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ARTICLE I. IN GENERAL

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Sec. 66-1. Definitions.

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

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Block means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys, and the exterior boundaries of the subdivision.

City engineer and engineer mean the staff engineer or consulting civil engineer of the city.

City planner and planner means the staff planner or consulting city planner of the city.

Commission means the city planning commission.

Comprehensive development plan means the master plan of the city as adopted by the planning commission.

Easement means a grant by the owner of the use of a strip of land by the public, a corporation, or persons, for specific uses and purpose, to be designated as a public or private easement depending on the nature of the use.

Floodplain means that 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 the region.

State Law reference— Similar provisions, MCL 560.101(ee).

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

State Law reference— Similar provisions, MCL 560.101(m).

Lot depth means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot width means the horizontal distance between the side lot lines measured at the minimum building setback line as established by the zoning ordinance.

Major thoroughfare plan means that part of the comprehensive development plan which sets forth the location, alignment and dimensions of existing and proposed thoroughfares.

Municipality means the City of Montague.

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

State Law reference— Similar provisions, MCL 560.101(n).

Parcel and tract mean a continuous area or acreage of land which can be described as provided for in the Land Division Act (MCL 560.101 et seq.).

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

- (1) Pre-preliminary plat means a map indicating the proposed layout of the subdivision in sufficient detail to provide an adequate basis for review and to meet the requirements and procedures set forth in this chapter.
- (2) *Preliminary plat* means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration prepared in conformance with the Land Division Act (MCL 560.101 et seq.).
- (3) Final plat means a map prepared in conformance with the requirements of the Land Division Act (MCL 560.101 et seq.) and this chapter, and suitable for recording by the county register of deeds.

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

Street means a way of vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, or place, or however otherwise designated. A street includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas, and lawns.

Alley means a minor service street providing a secondary means of access to a lot, block or parcel of land.

Cul-de-sac means a minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Local or minor street means those streets which are used primarily for access to the abutting properties and have limited continuity.

Major thoroughfare means those streets and highways which are used as through routes for larger volumes of traffic and have considerable continuity within the municipality and the region beyond. A major thoroughfare shall be designated in the city's major thoroughfare plan.

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 the Land Division Act (MCL 560.101 et seq.) by sections 108 and 109 thereof (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 an applicable ordinance.

State Law reference— Similar provisions, MCL 560.101(f).

(Code 1989, § 5.191)

Cross reference— Definitions generally, § 1-2.

Sec. 66-2. Purpose of chapter.

This chapter has been enacted for the purpose of protecting the public health, safety and general welfare of the residents of the city and of ensuring orderly, growth and harmonious development by requiring:

- (1) Proper arrangement of streets in relation to existing or planned streets and to the comprehensive development plan.
- (2) Adequate and convenient open spaces for traffic, utilities, access of firefighting equipment, recreation, light, air, privacy, and safety from fire hazards.
- (3) Avoidance of population congestion.
- (4) Establishment of standards for the construction of any and all improvements as required in this chapter.

(Code 1989, § 5.181)

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Sec. 66-3. Interpretation of chapter; conflicting regulations or agreements.

This chapter 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 chapter is derived, except for the further dividing of lots, nor is it intended by this chapter 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 or other private agreements, or with restrictive covenants running with the land to which the city is a party. Where this chapter imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of the city, the provisions of this chapter shall control.

(Code 1989, § 5.182)

Sec. 66-4. Compliance with chapter.

No plat within the city shall be approved by the city council unless it conforms to this chapter.

(Code 1989, § 5.183)

Sec. 66-5. Variances.

- (a) The city planning commission may recommend to the city council a variance from the provisions of this chapter on a finding that application of such provision or requirement is impracticable. 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, that:
 - (1) There are such special circumstances or conditions affecting the property that the strict application of the provisions of this chapter would clearly be impracticable or unreasonable. In such cases the subdivider shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the planning commission.
 - (2) The granting of the specific variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
 - (3) Such variance will not violate the provisions of the Land Division Act (MCL 560.101 et seq.).
 - (4) Such variance will not have the effect of nullifying the intent and purpose of this chapter and the comprehensive development plan.
- (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.

(Code 1989, § 5.231)

Sec. 66-6. Fees.

Engineering fees, inspection fees, water connection charges and other applicable development charges may be provided for by the annual fee resolution of the city council. The proprietor shall pay all applicable filing fees as established by the city council. When the final plat is submitted to the city clerk, a

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filing and recording fee of \$20.00 shall be deposited as provided in section 241 of the Land Division Act (MCL 560.241). A fee of \$2.00 per lot in the proposed subdivision as authorized by section 246 of the Land Division Act (MCL 560.246) shall be paid upon submittal of the preliminary plat for tentative approval.

