

Addison Township

*1440 Rochester Road
Leonard, MI 48367*

PARCEL DIVISION APPLICATION

Submit your completed application in person or by mail to the Township Clerk at the address above. Payment is due upon submittal of an application. Make checks payable to Addison Township. Please respond and answer all questions. Include all attachments, otherwise the application will be considered incomplete and returned. Please note that application, fees and ordinances may be revised from time to time and only the current application and fees will be accepted for review and processing. Please verify with the Township Clerk, Pauline Bennett, @ 248.628.3317 or pbennett@addisontwp.org

All proposed new parcels require approval of a land division before the parcel (s) is sold; Sec. 102 e & f of the Michigan Land Division Act. Please note that an approval of a division is not a determination that the resulting parcels comply with other applicable ordinances or regulations.

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.)

Fees: \$1300 and \$100 per new parcel ID number. Includes a non-refundable administration/application fee. Property line adjustments (no divisions or review) \$700

Complete the application and submit the required information as set forth in the application. This will start the application completeness review and/or planner review. The township clerk, administration or planner may require additional information deemed necessary to determine compliance with the standards in this section.

This is not an exhaustive list as the Planner/Building Official/Administration/Township Board reserves the right to require further information as detailed in the applicable Zoning Ordinances. The Township Ordinances including Zoning (Appendix A) are available on the Township website - www.addisontwp.org

- a. Copy of deed and any deed restrictions. Or indicate no deed restrictions. _____
- b. Is the real property governed by Homeowners Association? _____ Yes _____ No
- c. If yes, and required by the Homeowners Association, submit the Homeowners Association Approval. _____ submitted _____ not required
- d. If the real property at issue is owned by a business, corporation, partnership or LLC, a resolution shall be submitted naming the person (s) acting as the agent and authorization of proposal. If applicant, is not the owner a notarized letter of authorization naming the person to act as agent and an authorization of the proposal shall be submitted with the application. All property owner (s) must sign application.
- e. Attach the standards as required for a land division. (see ordinance, Zoning Article 4 section 4.18 and Chapter 30 Article II but not limited to)

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1. PROPERTY OWNER INFORMATION

Name(s): _____	

Address: _____	
Zip Code: _____	
Contact Person: _____	
Phone: _____	Email Address _____

2. PARENT PARCEL INFORMATION

- a. IDENTIFICATION NUMBER: _____ Zoning _____
- b. Location of the Parent Parcel if different than the above address.
Address: _____
- c. A copy of any reserved division rights (sec.109 (4) of the act) in the parent parcel.

3. PROPOSED DIVISION(S) TO INCLUDE THE FOLLOWING:

- a) Number of new parcels _____
- b) Intended use: Residential _____ Commercial _____ Other _____
- c) All previous divisions made after March 31, 1997. *

_____ Date of division after March 31, 1997
_____ No division after March 31, 1997

*Sufficient information about previous land division activity to demonstrate that the parcel is eligible to be divided in the manner being proposed.

- d) Each proposed parcel has a depth to width ratio of 4 to 1
Yes _____ No _____
- e) Each parcel has a width of _____ (not less than required by ordinance)
- f) Each parcel has an area of _____ (not less than required by ordinance)
- g) The division of each parcel provides access as follows: (check one)
- h) _____ Each new division has frontage or access on an existing public or private road; or
Road name: _____
- i) _____ A new public road; or

Proposed road name: _____
j) _____ A new private road.
Proposed road name: _____

4. FUTURE DIVISIONS being transferred from the parent parcel to another parcel:

Indicate number of transferred divisions _____ from Parent Parcel
_____ to Parcel _____.

See Section 109 (2) of the Statute. Verify that your deed includes both statements as required in 109 (3 & 4) of the Statute. If a transfer of division rights is proposed in the land transfer, then information about the terms and availability of the proposed division rights transfer shall be submitted. Such information shall be in a form that satisfies the written notice requirements specified in section 109(2) of Public Act No. 288 of 1967 (MCL 560.109(2)).

5. DEVELOPMENT SITE LIMITS (check each which represents a condition that exists on the parent parcel, if none exist indicate with N/A):

_____ Waterfront property (river, lake, pond, etc.); if so complete wetland application.
_____ is within a flood plain;
_____ is on muck soils or soils known to have severe limitations for on-site sewage system;
_____ includes wetlands; if so complete wetland application.
_____ includes a beach;
_____ other.

a) If "Other" please describe: _____

6. ATTACHMENTS Applications shall be accompanied by the information specified in this section.

1. A scale drawing that complies with the requirements of P.A. 132 of 1970 as amended for the proposed division(s) of the parent parcel showing:
 - a. Current boundaries as of March 31, 1997 and divisions thereafter. (Include legal description and scale drawing of the parent parcel).
 - b. The proposed division(s). Describe and attach a legal description for each proposed new parcel
 - c. Dimensions of the proposed division(s).
 - d. Existing and proposed road/easement right-of-ways.
 - e. Existing utilities and county drainage courses within fifty (50) feet of the lot(s) or parcels to be split; or indicate that none exist.
 - f. Easement(s) for public utilities from each parcel that is a development site to existing public utility facilities.

- g. Any and all existing improvements and structures for proposed parcels such as; buildings, wells, septic system, barn, fences, shed and driveways, etc. or indicate vacant parcel.
- h. All structures within fifty (50) feet of proposed property lines or state none
- i. Any of the features checked in question Number 5. DEVELOPMENT SITE LIMITS
- j. North arrow, date, and scale.
- k. Zoning classification of the lot(s) to be split and all abutting lots.
- l. All required front, rear and side yard setbacks resulting from the requested split. If applicable, the natural feature setbacks.
- m. Buildable Area; as defined in the Code Appendix A, Article 2 Definitions. (show in graphic form on survey the buildable area portion of the lot/parcel and indicate the size of the area with dimensions or basis of area calculation).

If applicable, describe and attach a legal description of proposed new road:

- 2) Indication of approval or permit from Road Commission of Oakland County that a proposed road easement or driveway provides vehicular access to an existing road or street meeting applicable location standards.

7. INDICATE if parcel is under Public Act 116
(Farmland & Open Space)

YES _____ NO _____

If any portion of the land is subject to a farmland development rights agreement pursuant to part 361 of Public Act No. 451 of 1994 (MCL 324.36101 et seq.), then a copy of the agreement shall be provided to the township for review.

8. AFFIDAVIT

Affidavit notice of approval and permission for municipal, county and/or 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 any 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 Township of Addison or their representatives, County of Oakland and the State of Michigan to enter the property where this parcel division 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 P.A.288 of 1967 as amended (particularly by P.A. 591 of 1996 and P.A. 87 of 1997), MCL 560 .101 et. seq.) and does not include any representation or conveyance of rights in any other statute, build code, zoning ordinance, deed restrictions or other property rights.

The Township and its officers, its representatives and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

APPLICANT/ PUBLIC NOTICE FOR APPROVAL

Finally, even if this division is approved, I understand local ordinances and State Acts are revised from time to time, and, if changed, the divisions made here 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.

Please note: Township of Addison, Code of Ordinances, Article II, Sec. 30-34(d), CD30:8 Recording of deeds, surveys and issuing of parcel ID number. Within 60 days of an approved land division, the applicant must submit a copy of the recorded documents as in the approved application. These documents shall be recorded at the county register of deeds based on descriptions and surveys set forth in the approved application. Upon receipt of the recorded documents as approved, the assessor shall issue parcel (ID) numbers. The assessor shall make a notation of said division on the township map. If recorded documents as approved in application are not submitted within 60 days of written approval, the application shall be returned to the applicant unprocessed.

Property Owner's Signature _____ Date _____

Property Owner's Signature _____ Date _____

For your convenience the following ordinances are attached. This is not a comprehensive list of applicable ordinances or definitions; please feel free to review the Code of Ordinances (Zoning Ordinance is Appendix A) for Addison Township at the Township website www.addisontwp.org or at the Township Clerk's office for review or purchase during business hours.

Attachments:

- Township of Addison Code of Ordinances
 - 1) Chapter 30 – Land Divisions and Subdivisions {to regulate division of land}
 - a) Article I, In General
 - b) Article II, Land Divisions
 - 2) Appendix A - Zoning
 - a) Article 2, Definitions - Sec. 2.02, Buildable Area and Lot Area
 - b) Article 4, General Provisions -
 - 1) Sec. 4.18, Division of Lots
 - 2) Sec. 4.44, Wetlands Protection
 - c) Article 24, Schedule of Regulations
- Wetland Determination & Use Application and Permit, Fee - \$60.00
- Resolution Land Development Fee Schedule & Cost Recovery
- DTE Land Split Service Application

<i>For Office Use Only</i>	
Parent Parcel ID	Applicant
Total Fee \$	Check #
Date Received	Receipt #
Re-review Fee \$	Check #
Date Received	Receipt #
Preliminary Date:	Application Completed Date:
Approval Date:	
Denial Date:	
Reason for denial	
See attached document(s)	

Signature: _____ Date _____
 Addison Township Supervisor

Signature: _____ Date _____
 Addison Township Clerk

Signature: _____ Date _____
 Addison Township Treasurer

This application is not accepted as complete, and bound by timeframes in the ordinance until it is determined to be administratively complete as evidenced below by the date and the signature of the township representative.

