



TO: City Council

FROM: Susan Stachowiak, Zoning Administrator

DATE: February 10, 2023

RE: Subdivision Regulation Ordinance

At its regular meeting held on February 2, 2023, the Planning Commission voted unanimously to recommend that the City Council adopt the proposed Subdivision Ordinance, thus replacing the 1971 ordinance that is currently in effect. The proposed ordinance will bring the City's plat procedures and subdivision development requirements into compliance with the State of Michigan Land Division Act and with current City ordinances & policies regulating infrastructure/right-of-way improvements (i.e., utilities, sidewalks, street trees, lighting, etc.)

Since the subdivision regulations are not a component of the Zoning Ordinance, the Planning Commission was not required to hold a public hearing or take any type of formal action on the proposed ordinance. The recommendation is merely intended to show the Commission's support for the ordinance.

Please place this ordinance on the February 13, 2023, City Council agenda for introduction of an ordinance and setting the public hearing.

Please contact me at 810-287-2743 if I can answer any questions or provide additional information.

Thank you.

Chapter 36 SUBDIVISIONS

ARTICLE I. IN GENERAL

Sec. 36-1. Purpose.

The purpose of this chapter is to regulate and control the subdivision of land within the corporate limits of the municipality, in order to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of the municipality, and to provide for the orderly growth and harmonious development of the municipality, consistent with the master plan; to secure adequate traffic circulation through coordinated street systems so as to lessen congestion on the streets and highways; to ensure adequate provisions for water, drainage, and sanitary sewer facilities, and other health requirements; to achieve the maximum utility and livability on individual lots; to facilitate the further subdivision of large tracts into smaller tracts; and to provide logical procedures for the achievement of these purposes.

(Code 2002, § 182-2)

Sec. 36-2. Definitions

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

Accessory use means a use which is naturally and normally incidental, ancillary, and subordinate to the main use of the premises, such as a garage or driveway for a residence.

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.

Block means that property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Cul-de-sac means a minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turnaround.

Easement means a quantity of land set aside or over which a liberty, privilege, or advantage is granted by the owner to the public, a corporation, or some particular person or part of the public for specific uses and purposes, and shall be designated a public or private easement depending on the nature of the user.

Final plat means a map of all or part of a subdivision prepared and certified as to its accuracy by a registered engineer or land surveyor. Such maps must meet the requirements of the Land Development Act, 288 of the Public Acts of 1967, State of Michigan, as amended (MCL 560.101 et seq.), and suitable for recording by the county register of deeds.

Improvements means grading, street surfacing, curb and gutter, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, and other additions to the natural state of land which increases its value, utility, or habitability.

Lot means a parcel or portion of land separated from other parcels or portions by descriptions as in a subdivision, or on a record survey map, or by metes and bounds for the purpose of sale, lease, or separate use.

Lot line alteration means the change in the line between adjoining lots or parcels resulting from the conveyance by the owner of one lot or parcel or a portion of that lot or parcel to the owner of an adjoining lot or parcel, which alteration will permit an accessory use on the lot or parcel enlarged, but which will not permit an additional principal use without a zoning change or variance.

Lot split means the division of one platted lot or parcel into two lots or parcels, which is not a lot line alteration.

Major thoroughfare means an arterial street of great continuity which is intended to serve as a large volume trafficway for both the immediate municipal area and region beyond, and may be designated in the municipality's major thoroughfare plan as a major thoroughfare, parkway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan.

Marginal access street means a minor street parallel and adjacent to a major thoroughfare; and which provides access to abutting properties and protection from through traffic.

Master plan means the comprehensive land use plan for the municipality, including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, zoning districts, and all physical developments of the municipality and includes any unit or part of such plan separately adopted, and any amendments to such plan or parts thereof duly adopted by the planning commission.

Minor street means a street supplementary to a secondary street intended to serve the local needs of the neighborhood and of limited continuity used primarily as access to abutting residential properties.

Owner means the present or anticipated persons of interest in the real property.

Person means individual, partnership, firm, corporation, or association.

Planning commission means the planning commission of the municipality.

Preliminary plat means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

Principal use means a use which is the primary and predominant use or intended use of the premises according to the zone district requirements.

Public reservation means a portion of a subdivision which is set aside for public use and made available for public use and acquisition.

Public utility means any person, firm, or corporation, municipal department, board, or commission, duly authorized to furnish, and furnishing under state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

Public walkway means a right-of-way dedicated for the purpose of a pedestrian access through residential areas, and located so as to connect to two or more streets, or a street and a public land parcel.

Secondary street means a street intended to serve as a major means of access from minor streets to major thoroughfares and considerable continuity within the framework of the major thoroughfare plan.

Street means a right-of-way dedicated to public use, which provides vehicular and pedestrian access to adjacent properties whether designated as a street, highway, thoroughfare, parkway, road, avenue, lane, or however otherwise designated, and includes the land between right-of-way lines, whether improved or unimproved, and may comprise pavement, curbs and gutters, shoulders, sidewalks, parking areas, lawn areas, and other areas within the right-of-way lines.

Subdivider means and includes the plural as well as the singular and may mean a person, firm, association, partnership, corporation, or any legal combination of them or any other legal entity proceeding under these regulations to affect a subdivision of land for himself or for another.

Subdivision means the division of land, as defined in Act 288 of the Public Acts of 1967, State of Michigan, as amended.

Turnaround means a minor street of short length with two openings to traffic, beginning from the same street, and projecting parallel to each other and connecting at their termination by a loop.

(Code 2002, § 182-3)

Secs. 36-3—36-24. Reserved.

ARTICLE II. PRELIMINARY PLATTING PROCEDURE AND DATA REQUIRED

Sec. 36-25. Preliminary investigation.

Prior to the preparation of a preliminary plat, the subdivider shall concern himself with the following factors:

- (1) The area for the proposed subdivision shall be properly zoned for the intended use.
- (2) An investigation of adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to service the proposed subdivision shall be made by the subdivider.
- (3) The relationship of the proposed subdivision with respect to major thoroughfares and plans for widening of thoroughfares shall be investigated by the subdivider.
- (4) Standards for sewage disposal, water supply and drainage of the municipality, and health standards of the county and the state shall be investigated by the subdivider.
- (5) The subdivider shall avoid duplication of street names by consulting the tri-county regional planning commission, so long as such agency shall be in existence.

(Code 2002, § 182-4)

Sec. 36-26. Preliminary plat procedure.

The subdivider shall submit the following to the City Clerk, at least 20 days prior to the regular planning commission meeting:

- (1) Three copies of a letter of application for a preliminary plat review.
- (2) Seven copies of the preliminary plat.
- (3) Such fee as may be set by the City Council to cover the costs of reviewing the preliminary plat.

