

CHARTER TOWNSHIP OF HAMPTON
BAY COUNTY, MICHIGAN

SUBDIVISION ORDINANCE
ORDINANCE NO. 27

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CHARTER TOWNSHIP OF HAMPTON ORDINANCE NO. 27

SUBDIVISION ORDINANCE

An Ordinance to regulate the subdivision of land in the Charter Township of Hampton; to promote the public health, safety and general welfare; to require and regulate the preparation and presentation of pre-preliminary, preliminary and final plats; to establish minimum subdivision requirements; to require minimum improvements to be made or guaranteed by the subdivider; to provide a procedure to be followed by the Hampton Township Board and Hampton Township Planning Commission in the application of the terms and provisions of this Ordinance; and to prescribe penalties for the violation of this Ordinance.

NOW THEREFORE, the Charter Township of Hampton, Bay County, Michigan, Ordains:

ARTICLE I

GENERAL PROVISIONS

Section 1.1 - Short Title

This Ordinance shall be known and cited as the "Subdivision Ordinance."

Section 1.2 - Purpose

The purpose of this Ordinance is to regulate and control the subdivision of land within the Township in order to promote the safety, public health and general welfare of the Township. Without limiting the generalities of the foregoing, this Ordinance is specifically designed to:

- a) Provide for orderly growth and harmonious development of the Township consistent with orderly growth policies;
- b) Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivision, and public facilities;
- c) Achieve adequate provisions for water, drainage, and sanitary facilities and other health requirements;
- d) Encourage the provision of recreational areas and facilities, school sites and other public facilities, and
- e) Provide procedures for the achievement of these purposes.

Section 1.3 - Legal Basis

This Ordinance is enacted pursuant to Michigan Act 359 of 1947, as amended (The Charter Township Act), and Michigan Act 288 of 1967, as amended (The Subdivision Control Act of 1967).

Section 1.4 - Scope

This Ordinance shall not apply to any lot or lots in a plat that has received either preliminary or final approval from the Township Board nor to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except in the case of any further division of lots located therein. This Ordinance shall not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of this Township, the provisions of this Ordinance shall control.

Section 1.5 - Administration

The approval provisions of this Ordinance shall be administered by the Township Board in accordance with the Subdivision Control Act.

Section 1.6 - Schedule of Fees

The schedule of fees for the review of plats pursuant to this ordinance shall be as follows: One Hundred and no/100 (\$100.00) Dollars for the first twenty (20) or fewer lots located in the proposed Subdivision and Five and no/100 (\$5.00) Dollars for each additional lot over twenty (20) located in the proposed Subdivision.

ARTICLE II

RULES APPLYING TO TEXT AND DEFINITIONS

Section 2.1 - Rules Applying to Text

The following listed rules of construction apply to the text of this Ordinance:

- a) The particular shall control the general.
- b) The headings which title various articles and subsections and the statements of purpose are for convenience only and are not to be considered in any construction or interpretation of the Ordinance or as enlarging or restricting the terms and provisions of the Ordinance in any respect.
- c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- d) Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural, the singular, unless the context clearly indicates the contrary.
- e) The word "building" includes the word "structure".
- f) A "building" or "structure" includes any part thereof.
- g) The word "person" includes a firm, association, partnership, joint venture, corporation, or combination of any of them, as well as, a natural person.
- h) The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended", "arranged", or "designed to be used", or "occupied".
- i) Any word or term not defined herein shall be used with a meaning of common or standard utilization.
- j) The term "adjoining lots and parcels" is intended to include lots and parcels separated by highways, roads, streets or rivers.

Section 2.2 - Definitions

The following listed terms and words are defined for the purposes of this Ordinance and shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

- 1) Alley: A public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.
- 2) As-Built Plans: Revised construction plans in accordance with all approved field changes.
- 3) Block: An area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys, and the exterior boundary or boundaries of the subdivision.
- 4) 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.
- 5) Caption: The name by which the plat is legally and commonly known.
- 6) Commercial Development: A planned commercial center providing building areas, parking areas, service areas, screen planting and widening, turning movement and safety land roadway improvements.
- 7) Comprehensive Plan: The basic plan, as amended from time to time adopted by the Township pursuant to Michigan Act 168 of 1959, as amended (The Township Planning Act). Such plan may include all or any part or parts of the elements described in subparagraph (2) of Section 7 of Michigan Act 168 of 1959, as amended, and may include maps, plats, charts, and descriptive, explanatory and other replatted matter.
- 8) County Drain Commissioner: The Bay County Drain Commissioner.
- 9) County Health Department: The Bay County Health Department.
- 10) County Plat Board: The Bay County Plat Board.
- 11) County Road Commission: The Bay County Road Commission.
- 12) Crosswalkway (Pedestrian Walkway): Right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.

- 13) Dedication: The intentional appropriation of land by the owner to public use.
- 14) Engineer: Any person who is registered in the State of Michigan as a Professional Engineer.
- 15) Flood Plain: 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 to occur once in 25 years for that region.
- 16) Governing Body (or Township Board): The Township Board of the Charter Township of Hampton.
- 17) Greenbelts or Buffer Parks: A greenbelt shall be a planting strip or buffer strip, at least ten (10) feet in width, which shall consist of deciduous or evergreen trees or a mixture of both, spaced not more than thirty (30) feet apart and not less than one (1) row of dense shrubs spaced not more than five (5) feet apart and which grow at least five (5) feet wide and five (5) feet or more in height after one (1) full growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.
- 18) Improvements: Any structure incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other appropriate items with appurtenant construction.
- 19) Industrial Development: A planned industrial area designed specifically for industrial use providing screened buffers, wider streets and turning movement and safety lane roadway improvements, where necessary.
- 20) Lot: A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.
 - a) Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
 - b) Lot Width: The horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.