Date _____ BY _____ office use

**Draft Amended
Resolution 06- 14**

Land Development Cost Recovery

Whereas at a meeting of the Addison Township Board held on June 19, 2006, at the Addison Township Complex, 1440 Rochester RD. Leonard.

Members present: Supervisor Koski, Treasurer Alberty, Clerk Bennett, Trustees Brakefield , Sutphin, Sypitkowski and VonDrak

Absent:

The Board realizes and reviewed the planners past comments concerning the requirements for storm water review and the review of documents concerning private road and development of such, and

Whereas the current land development fee schedule does not address the planner review of private roads concerning the documents for private road agreements and storm water phase two and

Whereas the Township Board approves the fee of five hundred \$500.00 dollars per private road application to cover the cost associated with these reviews. This fee shall be itemized on the monthly planner invoice and,

Whereas the planner will provide written a written review addressing all private road application.

Now be it further resolved that this cost recovery fee be attached to the land development fee schedule. This is a one-time fee for planner review unless applicant modifies the location of the private road. Addison Township fee schedule is subject to change, all applications received after adoption shall be invoiced at the approved rate. These fees shall be effective upon adoption.

Offered by: Trustee Sutphin
Second By: Treasurer Alberty
Upon a roll call vote:
Aye: (7) seven
Nay: (0) zero
Absent: (0) none

Resolution passed by the Addison Township Board on June 19, 2006
Supervisor declared resolution adopted


Pauline Bennett,
Addison Township Clerk

Section 4.17. Road frontage.

No dwelling or building shall be erected on a lot which does not have continuous frontage for its required minimum width upon a street or road either currently certified by the Road Commission for Oakland County or designated on a recorded subdivision existing on or prior to the effective date of this ordinance or a private road as approved by the township board and defined herein unless the lot exists as a nonconforming lot according to Article V. Road frontage shall be determined from the road right-of-way line and not the traveled portion of the road. Multifamily development or planned unit development for office or commercial uses need not front each such structure upon such street or roads provided that adequate vehicular access can be assured in the site plan submitted for approval by the planning commission. As identified in Section 4.19.18, an accessway (improved easement) meets the road frontage requirement of this section for up to four (4) or fewer parcels (or building sites) if the standards of Section 4.19.18 are met.

Section 4.18. Division of lots.

1. Approval required. For the purposes of this ordinance, the township shall not recognize any lot which was not either a lot of record as of the effective date of this ordinance or which has not been subsequently approved by the township as established under this section. Subdivisions or plats may be made only in accordance with the Michigan Land Division Act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended, and any township subdivision control ordinance.

2. Application for land division. Application for a land division shall be made to the township clerk. The township clerk shall examine the application to determine that it generally contains the necessary information. If the application is not complete, the applicant will be notified in writing of the deficiencies. When the application is complete, it shall be processed in accordance with this ordinance and the Land Division Ordinance[, Ordinance] # 117. Fees shall be paid within a fee schedule established by the township board. The application shall be signed by all parties of interest in the property.

3. Required information. The following required information shall be included on all applications for lot splits and land divisions:

- a. Property survey signed and sealed by a land surveyor registered in the State of Michigan, including the following:
 - 1) North arrow, date and scale.
 - 2) Existing and proposed lot lines and dimensions.
 - 3) Existing utilities and county drainage courses within fifty (50) feet of the lot(s) or parcel(s) to be split.
 - 4) Location and dimensions of existing and proposed easements, lot numbers, roadways and lot irons.
 - 5) Existing structures on the proposed lot(s) and all structures within fifty (50) feet of the proposed lot lines.

- 6) Zoning classification of the lot(s) to be split and all abutting lots.
 - 7) All required front, rear and side yard setbacks resulting from the requested split or division.
 - 8) At the discretion of the township, the owner shall provide a preliminary plan for the feasible plan development, division and access to any remaining or abutting lands affected by the proposed splits.
 - 9) Buildable area.
- b. A written instrument fully executed in a form legally sufficient for recording with the Oakland County Register of Deeds, including a legal description of the requested parcels. Area shall be shown to the square foot on parcels of less than one (1) acre and acres to the one one hundredth ($\frac{1}{100}$) of an acre on parcels larger than one (1) acre.
 - c. All existing and proposed deed restrictions for the property(s), including any required easements for drainage, roads or utilities attached in recordable form.
 - d. Name, address and phone number of the property owner(s) and all others holding interest in the property. Satisfactory evidence of ownership or interest shall be presented to the township.
 - e. If the division or partition of the parcel will result in a minimum lot size less than the requirements of Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended, and/or the applicable provisions of the Addison Township Zoning Ordinance or its successor ordinance, if any, then the applicant shall submit in addition a fully executed affidavit in form legally sufficient for recording with the Oakland County Register of Deeds and signed by all persons who have any legal or equitable interest in the parcel acknowledging that they understand the partitioned or divided parcel or parcels may not thereafter be developed or used separately but only in conjunction with the adjoining parcel or parcels of land and shall not be considered a building site by itself.
4. Criteria for approval or denial of lot splits. The following criteria shall be used as a basis upon which lot splits will be reviewed by the office of the supervisor, clerk, treasurer, assessors and township planner:
 - a. No lot splits shall be approved if the proposed resultant parcels contain less area than required by the minimum standards of this ordinance except where resultant abutting parcels combined together exceed the minimum size.
 - b. The ratio of lot or parcel depth to width or width to depth shall not exceed four to one (4:1).
 - c. All lots shall be provided with a satisfactory means of access to a public road or a private road complying with the provisions of Section 4.19 of the ordinance. Property lines shall be laid out to promote efficient development with shared access to roads available for future development. Parcels proposed to be divided which are not located on a public road or township-approved private road which complies with the provisions of Section 4.19 shall not be entitled to additional building sites if divided, but any

additional parcels shall be considered nonconforming parcel (created after amendment of this ordinance) but not building sites. The parent parcel may transfer the original building site to any of the newly created parcels in accordance with Section 5.04 of this ordinance.

- d. The size, shape and orientation of the lots shall be appropriate for the type of development and land use contemplated. No split shall be approved which would conflict with existing drainage ditches, natural watercourses, easements or public right-of-way.
- e. No lot splits shall be granted which are contrary to, or in violation of, the State of Michigan Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended, the Land Division Act.
- f. No lot split shall be approved if the division would reduce any required yard space or off-street parking space below the minimums required by the zoning ordinance or if the division would effectively allow the avoidance of the requirements of this ordinance.
- g. No lot splits shall be approved which would preclude the feasible and efficient development, division or access for remaining or abutting lands affected by the proposed split.
- h. The proposed land division shall be reviewed for compliance with the adopted master plan of the township.

5. Review and approval of lot splits. Following receipt of a land division application, the township clerk shall forward to the planner and upon review refer said application to the office of the supervisor, clerk, treasurer, and assessors, for review and approval. Accompanying submission shall be the following:

- a. A memo from the township clerk stating whether or not the parcel or parcels to be divided contain any improvements.
- b. If any improvements are contained thereon, a memo from the building inspector stating whether the proposed division would reduce required yard space or off-street parking space below minimum limits required in the zoning ordinance or would otherwise preclude the application of the provision of this ordinance.
- c. The township board is hereby authorized to establish a policy wherein a reasonable time limit shall be permitted for the duration of the administrative approval of a division of a lot or parcel which may include the submission of necessary information and documentation, or for the completion of necessary improvements pursuant to the construction of private roads and related improvements, or other township required improvements.

Section 4.19. Private roads.

Private road development that occurs in the township shall be subject to the minimum private road regulations and standards of this section (Section 4.19). No person, firm or

Attic: The space between the ceiling beams of the top habitable floor and roof.

Automobile: For the purposes of this ordinance, "automobile" shall include cars, trucks, vans, campers, motorcycles, and other such motor-driven wheeled vehicles, except farm equipment not heretofore mentioned.

Automobile service stations: A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water or other operating commodities for motor vehicles, aircraft or boats and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for the temporary storage of vehicles not over 48 hours, minor repairs, servicing or steam cleaning but not including bumping, painting, refinishing, major repairs and overhauling, rust-proofing, or high speed automated conveyor drive-through washing.

Basement: That portion of a building that is partly or completely below grade. A basement shall not be counted as a story except as included in the definition of "story."

Beach: A shore of a lake, pond, or bank of a river covered by sand, gravel, or larger rock fragments.

Bed and breakfast inn: A dwelling in which the owner resides and in which overnight accommodations are provided or offered for transient guests for compensation, including provision for a morning meal only and for overnight guests only. See regulation in Section 4.39.

Benefit, recognizable and substantial: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and use(s); including, without limitation, longterm protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; reducing to a significant extent the nonconformity of a nonconforming use or structure, i.e., modification of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.

Berm: A mound of earth planted with shrubs, grass and trees to serve as an obscuring (and without division by wetlands) screen.

Billboard: Any sign situated on private premises on which the written or pictorial information is not directly related to the principal use of the land on which such sign is located.

Buffer strip: A strip of land of definite width and location reserved for the planting of shrubs and trees to serve as an obscuring screen.

