivided and related expenses shall be paid to the Township by the proprietor. Such fees shall be set by resolution of the Township Board.

SECTION 1301 OTHER FEES – INSURANCE AND BONDS:

Prior to construction of subdivision and project improvements, the contractor shall procure and maintain during the life of any contract or agreement for such construction, insurance protecting the Municipality from any claim for damages, real, personal, or otherwise, in the amount of One Million dollars (\$1,000,000).

ARTICLE 14 SEVERABILITY

If any section, paragraph, clause, phrase or part of these Subdivision Regulations and Engineering Design Standards is for any reason held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provision of these Regulations and Standards; and the application of those provisions to any persons or circumstances shall not be affected thereby.

ARTICLE 15 REPEAL

All ordinances and amendments thereto enacted and/or adopted by the Governing Body inconsistent with the provisions of this Ordinance are hereby repealed, as of the effective date of the Ordinance. The repeal of the above Ordinance and its amendments does not affect or impair any done, offense committed, or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

ARTICLE 16 VARIANCE

SECTION 1600 VARIANCE FOR HARDSHIP:

The Governing Body may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Governing Body shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Governing Body shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable affect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Governing Body finds:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.
4. That the variance will not hinder or obstruct the Master Plan of Marathon Township and Objectives and Policies of the Township.

ARTICLE 17 EFFECTIVE DATE.

This Ordinance shall become effective on the.

I, Michelle Coultas, Clerk, of the Township of Marathon, Lapeer County, State of Michigan, hereby certify that the foregoing Subdivision Regulations, was duly approved by the Township Board of the Township of Marathon, Lapeer County, State of Michigan on. by the following vote:

YEAS: Church, Sickner, Hogan, Coultas, Hollis

NAYS: None

ABSENT: None

TOWNSHIP OF MARATHON

Subdivision Regulations

ORDINANCE NO. 2024-14

An ordinance to repeal Marathon Township Subdivision Regulations Fourth and Final Draft of January 20, 1976 in its entirety .and adopt Marathon Township Subdivision Regulations of November 20, 2024.

THE TOWNSHIP OF MARATHON HEREBY ORDAINS:

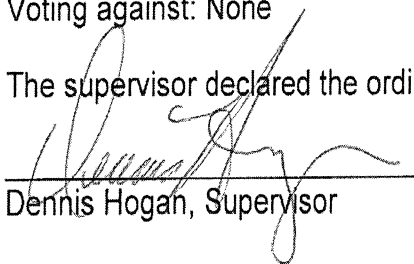
Section 1. The Township hereby repeals, Marathon Township Subdivision Regulations Fourth and Final Draft Dated January 20, 1976 in its entirety and adopts Marathon Township Subdivision Regulations of November 20, 2024.

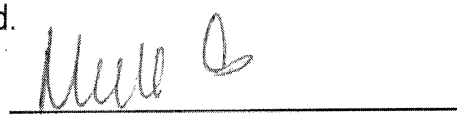
Section 2. This ordinance shall take effect the date of publication.

Voting for: Church, Sickner, Hogan, Coultas, Hollis

Voting against: None


The supervisor declared the ordinance adopted.


Dennis Hogan, Supervisor


Michelle Coultas, Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 2024-14 which was enacted by the Marathon Township Board of Trustees at a regular meeting held on November 20, 2024.


Michelle Coultas
Township Clerk