

COHOCTAH TOWNSHIP
LIVINGSTON COUNTY

OPEN SPACE AND RURAL PRESERVATION DEVELOPMENT PACKET

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To applicant for Open Space and Rural Preservation Development:

Cohoctah Township has developed an amendment to its zoning ordinance entitled "Open Space and Rural Preservation Development." The purpose of this ordinance is to allow property owners in Cohoctah Township with parcels that are at least ten acres to be able to obtain parcel divisions, but the owner must be willing to set aside at least 50 percent of the parcel proposed to be split as permanent open space. The ordinance has been developed to comply with recent state law requirements. The open space must be set aside permanently and can never be developed, divided further, or in any way used in the future for any development purposes. If the property owner agrees to set aside at least 50 percent of the parent parcel for permanent open space, then the remainder of the parcel may be developed to a greater density than would otherwise be allowed by the Cohoctah Township Zoning Ordinance.

This letter is an introduction and explanation of the steps necessary to comply with the Cohoctah Township Open Space and Rural Preservation Development Zoning Ordinance.

The first step to be taken by an applicant is to complete the enclosed application and submit a conceptual plan with sketch to the Cohoctah Township Clerk at least **ten business days before** the Township Planning Commission meeting where the conceptual plan will be discussed. The conceptual sketch should identify the buildable land area on the parcel, the proposed open space, and the proposed building envelopes for the homes. Any unique features such as streams, wetlands, clusters of trees, or other factors that make the parcel interesting or that would contribute to helping maintain the rural atmosphere of the township should also be indicated on the conceptual sketch.

Two members of the Planning Commission and one of the Township Zoning Administrators will visit the site prior to the meeting to help review the property for compliance with the intent and purpose of the zoning ordinance. In order to be able to make this review and inspection, the corners of the parcel must be marked with surveyor's stakes by a licensed surveyor. The ordinance requires a minimum of ten acres and it would be in the applicant's best interest, as well as the Township, if those corners are identified and marked before the application process gets too far along.

Once the Planning Commission has reviewed the conceptual plan, the applicant may proceed forward to prepare a preliminary site plan and survey in compliance with the Open Space and Rural Preservation Ordinance. If the development will have a private road, the Private Road Ordinance requirements will also have to be complied with at this time. Similarly, if the development is proposed to be a Condominium, the Condominium Ordinance requirements would also need to be followed at this time. All applications, attachments, fees, etc. must be submitted to the township clerk at **least 10 business days prior** to the meeting.

Preliminary site plan review, and the preliminary site plan preparation, should focus on design layout features such as road/driveway locations, building envelope locations, lot or parcel dimensions, verification of adequate open space, setback compliance for existing buildings or improvements, and general compliance with Section 16.50(6) that relates to design standards.

During the preliminary site plan process, the Planning Commission should also be informed as to how the open space is intended to be preserved.

Once the Planning Commission has given preliminary approval to the proposed development, and private road approvals are also obtained along with the condominium process if the development will involve these, the applicant would then proceed forward to the final site plan process.

Section 16.50(6, 7 &8) form the basis for granting final approval of an open space and rural preservation development project. Land division applications and fees shall be submitted **at least 10 business days prior** to the final review meeting. At that time, the land division applications will be reviewed by the Supervisor and assessor and approved prior to and contingent upon Planning Commission final approval. No final approval can be given until all covenants, restrictions, master deed, and any other document required by the ordinance relating to the open space preservation have been submitted, reviewed, and approved by the Planning Commission and the Township attorney. Again, if the project is going to involve a private road, condominium, etc. then those procedures spelled out in the zoning ordinance for those items must also be approved.

Lastly, no land use permit will be issued for any open space and rural preservation development until the affidavit required by Section 16.50 (6C) is recorded and a copy provided to the Township.

Cohoctah Township Board

OPEN SPACE PRESERVATION APPLICATION PROCEDURE

- _____ 1. Make certain parcel is at least 10 acres in size.
- _____ 2. Verify with assessor the number of splits available to subject property.
- _____ 3. Have surveyor stake corners of parcel.
- _____ 4. Complete application and prepare conceptual sketch.
- _____ 5. Submit application, conceptual sketch, and fees at least 10 business days before meeting to township clerk.
- _____ 6. Attend Planning Commission meeting for conceptual review.
- _____ 7. Proceed to preliminary site plan stage. It is highly recommended that professional assistance be obtained for preparation of plans, information, documentation, etc. required by the ordinance.
- _____ 8. If there will be a private road or condominium development, those sections of the Zoning Ordinance must be followed and applications submitted at this preliminary stage.
- _____ 9. The letter to the applicant contains information that will be helpful during the process, as will the checklist for the project.
- _____ 10. Submit all preliminary plans, related information and fees to the township clerk at least 10 business days prior to the preliminary meeting.
- _____ 11. The preliminary site plan will be approved, approved with conditions, or rejected with reasons.
- _____ 12. Any conditions or reasons for rejection may be complied with or corrected, if possible and resubmitted accordingly. All issues from preliminary meeting must be resolved before proceeding.
- _____ 13. After receiving preliminary approval, proceed to final site plan process. All additional information, finalized documentation, added costs, etc. required by the ordinance must be submitted to the township clerk at least 10 business days prior to the final approval meeting with the Planning Commisison. Be sure the final survey includes the buildable land areas, the dedicated open space, any unique features, residential building sites, all current buildings and improvments, and the location of all neighboring homes contiguous to the parent parcel.
- _____ 14. Sections 16.50 (6, 7 &8) are the basis for final approval. Also see the last two paragraphs of the letter to applicant that is included in the application packet.

The above is meant to provide information and assistance in obtaining approval under the township's Open Space and Rural Preservation Development ordinance. It is not an all inclusive list of every step that must be followed but does provide the basic guideline. The ordinance contains the detailed procedure for the plans, information and documentation that must be submitted. Since each application will involve a different piece of property, development plan, etc. it is not possible to list everything that must be done. Professional assistance is highly recommended in the preparation of the application and the supporting information and documentation for a final approval to be granted.

COHOCTAH TOWNSHIP
LIVINGSTON COUNTY

OPEN SPACE AND RURAL PRESERVATION DEVELOPMENT

FEE SCHEDULE

OPEN SPACE PACKET		\$10.00
CONCEPTUAL MEETING FEE (held at a regular meeting)		\$400.00
PRELIMINARY MEETING FEE (held at a special meeting)	(03/04)	\$850.00
FINAL MEETING FEE (held at a regular meeting)		0.00
CONTINGENCY FEES (refundable unused portion for administrative cost, extra attorney fees)		\$800.00 +
PARCEL SPLIT FEES	(03/04)	\$50.00 each

OPEN SPACE AND RURAL PRESERVATION ORDINANCE

SUPPLEMENTAL REGULATIONS (ART. XVI)

16.50 - OPEN SPACE AND RURAL PRESERVATION DEVELOPMENT *(amendment #38)*

Sec. 16.50(1) Intent

The intent of the Open Space and Rural Preservation Development District is to permit residential development that results in an enhanced living environment through the preservation of open space. The provisions set forth in this article offer an alternative to traditional subdivisions and encourage innovative and livable housing environments through both permanent dedication of open space and a planned reduction of individual lot area requirements. The Open Space and Rural Preservation Development district is established in those districts that allow single family residential housing as a permitted principal use and therefore is not permissible in the MHR, LI, and NSC Districts. The Open Space and Rural Preservation Development District is also not allowed in the Settlement District.

Sec. 16.50(2) Scope

For purposes of this Article, an Open Space and Rural Preservation Development is defined as a single family residential development in which dwelling units are placed together in one or more clusters within a defined area that is within the proposed single family residential development. The dwelling units must be accompanied by a designated open space that is permanently protected from development.

Sec. 16.50(3) Objectives

The following objectives shall be considered in the review of any application for an Open Space and Rural Preservation Development.

A. To provide a more environmentally sensitive residential environment by preserving the natural character of open fields, stands of trees, ponds, streams, hills and similar natural features.

B. To preserve a traditional rural character to the land use pattern in the Township and protect environmentally sensitive lands from the disruptive effects of traditional subdivision and single family developments.

C. To provide a more efficient and aesthetic use of open space by allowing developers to reduce the required minimum lot sizes and increasing the residential density in exchange for permanently preserving open space.

D. To allow a more flexible and economical residential layout, street and utility design.

E. To assure the permanent preservation of open space, agricultural lands, rural lands and natural resources.

F. To encourage the use of Township land in accordance with its character and adaptability.

G. To encourage innovation and greater flexibility in the design of residential developments.

H. To ensure compatibility of design and use between neighboring properties.

I. To encourage a less sprawling form of development, thus preserving open space as undeveloped land.

The regulations set forth herein are intended to preserve a traditional rural character to the land use pattern in the Township through the creation of small residential nodes contrasting with open space and less intensive land uses. This Article is not intended as a device for ignoring the zoning regulations of the Township, the standards set forth therein, nor the planning concepts upon which the Zoning Ordinance has been based. The regulations are intended to result in a specific development substantially consistent with Zoning Ordinance standards and the Township Master Plan.

Sec. 16.50(4) Review Considerations

The applicant must present a proposal for residential development that addresses the following:

A. Recognizable Benefits. An Open Space and Rural Preservation development shall result in a recognizable and substantial benefit to the residents of the development and to the overall quality of life in the Township.

B. Minimum Project Size. The minimum size of an Open Space and Rural Preservation development shall be ten (10) acres of contiguous land.

C. Open Space. The proposed development shall maintain a minimum fifty percent (50%) of the gross area of the site as dedicated open space as a separate parcel held in common ownership, with evidence of a plan for perpetually preserving the open space. Documents shall be presented, and ultimately approved by the Township Planning Commission, that bind all successors and future owners in fee title to open space commitments made as a part of the proposal. *(amendment #44)*

D. Unified Control. The proposed development shall be under single ownership or control, such that there is a single person or entity have proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the Open Space and Rural Preservation plan.

E. Limited Division Option. For a property owner of at least ten (10) acres, who desires to retain ownership and control of the dedicated open space, an option is available to allow for the retention of ownership and control rather than allowing all division owners the right to use the dedicated open space. This option is available only if the property owner agrees to apply for a division or divisions that would result in the creation of no more than a total of two (2) single family homes. The property owner would still be required to create a division for the dedicated open space but the open space could continue to be owned by the property owner subject to compliance with the requirements otherwise imposed herein upon the dedicated open space.

Sec. 16.50(5) Principal Permitted Uses.

A. Detached single family residential dwelling units.

B. The growing and harvesting of crops, fruits and vegetables.

C. Accessory uses and buildings incidental to the principal permitted uses.

D. The keeping of animals shall not be allowed in open space within the development.

Sec. 16.50(6) Design Standards

A proposed Open Space and Rural Preservation development shall comply with the following project design standards:

A. Location of Development. An Open Space and Rural Preservation development may be proposed for those parcels within the township that meet the minimum size requirement established in this Open Space and Rural Preservation Ordinance and that allow for single family residential dwelling units as a permitted principal use in the zoning district where the property is located.

B. Base Zoning Regulations. Unless specifically modified by the Planning Commission as provided in this Ordinance, all Zoning Ordinance requirements for the underlying zoning district and other township regulations shall remain in full force, except for minimum lot area.

C. Open Space Requirements

1. An Open Space and rural Preservation development shall maintain a minimum of fifty percent (50%) of the gross area of the site as dedicated open space held in common ownership.