(Code 2002, § 182-5)

Sec. 36-27. Preliminary data required.

The preliminary plat shall contain the following information:

- (1) Proposed name of subdivision.
- (2) Location by section, town, and range, or by other legal description.
- (3) Names and addresses of subdivider and planner, designer, engineer, or surveyor who designed the subdivision layout. The subdivider shall also indicate his interest in the land as to whether it is a land contract interest or if he owns the property in fee.

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- (4) Scale of plat, one inch equals 100 feet as minimum acceptable scale.
 - (5) Date, North point and scale.
 - (6) Layout of streets indicating proposed names, rights-of-way widths, and connections with adjoining platted streets, and also the widths and locations of alleys, easements, and public walkways.
 - (7) Topography drawn as contours with an interval of five feet, except if grades exceed five percent, the contour interval shall be two feet. Topographic data shall extend beyond the subdivision boundaries where determined necessary.
 - (8) Layout, numbers, and dimensions of lots, including building setback lines showing dimensions. If any outlots are proposed in the plat, the specific purpose for the outlot shall be indicated.
 - (9) Indication of proposed uses of parcels to be dedicated or set aside for public use or for the use of property owners in the subdivision or lands set aside for future street connections to adjacent tracts.
 - (10) An indication of system proposed for sewage disposal by a method approved by the council shall be provided by the subdivider.
 - (11) An indication of system proposed for water supply by a method approved by the state department of health and the council shall be provided by the subdivider.
 - (12) An indication of storm drainage proposed by a method approved by the council and if involving county drains, the proposed drainage shall be acceptable to the county drain commission.

(Code 2002, § 182-6)

Sec. 36-28. Preliminary plat review by planning commission.

- (a) The City Clerk shall place the proposed preliminary plat on the agenda of the next regular planning commission meeting which follows the submittal by no less than 20 days. Should any data required in section 36-27 be omitted, the secretary of the planning commission shall notify the subdivider of the additional data required and delay further planning commission action until the required data is received. The planning commission shall review a preliminary plat in the following manner.
- (b) The proprietor may request that a preapplication review meeting take place by submitting a written request to the chairperson of the county plat board and submitting copies of a concept plan for the preliminary plat to the municipality and to each officer or agency entitled to review the preliminary plat under MCL 560.113 to 560.118. A preapplication review meeting shall take place not later than 30 days after the written request and concept plan are received. The meeting shall be attended by the proprietor, representatives of each officer or agency entitled to review the

preliminary plat under MCL 560.113, 560.114, and 560.118, and a representative of the municipality. Representatives of each agency entitled to review the preliminary plat under MCL 560.115 to 560.117 shall be informed of the meeting and may attend. The purpose of the meeting is to conduct an informal review of the proprietor's concept plan for the preliminary plat.

(Code 2002, § 182-7)

Sec. 36-29. Duty of planning commission.

All details of the proposed preliminary plat shall be reviewed within the framework of chapter 46, the various elements of the master plan, and within the design standards of this chapter. The planning commission shall transmit copies of the proposed preliminary plat to the city engineer and planner for their technical reviews.

(Code 2002, § 182-8)

Sec. 36-30. Action by planning commission.

The planning commission shall approve, approve conditionally, or disapprove the proposed plat.

(1) Should the approval be a conditional approval and therefore tentative, the subdivision layout shall not be forwarded to the council until said conditions have been satisfied by the subdivider. The revised layout shall be marked as a revision and shall follow the filing procedure required in section 36-26.

(2) Should the planning commission disapprove the preliminary plat, it shall record the reasons in the minutes of its regular meeting. A copy of the minutes shall be sent to the subdivider. The subdivision layout shall not be forwarded to the council.

(3) Should the planning commission find that all conditions have been satisfactorily met, it shall give preliminary approval to the subdivider; the chairperson and secretary shall make a notation to that effect on each copy of the preliminary plat, returning one copy to the subdivider, forwarding three copies to the council with recommendations for preliminary approval, and retaining three copies, one of which shall become a matter of permanent record in the planning commission files.

(Code 2002, § 182-9)

Sec. 36-31. Notice of hearing.

It shall be the duty of the City Clerk to send notice by certified mail to the owners of land immediately adjoining the property to be platted of the presentment of the preliminary plat and the time and place of meeting of the planning commission to consider said preliminary plat; said notice shall be sent not less than five days before the date fixed therefor.

(Code 2002, § 182-10)

Sec. 36-32. Preliminary plat review by council.

The council will not review a preliminary plat until it has received the review recommendations of the planning commission. Following the receipt of such recommendations, the council shall consider the plat at such meeting that the matter is placed on the regularly scheduled agenda.

- (1) Should the council approve the preliminary plat, it shall be deemed to confer upon the subdivider the right to proceed with the preparation of a final plat.
- (2) Preliminary approval shall not constitute approval of the final plat. It shall be deemed as approval of the layout submitted on the preliminary plat as a guide to the preparation of a final plat.
- (3) The approval of the council shall be effective for a period of 12 months. Should the final plat, in whole or in part, not be recorded within this time limit, the preliminary plat must again be submitted to the planning commission for approval.
- (4) No installation or construction of any improvements shall be made before the plat has received council approval and only after the engineering plans have been approved by the city engineer.

(Code 2002, § 182-11)

Secs. 36-33—36-52. Reserved.

ARTICLE III. FINAL PLATTING PROCEDURE AND DATA REQUIRED

Sec. 36-53. Final plat procedure.

The subdivider shall submit the following to the City Clerk, at least ten days prior to the regular meeting of the planning commission:

- (1) Three copies of a letter of application for a final plat review.
- (2) Five Mylar copies, seven paper copies and one electronic copy of the proposed final plat, drawn to a scale of one inch equals 100 feet, and prepared by a registered civil engineer or surveyor.

(Code 2002, § 182-12)

Sec. 36-54. Final data required.

(a) The final plat shall comply with the provisions of Act 288 of the Public Acts of 1967, State of Michigan, as amended (The Land Development Act) and with the instructions and requirements set forth in the Plat Manual of Instructions Relative to Making and Filing of Township, Village and City Plats, issued by the Auditor General's Office, Lansing, Michigan, and shall contain the following information:

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- (1) Name of subdivision, and name of owner, the subdivider, and the engineer.
 - (2) Date, North point, and scale.
 - (3) Exact location of subdivision and description of all monuments, found or placed, in making the survey.
 - (4) Boundaries of the subdivided area with accurate distances and bearings noted thereon.
 - (5) The lines, names, and widths, or dimensions, of all proposed street rights-of-way.
 - (6) The lines, widths, and purposes of all easements.
 - (7) Numbered designation of all lots in the subdivision, with their lines and dimensions accurately shown.
 - (8) The names of all adjacent subdivisions.
 - (9) Certification by the registered professional engineer or land surveyor who designed the final plat as to the accuracy of the survey and plat.
 - (10) Dedication, by the owner, of lands for public use, including streets and walkways.
- (b) The final plat shall conform substantially to the preliminary plat, as approved, and it may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time, provided, however, that such portion conforms to this article.
- (c) The subdivider shall submit such evidence of title, either the opinion from an attorney as to title showing any interests of record, or shall furnish an abstract of title certified to date, or at the option of the subdivider, a policy of title insurance for examination in order to ascertain as to whether or not the proper parties have signed the plat.