Buildable area: The buildable area of a lot is a contiguous (and without division by wetlands) area that is free of all public rights-of-way, all private road easements, all natural feature areas as defined in this ordinance, and any public utility easements which shall

place limitations on overhead, surface or underground use or development. Local service easements which provide service directly to a lot and common drainage easements serving a lot or the subdivision alone in which a lot is located shall not be excluded from the calculations of the minimum buildable area for that lot. The buildable area of a lot shall be of such contiguous configuration as to permit construction of a structure and placement of an initial and a replacement (nonengineered) septic field thereon. Buildable does not mean the area is without building limitations.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or other property of any kind.

Building height: The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and the ridge of gable, studio, hip, and gambrel roofs; and seventy-five (75) percent of the height of an "A" frame.

BUILDING HEIGHT REQUIREMENTS (see illustration following definitions).

Building line: The minimum distance from which any building must be located from a street or road right-of-way or easement or high-water line and for the purpose of this ordinance a minimum building line is the same as a front setback line. Front lines that are not adjacent to a right-of-way or easement shall have the same minimum setback as though such lines are adjacent to such features.

Building, principal: A building in which is conducted the primary use of the lot on which it is situated.

Carport: An open sided, roofed auto shelter, usually formed by the extension of a roof from the side of a building.

Clinic: A place for the care, diagnosis, and treatment of persons, including those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for inpatient care or major surgery.

Clinic, veterinary: A place for the care, diagnosis, and treatment of animals, including those in need of medical or minor surgical attention. A veterinary clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of the animals, but may not include facilities for boarding of animals or major surgery.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, agriculture, literature, politics or similar activities.

Commercial aviation activity or operation: An activity or operation such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter or tiedown of aircraft, the overhaul or repair of aircraft or of engines, or otherwise offering aeronautical facilities or services to the public.

Section 23.08. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board as part of any site plan review and subject to the provisions of Section 4.45, Environmental impact statement requirements.

ARTICLE 24. SCHEDULE OF REGULATIONS

Zoning District	Minimum Lot Width (feet)	Minimum Lot Area*	Buildable Area	Maximum Lot Coverage (percent)	Maximum Height of Building		Minimum Yard Requirements in Feet (Unobstructed) Sides**				Minimum Floor Area per Dwelling Unit (square feet)
					In Stories	In Feet	Front ^(c)	Least One	Total of Two	Rear	
A	300	10 acres	2 acres	5	2.5*	35*	60	30	60	50	1,100
R-E	300	5 acres	2 acres	10	2.5	35	60	30	60	50	1,100
S-E	300	3 acres	1.5 acres	10	2.5	35	60	30	60	50	1,100
S-F	200	2 acres	1 acre	10	2.5	35	50	15	30	50	1,100
R-1	150	1 acre	1 acre	15	2.5	35	50	15	30	30	1,100
R-2	125	25,000 sq. ft.	25,000 sq. ft.	25	2.5	35	50	15	30	30	960
R-3	80 ^(b)	12,000 sq. ft.	12,000 sq. ft.	25	2.5	35	40	15	30	30	840
MD	100	^(c)	^(p)	25	3.0	35	50 ^(c)	30 ^(c)	60 ^(c)	30 ^(c)	^(d)
M-P	100	^(m)	^(p)	—	2.5	35	50 ^(a)	10 ^(a)	20 ^(a)	10 ^(a)	600
C-1	⁽ⁱ⁾	^(h)	^(p)	30	2.0	35	25 ^(e)	15 ^(e)	30 ^(e)	25 ^(e)	—
C-2	⁽ⁱ⁾	^(h)	^(p)	30	3.0	40	50 ^(e)	15 ^(e)	30 ^(e)	35 ^(e)	—
P-O	⁽ⁱ⁾	1 acre ^(k)	1 acre	20	2.0	30	50 ^(e)	20 ^(e)	40 ^(e)	50 ^(e)	—
M-1	150	1 acre	1 acre	35	2.0	40	50 ^(e)	20 ^(e)	40 ^(e)	50 ^(e)	—
M-2	150	1 acre	1 acre	35	3.0	50	60 ^(e)	30 ^(e)	60 ^(e)	50 ^(e)	—
R [REC]	150	1 acre	1 acre	—	2.0	35	40 ^(e)	20 ^(e)	40 ^(e)	40 ^(e)	—
P-I	150	1 acre	1 acre	30	2.0	35	40 ^(e)	20 ^(e)	40 ^(e)	30 ^(e)	—
M	—	50 acres	^(p)	—	3.0	40	100	100	200	100	—

* The minimum lot area shall not include any portion within a right-of-way or public road easement.

** A twenty-five (25) foot natural feature setback shall be maintained in all districts in relation to the ordinary high-water mark of any lake, pond, river or channel, and to the edge of any drainageway or wetland. This setback may be reduced with planning commission approval upon a determination that is clearly in the public interest. In determining whether the setback reduction is in the public interest, the benefit that would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural feature. Docks, piers, decks, boardwalks or seawalls may be located within the natural feature setback.

- (5) Location of surface water, lakes, ponds, streams, and wetlands. The initial investigation shall locate wetlands identified on the National Wetlands Inventory maps, prepared by the Natural Resources Conservation Service, and on the township official wetland map. The township clerk or reviewing body may require more detailed wetlands information if deemed necessary to make a decision regarding the proposed division of land, according to the township's wetlands ordinance (section 4.44 of appendix A to this Code).
 - (6) The means of access from each resulting parcel to an existing road or street.
 - (7) Zoning classification of the parcel.
 - (8) Buildable area, as defined in Zoning Ordinance No. 300, as amended.
 - (9) Approval of any utility easements.
 - (10) A legal description of existing parcels of land involved in the proposed land division. Tentative approval may be granted without formal legal descriptions of all parcels that would result from the requested division of land, but legal descriptions must be received before final approval is granted. The legal descriptions shall be in a form sufficient for recording by the county register of deeds, and shall indicate the acreage of all parcels.
 - (11) Copies of existing or proposed deed restrictions related to the proposed parcels.
 - (12) Sufficient information about previous land division activity to demonstrate that the parcel is eligible to be divided in the manner being proposed.
- (c) If any portion of the land is subject to a farmland development rights agreement pursuant to part 361 of Public Act No. 451 of 1994 (MCL 324.36101 et seq.), then a copy of the agreement shall be provided to the township for review.
- (d) If a transfer of division rights is proposed in the land transfer, then information about the terms and availability of the proposed division rights transfer shall be submitted. Such information shall be in a form that satisfies the written notice requirements specified in section 109(2) of Public Act No. 288 of 1967 (MCL 560.109(2)).
- (e) Proof of fee ownership of the land proposed to be divided shall be submitted.
- (f) The township clerk, administration or planner may require additional information deemed necessary to determine compliance with the standards in this section.
(Ord. No. 117, art. IV, 2-1-1999)

Sec. 30-34. Procedure for review and approval; appeals.

- (a) *Submittal to township clerk or designee.* All applications for division of land shall be submitted, together with the required information, to the township clerk or designee and forwarded to the township planner.

(b) *Review by township planner and other officials.* The township clerk shall request the township planner to review the application for completeness of data and to determine whether it is in compliance with this article and the township zoning ordinance (appendix A to this Code). If deemed necessary during the course of his review and if authorized by the township clerk, the township planner may submit the application to other staff, consultants or county officials for review and recommendation, including but not limited to those having jurisdiction over assessing, planning, engineering and/or building code enforcement. The township planner shall prepare and submit a written status report to the township clerk within ten working days of receipt of the application.

(c) *Decision.* Upon review of the proposed division of land, and after consideration of the comments, if any, submitted by the township planner, other staff, consultants, and county officials, the administration shall make a final decision concerning the proposed division based on the standards set forth in this article. The decision of the administration shall be forwarded to the applicant. The township clerk or designee shall provide written notice whether the land division application is approved or disapproved, and if disapproved the reasons for disapproval. All applications that are disapproved may apply under a re-review process within six months from the date of disapproval. Applications received after six months shall be considered as a new application.

(d) *Recording of deeds and issuing of parcel ID number.* Within 60 days of an approved land division, the applicant must submit a copy of the recorded documents as in the approved application. These documents shall be recorded at the county register of deeds based on descriptions and surveys set forth in the approved application. Upon receipt of the recorded documents as approved, the assessor shall issue sidwell (ID) numbers. The assessor shall make a notation of said division on the township map. If recorded documents as approved in application are not submitted within 60 days of written approval, the application shall be returned to the applicant unprocessed.

(e) *Appeals.* An appeal may be taken to the zoning board of appeals by any person aggrieved by a decision by the township administration. In ruling on an appeal related to this article, the zoning board of appeals shall follow the general guidelines for appeals as set forth in the adopted township zoning ordinance (appendix A to this Code). Nothing in this article shall prevent an applicant from seeking a variance from zoning requirements prior to submitting an application for division of land pursuant to this article.

(f) *Application for site plan approval or building permit.* Following final approval of a division of land in accordance with this article, the property owner may apply for site plan review or a building permit, as applicable, to allow development in accordance with the zoning ordinance (appendix A to this Code). Building permits shall not be issued for illegal lot splits or divisions of land. Notwithstanding this provision, nothing in this article is intended to prevent issuance of building permits or development on legal nonconforming lots of record subject to compliance with zoning requirements.

(g) *Approval does not constitute determination of compliance with other ordinances.* Approval of a division of land is not a determination that the resulting parcels comply with other ordinances or regulations. The township and its officers, employees, and contractors shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, inadequate sewage disposal facilities, or other reasons.