(Code 1989, § 5.232)

Sec. 66-7. Lot splits.

- (a) Any person desiring a lot split within a platted area shall submit to the city assessor written application for lot splitting, and five copies of the lot split. In addition, he shall deposit the necessary fees as provided in this chapter.
- (b) The city assessor shall review the proposed lot split to determine its compliance with the applicable city ordinances, and with the Land Division Act (MCL 560.101 et seq.). If the resultant split is in conformance with these conditions, the city assessor shall have the authority to authorize the requested lot splits.
- (c) No lot shall be split until all taxes and special assessments have been paid. A receipt of payment must be submitted with the proposed lot split plan.

(Code 1989, § 5.233)

State Law reference—Lot splits, MCL 560.263.

Secs. 66-8-66-30. Reserved.

ARTICLE II. SUBDIVISION PROCEDURE

Sec. 66-31. Generally.

Sec. 66-32. Preliminary investigation.

Sec. 66-33. Pre-preliminary plat.

Sec. 66-34. Tentative approval of preliminary plat.

Sec. 66-35. Final approval of preliminary plat.

Sec. 66-36. Final plat.

Secs. 66-37—66-60. Reserved.

Sec. 66-31. Generally.

The review and approval of a proposed subdivision shall be carried out through preliminary investigation, pre-preliminary plat, preliminary plat and final plat in accordance with the provisions of this article.

(Code 1989, ch. 55, art. III)

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Sec. 66-32. Preliminary investigation.

- (a) Prior to the preparation of a preliminary plat, the subdivider shall meet informally with the city manager or designee to investigate the procedures and standards of the city with reference to this chapter and with the proposals of the comprehensive development plan that affect the area in which the proposed subdivision is located.
- (b) It is the responsibility of the subdivider to:
 - (1) Familiarize himself with the zoning ordinance, this chapter, engineering specifications, and other similar ordinances or controls relative to the subdivision and improvement of land, so as to make himself aware of the requirements of the city.
 - (2) Review the area zoning for the proposed subdivision to determine if it is zoned for the intended use.
 - (3) Investigate the adequacy of existing schools and public open spaces, including parks and playgrounds, to serve the proposed subdivision.
 - (4) Review the open space development options of the zoning ordinance to determine the feasibility of utilizing one of these approaches.
 - (5) Investigate the relationship of the proposed subdivision with respect to major thoroughfares and plans for future widening of thoroughfares.
 - (6) Investigate the standards for sewage disposal, water supply, and drainage of the city and the health standards of the county and the state.
 - (7) Review the Land Division Act (MCL 560.101 et seq.) and the requirements of those state and county agencies which are required by such act to review and approve the plat.

(Code 1989, § 5.201)

Sec. 66-33. Pre-preliminary plat.

- (a) Pre-preliminary review is an aid to the developer and to the municipality. Under this procedure, a developer provides the information described in this section and the planning commission acts on the information provided. This review is intended to serve as a guide for the immediate inspection of the officials, subject to a thorough study and analysis before a recommendation from such bodies is made. During this stage, changes and additions which may have to be made before an agreement is reached can be made with the minimum of difficulty. Acceptance of the pre-preliminary plat does not ensure acceptance of the preliminary plat.
- (b) The proprietor shall submit to the city clerk, at least 20 days prior to a planning commission meeting, ten copies of the pre-preliminary plat. The clerk shall promptly transmit two copies to the planning commission, two copies to the city planner and two copies to the municipal engineer, and retain four copies for the city council.
- (c) The following information shall be shown on the pre-preliminary plat or submitted with it:
 - (1) The sketch plan at a scale of 100 feet to one inch shall be included.
 - (2) The names and addresses of the proprietor, the owner-proprietor, and the planner, designer, engineer or surveyor who designed the proposed subdivision shall be included.
 - (3) An overall map at a scale not less than one inch to 1,000 feet showing the relationship of the subdivision to its surroundings, such as existing road rights-of-way, existing buildings, watercourses, railroads, marshes, nearby public spaces and other physical features on and adjacent to the tract, shall be included.