2. The dedicated open space shall not include any land area that is devoted to a residential dwelling and its appurtenant minimum lot size, an accessory use, vehicle access, vehicle parking, or a roadway. No building or structure will be permitted to be placed, or erected, within the dedicated open space. Except for farm related implements, the use of motor driven vehicles or recreational means of travel shall not be allowed if the use of same is detrimental to the peaceful enjoyment of the development or the dedicated open space.

A minimum of 25% of the dedicated open space shall consist of useable upland area. In determining the minimum useable upland area, regulated or non-regulated wetlands, lakes, submerged lands or floodplain areas shall not be included.

In the event of a disagreement between the Township and an applicant over whether an area of land constitutes wetland, it shall be the applicant's responsibility to prove its position through the use of a duly qualified expert at the applicant's expense.

3. Dedicated open space may include area that is devoted to recreation, conservation, or agricultural uses. If open space areas of significance are determined by the Planning commission, a condition of approval may require that the Open Space and Rural Preservation development plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

4. The dedicated open space shall be set aside by the developer through an irrevocable conveyance or covenant appurtenant to the open space that is found acceptable to, and approved by, the Planning Commission, such as:

- a. Recorded deed restrictions.
- b. Covenants that run perpetually with the land, or
- c. A conservation easement established in accordance with Public Act 197 of 1980, as amended
- d. other legal means found to be adequate by the Planning Commission

Such conveyance or covenants shall assure that the open space will be protected from all forms of development, except for those uses as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

1. Indicate the allowable use(s) of the dedicated open space as approved by the Planning Commission.
2. Require that the dedicated open space be maintained by those parties who have an ownership interest in the open space. Such documents shall also contain adequate language providing for a means by which the costs of such maintenance will be paid as well as means to enforce such provisions.

3. Insure that all residents have access to the open space for use of the open space and prohibit interfering with the use of the open space by residents and their guests.

D. Dwelling Density

1. Lots may vary in size but in no case shall they be less than one (1) acre in size, including drives and access easements. The front, rear and side yard setbacks of a lot shall meet all township standards for the zoning district where the property is located. The overall density for the single family dwelling units shall be based upon a density no greater than one (1) dwelling unit per two and one-half (2 ½) acres. The density shall be based upon the gross parcel area.

2. Dwelling units shall be grouped so that the open space within a development is at least fifty percent (50%) of the gross area of the site. Whenever possible, dwelling units should contain rear yards that are contiguous to the open space. Any parcel that does not have any lot line that is contiguous with the open space shall have an easement reserved for access to the open space.

3. Open space shall be at least one hundred (100) feet wide and shall be protected with an irrevocable conveyance or covenant found acceptable to the Planning Commission.

E. Location of Lots. Residential lots shall be laid out, to the greatest extent feasible, to achieve the following objectives:

- a. Utilize the most suitable soils for subsurface septic disposal.
- b. Sited in a manner least likely to block or interrupt scenic vistas, as seen from public roadways(s).
- c. To the greatest extent possible, building envelopes, or building sites, shall be proposed in such a manner as to avoid being composed of wetlands or hydric soils.
- d. Otherwise situated so as to meet the purpose and intent of this Ordinance.

F. Regulatory Flexibility. To encourage flexibility and creatively consistent with the Open Space and Rural Preservation development concept, the Planning Commission may grant specific departures from the requirements of the Zoning Ordinance for yard, lot and bulk standards as a part of the approval process, except as otherwise provided herein. These departures from the requirements shall not increase the number of dwelling units for the development beyond the density established herein. Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality development than would be possible using the conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of an Open Space and Rural Preservation development plan may be appealed to the Zoning Board of Appeals.

G. Landscaping and Buffering.

1. All dwellings and accessory structures shall be no less than fifty (50) feet from lakes, ponds, streams, and wetlands. The fifty (50) foot area shall be part of the dedicated open space and shall not be in private ownership.

2. Existing public roadway frontage shall be preserved as much as possible or practical in the required setback area as required by the Zoning District where the development is located through the use of native plants and trees between the roadway and any dwellings and/or accessory structures in the development. The Planning Commission may require the planting of additional screening to help provide buffering when there is insufficient native plants and trees to accomplish this goal.

3. The Planning Commission may require landscaping or natural vegetative cover as a buffer between the side and rear yards of dwellings and their related accessory buildings in an Open Space and Rural Preservation development and adjacent single family homes not in the development, if such buffering would assist in meeting the goals and objectives of this Ordinance.

Sec. 16.50(7) General Requirements

A. An Open Space and Rural Preservation development shall require the submission of a concept plan (a conceptual drawing, not full site plan) that identifies buildable land areas, proposed open space, unique features and residential lots that are based on the minimum lot sizes of the Open Space designation.

B. Final approval of an Open Space and Rural Preservation development proposal shall not require, nor shall it be construed as, an amendment to the Zoning Ordinance. All improvements and uses of the site shall be in conformity with the approved Open Space and Rural Preservation development site plan and comply fully with any conditions imposed by the Township Planning Commission.

C. The applicant shall record an affidavit with the Livingston County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved Open Space and Rural Preservation development plan unless an amendment is approved by the Township Planning Commission. In addition, all deed restrictions and easements shall be subject to approval by the Township Planning Commission and Township attorney and shall be duly filed with the County Register of Deeds after approval. Copies of these recorded documents shall be presented to the Township.

D. Following final approval of the Open Space and Rural Preservation development site plan, a land use permit may be obtained in accordance with Section 21.04 of the Zoning Ordinance. It shall be the responsibility of the applicant to obtain all other applicable Township, Count, State or Federal permits.

E. Any property owner who fails to maintain an approved site design shall be deemed in violation of the use provisions of the Zoning Ordinance and shall be subject to the appropriate action to obtain compliance with the Zoning Ordinance. Each and every property owner shall also be responsible for insuring the open space is maintained in accordance with the approved final plan or be subject to the appropriate action to obtain compliance with the Zoning Ordinance.

F. The Planning Commission may require that a performance guarantee, in accordance with Article XVI of the Zoning Ordinance, be deposited with the Township to insure completion of improvements.

G. Prior to the issuance of any land use permits, the developer shall pay to the Township any and all fees as established by the Township Board related to compliance with the Cohoctah Township Zoning Ordinance including, but not limited to, reimbursing the Township for all costs incurred by the Township in reviewing the Open Space and Rural Preservation development plan and any other fees duly adopted by the Cohoctah Township Board in its schedule of fees.

H. In the event that the project involves land that include regulated wetlands, or if the Township Planning Commission believes that it is in the best interest of furthering the goals of this Ordinance to determine the wetlands on property which is proposed for an Open Space and Rural Preservation development, it shall be the responsibility of the applicant/developer to employ the necessary and appropriate person or persons to locate and determine the boundaries of the wetlands on the property and to pay the costs thereof.

Sec. 16.50 (8) Project Standards for Approval

In considering any application for approval of an Open Space and Rural Preservation development site plan, the Planning Commission shall make their determinations on the basis of the open space 2-06

standards for site plan approval set forth in Article XX of this Ordinance, as well as the following standards and requirements:

A. The overall design and land uses proposed in connection with an Open Space and Rural Preservation development shall be consistent with the intent of the Open Space and Rural Preservation development concept, as well as with specific design standards set forth herein.

B. Open Space should include irreplaceable natural features located on the parcel, such as, but not limited to, stream beds, wetlands, significant stands of trees, and individual trees of significant size. The protection of these natural features shall comply with all applicable environmental protection laws and regulations.

C. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.

D. The Open Space and Rural Preservation development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.

E. The proposed Open Space and Rural Preservation development shall comply with all applicable Federal, State and local regulations.

F. Compliance with the requirements of the provisions of the Open Space and Rural Preservation Development Ordinance.

Sec. 16.50(9) Scheduled Phasing

If a project is proposed for development in phases, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the Open Space and Rural Preservation development and the residents of the surrounding area.

Sec. 16.50(10) Revision of Approved Plans

A. The developer may apply for changes or revisions to an approved Open Space and Rural Preservation development plan by submitting a request therefore to the Planning Commission following proper application under appropriate site plan review procedures outlined in Article XX, Site Plan Review Procedures, including any appropriate supporting information, subject to a finding by the Planning Commission of all the following:

1. Such changes will not adversely affect the initial basis for granting approval;
2. Such changes will not adversely affect the overall Open Space and Rural Preservation development in light of the intent and purpose of such development as set forth in this Article; and
3. Such changes shall not result in the reduction of open space area as required herein.

COHOCTAH TOWNSHIP
LIVINGSTON COUNTY

APPLICANT'S NAME _____

MAILING ADDRESS _____ DATE _____

_____ ZIP _____

TELEPHONE NUMBER _____ APPLICATION NUMBER _____

FEES: CONCEPTUAL FEE (due with app) \$400 _____
 PRELIMINARY & FINAL REVIEW FEE (due before prelim meeting) \$850 _____
 CONTINGENCY FESS (due before prelim meeting-refundable).. \$800+ _____
 LAND DIVISION FEE (\$50 PER PARCEL, due before final meeting) \$ _____

*PLEASE NOTE: THIS APPLICATION AND FEE SCHEDULE DOES NOT INCLUDE
LAND USES OR SITE PLAN REVIEW FOR PRIVATE ROADS AND/OR CONDOMINIUMS.*

**APPLICATION FOR OPEN SPACE AND
RURAL PRESERVATION DEVELOPMENT**

RETURN TO:
COHOCTAH TOWNSHIP OFFICE
10518 ANTCLIFF RD
FOWLerville MI 48816

OR
MAIL TO:
PO BOX 278
COHOCTAH MI 48816-0278

1. Property owner (attach deed, land contract, or other _____
evidence of ownership).
2. Tax I.D. number(s) _____

3. Legal description of the property (attach if _____
necessary) _____

4. Number of splits currently available on parent parcel _____
5. Location of property (address or intersection) _____
6. Zoning District _____

7. Parcel area in acres or square feet _____
8. If any lakes, ponds, rivers, streams, water courses, wetlands, or drainage ways abut or pass through the property, please provide the following:
- a) Describe the type of water source _____
- b) Dimensions from water to boundary lines _____
9. Percentage of parcel dedicated to open space _____
10. Describe intended ownership (16.50 4D&E) _____
11. Describe the intended use of open space (16.50 6C) _____
- _____
- _____
12. Describe how open space will be dedicated and set aside. (16.50 C4) _____
- _____
13. Number of single family dwellings proposed _____
14. Access to homes by driveways or private road _____
15. Is the project anticipated to be a condominium? _____

Please initial the following:

16. Applicant shall attach a conceptual drawing that identifies the following: _____
- ___ a)buildable land areas
- ___ b)proposed open space
- ___ c)any unique features
- ___ d)residential building sites, including all current buildings and improvements
- ___ e)location of all neighboring homes contiguous to the parent parcel
17. Applicant shall have property corners staked by a surveyor prior to conceptual review. _____
18. Applicant shall provide a full survey prior to the scheduled preliminary meeting, which shall include items a-e from line #16, above. Be sure they remain on the final survey.
Surveyor _____ Job Number _____
19. Applicant shall provided documentation of dedicated open space for preliminarly meeting. _____
20. Applicant acknowledges that permits may be required from Livingston County's Drain Commission, Health Department, Road Commission, or the Michigan Department of Environmental Quality. _____
21. All applications, documents, fees, and supporting data must be received at least 10 working

days prior to the scheduled meeting.

22. Applicant hereby grants consent to members or representatives of Cohoctah Township to **enter onto the undersigned's property** for purposes of inspection for conceptual review and for compliance with the zoning ordinance requirements.