(Code 2002, § 182-13)

Sec. 36-55. Final plat review by planning commission.

The City Clerk shall place the proposed final plat on the agenda of the next regular planning commission meeting which follows the submittal by no less than ten days. Should any data required in section 36-54 be omitted, the secretary of the planning commission shall notify the subdivider of the additional data required and delay planning commission action until the data is received.

(Code 2002, § 182-14)

Sec. 36-56. Duty of planning commission.

All details of the proposed final plat shall be reviewed within the framework of the design standards and improvement sections of this chapter. The planning commission shall transmit copies of the final plat to the city engineer and planner for their technical reviews.

(Code 2002, § 182-15)

Sec. 36-57. Action by planning commission.

The planning commission shall examine the final plat and shall approve or disapprove the plat within 30 days of the time of its submittal.

(1) Should the planning commission find that the final plat is in substantial agreement with the preliminary plat, it shall approve the same and notify the council of this action in its official minutes.

(2) Should the planning commission find that the final plat does not conform substantially to the previously approved preliminary plat, and that it is not acceptable, it shall record the reason in its official minutes and forward same to the council; and recommend that the council disapprove the final plat until the objections causing disapproval have been changed to meet with the approval of the planning commission.

(Code 2002, § 182-16)

Sec. 36-58. Endorsement by planning commission.

The action of the planning commission shall be shown on the final plat, with the date of the action over the signature of the chairperson and secretary.

(Code 2002, § 182-17)

Sec. 36-59. Final plat review by council.

The council shall review all recommendations of the planning commission and take action to approve or disapprove the final plat.

(Code 2002, § 182-18)

Sec. 36-60. Changes after approval.

After the planning commission and council have approved the final plat, no change shall be filed therein unless said plat is resubmitted for review and approval, as required in this article.

(Code 2002, § 182-19)

Sec. 36-61. Additional approvals.

Upon approval of the final plat by the council, the subsequent approvals shall follow the procedure set forth in the Land Development Act.

(Code 2002, § 182-20)

Sec. 36-62. Endorsement by clerk.

When evidence of completion of required improvements or deposit of performance guarantee has been received by the clerk, he shall transcribe a certificate of approval of the council on the plat and deliver it to the clerk of the county plat board.

(Code 2002, § 182-21)

Secs. 36-63—36-82. Reserved.

ARTICLE IV. DESIGN STANDARDS

Sec. 36-83. Major street location and arrangement.

The proposed subdivision shall conform to the various elements of the master plan and shall be considered in relation to existing and planned major thoroughfares and secondary thoroughfares, and such part shall be platted in the location and the width indicated on such plan. The standards for county roads are intended to be in harmony with all of the road and right-of-way standards and policies of the county road commission.

(Code 2002, § 182-22)

Sec. 36-84. Minor street location and arrangement.

The proposed subdivision street layout shall include minor streets so laid out that their use by through traffic shall be discouraged. The street layout shall provide for a continuation of streets in adjoining subdivisions or for the proper projections of streets when adjoining property is not subdivided.

(Code 2002, § 182-23)

Sec. 36-85. Streets in relation to other rights-of-way.

Should a proposed subdivision border on or contain a railroad right-of-way, an expressway, or other limited access highway right-of-way, the planning commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land as for parks in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separations.

(Code 2002, § 182-24)

Sec. 36-86. Marginal access streets.

Should a proposed subdivision border on or contain an existing or proposed major thoroughfare, the planning commission may require marginal access streets, reverse frontage with an approved screen planting contained in a non-access reservation along the rear property line having a minimum width of 15 feet, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.

(Code 2002, § 182-25)

Sec. 36-87. Reserve strips.

Reserve strips controlling access to streets shall be prohibited.

(Code 2002, § 182-26)

Sec. 36-88. Street rights-of-way widths.

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

<i>Street Type</i>	<i>Right-of-Way Width</i>
Major thoroughfare	100 feet
Secondary thoroughfare	86 feet
Industrial roads	66 feet
Minor streets	66 feet
Marginal access streets	50 feet
Cul-de-sac streets	66 feet street and 120 feet diameter turnaround
Alley	20 feet

(Code 2002, § 182-27)

Sec. 36-89. Half streets.

Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the planning commission finds it will be practicable to require the dedication of the other half when the

adjoining property is developed. Wherever there exists adjacent to the tract to be subdivided a dedication or platted and recorded half street, the other half shall be platted.

(Code 2002, § 182-28)

Sec. 36-90. Access to streets.

Access to streets across all ditches shall be provided by the subdivider in a standard method approved by the council of the municipality.

(Code 2002, § 182-29)

Sec. 36-91. Street grades.

For adequate drainage, the minimum street grade shall not be less than one-half of one percent. The maximum grade of all streets shall not be greater than six percent. The planning commission may approve a change or variance to this standard subject to the recommendation of the city engineer clearly indicating the purpose for requiring a variance.

(Code 2002, § 182-30)

Sec. 36-92. Street alignment.

The appendix of this chapter, attached to the ordinance from which this chapter is derived, includes sketches which graphically portray vertical and horizontal controls required in the following sections 36-93 through 36-96, inclusive.

(Code 2002, § 182-31)

Sec. 36-93. Vertical street curves.

Major, secondary, and minor thoroughfares shall have profile grade changes, where the grade change is over 1.5 percent, connected by vertical curves of a minimum length equivalent to the following algebraic differences:

<i>Street Type</i>	<i>Grade Changes</i>
Major thoroughfare	20 times the algebraic difference in the rate of grade, expressed in feet per hundred
Secondary thoroughfare	15 times the algebraic difference in rate of grade, expressed in feet per hundred
Minor thoroughfare	10 times the algebraic difference in rate of grade, expressed in feet per hundred

(Code 2002, § 182-32)

Sec. 36-94. Horizontal street curves.

(a) The radii of the minimum horizontal center-line curvature for major, secondary, and minor thoroughfares shall be as follows:

<i>Street Type</i>	<i>Radius</i>
Major thoroughfares	750 feet radius
Secondary thoroughfares	400 feet radius
Minor streets	200 feet radius

(b) A minimum of at least a 100-foot tangent shall be introduced between reverse curves.

