

Chapter 708 – Land Development

Section 708.1 – Title

This Ordinance shall be known and cited as the “Land Development Ordinance.”

Section 708.2 – Intent

- A. The purpose of this Ordinance is to regulate and control all land development within Lenox Township; to promote the safety, public health, and general welfare of present and future residents of the Township; to provide minimum requirements for Site Improvements; to establish standards for engineering design and detailed engineering plans and specifications for Site Improvements; to provide for construction standards for Site Improvements; to promote the orderly layout and use of land; to control building development within Flood Plain areas; to provide for the addressing of buildings; and to provide for the collection of fees to cover the costs of administration of this Ordinance.
- B. This Ordinance applies to all land development in the Township, including (without limitation) the installation of public utilities such as gas and oil piping; wiring for electricity, telephone, and television (whether underground or overhead); and/or Regional Water Supply Transmission Mains, Regional Sanitary Sewer Interceptors, and/or Drainage Facilities.
- C. This Ordinance shall not apply to the development of land for agricultural purposes, except for site grading and drainage, this Ordinance shall not apply to either (a) Subdivisions or Developments completed prior to the effective date hereof; or (b) individual dwelling-unit lots in a subdivision recorded prior to the effective date of this Ordinance.
- D. This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with existing provision of other laws, ordinances, or regulations, except as hereinafter provided. Where this Ordinance imposes a greater restriction or more demanding requirement upon the land than is imposed or required by other ordinances of the Township, the provisions of this Ordinance shall control.

Section 708.3 – Definitions

- A. For the purpose of this Ordinance, the following rules of construction apply:
1. Words used in the present tense include the future tense and, in the singular, include the plural, unless the context indicates the contrary.
 2. The term "shall" is mandatory; the term "may" is permissive.
 3. The word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.
- B. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance (or in the related, but separately published, Engineering & Construction Standards) shall be as follows:

Board – The Township Board of Trustees, Lenox Township, Macomb County, Michigan.

Borrow Pit – Any area where earth excavation, deeper than two (2) feet from existing grade, is "borrowed" for use as fill material at another location within, or outside of, the subject Development.

Building Drainage Water Lead – Any privately maintained drainage water pipe extension from a building's foundation drain outlet point, located four feet (4) outside of a building, to a point of connection with a public storm sewer.

Building Sewage Lead or Building Wastewater Lead – Any privately maintained wastewater disposal sewer pipe that extends from a building sewage outlet, located four (4) feet outside of a building, to a point of connection with the public sanitary sewer.

Building Water Lead – Any privately maintained water supply mains, pipes, services, and/or appurtenances, except meters, extension from a building's water piping inlet point, located four feet (4) outside of a building, to a point of connection with a public water supply system.

Curb Stop (or "Stop Valve") – The water-service pipe valve that is located at a "Customer's Water Supply Outlet."

Customer's Wastewater Disposal Outlet – The point of connection to the public sanitary sewer.

Customer's Water Supply Outlet – Either the outlet on the customer side of a stop valve near the public easement or public right-of-way (ROW) line (in the case of a supply for a

single building) or on the customer side of a master water meter where the Township has required the use of a master water meter to serve special types of customers.

Department – The Township's Department of Public Works.

Developer (or "Land Developer") – A person, firm, association, partnership, corporation, or any other legal entity, who intends to develop the land by making Site Improvements.

Development or ("Developer's Project" or "Project") – A specifically designated site being developed (or proposed for development) by a Developer.

Development of Land (or "Land Development") – The reshaping of the land environment to provide for the amenities associated with community living. Items considered as these amenities include any of the items listed under the definition of "Site Improvements."

Ditch (or "Drainage Swale") – An open channel or graded depression used to transport drainage water from any source.

Drainage Water (or "Drainage") – Water runoff (other than wastewater) resulting from rain, melted snow, water supply discharge, or groundwater discharge.

Drainage Water Facilities (or "Drainage Facilities") – Any Storm Sewers or Storm Drains including facilities designated as County Drains that receive drainage water from one (1) or more properties.

Dwelling Unit – A building or unit thereof, that is occupied by one (1) or more persons as a residence (with a single set of culinary facilities) intended for a single-family.