- 21) Major Street Plan: Major street plan shall mean that part of the comprehensive plan which described the existing street system in the Township and outlines future street planning needs.
- 22) Outlot: When included within the boundary of a recorded plat, means a lot set aside for purpose other than a building site, park or other land dedicated to public use or reserved to private use.
- 23) Parcel or Tract: A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act.
- 24) Planning Commission: The Planning Commission of the Township as established pursuant to Michigan Act 168 of 1959, as amended (The Township Planning Act).
- 25) Planned Unit Development: A land area which has both individual building sites and common property, such as a park, and which is designated and developed under one (1) owner or organized group as a separate neighborhood or community unit.
- 26) Plat: A map or chart of a subdivision of land. The precise content and scope of various types of plats are described in Article III of this Ordinance.
- 27) Proprietor, Subdivider, or Developer: A natural person, firm, association, partnership, joint venture, corporation or combination of any of them, which may hold any recorded or unrecorded ownership interest in land. The proprietor is also sometimes referred to as the "owner".
- 28) Public Utility: Any person, firm, association, corporation partnership, joint venture, or municipal or other public authority or combination of any of them providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation or other services of a similar nature.
- 29) Public Open Space: Land dedicated or reserved for use by the general public, including, without limiting the generality of the foregoing, parks, parkways, recreation areas, school sites, community or public building sites, streets and highways, and public parking spaces.

- 30) Replat: The process of changing, or the map or plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.
- 31) Right-Of-Way: A street, alley, thoroughfare, easement or strip of land used or intended to be used for pedestrian or vehicular access by the general public and not reserved for the exclusive right of any individual.
- 32) Sight Distance: The unobstructed vision on a horizontal plane along a street centerline from a driver-eye height of 3.75 feet and an object height of 6 inches.
- 33) Street or Road: A right-of-way which provides for vehicular and pedestrian access to abutting properties.
- a) Freeway: Those streets designed for high speed, high volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.
 - b) Expressway: Those streets designed for high speed, high volume traffic, with full or partially controlled access, some grade crossings but no driveway connections.
 - c) Parkway: A street designed for non-commercial, pleasure-oriented traffic moving at moderate speeds, between and through scenic areas and parks.
 - d) Arterial Street: Those streets of considerable continuity which are used or may be used primarily for fast or heavy traffic.
 - e) Collector Street: Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.
 - f) Cul-de-sac: A minor street of short length having one end terminated by a vehicular turn-around.
 - g) Marginal Access Street: A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic and not carrying through traffic.

- h) Minor Street: A street which is intended primarily for access to abutting properties.
 - i) Street-Width: The shortest distance between the lines delineating the right-of-way of streets.
- 34) Subdivide or Subdivision: 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 of building development, where the act of division creates five or more parcels of land, each of which is 10 acres or less in area; or five or more parcels of land, each of which is 10 acres or less in area are created by successive divisions within a period of 10 years.
- 35) Subdivision Control Act: Michigan Act 288 of the Public Acts of 1967, as amended.
- 36) Surveyor: Either a land surveyor who is registered in this state as a Registered Land Surveyor or a civil engineer who is registered in the state as a Registered Professional Engineer.
- 37) Topographical Map: A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.
- 38) Township: The Charter Township of Hampton.
- 39) Water Resources Commission: The Water Resources Commission of the Michigan Department of Natural Resources.

ARTICLE III

PLATTING PROCEDURE AND DATA REQUIRED

Section 3.1 - Pre-preliminary Plan

A pre-preliminary sketch plan may be submitted and a pre-application conference may be requested by the subdivider to provide guidelines for the subdivider concerning development policies of the Township, to acquaint the subdivider with the platting procedures and requirements of the Township Board and Planning Commission and to provide the Planning Commission and other affected agencies with general information concerning the proposed development. Acceptance of the pre-preliminary plan does not constitute or assure acceptance of the preliminary plan.

1) Requirements

If a pre-preliminary plan is submitted, it shall contain at least the following data:

- a) Tract boundaries.
- b) General layout of streets, blocks and lots in form.
- c) Existing conditions and characteristics of the land on and adjacent to the site such as significant topographical and physical features.
- d) Any general area set aside for parks and/or other community facilities.
- e) Name of proposed plat, north point, approximate scale and date.
- f) Current proof of ownership of land to be platted or evidence of a contractual ability to acquire such land such as an option or purchase contract.

2) Procedures

The following procedure will be followed in the review of any pre-preliminary plan that is submitted.

- a) The subdivider shall submit two (2) copies of the pre-preliminary plan to the Township Clerk at least ten (10) days before the first meeting of the Planning Commission at which the preliminary plan is to be considered.

- b) The Township Clerk shall promptly transmit all copies of the pre-preliminary plan to the Planning Commission.
- c) The Planning Commission shall review the pre-preliminary plan with the subdivider or his agent. In the event that the Planning Commission shall reasonably determine that other public agencies are affected, the Planning Commission may recommend that copies of the pre-preliminary plan be submitted by the subdivider to such other affected agencies for review.
- d) The Planning Commission shall inform the subdivider or his agent of the Township's development policies and make appropriate comments and suggestions concerning the proposed development scheme.
- e) The Planning Commission shall inform the Township Board in writing of the results of its review of the pre-preliminary plan.