I/we understand that prior to the issuance of a land use permit, the owner/developer must submit to Cohoctah Township a copy of the recorded documents required by Section 16.50(7)C including the affidavit that sets forth the full legal description of the property specifying the date of Township approval and that all improvements will be carried out in accordance with the approved final site plan as well as any and all deed restrictions, easements, and any other documents necessary to be recorded to comply with the Cohoctah Township Zoning Ordinance and with the state law.

I/we hereby declare that all the above statements and information contained in this application and any attachments submitted herewith are true and accurate and I/we shall immediately inform Cohoctah Township in the event there is a change in any such information.

signature of applicant

date_____

signature of owner, if different from applicant

date_____

TOWNSHIP USE ONLY

Application number _____

Date completed application received _____, by

Cohoctah Township Clerk

Date submitted to Planning Commission _____

On site review observations: _____

by: _____

date: _____

Conceptual meeting date: _____

Preliminary meeting date: _____

Action taken: _____

Final meeting date: _____

FINAL APPROVAL OF APPLICATION NUMBER _____:

Chairman signature _____ date _____

Secretary signature _____ date _____

COHOCTAH TOWNSHIP LAND DIVISION APPLICATION

DELIVER TO:

COHOCTAH TOWNSHIP HALL
10518 ANTCLIFF RD

OR

MAIL TO:

COHOCTAH TOWNSHIP
PO BOX 278
COHOCTAH, MI 48816-0278

Each proposed parcel shall have its own application. Deliver or mail to the above address.
All questions must be answered, and *all* attachments must be included.

Approval of a division of land is required before it is sold, when a new parcel is less than 40 acres and not just a property line adjustment. (sec 102 e & f)

This form is designed to comply with Sec. 108 and 109 of the Michigan Land Division Act (formerly the subdivision control act P.A. 288 of 1967 as amended (particularly by P.A. 591 of 1996 and P.A. 87 of 1997, MCI 560 et.seq.) **APPROVAL OF A DIVISION IS NOT A DETERMINATION THAT THE RESULTING PARCELS COMPLY WITH OTHER ORDINANCES OR REGULATIONS.**

1. LOCATION OF PARENT PARCEL to be split:

Address: _____
Parent Parcel Identification Number: _____
Parent Parcel Legal Description (DESCRIBE OR ATTACH) _____

2. PROPERTY OWNER INFORMATION:

Name: _____
Mailing Address: _____
Phone: _____

3. PROPOSED DIVISION TO INCLUDE THE FOLLOWING:

- A. Total number of new parcels _____
- B. Parcel number (letter) _____ on survey job number _____
- C. Intended use (residential, commercial, etc.) _____
- D. Proposed parcel has a depth to width ratio of not more than 4 to 1.
- E. Parcel has a width of not less than _____ ft.
- F. Parcel has an area of not less than _____
- G. The parcel provides access as follows:
 - a) ___ frontage on an existing road
 - b) ___ frontage on a new public road. Road name: _____
 - c) ___ frontage on a new private road. Road name: _____
 - d) ___ easement or shared driveway
- H. Describe or attach a legal description of proposed new road, easement or shared driveway: _____

- I. Attach a survey showing a legal description for proposed new parcel.

4. FUTURE DIVISIONS being transferred from the parent parcel to another parcel. Indicate number transferred ____
(See section 109(2) of the Statute. Make sure your deed includes both statements as required in 109 (3 & 4) of the Statute.)

5. DEVELOPMENT SITE LIMITS. Check each which represents a condition which exists on the parent parcel:

- a) ___ Waterfront property (river, lake, pond, etc.) b) ___ Is within a flood plain
- c) ___ Includes wetlands d) ___ Includes a beach
- e) ___ Is on muck soils or soils known to have severe limits for on site sewage systems.

- 6. ATTACHMENTS.** All the following attachments **MUST** be included. Letter and number each attachment as shown:
- A. Proof of fee ownership of the land proposed to be divided, such as recorded deed, or other recorded instrument showing ownership.
 - B. A scale survey that complies with the requirements of PA 132 of 1970 as amended for the proposed division of the parent parcel showing:
 - 1) scale not less than 1" equal to 300'
 - 2) Current boundaries (as of March 31, 1997), and
 - 3) all divisions made after March 31, 1997 (indicate when made or none), and
 - 4) the proposed division, including its legal description, and
 - 5) dimension of proposed division, and
 - 6) existing and proposed road/easement right-of-way(s), and
 - 7) easements for public utilities from parcel that is a development site to existing public utility facilities, and
 - 8) any existing improvements (buildings, wells, septic systems, driveways, etc., and
 - 9) any features checked in question #5 (development site limits).
 - C. Indication of approval or permit from the Livingston County Road Commission or respective village street administrator, that a proposed easement provides vehicular access to an existing road, or street meets applicable location standards.
 - D. A copy of any reserved division rights (sec. 109 (4) of the statute in the parent parcel.
 - E. Indication that taxes are paid up to date.
 - F. A fee of \$50 per parcel.

7. IMPROVEMENTS. Describe any existing improvements (buildings, wells, septic systems, etc. which are on the parent parcel or indicate none). _____

8. AFFIDAVIT and permission for municipal, county and state officials to enter the property for inspections:

I agree the statements made above are true, and if found not to be true, this application and my approval will be void. Further, I agree to comply with the conditions and regulations provided with this parent parcel division. Further, I agree to give permission for officials of the municipality, county, and the State of Michigan to enter the property where this parent parcel is proposed for purposes of inspection. Finally, I understand this is only a parcel division which conveys only certain rights under the applicable local land division ordinance and the State Land Division Act (formerly the Subdivision Control Act PA 288 of 1967, as amended (particularly by PA 591 of 1996 and PA 87 of 1997), MCL 560 101 et.seq) and does not include any representation or conveyance of rights in any other statute, building code, zoning ordinance, deed restrictions, or other property rights.

Finally, even if this division is approved, I understand local ordinances and state Acts change from time to time, and if changed the divisions made must comply with the new requirements (apply for division approval again) unless deeds representing the approved divisions are recorded with the Register of Deeds or the division is built upon before the changes to laws are made.

Property Owner's Signature: _____ Date: _____

=====

FOR OFFICE USE ONLY

Total fee paid \$ _____ Check number _____ Terms (from file) _____

Approved: _____ Supervisor Signature: _____

Assessor Signature: _____

Denied: _____ Reason: _____

Signed: _____

ATTACHMENT TO COHOCTAH TOWNSHIP LAND DIVISION APPLICATION

The undersigned hereby acknowledges that he/she has requested the Township of Cohoctah, by its duly authorized Assessor to issue a separate tax parcel identification number for property located within the Township of Cohoctah, a copy of the legal description of said property is attached hereto. The new tax parcel identification numbers will be split from the existing tax parcel identification number of _____ and said parcels shall be issued a new, individual tax parcel number which is assigned by the Assessor.

The undersigned acknowledges that Cohoctah Township and its officers and employees are not liable if a land use permit and/or building permit are not issued for a resulting parcel because the parcel is less than one acre in size, lacks either public water and sewers or health department approval for on-site water supply and on-site sewage disposal.

The undersigned acknowledges that the approval of this division is not a determination that the resulting parcel complies with the Cohoctah Township Zoning Ordinance or other general township ordinances. The township and the officials and employees shall not be liable for approving a land division if a land use permit and/or building permit for construction on a parcel are subsequently denied because of inadequate water supply, sewage disposal facility, failure to meet Township zoning ordinances and general ordinances, or otherwise.

The undersigned acknowledges that the issuance of any tax parcel identification number pursuant to the Cohoctah Township Land Division Ordinance is totally unrelated to the requirements of obtaining a land use permit or any other type of permit from Cohoctah Township under its ordinances as such may be in effect or amended from time to time. The undersigned also acknowledges and understands that the issuance of a tax parcel identification number and approval of a land division does not in any way constitute the issuance of a land use permit, building permit, special use permit, or any other permit that may be issued by the Township and that the issuance of such tax number and approval of a land division does not guarantee that any land use permit, building permit, special use permit, or other permits will be issued by the Township. The undersigned further acknowledges that the issuance of a tax parcel identification number and/or the approval of land divisions by the Township does not mean that such divisions meet or comply with the Cohoctah Township Zoning Ordinance or any general ordinances that may be applicable.

Signature of Applicant

Phone Number

Township Assessor

New Tax Parcel ID Number

spl tapp 12/14/06

NOTICE TO ASSESSOR OF TRANSFER OF THE RIGHT TO MAKE A DIVISION OF LAND

Issued under authority of Land Division Act (P.A. 288 of 1967 as amended by P.A. 87 of 1997) . Filing is mandatory.

This form must be filed by an owner of a parent parcel or parent tract of land when the owner creates a parcel from the parent parcel or parent tract and transfers the right to make a further division to the owner of the created parcel. This form must be filed within 45 days of the transfer of the right to make a division. This form must be filed with the assessor of the city or township where the property is located.

1. Street Address of Parent Parcel or Parent Tract		2. County	4. Date of Transfer of Right to Make a Division
3. City/Township/Village Where Real Estate is Located		<input type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village	
5. Property Identification Number (PIN) of Parent Parcel or Parent Tract. If you don't have a PIN, attach legal description.			
6. Name of Owner of Parent Parcel or Parent Tract		Address of Owner of Parent Parcel or Parent Tract	
7. Property Identification Number (PIN) of Created Parcel if PIN has already been assigned.			
8. Name of Owner of Created Parcel		Address of Owner of Created Parcel	

PIN, this number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is on the property tax bill and on the assessment notice.

THE FOLLOWING QUESTIONS MUST BE ANSWERED.

1. Did the parent parcel or parent tract have any unallocated divisions under the Land Division Act, P.A. 288 of 1967, MCL 560.101 to 560.293? Check appropriate box below:

☐ YES

☐ NO

If the YES box was checked, go to question 2. If the NO box was checked, go to question 3.

2. How many unallocated divisions did the parent parcel or parent tract have prior to this transfer?

Enter number here _____.

3. Were there any unallocated divisions transferred to the newly created parcel?

☐ YES

☐ NO

If the YES box was checked, go to question 4. If the NO box was checked, go to the signature area of the form.

4. How many unallocated divisions were transferred to the newly created parcel? Enter number here _____.

CERTIFICATION

I certify that the information above is true and complete to the best of my knowledge.

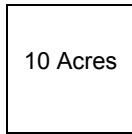
Signature of Owner of Parent Parcel or Parent Tract	Date	If Signer is other than the owner, print name and title
---	------	---

INSTRUCTIONS

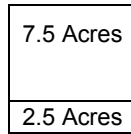
This form must be filed by an owner of a parent parcel or parent tract of land when the owner creates a parcel from the parent parcel or parent tract and transfers the right to make a further division(s) to the owner of the created parcel.

Example: The owner of a parent parcel 10 acres in size is selling off a created parcel 2 1/2 acres in size. In this example the 10 acre parent parcel qualifies under the Land Division Act to make four (4) divisions before platting is required. Therefore, two (2) more divisions may be made before platting is required.

Parent Parcel
Before Sale



After Sale



The owner of the parent parcel who sold the 2 1/2 acre parcel can keep the authority to make two (2) additional divisions or may convey the authority to make one or both of the additional divisions to the owner of the created parcel.

If the owner of the parent parcel conveys the authority to make one or both additional divisions to the owner of the 2 1/2 acre created parcel, this form (L-4260a) must be filed with the local assessor within 45 days of that action.

This form must also be filed when the owner of a parent parcel or parent tract conveys the parent parcel or parent tract, and also transfers the right to make further divisions to the new owner of the parent parcel or parent tract.

For more information about the Land Division Act, you may contact the Subdivision Control Section of the Department of Consumer and Industry Services at (517) 334-7750.