(Code 2002, § 182-33)

Sec. 36-95. Vertical street visibility.

The minimum vertical visibility (measured from 4 1/2-foot eye level to 18-inch tail-light) shall be:

- (1) Eight hundred feet on major thoroughfares.
- (2) Five hundred feet on secondary thoroughfares.
- (3) Three hundred feet on minor streets.
- (4) One hundred feet on minor streets less than 500 feet in length.

(Code 2002, § 182-34)

Sec. 36-96. Horizontal street visibility.

The minimum horizontal visibility (measured on centerline) shall be:

- (1) Five hundred feet on major thoroughfares.
- (2) Three hundred feet on secondary thoroughfares.
- (3) Three hundred feet on minor streets.

(Code 2002, § 182-35)

Sec. 36-97. Street intersections.

Streets shall be laid out so as to intersect as nearly as possible to 90 degrees. Curved streets, intersecting with major thoroughfares and secondary thoroughfares shall do so with a tangent section of centerline 50 feet in length, measured from the right-of-way line of the major or secondary thoroughfare.

(Code 2002, § 182-36)

Sec. 36-98. Easements.

Location of utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access to every lot, park, or public grounds. Such easements shall be a total of not less than 12 feet wide, six feet from each parcel. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area.

(Code 2002, § 182-37)

Sec. 36-99. Requirements for underground wiring.

The proprietor shall make arrangements for all distribution lines for telephone and electric service to be placed underground entirely throughout a subdivided area, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways. Those telephone and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephone and electrical facilities shall be constructed in accordance with standards of construction approved by the state public service commission or its successor in function. All drainage and underground utility installations which traverse privately-owned property shall be protected by easements granted by the proprietor. The proprietor shall bear any increase in costs, if any, over the normal mode of construction of telephone and electrical lines and facilities, as determined by the telephone or electric company involved, in accordance with the valid rules and regulations of the telephone or electric company involved.

(Code 2002, § 182-38)

Sec. 36-100. Block dimensions.

Blocks within subdivisions shall conform to the following standards except where, in the opinion of the planning commission, physical conditions may justify a variation.

Standard	<i>Minimum (feet)</i>	<i>Maximum (feet)</i>
Length	780	1,300
Width	220	360

(Code 2002, § 182-39)

Sec. 36-101. Aerial easements.

Aerial easements three feet in width shall be provided where needed alongside lot lines so as to provide for streetlight dropouts for the affected public utility. Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained from the affected public utility indicating that easements have been provided along specific lots. A notation shall be made on the final plat indicating: "The side lot lines between lots (indicate lot numbers) are subject to streetlight dropout rights granted to the _____ Company."

(Code 2002, § 182-40)

Sec. 36-102. Public walkways.

Locations of public walkways may be required by the planning commission to obtain satisfactory pedestrian circulation within the subdivision, where blocks exceed 900 feet in length. Width of all such public walkways shall be at least 12 feet and shall be in the nature of an easement for this purpose.

(Code 2002, § 182-41)

Sec. 36-103. Public reservations.

(a) When consideration is given by the subdivider to the allocation of areas suitably located and of adequate size for playgrounds, school sites, parks, and recreation facilities, as indicated in the master plan and chapter 46 of this Code said areas shall be provided by one of the following methods:

- (1) Dedication to the municipality.
- (2) Reservation of land for the use of property owners by deed or covenants.
- (3) Reservation for acquisition by the municipality or school board within a period of two years. Said reservation shall be made in such a manner as to provide for a release of the land to the subdivider in the event that the municipality or the school board does not proceed with the purchase.

(b) Due regard shall be shown by the planning commission for preserving outstanding natural features such as scenic areas, watercourses or exceptionally fine groves of trees.

(Code 2002, § 182-42)

Sec. 36-104. Lot sizes and shapes.

Lots within subdivisions shall conform to the following standards:

- (1) Lot widths, areas, and building setback lines shall conform to at least the minimum requirements of chapter 46 of this Code.
- (2) Residential lots having excessive eas in relation to width shall be avoided. A depth-to-width ratio of three to one shall normally be considered a maximum.
- (3) Corner lots in residential areas shall be platted in minimum of at least ten feet wider than interior lots in order to permit conformance to setback lines on side lotted streets.
- (4) Lots intended for purposes other than residential use shall be specifically designed for such purpose, and shall have adequate provisions for off-street parking and off-street loading, all in accordance with the requirements of chapter 46 of this Code.

(Code 2002, § 182-43)

Sec. 36-105. Lot arrangement.

Lots within subdivisions shall conform to the following standards:

- (1) Every lot shall front or abut on a street.
- (2) Side lot lines shall be at right angles or radial to the street lines or as nearly as possible thereto.
- (3) Residential lots abutting major thoroughfares or secondary thoroughfares, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots with an approved screen planting contained in a non-access reservation along the rear property line having a minimum width of 15 feet, or such other treatment as may be adequate for protection of residential properties or with side lot lines parallel to the major traffic streets, or shall be platted with extra depth to permit generous distances between building and such traffic way.
- (4) Lots shall have a front to front relationship across all streets. Any deviation shall require the review and approval of the planning commission.

(Code 2002, § 182-44)

Sec. 36-106. Lot line alterations and lot splits.

(a) *Application.* Before any lot line alteration or lot split is made pursuant to this section, an application therefor shall be filed with the city zoning administrator, on a form approved by the zoning administrator which will include the following information, together with any additional information or materials required by the zoning administrator or the planning commission:

(1) A legal description of the lots or parcels affected and created by the lot line alteration or lot split, which legal descriptions shall, if required by the zoning administrator or planning commission, be certified as accurate by a registered land surveyor.

(2) A survey or drawing showing the dimensions of the lots or parcels affected and created by the lot line alteration or lot split, the location of public water and sewer, the location of all structures, and, in the case of lot splits, the location of the nearest public street or dedicated required by the zoning administrator or planning commission, be prepared and/or certified by a registered land surveyor.

(3) The signatures by all parties of interest in the affected lots or parcels below a statement stating that they are consenting to the lot line alteration or lot split.

(4) Information satisfactory to the zoning administrator that the person signing the application are all of the parties of interest in the lots or parcels affected by the lot line alteration or lot split.

(5) A statement by the owner of the lot or parcel to which the property is to be added as a result of the lot line alteration or lot split stating the anticipated use of the property conveyed.

(b) *Lot line alteration approval.* The zoning administrator shall, after making a determination that all requirements of this section, this chapter and chapter 46 of this Code have been met, approve a lot line alteration, in which case, no further city approval for said lot line alteration shall be necessary.