Easement – An acquired legal right for the specified use of land owned by others.

Engineering and Construction Standards – Those standards that are separately published (but considered a part of this Ordinance), entitled "STANDARDS FOR ENGINEERING DESIGN, FOR PREPARATION OF ENGINEERING PLANS AND SPECIFICATIONS, AND CONSTRUCTION OF SITE IMPROVEMENTS."

Foundation Drain Service Pipe – A conveyance pipe that receives only foundation drain groundwater seepage, exclusive of directly and intentionally introduced surface water runoff.

Lot – A measured portion of a parcel or tract of land, which is described, and the location is established in a recorded plat.

Master Thoroughfare Plan – The Comprehensive Master Thoroughfare Development Plan adopted by the Township, sets forth the location, alignment, and dimensions of existing and proposed street rights-of-way adopted by the Township.

Michigan Department of Transportation (MOOT) – The state agency that is responsible for planning, designing, constructing, and operating streets, highways, bridges, transit systems, airports, railroads, and ports to provide for the safe, rapid, comfortable, economical, convenient, and environmentally safe movement of people and goods in the State of Michigan.

Open Drain – An open channel used to transport water, groundwater, and surface water runoff or drainage water from any source.

Parking Lot (or “Parking Area”) – A designated area used primarily for the parking of motor vehicles.

Parking Lot Bay – That part of a parking lot that includes the access driveway and a set of parking stalls on either side of the access driveway serving such parking stalls.

Person – Any individual, firm, company, association, society, corporation, a governmental agency (including school district), or other legal entity.

Plat – A map or chart of a subdivision of land as defined in Act No. 288 of Michigan Public Acts of 1967, as amended.

Preliminary Subdivision Plan – A preliminary plat showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration, as defined in Act No. 288 of the Public Acts of Michigan of 1967 as amended.

Premises – A tract of land with the buildings thereon that is or is intended to be owned and maintained by a single responsible person who is to be served as a single customer by a single customer wastewater disposal outlet and a single water supply meter. Each mobile home park is considered separately as premises.

Private Wastewater Disposal System – A septic tank with sub-surface soil absorption facilities, Wastewater Treatment Facilities, or similar methods of wastewater disposal that may be approvable by the Macomb County Health Department and/or MI EGLE.

Private Water Supply System – Any system by which potable groundwater is withdrawn and supplied to a premise that is approvable by the Macomb County Health Department and/or MI EGLE.

Public Sanitary Sewer – A sanitary sewer that collects (or is intended to collect) wastewater from more than one (1) building, user or premises and is, therefore, intended to be located in public easements or public rights-of-way and is required to receive the approval and issuance of a construction permit from the Water Division of MI EGLE.

Public Storm Sewer (or Public Drain) – A common sewer or drain that collects (or is intended to collect) drainage water (surface or ground) from more than one (1) user or premises which is located in a public easement or public right-of-way and is controlled by the Macomb County Drain Commissioner, Road Commission of Macomb County, Michigan Department of Transportation, Sewer and Water Department or another governmental agency. For this article, the only "public sewer or public drains" located in easements dedicated to the Township that are considered owned, operated, and maintained by the Sewer and Water Department are those that serve Township-owned property or facilities.

Public Utilities – Will include public sewers, public water main, gas, and/or oil piping, public electric and/or telephone wiring, including support poles and public television cable.

Public Utility Company (or "Utility Company") – A legally constituted firm, corporation, or agency, other than the Township or a County Agency acting under a contract with the Township, that operates under a franchise or agreement approved by the township for the purpose of installing and operating public utilities, including but not limited to gas piping, electric or telephone wiring (underground or overhead), oil piping, television cable, water supply transmission mains, sanitary sewer interceptors and/or drainage facilities. The City of Detroit Metro Water and Sewerage Department is a public utility company under this definition.

Public Watermain – A water main that serves (or is intended to serve) more than one (1) building, user, or premises and is, therefore, intended to be located in public easements or public rights-of-way and is required to receive the approval and issuance of a construction permit from the Water Division of the Michigan Department of Environment, Great Lakes, and Energy. The service pipe extending from a public water main to a customer water supply outlet shall also be considered public.

Right-of-Way (sometimes abbreviated "ROW") – Land reserved or used for a street, alley, walkway, or other public purposes.

