

Chapter 16

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ARTICLE I. IN GENERAL**Secs. 16-1—16-30. Reserved.****ARTICLE II. LAND DIVISIONS****Sec. 16-31. Purpose.**

The purpose of this article is to carry out the provisions of the state land division act (Public Act No. 288 of 1967 (MCL 650.101 et seq.), formerly known as the subdivision control act), to prevent the creation of parcels of property which do not comply with applicable ordinances and such act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the city by establishing reasonable standards for prior review and approval of land divisions within the city.
(Ord. No. 168, § 24-2, 8-11-1997)

Sec. 16-32. 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:

Applicant means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land, whether recorded or not.

Divide and *division* mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development, 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 the state land division act (MCL 560.108, 560.109). The terms "divide" and "division" do 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 any resulting parcel shall not be considered a building site unless the parcel con-

forms to the requirements of the state land division act, this article, and other applicable ordinances.

Exempt split and *exempt division* mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.

40 acres or the equivalent means either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
(Ord. No. 168, § 24-3, 8-11-1997)

Cross reference—Definitions generally, § 1-2.

Sec. 16-33. Prior approval required; exemptions.

Land in the city shall not be divided without the prior review and approval of the city assessor, or other official designated by the city council in accordance with this article and the state land division act; provided that the following shall be exempted from this requirement:

- (1) A parcel proposed for subdivision through a recorded plat pursuant to the state land division act.
- (2) A lot in a recorded plat proposed to be divided in accordance with the state land division act.
- (3) An exempt split as defined in this article.
(Ord. No. 168, § 24-4, 8-11-1997)

Sec. 16-34. Application requirements.

An applicant shall file all of the following with the city assessor or other official designated by the city council for review and approval of a

proposed land division before making any division either by deed, land contract, or lease for more than one year, or for building development:

- (1) A completed application form on such form as may be approved by the city council.
- (2) Proof of fee ownership of the land proposed to be divided.
- (3) A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of Public Act No. 132 of 1970 (MCL 54.211) by a land surveyor licensed by the state, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division, the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads. In lieu of such survey map, at the applicant's option, the applicant may waive the 30-day statutory requirement for a decision on the application until such survey map and legal description are filed with the council, and submit a preliminary parcel map drawn to a scale of not less than 200 feet to the inch including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the assessor or other official designated by the city council prior to a final application under this section. The assessor or other official designated by the city council may waive the survey map requirement where the foregoing preliminary parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory within which the proposed divisions are located. An accurate legal description of all the proposed divisions, however, shall at all times be required.
- (4) Proof that all standards of the state land division act and this article have been met.
- (5) The history and specifications of the land proposed to be divided sufficient to establish that the proposed division complies with section 108 of the state land division act (MCL 560.108).
- (6) Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- (7) If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- (8) Unless a division creates a parcel which is acknowledged and declared to be "not a development site" under section 16-37, all divisions shall result in "buildable" parcels with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, approved on-site sewage disposal and water well locations (where public water and sewer service is not available), access to existing public utilities and public roads, and maximum allowed area coverage of buildings and structures on the site, as required by the city zoning code.
- (9) The fee as may from time to time be established by resolution of the city council for land division reviews pursuant to this article to cover the costs of review of the application and administration of this article and the state land division act.

(Ord. No. 168, § 24-5, 8-11-1997)

Sec. 16-35. Review of application; decision; recording of survey.

- (a) The assessor or other designee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 30 days (unless waived under section 16-34(3)) after receipt of the application package

conforming to the requirements of this article, and shall promptly notify the applicant of the decision and the reasons for any denial. If the application package does not conform to the requirements of this article and the state land division act, the assessor or other designee shall return the application to the applicant for completion and refiling in accordance with this article and the state land division act.

(b) Any person aggrieved by the decision of the assessor or designee may, within 30 days of such decision, appeal the decision to the city council or such other body or person designated by the city council, which shall consider and resolve such appeal by a majority vote of the council or by the designee at its next regular meeting or session affording sufficient time for a 20-day written notice to the applicant (and the appellant where other than the applicant) of the time and date of the meeting and appellate hearing.

(c) A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a survey is recorded with the county register of deeds office and filed with the city clerk or other designated official accomplishing the approved land division or transfer.

(d) The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
(Ord. No. 168, § 24-6, 8-11-1997)

Sec. 16-36. Standards for approval.

A proposed land division shall be approved if the following criteria are met:

- (1) All the parcels to be created by the proposed land division fully comply with the applicable lot (parcel), yard and area requirements of the zoning ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, and maximum lot (parcel) coverage and minimum setbacks for existing buildings/structures, or have received a variance from such requirements from the appropriate zoning board of appeals.

- (2) The proposed land division complies with all requirements of the state land division act and this article.
- (3) All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of all applicable ordinances.
- (4) The ratio of depth to width of any parcel created by the division does not exceed a four-to-one ratio exclusive of access roads, easements, or nonbuildable parcels created under section 16-37. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The width of a parcel shall be measured at the abutting road or right-of-way line, or as otherwise provided in any applicable ordinances.

(Ord. No. 168, § 24-7, 8-11-1997)

Sec. 16-37. Approval of nonbuildable parcels.

Notwithstanding the provisions of section 16-36, a division which creates a parcel that satisfies all of the requirements of section 16-36 except that it does not satisfy one or more of the standards of section 16-36(1) and (4) shall be approved if the applicant executes and records an affidavit or deed restriction with the county register of deeds clearly designating the parcel as "not a development site, as defined under the state land division act." Any parcel so designated shall not thereafter be used as a development site as defined under the state land division act.

(Ord. No. 168, § 24-8, 8-11-1997)

Sec. 16-38. Violations; noncomplying parcels.

Any parcel created in noncompliance with this article shall not be eligible for any building permits, or zoning approvals, such as conditional land use approval or site plan approval, and shall

not be recognized as a separate parcel on the assessment roll. In addition, violation of this article shall subject the violator to the penalties and enforcement actions set forth in section 16-39 and as may otherwise be provided by law. (Ord. No. 168, § 24-9, 8-11-1997)

Sec. 16-39. Penalty; enforcement.

Any person who violates any of the provisions of this article shall be deemed responsible for a municipal civil infraction. Any person who violates any of the provisions of this article shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief. (Ord. No. 168, § 24-10, 8-11-1997)

Secs. 16-40—16-60. Reserved.

ARTICLE III. SUBDIVISIONS

DIVISION 1. GENERALLY

Sec. 16-61. Purpose.

The purpose of this article is to regulate and control the subdivision of land within the city in order to promote the safety, public health and general welfare of the community. These regulations are specifically designed to:

- (1) Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies.
- (2) Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities.
- (3) Achieve individual property lots of maximum utility and liability.
- (4) Insure adequate provisions for water, drainage and sanitary sewer facilities, and other health requirements.
- (5) Plan for the provision of adequate recreational area school sites and other public facilities.

(Ord. No. 108-S, § 1.2, 12-8-1980)

Sec. 16-62. Statutory authority.

This article is enacted pursuant to the statutory authority granted by Public Act No. 288 of 1967 (MCL 560.101 et seq.), Public Act No. 285 of 1931 (MCL 125.31 et seq.), and Public Act No. 222 of 1943 (MCL 125.51 et seq.). (Ord. No. 108-S, § 1.3, 12-8-1980)

Sec. 16-63. Scope.