(Ord. No. 117, art. V, 2-1-1999)

Sec. 30-35. Standards for approval.

The standards in this article have been adopted to provide a uniform basis for decisions required by this article and to allow land division where it would protect public health, safety and welfare.

- (1) *General requirements; compliance with state law.* An application for division of land shall not be approved unless it is in compliance with the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.). Accordingly, the following conditions apply:
 - a. *Division of parent parcel or parent tract.* The number of parcels created shall not exceed the amount specified by section 108 of Public Act No. 288 of 1967 (MCL 560.108). Accordingly, a proposed division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following:
 1. For the first ten acres or fraction thereof in the parent parcel or parent tract: Four parcels.
 2. For each whole ten acres in excess of the first ten acres in the parent parcel or parent tract: One additional parcel for up to a maximum of 11 additional parcels.
 3. For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract: One additional parcel.
 4. If the parent parcel or parent tract is 20 acres or greater, the division may result in a total of two additional parcels, provided that one or both of the following conditions exist:
 - i. Because of the establishment of one or more new roads, no new driveway access to an existing public road is required or created for any of the resulting parcels.
 - ii. One of the resulting parcels comprises not less than 60 percent of the area of the parent parcel or parent tract.
 5. A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted.
 - b. *Additional future division.* A parcel or tract created by an exempt split (as defined in Public Act No. 288 of 1967 (MCL 560.101 et seq.)) or a division is not a new

parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of Public Act No. 288 of 1967, if all of the following requirements are met:

1. Not less than ten years have elapsed since the parcel or tract was recorded.
 2. The partitioning or splitting results in not more than the following number of parcels, whichever is less:
 - i. Two parcels for the first ten acres or fraction thereof in the parcel or tract, plus one additional parcel for each whole ten acres in excess of the first ten acres in the parcel or tract.
 - ii. A total of seven parcels, except that a total of ten parcels may result if one of the resulting parcels under this subsection (1)b.2 comprises not less than 60 percent of the area of the parcel or tract being partitioned or split.
- c. *Division of land in recorded plat.* A subdivision lot, outlot, or other parcel of land in a recorded plat may be divided pursuant to the requirements of the article only if such lot, outlot, or other parcel is divided into not more than four parts, and provided that:
1. Each of the resulting parcels shall comply with minimum requirements for a buildable zoning lot; and
 2. The total land area within the subdivision shall not decrease below the area of the original plat.
- Proposals to increase or decrease the total land area within a subdivision shall require a replat of all or part of the subdivision pursuant to section 104 of Public Act No. 288 of 1967 (MCL 560.104). Where land has been added to a subdivision lot resulting in expansion of the lot and subdivision boundaries, the lot shall not be subsequently divided in a manner that would decrease the size or amount of land encompassed by the original platted lot.
- d. *Depth-to-width ratio.* Lot depths of parcels created as a result of division of land shall be no greater than four times the lot width.

(2) *Zoning requirements.*

- a. All parcels created as a result of division of land shall comply with all applicable zoning requirements, including minimum lot size, lot width, public road frontage, and parking requirements. Each parcel created as a result of division of land shall be accessible, as defined in section 30-32. No parcel that is smaller in area than currently required by the zoning ordinance shall be further divided. Notwithstanding these requirements, land division proposals may be approved in the following circumstances:
 1. Where the proposed division of land would reduce the degree of existing nonconformity with zoning standards; or

2. Where the division of land is proposed with the intention of immediately combining portions of the original parcel with additional land for the purpose of creating a new parcel or parcels, provided that the new parcel or parcels is/are in compliance with zoning requirements or reduce the degree of nonconformity with zoning requirements.

In each of these cases, the division shall be permitted only if the property owner records an affidavit or deed restriction with the county register of deeds which describes the property and the circumstances and conditions of approval. The affidavit or deed restriction shall be reviewed by the township clerk prior to recording (who may in turn seek input from the township attorney and planner), and the property owner shall provide a copy of the recorded affidavit or deed restriction to the township.

- b. An application for division of land in a commercial or industrial district shall not be approved if the division would result in a loss of parking so that:
 1. An existing use would no longer comply with the minimum parking requirements; and
 2. Development on a resulting parcel would be unable to comply with the minimum parking requirements.
 - (3) *Taxes and assessment liens.* Any due or unpaid taxes or special assessments upon real property shall be paid before the division of land is given final approval.
 - (4) *Consent of title holder.* No division of land shall be approved without the written consent of the title or deed holder of the subject parcel.
 - (5) *Easements.* Approval of a proposed division of land shall be subject to the dedication of any easement necessary for roads, public utilities, bicycle/nonmotorized vehicle paths, sidewalks, or other necessary public utilities required.
- (Ord. No. 117, art. VI, 2-1-1999)

Sec. 30-36. Fees.

The township may charge a fee for review of applications for division of land. The fee shall be established by resolution of the township board in an amount necessary to cover the cost of the review.

(Ord. No. 117, art. VII, § 7.01, 2-1-1999)

Sec. 30-37. Unlawful divisions or splits.

(a) Any division of land in violation of any provision of this article shall not be recognized as a land division on the township tax roll, and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this article.

(b) An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser recoverable in an action at law.

(Ord. No. 117, art. VII, § 7.02, 2-1-1999)

12. Judicial review. This article does not limit the right of a wetland owner to institute proceedings in any court of the state against any person when necessary to protect the wetland owner's rights.
13. Protection standards. The following standards shall apply to all defined wetlands:
 - a. All newly created lot shall contain a sufficient buildable site land area to meet the minimum zoning setback regulations, off-street parking, septic disposal fields, well location and accessory uses. This provision shall not apply to previously recorded lots of record upon which one single-family house is proposed to be built.
 - b. Maximum lot coverage by a building shall apply to that part of the site outside the wetland.
14. Fees. The Addison Township Board shall establish by resolution a schedule of fees to be charged for a wetland use permit and for any activity requiring a review of a wetland determination under this ordinance.
15. Violations and penalties.
 - a. Violations. Any person who fails to comply with these standards shall be subject to the penalties as defined in Article 32 of the [this] zoning ordinance.
 - b. Restoration requirements for illegal wetlands alteration. In the event of a violation involving illegal alteration of wetlands protected under this ordinance, the township building inspector shall have the power to order complete restoration of the wetland area by the person or agency responsible for the violation. If such responsible person or agent does not complete such restoration within a reasonable time following the order, the township shall have the authority to restore the affected wetlands to their prior condition wherever possible, and the person or agent responsible for the original violation shall be held liable to the township for twice the cost of restoration. Requirements and specifications for wetland restorations ordered by the township shall be coordinated with state and/or federal agency requirements and specifications for wetland restoration, if any.
 - c. Stop work order. The township building inspector may issue a stop work order or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this ordinance, including any conditions attached to a use approval, have been fully met.

Section 4.45. Environmental impact statement requirements.

The township board, planning commission or board of appeals may require the submission of an environmental impact statement prior to rendering any discretionary decision in any district.

Section 24.01. Footnotes to schedule of regulations.

- a. Nonresidential farm buildings may be a maximum height of fifty (50) feet.
- b. Minimum lot area and lot width applies only when full urban services are provided (sanitary services, water services, paved road and storm drains). Sanitary sewer and water systems shall be public or privately owned systems approved by the Michigan Department of Natural Resources, the Oakland County Department of Public Health, and the state department of public health. Without these services the minimum lot areas shall be twenty-five (25,000) square feet and the minimum lot width shall be one hundred twenty-five (125) feet.
- c. Minimum lot area required for each multiple-family project shall be twelve thousand (12,000) square feet plus the additional area requirements per unit as listed in the following schedule:

<i>Dwelling Unit Size</i>	<i>Land Area (square feet)</i>
Efficiency or one-bedroom unit	4,000
Two-bedroom unit	4,500
Three-bedroom unit	5,000
Four-bedroom unit	5,500 plus 500 square feet for each bedroom over 4 bedrooms in the dwelling unit

A den, library or extra room shall be counted as a bedroom for purposes of this ordinance. Notwithstanding the foregoing, the overall density shall not exceed six and one half (6.5) dwelling units per acre for any development in the MD district.