Section 3.2 - Preliminary Plat

A preliminary plat that is in accordance with the following requirements and in accordance with the Subdivision Control Act shall be prepared by the subdivider and submitted to the Township Clerk.

1) Requirements

- a) The preliminary plat shall be drawn to a scale of not more than two hundred (200) feet to one (1) inch and may be an original drawing or reproduction on unbacked paper.
- b) The following shall be clearly shown on the plat or submitted in a separate instrument with the plat.
 - (1) The name of the proposed subdivision.
 - (2) Names, address and telephone numbers of the subdivider and the surveyor preparing the plat.
 - (3) Location of the subdivision, giving the numbers of section, township and range, and the name of the township and county.

- (4) The names of abutting subdivisions.
- (5) Statement of intended use of the proposed plat, such as: residential single family, two family and multiple housing; commercial; industrial; recreational; or agricultural.

In addition, the preliminary plat shall show proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other non-public uses exclusive of single family dwellings as well as any sites proposed for parks, playgrounds, schools or other public uses.

- (6) A map of the entire area scheduled for development if the proposed plat is a portion of a larger holding intended for subsequent development.
- (7) A location map showing the relationship of the proposed plat to the surrounding area.
- (8) The land use and existing zoning of the proposed subdivision and the adjacent tracts including identification of zoning district, lot size and yard requirements, as well as, proof of any variances or special exceptions which may have been granted.
- (9) Streets, street names, rights-of-way and roadway widths.
- (10) Lot lines and the total number of lots by block.
- (11) Contours at five (5) foot intervals shall be shown where the slope is greater than ten percent (10%) and at two (2) foot intervals where the slope is ten percent (10%) or less.
- (12) A site report as described in the rules of the State Department of Public Health, as amended, shall be provided if the proposed subdivision will not be served by public sewer and water systems.
- (13) Proposed and existing storm and sanitary sewers, water mains and their respective profiles or, in the event any or all of these improvements are not to be provided, a statement of the alternate method or methods by which drainage, sewage disposal, and water supply will be provided.

- (14) Six (6) copies of proposed protective covenants and deed restrictions, or a written statement that none are proposed.
- (15) Utility easements, showing location, width, and purpose.
- (16) Six (6) sets of preliminary engineering plans for streets, water, sewers, sidewalks and other required public improvements. These engineering plans shall contain enough information and detail to enable the Planning Commission to make a preliminary determination as to the conformance of the proposed improvements to applicable Township Ordinances.
- (17) A statement of the lot area of the smallest lot in the subdivision.
- (18) Building setback lines shown graphically with dimensions from all streets.
- (19) Site data including total acreage, number of residential lots, typical lot size and acreage in parks and other non-residential uses.
- (20) North point, scale, date.
- (21) Trees with a trunk of over six (6) inches in diameter.

2) Procedures

- a) The subdivider shall prepare and submit six (6) copies of the preliminary plat on a topographic map to the Township Clerk as well as submit copies to approving authorities as provided for in Sections 112 to 119 of the Subdivision Control Act at least ten (10) days before the first meeting of the Planning Commission at which the preliminary plat is to be considered.
- b) The Township Clerk shall promptly transmit all copies of the preliminary plat to the Planning Commission.
- c) The Planning Commission shall review the preliminary plat and give its report and recommendation to the Township Board not more than sixty (60) days after submission of the plat. This sixty (60) day period may be extended by a written agreement

between the subdivider and the Planning Commission. Any such written agreement shall contain a specific delineation of time period in which the township must act to either tentatively approve or disapprove the plat. A copy of any agreement reached by the Planning Commission and the subdivider with respect to any extension of time shall be transmitted to the Township Clerk. If no action is taken within sixty (60) days by the Planning Commission, then the preliminary plat shall be deemed to have been recommended for approval by the Planning Commission.

- (1) If the preliminary plat does not meet all requirements, the Planning Commission shall notify the subdivider by letter indicating any additional information or changes required.
- (2) If the preliminary plat does meet all requirements, the Planning Commission shall so inform the developer by letter.

d) The Township Board, within ninety (90) days from the date of filing (unless the time period for approval has been extended pursuant to Section 3.2 (2) (c)), shall tentatively approve and note its approval on the copy of the preliminary plat to be returned to the subdivider or set forth in writing its reasons for rejection and the requirements that must be met for tentative approval.

- (1) The Township Board shall not review, approve or reject a preliminary plat until it has received a report and recommendation from the Planning Commission, provided, however, that the Township Board can act without a report and recommendation from the Planning Commission if the Planning Commission does not issue such a report and recommendation within sixty (60) days or within such extended time period as may be agreed upon between the subdivider and the Planning Commission.
- (2) Tentative approval shall confer upon the subdivider approval of lot sizes, lot orientation, and street layout for a period of one (1) year from the date of tentative approval. Such tentative approval may be extended if applied for by the subdivider and granted by the Township Board in writing.

- e) For final approval of the preliminary plat, the subdivider shall submit a list of all of the approving authorities to the Township Clerk, certifying that the list shows all authorities as required by Sections 112 to 119 of the Subdivision Control Act. The subdivider shall also submit all of the approved copies of the preliminary plat to the Township Clerk after all necessary approvals have been secured.
- f) The Township Board, after receipt of the necessary approval copies of the preliminary plat, shall consider and review the preliminary plat at its next meeting or, within twenty (20) days from the date of submission of the approved copies or, approve the preliminary plat if the subdivider has met all conditions laid down for approval of the preliminary plat. The Township Board shall either approve or disapprove the preliminary plat. If disapproved, the Township Board shall give the subdivider its reasons in writing as set forth in the minutes of the meeting and return the preliminary plat to the subdivider. The Township Clerk shall promptly notify the subdivider of approval or rejection in writing and, if rejected, will give the reasons.
 - (1) Approval of a preliminary plat shall not constitute approval of the final plat, but rather that final plat approval shall be conditioned on all requirements being met.
 - (2) Final approval of the preliminary plat by the Township Board shall be for a period of two (2) years from the date of its approval. The Township Board may extend the two (2) year period if applied for and granted in writing by only concerning the Township's own requirements.