Excerpt from P.A. 87 of 1997

Sec. 109(2) The right to make divisions exempt from the platting requirements of the act under section 108 and this section can be transferred, but only from a parent parcel or parent tract to a parcel created from that parent parcel or parent tract. A proprietor transferring the right to make a division pursuant to this subsection shall within 45 days give written notice of the transfer to the assessor of the city or township where the property is located on the form prescribed by the state tax commission under section 27a of the general property tax act, P.A. 206 of 1893, MCL, 211.27a. The state tax commission shall revise the form to include substantially the following questions in the mandatory information portion of the form:

(a) "Did the parent parcel or parent tract have any unallocated divisions under the land division act, P.A. 288 of 1967, MCL 560.101 to 560.293? If so, how many?"

(b) "Were any unallocated divisions transferred to the newly created parcel? If so, how many?"

COHOCTAH TOWNSHIP ZONING ORDINANCE

DRIVEWAY REQUIREMENTS

SUPPLEMENTAL REGULATIONS (ART. XVI)

16.43 - DRIVEWAYS AND ROAD APPROACHES

A. All residential driveways, farm field driveways and commercial driveways must be designed, constructed and maintained in accordance with the specifications of the Livingston County Road Commission's Driveway and Road Approaches dated May 23, 1991, and effective May 24, 1991, as the same may be amended from time to time. *(amendment #39)*

16.39 - DRIVEWAY REQUIREMENTS *(amendment #29)*

A. Non-Single Family Residential Uses.

Each principal use structure, for other than single family residential purposes, shall have its own separate driveway access from the road upon which it fronts which shall be constructed to comply with the standards of the Livingston County Road Commission Specifications for Driveways adopted by the Board of County Road Commissioners on May 23, 1991, and effective May 24, 1991, as the same may be amended from time to time.

B. Single Family Residential Use.

Any driveway which serves a single family residential dwelling shall be constructed to comply with the standards of the Livingston County Road Commission specifications for driveways adopted by the Board of County Road Commissioners on May 23, 1991 and effective May 24, 1991, as the same may be amended from time to time.

A single driveway may serve two single family residential dwellings, however, in such event then said driveway shall be constructed to and meet the following additional requirements:

1. A 66 foot easement for ingress, egress, utilities, public and emergency vehicles shall be created to serve the parcels upon which the two single family residential dwellings will be constructed.

2. The driveway which shall service the residential dwellings shall have its minimum traveled width equal to or exceeding 20 feet and located as near as possible to the center of the 66 foot easement.

3. The construction of the driveway shall otherwise meet or exceed the above mentioned requirements and the specifications of the Livingston County Road Commission for driveways.

4. The parties shall also prepare a Road Maintenance Agreement which shall provide for perpetual (nonpublic) maintenance of the drive which Road Maintenance Agreement shall contain, at a minimum, the following provisions:

a. A method of initiating and financing the private drive to keep it in a reasonably good and usable condition.

b. A method of apportioning the costs of maintenance and improvement.

- c. A means of enforcing payment thereof through assessment and lien and other means available to insure the payment thereof.
- d. The Road Maintenance Agreement shall also provide that it is binding upon not only the current owners but all future owners, their heirs, successors and assigns.

The easement and Road Maintenance Agreement shall be recorded with the Livingston County Register of Deeds, a copy of the recorded easement and maintenance agreement shall be filed with the Township Clerk and the driveway shall be completed in accordance with the standards and requirements set forth within this section prior to the issuance of a land use permit for any dwelling to be served by said private driveway.

16.14 - FRONTAGE ON PUBLIC OR PRIVATE ROAD OR HIGHWAY *(amendment #29)*

A. In any zoning district, every use, building, or structure established after the effective date of this ordinance shall be on a lot or parcel that fronts upon a public road right of way that meets all of the requirements for road construction specified by the Livingston County Road Commission, or upon a legal, existing private road recognized by the Township, or upon a private road that meets the requirements of Section 16.44 and 16.45. The minimum road frontage for all lots in all districts shall be one hundred twenty (120) feet, except for settlement districts, or when public sewer or water become available, then lot frontage on such roads shall not be less than eighty (80) feet, however all commercial developments shall have the required frontage on a public road right of way.

B. Notwithstanding the road frontage requirements specified in paragraph [16.14] A) above, a single lot or parcel which lacks the road frontage specified in paragraph [16.14]A) above, may be served by a private driveway, provided that the easement for the driveway is a minimum of 66 feet in width, and said driveway must meet the minimum requirements specified in Section 16.39 of this zoning ordinance.
(amendment #31)

COHOCTAH TOWNSHIP ZONING ORDINANCE

PRIVATE ROAD REQUIREMENTS

SUPPLEMENTAL REGULATIONS (ART. XVI)

16.43 - DRIVEWAYS AND ROAD APPROACHES

B. All public and private road approaches must be designed, constructed and maintained in accordance with the Livingston County Road Commission Specifications for Road Approaches dated May 23, 1991, and effective May 24, 1991, as the same may be amended from time to time. (*amendment #39*)

16.44 - DEVELOPMENT UPON PRIVATE ROAD

Sec. 16.44 A person, firm, association, partnership, corporation, or a combination of any of them, seeking to split, separate, divide or combine any parcel or tract of land or lots or any combinations thereof, for the purpose of selling or leasing for more than one (1) year, or for building development where the resulting splits, divisions or combinations will not be owned by the same person, and the same is not being done pursuant to procedures under the Subdivision Control Act of the State of Michigan, wherein the division, splitting or combination of parcels or lots shall result in lots or parcels which have frontage upon a road not accepted or maintained by the public, shall comply with all applicable terms of this zoning ordinance and the following conditions.

A. All lots or parcels which have frontage upon a private road, or where ingress and egress to any such lot or parcel to a public road is by means of a private road, shall be subject to and have recorded a road maintenance agreement, easement agreement and deed restrictions which shall run with all such lots or parcels and which shall provide for perpetual private (non-public) maintenance of such road or roads. Such documents shall contain, at a minimum, the following provisions:

1. A method of initiating and financing such road or roads to keep them in a reasonably good and useable condition.

2. An acceptable method of apportioning the costs of maintenance and improvement as well as a means of enforcing payment thereof through assessment and other means available to insure the payment thereof.

3. A notice that no public funds of any kind will be used to build, repair, or maintain the private road. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified herein and assess all owners of parcels on the private road for the improvements, plus an administrative fee in such amount as the Board shall deem appropriate which shall not exceed twenty-five (25) percent of said expenditures.

4. Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary. Easements shall also be reserved for all necessary utilities, drainage, ingress and egress as deemed necessary by the Township Planning Commission.

5. A provision that the owners of any and all property using such road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include, but not necessarily be limited to, use by family, guests, invitees, tradesmen and others bound to or returning from any of the properties having a right to use the road.

6. A provision which acknowledges that the Township has no responsibility or obligation regarding construction, repair, improvement, or maintenance as to said private road or as regards ingress or egress to any lots or parcels utilizing such road and further providing that the Township shall be indemnified and held harmless and released from any and all claims, causes of action, damages, etc., in any way related thereto.

7. A provision which restricts parking on the traveled portion of the street and/or road right-of-way, as well as any cul-de-sacs to only licensed passenger vehicles or service vehicles. This provision shall also prohibit the parking or storage of any unlicensed vehicle or any other object, part, machinery, or piece thereof in the traveled portion of the road or the road right-of-way or cul-de-sac, and shall further provide that any violation shall result in the offending object being removed as the owner's expense and further provide for assessment of any and all such costs or expenses incurred in the object's removal being assessed against the property in accordance with paragraph 2 above, or allow for the collection of such costs through an appropriate legal action.

a) A provision which requires that the road will receive chloride or other suitable dust control application no fewer than two times per year. (*amendment 35*)

8. Prior to recording, the Road Maintenance Agreement, Easement Agreement and Deed Restrictions shall be submitted to the Planning Commission for review by the Planning Commission and the Township attorney for compliance with the terms and conditions of this zoning ordinance.

B. There shall be no structures erected or commencement of construction on a private road until all appropriate permits and approvals for the road have been obtained from the appropriate authorities.
(*amendment #9*)

16.45 - PURPOSE

Sec. 16.45. The purpose of this section is to provide standards and specifications for the construction and development of streets and drives within a private residential development within the Township of Cohoctah; to contribute to and promote the general safety, health, and welfare of the public utilizing the streets, drives, and buildings within a private development. This section will establish standards to allow for access by emergency vehicles and to assist in the organized flow of pedestrian and vehicular traffic within a private development. The zoning ordinance is not meant to supersede any part of Act No. 288, Public Acts of 1967.

A. Definitions:

1. *Board.* The Cohoctah Township Board for the Township of Cohoctah, Livingston County, State of Michigan.

2. *Livingston County Road Commission Standards and Specifications.* The Livingston County Road Commission Standards and Specifications for plat development and street construction effective June 10, 1972, and any amendments or additions thereto.

3. *Master Right-of-way Plan.* The current duly adopted Livingston County Road Commission's Street and Highway Right-of-way Plan or as such may be amended from time to time.

4. *Planning Commission.* The Cohoctah Township Planning Commission.

5. *Proprietor.* A natural person, firm, association, partnership, corporation, or combination of any of them which may hold any ownership interest in land whether recorded or not.

6. *Road Commission.* The Board of County Road Commissioners of the County of Livingston, State of Michigan and/or their duly authorized agents.

7. *Township Engineer.* The engineer retained by the Township Board or any assistant designated to act for him.

B. Street and road right-of-way requirements:

1. All developments adjacent to a county or public road shall have a minimum right-of-way width along said road which conforms to the current master right-of-way plan adopted by the Livingston County Board of County Road Commissioners.

2. All points of ingress and egress from any parcel of land within a development to a county or public road shall comply with the terms of this ordinance set forth herein to promote adequate provisions for traffic safety.

3. All streets and roads within a development shall have a minimum right-of-way width of sixty-six (66) feet.

4. Any alley in the rear of any lot or parcel shall have a minimum width of thirty-three (33) feet.
5. Greater right-of-way widths may be required by the Township whenever it is deemed necessary in the interest of public health, safety, and general welfare.
6. All road intersections shall have a minimum radius of twenty (20) feet at the right-of-way line.
7. The street right-of-way shall be of uniform width and the use of so called eyebrows, elbows or like designs will not be permitted.
8. All proposed streets shall have horizontal curves of not less than two hundred thirty (230) feet radius.
9. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available lot or parcel within the development which lot or parcel fronts upon the cul-de-sac.
10. Any cul-de-sac shall have a radius of eighty (80) feet and a finished surface radius of sixty-six (66) feet.
11. Any island in a cul-de-sac shall have a radius not to exceed thirty-six (36) feet.
12. In addition to the eighty (80) foot radius for a cul-de-sac, there shall also be provided an additional grass easement which shall contain no shrubs, plantings, or structures of any kind for an additional width of five (5) feet around the entire perimeter of the cul-de-sac.
13. Road surfacing requirements (*amendment 35*)

A) Any private roads constructed in accordance with this ordinance shall have a hard surface in accordance with Section 16.45 D.9(A) (Hard Surface Requirements), subparagraphs (a) through (d), if the road(s) meets any one of the following conditions:

1. The private road provides ingress/egress to an existing paved road.
2. The private road is located in an SR Suburban Residential District, RR Rural Residential District, or S Settlement District.
3. The number of parcels in a development will exceed ten in number.