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- (4) The location and road rights-of-way of proposed streets, alleys, easements, parks, open spaces and lot lines shall be shown.
- (5) All parcels of land proposed to be dedicated to public use and conditions of such dedication shall be shown.
- (6) The date, cardinal points, and scale shall be shown.
- (7) Zoning on and adjacent to the tract shall be shown.
- (8) Site data, including connections with adjoining streets, building setback lines, acres in parks, etc., shall be included.
- (9) The proprietor shall furnish the planning commission with a statement indicating the proposed use to which the subdivision will be put, along with a description of the type of residential buildings and number of dwelling units contemplated or the type of business so as to reveal the effect of the development on traffic, fire hazards or congestion of population. Such proposed uses shall not be in conflict with the zoning ordinance.
- (10) If the proprietor has an interest or owns any parcel identified as "outlots" or "excepted," the prepreliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed pre-preliminary plat.
- (11) Other related data as the planning commission deems necessary shall be included.
- (d) The school board or school board superintendent of the school district having jurisdiction in the area concerned shall be informed and made aware of the proposed pre-preliminary plat by the proprietor. A letter or document from the school board or school board superintendent indicating awareness of the proprietor's intentions shall be submitted to the planning commission as part of the pre-preliminary plat.
- (e) The planning commission shall follow the following procedures relative to a pre-preliminary plat:
 - (1) The planning commission shall review all details of the proposed subdivision within the framework of the zoning ordinance, within the various elements of the comprehensive development plan and within the standards of this chapter.
 - (2) After reviewing comments of the city planner, engineer and any other persons or agencies who have been provided copies of the pre-preliminary plat, the planning commission shall make appropriate comments and suggestions concerning the proposed development. The planning commission may require the proprietor to resubmit the pre-preliminary plat if substantial changes are required. The planning commission shall retain one copy of the pre-preliminary plat, which shall become a matter of permanent record in the planning commission's files, and the proprietor shall receive a marked-up copy of the pre-preliminary plat with any suggested changes. Approval of the pre-preliminary plat by the planning commission shall confer upon the proprietor the right to prepare and submit a preliminary plat for tentative approval.
 - (3) The planning commission shall inform the city council of the results of the review of the prepreliminary plat.

(Code 1989, § 5.202)

State Law reference— Pre-preliminary plat authorized, MCL 560.107.

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Sec. 66-34. Tentative approval of preliminary plat.

- (a) Tentative approval under this section shall confer upon the proprietor, for a period of one year from such date, approval of lot sizes, lot orientation, and street layout. Such tentative approval may be extended if applied for by the proprietor and granted by the council in writing.
- (b) The proprietor shall submit ten copies of the preliminary plat and other data to the city clerk and copies shall be distributed to the following:
 - (1) The city clerk will retain four copies.
 - (2) Two copies of the preliminary plat will be sent to the planning commission.
 - (3) Two copies of the preliminary plat will be sent to the city engineer.
 - (4) Two copies of the preliminary plat will be sent to the city planner.
- (c) The following information shall be shown on the preliminary plat or submitted with it, and the plat shall comply with the following:
 - (1) The proposed name of the subdivision shall be included.
 - (2) The location of the subdivision, giving the metes and bounds description according to section, township and range, and the name of the city and county, shall be shown.
 - (3) The names and addresses of the proprietor, the owner-proprietor, and the planner, designer, engineer or surveyor who designed the subdivision layout shall be included.
 - (4) The names and locations of abutting subdivisions, the layout of streets indicating street names, right-of-way widths and connections with adjoining platted streets, the widths and location of alleys, easements and public walkways, and lot layouts shall be shown.
 - (5) The preliminary plat may be on paper and shall be not less than 24 inches by 36 inches at a scale of 100 feet to one inch showing date and north arrow.
 - (6) A map of the entire area scheduled for future development shall be included if the proposed plat is a portion of a larger holding intended for subsequent development.
 - (7) Ten copies of the proposed protective covenants and deed restrictions shall be submitted, or a statement in writing that none are proposed. If common areas are to be reserved for use of the residents of the subdivision, copies of an agreement showing how the area will be maintained shall also be submitted.
 - (8) The layout, numbers, area, and dimensions of lots, including dimensioned building setback lines, shall be shown.
 - (9) An indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision shall be included.
 - (10) The location of any existing and proposed sanitary sewers, water mains, storm drains and other underground facilities and public utilities shall be shown.
 - (11) A site report shall be included if the proposed subdivision is not to be served by public sewer and water systems, as described in the rules of the state department of public health.
 - (12) Contours shall be shown on the preliminary plat at five-foot intervals where the slope is greater than ten percent and two-foot intervals where the slope is ten percent or less. Topographic contours are to be based upon USGS datum.
 - (13) The proprietor shall submit preliminary engineering plans for streets, water, sewers, sidewalks and other required public improvements. The engineering plans shall contain enough detail to enable the city engineer to make a preliminary determination as to conformance of the proposed improvements to applicable municipal regulations and the design standards of this chapter.