(c) *Lot split approval.* The zoning administrator shall, after making a determination that all requirements of this section, this chapter and chapter 46 of this Code have been met, forward the application for a lot split to the planning commission. If the planning commission approves the lot split, no further city approval shall be necessary.

(d) *Disapproval.* If the zoning administrator in a proposed lot line alteration or the planning commission in a proposed lot split disapproves the request, the decision shall be considered final and the applicant may not reapply for a lot line alteration or lot split for a period of one year after such disapproval.

(e) *Fee.* All applications for a lot line alteration or lot split pursuant to this section shall be accompanied by a nonrefundable application fee in an amount established from time to time by the City Council.

(f) *Violations.* No conveyance of property with the effect of altering a lot line or splitting a lot without first obtaining approval pursuant to this section shall be recognized by the City Assessor, City Treasurer, or zoning administrator.

(Code 2002, § 182-45)

Sec. 36-107. Floodplain.

Any areas of land within the proposed subdivision which lie either wholly or in part within the floodplain of a river, stream, creek or lake, or any other areas which are subject to flooding or inundation by stormwater shall not be platted for any use as may increase danger to health, life, or property. The subdivider may show, by way of accurately engineered plans, that a change to the topography in the proposed subdivision will eliminate flooding in the area in question and shall clearly demonstrate that any such planned topographical change will not unduly aggravate the flood hazard beyond the limits of the proposed subdivision. If the City Council determines that a flood problem does exist, then it shall reject all or that part of the proposed subdivision lying within the floodplain.

(Code 2002, § 182-46)

Sec. 36-108. Natural features.

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, watercourses, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the subdivider and the dedication and provision of adequate barriers, where appropriate, shall be required.

(Code 2002, § 182-47)

Secs. 36-109—36-129. Reserved.

ARTICLE V. IMPROVEMENTS

Sec. 36-130. Minimum standards.

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 have said standards set by the City Council. All improvements must meet the approval of the City Council.

(Code 2002, § 182-48)

Sec. 36-131. Guarantee of completion of improvements.

(a) Prior to issuing the certificate of approval on the final plat (section 36-62), the City Council must be satisfied that all improvements required under this article have been constructed. In lieu of the completion of the improvements the proprietors shall be required to deposit with the City Clerk in the form of cash, a certified check, or irrevocable bank letter of credit, whichever the proprietor selects, or a surety bond acceptable to the governing body and running to the city, to issue construction of all improvements. The amount of said deposit or said surety bond shall be set by the City Council based on an estimate by the city engineer. The deposit shall guarantee the completion of the required improvements within one year from the date of the approval of the plat. The agreement shall provide that progress payments shall be made to the contractor or the developer out of the deposit as work progresses. The City Council shall rebate to the proprietors as the work progresses amounts of any cash deposits equal to the ratio of the work completed to the entire project.

(b) Prior to the acceptance by the city of improvements, a one-year maintenance bond in an amount set by the City Council shall be posted by the subdivider.

(Code 2002, § 182-49)

Sec. 36-132. Streets.

Street improvements shall be provided by the subdivider in accordance with the standards and requirements described as follows:

(1) *Major thoroughfares.* A 100-foot right-of-way, with pavement as determined by the City Council. Major thoroughfares designated as county roads shall meet the standards and requirements of the county road commission.

(2) *Secondary thoroughfares.* 86-foot right-of-way, 36-foot concrete pavement outside of curb to outside of curb, curb and gutter each side of pavement, 18-foot separation strip and six-foot concrete sidewalk on each side of roadway, and one foot of space between sidewalk and right-of-way line on each side.

(3) *Minor streets.* 66-foot right-of-way, 27-foot bituminous or concrete pavement with integral curb measured from outside of curb to outside of curb, 10 1/2-foot separation strip and five-foot concrete sidewalk on each side of roadway, and one foot of space between sidewalk and right-of-way line on each side.

(4) *Marginal access streets.* 50-foot right-of-way, 20-foot bituminous or pavement outside of curb to outside of curb, concrete curb and gutter each side of pavement, four-foot separation strip measured from right-of-way line of the adjacent street to the marginal access street pavement, three-foot separation strip, and four-foot sidewalk on one side with one foot of space between sidewalk and right-of-way line.

(5) *Grading and centerline gradients.* Per plans and profiles approved by the City Council.

(6) *Curbs and gutters.* In accordance with details and specifications prescribed by the City Council.

(7) *Roadway pavements.* In accordance with details and specifications prescribed by the City Council.

(8) *Sidewalks.* Concrete sidewalks shall be constructed along both sides of every street shown on the plat; provided, however, that where the property is platted in lots having an area of 15,000 square feet or more, and a width of at least 100 feet, the City Council may waive this requirement. Sidewalks, where required, shall be five feet wide, four inches thick, and shall be placed one foot off property lines. Where deemed necessary by the city engineer, sidewalks shall be provided with at least three inches of gravel or sand base. Sidewalks shall be seven inches thick where they intersect with driveways.

(9) *Street lighting.* All streets shall be lighted in a manner approved by the City Council. The developer shall secure proposed street lighting plans from the servicing utility for modification and/or approval by the City Council prior to final plat approval. All installation costs shall be paid by the developer, who shall also petition the City Council for a street lighting special assessment district, including waiver and consent language as specified by the City Attorney.

(Code 2002, § 182-50)

Sec. 36-133. Sanitary sewer system.

Sanitary sewer improvements shall be provided by the subdivider in accordance with the standards and requirements described as follows:

(1) *Public sanitary sewer accessible.* Where a public sanitary sewer is reasonably accessible, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the city engineer.

(2) *Public sanitary sewer inaccessible.* In the event a public sanitary sewer is not accessible to the subdivision, the subdivider shall pay the cost of extending the sanitary sewer lines from the area platted to the nearest public sanitary sewer trunk line, with the city providing the necessary easements. Said extension shall conform to the overall sanitary sewer plans of the city, and the subdivider shall be reimbursed by a payback arrangement for future connections thereto as provided by the City Council. In addition, the subdivider shall install public sanitary sewer facilities within the platted area in accordance with the current city specifications.

(3) *Sanitary sewers design.* Sanitary sewers shall be designed to run half-full, be connected on centerlines, and the velocity in same to be not less than two feet per second. Sanitary sewers shall be capable of carrying 65 gallons per capita per day.

(Code 2002, § 182-51)

Sec. 36-134. Storm sewer system.