B) There shall be no requirement of hard surfacing the road(s) as set forth above and the road may be gravel surfaced in accordance with Section 16.45D.9(D) under the following conditions:

1. No parcel in the development shall be less than ten (10) acres in size and the private road does not provide ingress or egress to a paved road. The creation of any development that has at least one parcel whose minimum size is less than ten (10) acres will require a paved private road. (*amendment #39*)
2. The development does not have more than ten parcels that either abut the private road and/or have access to the private road. (*amendment #35*)
3. Developments under Section 16.50 of this Zoning Ordinance, Open Space and Rural Preservation Developments, located in the AR, RD, or WRD Districts, provided there are no more than four (4) parcels that can use the road for access to a public road, unless the private road derives its ingress and egress from a paved public road in which case the private road must be paved. (*amendment #39*)
4. In the event that at any time any of the existing parcels are to be partitioned or further subdivided so that the total number of potential residential dwellings or parcels using

the

private road exceeds ten (10), the road must be brought up to the current requirements and specifications of this ordinance for hard surfacing. The developer, prior to selling any lot or parcel, will be required to restrict each parcel by recording an Affidavit of Restrictions in the office of the Livingston County Register of deeds whereby the owner of any parcel or building site that has access to the private road will be responsible for for all costs associated with bringing the road up to the requirements of this Ordinance for hard surfacing, if such owner of a parcel or building site seeks to split or otherwise

take any action that would result in more than ten (10) parcels or ten (10) residential dwellings having access to the private road. (*amendment #39*)

5. The Cohoctah Township Planning Commission and Zoning Administrator shall not authorize the construction and/or further partition of any parcels along the private development if that division creates an 11th parcel or building site which will utilize said private road, unless the road meets all the requirements of this zoning ordinance pertaining to hard surfacing requirements. (*amendment #39*)

C. Preliminary plans.

1. The proprietor shall file with the Township a preliminary plan sealed by a licensed engineer, containing all information required for site plan review in Article XX of the Cohoctah Township Zoning Ordinance. The drawing shall be at a scale not less than one inch equal to two hundred (200) feet. The drawing shall show the street and alley layout, proposed future streets, lot or parcel dimensions, rivers, natural water course, county drains, sewers, and abutting property owners in sufficient detail on topographic map to enable a determination of whether the location might influence the layout of the development. Existing section and quarter section lines are to be shown on the layout.

2. The preliminary plan referred to above shall contain a location map (not smaller than one inch equal to five hundred (500) feet) to show the location of the proposed development with respect to roads, creeks, rivers, water course, wetlands, and railroads.

3. The street layout shall match the pattern established by adjacent roads and streets and any existing public roads, streets, or alleys that terminate at the boundaries must be connected with the road and street system of the proposed development. The layout of roads, streets, and alleys in the proposed development shall provide a continuous circuit for travel, except when in the opinion of the Planning Commission, the lands within the development are limited in area or subject to a natural barrier. In such cases, the Planning Commission may approve a road right-of-way design that provides access to a public highway at one location. If in the judgment of the Planning Commission, a cul-de-sac is necessary, the lot layout shall be designed so that not more than four (4) lots or parcels will have frontage on the cul-de-sac. The Planning Commission reserves the right to reject any development showing unnecessary cul-de-sacs in a proposed street layout. Nine (9) copies of the preliminary plan must be filed with the Township Clerk for consideration by the Planning Commission. Two (2) additional copies shall be filed with the Township engineer for his review. These plans shall be filed at least twenty-one (21) days prior to the meeting date for which the proprietor requests consideration. Notice of approval shall be made on the copy retained by the Township Clerk. If rejected, the reasons for rejection and any requirements for approval shall be given in writing to the proprietor. Upon approval of the final site plan for the development by the Township, the engineer for the proprietor may proceed with the road and drainage plan.

4. Failure by the proprietor to begin construction of streets according to approved plans on file with the Township within one year from date of approval, shall void the approval and a new preliminary plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Livingston County Road Commission in its standards and specifications for street construction and development.

D. Roads, streets, and drainage plan.

The road, street, and drainage plan shall be prepared by the engineer for the proprietor and shall consist at a minimum of the following:

1. The centerline of the road shall be constructed on the centerline of the right-of-way.
2. The centerline profile shall be scaled at one inch equal to one hundred (100) feet horizontal and one inch equal to ten (10) feet vertical, showing the existing ground elevation and proposed grades. The minimum sight distance at all internal street intersections of the development shall be three hundred (300) feet measured so that the height of the eye at the normal stopping point at the intersection measured three (3) feet nine (9) inches above the surface shall be able to see an object located four (4) feet six (6)

inches above the surface of the road way. The minimum sight distance at all existing county highway intersections with any proposed streets shall be six hundred (600) feet using the same measurements.

3. The minimum grade on any street shall be 0.5%. The maximum grade on any street shall be 5.0%.

4. A standard parabolic vertical curve shall be used at all changes in grade. No vertical curve of less than one hundred (100) feet or less than forty (40) times the algebraic difference in percent of grades will be used.

5. All proposed streets shall have horizontal curves of not less than two hundred thirty (230) foot radius.

6. All topsoil shall be removed from the roadbed between the ditches. All unsuitable materials shall be removed from roadbed between the ditches.

7. All stones, fences, and other deleterious material within the street right-of-way shall be removed. Trees shall be removed as directed by the Township engineer.

8. All fill and back fill within the right-of-way shall meet the current Michigan Department of Transportation specifications and shall be approved by the Township engineer.

a. The subgrade must be inspected and certified by the proprietor's engineer prior to the placement of any fill material and/or road structural section. (*amendment 34*)

9. A. The proposed cross section shall have a thirty (30) foot finished roadway width, shoulder to shoulder, with a minimum of seven (7) inches compacted gravel base, thirty (30) feet wide, and a minimum of six (6) inches compacted porous subbase. In addition to this, an approved bituminous surface three (3) inches thick (220# per square yard), is required. The minimum width of this paved surface shall be twenty-two (22) feet. Alternate full depth sections of asphalt, soil cement or concrete may be recommended by the engineer for the proprietor in lieu of the porous base. The alternate design must be approved by the Township engineer. (*amendment #35*)

Hard surface requirements.

a. Gravel base material shall meet the Michigan Department of Transportation Specifications 22-A.

b. The porous sub-base material shall meet the Michigan Department of Transportation Specifications for Class II Granular Material.

c. Specifications for bituminous material: (Mix design must be approved by the Township engineer)

1. Prime coat - Michigan Department of Transportation Standard Specifications MC 30 or MC 70 and T-2 and T-3.
2. Paving materials - Michigan Department of Transportation Specifications No. 4.11 or 4.12

d. Specifications for concrete pavement: (Mix design must be approved by the Township engineer)

1. All materials shall conform to the Michigan Department of Transportation current specifications No. 4.14.

B. The proposed road cross section shall have a twenty-six (26) foot finished roadway width, shoulder to shoulder, with a minimum of seven (7) inches compacted gravel base, twenty-six (26) feet wide, and a minimum of six (6) inches compacted porous sub-base.

a. Gravel base material shall meet the Michigan Department of Transportation Specifications 22-A.

b. The porous sub-base material shall meet the Michigan Department of Transportation Specifications for Class II Granular Material.

C. (*amendment #34*) During construction of the private road, the petitioner must perform the following testing and inspections shall be performed:

a. Underground Utilities (where applicable)

1. The petitioner's engineer shall have a representative on site at all times during the installation of the underground utilities (culvert, sewer, and water main) to observe the underground utility installation and verify the use of proper construction methods with the exception of those utilities to be owned and operated by the Township. The results of these inspections and observations should be documented in the petitioner's engineer's daily reports.
2. Compaction (or density) testing shall be performed once every 250 feet per lift of trench backfill or once per lift on pipe runs less than 250 feet with more if failing tests warrant.
3. The backfill of catch basins, inlets, manholes, valve boxes, etc. within the influence of the roadbed shall be placed in accordance with the requirements for structural backfill as called for in the current Michigan Department of Transportation Standard Specifications for Construction.

b. Subgrade

proposed

1. The proposed location of the road shall be identified by placement of surveying stakes. The stakes shall indicate the horizontal location and grade of the road.

is

2. The road subgrade shall be visually inspected by the petitioner's engineer to verify that the road is in the correct location and the subgrade is trimmed to the proper grade and slope. The subgrade inspection should also confirm that the subgrade

inspec-

free from rutting and soft spots before placing any subbase material. The visual inspection shall consist of "proof-rolling" the subgrade. The results of this tion shall be documented in the petitioner's engineer's daily reports.

c. Subbase

1. A gradation analysis shall be performed on the subbase material to confirm that the material meets the gradation requirements for the approved subbase material.

Gradation analysis tests shall be performed at a frequency of not less than once every one hundred fifty (150) cubic yards of subbase material.

2. Compaction (or density) testing of the subbase material shall be performed at a frequency of not less than once for every two hundred (200) feet of roadway with more if failing tests warrant.

3. The grading and slope of the subbase material shall be checked and documented with a frequency of not less than every one hundred (100) feet of roadway.

checked

4. The bottom grade and width of the roadside ditches (if provided) shall be and documented with a frequency of not less than one hundred (100) feet of ditch. The locations and elevations of the culvert inverts shall be documented.

to
5. A visual inspection of the subbase material shall be performed and documented
verify that the subbase is free from rutting and soft spots before placing any base
material.

d. Aggregate Base
confirm
base
1. A gradation analysis shall be performed on the aggregate base material to
that the material meets the gradation requirements for the approved aggregate
materials. Gradation analysis tests shall be performed at a frequency of not less
than once every fifteen hundred (1500) cubic yards of aggregate base material.
2. Compaction (or density) testing of the aggregate base material shall be performed
at a frequency of not less than once for every one hundred (100) feet of roadway
with more if failing tests warrant.
3. The grading and slope of the aggregate base material shall be checked and docu-
mented with a frequency of not less than every one hundred (100) feet of
roadway.

e. Bituminous Pavement
of
design
1. The petitioner's engineer shall issue a written "permit to place" for each section
aggregate base material suitable to place the bituminous pavement material. This
"permit to place" shall verify that the bituminous pavement will not be placed on
any frozen aggregate base material or frost when cold weather is a concern. The
petitioner's engineer shall have a representative on site at all times during the
bituminous paving operations.
2. The petitioner's engineer shall verify and document that the bituminous mix
meets the approved construction plan requirements.
3. For roads with concrete curb and gutters, the petitioner's engineer shall verify and
document the concrete mix design for the curb and gutters meets the approved
construction plan requirements. Tests for slump, air entertainment, temperature
(for both concrete and ambient air) and compressive strength (for 7-day and 28-
day) shall be performed at a rate of one set of tests for every fifteen hundred
(1500) feet of curb and gutter or one set of tests per day for each day that the
curb and gutter is installed.
4. Extraction tests shall be performed on the bituminous material at a minimum
frequency of once every one thousand (1000) tons of bituminous material placed
but not less than once a day or once per mixture type. The extraction test may be
replaced by visual inspection and submittal of plant extraction test results for
small projects with less than four hundred (400) tons of bituminous material per
project.
5. Density tests shall be performed on each lift of bituminous pavement. The control
density for each bituminous mixture shall be determined.
6. The ambient air temperature shall be documented for each day that bituminous
material is placed. The temperature of the bituminous mixture shall be
documented for each truck load.

7. The final grade of the road centerline and the concrete curb and gutters (when provided) shall be documented at a frequency of not less than once every one hundred (100) feet of roadway. The transverse slope of the final pavement shall be documented every one hundred (100) feet of roadway.