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- (14) The preliminary plat shall conform substantially with the approved pre-preliminary plat.
- (d) Procedures for a preliminary plat are as follows:
 - (1) The preliminary plat shall be placed on the agenda of the next regular meeting of the planning commission.
 - (2) The planning commission shall review the preliminary plat and the comments of the city planner and engineer and shall recommend provisional approval subject to specified modifications and changes to be recorded in the minutes of the meeting. If provisional approval is granted, it shall be the responsibility of the proprietor to resubmit amended plans conforming to the specified modifications within 14 days of the date of this provisional approval. Failure to resubmit revised plans within 14 days shall result in the submittal to the city council with a recommendation for disapproval. If the revised plans are timely submitted, and revisions meet the approval of the city engineer and city planner, and conform to the specified modifications of the planning commission, the plat shall be submitted to the city council with recommendations for tentative approval of the preliminary plat.
 - (3) The planning commission shall give its report to the city council not more than 60 days after submission of the preliminary plat. The 60-day period may be extended if the proprietor consents. If no action is taken within 60 days, the preliminary plat shall be deemed to have been approved by the planning commission.
 - (4) The city council shall not review a preliminary plat until it has received the review and recommendations of the planning commission. Upon receipt of the recommendations from the planning commission, the city council shall, at its next regular meeting, review the preliminary plat and, within 90 days from date of filing, tentatively approve the preliminary plat or disapprove the plat. The council shall record its approval on the plat and return one copy to the proprietor or set forth in writing its reasons for rejection and requirements for tentative approval.
 - (5) The proprietor, upon receiving tentative approval from the city council, shall submit the preliminary plat to all authorities as required by sections 112 through 119 of the Land Division Act (MCL 560.112—560.119). Tentative approval shall not constitute final approval of the preliminary plat.

(Code 1989, § 5.203)

State Law reference— Preliminary plat specifications and requirements, MCL 560.111; tentative approval of preliminary plat, MCL 560.112.

Sec. 66-35. Final approval of preliminary plat.

- (a) Final approval of the preliminary plat under this section shall confer upon the proprietor, for a period of two years from date of approval, the conditional right that the general terms and conditions under which preliminary approval was granted will not be changed. The two-year period may be extended if applied for by the proprietor and granted by the city council in writing. Written notice of the extension shall be sent by the city council to the other approving authorities.
- (b) The proprietor desiring final approval of a preliminary plat shall submit to the city clerk the following information:
 - (1) Ten copies of a valid preliminary plat with a certified list of all authorities required for approval in sections 112 through 119 of the Land Division Act (MCL 560.112—560.119).
 - (2) A copy of the receipt from the municipal treasurer that all engineering inspection fees, and other charges and deposits, as provided this chapter, have been paid.

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- (3) Final engineering construction plans for all improvements to be constructed in connection with the proposed plat in accordance with standards and specifications of the city engineer and city council.
- (c) The city council, after receipt of the necessary approved copies of the preliminary plat, shall:
 - (1) Consider the review and recommendation of the city engineer and city planner for compliance with tentatively approved preliminary plat and engineering design standards.
 - (2) Consider the preliminary plat at its next meeting, or within 20 days from the date of the submission of all necessary approved plats.
- (d) If the preliminary plat conforms substantially to the plat approved tentatively by the city council and has met all conditions specified for tentative approval, the city council shall give the final approval to the preliminary plat.
- (e) The city clerk shall promptly notify the proprietor of approval or rejection in writing, and, if rejected, give the reasons.
- (f) Construction of improvements may be commenced by the proprietor if he has:
 - (1) Received notice of final approval of the preliminary plat by the city council, and engineering plans have been approved by the city engineer.
 - (2) Entered into a subdivision agreement with the city for construction of all required subdivision improvements.
 - (3) Deposited with the city a performance guarantee and cash escrow as required under section 66-131.

(Code 1989, § 5.204)

Sec. 66-36. Final plat.

- (a) Following final approval of the preliminary plat by the city council, the proprietor shall cause a survey and five true plats thereof to be made by a surveyor.
- (b) Final plats shall be submitted to the city clerk and shall not be accepted after the date of expiration of the preliminary plat approval. An additional five paper prints shall also be submitted.
- (c) All final plats of subdivided land shall comply with the provisions of the Land Division Act (MCL 560.101 et seq.) and shall conform to the approved preliminary plat. An abstract of title shall be submitted certified to the date of the proprietor's certificate to establish recordable ownership interest and any other information deemed necessary for the purpose of ascertaining whether the proper parties have signed the plat, or a policy of title insurance currently in force, covering all of the land included within the boundaries of the proposed subdivision. The city council, in lieu of an abstract of title, may accept on its own responsibility an attorney's opinion in writing based on the abstract of title as to ownership and marketability of title of the land.
- (d) Procedures for final plats are as follows:
 - (1) The final plat shall be reviewed by the city engineer as to compliance with the approved preliminary plat and final construction plans for utilities and other improvements.
 - (2) The city council shall review all recommendations and take action on the final plat within 20 days of its date of filing and shall:
 - Approve the plat if it conforms to all provisions of this chapter and instruct the clerk to certify
 on the plat the city council's approval, showing the date of the approval, the approval of the

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- health department, when required, and the date thereof as shown on the approved preliminary plat; or
- b. Reject the plat, instruct the clerk to give the reasons in writing as set forth in the minutes of the meeting, and return the plat to the proprietor.
- (3) The clerk shall transcribe a certificate of approval of the city council on the plat and deliver all copies to the clerk of the county plat board together with the filing and recording fee required by law.