Roadway – That part of a street on which vehicles travel.

Sanitary Sewer or Wastewater Sewer – A sewer, together with appurtenances, that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwaters, stormwaters, and surface waters that are not admitted intentionally.

Services – As applied to the Water Supply Facilities and connections thereto, shall mean any water supply conveyance pipe (outside of a building) that is two (2) inches or smaller in diameter.

Sewage Force main (sometimes called "Force main") – A wastewater conveyance pipe that carries wastewater under pressure.

Sewer – A pipe or conduit that carries wastewater or drainage water.

Sight Distance – The unobstructed (straight-line) length of view from a driver's eye height of four (4) feet to an object height of six (6) inches.

Site Improvements (or "Improvements") – Such operations, acts of construction, or changes affecting land that increase the value, utility, or habitability of the Site. Site Improvements may include, without limitation: site grading; drainage water sewers, culverts, or drains; sanitary sewers or other wastewater disposal facilities; water mains, services, or other water supply facilities; gas or oil piping; wiring for electricity, telephone, or television; paving or surfacing of roadways, parking lots, or driveways; sidewalks; bridges; lakes, ponds, or lagoons; and/or other appropriate appurtenant items.

Site Plan – The plan required under the Township Zoning Ordinance for site plan review and approval for all projects other than platted subdivisions and site condominiums.

Stormwater Drain (or "Storm Drain" or "Storm Sewer") – A ditch, watercourse, or sewer intended for the conveyance of drainage water, groundwater, surface water runoff, or other unpolluted water from any source.

Stormwater or Drainage Water Inlet Structure – A structure designed and constructed to intentionally admit surface water runoff into an underground storm sewer.

Street – Whether public or private, shall mean any street, avenue, boulevard, road, thoroughfare, alley, or another right-of-way that provides for vehicular access to land abutting either side of the said street; and a street includes the land between the existing or assumed street right-of-way lines. A street may have several classifications defined as follows:

1. **Public Street** – A street that is deeded or dedicated to the Macomb County Department of Roads (MCDR) or the Michigan Department of Transportation (MDOT).
2. **Private Street** – A street that is not deeded or dedicated to the MCDR or MDOT.
3. **Local Street** – Any street that is intended primarily for access to properties abutting either side of said street. A Local Street shall have, or will be considered to occupy, a right-of-way width of sixty (60) feet for residentially zoned land or seventy (70) feet for industrially zoned land.
4. **Collector Street** – A street intended to carry traffic from Local Streets to Major Thoroughfares. A Collector Street will usually be located near the Township's quarter-section lines and/or will be designated on the Township Master Thoroughfare Plan. A Collector Street shall have or will be considered to occupy, a right-of-way width of eighty-six (86) feet.
5. **Major Thoroughfare** – An arterial street of great continuity that is intended to serve as a large volume traffic way for both the immediate Township area, as well as areas beyond the Township limits. A Major Thoroughfare will usually be located along the Township's section lines and/or will be designated on the Township Master Thoroughfare Plan. A Major Thoroughfare shall have or will be considered to occupy, a right-of-way width of at least one hundred twenty (120) feet.

Superintendent – The person appointed by the Board to manage the Department of Public Works.

Surface Water Run-off (sometimes called "Stormwater") – that part of rainfall or melting snowfall that reaches the stormwater drain as runoff from natural land surfaces, building roofs, or pavements.

Tabulation of Quantities – A list of construction items (compatible with the Township or MOOT Construction Specification items), as usually used in the Underground and Pavement Construction Industry, together with the quantity of each item planned to be constructed.

Township – Lenox Township, Macomb County, Michigan.

Township Engineer – The staff registered professional engineer or the consulting engineer representing the Township in this position.

Trunk Storm Sewer – A storm sewer having a diameter of twenty- four (24) inches or larger.

Underdrain Pipe – A perforated pipe installed underground for the specific purpose of lowering a high groundwater condition or draining a granular sub-base by receiving groundwater seepage and conveying it to a stormwater drain.

Unpolluted Water or Drainage Water – Water of a quality equal to or better than the effluent criteria currently in effect (as specified by the MI EGLE), or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the Township sanitary sewers and wastewater disposal system.