Storm sewer improvements shall be provided by the subdivider in accordance with the standards and requirements described as follows:

- (1) Public storm sewer accessible. Where a public storm sewer is reasonably accessible, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the city engineer.
- (2) Public storm sewer inaccessible. In the event a public storm sewer is not accessible to the subdivision, the subdivider shall pay the cost of extending the storm sewer lines from the area platted to the nearest public storm sewer trunk line, with the city providing the necessary easements. Said extension shall conform to the overall storm sewer plans of the city, and the subdivider shall be reimbursed by a payback arrangement for future connections thereto as provided by the City Council. In addition, the subdivider shall install public storm sewer facilities within the platted area in accordance with the current city specifications.
- (3) Storm sewers shall be designed to flow full and shall be designed for the storm of that intensity which can be interpreted as the conventional ten-year storm for the area. The runoff from platted areas shall in no case be considered less than 40 percent, and in case of large paved areas not less than 75 percent.
- (4) The type, extent, location, and capacity of all drainage facilities shall be determined by the city engineer.

(Code 2002, § 182-52)

Sec. 36-135. Water supply.

Water system improvements shall be provided by the subdivider in accordance with the standards and requirements described as follows:

- (1) *Accessible water supply.* Where a public water supply is accessible, provisions shall be made by the subdivider to supply each lot in the subdivision with water from the public water supply by means of a water supply system which meets current city specifications.
- (2) *Nonaccessible water supply.* Where a public water supply is nonaccessible by reason of absence of feeder mains, the subdivider must bear the cost of installation of a new feeder main from the source of supply to the subdivision, with the city providing the necessary easements. Said extension shall conform to the overall water supply plans of the city, and the subdivider shall be reimbursed by a payback arrangement for future connections thereto as provided by the City Council.

(Code 2002, § 182-53)

Sec. 36-136. Fire hydrants.

The subdivider shall provide for fire hydrants in compliance with requirements set forth by the duly designated fire commissioner, and shall meet the following requirements:

- (1) Fire hydrants shall be placed not over 600 feet apart.
- (2) The hydrant nozzles shall be set at 18 to 21 inches above the finished grade, and shall be constructed in accordance with the standard specifications set by the city engineer.

(Code 2002, § 182-54)

Sec. 36-137. Trees.

Existing trees near street rights-of-way shall be preserved by the subdivider. Street trees shall be provided at least one per lot of no less than one-inch caliber, and shall be placed in the separation strip at such location as directed by the City Council. Tree species shall be approved by the City Council.

(Code 2002, § 182-55)

Sec. 36-138. Street signs.

Street name signs shall be placed at all street intersections within or abutting the subdivision, and they shall be located as follows in the order of preference of the subdivider:

- (1) Next to stop sign.
- (2) At N.E. corner of intersection.
- (3) At S.E. corner of intersection.

(Code 2002, § 182-56)

Sec. 36-139. Monuments.

Permanent monuments shall be installed in compliance with and as specified by Act 288 of the Public Acts of 1967, State of Michigan, as amended.

(Code 2002, § 182-57)

Sec. 36-140. Inspections.

All required improvements shall be inspected on a continuous basis by inspectors authorized by the City Council. It shall be the responsibility of the improvement contractors to notify the city engineer at least three days in advance for the following periodic inspections:

-
- (1) Storm sewers, laterals, and catch basins before the trenches for these improvements are backfilled.
 - (2) Forms set for curb and gutter after subbase has been put in place and before any concrete is poured.
 - (3) Forms set for sidewalks before any concrete is poured.
 - (4) All subgrade that has been shaped and rolled, before the compaction test is made.
 - (5) Forms for pavement before any concrete is poured.
 - (6) Base courses.

(Code 2002, § 182-58)

Sec. 36-141. Fees for inspections.

Engineering fees, inspection fees, water and sewer connection charges, and other applicable development charges may be provided for by resolution of the City Council.

(Code 2002, § 182-59)

Secs. 36-142—36-169. Reserved.

ARTICLE VI. INTERPRETATION; VARIANCE

Sec. 36-170. Interpretation.

The provisions of this article shall be held to be the minimum requirements adopted for the promotion and preservation of public health, safety, and general welfare of the city. These regulations are not intended to repeal, abrogate, annul, or in any manner interfere with existing regulations or laws of the city, nor to conflict with any statutes of the state or the county, except that this chapter shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws, or regulations.

(Code 2002, § 182-60)

Sec. 36-171. Variance.

The City Council may authorize a variance from this chapter when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the City Council shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the City Council 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 granted unless the City Council finds:

- (1) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

(Code 2002, § 182-61)

CURRENT ORDINANCE

City of Grand Ledge Ordinance # _____

An Ordinance Amending City Code, Chapter 36 – Subdivisions.

The City of Grand Ledge Ordains:

Section 1. Change. City Code, Chapter 36 – Subdivisions, is amended, as follows:

Article I. In General.

Section 36-1. ~~Purpose~~Purposes.

~~The purpose of this chapter is to regulate and control the subdivision of land within the corporate limits of the municipality, in order to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of the municipality, and to provide for the orderly growth and harmonious development of the municipality, consistent with the master plan; to secure adequate traffic circulation through coordinated street systems so as to lessen congestion on the streets and highways; to ensure adequate provisions for water, drainage, and sanitary sewer facilities, and other health requirements; to achieve the maximum utility and livability on individual lots; to facilitate the further subdivision of large tracts into smaller tracts; and to provide logical procedures for the achievement of these purposes.~~
The purposes of this Chapter are to provide a guide for the orderly growth and harmonious development of the community; to secure adequate traffic circulation by means of coordinated street systems joining subdivisions and public facilities; to achieve individual lots of reasonable utility and livability; to facilitate adequate provisions for transportation, water supply, drainage, sanitary sewage and health requirements; to make adequate provisions for recreational areas, school sites and other public facilities; to facilitate the further subdivision of larger tracts into smaller parcels of land; and to provide procedures for the achievement of these purposes.

Section 36-2 – Interpretation.

The provisions of this Chapter are the minimum requirements necessary for the preservation of public health, safety, and general welfare of the City regarding the subdivision of land. This Chapter is not intended to repeal, abrogate, annul, or in any manner interfere with existing regulations or laws of the State of Michigan, except that this Chapter shall prevail in cases where it imposes a greater restriction than is provided by existing statutes, laws, or regulations.

Section 36-3 – Fees.

The application fees required by this Chapter, as set forth by resolution of the City Council, shall be paid by the applicant at the time of application. The applicant shall be responsible for reimbursement to the City of all fees associated with the review of applications and documents required by this Chapter and shall establish an escrow account with the City in an amount sufficient to cover these costs.

Section 36-4 – Extension of Deadlines

Deadlines for review and action on a preliminary or final plat as specified in the Land Division Act and Sections 36-11, 36-13 and 36-22 of this Ordinance, may be extended by mutual written consent of the proprietor and the City Manager.

Section 36-5 – Municipal Standards.