(Code 1989, § 5.205)

State Law reference— Final approval of preliminary plat, MCL 560.120.

Secs. 66-37—66-60. Reserved.

ARTICLE III. SUBDIVISION DESIGN STANDARDS

DIVISION 1. - GENERALLY

DIVISION 2. - STREETS AND ALLEYS

DIVISION 1. GENERALLY

Sec. 66-61. Intent; applicability.

Sec. 66-62. Utility and drainage easements.

Sec. 66-63. Lots.

Sec. 66-64. Blocks.

Sec. 66-65. Pedestrian ways within blocks.

Sec. 66-66. Use restrictions; land subject to flooding.

Secs. 66-67—66-90. Reserved.

Sec. 66-61. Intent; applicability.

The design standards in this article are intended as a guide to sound land planning and are the minimum standards for subdivision development in the city.

(Code 1989, ch. 55, art. IV)

Sec. 66-62. Utility and drainage easements.

(a) Drainage easements shall be provided which conform substantially with the lines of any natural watercourse, drainage ditch, channel or stream. Such easements shall be of adequate width for the particular conditions of the site. The city engineer, may, if he considers such requirement necessary to the proper development of the subdivision and the circulation of local traffic, require that the drain, if within a public right-of-way, be tiled and enclosed.

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- (b) Except where alleys are provided for the purpose, a private utility easement, not less than 12 feet in width, with six feet located on each side of the property line, shall be provided along rear or side lot line. Utility easements six feet in width are permissible along rear property lines, in cases where such rear property lines abut unplatted land.
- (c) Land within a public drainage easement intended for surface use, or land within a private utility easement for major electrical power transmission lines, shall not be considered as satisfying a part of the minimum required lot area.
- (d) Private fencing shall not be permitted within public drainage easements.

(Code 1989, § 5.212)

Cross reference— Utilities, ch. 82.

State Law reference— Public utility easements, MCL 560.190.

Sec. 66-63. Lots.

- (a) Generally. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lots shall be of such size as to permit a variety of housing types, to provide side yards for desirable access, light, air, privacy, and safety from fire hazards, and to provide for setbacks from the street line and allow sufficient space for household purposes.
- (b) Access. All lots shall abut upon their full frontage on a dedicated public street. Lots, other than corner lots, shall not be permitted to front onto two streets except when reverse frontage lots are to be platted in accordance with section 66-93.
- (c) Depth. No lot shall be less than 120 feet in depth. The depth of a lot may not exceed a depth-to-width ratio of 2½ to 1.
- (d) Corner lots. Corner lots in single-family plats shall be provided with an extra 15 feet of width to permit the maintenance of the minimum front building setback lines on both the front and side street lines.
- (e) Side lot lines. Side property lines of lots shall generally be perpendicular or radial to street lines, except where, in the opinion of the planning commission, a better lotting plan can be achieved. Side and rear property lines should be straight.
- (f) Area. The area, width and depth of lots shall be in accordance with the minimum zoning ordinance requirements for the district in which the plat is proposed.
- (g) Industrial and commercial lots. No lot or parcel zoned industrial or commercial shall be platted unless such lot or parcel is sufficient in size as to provide sufficient area for off-street parking and loading in accordance with the requirements of the zoning ordinance.
- (h) Large lots. In case a tract is subdivided into parcels containing over one acre in area, such parcels shall be arranged to allow the resubdivision of any parcels into smaller lots in accordance with the provisions of this chapter.

(Code 1989, § 5.213)

State Law reference—Lots, MCL 560.186.

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Sec. 66-64. Blocks.

- (a) Generally. The size and shape of blocks shall be appropriate for the type of lots and land use proposed. Blocks shall be designed so as to permit good lot orientation, safe street design and economical use of the land.
- (b) Maximum length. Maximum length of blocks, measured between intersecting street centerlines, shall not exceed 1,400 feet. This maximum may be exceeded where extreme topography conditions warrant or where lot sizes average over 20,000 square feet, except that in no case may the maximum block length exceed 1,800 feet.
- (c) Minimum length. Minimum block length, measured as provided in subsection (b) of this section, shall not be less than 500 feet.
- (d) Width. Width of blocks shall be equal to the total depth of two tiers of lots and shall not be less than 240 feet except where reverse frontage is required in section 66-93.
- (e) Nonresidential blocks. Blocks intended for purposes other than residential shall be especially designed for such purposes, shall have adequate provision for off-street parking and loading in accordance with the requirements of the zoning ordinance.