This article shall not apply to any lot forming a part of a subdivision created and recorded prior to the effective date of the ordinance from which this article is derived, except for further dividing of existing lots, nor is it intended by this article to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements or with restrictive covenants running with the land to which the city is a party. Where this article imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance, the provisions of this article shall control. (Ord. No. 108-S, § 1.4, 12-8-1980)

Sec. 16-64. 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. Any word or term not interpreted or defined by this article shall be used with a meaning of common or standard utilization.

Alley means a public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.

As-built plans means revised construction plans in accordance with all approved field changes.

Block means an area of land within a subdivision that is entirely bounded by streets, highways, or ways except alleys, the exterior boundaries of the subdivision, streams or rivers, railroad rights-of-way, or a combination thereof.

Building line and *setback line* mean a line parallel to a street right-of-way line, shore of a

lake, edge of a stream or river bank, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building between such line, and a right-of-way, other public area or the shore of a lake, or the edge of a stream or river bank.

Caption means the name by which the plat is legally and commonly known.

Commercial development means a planned commercial center providing building areas, parking areas, service areas, screen planting and widening, turning movement and safety lane roadway improvements.

Comprehensive development plan and *master plan* mean a unified document of text, charts, graphics or maps, or any combination, designed to portray general, long range proposals for the arrangement of land uses and which is intended primarily to guide government policy toward achieving orderly and coordinated development of the entire community, including any unit, part or amendment to such plan.

Crosswalkway (pedestrian walkway) means a right-of-way dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.

Dedication means the intentional appropriation of land by the owners to public use.

Floodplain means the area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

Greenbelt and *buffer park* mean a strip or parcel of land, privately restricted or publicly dedicated as open space, located between incompatible uses for the purpose of protecting and enhancing the residential environment.

Improvement means any structure incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other appropriate items, with appurtenant construction.

Industrial development means a planned industrial area designed specifically for industrial use providing screened buffers, wider streets and turning movement and safety lane roadway improvements, where necessary.

Land division act means Public Act No. 288 of 1967 (MCL 560.101 et seq.).

Lot means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

- (1) *Lot depth* means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
- (2) *Lot width* means the horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.

Outlot, when included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

Parcel means a continuous area or acreage of land which can be described as provided for in the state land division act.

Planned unit development means a land area which has both individual building sites and common property, such as a park, and which is designed and developed under one owner or organized group as a separate neighborhood or community unit.

Planning commission means the planning commission of the city as established under Public Act No. 285 of 1931 (MCL 125.31 et seq.).

Plat means a map or chart of a subdivision of land.

- (1) *Pre-preliminary plat* means an informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.
- (2) *Preliminary plat* means a map showing the salient features of a proposed subdivi-

vision of land submitted to an approving authority for purposes of preliminary consideration.

- (3) *Final plat* means a map of a subdivision of land made up in final form ready for approval and recording.

Public open space means land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways and public parking spaces.

Public utility means all persons, firms, corporations, copartnerships, or municipal or other public authorities providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation, or other services of a similar nature.

Replat means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

Right-of-way means land reserved, used, or to be used for a street, alley, walkway, or other public purposes.

Sight distance means the minimum extent of unobstructed vision on a horizontal plane along a street from a point five feet above the centerline of a street.

Sketch plan means a pre-preliminary plat.

Street means a right-of-way which provides for vehicular and pedestrian access to abutting properties.

- (1) *Freeway* means those streets designed for high speed, high volume traffic, with completely controlled access, no grade crossings and no private driveway connections.
- (2) *Expressway* means those streets designed for high speed, high volume traffic, with full or partially controlled access, some grade crossings but no driveway connections.

- (3) *Parkway* means a street designed for non-commercial, pleasure oriented traffic moving at moderate speeds, between and through scenic areas and parks.

- (4) *Arterial street* means those streets of considerable continuity which are used or may be used primarily for fast or heavy traffic.

- (5) *Collector street* means those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.

- (6) *Cul-de-sac* means a minor street of short length having one end terminated by a vehicular turnaround.

- (7) *Marginal access street* means a minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic and not carrying through traffic.

- (8) *Minor street* means a street which is intended primarily for access to abutting properties.

- (9) *Street width* means the shortest distance between the lines delineating the right-of-way of streets.

Subdivide and *subdivision* mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of sections 108 and 109 of the land division act (MCL 560.108, 560.109). 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; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the land division act or the requirements of this article.

Subdivider, proprietor and developer mean an individual, firm, association, partnership, corporation or combination of any of them which may hold any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as the owner.

Surveyor means either a land surveyor who is registered in the state as a registered land surveyor or a civil engineer who is registered in the state as a registered professional engineer.

Topographical map means a map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

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

(Ord. No. 108-S, §§ 2.1, 2.2, 12-8-1980)

Cross reference—Definitions generally, § 1-2.

Sec. 16-65. Administration.

This article shall be administered by the city council in accordance with Public Act No. 288 of 1967 (MCL 560.101 et seq.), and the city planning commission in accordance with Public Act No. 285 of 1931 (MCL 125.31 et seq.) and Public Act No. 222 of 1943 (MCL 135.51 et seq.).

(Ord. No. 108-S, § 1.5, 12-8-1980)

Cross reference—Administration, ch. 2.

Sec. 16-66. Fees.

The city council shall periodically review and set, by resolution, a schedule of fees for those activities outlined in this section. The city clerk shall maintain that schedule for public use.

- (1) *Tentative approval of preliminary plats.* The subdivider shall pay a city filing fee plus a fee per lot when a preliminary plat is submitted for tentative approval pursuant to section 16-92(c).
- (2) *Final approval of preliminary plats.* The subdivider shall pay a city filing fee plus a fee per lot when a preliminary plat is submitted for final approval pursuant to section 16-92(c).
- (3) *Approval of final plats.* The subdivider shall pay the established fees for the

following activities when a final plat is submitted for approval pursuant to section 16-93(c):

- a. *City filing and review fee.* A city filing and review fee plus a fee per lot shall be paid.
- b. *Recording fee.* A recording fee, as established by the city council, shall be paid, which the city clerk shall forward to the county plat board upon city council approval of the final plat.
- c. *Inspection charges.* All charges for city inspection of public improvements shall be paid by the subdivider prior to final plat approval.

(Ord. No. 108-S, § 1.6, 12-8-1980)

Sec. 16-67. Compliance; enforcement.

No subdivision plat required by this article or the land division act shall be admitted to the public land records of the county or received or recorded by the county register of deeds until such subdivision plat has received final approval by the city council. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this article, unless such public improvement shall have already been accepted, opened or otherwise received the legal status of a public improvement prior to the effective date of the ordinance from which this article is derived, unless such public improvement shall correspond in its location to the requirements of this article and to the other requirements of this article.

(Ord. No. 108-S, § 7.1, 12-8-1980)

Sec. 16-68. Penalty; additional remedies.

Failure to comply with the provisions of this article shall be a municipal civil infraction. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this section. Nothing contained in this section

shall prevent the city council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this article or of the land division act. (Ord. No. 108-S, § 7.2, 12-8-1980)

Secs. 16-69—16-90. Reserved.

DIVISION 2. PLATTING PROCEDURES

Sec. 16-91. Preapplication contact and sketch plan.

(a) *Purpose.* The purpose of the preapplication stage is to provide the subdivider with guidelines concerning the development policies of the city and to acquaint him with the platting procedures of the planning commission and city council thereby saving the subdivider time and money and improving the quality of development in the city. Nothing in this section shall be construed to require a preapplication contact. Any subdivider may elect to begin the subdivision process by submitting a preliminary plat in accordance with section 16-92.