- d. In the multiple dwelling zone every residential building erected or converted hereafter shall provide at least the following minimum floor areas:

Efficiency unit	350 square feet
One-bedroom unit	600 square feet
Two-bedroom unit	800 square feet
Three-bedroom unit	1,000 square feet
Four-bedroom unit	1,200 square feet plus 150 square feet for each bedroom over 4 bedrooms in the dwelling unit

- e. No side yard shall be less than the height of the building.
- f. Between any two multiple-family dwelling structures, the following shall be the minimum allowable yard space:

Front to front	50 feet
Front to rear	50 feet
Rear to rear	60 feet
Rear to side	50 feet
Corner to corner	30 feet

No building shall exceed one hundred eighty (180) feet in length.

g. A six (6) foot-high obscuring wall or fence, measured from the surface of the ground, or a twenty (20) foot-wide landscaped greenbelt, shall be provided on those sides of the property abutting land zoned for residential use. The greenbelt planting shall be reviewed by the planning commission to see that at least the minimum requirements of Section 4.36 are met. When a major thoroughfare forms the boundary or lies in between the multiple dwelling district and the residential district, no such wall, fence or greenbelt shall be required.

h. If the property lacks public water and sanitary sewer, then the minimum lot area and lot width shall be such as is determined by the planning commission to be sufficient.

i. Lots one acre and larger shall have a minimum lot width of one hundred fifty (150) feet. Lots smaller than one acre shall have a minimum lot width of one hundred (100) feet.

j. Interior side yards may not be required in neighborhood shopping centers or other combined development which uses a common driveway and off-street parking system.

k. With public water and sanitary sewer the minimum lot area shall be six thousand (6,000) square feet.

l. Interior side yards may not be required in industrial parks or other combined development which uses a common driveway and parking system.

m. Minimum mobile home park site area shall be ten (10) acres.

n. A mobile home shall be a minimum of:

1. Twenty (20) feet from any part of another mobile home;
2. Ten (10) feet from any detached structure or on-site parking of an adjacent mobile home site;
3. Fifty (50) feet from a permanent building;
4. Ten (10) feet from a natural or manmade lake, waterway;
5. Seven (7) feet from pedestrian walkways and sidewalks;
6. Fifty (50) feet from any public right-of-way.

o. An additional twenty-seven (27) feet shall be added to any required setback fronting on the following public roadways: Brewer and Frick.

An additional seventeen (17) feet shall be added to any required setback fronting on the following public roadways: Bordman, Dequindre, Leonard and Oakwood.

An additional ten (10) feet shall be added to any required setback fronting on the following public roadways: Army, Barr, Curtis, Haven, Honser Road North, Honser Road South, Indian Lake, Lake George north of Oakwood, McKail, Rowland, Second Lake, Shoup, Texter, Walker and Yule.

ARTICLE I. IN GENERAL**Sec. 30-1. Fees.**

(a) All terms used in this section and the schedule referred to in this section shall be defined as provided in section 102 of the land division act, Public Act No. 288 of 1967 (MCL 560.102).

(b) Any person who may submit a plat for the subdivision of land or who may submit a site plan for proposed development to the township board for examination and approval shall deposit with the township board, or its authorized representative, a fee in accord with the schedule as adopted by resolution of the township board from time to time.
(Ord. No. 22-1, §§ 1(d), 2, 4-2-1979)

Sec. 30-2. Development fees.

That township board adopts an ordinance to charge a fee for development applications or special meeting requests. These fees are in accord with the schedule as adopted by resolution of the township board from time to time.
(Ord. No. 91, § 1, 8-4-2003)

Sec. 30-3. Procedures to amend fee schedule.

Any amendment to the land development fees shall be made by resolution by the township board.
(Ord. No. 91, § 2, 8-4-2003)

Sec. 30-4. Additional professional fees.

All fees not covered by said resolution paid by the township shall be the responsibility of the applicant. Such as but not limited to environmental studies wetland determination, planner engineer, and or legal services.
(Ord. No. 91, § 3, 8-4-2003)

Sec. 30-5. Refunds.

No refunds shall be issued unless board approved or the application is withdrawn before processing.
(Ord. No. 91, § 4, 8-4-2003)

Secs. 30-6—30-30. Reserved.**ARTICLE II. LAND DIVISIONS****Sec. 30-31. Purpose; scope; statutory authority.**

(a) In the interest of protecting the public health, safety and welfare, the township board finds that this article is necessary to regulate the division and partitioning of parcels of land which are not subject to platting procedures and requirements and to regulate division and

partitioning of lots located in recorded subdivisions. This article is created pursuant to Public Act No. 184 of 1943 (MCL 125.271 et seq.), Public Act No. 288 of 1967 (MCL 560.101 et seq.), and Public Act No. 246 of 1945 (MCL 41.181 et seq.). This article, the adopted zoning ordinance, and the adopted subdivision ordinance shall be considered the ordinances referred to in section 105(b) of Public Act No. 288 of 1967 (MCL 560.105(b)), which have been adopted in part to carry out the provisions of Act No. 288.

(b) It shall be unlawful for a person to divide or partition any lot, outlot, or other parcel or tract of land in a recorded plat or divide or partition any unplatted parcel or tract of land except in accordance with the provisions of this article, unless the division or partition is approved and a part of a recorded plat, pursuant to the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), or unless the division or partition is approved pursuant to the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.). (Ord. No. 117, art. II, 2-1-1999)

Sec. 30-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessible. A parcel is accessible if it meets one or both of the following requirements:

- (1) The parcel has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state department of transportation or county road commission pursuant to Public Act No. 200 of 1969 (MCL 247.321 et seq.), or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.
- (2) The parcel is served by an existing easement that provides vehicular access to an existing road or street and meets all applicable location standards of the state department of transportation or county road commission pursuant to Public Act No. 200 of 1969 (MCL 247.321 et seq.), or can be served by an approved and constructed easement that shall provide vehicular access to an existing road or street and obtained final approval of the applicable standards.

Acreage tract and acreage land mean land or real estate which is not located in, or a part of, a recorded plat.

Applicant means an individual, firm, association, partnership, corporation, or combination thereof that holds ownership interest in land and is seeking approval for a division or partition of land in accordance with this article.

Date of filing means the date on which an application for division of land is submitted to the township in a form that complies with all of the application requirements specified in this article.

Divide and partition mean the splitting or separating of a parcel of land into parts by changing the boundaries and/or legal description, where such splitting or separating of land is

not accomplished pursuant to platting procedures under the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), or the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.).

Division means the partitioning or splitting of a parcel or tract of land for the purpose of sale, or lease of more than one year, or of building development, that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109 of Public Act No. 288 of 1967 (MCL 560.108, 560.109). The term "division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, and a division is not subject to the platting requirements of Act No. 288.

Land means all land areas occupied by real property.

Lot, subdivision, means a piece of land, the dimensions and configuration of which are shown on a subdivision plat or condominium subdivision plan recorded in the offices of the county register of deeds.

Lot, zoning, means a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership and control. A zoning lot shall satisfy this article with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located, unless the zoning lot is legally nonconforming or the zoning board of appeals has approved a variance from applicable zoning requirements. When used in this article, the term "lot" shall generally refer to a zoning lot unless otherwise specified.

Parcel means a measured portion of land which is described by virtue of a request to divide or partition the parcel in accordance with the provisions of this article. A parcel may be a subdivision lot or an acreage tract or acreage land.

Parent parcel and *parent tract* mean a parcel or tract lawfully in existence on March 31, 1997.

Person means an individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Planner, township, means the person or firm designated by the township board to advise the township administration, township board, and planning commission on planning, zoning, land use, housing and other related planning and development issues. The township planner may be a consultant or an employee of the township.

Plat means a map or chart of a subdivision of land which has been approved in accordance with the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.).

Private road means a road for ingress and egress to and from land that does not abut a public road, which road is not dedicated for use by the public.

Public road means a road that is dedicated for use of the public for travel and which is maintained by a public agency, such as the county road commission or the township.

Subdivide and *subdivision* mean the partitioning or splitting of a parcel or tract of land for the purpose of sale, or lease of more than a year, or development, that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements specified in Public Act No. 288 of 1967 (MCL 560.101 et seq.). The term "subdivide" or "subdivision" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel.

Tract means two or more parcels that share a common property line and are under the same ownership.

Wetlands means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (See zoning ordinance.) (Ord. No. 117, art. III, 2-1-1999)

Cross reference—Definitions generally, § 1-2.

Sec. 30-33. Application requirements.

(a) The application for division of land shall be made on the forms and according to the guidelines provided by the township. The application shall be accompanied by the information specified in this article and the fees specified by the township board.

(b) Applications shall be accompanied by the information specified in this section. Except for large acreage parcels (equal to or greater than 40 acres) that can be adequately described in reference to section or quarter section lines, three copies of a drawing shall be submitted, which may be an informal scale drawing, such as a tentative parcel map referred to in section 109(1)(a) of Public Act No. 288 of 1967 (MCL 560.109(1)(a)), which shall include all information listed in this section. A tentative decision may be based on this informal scale drawing, with final approval withheld until receipt of a formal drawing prepared by a professional land surveyor registered in the state. The final drawing shall be prepared according to the guidelines specified in section 3 of Public Act No. 132 of 1970 (MCL 54.213), showing the parcels that would result from the requested division of land, provided that the parcels are drawn as large as possible with the 8½-inch by 14-inch format required by Public Act No. 132 (MCL 54.211 et seq.), and providing all the following information:

- (1) Dimensions of all existing and proposed parcels.
- (2) All structures or improvements on and within 50 feet of the proposed parcel.
- (3) Location of all existing and proposed public and private easements and rights-of-way.
- (4) Location of minimum setbacks on each proposed parcel, in accordance with the current township zoning ordinance.

ADDISON TOWNSHIP
Wetland Determination Application and Wetland Use
Application and Permit

Questions to 1-13 are to be completed by applicant for a preliminary, and 1-15 for final wetland determination. (According to Section 4.44.7 of Addison Township Zoning Ordinance).