Section 3.3 - Final Plats

1) Requirements

- a) Final plats shall be prepared and submitted as provided in the Subdivision Control Act.
- b) A written request for approval and the recording fee shall accompany all final plats.

- c) The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to a date on or after the proprietor's certificate, or a policy of title insurance currently in force.
- d) The Township may require such other information as shall be reasonably necessary to establish whether the proper parties have signed the plat.

2) Procedures

- a) The subdivider shall submit the final plat with as-built and/or construction engineering plans or other data where required to the Township Clerk. The plat shall be accompanied by a letter of approval from the County Health Department. The Township Clerk shall promptly transmit all copies of the plat and supporting documents to the Planning Commission.
- b) The Planning Commission shall examine the plat at its next regular meeting or within thirty (30) days of receipt thereof for the plat's conformance to the provisions of the Subdivision Control Act, the provisions of this Ordinance, and the preliminary plat, as approved.
 - (1) The time for review and recommendations by the Planning Commission may be extended by a written agreement between the subdivider and the Planning Commission. Any such written agreement shall contain a specific delineation of the time period for which the Township must act either to tentatively approve or disapprove the plat. A copy of any agreement reached by the Planning Commission and the subdivider with respect to an extension of time should be given to the Township Clerk.
 - (2) If the Planning Commission recommends disapproval of the plat by the Township Board, it shall forward its written recommendation to the Township Board together with a written report of its review of the plat, which report shall detail the reasons for recommending this disapproval and the requirements recommended as prerequisites for approval.

- (3) If the Planning Commission recommends approval of the plat by the Township Board, it shall forward its written recommendation to the Township Board together with a written report of its review of the plat.
- c) The Township Board shall review the final plat and the report from the Planning Commission at its next regular meeting, or at a meeting to be called within twenty (20) days of receipt from the Planning Commission
- (1) The Township Board shall either approve or disapprove the plat. If disapproved, the Township Board shall give the subdivider its reasons in writing as set forth in the minutes of the meeting and return the plat to the subdivider.
 - (2) If the plat is approved, the Township Board shall instruct the Clerk to sign the municipal certificate on the approved plat on behalf of the Township Board showing the date approved on the plat and instruct the Clerk to record all proceedings in the minutes of the meeting which shall be open for inspection.
 - (3) Recording of the final plat shall have the effect of an irrevocable offer to dedicate all streets and other public ways, all park reservations, school sites, and other such areas to the public use unless a notation is placed in the plat by the subdivider stating there is no such offer of dedication of certain areas or ways.
 - (4) Recording of the plat, however, shall not impose any duty upon the Township, county or other governmental unit concerning improvement or maintenance of any such dedicated or reserved area until the proper authorities have made actual appropriation of the same by legal action.

ARTICLE IV
SUBDIVISION DESIGN STANDARDS

Section 4.1 - Streets and Roads

The provisions of this Ordinance shall be the minimum township requirements for streets, roads and intersections. In the event that any other public agencies having jurisdiction shall adopt any statutes, ordinances, rules or regulations imposing additional or more stringent requirements then the term of such statutes, ordinances, rules or regulations shall govern. (Comment for informational purposes only: any street, road and intersection dedicated for public use will become part of the jurisdiction of the Bay County Road Commission and only acceptance of the streets, roads and intersections by the Road Commission will bring about the maintenance of them.)

1) Street Location and Arrangements

When a Major Street Plan has been adopted, subdivision streets shall be required to conform to the plan.

2) Minor Streets

Such streets shall be so arranged as to discourage their use by through traffic.

3) Street Continuation and Extension

The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions.

4) Stub Streets

Subject to the requirements of Section 4.7, paragraph 2) b), hereafter, where adjoining areas 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 and shall terminate with an adequate permanent turn-around with a minimum radius of 66 feet for right-of-way and 50 feet for pavement.

5) Relation to Topography

Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable gradients.

6) Alleys

Alleys shall not be permitted in areas of detached single or two family residences.

Alleys shall be provided in multiple dwellings or commercial subdivisions unless other provisions are made for service access, off-street loading, and parking. Dead-end alleys shall be prohibited.

7) Marginal Access Streets

Where a subdivision abuts or contains an arterial street the Township Board may require:

- a) Marginal access streets approximately parallel to and on each side of the right-of-way.
- b) Such other treatment as it deems reasonably necessary for the adequate protection of residential properties and to afford separation of through and local traffic such as planted buffer strips or the redesign of all or part of the street layout within the proposed plat.

8) Cul-de-sac Streets

Cul-de-sacs shall not be more than 600 feet in length. Cul-de-sacs shall terminate with an adequate turn-around with a minimum radius of 66 feet for right-of-way and 50 feet for pavement.

9) Half Streets

Half Streets shall be prohibited except where unusual circumstances make it essential to the reasonable development of a tract in conformance with the provisions of this Ordinance and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract, according to the requirements of the Road Commission.

10) Private Streets

Private streets and roads shall be prohibited.