(b) *Data requirements.* The subdivider applying for approval of a pre-preliminary plat or sketch plan shall provide the following information to the city as required in subsection (c) of this section:

- (1) Pre-preliminary plat or sketch plan showing the entire development proposal in schematic form, including the area for immediate development. The pre-preliminary plat or sketch plan shall be drawn to scale, and shall show existing conditions and characteristics of the parcel and adjacent land, the general layout of streets, blocks and lots, and any general area set aside for schools, parks and other community facilities.
- (2) Surveyor's letter concerning the general feasibility of the parcel for subdividing.
- (3) Proof of ownership of the land proposed to be subdivided.

(c) *Procedure.* The following process shall be followed in obtaining tentative approval of a pre-preliminary plat or sketch plan:

- (1) *Subdivider's submittal.* The subdivider shall submit two copies of the pre-preliminary plat, surveyor's letter and proof of ownership to the city clerk at least ten days prior to a regular meeting of the planning commission.
- (2) *City clerk's transmittal.* The city clerk shall promptly transmit the two copies of the pre-preliminary plat, surveyor's letter and proof of ownership to the planning commission.
- (3) *Planning commission review and recommendation.* The planning commission or a committee of the commission shall review the plan with the subdivider or his agent. The commission may require that copies of the pre-preliminary plat be submitted to other affected public agencies for review. The planning commission shall inform the subdivider or his agent of the city's development policies and make appropriate comments and suggestions concerning the proposed development scheme. The planning commission shall recommend to the city council either approval or rejection of the pre-preliminary plat based upon the results of its review. The planning commission shall also communicate its recommendation to public agencies to which the pre-preliminary plat was submitted for review.
- (4) *Approval by city council.* After it receives the planning commission recommendation, the city council shall approve or reject the pre-preliminary plat. Such approval shall confer to the subdivider, for a period of one year, approval of lot sizes, lot orientation and street layout. Approval of the pre-preliminary plat does not assure approval of a preliminary plat.

(Ord. No. 108-S, § 3.1, 12-8-1980)

Sec. 16-92. Preliminary plat.

(a) *Purpose.* This section is intended to implement sections 111 through 119 of the land division act (MCL 560.111—560.119).

(b) *Data requirements.* The subdivider applying for approval of a preliminary plat shall provide the specified information to the city as required in subsection (c) of this section. The preliminary plat shall be at a scale of 200 feet to one inch, or larger, on a standard size sheet of paper or cloth, 24 inches by 36 inches. The following information shall be shown on the preliminary plat or may be submitted with it:

- (1) The name of the proposed subdivision.
- (2) Names, addresses and telephone numbers of the owner, subdivider, surveyor, or engineer preparing the plat.
- (3) Location of the subdivision, giving the numbers of section, township and range, and the name of the city, county, and state.
- (4) The names of abutting subdivisions.
- (5) Statement of intended use of the proposed plat, such as residential single-family, two-family and multiple-family housing, commercial, industrial, recreational, or agricultural; also, proposed sites, if any, for multifamily dwellings, shopping centers, churches, industry, and other nonpublic uses exclusive of single-family dwellings; also, any sites proposed for parks, playgrounds, schools, or other public uses.
- (6) A map of the entire area scheduled for development, if the proposed plat is a portion of a larger holding intended for subsequent development.
- (7) The location of existing facilities and structures, such as buildings, sewage systems, high tension towers, utility easements of record or in use, excavations, bridges and culverts.
- (8) A location map showing the relationship of the proposed plat to the surrounding area.
- (9) A map showing the land use and existing zoning of the proposed subdivision and the adjacent tracts.
- (10) The drawing shall indicate existing and proposed contour at intervals not to exceed five feet. In the case of waterfront

property or where the high groundwater elevation is within six feet of the existing or proposed finished ground surface, the drawing shall show existing and proposed two-foot contour intervals. The planning commission may require two-foot contour intervals when the lots in the subdivision exceed one acre. When extensive cutting or filling of land is anticipated that will affect building sites and sewage disposal facilities, the areas involved shall be indicated. The source, if known, and the type of fill material to be used, when filling is anticipated, shall be specified.

- (11) Statement as to whether the high groundwater is less than or greater than six feet from either the existing or proposed finished ground surface. In those cases where the groundwater is less than six feet, the groundwater level shall be specified. A statement as to how and when the high groundwater level was established shall be included.
- (12) Location of floodplain areas, rivers, streams, creeks, lakes, county drains, lagoons, slips, waterways, bays, canals and artificial impoundments, either existing or proposed, within or adjacent to the area to be platted.
- (13) Location and results of all percolation tests and soil borings performed on the site when the subdivision will not be served by a public sewer system. Percolation tests should be provided on the basis of at least one per acre or one per lot if lots exceed one acre in size. The county health department may modify this requirement based on local conditions. As an example, a soil survey map prepared by a competent soil scientist, with an indication of approximate percolation rates for certain categories of soils which have been determined to exist in the proposed plat area, may be used to reduce the number of required percolation tests.
- (14) Statement of the availability of water of good quality for domestic use on the land proposed to be subdivided, if public water

service will not be provided to the development. If questionable, the county health department may require an estimate as to the availability of quality water prepared by and based upon a study by a registered civil engineer or hydrogeologist competent in the field of water supply.

- (15) A report of soil limitations based on site inspection carried out by a soil specialist qualified in the area of soil classification and mapping, including soils information as may be obtained from a modern soil map which meets the standards of the National Cooperative Soil Survey. The source of information shall be specified.
- (16) Streets, street names, right-of-way and roadway widths.
- (17) Lot lines and the total number of lots by block.
- (18) A statement of the type of water and sewage system to be provided, including drawings of appropriate existing and proposed storm and sanitary sewers, water mains and their respective profiles.
- (19) Copies, as required, of proposed protective covenants and deed restrictions.
- (20) Other right-of-way easements, showing location, width and purpose as available.
- (21) Preliminary engineering plans for streets, water, sanitary and storm sewers, sidewalks and other required public improvements required in division 4 of this article. The engineering plans shall contain enough information and detail to enable the planning commission to make a preliminary determination as to conformance of the proposed improvements to applicable city regulations and standards.
- (22) A legend indicating the total acreage contained in the plat, the absolute and percentage breakdown of the total acreage into lots, road allowances, parks and other uses, the date, north arrow and scale.

(c) *Procedure.* Before making or submitting a final plat for approval, the subdivider shall make a preliminary plat and submit copies to authorities as provided in sections 111 through 119 of the land division act (MCL 560.111—560.119).