GENERAL INFORMATION

1. Property Identification Number _____
2. Property Location/Address _____
3. Legal Description (may be attached) _____

4. Total Site Area _____ 5. Zoning Designation _____
6. Existing Land Use of Property _____
7. **Property Owner Information**

Name _____			
Address _____			
City _____	State _____	Zip _____	
Phone (H) _____		(W) _____	
Signature _____		Date _____	

8. **Applicant Information (if different than property owner)**

Applicant (if different than the owner) _____			
Interest in the property _____			
Address _____			
City _____	State _____	Zip _____	
Phone (H) _____		(W) _____	
Signature _____		Date _____	
(Written Permission from the property owner must be attached)			

Wetland Determination Application

Continued

SPECIFIC WETLAND INFORMATION

9. Requested Activity (Check all that apply):

- ☐ Dredging of a Wetland
- ☐ Excavating or Filing of a Wetland
- ☐ Construction of Primary and Accessory Structures
- ☐ Draining of any surface water from a wetland, other than as permitted under 4.44(5) of the Township Zoning Ordinance.
- ☐ Other uses not addressed herein and determined by the Planning Commission to have a similar negative impact as those listed above.

10. Further Describe proposed activity

11. Type of Development Proposed (check all that apply):

- ☐ Building Construction
- ☐ Condominium or Site Condominium
- ☐ Subdivision Plat
- ☐ Planned Unit Development
- ☐ Special Land Use
- ☐ Land Division
- ☐ Other: _____

12. Size of Wetland _____

13. Additional Permits Required _____

Wetland Determination Application

Continued

TO BE COMPLETED BY BUILDING OFFICIAL FOR LAND DIVISION

Based upon my review of the material submitted by the applicant for purposes of land division(s) to create a building site(s) and a review of the township wetlands map. (Check any/all which apply)

- _____ A. Each proposed parcel is shown to have one acre of build able area exclusive of wetlands.
- _____ B. Each proposed parcel is accessed by a public road or private road, which does not show any wetland crossing(s).
- _____ C. The application is incomplete without adequate information to make a determination regarding the existence and/or extent of wetlands.
- _____ D. No zoning compliance permit will be issued for the proposed parcels listed below without a satisfactory wetland delineation be a qualified wetland delineation by a qualified wetland delineator, each delineation shall be surveyed by a registered land surveyor and submitted as part of a re-review of the application.

Proposed Parcels - _____

(Use numbering, lettering or other description
means based upon applicant's survey)

Date of Review

Addison Township Building Inspector

FINAL WETLAND DETERMINATION

14. Final Wetland Consultant Information (Numbers 14 & 15) MUST be submitted for final Wetland Determination

Wetland Determination Consultant Company _____		
Project Manager _____		
Address _____		
City _____	State _____	Zip _____
Phone (H) _____	(W) _____	
Signature _____	Date _____	

15. Written and graphic description (should be provided in an attached report) including the following information. The Building Inspector or Planning Commission may reduce required information for minor projects at their discretion.
- a. A written summary of how and when the wetland was delineated.
 - b. The major plant species and animal-breeding habitat that are present and an estimation of how the wetland functions or relates to its general environment.
 - c. The presence of any hills, valleys, swales, ponds, wetlands or springs.
 - d. An accurate measurement of the wetland(s) area to the nearest hundredth of an acre.
 - e. Any proposed remedial or mitigating actions to be completed as part of the activity proposed in the land use request if the wetland is to be impacted by the proposed activity. Alternative plans should be shown to demonstrate that the encroachment into the wetlands is the only course of action to accomplish the desired activity.
 - f. A resume and list of experience of the firm or individual preparing the delineation.

TO BE COMPLETED BY BUILDING OFFICIAL	
Application Requires Wetland Use Permit:	YES _____ NO _____
If yes, complete Page 4.	
If no, the application may be referred to the Addison Township Planning Commission Wetlands Committee for review and comment.	
Referred:	YES _____ NO _____
Completed by: _____	Date _____

WETLAND USE PERMIT
TO BE COMPLETED BY A BUILDING OFFICIAL OR SUPERVISOR

1. APCWC Comments (may be provided in attached report): _____

APCWC Recommendation: _____

Date of APCWC Action: _____

2. Planning Commission Determination: _____

Conditions of Approval: _____

Date of Planning Commission Action: _____

3. Required Signatures

Planning Commission Chairperson/secretary

Date

Building Inspector

Date

Township Supervisor

Date

or a single-family site condominium project, shall, at a minimum, conform to the standards and specifications promulgated by the Oakland County Road Commission for a typical residential road in single-family residential subdivisions.

14. After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the township a copy of the site plan on a mylar sheet of at least thirteen (13) [inches] by sixteen (16) inches with an image not to exceed ten and one half (10½) [inches] by fourteen (14) inches.

State law reference—Condominium Act, MCL 559.101 et seq.

Section 4.44. Wetlands protection.

These regulations shall be known and cited as the Addison Township Wetlands Ordinance and shall be incorporated as part of the township Zoning Ordinance No. 300 [this ordinance, this] Section 4.44. It shall be sufficient that any action for the enforcement of the provisions of this section define the same by such title and reference to the number hereof. It is the intent of these regulations to be consistent and comply with the Goemaere-Anderson Wetland Protection Act (P.A. 203 of 1979 as amended) [Part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.)].

1. Purpose. The purpose of these regulations and standards are intended to provide for:
 - The definition of wetlands for the purpose of regulating any proposed change or development.
 - The development standards for the preservation and continued functioning of wetlands as a healthy ecological system.
 - The establishment of an administrative procedure for public review of development petitions involving wetland areas to provide for enforcement of these standards.
 - The coordination of and support for the enforcement of applicable federal, state, and county statutes, ordinances and regulations including but not limited to:
 - a. The Goemaere-Anderson Wetland Protection Act (Act 203, Public Acts of 1979, as amended) [Part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.)], enforced by the Michigan Department of Natural Resources; and
 - b. The Michigan Inland Lakes and Streams Act (Act 346, Public Acts of 1972) [part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.)]; and
 - c. The Soil Erosion and Sedimentation Control Act (Act 347, Public Acts of 1972) [Part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.)]; and
 - d. The Michigan Environmental Protection Act (Act 127, Public Acts of 1970) [Public Act No. 451 of 1994 (MCL 324.101 et seq.)], which imposes a duty on government agencies and private individuals and entities to prevent or minimize the pollution, impairment or destruction of the natural resources that is likely to be caused by their activities.

- e. The establishment of standards and procedures for the review and regulation of the use of wetlands.
- The provision of penalties for violations.
- 2. Applicability. All applicants for a zoning compliance permit will complete a preliminary wetlands determination. The full review process and standards herein defined shall apply to any activity on a parcel of land deemed to affect a wetland consisting of two (2) acres or more as defined in this section and to any person applying to Addison Township for a special use permit as described in the Zoning Ordinance No. 300 [this ordinance], as amended.
- 3. Definitions.

Activity shall mean any use, operation, development or action caused by any person, including, but not limited to, construction, operating or maintaining any use or development; erecting buildings or other structures; depositing or removing material; dredging; ditching; land balancing; draining or diverting water; pumping or discharge of surface water; grading; paving; vegetative clearing or excavation, mining or drilling operations.

APCWC shall mean the Addison Township Planning Commission Wetlands Committee.

Aquatic resources shall mean those natural resources that are an integral part of the bottomland ecosystem, which include fish, wildlife, insects, hydrophytes and aquatic vegetation, soil, nutrients and water.

Bottomland shall mean the land area of a pond, lake or stream which lies below the ordinary high-water mark and which may or may not be covered by water.

Buildable site shall mean the area of a lot having land area exclusive of any wetlands, meeting all setback requirements of the zoning ordinance, providing sufficient land area for septic and off-street parking requirements as specified in the Addison Township Zoning Ordinance.

Channel shall mean the geographical area within the natural or artificial banks of a watercourse required to convey continuously or intermittently flowing water under normal or average flow conditions.

Contiguous means any of the following:

- a. A permanent surface water connection or other direct physical contact with any lake, pond, river or stream.
- b. A seasonal or intermittent direct surface water connection with any lake, pond, river or stream.
- c. Located within five hundred (500) feet of the ordinary high-water mark of any lake, pond, river or stream.
- d. Separated only by manmade barriers, such as dikes, roads, berms, or other similar features.

Deposit shall mean to fill, place or dump.

Development shall mean any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Fill material shall mean soil, rocks, sand, waste of any kind, or any other material which displaces soil or water or reduces water retention potential.

Final wetland determination shall mean a formal, scientific inventory and analysis of a wetland by trained wetland expert professionals to determine its boundaries, and to describe its biotic and hydrogeologic setting, and to propose measures to minimize or mitigate the disruption to the wetland resulting from the proposed development.

Minor projects shall mean such projects include proposed activities that would contribute three hundred (300) cubic yards or less of fill material in a defined wetland in any twelve (12) month period. Examples are activities related to construction of utilities, driveways, roads, and single-family residences and accessory buildings when located on an existing lot of record.

Mitigation shall mean methods for eliminating or reducing potential damage and/or destruction to wetlands; or the creation of wetlands from land presently not classified as bottomland to offset destruction to existing wetlands. For the purpose of this ordinance, mitigation can include the restoration of previously drained wetlands.

Ordinary high-water mark shall mean the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation.

Preliminary wetland determination shall mean an in-office administrative review of the township wetland map and related information by the township building inspector at the time of application for a zoning compliance permit.

Regulated wetland shall mean any wetland under the jurisdiction of the Michigan Department of Natural Resources in accordance with Act 203 of the Public Acts of 1979 [Part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.)], as amended, and any wetland under the jurisdiction of the township pursuant to [this] Section 4.44 of the zoning ordinance.