11) Street Rights-of-Way and Roadway Widths

Street and road rights-of-way and roadway widths shall conform to the rules of the County Road Commission and the State Department of Highways and the following:

<u>Street Types</u>	<u>Right-of-Way-Widths</u>
Quarter line (1/4), section line and primary roads	100 feet
Local and secondary roads	66 feet
Interior commercial and industrial subdivision streets	86 feet

12) Street Gradients

a) Maximum Grades

Street grades shall not exceed five (5) percent on either minor streets or collector streets.

b) Minimum Grades

No street grade shall be less than zero point five (0.5) percent.

13) Street Alignment

a) Horizontal Alignment

When street lines deflect from each other by more than ten (10) degrees in alignment, the centerlines shall be connected by a curve with a minimum radius of five hundred (500) feet for arterial streets, three hundred (300) feet for collector streets and one hundred fifty (150) feet for minor streets. Between reverse curves, on minor streets, there shall be a minimum tangent distance of one hundred (100) feet, and on collector and arterial streets, two hundred (200) feet.

b) Vertical Alignment

Minimum vertical sight distances shall be two hundred (200) feet for minor streets and three hundred (300) feet for collector streets. Proposed platted

streets that intersect with existing through streets shall be so located that a minimum of five hundred (500) feet vertical sight distance is provided for both streets.

14) Street Names

Street names shall not duplicate any existing street name in the county except where a new street is a continuation of an existing street of the same name.

Any street name which is spelled differently but sounds the same as an existing street name in the county is prohibited.

All new streets shall be named as follows: Streets with predominant north-south directions shall be named "Avenue" or "Road"; streets with predominant east-west direction shall be named "Street" or "Highway"; meandering streets shall be named "Drive", "Lane", "Path", or "Trail", and cul-de-sacs shall be named "Circle", "Court", "Way", or "Place".

Section 4.2 - Intersections

1) Angle of Intersection

Streets shall intersect at ninety (90) degrees or as closely thereto as practical. In no event shall the angle of intersection be less than eighty (80) degrees.

2) Sight Triangles

Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred twenty-five (125) feet from the center of the intersection. No fence, wall, embankment, structure, sign, or planting shall obstruct vision in this area.

3) Number of Streets

No more than two (2) streets shall cross at any one intersection.

4) "T" Intersections

"T" type intersections shall be used where practical at intersections of minor streets with any street.

5) Centerline Offsets

Slight jogs at intersections shall be eliminated where practical. Where such jogs cannot be practically avoided, street centerlines shall be offset by a distance of one hundred twenty-five (125) feet or more.

6) Vertical Alignment of Intersection

A nearly flat grade with appropriate drainage slopes is required within intersections. This flat section shall be carried back a minimum of fifty (50) feet each way from the intersection. An allowance of two percent (2%) minimum intersection grade in rolling and four percent (4%) in hilly terrain shall be permitted.

Section 4.3 - Pedestrianways

1) Crosswalks

Right-of-way for pedestrian crosswalks in the middle of long blocks shall be provided where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas.

Such pedestrian right-of-way shall be at least ten (10) feet wide and extend entirely through the block.

2) Sidewalks

Sufficient right-of-way shall be provided so that sidewalks may be installed on both sides of all streets.

Section 4.4 - Easements

1) Location

Easements shall be provided along front or rear lot lines for utilities and also along side lot lines when necessary. The total width shall not be less than six (6) feet along each lot, or a total of twelve (12) feet for adjoining lots except in the case of those lots included within the provisions of Section 4.6 - 6) hereafter.

2) Drainageway

The subdivider shall provide drainageway easements as required by the rules of the County Drain Commission.

Section 4.5 - Blocks

1) Arrangements

A block shall be designed to provide two (2) tiers of lots, except in those cases where lots back onto an arterial street, natural feature or subdivision boundary.

2) Minimum Length

Blocks shall not be less than five hundred (500) feet long from center of street to center of street.

3) Maximum Length

The maximum length allowed for residential blocks shall be one thousand (1,000) feet long from center of street to center of street.

Section 4.6 - Lots

1) Conform to Zoning

The lot width, depth, and area shall not be less than the particular district requirements of the Township Zoning Ordinance, as amended, except where outlots are provided for some permitted purpose.

2) Lot Lines

Side lot lines shall be as close to right angles to straight streets and radial to curve streets as practical.

3) Width Related to Length

The depth of a lot shall not exceed three (3) times the width as measured at the building line.

4) Corner Lots

Corner lots shall have sufficient width so as to permit appropriate building setback from both streets or orientation to both streets. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.

5) Uninhabitable Areas

Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purpose, or for uses that may in the judgment 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.

6) Back-Up-Lots

Lots shall back into such features as freeways, arterial streets, shopping centers, or industrial properties, except where there is a marginal access street, or unless a secondary access is provided. Such lots shall contain a greenbelt along the rear in addition to the utility easement to restrict access to the arterial street to minimize noise and to protect outdoor living areas. Lots extending through a block and having frontage on two (2) local streets shall be prohibited.

7) Lot Frontage

All lots shall front upon a publicly dedicated street. Variances may be permitted for approved planned unit developments.

8) Future Arrangements

Where parcels of land are subdivided into unusually large lots (such as when large lots are required for septic tank operations), the parcels shall be divided, where feasible, so as to allow for resubdividing into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever future resubdividing or lot splitting is to be undertaken, the plan therefor shall first be approved by the Planning Commission prior to submission to the Township Board for approval pursuant to Section 4.6 (9) hereafter.

9) Lot Division

- a) Prohibition of Division: No lot, outlot or other parcel of land located in a recorded plat shall be further partitioned or divided unless such partition or division is first approved by the Township Board.