- (1) *Subdivider's submittal.* The subdivider shall submit copies of the preliminary plat and other data as follows:
 - a. Seven copies to the city clerk. At least one of the copies shall be reproducible.
 - b. Two copies to the city school board for informational purposes.
 - c. Two copies to the city fire board for informational purposes.
 - d. One copy to the tri-county regional planning commission for verification that street names do not duplicate or conflict with existing street names.
- (2) *City clerk's transmittal.* The city clerk shall promptly transmit two copies of the preliminary plat and other data to the planning commission, two copies to the city council, two copies to the city engineer and one copy to the city assessor.
- (3) *Planning commission public hearing.* The planning commission shall hold a public hearing on the preliminary plat.
 - a. The city clerk shall give notice of the public hearing by publishing such notice at least once in a newspaper of general circulation in the city at least 15 days prior to the hearing date. The notice shall state the date, time and place of the public hearing, the substance of the proposed preliminary plat and the location where additional information may be obtained.
 - b. The city clerk shall provide notice of the hearing containing the same information as the published notice to each public utility and railroad affected by the proposed preliminary plat at least 15 days prior to the

- hearing date. The notice shall be given by registered United States mail.
 - c. The city clerk shall provide a notice of the hearing containing the same information as the published notice to each owner of property within 300 feet of the subject parcel or tract, as found in the city tax assessor's records, at least 15 days prior to the hearing date. The notice shall be given by registered United States mail.
 - d. The parcel or tract covered by the proposed preliminary plat shall be posted by the subdivider for at least 15 days prior to the hearing date. The city clerk shall provide the posted notices, which shall include the same information as the published notice.
- (4) *Planning commission action.* The planning commission shall approve, modify or reject the preliminary plat within 60 days of its submittal to the city clerk, but after the public hearing. Failure to act within the 60-day time period shall be deemed approval, and a certificate to that effect shall be issued by the commission upon the subdivider's request. The subdivider may waive the deadline by consenting to an extension in writing. Any extension granted to the planning commission by the subdivider shall not reduce the time allowed for the city council's consideration of the preliminary plat.
- (5) *Tentative approval by city council.*
 - a. The city council, within 30 days of the planning commission action, shall reject or grant tentative approval to the preliminary plat, provided that a preliminary plat which has been rejected by the planning commission shall not be approved. The city council shall return to the subdivider a copy of the preliminary plat with tentative approval duly noted, or a written notice of rejection and requirements for tentative approval.
 - b. Tentative approval of a preliminary plat shall confer upon the subdivider, for a period of one year from the date of action, approval of lot sizes, lot orientation and street layout.
 - c. Tentative approval may be extended by the city council if applied for in writing by the subdivider.
- (6) *Final approval.*
 - a. After tentative approval of the preliminary plat by the city council, the subdivider shall:
 - 1. Submit copies of the preliminary plat to all public agencies as required by sections 113 through 119 of the land division act (MCL 560.113—560.119);
 - 2. Submit a list of all such authorities to the city clerk, certifying that the list shows all authorities as required by sections 113 through 119 of the land division act (MCL 560.113—560.119); and
 - 3. Submit all approved copies from such authorities to the city clerk.
 - b. The planning commission shall promptly review the submitted preliminary plat to verify that all conditions and requirements imposed upon the plat at the time of tentative approval are complied with, and shall report the results of the review to the city council.
 - c. The city council, after receipt of the necessary approved copies of the preliminary plat and the planning commission's report, shall consider and review the preliminary plat at its next regular scheduled meeting or within 30 days of submission of all necessary data by the subdivider. The city council shall approve the preliminary plat if the subdivider has met all specified conditions. The

city clerk shall promptly notify the subdivider in writing of the council's approval or rejection with reasons for rejection specified in the notice. The city council approval of a preliminary plat shall be valid for a two-year period from the date of approval. The council may extend the period if applied for in writing by the subdivider.

(Ord. No. 108-S, § 3.2, 12-8-1980)

Sec. 16-93. Final plat.

(a) *Purpose.* This section is intended to implement section 120 of the land division act (MCL 560.120).

(b) *Data requirements.* The subdivider applying for approval of a final plat shall provide the following information to the city as required in subsection (c) of this section:

- (1) *Final plat.* A final plat shall be prepared in accordance with the land division act and applicable rules, regulations and guidelines established pursuant to such act.
- (2) *Final engineering plans.* Final engineering plans, profiles, cross sections and specifications for improvements required to be installed by this article, including landscaping plans, shall meet the specifications established by the city engineer and/or the specifications of the respective approving authorities as required by law. Such final engineering plans shall accompany the final plat. When construction has been completed at the time of filing of the final plat, one complete copy of as-built engineering plans of each required public improvement, prepared at the subdivider's expense, shall be filed with the city clerk with the final plat application.
- (3) *Proof of ownership.* The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to the date of the proprietor's certificate, or a policy of title insurance currently in force.

(c) *Procedure.* The final plat shall conform substantially to the approved preliminary plat, and shall conform to the provisions of the land division act and this article.

- (1) *Subdivider's application.* After having received the final plat approval of the county drain commissioner, county road commission and county health department, if necessary, the subdivider shall file a written application for approval of the final plat with the city clerk at least ten days prior to a regular planning commission meeting. With the application, the subdivider shall submit five true copies of the final plat, one copy of the final engineering plans shown on linen or mylar, and two copies of any landscaping plans for street trees, street islands and boulevards.
- (2) *City council review and approval.* The city council shall review the final plat at its next regular meeting following the planning commission's action, or within 20 days of such action. If approved, the city clerk shall sign all copies of the final plat for the council, and the final plat shall then follow the procedures set forth in the land division act. If disapproved, the city council shall notify the subdivider in writing of its action and requirements for approval, and shall rebate the recording fee.

(d) *Performance contract for public improvements.*

- (1) *Financial security arrangement.* The city council, before giving approval of the final plat, shall require that a contract with the subdivider be drawn up, approved, and signed, to insure performance of the conditions which will lead to the completion of all required public improvements deemed to be necessary. To insure performance of such contract, the council shall require financial security in one or a combination of the following arrangements, whichever the subdivider elects:

- a. A performance or surety bond to cover the costs of the contemplated

improvements as estimated by the city or its agents shall be filed with the city treasurer. Such bonds shall specify the time period in which the improvements are to be completed and shall be with an acceptable bonding company authorized to do business in the state.

- b. A cash deposit, or deposit by certified check, sufficient to cover the cost of the contemplated improvements as estimated by the city or its authorized agents shall be deposited with the city treasurer. The escrow deposit shall be for the estimated time period necessary to complete the required improvements.
- c. An irrevocable letter of credit issued by a bank authorized to do business in the state in an amount to cover the cost of the contemplated improvements as estimated.

The city council shall rebate or release to the proprietor, as the work progresses, amounts equal to the ratio of the completed and accepted work to the entire project.

- (2) *Improvements prior to final plat approval.* The subdivider may elect to install or cause to be installed, prior to the approval of the final plat, all or a part of the required public improvements. In such case the subdivider shall, at the time of final plat approval, provide financial security for any remaining public improvement obligations.
- (3) *City inspection of improvements.* Any improvements made to the property by the subdivider shall be inspected by the city for conformance to municipal standards, and the cost of the inspections shall be charged against the subdivider. These charges shall be paid in full prior to final plat approval.
- (4) *Failure of subdivider to complete improvements.* In case the subdivider shall fail to complete the required public improvements work within such time period as

required by the conditions or guarantees as outlined in this section, the city council may proceed to have such work completed and reimburse itself for the cost thereof by appropriating the cash deposit, certified check, or surety bond or by drawing upon the letter of credit, or shall take the necessary steps to require performance by the bonding company.

(Ord. No. 108-S, § 3.3, 12-8-1980; Ord. No. 178, 5-10-1999)

Secs. 16-94—16-110. Reserved.

DIVISION 3. DESIGN STANDARDS

Sec. 16-111. Conformance to comprehensive development plan.

The proposed subdivision and its ultimate use shall be in conformance with the city comprehensive development plan as adopted by the planning commission.

(Ord. No. 108-S, § 4.1, 12-8-1980)

Sec. 16-112. Uninhabitable areas.

Land which the planning commission has determined to be unsuitable for subdivision development due to flooding, poor drainage, soil conditions or other features which are likely to be harmful to the health, safety and welfare of future residents shall not be subdivided unless satisfactory methods of protection are formulated by the subdivider and approved by the planning commission. In the absence of appropriate protection measures, such land shall be set aside for parks and other open space uses.