(Code 1989, § 5.214)

Sec. 66-65. Pedestrian ways within blocks.

- (a) Right-of-way for pedestrian crosswalks in the middle of blocks exceeding 1,000 feet in length 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) The walkway surface shall be five feet in width, and constructed to meet city concrete sidewalk specifications. The balance of the easement shall be seeded or sodded to meet city specifications.

(Code 1989, § 5.215)

Sec. 66-66. Use restrictions; land subject to flooding.

- (a) Use restrictions. Wherever property is subdivided with the intention that it shall have a use more restrictive than that designated in the zoning ordinance, such use shall be stated in an application for an amendment to the zoning ordinance or in a separate statement filed with the planning commission. Conformance with the objectives of the comprehensive development plan shall be required so as to ensure general uniformity of land uses within blocks and neighborhoods.
- (b) Land subject to flooding. Any areas within the proposed plat which are subject to flooding or inundation by stormwater, or within the floodplain of a river, stream, creek or lake, or which have inadequate drainage, shall not be platted for any use so as to increase danger to life, health or property. If the city council determines that a flood problem does exist, then it shall reject all or part of the proposed plat lying with the floodplain or area subject to flooding. Areas of land lying within a floodplain shall require compliance with the Land Division Act (MCL 560.101 et seq.) and review by the state department of natural resources. The proprietor may show by engineering site plans that a change in the topography will eliminate flooding and shall demonstrate that any planned topographical change will not aggravate the flood hazard beyond the limits of the plat.

(Code 1989, § 5.216)

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Secs. 66-67—66-90. Reserved.

DIVISION 2. STREETS AND ALLEYS 2

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Sec. 66-91. Generally.

The specifications set forth in this division are to be the standards adopted for the width and location of all highways, streets and alleys which may hereafter be platted or accepted within the city. The standards for county roads are intended to be in harmony with road and right-of-way standards and policies of the county road commission.

(Code 1989, § 5.211)

Sec. 66-92. Layout.

The layout of proposed streets shall provide for the continuation of existing streets in surrounding areas and/or shall conform to a plan for the neighborhood approved by the planning commission in cases where topographical or other conditions preclude the continuation of existing streets. In general, such streets shall be of width as great as that of the street so extended. Local residential streets shall be laid out as to discourage their use by through traffic.

(Code 1989, § 5.211(1))

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Sec. 66-93. Requirements for lots adjoining major thoroughfares.

Where the subdivision abuts or contains an existing or proposed major thoroughfare, the planning commission shall require the construction of marginal access streets or reverse frontage of lots with provision of screen planting contained in a non-access reservation along the rear property lines with a minimum width of 15 feet, or with side lot lines parallel to the major thoroughfare.

(Code 1989, § 5.211(2))

Sec. 66-94. Private streets and alleys.

Private streets and alleys shall not be permitted. All streets and alleys shall be dedicated to the public.

(Code 1989, § 5.211(3))

Sec. 66-95. Access to property.

A plat shall not be approved which is isolated from or which isolates other lands from existing public streets, unless suitable access is provided.

(Code 1989, § 5.211(4))

Sec. 66-96. Intersections.

Intersecting streets shall be laid out so that the intersection angle is as nearly as possible to 90 degrees. Streets convening at one point shall be reduced to the least practicable number.

(Code 1989, § 5.211(5))

Sec. 66-97. Half streets.

Half streets shall not be permitted where a subdivision adjoins developed property, except for such major streets of over 60 feet in right-of-way width as may be recommended in the comprehensive development plan or by the county road commission. They shall be permitted only when the planning commission considers the use of a half street essential to the reasonable development of the subdivision in accordance with the intent of this chapter and where the commission finds it practicable to require the dedication of the other half of the right-of-way when the adjoining property is subdivided. Wherever there already exists a dedicated and recorded half street or half alley on an adjoining plat, the other half shall be dedicated on the proposed plat to make the street or alley complete. A one-foot public reserve may be required to be placed between half streets and subdivision boundaries. These reserves shall be deeded in fee simple to the city for future street purposes.

(Code 1989, § 5.211(6))

Sec. 66-98. Dead-end streets.

Where adjoining areas are not platted, 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

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areas. A one-foot public reserve may be required to be placed between dead-end streets and subdivision boundaries. These reserves shall be deeded in fee simple to the city for future street purposes.

(Code 1989, § 5.211(7))

Sec. 66-99. Alleys.

Alleys shall not be permitted in residential areas, but may be permitted or required in commercial or industrial areas for the purpose of service access, such as for off-street parking and loading.