Application for Permission: Any proprietor who desires to partition or divide a lot, outlot or other parcel of land located in a recorded plat shall first make application to the Township Board in writing on such application form or forms as shall be provided by the Township. Such application shall be filed with the Township Clerk and shall include a detailed statement of the reasons for the requested partition or division and a sketch map or maps prepared in scale showing the proposed division or partition and all adjoining lots, streets and parcels of land.

- c) Building Permit: No building permit shall be issued to any proprietor or his agent or any other person, firm, association, or corporation with reference to the lot, outlot or other parcel of land which is to be divided unless the partition or division shall first have been approved by the Township Board.
 - d) Division Resulting in Smaller Area: A division or partition of a lot, outlot or other parcel of land which is not served by public sewer and public water systems and which results in the creation of a parcel or parcels containing a smaller area or width than is required by the Subdivision Control Act of 1967, as amended may be approved by the Township Board, in its discretion, provided the parcel or parcels created by such division or partition which are smaller than said area and width requirements are contiguous with other lots or parcels owned by the proprietor which, when added to the parcels created by such division or partition, will comply with the area and width requirements of the Subdivision Control Act of 1967, as amended. If approval of any such division or partition is granted pursuant to this section, then the parcel established by the division or partition and the contiguous lot or parcel of land required to meet said area and width requirements shall be considered as one (1) building lot and parcel for all purposes.
 - e) Conditions: In granting its approval for any such requested division or partition, the Township Board may condition its approval with such reasonable conditions as shall be deemed desirable by the Township Board and which are in accordance with the purposes of the Subdivision Control Act of 1967, as amended, as the same are embodied in its preamble.
- 10) Division of Unplatted Parcel

The division of an unplatted parcel of land into two (2), three (3), or four (4) lots involving the dedication of a new street shall require the approval of the Township Board prior to taking such action. All such applications shall be made in writing and shall be accompanied by a drawing of the proposed division. The Township Board shall not approve such application nor shall a building or occupancy permit be issued in such cases until the subdivider has secured the approval of the County Health Department and evidence of such approval submitted to the Township Board.

Section 4.7 - Greenbelts and Reserve Strips

1) Greenbelts

Greenbelts may be required to be placed next to incompatible features such as highways, railroads, commercial, or industrial uses where necessary or desirable to screen the view from residential properties. Such greenbelts shall not be a part of the normal roadway right-of-way or utility easement.

2) Reserve Strips

a) Reserve Strips - Private

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

b) Reserve Strips - Public

A one-foot reserve shall be required to be placed at the end of "stub" or "dead-end" streets which terminate at subdivision boundaries and between half streets. These reserves shall be deeded in fee simple to the Township for future street purposes.

Section 4.8 - Public Sites and Open Spaces

1) Public Uses

When a Comprehensive Plan has been adopted by the Township and a proposed park, playground, school or other public use shown on the Comprehensive Plan is located in whole or in part within a proposed subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase.

The Township Board may, at its option, at a later date release any such reservation for public purchase on a showing that the lands in question are no longer needed or required for the public purpose or purposes indicated by the Comprehensive Plan.

2) Natural Features

Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots, and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision.

Section 4.9 - Large Scale Developments

1) Modification

This Ordinance may be modified in accordance with Article VI in the case of a subdivision large enough to constitute a complete community or neighborhood, consistent with the Comprehensive Plan which provides and dedicates adequate public open space and improvements of the circulation, recreation, education, light, air, and service needs of the tract when fully developed and populated.

2) Neighborhood Characteristics

A community or neighborhood under this provision shall generally be consistent with the Comprehensive Plan and contain five hundred (500) living units or more, contain or be bounded by major streets or natural physical barriers as necessary, and shall contain reserved areas of sufficient size to serve its population, for schools, playgrounds, parks, and other public facilities. Such reserves may be dedicated.

Section 4.10 - Commercial and Industrial Developments

1) Commercial or Industrial Modification

These subdivision design standards may be modified in accordance with Article VI in the case of subdivisions specifically for commercial or industrial development, including shopping districts, wholesaling areas, and planned industrial districts. In all cases, however, adequate provision shall be made for off-street and loading areas as well as for traffic circulation.

ARTICLE V

SUBDIVISION IMPROVEMENTS

Section 5.1 - Purpose

The improvements described in this Article will be required to be constructed by the subdivider as conditions for final plat approval.

Section 5.2 - Responsibility for Plans

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by an Engineer, a complete set of construction plans, including profiles, cross-section, specifications, and other supporting data, for the hereinafter required streets, utilities, and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the approving bodies listed in Article II, Section 3.3 and the construction plan shall be prepared in accordance with their standards or specifications.

Section 5.3 - Procedure

Submittal

When construction has been completed at the time of submitting the final plat, one (1) complete copy of as-built engineering plans of each required public improvement shall be filed with the Township Clerk coincident with the submission of the final plat. Other requirements and procedures in the submittal of final plats shall be as provided in Section 3.3.