(Ord. No. 108-S, § 4.2, 12-8-1980)

Sec. 16-113. Preservation of natural features.

Existing natural features such as trees, woodlots, watercourses, historic spots and similar irreplaceable assets which add value to residential development and enhance the attractiveness of the community shall be preserved in the design of the subdivision, insofar as possible. No structure shall be located in a floodplain except in accordance with the city zoning ordinance and the rules of the state department of environmental quality. Alter-

ation of a floodplain shall only be allowed based upon a plan approved by the planning commission and the state department of environmental quality, and only as long as the floodplain's original discharge capacity is preserved and the revised stream flow does not affect the riparian rights of other owners.

(Ord. No. 108-S, § 4.3, 12-8-1980)

Sec. 16-114. Streets and roads.

(a) *Generally.* The standards set forth in this article shall be the minimum standards for streets, roads, and intersections. The arrangement, character, extent, width, grade and location of all streets shall conform to the comprehensive plan as adopted by the planning commission, and shall be considered in their relation to existing and planned streets, to topographic conditions, and to public convenience and safety, and in their appropriate relation to proposed uses of the land to be served. Generally all streets shall be dedicated to public use, and arterial streets, in all cases, shall be dedicated to public use.

(b) Rights-of-way.

- (1) *Minimum standards.* Public rights-of-way shall not be less than the following:

	<i>Feet</i>
a. Freeway	300
b. Expressway	200—300
c. Parkway	Variable, minimum 120
d. Arterial	100—175
e. Collector	86—100
f. Minor, including cul-de-sac	66
g. Alley	20

- (2) *Inadequate existing right-of-way.* Where a subdivision abuts or contains an existing street of inadequate right-of-way, additional width for the existing street may be required to obtain conformance with the minimum standards.

- (3) *Additional right-of-way in dense areas.* Additional right-of-way may be required to assure adequate access, circulation and

parking in high density residential, commercial or industrial areas of subdivisions.

(c) Location and arrangement.

- (1) *Local or minor streets.* Such streets shall be so arranged as to discourage their use by through traffic.
- (2) *Street continuation and extension.* The arrangements of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions, unless otherwise approved by the planning commission.
- (3) *Stub streets.* Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas.
- (4) *Relation to topography.* Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable gradients.
- (5) *Alleys.* Alleys shall not be permitted in areas of detached single-family or two-family residences. Alleys shall be provided in multiple-dwelling or commercial subdivisions unless other provisions are made for service access, off-street loading, and parking. Dead-end alleys shall be prohibited.
- (6) *Marginal access streets.* Where a subdivision abuts or contains an arterial street, the city may require:
 - a. Marginal access streets approximately parallel to and on each side of the right-of-way.
 - b. Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
- (7) *Cul-de-sac streets.* Culs-de-sac shall not be more than 600 feet in length. Special consideration shall be given to a longer cul-de-sac under certain topographic con-

ditions or other unusual situations. Cul-de-sac shall terminate with an adequate turnaround with a minimum external diameter of 150 feet.

- (8) *Half streets.* Half streets shall generally be prohibited, except where unusual circumstances make it essential to the reasonable development of a tract in conformance with this article and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract.

- (9) *Private streets.* Private streets and roads shall generally be prohibited.

(d) *Gradients and alignments.*

(1) *Street gradients.*

- a. *Maximum grades.* Street grades shall not exceed five percent on either local streets or collector streets.
- b. *Minimum grades.* No street grade shall be less than 0.5 percent.

(2) *Street alignment.*

- a. *Horizontal alignment.* When street lines deflect from each other by more than ten degrees in alignment, the centerlines shall be connected by a curve with a minimum radius of 500 feet for arterial streets, 300 feet for collector streets and 150 feet for local or minor streets. Between reverse curves, on minor streets, there shall be a minimum tangent distance of 100 feet, and on collector and arterial streets, 200 feet.
- b. *Vertical alignment.* Minimum sight distances shall be 200 feet for minor streets and 300 feet for collector streets.

(e) *Street names.*

- (1) *Duplication.* Street names shall not duplicate any existing street in the Pottersville area, except where a new street is a continuation of an existing street. Street

names that may be spelled differently but sound the same shall also be avoided. Duplications shall be avoided by checking new street names with the tri-county regional planning commission master listing.

- (2) *Directional classifications.* All new streets shall be named as follows: Streets with a predominant north-south direction shall be named "Avenue" or "Road." Streets with a predominant east-west direction shall be named "Street" or "Highway." Meandering streets shall be named "Drive," "Lane," "Path," or "Trail." Cul-de-sac shall be named "Circle," "Court," "Way," or "Place."

(f) *Intersections.*

- (1) *Angle of intersection.* Streets shall intersect at 90 degrees or closely thereto as possible, and in no case at less than 80 degrees.
- (2) *Sight triangles.* Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is 75 feet from the center of the intersection.
- (3) *Number of streets.* No more than two streets shall cross at any one intersection.
- (4) *"T" intersections.* Except on arterials and certain collectors, "T" type intersections shall be used where practical.
- (5) *Centerline offsets.* Slight jogs at intersections shall be avoided. Where such jogs are unavoidable, street centerlines shall be offset by a distance of 125 feet or more.
- (6) *Vertical alignment of intersection.* A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be carried back 50 to 100 feet each way from the intersection. An allowance of two percent intersection grade in rolling and four percent in hilly terrain will be permitted.

(Ord. No. 108-S, § 4.4, 12-8-1980)

Sec. 16-115. Pedestrian ways.

(a) *Crosswalks.* Right-of-way for pedestrian crosswalks in the middle of long blocks shall be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas. The right-of-way shall be at least ten feet wide and extend entirely through the block.

(b) *Sidewalks.* Sufficient right-of-way shall be provided so that sidewalks shall be installed on both sides of all streets.
(Ord. No. 108-S, § 4.5, 12-8-1980)

Sec. 16-116. Easements.

(a) *Utility easements.* Easements shall be provided along rear lot lines and also along side lot lines when necessary for utilities. The total width shall not be less than six feet along each lot, or a total of 12 feet for adjoining lots.

(b) *Drainageways.* The subdivider shall provide drainageway easements as required by the rules of the drain commissioner or the city.
(Ord. No. 108-S, § 4.6, 12-8-1980)

Sec. 16-117. Blocks.

(a) *Arrangement.* A block shall be so designed as to provide two tiers of lots, except where lots back onto an arterial street, a natural feature or a subdivision boundary.

(b) *Minimum length.* Blocks shall not be less than 500 feet long.

(c) *Maximum length.* The maximum length allowed for residential blocks shall be 1,320 feet long from center of street to center of street.
(Ord. No. 108-S, § 4.7, 12-8-1980)

Sec. 16-118. Lots.

(a) *Conformance to zoning requirements.* The lot width, depth, and area shall not be less than the particular district requirements of the zoning ordinance except where outlots are provided for some indicated and permitted purpose.

(b) *Lot lines.* Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.

(c) *Width related to length.* Narrow deep lots shall be avoided. The depth of a lot generally shall not exceed $2\frac{1}{2}$ times the width as measured at the building line.

(d) *Corner lots.* Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets. Lots abutting pedestrian mid-block crosswalks shall be treated as corner lots.