D. (*amendment #34*) At the completion of the private road construction (including final restoration and sign installation), the following items shall be submitted to the Township Engineer for final acknowledgment:

- a. One set of reproducible "Conforming to Construction Records" (or AS-Built) drawings of the completed private road. The culvert, sewer and water main locations, materials, sizes, invert elevations and slopes shall be indicated. The manhole and catch basin locations with the rim elevations should also be

indicated.

The bottom elevation of the catch basins or inlets should be shown. The grades and slopes of the road shall be shown. Each set of "Conforming to Construction Records" drawings shall have the original stamp and signature of the petitioner's registered professional engineer.

- b. Copies of all the inspection reports (including the daily reports) the tests results, the engineer's "permit to place" the bituminous pavement materials, and the engineer's certifications of the mix designs and the suitability of the road

subgrade

and subbase material shall be submitted.

10. Roadside slopes shall be one (1) on four (4) and ditches shall be twenty-four (24) inches deep, below shoulder grade, and two (2) feet wide on the bottom. Back slopes shall be one (1) on three (3) or flatter if possible.

11. The crown of the finished grade surface shall be two (2) inches.

12. Concrete curb and gutter or an approved asphalt curb may be installed as part of the development road construction. The minimum width of such construction shall be twenty-six (26) feet FACE to FACE of curb.

13. Drainage easements, twenty (20) feet in width, shall be furnished where required to provide surface runoff with the development. Releases from the abutting property owner shall be furnished where required by the Planning Commission. Drains within easements shall be enclosed underground storm drainage facilities unless specifically approved to the otherwise by the Planning Commission.

14. Ditches adjacent to existing county roads shown upon the plans shall be constructed or cleaned out to the Livingston County Road Commission specifications as in 10 above to provide drainage excepting where lot access is to internal streets within the development only, then minimum drainage will be accepted as approved by the Township engineer. In such cases where drainage is obstructed at boundaries of the development area, ditches adjacent to existing county roads beyond the development area shall be cleaned out to provide drainage.

15. Drainage facilities and all other disturbed areas shall be fertilized, mulched, and seeded and/or sodded and shall meet Michigan Department of Transportation Specifications. Erosion will not be tolerated.

16. Drainage culverts.

- a. Corrugated Metal Pipe shall meet the current American Association of State Highway Officials designations M-36.
- b. Reinforced Concrete Pipe shall meet the current American Society for Testing Materials design C 76.

17. Utilities shall be located and installed in accordance with plans approved by the Township engineer.

18. Prior to issuance of a certificate of zoning ordinance compliance, the proprietor shall install or pay the Livingston County Road Commission to furnish and install any and all road name signs and all signs necessary for traffic control. Such signs shall conform to the standard used by the Livingston County Road Commission.

19. When the street and drainage construction plans are completed, three (3) copies thereof shall be filed with the Township for forwarding to the Township engineer for approval. The applicant will be advised in writing of approval or disapproval within thirty (30) days after receipt of these construction plans.

E. *Financial requirements and responsibilities.*

1. Financial requirements for guaranteeing construction of street and drainage improvement shall be equal to at least one hundred (100) percent of the proprietor's engineer's estimate of the cost of street and drainage improvements. This estimate is to be approved by the Township engineer and shall bear the seal of registration of the proprietor's engineer. One of the following sureties may be used for this requirement:

- a. *Bond.*
 - 1. Bond and Bond company approved by the Township Planning Commission and Township attorney.
 - 2. Bond shall be for a two (2) year period.
- b. *Cash deposit.*
 - 1. Cash.
 - 2. Certified check payable to Cohoctah Township.
- c. *Escrow agreement.*
 - 1. Escrow agreement shall be furnished in a form acceptable to the Township Planning Commission and Township attorney.
 - 2. Escrow agreement shall be for a two (2) year period.
- d. *Irrevocable Bank Letter of Credit.*
 - 1. Bank must be approved by the Township Planning Commission.
 - 2. Payable to Cohoctah Township upon draft authorized by the Township Board.
 - 3. Shall be for a two (2) year period.
 - 4. Letter of credit in form approved by Cohoctah Township Planning Commission and Township attorney.

2. Contingency fund in the amount of ten (10) percent of the approved proprietor's engineer's estimate of cost of street and drainage improvements shall be required to guarantee that the proprietor shall reconstruct any damaged street improvement, replace any unsatisfactory condition, make final clean-up of street and drainage system, and correct unforeseen deficiencies after construction is complete. This fund will be held for a period of one (1) year after date of final approval of street and drainage improvements by the Planning Commission. One of the following sureties may be used:

- a. *Cash deposit.*
 - 1. Cash.
 - 2. Certified check payable to Cohoctah Township.
- b. *Escrow agreement.*
 - 1. An escrow agreement shall be furnished in a form acceptable to the Township Planning

Commission and Township attorney.

2. Escrow agreement shall be for a one (1) year period.

c. May be included in escrow agreement form mentioned in Section 1, paragraph c above.

d. *Irrevocable Bank Letter of Credit.*

1. Bank must be approved by the Township Planning Commission.

2. Payable to Cohoctah Township upon draft authorized by the Township Board.

3. Shall be for a one (1) year period.

4. Letter of credit in form approved by Cohoctah Township Planning Commission and Township attorney.

3. Inspection fee in the amount of three (3%) percent of the approved proprietor engineers estimate of cost of street and drainage improvements, shall be paid by cash or certified check payable to Cohoctah Township. This fee is to cover administrative costs and inspections incurred and authorized by Cohoctah Township relative to the development. Such inspections shall not relieve the proprietor's engineer of any of his obligations, but are to verify the conformance of construction and conditions with the specifications. (*amendment #35*)

4. If street and drainage improvements are not completed in an acceptable condition within two (2) years after the approval by the Planning Commission, the proprietor will be held in default and all sureties shall be forfeited to Cohoctah Township and procedures will be taken to have street and drainage improvements completed.

5. The fees and financial requirements set forth herein must be paid or otherwise provided to the township prior to commencing any construction and prior to the issuance of the land use permit. (*amendment #35*)

F. Final Inspection and approval.

1. After all streets, roads, alleys, and drains are completed, the proprietor shall furnish the Township with a letter requesting an inspection and with a certificate of completion from his engineer. The engineer for the proprietor shall certify, over his professional seal, that he has personally supervised and inspected all construction and that all street improvements and drainage facilities have been constructed in accordance with the approved construction plans, specifications set forth herein and the specifications of the Livingston County Road Commission and that the surfacing materials have been tested and approved and that test reports are on file with the Township.

2. The Township engineer will provide final inspection for street and drainage improvements after receiving the items listed in subparagraph 1 above. If the construction is complete and acceptable, the Township Planning Commission will notify the proprietor of its approval and direct the zoning administrator to issue a certificate of zoning ordinance compliance.

3. If the construction is not complete and acceptable, the proprietor's engineer will be notified as to the deficiencies. The Township engineer will re-inspect these deficiencies upon notification by the Proprietor's engineer that the deficiencies have been corrected to meet the standards required herein. When

the construction is complete and acceptable, the Planning Commission will proceed as in Section F-2.

4. The Township Planning Commission will not grant approval for the private road construction unless the Township engineer has conducted the inspections and given the necessary approvals as required by Section 16.45 D 8 and 9 of this zoning ordinance. (*amendment #34*)

G. Validity.

Each provision, requirement, regulation, or restriction established by these standards and specifications for street and road development or any amendments or additions thereto, is hereby declared

to be independent, and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not affect nor render invalid the resolution or amendments or additions thereto as a whole or any other part thereof, except as to the particular part so declared to be invalid.

COHOCTAH TOWNSHIP ZONING ORDINANCE

CONDOMINIUM DEVELOPMENT

SUPPLEMENTAL REGULATIONS (ART. XVI)

16.49 - MULTIPLE PRINCIPAL BUILDINGS UPON A PARCEL OF LAND *(amendment #32)*

As set forth in Section 16.05, more than one (1) principal building structure may be located on a parcel of land subject to approval by the Planning Commission following the site plan review as required by Article XX and upon compliance with this Section 16.49. In determining whether to approve the applicant's site plan under this section, the Planning Commission shall consult with the Zoning Administrator, township Attorney, and Township Engineer regarding the adequacy of the site plan, deed restrictions, master deed, if any, utility systems and streets, overall development layout and design and compliance with all the requirements of Act 59 of Public Acts of 1978, as amended, if the proposed project is a condominium.

A. Definitions

1. "Condominium Act" means Act 59 of Public Acts of 1978, as amended.
2. "Condominium project" means a plan or projects consisting of not less than two (2) condominium units established in conformance with the Condominium Act.
3. "Condominium subdivision plan" means drawings and information prepared and required pursuant to Section 66 of the Condominium Act and such other information as required by this Ordinance.
4. "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. In a condominium project in which the condominium units shall be building sites, then in those instances, the term "condominium unit" shall be consistent with the term "lot" in this zoning ordinance.
5. "Consolidating master deed" means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
6. "Contractible condominium" means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
7. "Conversion condominium" means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
8. "Condominium area" means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
9. "Expandable condominium" means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

10. "Front yard set back" shall be equal to the distance between the front yard area line and the condominium dwelling.

11. "Mobile home condominium project" means a condominium project in which mobile homes as defined in section 30a of Act 300 of Public Acts of 1949, MCL 257.30a are intended to be located upon separate sites which constitute individual condominium units.

12. "Master deed" means the condominium document as described and required by section 8 of the Condominium Act as approved by the Planning Commission to which are attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

13. "Rear yard set back" shall be equal to the distance between the rear yard area line and the condominium dwelling.

14. "Side yard set back" shall be equal to the distance between the side yard area line and the condominium dwelling.

B. Information requested.

A person, firm or corporation intending to develop a project which is intended to consist of more than one (1) principal building or structure upon a parcel of land shall provide to the township the following information with respect to the project concurrent with submission of an application for site plan review:

1. The name, address and telephone number of:
 - a. All persons, firms or corporations with an ownership interest in the land on which the project will be located together with a description of the nature of each such entity's interest (i.e., fee owner, land contract vendee, optionee, etc.).
 - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
 - c. The developer or proprietor of the project.
2. The legal description of the land on which the project will be developed as well as the appropriate tax identification number(s).
3. The amount of acreage of the land on which the project will be developed.
4. The purpose of the project (i.e. residential, commercial, industrial, etc.).
5. Approximate number of units for the project.
6. Whether or not a community water system is contemplated.
7. Whether or not a community septic system is contemplated.

The above information shall be kept updated until such time as a certificate of occupancy and a certificate of zoning ordinance compliance have been issued.

C. Site Plans - Information Required

Prior to commencement of any construction, grading, etc., the project shall undergo site plan review in accordance with Article XX of this Ordinance and shall also include the following information:

1. A survey plan of the project which shall include any and all streets, roads, alleys, if any, floodplains and exterior project boundaries.
2. A flood plan when appropriate.
3. A site plan showing the location, size, shape, area and width of all building sites.
4. A utility plan showing all sanitary sewer, water, and storm sewer lines, and any easements granted to an entity other than developer or co-owners association for installation, repair and maintenance of all utilities. To the maximum extent possible, all utility lines should be located in the street right-of-way and developer shall insure that easements are reserved for public water and sewer mains which are sufficient to allow for installation of such mains. Such easements and their sufficiency shall be approved by the township engineer and the township attorney.
5. Any and all streets or roads within the project shall be public roads constructed in accordance with Livingston County Road Commission specifications in effect at the time governing public roads or in accordance with Sections 16.44 and 16.45 of the Cohoctah Township Zoning Ordinance governing private roads. All roads shall be hard surfaced in compliance with said Section 16.45 but the waiver provision of Section 16.45 B. 13 B. shall not be applicable.
6. A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities approved by the County Drain Commission.