User – The owner or occupant of any premises connected with, and/or using, any of the facilities operated by the Department.

Utility Company's Contractor – A construction contractor engaged by the utility company to install public utilities for the utility company; or, in the case where the utility company has a construction division that installs its utilities, shall mean the utility company.

Wastewater (sometimes called “Sewage”) – The spent water of a community, including liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be unintentionally present.

Wastewater Treatment Works or Sewage Treatment Plant – Facilities for treating wastewater, industrial wastes, and sludge.

Watermain as applied to the Water Supply Facilities and Connections thereto – Any water supply conveyance pipe larger than two (2) inches in diameter.

Section 708.4 – Site Improvements Required for the Development of Land

A. Site Grading and Drainage Water Collection and Disposal Systems

1. Except for agricultural purposes, it shall be unlawful for any person to change the drainage pattern of any land by excavating, grading, or filling without first obtaining a "Permit for Construction" for same from the Township.
2. Each site shall receive such grading as is necessary for directing surface water runoff to appropriate drainage water collection and disposal systems as necessary, and the grading shall be done in a manner that will neither cause drainage water from the site to flow onto adjacent land nor obstruct the flow of existing drainage from adjacent properties. Drainage water collection and disposal systems shall be provided to collect surface water runoff and/or the discharge from each building's foundation drain service pipe. The drainage water collection system shall consist of enclosed storm sewers throughout the project. An extension of the drainage water collection system shall be provided to furnish an outlet for foundation drain service pipes for each building having a basement. For a Subdivision Development, a drainage water inlet structure shall be placed near the rear of every other lot line. The collected drainage water shall be conveyed to a point of disposal that shall be a public stormwater drain.
3. When, in the opinion of the Office of Macomb County Public Works Commissioner (OMCPWC), Mi EGLE, MCDR, MDOT, and/or the Township Engineer there is inadequate drainage water outlet capacity, the developer shall install an adequate detention basin with controlled-outlet facilities to limit the rate of flow of drainage water from his site. In addition, if in the opinion of the MEDQ, OMCPWC, and/or Township Engineer stormwater pollution control is required, the developer shall install an adequate structural pollution control facility. Final approval of any plans that include these types of facilities serving more than one landowner shall be conditioned upon the following provisions:
 - a. In the case of a platted subdivision, the Declaration of Covenants and Restrictions shall state that all property owners within the Subdivision assume ownership of the facility and be responsible for its operation and maintenance.

The developer shall establish a Special Assessment District (SAD) to reimburse the Township for any expenses incurred for the operation and maintenance of said facility due to a lack of action by the subject property owners. The Final Plat shall note all easements necessary for the operation and maintenance of the entire facility including access driveways.
 - b. In the case of a site condominium, the Master Deed shall state that the Condominium Association assumes ownership of the facility and is responsible for its operation and maintenance. The developer shall execute an Operation and Maintenance Agreement

to reimburse the Township for any expenses incurred for the operation and maintenance of said facility due to lack of action by the subject Condominium Association. The developer shall also dedicate all easements necessary for the operation and maintenance of the entire facility including access driveways.

- c. For all other developments, the tributary property owners who are contributing to improved runoff shall assume ownership of the facility and be responsible for its operation and maintenance. The property owner(s) shall execute an Operation and Maintenance Agreement to reimburse the Township for any expenses incurred for the operation and maintenance of said facility due to a lack of action by the subject property owner(s). If the facility is to serve more than one property, the developer shall dedicate all easements necessary for the operation and maintenance of the entire facility including access driveways.
- d. The provisions of this Section shall apply to the entirety of the facilities noted such as detention basin, sedimentation basin and other pollution control devices, flow control devices, pump stations, force main and all appurtenances, bypass and overflow devices, fences, access driveways and any other appropriate item necessary for the operation and maintenance of the facility as intended. These facilities shall be constructed per the Township's Engineering and Construction Standards.