The Municipal Standards for development and construction, including all appendices and any revisions or amendments made thereto, as set forth by resolution of the City Council are hereby referenced in this Chapter and shall be construed as having the full force and effect thereof.

Section 36-26. Definitions.

~~The following words, terms, and phrases, when used in this chapter all have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning~~The following definitions shall apply in the interpretation and enforcement of this Chapter:

AASHTO means the American Association of State Highway and Transportation Officials, A Policy on Geometric Design of Highways and Roads.

~~Accessory use~~ means a use which is naturally and normally incidental, ancillary, and subordinate to the ~~main primary residential~~ use of the ~~premises property~~, such as a garage ~~or driveway for a residence, shed, or gazebo~~.

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 construction plans that have been revised upon completion of the construction to illustrate the actual location and details of improvements.

~~Block means that property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development.~~

City means the City of Grand Ledge.

City Engineer means individuals and employees or representatives thereof, licensed as professional engineers, employed or contracted by the City to review plans or inspect construction projects.

Cul-de-sac means a minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turnaround.

~~Easement means a quantity of land set aside or over which a liberty, privilege, or advantage is granted by the owner to the public, a corporation, or some particular person or part of the public for specific uses and purposes, and shall be designated a public or private easement depending on the nature of the user~~defined

area of land that a person, corporation, or government entity has been given the nonpossessory right by the owner to utilize for a specific purpose.

EGL means the Michigan Department of Environment, Great Lakes, and Energy.

~~Final plat means a map of all or part of a subdivision prepared and certified as to its accuracy by a registered engineer or land surveyor. Such maps must meet the requirements of the Land Development Act, 288 of the Public Acts of 1967, State of Michigan, as amended (MCL 560.101 et seq.), and suitable for recording by the county register of deeds.~~

Fire Department means the agency fighting and preventing fires in the City and any agency providing mutual aid assistance.

Improvements means grading, street surfacing, curb and gutter, sidewalks, crosswalks, trails, water mains and lines, sanitary sewers, ~~storm sewers~~ stormwater, culverts, bridges, utilities, parks, and other additions to the natural state of land which increases its value, utility, or habitability.

Land Division Act means Public Act 288 of 1967 and all amendments thereto, enacted by the State of Michigan.

Lot means a parcel or portion of land separated from other parcels or portions by descriptions as in a subdivision, or on a record survey map, or by metes and bounds for the purpose of sale, lease, or separate use.

Lot line alteration means the change in the line between adjoining ~~lots or~~ parcels resulting from the conveyance by the owner of one ~~lot or~~ parcel or a portion of that ~~lot or~~ parcel to the owner of an adjoining ~~lot or~~ parcel, ~~which alteration will permit an accessory use on the lot or parcel enlarged, but which will not permit an additional principal use without a zoning change or variance.~~

Lot split means the division of one ~~platted lot or~~ parcel into two ~~lots or~~ more parcels, which is not a lot line alteration.

Major thoroughfare means ~~an arterial street of great continuity which is intended to serve as a large volume trafficway for both the immediate municipal area and region beyond, and may be designated in the municipality's major thoroughfare plan as a major thoroughfare, parkway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan~~ streets designed for large volumes of traffic and intended to serve as traffic arteries of considerable length and continuity throughout the community.

Marginal access street means a minor street parallel and adjacent to a major thoroughfare; and which provides access to abutting properties and protection from through traffic.

Master plan means the comprehensive land use plan for the ~~municipality~~ City, including graphic and written ~~proposals indicating descriptions of~~ the general locations recommended for ~~the~~ streets, parks, schools, public buildings, zoning districts, and all physical developments ~~of the municipality~~ and includes any unit or part of such plan separately adopted, and any amendments to such plan or parts thereof duly adopted by the ~~planning commission~~ Planning Commission and City Council.

MDOT means the Michigan Department of Transportation.

Minor street means a street ~~supplementary~~ supplemental to a secondary street intended to serve the local needs of the neighborhood and of limited continuity used primarily as access to abutting residential properties.

Model home means a dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision, and which will not be permanently occupied during its use as a model.

Municipal Standards means the current development standards adopted by resolution of the City Council with all appendices included therewith, and any amendments made thereto.

Owner means the present or ~~anticipated~~ persons of interest in the real property.

Person means individual, partnership, firm, corporation, or association.

~~*Planning Commission* means the planning commission of the municipality.~~

Plat means a map or chart of a subdivision of land, prepared in conformance with the Land Division Act.

(1) *Preliminary plat* means a map showing all salient features of a proposed subdivision of land, or phase thereof, prepared for the purposes of preliminary consideration and in accordance with this Chapter and the Land Division Act.

(2) *Final plat* means a map showing all the salient features of a proposed subdivision of land, or phase thereof, which is substantially in conformance with the approved preliminary plat of the same proposed subdivision of land, or phase thereof, prepared for the purposes of final approval and certified as to its accuracy by a licensed professional engineer or land surveyor and meeting the requirements of this Chapter and the Land Division Act, and suitable for recording by the county Register of Deeds.

~~*Preliminary plat* means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.~~

Principal use means a use which is the primary and predominant use or intended use of the premises according to the ~~zone~~ zoning district requirements.

Proprietor means a natural person, firm, associate, partnership, corporation, or any combination thereof which may hold ownership interest in land, whether recorded or not, or any other legal entity proceeding under this Chapter to affect a subdivision of land.

Public Infrastructure Agreement means a legally binding agreement between the City and the proprietor that the subdivision will be constructed in compliance with the approved plans, all additional development regulations and establishing the financial requirements associated therewith.

~~*Public reservation* means a portion of a subdivision which is set aside for public use and made available for public use and acquisition.~~

Public utility means any person, firm, ~~or~~ corporation, municipal department, board, or commission, duly authorized under state or municipal regulations to furnish, ~~and furnishing under state or municipal regulations~~ to the public: gas, steam, electricity, sewage disposal, ~~communication, telegraph~~ storm sewer systems, cable, fiber, telecommunication services, transportation, or water.

~~*Public walkway* means a right-of-way dedicated for the purpose of a pedestrian access through residential areas, and located so as to connect to two or more streets, or a street and a public land parcel.~~

Reserve strip means a privately owned piece of land that controls access to a street.

Right-of-way means land reserved and dedicated for a street, alley, walkway, or other public purpose, and which may be occupied by public utilities, such as electric transmission lines, gas pipelines, cable television lines, fiber optics lines, water mains, sanitary sewers, stormwater mains, shade trees, or other utility uses. Rights-of-way established and shown on the final plat are to be distinct and separate from the lots or parcels adjoining such rights-of-way and are not to be included in the dimensions or areas of such lots or parcels.