(Code 1989, § 5.211(8))

Sec. 66-100. Street names.

Street names shall not be permitted which might cause confusion for purposes of assessing, mail delivery, or locating by the public with names of existing streets in or near the city. Streets that will be continuations of existing streets shall be called by the same names as such existing streets.

(Code 1989, § 5.211(9))

Sec. 66-101. Building lines.

Building lines shall conform to the requirements of the city zoning ordinance.

(Code 1989, § 5.211(10))

Sec. 66-102. Alignment.

- (a) Vertical curves shall be adequate to provide the minimum vertical visibility as required under subsection (c) of this section for major thoroughfares, secondary streets and minor streets.
- (b) The minimum horizontal centerline radii of curvature shall be:
 - (1) Major thoroughfares: 700-foot radius.
 - (2) Collector thoroughfares: 450-foot radius.
 - (3) Local streets: 275-foot radius.

A minimum 50-foot tangent shall be introduced between reverse curves on minor streets; the tangent shall be 100 feet on collector streets and 300 feet on major thoroughfares.

- (c) Visibility requirements are as follows:
 - (1) Minimum vertical visibility (measured from 4½-foot eye level to 18-inch taillight) shall be as follows:
 - a. On major thoroughfares: 500 feet.
 - b. On secondary streets: 300 feet.
 - c. On local streets: 200 feet.
 - d. On local streets less than 500 feet in length: 100 feet.

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- (2) Minimum horizontal visibility, as measured on the centerline, shall be as follows:
 - a. On major thoroughfares: 300 feet.
 - b. On collector streets: 200 feet.
 - c. On local streets: 100 feet.
- (d) Street jogs with centerline offsets of less than 150 feet shall be avoided.
- (e) Curved streets intersecting with major or secondary thoroughfares shall do so with a tangent section of centerline 100 feet in length measured from the right-of-way line of the major or collector thoroughfare.

(Code 1989, § 5.211(11))

Sec. 66-103. Grades.

Profiles may be required on all streets at the discretion of the city engineer. The minimum gradient allowed shall be not less than 0.4 percent. The maximum gradient shall be four percent, except that, upon the recommendation of the city engineer, an exception may be granted by the city council.

(Code 1989, § 5.211(12))

Sec. 66-104. Surface drainage.

Adequate and safe disposal of all yard drainage shall be provided in accordance with details and specifications prescribed by the city engineer.

(Code 1989, § 5.211(13))

Sec. 66-105. Right-of-way widths.

Street right-of-way widths shall conform to at least the following minimum requirements:

Street Type	Minimum Right-of-way
Major thoroughfare Collector street	In accordance with the major.thoroughfare plan of the city
Industrial and commercial service streets	60 feet
Local (residential) streets	60 feet
Marginal access streets	40 feet
Boulevard streets	86 feet

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Alleys	24 feet
Cul-de-sac streets	60 feet, terminating in a circle 120 feet in diameter

(Code 1989, § 5.211(14))

Sec. 66-106. Length of cul-de-sacs.

Maximum length for residential cul-de-sacs shall not exceed 500 feet. In very low density residential plats, the planning commission may, at its discretion, permit this to be exceeded, but the maximum length may not exceed seven times the average lot width. Maximum length of industrial cul-de-sac streets may exceed 500 feet subject to the approval of the planning commission, and such streets shall terminate in a circle 150 feet.

(Code 1989, § 5.211(14)(c))

Secs. 66-107—66-130. Reserved.

FOOTNOTE(S):

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Cross reference— Streets, sidewalks and other public places, ch. 62.(Back)

ARTICLE IV. REQUIRED IMPROVEMENTS IN SUBDIVISIONS

Sec. 66-131. General standards; construction and maintenance guarantees.

Sec. 66-132. Completion and acceptance for maintenance.

Sec. 66-133. Street pavement.

Sec. 66-134. Storm drainage.

Sec. 66-135. Sewage system.

Sec. 66-136. Water system.

Sec. 66-137. Curbs and gutters.

Sec. 66-138. Sidewalks.

Sec. 66-139. Street trees.

Sec. 66-140. Street signs.

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Sec. 66-131. General standards; construction and maintenance guarantees.