Section 5.4 - Required Improvements

Every subdivider shall be required to install the following public and other improvements in accordance with the provisions of Section 5.4a) through 5.4l) of this Ordinance.

a) Monuments

Monuments shall be set in accordance with the State Subdivision Control Act of 1967, Act No. 288 of the Public Acts of 1967, and the rules of the State Department of Treasury.

b) Streets and Alleys

All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the County Road Commission.

c) Curbs and Gutters

Curbs and gutters may be required on all marginal access streets and minor streets and shall be constructed in accordance with the standards and specifications adopted by the County Road Commission and any State or Federal laws relative to the handicapped.

d) Installation of Public Utilities

All telephone and electrical utilities shall be installed underground. Public utilities and driveways shall be installed in accordance with the State of Michigan Subdivision Control Act and the rules of the Michigan Public Service Commission, as amended.

e) Driveways

When driveway openings in curbs are cut they shall be as specified by the Department of State Highways on state and federal roads and as specified by the County Road Commission for all other roads in the Township.

f) Storm Drainage

An adequate storm drainage system, including necessary storm sewers, drain inlets and outlets, manholes, culverts, bridges and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the County Drain Commission.

Construction of storm drainage systems shall be in accordance with the standards and specifications adopted by the County Drain Commissioner. All proposed storm drainage construction plans for the proposed plats shall be approved by the County Drain Commissioner.

g) Water Supply System

When it is required that a proposed subdivision is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the subdivider. These

shall be installed to meet County and State requirements and the standards of the Charter Township of Hampton or any other municipality with which the Charter Township of Hampton has contracted for water. If there is no existing or accessible public water supply system, the subdivider may be required to install a water supply system for the common use of the lots within the subdivision in accordance with the requirements of Act 98, P.A. 1913, as amended. The system provided shall be turned over to the proper public authority for operation and maintenance.

Individual wells may be permitted in accordance with the requirements of the County Health Department.

h) Sanitary Sewer System

When a proposed subdivision is to be serviced by a public sanitary sewerage system, sanitary sewers and other required appurtenances thereto shall be provided by the subdivider. Sewer systems shall comply with the requirements of Act 98, P.A. 1913, as amended.

If there is no existing or accessible public sewer system, a sewer system for the common use of the lot owners may be required to be provided by the subdivider, if feasible in the judgment of the Planning Commission with the advice of the Township Engineer and County Health Department and shall comply with the requirements of Act 98, P.A. 1913, as amended. The system provided shall be turned over to the proper public authority for operation and maintenance.

Where it is determined in the judgment of the Planning Commission, with the advice of the Township Engineer and the County Health Department, that a subdivision cannot be economically connected with an existing public sewer system or that a public sewer system cannot be provided for the subdivision itself, then approved septic tanks and disposal field may be approved which shall comply with the requirements of the County Health Department.

However, where studies by the Township Planning Commission and the Township Engineer indicate that construction or extension of sanitary trunk sewers

to serve the property being subdivided appears probable within a reasonably short time (up to three (3) years), sanitary sewer mains and house connections shall be installed and capped.

i) Street Name Signs

Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the County Road Commission.

j) Street Lighting

Street lights shall be required to be installed every five hundred (500) feet and at all intersections in the subdivision. All such lighting shall comply with all applicable Township ordinances as well as the requirements of the public utility providing such lighting.

k) Greenbelts

It is generally necessary for the protection of residential properties to have greenbelts or landscaped screen plantings located between a residential development and adjacent major arterial streets. Said greenbelts or landscaped screen planting shall be permanent.

l) Street Trees

Street trees of a variety and size in accordance with such standards as may be adopted by the Township shall be planted between the street curb and sidewalk line. The location of street trees shall be approved by the County Road Commission.

Section 5.5 - Optional Public Improvement

a) Recreational

Where a school site, neighborhood park, recreation area, or public access to water frontage, as previously delineated in the Comprehensive Plan, is located in whole or in part in the proposed subdivision, the Township Board may request the reservation of such open space for school, park and recreation or public access purposes. All such areas shall either be reserved for the respective school district in the case of school sites or for the Township in all other cases; however, voluntary dedication of these land areas may be accepted.

b) Sidewalks and Crosswalks

Sidewalks shall be required on both sides of all streets within the plat.

Crosswalks, when required by Section 4.3(1), shall have easements at least ten (10) feet in width and include a paved walk at least five (5) feet in width, located generally along the centerline of the easement, dedicated as a public pedestrian walkway.

Sidewalks and crosswalks shall be constructed in accordance with the standards and specifications adopted by the County Road Commission.

Section 5.6 - Guarantee of Completion of Improvements Required by the Township

1) Guarantee Arrangements, Exceptions

The construction of all improvements required by this Ordinance shall be completed by the subdivider and approved by the Township Board prior to final plat approval. In lieu of the actual installation and approval of all public improvements required by this Ordinance prior to final plat approval, the Township Board may, in its discretion, for those requirements which are over and beyond the requirements of the County Road Commission, County Drain Commissioner, or any other agency responsible for the administration, operation and maintenance of the applicable public improvement, permit the subdivider to guarantee completion of such required improvements in one or a combination of the following arrangements. In each instance where the subdivider is to guarantee completion of required improvements, the Township and the subdivider shall enter into a written agreement specifying in detail the nature of the required improvements, the time in which these improvements are to be completed, provisions for checking or inspecting the construction of each such improvement to determine its conformity to the submitted construction plans and specifications, and the nature of the financial guarantee of performance which is to be provided by the subdivider for each such improvement. The Township Board may, on recommendation from the Planning Commission, waive financial guarantees of the completion of required improvements in the case of sidewalks, street lights, or street trees.

2) Financial Guarantees Shall be Provided as Follows:

a) Performance or Surety Bond

(1) Accrual

The bond shall accrue to the Township and shall cover the full cost of constructing and installing the specific public improvement and, where applicable, placing the specific public improvement in operation.

(2) Amount

The bond shall be in an amount equal to the total estimated cost for completing construction and installation of the specific public improvement, including contingencies, as estimated by the Township Board, as well as, where applicable, the total estimate of the cost of placing the specific public improvement in operation, including contingencies, as estimated by the Township Board.