(e) *Landscaped easement for certain lots; double frontage lots.* Lots shall back into such features as freeways, arterial streets, shopping centers, or industrial properties, except where there is a marginal access street or a secondary access is provided. Such lots shall contain a landscaped easement along the rear at least 20 feet wide in addition to the utility easement to restrict access to the arterial street, to minimize noise and to protect outdoor living areas. Lots extending through a block and having frontage on two local streets shall be prohibited.

(f) *Lot frontage.* All lots shall front upon a publicly dedicated street. Variances may be permitted in an approved planned unit development.

(g) *Future arrangements.* Where parcels of land are subdivided into unusually large lots (such as when large lots are required for septic tank operations, or for agricultural use) the parcels shall be divided, where feasible, so as to allow for resubdividing into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks or splitting of lots into smaller lots. Whenever such future resubdividing or lot splitting is contemplated, the plat thereof shall be approved by the planning commission prior to taking such action.

(h) *Lot division.* The division of a lot in a recorded plat is prohibited unless approved following application to the city council. The application shall be filed with the city clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four parts and the resulting lots shall be not less in area than permitted by the zoning ordinance. No building permit shall be issued, nor any building construction commenced, until the division

has been approved by the city council and the suitability of the land for building sites has been approved by the county or district health department. The division of a lot resulting in a smaller area than prescribed in this article may be permitted, but only for the purpose of adding to the existing building site. The application shall so state and shall be in affidavit form.

(i) *Division of unplatted parcel.* The division of an unplatted parcel of land into two, three or four lots involving the dedication of a new street shall require the approval of the city council prior to taking such action. All such applications shall be made in writing and shall be accompanied by a drawing of the proposed division. No building or occupancy permit shall be issued in such cases until the city council has approved division of such lands.

(Ord. No. 108-S, § 4.8, 12-8-1980)

Sec. 16-119. Planting strips and reserve strips.

(a) *Planting strips.* Planting strips may be required to be placed next to incompatible features such as highways, railroads, commercial uses, or industrial uses to screen the view from residential properties. Such screens shall be a minimum of 20 feet wide, and shall not be a part of the normal roadway right-of-way or utility easement.

(b) *Reserve strips.*

(1) *Private reserve strips.* Privately held reserve strips controlling access to streets shall be prohibited.

(2) *Public reserve strips.* A one-foot reserve may be required to be placed at the end of stub or dead-end streets which terminate at subdivision boundaries and between half streets. These reserves shall be deeded in fee simple to the city for future street purposes.

(Ord. No. 108-S, § 4.9, 12-8-1980)

Sec. 16-120. Public sites and open spaces.

Where a proposed park, playground, school, or other public use shown on the comprehensive development plan is located in whole or in part

within a subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase. If, within two years of plat recording, the purchase is not agreed on, the reservation may be canceled or shall automatically cease to exist.

(Ord. No. 108-S, § 4.10, 12-8-1980)

Sec. 16-121. Large scale developments.

(a) *Modification of requirements.* This article may be modified in accordance with division 5 of this article in the case of a subdivision large enough to constitute a complete community or neighborhood, consistent with the comprehensive plan and with a building and development program which provides and dedicates adequate public open space and improvements for the circulation, recreation, education, light, air, and service needs of the tract when fully developed and populated.

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

(Ord. No. 108-S, § 4.11, 12-8-1980)

Sec. 16-122. Commercial and industrial developments.

The subdivision design standards in this division may be modified in accordance with division 5 of this article in the case of subdivisions specifically for commercial or industrial development, including shopping districts, wholesaling areas, and planned industrial districts. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation.

(Ord. No. 108-S, § 4.12, 12-8-1980)

Secs. 16-123—16-140. Reserved.

DIVISION 4. PUBLIC IMPROVEMENTS

Sec. 16-141. Preparation and filing of plans.

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared, by a registered engineer, a complete set of construction plans, including profiles, cross sections, specifications and other supporting data, for the public streets, utilities and other facilities required in this division. All construction plans shall be prepared in accordance with the public improvement standards or specifications in this division. Upon substantial completion and prior to the issuance of any building permits, one complete copy of as-built engineering plans of each required public improvement, prepared at the subdivider's expense, shall be filed with the city clerk.

(Ord. No. 108-S, § 5.1, 12-8-1980; Ord. No. 178, 5-10-1999)

Sec. 16-142. Monuments.

(a) *Location.* Permanent monuments shall be located in the ground at all angles in the boundaries of the plat; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the plat and at the intersections of alleys with the boundaries of the plat; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.

(b) *Material.* All monuments shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete.

(c) *Corner lots.* All lot corners shall be marked in the field by iron or steel bars or iron pipe at least 18 inches long and one-half inch in diameter.

(d) *Postponement of placement.* The subdivider may elect to postpone the placement of monuments and lot corner markers for a period not to exceed one year provided that the subdivider deposits with the city treasurer cash, a certified check or an irrevocable letter of credit, whichever the proprietor selects, in an amount to cover the

established fee per monument and lot corner marker, and the total fee shall not be less than a total amount established by the council. Those fees shall be set by council resolution.

(Ord. No. 108-S, § 5.2, 12-8-1980)

Sec. 16-143. Trafficways.(a) *Streets and alleys.*

(1) *Construction.* All subdivisions shall have full street improvements, including adequate subgrade preparation, hard surfacing, and curb and gutter, in conformance with the city's construction standards. All manholes, catchbasins and other appurtenances shall be maintained at grade with the surface of the street during each phase of construction and shall not protrude above the current street surface.

(2) *Street surface.* The finished roadway surface shall be either bituminous aggregate or Portland cement concrete, installed in conformance with the specifications of the city.

(3) *Street surface width.* Widths shall be as follows:

	<i>Feet</i>
a. Freeway	48—72
b. Expressway	48—96
c. Parkway	48
d. Arterial	48—60
e. Collector	44—48
f. Minor	31
g. Alley	20

(4) *Curb and gutter.* Concrete curb and gutter of a type approved by the city shall be provided for all culs-de-sac, local streets, collector streets, minor or major arterials and parkways within each subdivision and along all streets that border on the subdivision.

(5) *Landscaping of boulevard streets and street islands.* Where the subdivider proposes boulevard streets and/or street islands in his street pattern, the subdivider shall have suitable plans made for landscaping these areas. All such landscape plans shall

be approved as to height, size and type of plant material by the planning commission before construction. The city will accept responsibility for living materials only after one year of growth.

- (6) *Street signs.* Street signs shall be installed identifying the names of all streets at every intersection of a type approved by the planning commission. If the subdivider desires to erect a more ornate or other type of sign than the city uses as its standard, he may do so with the consent of the planning commission.
- (7) *Street trees.* Street trees may be required in each subdivision of a type, size and location as specified by the planning commission.

(b) *Sidewalks and crosswalks.* Concrete sidewalks shall be installed by the subdivider along each side of all streets within the subdivision and along the side of all streets that border on the subdivision in accordance with the specifications of the city. Crosswalks, where required, shall have a five-foot paving width centered within the required ten-foot right-of-way.

(c) *Alleys.* Where permitted, alleys shall be paved to their full width with concrete or other bituminous materials in accordance with the specifications approved by the city.

(d) *Driveways.* All driveway openings in curbs shall be subject to approval of the planning commission and shall conform to the requirements of the zoning ordinance.

(Ord. No. 108-S, § 5.3, 12-8-1980; Ord. No. 151, 1-9-1995; Ord. No. 179, 5-10-1999)

Sec. 16-144. Water supply system.

(a) *Requirements when city service available.* When a proposed subdivision is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the subdivider.