B. Streets, Parking Lots, and Rights-Of-Way (ROW)

- 1. For all roadways, the pavement thickness, width, and section shall be at least equal to the minimum standards adopted by the Macomb County Department of Roads (MCDR) and the Township's Engineer for the use described. Where conflicting standards exist, the stricter standards shall govern.
- 2. All residential Developments, whether single-family or multi-family, shall be served by concrete-paved roadways having a width (back-to-back of curbs) of twenty-eight (28) feet for Local Streets or thirty-six (36) feet for Collector Streets.
- 3. All commercial and industrial developments shall be served by concrete paved roadways having a width of thirty-six (36) feet (back-to-back of curbs).
- 4. All Developments shall be served by paved local, collector, connection, stub roadways, and/or parking lots at locations where the Township Master Thoroughfare Plans and related ordinances require them and/or where the Township Planning Commission deems them necessary.

5. Where any Development abuts or requires a proposed roadway, as indicated on the Master Thoroughfare Plan, or as determined by the Township Planning Commission and/or Township Engineer, the Developer shall be responsible for the paving of said roadway and its dedication of the right-of-way for same.
6. Where the Township Zoning Ordinance requires off-street parking, the parking areas shall be paved with either a concrete pavement or a bituminous concrete pavement. Said parking areas shall be designed to meet the requirements of the Engineering and Construction Standards, as published by the Township Engineer.
7. Fire lanes shall be constructed of either concrete or asphalt and shall conform to the Township Engineering and Construction Standards.
 - a. All condominium and apartment streets either on private or public property, shall be conspicuously posted, "NO PARKING FIRE LANE" on one side, which shall conform to the Michigan Manual of Uniform Traffic Control Devices, and as prescribed by the code official.
 - b. All "NO PARKING FIRE LANE" signs shall be posted at intervals not more than one hundred fifty (150) feet or not less than fifty (50) feet apart as designated by the Township Fire Department. When located on private property, said sign(s) shall be provided and maintained at the expense of the property owner.
8. All pavements shall be designed and constructed providing that:
 - a. The street system proposed for each land development provides for continuity in the public street system in the Township.
 - b. Minimum standards are set forth to establish a degree of quality that will enhance and maintain property values.
 - c. The rights of the present and future residents of the Township are protected.
9. A limited number of private roads exist within the Township except for those existing roads, all development of new private roads is prohibited.

C. Sidewalks

1. A five (5) foot concrete sidewalk shall be constructed along both sides of all public roads and streets in all zoning districts as defined by the Township Master

Thoroughfare Plan. Along all public roads, sidewalks shall be located Within the road right-of-way with the outside edge one (1) foot inside the right-of-way line. The requirements of this Section shall apply to all public or private roads and streets, whether they are existing or proposed, internal to or along the frontage of the development. All sidewalks shall be constructed following the Township's Engineering and Construction Standards.

D. Trees

1. Except on Major Thoroughfares, the Developer shall install trees on each side of all streets with minimum number and spacing as required by the agency having jurisdiction (MOOT, MCDR, and/or Township). However, at least one (1) tree per lot or per building site on each side of all streets shall be installed (type and size as required by the Township) with a minimum spacing of sixty (60) feet and a maximum spacing of one hundred twenty (120) feet.

E. Potable Water Supply and Distribution System

1. All Developments shall be serviced by a public potable water supply and distribution systems acceptable to the Township in conformance with the Township Water Main Master Plan. A site plan or a preliminary subdivision plan submitted to the Township shall indicate the type of potable water supply and distribution system that is to be provided for the Development. Such a system shall be reviewed and approved by the Township and/or agency having jurisdiction.
2. When a public water supply is not available/extendable as determined by the Township, and if the proposed Development is a site for only one (1) building or is a subdivision having lots one hundred (100) feet or more in width, the Developer may use individual wells for each proposed building site, provided that the Developer demonstrates that each site is capable of having an adequate well water supply acceptable to the Macomb County Health Department.
3. For all other Developments, the Developer shall provide public water mains to service each proposed building site and shall connect the system to the Township's public water supply system at points acceptable by the Township. Said public water mains, unless otherwise approved by the Township, shall be extended completely across the Development and along all the Development's streets (internal and external). All water mains shall be designed and constructed as indicated on the Township's Watermain Master Plan and acceptable by the Township, MI EGLE, DWSD, and the Township Engineer.