Wetland shall mean:

- a. Land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances does support) wetland vegetation or aquatic life, commonly referred to as a bog, swamp, fen, pond, marsh or wet meadow, and which is any of the following:
 - 1) Contiguous to any lake, pond, river or stream.
 - 2) Not contiguous to any lake, pond, river or stream; and more than two (2) acres in size.

- 3) Not contiguous to any lake, pond, river or stream; and two (2) acres or less in size if the Michigan Department of Natural Resources (MDNR) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDNR has so notified the owner.

Wetland consultant shall mean an individual or organization providing wetland inventorying, mapping, management and mitigation design services and having expertise in the areas of botany, ecology, hydrology and soil science. The consultant should be able to apply wetland identification methods used by the Michigan Department of Natural Resources and federal agencies. The consultant should also be familiar with state, federal and local regulation of wetlands.

Wetland functional values shall mean the ecological and social values provided by wetlands including, but not limited to, the following:

- a. Flood mitigation by detaining surface runoff;
- b. Control of soil erosion and sedimentation loading in rivers and lakes;
- c. Groundwater recharge;
- d. Maintenance of water quality that is degraded by such things as:
 - 1) Nutrients and chemicals from fertilizers and pesticides used in agriculture and landscaping/lawn care;
 - 2) Polluted urban runoff from automobile/transportation/parking facilities, industrial and other commercial activities;
 - 3) Treated effluent from wastewater treatment facilities;
 - 4) Erosion and sedimentation resulting from agricultural and construction activities;
- e. Providing highly productive ecosystems in terms of wildlife habitat and vegetation; and
- f. Serving a variety of aesthetic and recreational functions.

Wetland map shall mean an official map maintained by the township that indicates the general location of the known wetlands within the township. This map is maintained as a general guide to property owners in the township and requires field verification.

Wetland use permit shall mean a permit issued under the provisions of Section 4.44(8) of this ordinance to carry out an activity normally prohibited under Section 4.44(6) of this ordinance.

Wildlife shall mean native, nondomesticated mammals, marsupials, birds, reptiles, amphibians and fish.

4. Wetland map. Addison Township hereby incorporates into this section of the zoning ordinance an official wetland map indicating the general location of areas that indicate the possible presence of regulated wetlands within the township. The wetland map

shall serve as a general guide for the location of potential regulated wetland areas within the township. Any wetland areas not shown on the official wetland map are still subject to regulation by the Michigan Department of Natural Resources and/or the Township of Addison. Field investigations to delineate the precise boundaries of wetlands on a development site shall be the responsibility of the property owner and subject to all delineation requirements herein.

5. Permitted activities. Subject to compliance with applicable state, federal and all other ordinances of this township, the following activities and uses are allowed in wetlands:
 - a. Activities intended for the protection of wildlife habitat, vegetation, water quality, soil conservation and erosion control measures.
 - b. Nature study, hiking, and pedestrian paths, and conservation and environmental interpretive areas (kiosks, overlooks, boardwalks or open shelters) as long as the activity is not detrimental to the wetland and is constructed of the most environmentally compatible materials.
 - c. Fishing, trapping, hunting or birdwatching.
 - d. Swimming, boating, or canoeing.
 - e. Hiking.
 - f. Grazing and/or watering of animals.
 - g. Farming, horticulture, silviculture, lumbering, and ranching activities, including plowing, irrigation, irrigation ditching, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices. Wetland altered under this subdivision shall not be used for a purpose other than a purpose described in this subsection without a permit obtained under Section 4.44(8) of this ordinance.
 - h. Maintenance or operation of serviceable structures in existence on the effective date of this amendment or constructed pursuant to this ordinance.
 - i. Construction or maintenance of farm or stock ponds.
 - j. Maintenance, operation, or improvement which includes straightening, widening, or deepening of the following which is necessary for the production or harvesting of agricultural products:
 - 1) An existing private agricultural drain.
 - 2) That portion of a drain legally established pursuant to the Drain Code of 1956, [Public Act No. 40 of 1956 (MCL 280.1 et seq.),] as amended, which has been constructed or improved for drainage purposes.
 - 3) A drain constructed pursuant to other provisions of this ordinance.
 - k. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment, if the roads are constructed and maintained in a manner to assure that any adverse effect on the wetland will be otherwise minimized.

- l. Drainage necessary for the production and harvesting of agricultural products if the wetland is owned by a person who is engaged in commercial farming and the land is to be used for the production and harvesting of agricultural products. Except as otherwise provided in this ordinance, wetland improved under this section after the effective date of this amendment shall not be used for nonfarming purposes without a permit from the township. This shall not apply to a wetland that is contiguous to a lake or stream, or to a tributary of a lake or stream, or to a wetland which the township has determined by clear and convincing evidence to be a wetland which is necessary to be preserved for the public interest, in which case a permit shall be required.
 - m. Maintenance or improvement of public streets, highways, or roads, within the right-of-way and in such a manner as to assure that any adverse effect on the wetland will be otherwise minimized. Maintenance or improvement does not include adding extra lanes; increasing the right-of-way; or deviating from the existing location of the street, highway, or road.
 - n. Operation and maintenance of stormwater and drainage devices when in compliance with state, county and township regulations.
 - o. Maintenance, repair, or operation of gas or oil pipelines and construction of gas or oil pipelines having a diameter of six (6) inches or less, if the pipelines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
 - p. Maintenance, repair, or operation of electric transmission and distribution power lines and construction of distribution power line if the distribution power lines are constructed, maintained, or repaired in a manner to ensure that any adverse effect on the wetland will be otherwise minimized.
 - q. Public or private road rights-of-way and provision of essential services where no feasible and prudent alternative exists.
 - r. Operation or maintenance, including reconstruction of recently damaged parts, of serviceable dikes and levees in existence on the effective date of this amendment or constructed pursuant to this ordinance.
 - s. Construction of iron and copper mining tailings basins and water storage areas.
6. Prohibited activities. The following activities and uses are prohibited in wetlands unless included in an activity permitted under Section 4.44(5) of the zoning ordinance or specifically included as part of an activity approved under the procedures stated in Section 4.44(8):
- a. Dredging of wetland.
 - b. The excavating or filling of wetland.
 - c. Construction of primary and accessory structures.

- d. The draining of any surface water from a wetland, other than as permitted under [Section] 4.44(5) above.
- e. Any other uses not addressed herein and determined by the planning commission to have a similar negative impact as those listed above.

Every effort should be made to explore alternative designs that do not affect wetland areas. A part of any wetland determination shall address other feasible design alternatives.

7. Wetland determination process.

- a. Filing procedure for a wetlands determination. Any person desiring a zoning compliance permit for any activity requiring a township permit or land use review such as: constructing a building, filing a tentative preliminary plat, submitting a site plan, a planned unit development, condominium or site condominium, a special use permit or requesting a lot split must make application with the building inspector for a preliminary wetland determination.
- b. Preliminary wetland determination. If the building inspector (in the case of a land division application or zoning compliance permit) or the planning commission (in the case of a special use permit or site plan review) determines, after reviewing the Addison Township wetlands map, and other related information, that the proposed activity does encroach into a wetland, as defined herein, then a final wetland determination shall be required of the applicant or his/her agent before such application shall be accepted for public review and comment.

If the building inspector or the planning commission determines that a site is buildable, as defined in herein, that there is no potential for the activity to impact a regulated wetland, and finds all other applicable township requirements satisfied, the building inspector can issue a zoning compliance permit without requiring a final wetland determination.

- c. Final wetland determination. If the building inspector or the planning commission has determined that the proposed activity may encroach into a wetland area, the applicant for the zoning compliance permit shall arrange to have a final wetland determination completed by an experienced wetland consultant before the zoning compliance permit can be processed further. This does not preempt any responsibility of the applicant to also apply to MDNR for the required state wetland permits.
- d. Required information (final wetland determination). The applicant or agent shall supply the following information and submit an application on forms provided by the township for a zoning compliance permit and final wetland determination. The building inspector or the planning commission (as indicated in the situations described in Section 4.44.7.b) may reduce the requirements for item #6 [(6)] below for minor projects at their discretion.
 - 1) The name, address and telephone number of the owner and the applicant.

- 2) The name, address and telephone number of the applicant's agent and/or the individual responsible for making the wetland determination.
- 3) The owner of the property if different from the applicant, and the applicant's interest in the property together with written permission of the owner for the applicant to file the request for a wetland determination.
- 4) A legal description of the property, including the total area, exclusive of public road right-of-way, accurate to the nearest hundredths of an acre.
- 5) Written and graphic descriptions and graphic plan of the proposed activity.
- 6) An accurate graphic description of the wetlands to include complete with:
 - a) A written summary of how and when the wetland was delineated.
 - b) The major plant species and animal breeding habitat that are present and an estimation of how the wetland functions or relates to its general environment.
 - c) The presence of any hills, valleys, swales, ponds, wetlands or springs.
 - d) An accurate measurement and corresponding delineation of the wetland(s) area to the nearest hundredth of an acre along with the method and results of the measurement of each area described as a wetland including a separate measurement for each noncontiguous wetland area.
 - e) Any proposed remedial or mitigating actions to be completed as part of the activity proposed in the land use request if the wetland is to be impacted by the proposed activity.
- 7) A resume and list of experience of the firm or individual preparing the wetland delineation.