(b) *Subdivision system.* If there is no existing adequate or accessible public water supply system, the subdivider shall be required to install a water supply system for the common use of the lots within the subdivision in accordance with the

requirements of Part 41 of Public Act No. 451 of 1994 (MCL 324.4101 et seq.). The system provided shall be turned over to the city for operation and maintenance.

(c) *Construction specifications.* The sizes of water mains, the location and type of valves and hydrants, the amount of soil cover over the pipes, and other features of the installation shall conform to the requirements of Part 41 of Public Act No. 451 of 1994 (MCL 324.4101 et seq.). A construction permit is required from the state department of environmental quality prior to the start of the project. When determined to be in the best interest of the city, the city may require larger water mains, in which case the city may pay the cost difference of the oversizing; the basis of the cost difference of oversizing is to be determined by agreement with the subdivider prior to construction. The city shall only pay the cost difference for materials.

(Ord. No. 108-S, § 5.4, 12-8-1980; Ord. No. 179, 5-10-1999)

Cross reference—Water, § 38-31 et seq.

Sec. 16-145. Sanitary sewer system.

(a) *Requirements when city service available.* When a proposed subdivision is to be serviced by a public sanitary sewer system, sanitary sewers and other required appurtenances thereto shall be provided by the subdivider. Sewer systems shall comply with the requirements of Part 41 of Public Act No. 451 of 1994 (MCL 324.4101 et seq.). When determined to be in the best interest of the city, the city may require larger sewer lines or adjusted elevations, in which case the city may pay the cost difference of the oversizing or elevation adjustments; the basis of the cost difference is to be determined by agreement with the subdivider prior to construction. All manholes and other appurtenances shall be maintained at grade with the surface of the street during each phase of construction and shall not protrude above the current street surface.

(b) *Subdivision system.* If there is no existing adequate or accessible public sewer system, a sewer system for the common use of the lot owners shall be required to be provided by the subdivider, if feasible in the judgment of the planning commission with the advice of an engi-

neer representing the city and county or district health department, and shall comply with the requirements of Part 41 of Public Act No. 451 of 1994 (MCL 324.4101 et seq.). When determined to be in the best interest of the city, the city may require larger sewer lines or adjusted elevations, in which case the city may pay the cost difference of the oversizing or elevation adjustments; the basis of the cost difference is to be determined by agreement with the subdivider prior to construction. The system provided shall be turned over to the city for operation and maintenance. All manholes and other appurtenances shall be maintained at grade with the surface of the street during each phase of construction and shall not protrude above the current street surface.

(c) *Private septic systems.* Where it is determined in the judgment of the planning commission, with the advice of the city engineer and the county health department, that a subdivision cannot be economically connected with an existing public sewer system or that a public sewer system cannot be provided for the subdivision itself, then approved septic tanks and disposal fields may be approved, which shall comply with the requirements of the county health department, provided such decision is allowed under the zoning ordinance. However, where studies by the planning commission or the city engineer indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided appears probable within a reasonably short time (up to five years), sanitary sewer mains and house connections shall be installed and capped. (Ord. No. 108-S, § 5.5, 12-8-1980; Ord. No. 179, 5-10-1999)

Cross reference—Sewers, § 38-161 et seq.

Sec. 16-146. Storm sewers.

(a) *Generally.* A storm drainage system including necessary storm sewers, drain inlets, manholes, culverts and other necessary appurtenances shall be required and constructed in conformance with requirements of the city. When determined to be in the best interest of the city, the city may require larger storm sewer lines or adjusted elevations, in which case the city may pay the cost difference of the oversizing or elevation adjustments; the basis of the cost difference

is to be determined by agreement with the subdivider prior to construction. All manholes, catchbasins and other appurtenances shall be maintained at grade with the surface of the street during each phase of construction and shall not protrude above the current street surface.

(b) *Preservation of natural water drainageways.* All natural water drainageways shall be preserved at their natural gradient unless otherwise determined by the public service department.

(c) *Grading.* All lots shall be finished graded so that all stormwater shall drain therefrom. (Ord. No. 108-S, § 5.6, 12-8-1980; Ord. No. 179, 5-10-1999)

Cross reference—Storm sewers, § 38-501 et seq.

Sec. 16-147. Underground wiring.

Underground electrical and communication distribution systems operating at 15,000 volts or less to ground, exclusive of main supply and perimeter feed lines, for residential subdivisions shall be constructed in conformance with the requirements of the Consumers Power Company and Michigan Bell Telephone Company. Conduits or cables shall be placed entirely underground within private easements or within public ways or other public and quasipublic utility rights-of-way. These communication and electric facilities placed in public ways or other public and quasipublic utility rights-of-way shall be planned so as not to conflict with other underground utilities. (Ord. No. 108-S, § 5.7, 12-8-1980)

Sec. 16-148. Optional public improvements.

(a) *Streetlights.* It shall be the option of the subdivider to install boulevard standard streetlights providing the street lighting plans and specifications have been approved by the planning commission. If the subdivider elects not to install boulevard streetlights, the subdivider shall be required to install and finance overhead streetlights comparable to those currently in use by the city to maintain minimum standards of public safety.

(b) *Landscaping.* Landscape plantings, louvered fences for screening or other suitable landscape treatment may be made by the subdivider within required greenbelts, buffer parks or other open spaces where he desires to protect his devel-

opment from the detrimental effects of adjacent expressways, major streets, railroads, or other land uses. Such landscape plans should be indicated on the subdivider's improvement plans and shall be approved by the planning commission.

(c) *Recreational facilities.* Where a school site, neighborhood park, recreation area, or public access to water frontage, as previously delineated or specified by official action of the planning commission, is located in whole or part in the proposed subdivision, the city council may request the reservation of such open space for school, park and recreation or public access purposes. All such areas shall either be reserved for the school district in the case of school sites or for the city in all other cases. Voluntary dedication of these land areas will be accepted.

(d) *Greenbelts.* It is desirable for the protection of residential properties to have greenbelts or landscaped screen plantings located between a residential development and adjacent major arterial streets and railroad rights-of-way. Where a subdivider desires to protect his development in this respect or where the planning commission deems necessary for the public health, safety and welfare, a proposed subdivision plat shall show the location of such greenbelts.

(Ord. No. 108-S, § 5.8, 12-8-1980)

Sec. 16-149. Guarantee of completion of public improvements.

To insure completion of all necessary public improvements, the city council shall make arrangements for financial guarantees with the subdivider prior to final plat approval as provided in section 16-93(d).

(Ord. No. 108-S, § 5.9, 12-8-1980)

Secs. 16-150—16-170. Reserved.

DIVISION 5. VARIANCES

Sec. 16-171. Generally.

(a) The planning commission may recommend to the city council a variance from the provisions of this article on a finding that undue hardship may result from strict compliance with specific

provisions or requirement of this article or that application of such provision or requirement is impractical. The planning commission shall only recommend variances that it deems necessary to or desirable for the public interest. In making its findings, as required in this section, the planning commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the planning commission finds after a public hearing the following:

- (1) That there are such special circumstances or conditions affecting the property that the strict application of the provisions of this article would clearly be impractical or unreasonable. In such cases the subdivider shall first state his reasons in writing and submit them to the planning commission.
- (2) That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
- (3) That such variance will not violate the provisions of the state land division act.
- (4) That such variance will not have the effect of nullifying the intent and purpose of this article and the comprehensive development plan of the city.

(b) The planning commission shall include its findings and the specific reasons therefor in its report of recommendations to the city council and shall also record its reasons and actions in its minutes.