- (a) The improvements set forth under this article are to be considered as the minimum acceptable standard. All those improvements for which standards are not specifically set forth shall be established by the city engineer or by the city council.
- (b) The proprietors shall be required to deposit, with the city clerk, cash, a certified check, or an irrevocable bank letter of credit, whichever the proprietors select, or a corporate surety bond acceptable to the city council, in an amount sufficient to ensure the construction of all improvements, including sidewalks required on major thoroughfare and collector street rights-of-way. The amount of deposit shall be set by annual resolution of the city council based on an estimate by the city engineer. The deposit shall guarantee the completion of the required improvements within a period of time specified by the city council from the date of the approval of the final plat. The city shall rebate to the proprietors, as the work progresses, amounts of cash deposits equal to the ratio of work completed to the entire project. The proprietor shall place cash in escrow for the following: water main testing and chlorination, and traffic name and traffic control signs.
- (c) Prior to the acceptance by the city of improvements, a three-year maintenance bond in an amount equal to 35 percent of the total cost shall be deposited by the proprietor.

(Code 1989, § 5.221)

State Law reference— Authority to require improvement as prerequisite to plat approval and assurances for completion, MCL 560.182, 560.188(3).

Sec. 66-132. Completion and acceptance for maintenance.

- (a) Certification by developer's engineer. The proprietor's engineer shall furnish the city a letter or document indicating satisfactory completion of the required improvements.
- (b) Inspection. After the completion of the construction of the streets and other related facilities, the city engineer will conduct a final inspection. This inspection shall be made in conjunction with the proprietor's engineer to ensure the subdivision is completed according to the approved plans and specifications.
- (c) Partial acceptance. In no case will a partial acceptance of any street in the subdivision be made for maintenance.

(Code 1989, § 5.222)

Sec. 66-133. Street pavement.

Street improvements shall be provided by the proprietor in accordance with standards and specifications of the city engineer and the following schedule:

Street Type	Pavement Width
	(Measured Curb Back to Curb Back)

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Major thoroughfare	In accordance with standards and specifications established by the city engineer
Collector street	36 feet
Industrial and commercial service street	28 feet
Local single-family street	28 feet
Multiple-family street	36 feet
Marginal access street	22 feet
Boulevard street	Dual 22-foot pavements separated by a 20-foot island
Alley	20 feet
Cul-de-sac street (outside radius):	
Industrial	65 feet
Residential	50 feet

(Code 1989, § 5.221(1))

Sec. 66-134. Storm drainage.

All streets shall have enclosed storm drainage sewers in accordance with standards and specifications prescribed by the city engineer. Where county drains are included in the proposed plat a letter or document of approval shall be submitted by the proprietor from the county drain commissioner.

(Code 1989, § 5.221(2))

Cross reference— Utilities, ch. 82.

State Law reference— Authority to require storm drainage, MCL 560.192.

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Sec. 66-135. Sewage system.

Septic tanks or a private sewage system with a central plant must meet standards and specifications prescribed by the city engineer, the county health department and/or the state department of natural resources and a letter or document of approval from the latter agencies must be submitted by the proprietor.

(Code 1989, § 5.221(3))

Cross reference— Utilities, ch. 82.

Sec. 66-136. Water system.

A public water supply system shall be required and water mains, fire hydrants and necessary water system appurtenances shall be constructed in such a manner as to adequately serve all lots shown on the plat both for domestic use and fire protection. Standards and specifications shall be those of the city engineer.

(Code 1989, § 5.221(4))

Cross reference— Utilities, ch. 82.

Sec. 66-137. Curbs and gutters.

Roll or batter curbs shall be constructed on all streets shown on the plat in accordance with standards and specifications of the city engineer.

(Code 1989, § 5.221(5))

Sec. 66-138. Sidewalks.

Concrete sidewalks shall be constructed along both sides of all streets shown on the plat, including major thoroughfares and collector streets. Where the average width of lots, as measured at the building setback line, is over 100 feet, sidewalks shall be required on one side only, and, further, sidewalks may not be required along commercial or industrial service streets. Sidewalks, where required, shall be five feet in width and shall be placed one foot off the property line. Sidewalks shall be constructed in accordance with standards and specifications prescribed by the city engineer.

(Code 1989, § 5.221(6))

Cross reference— Streets, sidewalks and other public places, ch. 62.

Sec. 66-139. Street trees.

Street trees shall be planted between curb and sidewalk in accordance with the following schedule for all residential lots:

(1) Lots with a street frontage of 65 feet or less shall have a minimum of one tree.

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- (2) Lots with a street frontage of 65 feet or more, and less than 120 feet, shall have a minimum of two trees.
- (3) Lots with street frontage of 120 feet or more shall have a minimum of three trees.
- (4) Minimum tree size shall be three to four inches caliper as measured six inches above the crown.
- (5) The selection of variety, spacing and planting of all trees shall be done in accordance with standards and specifications of the city.

(Code 1989, § 5.221(7))

Cross reference— Streets, sidewalks and other public places, ch. 62; vegetation, ch. 86.

Sec. 66-140. Street signs.

For the proper identification of streets, the subdivider shall provide and erect street signs at all intersections meeting the standards of the city.

(Code 1989, § 5.221(8))