(3) Term Length

The term of the bond shall be for such period as shall be specified by the Township Board.

(4) Bonding or Surety Company

The bond shall be written by a surety company authorized to do business in the State of Michigan acceptable to the Township Board.

b) Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit

(1) Treasurer, Escrow Agent or Trust Company

A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such bond or letter of credit to be approved by the Township Board, shall be deposited with the Township. Such deposit shall be made pursuant to a written escrow agreement between the subdivider and the Township. The escrow agreement may provide that the

deposit will be held by the Township Treasurer or, in the alternative, subject to approval by the Township Board, that the deposit be held by a state or national banking corporation.

(2) Dollar Value

The cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit shall be in an amount equal to the total estimated cost of construction and installation of the specified public improvement including contingencies, as estimated by the Township Board, as well as, where applicable, the total estimate of the cost of placing the specific public improvement in operation, including contingencies, as estimated by the Township Board.

(3) Term

The deposit shall be retained by the Township Board for a period to be specified by the Township Board.

- c) The agreement between the Township and the subdivider may provide that the amount of the bond provided pursuant to subsection a) above or the deposit provided pursuant to subsection b) above be progressively reduced as the specified public improvement is completed.

3) Penalty in Case of Failure to Complete the Construction of a Public Improvement

In the event the subdivider shall, in any case, fail to complete a public improvement within the period of time specified in his agreement with the Township for the completion of said public improvement, the Township Board may, at its option, proceed to have the public improvement completed. The agreement between the subdivider and the Township shall provide that all costs and expenses incurred by the Township in completing the public improvement shall be reimbursed from the bond of deposit provided pursuant to subsection 2) a) or 2) b) above.

ARTICLE VI

VARIANCES

Section 6.1 - General

The Township Board may, on written application from the subdivider and after receipt of a recommendation from the Planning Commission, grant a variance from the provisions or requirements of this Ordinance. A public hearing shall be held by the Planning Commission prior to making its recommendation to the Township Board. Notice of this hearing shall be given in the same manner as is provided in the Township Rural Zoning Act, Michigan Act 184 of 1943, as amended, with respect to the adoption or amendment of a Township Zoning Ordinance. No variance shall be recommended by the Planning Commission or granted by the Township Board unless there is a finding:

- 1) That there are such special circumstances or conditions affecting the property in question such that strict application of the provisions or requirements of this Ordinance would clearly be impracticable or unreasonable.
- 2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the subdivision is situated.
- 3) That the variance will not violate the provisions of the Subdivision Control Act.
- 4) That the variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Comprehensive Plan.

After the completion of the public hearing, the Planning Commission shall make a written recommendation to the Township Board which shall include its findings and specific reasons for its recommendation. On receipt of such written recommendation, the Township Board shall act to either grant or deny the variance.

Section 6.2 - Planned Unit Development Variance

A subdivider may request a variance of certain provisions or requirements of this Ordinance in the case of a planned unit development. Such request for a variance shall be considered and acted upon in the same manner as is provided in Section 6.1 above. In making its recommendation to the

Township Board, the Planning Commission shall consider whether the planned unit development provides adequate public spaces and includes provisions for efficient circulation, light and air, and other needs, the nature of the proposed use of land and existing use of land in the vicinity, the number of persons to reside or work in the proposed planned unit development, the probable effect of the proposed planned unit development upon traffic conditions in the vicinity, whether the proposed planned unit development will constitute a desirable and stable community development, and whether the proposed planned unit development would be in harmony with adjacent areas.

ARTICLE VII

ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE

Section 7.1 - Enforcement

No plat required by this Ordinance or the Subdivision Control Act shall be admitted to the public land records of the county or received or recorded by the County Register of Deeds, until such plat has received final approval by the Township Board. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Ordinance (unless such public improvement shall have already been accepted, opened or otherwise received the legal status of a public improvement prior to the adoption of this Ordinance) unless such public improvement shall comply in its location and in all other respects with the requirements of this Ordinance.

Section 7.2 - Penalties

Penalties for failure to comply with the provisions of this Ordinance shall be as follows: Violation for any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100) or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. The land owner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or of the Subdivision Control Act.

ARTICLE VIII

AMENDMENTS

Section 8.1 - Procedures

The Township Board may, from time to time, amend, supplement, or repeal this Ordinance. A proposed amendment, supplement, or repeal may be originated by the Township Board or by the Planning Commission. All proposals not originating with the Planning Commission shall be referred to it for a report thereon before any action is taken on the proposal by the Township Board. Such report shall be submitted in writing to the Township Board within sixty (60) days from the date on which the proposal is referred to the Planning Commission. If such report is not received within sixty (60) days, then the Township Board may act on the proposal without the report of the Planning Commission.

ARTICLE IX

MISCELLANEOUS PROVISIONS

Section 9.1 - Administrative Liability

No officer, agent, employee, member of the Planning Commission or member of the Township Board shall render himself personally liable for any damage that may accrue to any person, firm, association, corporation, partnership, joint venture, or combination of any of them as the result of any act, decision, or other consequence or occurrence arising out of the discharge of their duties and responsibilities pursuant to this Ordinance.

Section 9.2 - Severability

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 9.3 - Repeal of Ordinance No. 9

Charter Township of Hampton Ordinance No. 9 entitled "Subdivision Regulations" and which became effective February 7, 1964 is hereby repealed.

Section 9.4 - Effective Date

This Ordinance shall take effect thirty (30) days after publication thereof.