If the proposed project is a condominium project then the information to be provided to the Planning Commission shall be the Condominium Subdivision Plan prepared in compliance with MCL 559.166, in addition to the above.

After submittal of the condominium plan and by-laws for recording as part of the Master Deed, the proprietor shall furnish to the township and the county register of deed a copy of the condominium subdivision plan prepared in compliance with MCL 559.166 and this ordinance.

Once the Planning Commission has granted approval of the plan and a land use permit has been issued, any expansion, conversion, or alteration of the project whether to additional land or otherwise shall require site plan review and approval pursuant hereto and Article XX of this Ordinance.

D. Monuments required.

All projects which consist in whole or in part of building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.

1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the project if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
2. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
3. Monuments shall be located in the ground at all angles in the boundaries of the project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the project and at the intersection of alleys with the boundaries of the project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of

streets and alleys; at all angles of an intermediate traverse line and, if the project is a condominium project at the intersection of all limited common elements and all common elements.

4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

5. If a point required to be monumented is on a bedrock outcropping, a steel rod at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.

6. All required monuments shall be placed flush with the ground where practicable.

7. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.

8. The Township Board of the Township of Cohoctah may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposit with the Township Clerk cash or a certified check, or irrevocable bank letter of credit to the Township of Cohoctah, whichever the Township selects, in an amount as established by the Cohoctah Township Board in its established schedule of fees. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

E. The developer or proprietor of the project shall provide to the Township appropriate documentation establishing that appropriate state and county approvals have been received regarding the fresh water system for the proposed project and regarding the waste water disposal system for the proposed project.

F. If the parcel of land is within a Township Sanitary Sewer District, then the developer, contractor, and/or owner must make provisions to immediately hook into the Township Sanitary Sewer System and otherwise be in full compliance with the Township's Waste Water Collection and Treatment System Ordinance. In the event the parcel of land is within the sewer district and the sewers are not immediately available to that parcel of land, the developer, contractor and/or owner must make provisions in the design and construction of the building/structure for future connection into the Township Sanitary Sewer System which shall include sanitary sewer mains and house connections to be installed and capped. If and when the sanitary sewer becomes available, each dwelling must hook-up to the sewer.

G. There shall be maintained a minimum distance of seventy (70) feet between principal buildings.

H. Any development which shall consist in whole, or in part, of dwelling units attached to one another shall be located only in an SR district and shall comply with all of the requirements and standards of said district unless specifically allowed otherwise under this Section 16.49. All developments which consist solely of detached one family dwelling units shall be located only in a RR or SR District and shall comply with all of the requirements and standards of the district in which they are located unless specifically allowed otherwise under this Section 16.49.

I. In the event a project will include recreational space or open space for park, environmental preservation, or other aesthetic reasons, then the project may provide for building sites smaller in area than that required by the zoning district in which it is located; provided, however, under no circumstances shall the project contain more building sites than would be allowed if there was no such open space. In computing the number of building sites allowable in relation to the overall acreage of the project, the area comprising the streets, roads, parking area, lakes, rivers, streams, wetlands, etc. within the project shall not be included in determining the number of building sites in the project.

J. Any proposed division of individual building sites shall conform to the requirements of this Ordinance for minimum width, area, and building setback requirements and shall be approved by the

Zoning Administrator. In the event of any proposed relocation of boundaries of any building site or sites, as described in Section 48 of the Condominium Act, such relocation shall comply with all setback requirements of this Ordinance for the district in which the project is located and shall be approved by the Zoning Administrator.

K. The developer and/or proprietor of the project shall furnish to the Planning Commission, for its review and approval, copies of any and all documents establishing easements for ingress, egress, public utilities, etc. as well as those documents creating maintenance agreements or other contracts between property owners and/or residents in the project pertaining to roads or common areas, any restrictive covenants and/or deeds pertaining to the property and, if applicable, a master deed and exhibits A and B thereto.

L. Public utilities and driveways shall be located in accordance with the rules of the Livingston County Road Commission then in effect. The underground work for utilities shall be stubbed to the building site boundary line. The developer shall make arrangements for all television service to be placed underground entirely throughout the development area, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways. Those telephone and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. The proposed location of all underground wiring shall be submitted to the appropriate utility for approval. Installation shall not proceed until such approval has been granted. All telephone and electrical facilities shall be constructed in accordance with standards of construction in compliance with all applicable federal, state and local laws and regulations. Cable television facilities, if any, shall be constructed in accordance with applicable state, federal and local regulations or ordinances. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the developer.

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

N. When a proposed development is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the developer.

O. All condominium projects shall comply with federal and state statutes and local ordinances.

P. Encroachment of one (1) condominium unit upon another, as described in section 40 of the Condominium Act, shall be prohibited by the Condominium Bylaws and recorded as part of the master deed.

Q. The developer shall be responsible for payment of all fees related to review of the condominium project and all documents and information submitted in regard thereto for approval by the Township as required herein in accordance with the fee schedule established by the Cohoctah Township Board. All approvals must be granted and payment of all fees made before a certificate of zoning ordinance compliance will be issued.

COHOCTAH TOWNSHIP ZONING ORDINANCE

SITE PLAN REVIEW PROCEDURES ARTICLE XX

20.01 Purpose

Sec. 20.01. The purpose of the Article is to establish uniform requirements of procedure for all developments in Cohoctah Township so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development; so that both those developing property and the responsible Township officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a Zoning Permit and the starting of construction.

20.02 Developments requiring site plan approval

Sec. 20.02. The following land, building and structural uses require "Site Plan Approval":

- A. All principal uses and their accessory uses in all districts unless otherwise exempted by Section 20.03 of this Ordinance. *(amendment #40)*
- B. All special uses and PUD's and their accessory uses in all districts.
- C. All condominium projects in all zoning districts.
- D. All subdivision developments in all zoning districts.
- E. Open space and rural preservation developments as provided in Section 16.50 of this Zoning Ordinance. *(amendment #38)*

20.03 Developments not requiring site plan approval

Sec. 20.03

- A. Single family home and its accessory uses in the RD, WRD, AR, RR, SR, and MHR districts. *(amendment #40)*
- B. General or specialized farming and their accessory uses and roadside stands in the RD, WRD, AR, RR, and SR districts. *(amendment #40)*

20.04 Role of the Zoning Administrator

Sec. 20.04. The Zoning Administrator shall not issue a Zoning Permit for construction of, or addition to, any use until a final site plan has been approved by the Township Planning Commission and is in effect. A use of land requiring site plan review and approval, not involving a building or structure, shall not be commenced or expanded until a final site plan has been approved by the Township Planning Commission and a Zoning Permit has been issued for it.

20.05 Site plan approval required prior to starting construction or use of land

Sec. 20.05. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval, until a final site plan is approved and is in effect, except as provided in this Article.

20.06 Preliminary conference on proposed site plan

Sec. 20.06. An applicant may request a meeting with the Planning Commission for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project which the site plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting.

20.07 Preliminary site plan requirements

A. *Application.* Any person may file a request for preliminary site plan approval by filing required forms with the Township Clerk, payment of the review fees, and at least seven (7) copies of a preliminary site plan drawing(s). Upon receipt of such application, the Clerk shall transmit the preliminary site plan drawing(s) to the Planning Commission.

B. *Information Required for Review.* The Planning Commission shall in writing waive any site plan requirements they consider to be clearly unnecessary for substantial review. The Planning Commission, at its option, may schedule a public hearing for site plan review. The information to be required for site plan review shall include the following:

1. *Date, north arrow, and scale.* The scale shall be not less than one inch equals twenty feet (1" = 20') for property under three (3) acres, and at least one inch equals one hundred feet (1" = 100') for sites three (3) acres or more.
2. *Statistical data.* Statistical data shall include the type of development, the number of structures, the number of subunits per structure, the size of each unit, the total area involved, the percent of area being developed, the percent of area used for structures and the percent left undeveloped. The statistical data shall also include the name of the public school district serving the site.
3. *Location and height of existing and proposed structures.* The location and height of all existing and proposed structures on the property being developed and within five hundred (500) feet of the property boundary lines shall be shown. In the cases where protective screening is required, the initial and long term effect of the screening shall be identified. If there are no adjoining residential structures, this requirement may be waived.
4. *Property lines.* All lot and/or property lines are to be shown and dimensioned, including building setback lines on corner lots.
5. *Location and dimensions; existing and proposed drives, sidewalks, etc.* The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimension of typical parking space), unloading areas and open space recreation areas.
6. *Vehicular traffic and pedestrian circulation.* Vehicular and pedestrian circulation features within the site and within one thousand (1,000) feet of the development site shall be shown.
7. *Location of proposed landscaping.* The location of all proposed landscaping, greenbelts, separation berms, fences and walls shall be shown. It shall also show any topographical alterations or changes in natural terrain including drainage patterns. See also Section 16.18.
8. *Size and location of existing and proposed utilities.* Size and location of existing and proposed utilities and easements, including proposed connections to public sewer or water supply system. If onsite systems for wastewater treatment are proposed, the size and location of drain fields shall be noted.
9. *Location map.* A location map indicating the relationship of the site to the surrounding land uses including respective zoning of the abutting properties whether separated by roadways or not.
10. *Drainage facilities.* The location and size of all existing and proposed surface water drainage features and changes that might affect the drains shall be shown. The data shall include the percent coverage of impervious surfaces and the means to control stormwater flow. Identification of any floodplain within the site or on property adjacent thereto shall be shown.
11. *Contour intervals.* Topographic contours shall be shown at two (2) foot intervals, referenced to U.S.G.S. datum.
12. *Project detail and specific use.* The detail of the specific uses of a project under consideration for a special use permit must be included and may become part of the permit. Alterations of the plans and concepts made after approval by the Planning Commission will constitute a change in the project and may require a complete renewal of the site plan process in the sole discretion of the Planning Commission.

13. *Undisturbed areas.* Areas to be left undisturbed during construction shall be so indicated on the site plan and shall be so identified on the ground so as to be obvious to construction personnel.

14. *Registered designer required.* The drawings, engineering estimates and special cost estimates must contain the signature and/or seal of a registered engineer, architect, or landscape architect for all commercial, industrial, PUD, platted residential and condominium developments.

15. *Other information.* All information required under Section 21.04 B 1 through and including 9.

C. *Planning Commission Action.* The Planning Commission shall study the preliminary site plan and shall approve, approve with conditions or deny the preliminary site plan. If denied, the Planning Commission shall set forth the conclusions of its findings and the reasons for its denial. The time limit for the Planning Commission shall be sixty (60) days within which to make a decision on the application from the filing date. The time may be extended upon written request by the applicant and approved by the Planning Commission or by mutual agreement by the Planning Commission and the applicant.

D. *Effect of Approval.* Approval of preliminary site plan by the Township Planning Commission shall indicate its acceptance of the proposed layout of buildings, roads and drives, parking areas, and other facilities and areas, and of the general character of the proposed development. The Planning Commission may, with appropriate conditions attached, authorize issuance of a conditional land use permit by the Zoning Administrator on the basis of an approved preliminary site plan. The conditions to be attached to a permit issued for grading and foundation work may include, but not necessarily be limited to, provisions for control of possible erosion, for excluding the Township from any liability, if an acceptable plan is not provided, and for furnishing a financial guarantee for restoration of the site if work does not proceed. Site plan approval requires that the applicant meet all of the requirements of the Michigan "Soil Erosion and Sedimentation Control Act", Public Act 347 of 1972, MCL 282.101 et seq. The Zoning Administrator's issuance of a conditional land use permit is subject to the petitioner acquiring a grading permit through the County Drain Commission or its agents.