4. All water main distribution systems that are intended to be operated and maintained as public facilities shall have the proper permits from all agencies having jurisdiction and shall be conveyed to the Township for operation and maintenance.
5. All fire hydrants, valves, and other appurtenances shall be provided per the Fire Department requirements and the current Township's Engineering and Construction Standards.

F. Wastewater Collection and Disposal System

1. All developments shall be serviced by wastewater collection and disposal systems acceptable to the Township in conformance with the Township Sanitary Sewer Master Plan. A site plan or a preliminary subdivision plan submitted to the Township shall indicate the type of wastewater collection and disposal system that is to be provided for the development. Such system shall be reviewed and approved by the Township Engineer and/or agency having jurisdiction.
2. When a public wastewater system is not available/extendable as determined by the township, and if the proposed development is a site for only one building or is a subdivision having lots two hundred (200) feet or more in width, the Developer may use a septic tank and tile field for each proposed building site, provided that the Developer demonstrates that the system for each site will be acceptable to the Macomb County Health Department.
3. For all other Developments, the Developer shall provide public sanitary sewers to service each proposed building site and shall connect the system to the Township's sewer system at points acceptable by the Township. Said public sanitary sewers, unless otherwise approved by the Township Engineer, shall be extended completely across the Development and along all the Development's streets (internal and external). All sanitary sewers shall be designed and constructed as indicated on the Township's Sanitary Sewer Master Plan and acceptable by the Township, MI EGLE, OMCPWC, DWSD, and the Township Engineer.
4. All sanitary sewers and wastewater disposal systems that are intended to be operated and maintained as public facilities shall have the proper permits from all agencies having jurisdiction and shall be conveyed to the Township for operation and maintenance.
5. A potential user of the Township's public sanitary sewer system may obtain service by discharging sewage flows outside of the service sub-district identified in the Township's Sanitary Trunk Sewer System Master Plan only in conformance with the current

Township's established Sanitary Sewer Diversion Policy as adopted by the Township, a copy of which may be obtained from the Township and/or Township Engineer.

6. All manholes, chambers, and other appurtenances shall be provided in accordance with the Department of Public Works requirements and the Township's Engineering and Construction Standards.

G. Underground Wiring

1. Except for main supply and perimeter feed distribution lines that serve areas outside the development area, and except for surface facilities related to underground service (such as transformers and above-ground closures or terminals), the Developer shall provide for all underground local distribution lines for telephone, electric, television, and/or other similar services distributed by wire or cable entirely throughout the development area. Such wires, conduits, or cables shall be placed within street rights-of-way or within recorded easements for Public Utilities provided to such service companies by the developer. All such facilities shall be constructed per standards of construction approved by the State Public Service Commission and the Township.

H. Guarantee for Completion of Development's Site Improvements

1. After site plan approval or subdivision plan approval by the Planning Commission and the Board, but before the issuance of building permits, the Developer shall provide the Township with a guarantee for the satisfactory completion of such required Site Improvements. Such guarantee shall be in the form of cash, certified check, surety bond, or a bank's irrevocable letter of credit acceptable to the Township. The amount of the guarantee shall be set by the Township, based on the estimated construction cost of said Improvements as approved by the Township Engineer. The Township shall release funds from the deposit as site improvements are completed and approved by the Township, in proportion to the number of improvements satisfactorily completed; provided, however, that if the improvements required are not completed, the builder of a home on a lot within the land development, before the issuance of Occupancy Permits shall provide the Township with a cash bond guaranteeing satisfactory completion. Occupancy permits shall not issue until such improvements are installed or sufficient cash bonds are provided.

Section 708.5 – Standards for Engineering Design for Preparation of Engineering Plans and Specification and for Construction of Site Improvements

The Township Engineer will publish (and periodically update by formal amendment) the above-noted Standards (herein referred to as "Engineering and Construction Standards"), and copies will be available from the Township Clerk and/or the Township Engineer. The Developer's Engineer shall prepare his plans by said Standards, which will be considered an inseparable part of this Ordinance.

Section 708.6 – Procedure for Procurement of a Construction Permit for Site Improvements and/or Public Utilities

A. General

Except for agricultural purposes and except for Projects where the Contractor is engaged by the Township (or engaged by a County Agency under Contract with the Township), it shall be unlawful for any person to begin the development of land or install Public Utilities within the Township without first obtaining a Township-issued Construction Permit. However, the contractor shall restore all land and/or other physical features affected by the work to a condition at least as good as that existing at the time construction was begun.