(Ord. No. 108-S, § 6.1, 12-8-1980)

Sec. 16-172. Topographical or physical limitation variance.

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this article would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions, or such other conditions which are not

self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of this article, the planning commission may recommend to the city council that variance modification or a waiver of these requirements be granted.

(Ord. No. 108-S, § 6.2, 12-8-1980)

Sec. 16-173. Planned unit development variance.

The developer may request a variance from specified portions of this article in the case of a planned unit development. If in the judgment of the planning commission such a plan provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs, it shall make findings, as required in this section. The planning commission shall take into account the nature of the proposed use of land and existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The planning commission shall report to the city council whether:

- (1) The proposed project will constitute a desirable and stable community development.
- (2) The proposed project will be in harmony with adjacent areas.

(Ord. No. 108-S, § 6.3, 12-8-1980)

Sec. 16-174. Variance relating to required public improvements or utilities.

The planning commission may recommend to the city council that waivers be granted for the installation of a public sanitary sewer system, and public water system, or any or all of them, when in its best judgment such installations shall be impracticable; provided, however, that the average width of the lot in the proposed subdivision, as measured at the street frontage line or the building setback line, is more than 150 feet and where the average area of parcels or lots resulting from the subdivision of land exceeds one acre. The planning commission may also recommend that waivers be granted for the installation of gas

mains and/or service connections, stubs, communications, and electrical conduits, when in its best judgment such installation shall be impracticable.

(Ord. No. 108-S, § 6.4, 12-8-1980)

Sec. 16-175. Application.

(a) *Required improvement variance or topographical variance.* Application for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the planning commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

(b) *Planned unit development variance.* Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the planning commission, stating fully and clearly all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data which may aid the planning commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.

(Ord. No. 108-S, § 6.5, 12-8-1980)

Sec. 16-176. Public hearing.

The public hearing required by the planning commission prior to making a recommendation to the city council on preliminary plat shall also serve as the required public hearing on a requested variance. See section 16-92(c)(3) for notification requirements.

(Ord. No. 108-S, § 6.6, 12-8-1980)

Secs. 16-177—16-200. Reserved.

**ARTICLE IV. PRECISE PLAT
CONNECTING WITH EXISTING AND
FUTURE STREETS***

**Sec. 16-201. Legal description; connections
with existing or future streets.**

(a) The legal description of the outside limits of "Precise Plat No. 001—Potterville Northwest" shall be:

Located in the Northeast 1/4 of Section 23, Town 3 North, Range 4 West, Benton Township, Eaton County, Michigan and being a centerline of a 66-foot-wide precise plat right-of-way more particularly described as follows: commencing at the center 1/4 corner of said section, lying south 01°35'18" west 2,628.84 feet from the north 1/4 corner thereof; thence along the north-south 1/4 line, north 01°35'18" east 305.52 feet to the intersection of said 1/4 line and the centerline of the right-of-way of Sunset Drive and the point of beginning of the precise plat right-of-way described herein; thence south 88°29'23" east 41.15 feet to a point of curve to the right with a radius of 300.00 feet, an arc distance of 208.84 feet and a long chord of south 68°33'00" east 204.65 feet; thence south 48°36'16" east 1,096.16 feet to a point of curve to the left with a radius of 300.00 feet, an arc distance of 413.06 feet and a long chord of south 88°03'00" east 381.20 feet; thence north 52°30'22" east 356.76 feet to a point of curve to the left with a radius of 300.00 feet, an arc distance of 83.75 feet and a long chord of north 44°30'00" east 83.48 feet; thence north 36°30'37" east 601.57 feet to a point of curve to the right with a radius of 300.00 feet, an arc distance of 87.60 feet and a long chord of north 44°53'00" East 87.29 feet; thence north 53°14'29" east 228.74 feet to a point of curve to the right with a radius of 300.00 feet, an arc distance of 200.37 feet and a long chord of north 72°23'00" east 196.67; thence south 88°29'23" east 63.37 feet to the east line of said Section 23 and the point of ending. Containing 5.123 acres, more or less.

*State law reference—Certification of city plats, MCL 125.5 et seq.

(b) The proposed future outside lines of the precise plat connecting with existing and future streets shall be as detailed in "Exhibit A—Precise Plat Map of Potterville Northwest"; provided that showing such lines on the precise plat shall not, in itself, constitute or be deemed to constitute the opening or establishment of any portion of the precise plat or the taking or acceptance of land for any portion of the precise plat.
(Ord. No. 171, art. II, 4-13-1998)

Sec. 16-202. Certification; land acquisitions.

(a) The city planning commission shall certify the "Precise Plat No. 001—Potterville Northwest" to the city council.

(b) The planning commission shall declare that the land acquisitions for public use indicated in "Precise Plat No. 001—Potterville Northwest" shall be completed concurrent with the development of the land on which the precise plat is located. However, the city, at its discretion, may construct the precise plat prior to such development.
(Ord. No. 171, art. III, 4-13-1998)

Sec. 16-203. Procedures.

(a) *Adoption.* Procedures for adoption of an ordinance adopting a precise plat are as follows:

- (1) Notice of the time and place of the public hearing when and where it shall be considered for final passage shall be sent by first class mail to each owner of record of land located within or abutting the land area encompassed by the precise plat.
- (2) Any modification of the precise plat as certified by the planning commission, or amendment of such ordinance, shall be first submitted to the planning commission for approval, approval with conditions, or disapproval. The decision of the planning commission shall be in the form of a recommendation to the city council.
- (3) The city council shall have the power to overrule the recommendation of the planning commission by a two-thirds vote of its membership.

- (4) Adoption of such ordinance shall be in accordance with the procedures and requirements of Public Act No. 222 of 1943 (MCL 125.51 et seq.).

(b) *Amendment and modification.* Any modification of the precise plat as certified by the planning commission, or amendment of this article, may be made and certified by the planning commission in order to conform with adopted changes in the city's master plan, provided the same procedures and limitations are followed as detailed in subsections (a)(1) through (3) of this section.

(Ord. No. 171, art. IV, 4-13-1998)

Sec. 16-204. Construction restrictions; appeals.

(a) *Granting of permits.*

- (1) No permit shall be issued for and no building or structure or part thereof shall be erected on any land located within the proposed future outside lines of the precise plat as detailed in this article.
- (2) The city zoning board of appeals shall have the power of appeal filed with it by the owner of such land to authorize the granting of a permit for improvements within the precise plat if the board finds that:
 - a. The entire property of the applicant located in whole or in part within the lines of the precise plat cannot yield a reasonable return to the owner unless such permit is granted; and
 - b. Balancing the interest of the city in preserving the integrity of the adopted map, and the interest of the owner of the property in use and benefits of the property, the granting of such permit is required by considerations of justice and equity.

(b) *Notice of public hearing.* The city zoning board of appeals shall hold a public hearing thereon, at least ten days' notice of the time and place of which shall be sent by first class mail to

the applicant and each owner of record of land located within or abutting the land area encompassed by the precise plat.

(c) *Powers of zoning board of appeals.* In the event of the authorization of a variance, the zoning board of appeals shall have the power to specify the exact location, ground area, height, and other details and conditions of size, character and construction, and duration of any building, structure or part thereof permitted within the proposed future outside lines of the precise plat, as detailed in this article.

(d) *Fee for appeal.* The fee for each application filed to the zoning board of appeals shall be an amount as established by the fee schedule adopted by the city council.

(Ord. No. 171, art. V, 4-13-1998)

Chapter 17

RESERVED