E. *Expiration and Extension of Approvals.* Approval of a preliminary site plan shall be valid for a period of six (6) months from the date of approval and shall expire and be of no effect unless an application for final site plan approval is filed with the Township Clerk within that time period. A six (6) month extension may be granted upon written request of the applicant and approval of the Township Planning Commission. The approval of the preliminary site plan shall also expire and be of no effect one year after approval of a final site plan, unless a Zoning Permit has been obtained for development shown on the approved final site plan within that time period.

20.08 Final site plan requirements

Sec. 20.08.

A. *Application.* Following approval of a preliminary site plan, the applicant shall submit seven (7) copies of a final site plan as well as other data and exhibits hereinafter required to the Township Clerk, the review fee, and a completed application form. The Clerk, upon receipt of the application, and special meeting fee, shall promptly transmit the final site plan to the Planning Commission.

B. *Information Required for Review.* Every final site plan submitted for review under this Article shall contain information as required by Township regulations for site plan review.

C. *Planning Commission Action.* The Planning Commission shall study the final site plan and shall approve, approve with conditions or deny the final site plan. If denied, the Planning Commission shall set forth the conclusions of its findings and the reasons for denial. The time limit for the Planning Commission shall be sixty (60) days within which to make a decision on the application from the filing date. The time may be extended upon written request by the applicant and approved by the Planning Commission or by written agreement between the Planning Commission and the applicant.

Upon the Planning Commission's approval of the final site plan, the applicant and owner(s) of record, and the Chairman of the Planning Commission and Township Clerk or their designated

replacement, shall sign the approved plan. The Planning Commission shall transmit one (1) signed copy of the approved final site plan to the Zoning Administrator, Township Clerk, and to the applicant. If the final site plan is disapproved the Planning Commission shall notify the applicant in writing of such action and the reasons for it.

D. *Effect of Approval.* Approval of a final site plan authorizes issuance of a Zoning Permit. Approval shall expire and be of no effect after six (6) months following approval by the Planning Commission, unless a Zoning Permit is applied for and granted within that time period. Approval shall expire and be of no effect one (1) year following the date of approval unless authorized construction has begun on the property in conformance within the approved final site plan.

E. *Appeal by applicant.* The applicant may appeal the decision of the Planning Commission on all matters pertaining to the provisions of this Zoning Ordinance, but not the use of land, buildings or structures, to the Zoning Board of Appeals within ten (10) days of the date of the decision of the Planning Commission on the final site plan.

20.09 Criteria for site plan review

Sec. 20.09. In reviewing a preliminary or final site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with the regulations and objectives of this Ordinance and shall endeavor to assure that they conform to the following criteria:

A. *Preservation of Natural Environment.* Existing conditions of the natural environment shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development.

B. *Relations of Proposed Land, Building and Structural Uses To Environment.* Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development. The achievement of such relationship may include the enclosure of space in conjunction with existing uses and structures or other proposed uses and structures and the creation of special arrangements and focal points with respect to functional areas, avenues of approach, terrain features or other structures.

C. *Drives, Parking and Circulation.* Vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not adversely affect the design of proposed land, buildings and structures and adjacent and surrounding development areas.

D. *Surface Water Drainage.* Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or the public storm drainage system. If practical, storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground piped drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved areas.

E. *Utility Service.* Electric power and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to adjacent properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installations shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.

F. *Advertising Features.* The size, location and lighting of all permanent signs and outdoor advertising structures or features, shall be consistent with the requirements of Article XIX, "Sign Regulations".

G. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing natural and developed environment of adjacent and surrounding properties.

H. Additional Requirements. All other standards and requirements of this Article must be met by site plans presented for review.

I. That the proposed development conforms to all regulations of the zoning district in which it is located.

J. That the plan meets the specifications of Cohoctah Township or Livingston County for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services, and has been approved by all appropriate state and local authorities or their approval has been assured.

K. That soils not suited to development will be protected or altered in an approved manner as determined by the Planning Commission.

L. That the proposed development will not cause soil erosion or sedimentation problems.

M. That the proposed development properly respects floodways and/or floodplains on or in the vicinity of the subject property.

N. That outside lighting will not adversely affect adjacent or neighboring properties or traffic on adjacent streets.

O. That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.

P. That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.

Q. That the plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.

R. That the plan provides for proper expansion of existing public streets serving the site, where applicable.

S. That all phased developments are ordered in a logical sequence so that any individual phase will not depend in any way upon a subsequent phase for adequate access, public utility services, drainage or erosion control.

T. The Planning Commission may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained in accord with any use to which they are appurtenant.

U. The Planning Commission shall have some latitude in specifying the walls, fences, greenbelts as they apply to a phased development if the particular phase of development and construction work is far enough removed from adjacent properties to afford the screening, etc., as otherwise required.

V. Adequate assurances are received so that clearing the site of topsoil, trees and other natural features before the commencement of building operations, will occur only if those areas approved for the placement of physical improvements.

W. The development will not substantially reduce the natural retention storage capacity of any watercourse, thereby increasing the magnitude and volume of flood at other locations.

X. The soil and subsoil conditions are suitable for excavation, and site preparation and the drainage is designed to prevent erosion and environmentally deleterious surface runoff.

Y. The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, hillsides or wooded areas, but will preserve and incorporate such features into the development's site design.

Z. The location of natural features and the characteristics of site topography have been considered in the designing and siting of all physical improvements.

20.10 Modification of procedure.

Sec. 20.10. An applicant may, at his discretion and risk, combine preliminary and final site plan in application for approval. In such a situation, the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexities and/or scale of the site of the proposed development so warrants.

20.11 Amendment of an approved site plan.

Sec. 20.11. A site plan may be amended upon application and in accordance with the procedure provided in Section 20.07 herein, for a preliminary site plan, and Section 20.08 herein, for a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan without amendment to the approved preliminary site plan at the discretion of the Planning Commission. The Planning Commission shall have the authority to determine if a proposed change requires an amendment to the approved site plan.

20.12 Modification during construction.

Sec. 20.12. All improvements shall conform to the approved final site plan. If the applicant chooses to make any changes in the development in relation to the approved final site plan, he shall do so at his **own risk**, without any assurance that the Planning Commission will approve the changes. It shall be the responsibility of the applicant to notify the Zoning Administrator and the Planning Commission in writing of any such changes. The Zoning Administrator or the Planning Commission may require the applicant to correct the changes so as to conform to the approved final site plan.

20.13 Phasing of development.

Sec. 20.13. The applicant may, at his discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall clearly indicate the location, size, and character of each phase. A final site plan for each phase may be submitted for approval.

20.14 Inspection.

Sec. 20.14. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the Planning Commission, in writing, when a development for which final site plan was approved which does not pass inspection with respect to the approved final site plan, and shall advise the Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Planning Commission of progress towards compliance with the approved final site plan, and when compliance is achieved. The fee schedule established by the Township Board shall include a special schedule of fees to cover large and costly

projects so as to adequately cover costs of the Township inspections of such projects as required under the provisions of this Ordinance.

20.15 Fees.

Sec. 20.15. Fees for the review of site plans and inspections as required by this Article shall be established, and may be amended, by resolution of the Township Board, upon the recommendation of the Planning Commission.

20.16 Performance guarantees.

Sec. 20.16. Bonds or other acceptable forms of security may be required of the applicant after a final site plan is approved and prior to issuance of a Zoning Permit for certain site improvements such as, but not limited to, roads or drives, parking lots, grading, landscaping, and buffers. A schedule for such security shall be established by resolution of the Township Board upon recommendation of the Planning Commission, and shall be administered by the Township Treasurer and Clerk. Such security may be released in proportion to work completed and approved upon inspection as complying with the approved final site plan. In the event that the applicant shall fail to provide improvements according to the approved final site plan, the Township Board shall have the authority to have such work completed, and to reimburse itself for costs of such work by appropriating funds from the deposited security, or may require a performance by the bonding company.

20.17 Violations.

Sec. 20.17. The approved final site plan shall regulate development of the property. Any violation of this Article, including any improvement not in conformance with an approved final site plan, shall be deemed a violation of this Article, and shall be subject to the penalties of this Ordinance.

**APPLICATION AND PERMIT FOR OPEN SPACE
AND RURAL PRESERVATION DEVELOPMENT**

COHOCTAH TOWNSHIP

Deliver to: Cohoctah Township Hall, 10518 Antcliff Road

Mail to: 6950 Owosso Road, Fowlerville, MI 48836

Owner's Name _____ Date _____

Mailing Address _____

Property _____

Address _____

Phone _____ App. Number _____

Conceptual Fee (due with application).....\$400

Preliminary & Final Review Fee (due before preliminary meeting.....\$850

Contingency Fees (due before preliminary meeting - refundable).....\$800+

Land Division Fee (\$50 per parcel due before final meeting) \$

1. Attach deed, land contract, or other evidence of ownership.

2. Attach a copy of legal description of property.

3. Parcel ID number(s) _____

4. Directions to property _____

5. Number of splits currently available on parent parcel _____

6. Zoning District _____

7. Parcel area in acres or square feet _____

8. If any lakes, ponds, rivers, streams, watercourses, wetlands, or drainage ways abut or pass through the property, please provide the following:

a. Describe the type of water course _____

b. Dimensions from water to boundary lines _____

9. Percentage of parcel dedicated to open space _____

10. Describe intended ownership (16.504D & E)

11. Describe the intended use of open space (16.506C)

12. Describe how open space will be dedicated and set aside

13. Number of single family dwellings proposed

14. Access to homes by driveways or private road

15. Is the project anticipated to be a condominium?

Please initial the following:

16. Applicant shall attach a conceptual drawing that identifies the following:

_____ Buildable land areas, proposed open space, any unique features, residential building sites (including all current buildings and improvements, location of all neighboring homes contiguous to the parent parcel

17. Applicant shall have property corners staked by a surveyor prior to conceptual review.

18. Applicant shall provide a full survey prior to the scheduled preliminary meeting, which shall include items from
_____ line 16 above. Be sure they remain on the final survey.

Surveyor _____ Job Number _____

19. Applicant shall provide documentation of dedicated open space for preliminary meeting.

20. Applicant acknowledges that permits may be required from the Livingston County Drain Commission, Health Department, Road Commission, or the Michigan Department of Environmental Quality.

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21. All applications, documents, fees, and supporting data must be received at least 10 working days prior to the
_____ scheduled meeting.

22. Applicant hereby grants consent to members or representatives of Cohoctah Township to **enter onto the undersigned's property** for purposes of inspection for conceptual review and for compliance with the Zoning Ordinance requirements. _____

I understand that prior to the issuance of a land use permit, the owner/developer must submit to Cohoctah Township a copy of the recorded documents required by Section 16.507C including the affidavit that sets forth the full legal description of the property specifying the date of Township approval and that all improvements will be carried out in accordance with the approved final site plan as well as any and all deed restrictions, easements, and any other documents necessary to be recorded to comply with the Cohoctah Township Zoning Ordinance and the state law.

I hereby declare that all the above statements and information contained in this application and any
Rev. Open Space 03/20/09

attachments submitted herewith are true and accurate and shall immediately inform Cohoctah Township in the event there is a change in any such information.

Signature of Applicant _____ Date _____

Signature of Owner _____ Date _____
(if different from applicant)

TOWNSHIP USE ONLY

Date completed application received _____ by _____
Cohoctah Township Clerk

Date submitted to Planning Commission _____

On-site review observations

By _____

_____ Date _____

Conceptual meeting date _____

Preliminary meeting date _____

Action taken

Final meeting date _____

Final approval of application number _____

Chairman Signature _____ Date

Secretary Signature _____ Date

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