B. Procedure

Any person desiring to proceed with the development of land or desiring to install Public Utilities shall apply for a Construction Permit per the following procedure:

1. For Public Utility Company Projects

- a. The Public Utility Company shall prepare plans and specifications for the proposed utility, whether it is an underground utility or an overhead utility (including single pole relocation) following the schedule of utility locations indicated in the Township's Engineering and Construction Standards but, before doing so, the Utility Company shall ascertain where the location (horizontally or vertically) will not conflict with utilities proposed by the Township.
- b. Upon completion of the plans and specifications, the Utility Company shall make an application for a plan review on a form furnished by the Township. As part of this application, the Utility Company shall submit the following:

1. Two (2) sets of completed plans and specifications as proposed to be used for the construction of the utility.
 2. Payment of Plan Review Fee, computed according to the "Schedule of Fees for Addressing Plan Reviews and Construction Administration" set by the Board.
 3. Such other information and data as the Township Engineer deem necessary to enable the approval of the plans and specifications.
- c. Upon approval of the plans and specifications by the Township, and before the commencement of construction, the Utility Company shall apply for a Construction Permit on a form furnished by the Township. As part of this application, the applicant shall submit the following:
- 1) Three (3) sets of approved plans and specifications.
 - 2) A cash payment or surety bond (in an amount as set by the Township) to be held as a bond by the Township to guarantee that all land and/or other physical features affected by the work are restored to a condition at least as good as that existing at the time construction was begun.
 - 3) Such other information and data that the Township Engineer requires to enable the approval of the Construction Permit.
- d. After issuance of the Construction Permit, the Applicant may proceed with construction. However, the Applicant's Contractor shall restore all land and/or other physical features affected by the work to a condition at least as good as that existing at the time construction was begun. If the Applicant's Contractor does not perform the restoration work in a timely manner (as determined by the Township), the Township reserves the right to use whatever portion of the cash payment or surety bond as is reasonable and necessary to accomplish the restoration work.
- e. Upon completion of construction and restoration, the Applicant's Contractor shall submit a request (along with any supporting data deemed necessary by the Township) for written approval and acceptance by the Township of the restoration work. Upon approval of the restoration work by the Township, the unused portion of the cash or surety bond will be returned to the Contractor.

2. For All Other Development Projects

- a. The Developer shall engage a Professional Engineer licensed in the State of Michigan (hereinafter called the Developer's Engineer), who shall prepare plans and specifications for the proposed Site Improvements in accordance with the currently published Engineering and Construction Standards or otherwise adopted by the Township as set forth by the Township Engineer.
- b. Upon receiving the site plan, preliminary plan, or preliminary plat approval from the Township and completion of the plans and specifications for the site improvements, the Developer shall make an application for a Plan Review. As part of this Application, the Developer shall provide the following:
 - 1) Three (3) copies of completed plans and specifications as proposed for the site improvements on the cover of which shall bear the following signed statement by the Developer's Engineer:

"I hereby certify that I have read the Township's Land Development Ordinance (and its related Engineering and Construction Standards), and I have prepared these plans in conformity with the requirements of said Ordinance."
 - 2) A construction schedule, and construction cost estimate with an itemized tabulation of quantities and unit costs for all site improvements (except for buildings) to enable the Township Engineer to recommend an amount for the Land Development Bond and construction observation fees.
 - 3) Payment of the Plan Review Fee, computed according to the "Schedule of fees for Addressing Plan Reviews and Construction Administration" set by the Board.
 - 4) Easement documents suitable for recording (together with a Title Insurance company's title search and all other documents as required by the Township Attorney and/or the Township Engineer).
 - 5) Evidence that the necessary approvals and permits from other public utility and reviewing agencies have been secured. Final approval of the plans by the Township will not be granted prior to permits being issued for these public utilities.
 - 6) Such other information and data as the Township Engineer deem necessary to enable the approval of the plans and specifications.