The study shall be prepared by an experienced wetland consultant recognized by the MDNR as an expert in the delineation and composition of wetlands. The MDNR shall review all wetlands greater than five (5) acres or other state-regulated wetlands according to their wetland determination and permit procedures. MDNR findings will be an integral part of the township review.

- e. Submittal review process. Upon receipt of the final wetland determination application and required information, the building inspector or planning commission (as indicated in the circumstances described in Section 4.44.7.b) shall review the proposed activity to determine if it encroaches into a wetland. If the proposed activity is determined to encroach into a wetland the applicant shall be required to seek a wetland use permit under the requirements of Section 4.44(8). The building inspector or the planning commission may also refer proposals not requiring a wetland use permit to the Addison Township Planning Commission Wetlands Committee (APCWC) for review and comment, as provided for in Paragraph [7.]f below.

- f. Addison Township Planning Commission Wetlands Committee (APCWC) review. The building inspector or the planning commission may request APCWC review for a zoning compliance permit application not requiring a wetland use permit. The building inspector shall schedule a meeting date for the Addison Township Planning Commission Wetlands Committee to review the submittal after all of the information listed in Section 4.44(7)(d) is submitted. The APCWC is only a recommending body and will not take any formal action.
8. Wetland use permit.
- a. Application for wetland use permit. Applications for a permit to use protected wetland for a purpose described in Section 4.44(6) shall be filed with the building inspector. When the site is proposed for development or activity necessitating review and approval of a site plan, plat or other action pursuant to the township zoning ordinance, said application for a wetland use permit shall be made at the same time as the site plan or plat submittal complying with the following:
 - 1) If the use application is for a wetland which is regulated by the Department of Natural Resources, then the applicant shall make complete application for a use permit with the DNR. The planning commission may review the application and make written recommendations to the DNR. If the DNR determines that it does not have jurisdiction over the subject wetland, then the applicant shall be required to file a use application with the township.
 - 2) If the use application is for a wetland that is regulated solely by the township, the applicant shall submit a complete application to the building inspector. Upon receipt, the building inspector shall review the use application for completeness. Applicants shall be notified in writing of any missing items. Following a determination that a use application is complete, the building inspector shall specify the number of copies to be submitted by the applicant. The building inspector shall forward one copy of the use application to the department of natural resources.
 - b. Township review process.
 - 1) Upon receipt of a complete application, the building inspector shall refer the application to the APCWC which may conduct or authorize the completion of a field investigation to review and verify the accuracy of information received and during such review shall refer to the wetlands map. The receipt of a wetland use permit application shall comprise permission from the owner to complete an on-site investigation.
 - 2) The APCWC will conduct a review of the wetland use permit application for activities encroaching into a defined wetland, as prohibited under Section 4.44(6), and make a recommendation based upon the standards set forth in [Section] 4.44(8)(c). It shall be the responsibility of the APCWC to retain (with township board approval if any costs are not covered by the township budget for any costs not paid by the applicant) a qualified wetlands

consultant or retain qualified staff to conduct wetland field investigations and complete assessments on behalf of the township. The APCWC will then forward its recommendation to the township planning commission in writing. The APCWC review must be received in writing by the planning commission within forty-five (45) calendar days of being notified in writing by the building inspector or township clerk that a application has been received.

- 3) Upon receiving the recommendations from the APCWC for the wetland use permit application, the planning commission will approve or deny the application. Planning commission action will take place within ninety (90) days of the complete application submittal to the township building inspector. If a wetland use permit is denied, reasons for denial will be provided to the applicant in writing.
 - 4) The planning commission may hold a public hearing on the wetland use permit application if the proposal has the potential to significantly impact the water and other natural resources of Addison Township. The public hearing shall be held by the planning commission, when it considers the wetland use permit application.
- c. Standards for review for a wetland use permit. The APCWC shall use the following criteria when evaluating an application for a wetland use permit and making recommendation to the township planning commission for action on the application:
- 1) A permit shall be issued only if the proposed project or activity is clearly in the public interest is necessary to realize the benefits derived from the activity, and is otherwise lawful in all aspects.
 - 2) In determining whether the activity is in the public interest, the benefit that would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of natural resources from pollution, impairment and/or destruction. The following general criteria shall be applied in undertaking this balancing test:
 - a) The relative extent of the public and private need for the proposed activity.
 - b) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity, including alternatives which are off-site or on other commercially available properties.
 - c) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the wetland provides.

- d) The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
 - e) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
 - f) The size and quality of the wetland being considered.
 - g) The amount and quality of remaining wetland in the area.
 - h) Proximity to any waterway.
 - i) Extent to which upland soil erosion adjacent to protected wetlands or drainageways is controlled.
 - j) Economic value, both public and private, of the proposed land change to the general area.
 - k) Findings of necessity for the proposed project that have been made by state or other local agencies.
- 3) An approval shall not be granted unless it is shown that there will be no unacceptable disruption to the aquatic resources. In determining whether a disruption to the aquatic resources is unacceptable, the criteria set forth in Section 4.44(8)(c)(2) shall be considered. An approval shall not be granted unless the applicant also shows either of the following:
- a) The proposed activity is primarily dependent upon being located in the wetland; or
 - b) A feasible and prudent alternative does not exist.
- d. Notice to the department of natural resources. The township shall notify the Michigan Department of Natural Resources (MDNR) of the adoption of this ordinance. The township shall enter into an agreement with the MDNR providing for the exchange of information and for the coordination of the granting of permits, as required by Section 8(4) of the Goemaere-Anderson Wetlands Protection Act (Act 203, Public Acts of 1979, as amended) [Part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.)].

Where the MDNR has jurisdiction, the MDNR shall make any final decision on a wetland permit after recommendation from the township planning commission.

9. Michigan Department of Natural Resources (MDNR) permit. An MDNR permit shall be required for proposed activities in a wetland that is greater than five (5) acres in area or a regulated wetland. The wetland permit application shall be submitted to MDNR with the final wetlands determination for wetlands greater than five (5) acres or other regulated wetlands. MDNR will forward a copy of the permit application to Addison Township for comment. For wetlands not regulated by MDNR, only APCWC review is required but MDNR will be sent a copy of the permit application for comment.

10. Mitigation.

- a. Prior to considering a proposal for wetland mitigation, the applicant shall submit evidence that all of the following requirements have been satisfied:
 - 1) That all feasible and prudent efforts have been made to avoid the loss of wetland resource values.
 - 2) That all practical means have been considered to minimize impacts.
 - 3) That it is practical to replace the wetland resource values which will be unavoidably eliminated.
 - b. If the planning commission, based upon recommendation from the APCWC, determines that it is practical to replace the wetland resource values which will be unavoidably impacted, the following criteria shall be considered when reviewing an applicant's mitigation proposal:
 - 1) Mitigation shall be provided on-site where practical and beneficial to the wetland resources. If mitigation on-site is not practical and beneficial, mitigation in the immediate vicinity of the permitted activity or within the same watershed may be considered. When possible, mitigation shall be provided within the jurisdiction of Addison Township.
 - 2) Any proposal shall assure that, upon completion, there shall be no net loss to the wetland resources.
 - 3) The proposal shall give consideration to replacement of the predominant functional value lost within the impacted wetland.
 - 4) Any mitigation activity shall be completed before initiation of other permitted activities, unless a phased concurrent schedule can be agreed upon between the township and the applicant.
 - 5) Monitoring to establish documentation of the functional performance of the mitigation may be required as permit conditions. If monitoring is required, then it will be conducted for a period of five (5) years after the date that mitigation activities have been completed with written annual reports to Addison Township.
 - c. Wetland impact mitigation and monitoring plans shall become conditions of use approval.
 - d. All costs for preparing and carrying out mitigation and monitoring plans shall be the responsibility of the applicant.
11. Property reassessment. If an applicant who is aggrieved by a decision of the planning commission concerning the use of wetlands and drainageways, and has exhausted all appeals, the landowner may request a revaluation of the affected property for assessment purposes by the Addison Township annual board of review to determine its fair market value under the use restriction.



LAND SPLIT Service Application

Thank you for applying for service with us. We value you as our customer and appreciate your business. Please complete and return your application to Detroit Edison, at the Service Center address listed below. We look forward to working with you.

Service Center Address: 1100 Clark Rd., Lapeer, Michigan Zip Code: 48446

Phone: (810) 667-7900 Fax: (810) 667-7901

Applicant's Name: _____

Current Address: _____

Co-Applicant's Name: _____ Home Phone: () _____

Name of person to be contacted in case of questions _____

Daytime Phone Number: () _____ Evening Phone Number: () _____

Property/Tax I.D. # _____

City/Township/Village: _____

If assigned by municipality:

Address No.: _____ Street Name: _____

Nearest intersection: _____

Subdivision name: _____

NOTE: *Township letters verifying electrical easements will be issued by DTE 7-10 days after receiving "signed" easements in our office.*

(Rev. 08/2003)

Required Information:

- a) Proof of ownership (Deed, Title Insurance Policy, or Land Contract)
- b) Survey showing property splits
- c) Property description

Applicant's Signature: _____

Date: _____

Co-Applicant's Signature: _____

Date: _____