- c. Upon acceptance of the plans by the Township Engineer, said Engineer will assign addresses for all the proposed buildings as requested by the Developer. The engineering plan approval will remain in effect for one year. The approval may be renewed, subject to the payment of additional Plan Review Fees and the amendment of such plans as may be necessary to comply with then-current standards.
- d. Upon securing the Township Engineer's recommendation for approval of the Plans and Specifications, the Developer shall apply for a Construction Permit on a form furnished by the Township. As part of this Application, the Developer shall provide the following:
 1. One (1) complete electronic (PDF, TIFF, or JPG format) set covering all proposed and approved construction. The cover sheet of the set of plans shall contain the following additional statement signed by the Developer's Engineer:

"I hereby certify that these are true copies of the plans approved by the Township Engineer on (Date)."

Signature of Developer's Engineer
Typed Name of Developer's Engineer and PE Number

2. Three (3) sets of approved plans and specifications, including the executed Construction Contract Documents, which shall contain as a minimum:
 - a. Certificates of Insurance, with the Township named as additional insured, showing satisfactory workmen's compensation insurance and public liability and property damage insurance, including motor vehicle exposure and specific coverage for explosion and underground hazards.
 - b. A Maintenance and Guarantee Bond to the Township; in the amount of one hundred percent (100%) of the construction cost for all Township-owned utilities, to guarantee for a period of one (1) year from the date of final written acceptance of such improvements, the correction of any defects or deficiencies in the Improvements covered under the Construction Permit.
 - c. The Contractor's proposal form indicating quantities, unit prices, and total construction cost price for which he is to perform the Contract.

3. Cash deposits, computed according to the "Schedule of Fees for Addressing Plan Reviews, and Construction Administration" set by the Township Board, from which the final costs will be deducted for:
 - a. Construction Observation (including the cost of Construction Administration, soil borings, compaction tests, and/or laboratory analyses for borrow pit excavation and backfill).
 - b. A television record of the sewers' condition.
 - c. Sewer cleaning.
 - d. Construction water usage.
4. A receipt indicating that the Developer has paid all applicable water and sewer connection fees.
5. An appropriate transfer of title for all parts of the improvements expected to be public sewer and/or public water main together with copies of recorded easements for public utilities as accepted by the Township Engineer and Attorney.
6. Such other information and data as the Township DPW Superintendent and Engineer deem necessary to enable the approval of the Construction Permit.
- e. Upon approval of the Construction Permit by the Township, the Developer's Construction Contractor shall perform the construction of all site improvements under detailed observation by a representative of the Township (except those improvements under the jurisdiction of other public agencies which shall provide their own construction observation).
- f. Upon completion of construction and prior to using any of the facilities covered under the Construction Permit, the Developer shall apply for written final approval and acceptance of the improvements by all agencies having jurisdiction. As part of this Application, the Developer shall submit the following:
 1. Sworn Statements and Waivers of Lien, indicating that all public improvements have been paid for in full.
 2. Three (3) sets of drawings and Computer-Aided Design (CAD) files from the developer's engineer indicating record measurements and/or record elevations

for all improvements. The Record Drawings and CAD files shall be prepared in accordance with the Engineering and Construction Standards and the current Township guidelines of record drawings as published by the Township Engineer.

Section 708.7 – Variances

- A. The Township Board may authorize a variance from the provisions of this Ordinance when it determines that undue hardship may result from strict compliance with specific provisions or requirements of this Ordinance. In granting any variance, the Board may prescribe other conditions that it deems necessary or desirable for the public interest. No variance shall be granted unless the Township Board finds:
 - 1. There are special circumstances or conditions affecting the situation such that a strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his property.
 - 2. That the variance is necessary for the preservation and enjoyment of the substantial property right of the applicant.
 - 3. That the granting of the variance will not be unduly detrimental to the public welfare or injurious to other property in the Township.
 - 4. That such variance will not have the effect of nullifying the interest and purpose of this Ordinance nor violate the provisions of other State or Federal Regulations.
- B. Any person may apply for such variance by requesting same in writing, stating fully and clearly the reasons for the request, and including any supplemental information and data which he believes may aid in the analysis of the proposed request.

Section 708.8 – Enforcement and Penalties for Failure to Comply with this Ordinance

- A. Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding five hundred (\$500.00) dollars or ninety (90) days in the Macomb County Jail, or both.