Secondary street means a street intended to serve as a ~~major~~ primary means of access from minor streets to major thoroughfares ~~and considerable continuity within the framework of the major thoroughfare plan.~~

SESC means soil erosion and sedimentation control.

Street means a right-of-way dedicated to public use, which provides vehicular and pedestrian access to adjacent properties whether designated as a street, highway, thoroughfare, parkway, road, avenue, lane, or however otherwise designated, and includes the land between right-of-way lines, whether improved or unimproved, and may comprise pavement, curbs and gutters, shoulders, sidewalks, parking areas, lawn areas, and other areas within the right-of-way lines.

Street tree means a tree located in the right-of-way.

~~*Subdivider* means and includes the plural as well as the singular and may mean a person, firm, association, partnership, corporation, or any legal combination of them or any other legal entity proceeding under these regulations to affect a subdivision of land for himself or for another.~~

Subdivision means the division of land, as defined in ~~Act 288 of the Public Acts of 1967, State of Michigan, as amended~~ the Land Division Act.

~~*Turnaround* means a minor street of short length with two openings to traffic, beginning from the same street, and projecting parallel to each other and connecting at their termination by a loop junction for turning vehicles at the end of a road.~~

Variance means a waiver from compliance with a specific provision of the subdivision regulations ordinance granted for a particular property because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of the ordinance.

Zoning Administrator means a person employed or contracted and designated by the City of Grand Ledge to administer and enforce its Zoning Ordinance, Subdivision Ordinance and other City Ordinances as assigned.

Article II. Preliminary Platting ~~Procedure and Data Required.~~

Section 36-25. ~~Preliminary investigation~~ Preapplication meeting.

~~Prior to the preparation of a preliminary plat, the subdivider shall concern himself with the following factors:~~ Prior to submitting an application for tentative approval of a preliminary plat, the proprietor may request a meeting with City staff and its engineering consultants to review subdivision regulations and procedures.

- ~~(1) The area for the proposed subdivision shall be properly zoned for the intended use.~~
- ~~(2) An investigation of adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to service the proposed subdivision shall be made by the subdivider.~~
- ~~(3) The relationship of the proposed subdivision with respect to major thoroughfares and plans for widening of thoroughfares shall be investigated by the subdivider.~~
- ~~(4) Standards for sewage disposal, water supply and drainage of the municipality, and health standards of the county and the state shall be investigated by the subdivider.~~
- ~~(5) The subdivider shall avoid duplication of street names by consulting the tri-county regional planning commission, so long as such agency shall be in existence.~~

Section 36-26. ~~Preliminary plat~~ Tentative approval procedure.

~~The subdivider shall submit the following to the City Clerk, at least 20 days prior to the regular planning commission meeting:~~

- ~~(1) Three copies of a letter of application for a preliminary plat review.~~
- ~~(2) Seven copies of the preliminary plat.~~
- ~~(3) Such fee as may be set by the City Council to cover the costs of reviewing the preliminary plat.~~

(1) Filing.

- (a) An application, ten (10) paper copies of a scale not less than eighteen (18) inches wide by twenty-four (24) inches long in size and one (1) digital copy of the preliminary plat, and the required application fee shall be submitted to the City Clerk.
- (b) The preliminary plat shall be prepared a land surveyor or civil engineer, in accordance with state law and in accordance with the requirements of this Chapter.

(2) Contents.

The preliminary plat shall be drawn to a scale not less than one (1) inch equals one hundred (100) feet and shall include the following:

- (a) Name of the proposed subdivision.
- (b) Location of the proposed subdivision by section, township, range, and legal description.
- (c) Name and addresses of the owner and the proprietor, and the designer, engineer, or surveyor who designed the proposed subdivision layout. The proprietor shall provide their interest in the land to be subdivided.
- (d) Date, north arrow, and scale.
- (e) Boundary lines of the proposed subdivision, and the overall property dimensions and acreage of the land to be subdivided.
- (f) Key map at a scale of not less than one (1) inch equals two thousand (2,000) feet showing the relationship of the subdivision to its surroundings of not less than one-half (1/2) mile, such as section lines, major thoroughfares, and secondary streets.
- (g) Property lines of adjacent subdivided and unsubdivided land shown in relation to the proposed subdivision, including those areas across abutting roads.
- (h) Street names, rights-of-way widths, roadway widths, and locations of all existing or prior platted public or private streets and public easements within and adjacent to the proposed subdivision, including those located across abutting roads.
- (i) Existing water mains, stormwater, sanitary sewers, gas lines, power lines, telephone lines, or other existing facilities, together with any ditches, culverts, or natural watercourses, including data on general sizes, types, and elevations of such existing utilities which are within or adjacent to the proposed subdivision.
- (j) All existing structures and other physical features, including topography drawn as contours with an interval of no more than two (2) feet based on United States Geological Survey data, which would have an influence on the layout and design of the subdivision.
- (k) Location of flood plain areas, rivers, streams, creeks, and County drains, either existing or proposed, within or adjacent to the proposed subdivision.
- (l) Layout of proposed streets indicating proposed street names, rights-of-way widths, and connections with adjoining platted streets, and also the widths and location of alleys, easements, and public walkways.
- (m) Layout of proposed lots indicating lot numbers, dimensions of lots, and building setback lines.
- (n) Identification of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the proposed subdivision.

- (o) Identification of the ownership, and existing and proposed use, of any parcels identified as “excepted”. If the proprietor has an interest or owns any parcel so identified as excepted, describe how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and how it relates to the layout of the proposed subdivision.
- (p) General layout for the entire area to be subdivided with the first phase clearly delineated on the overall plan.
- (q) Preliminary engineering plans, general descriptions, and drawings showing proposed infrastructure improvements containing enough information and detail to enable the City to make a preliminary determination as to the conformity of the proposed improvements to applicable City requirements.
- (r) Existing zoning and land uses of the proposed subdivision and that of adjacent parcels.
- (s) Existing buildings or structures on or within one hundred (100) feet of the proposed subdivision.
- (t) Evidence that the Grand Ledge Public Schools has been informed and made aware of the proposed subdivision.

(2) Tentative Approval Procedure.

If any of the information required to be included with the preliminary plat for tentative approval has not been provided, the Zoning Administrator shall notify the proprietor of same, and that the preliminary plat will not be considered to have been received until all required information has been received.

- (a) The Zoning Administrator shall review the preliminary plat for compliance with the Land Division Act, applicable state and federal laws, this Chapter, the Master Plan, and the Zoning Ordinance.
- (b) The Zoning Administrator shall provide a copy of the preliminary plat to the City Manager, City Engineer, Department of Public Services, Fire Chief, and Police Chief for their review to determine compliance with the applicable requirements of their respective departments.
- (c) Notice shall be sent by registered or certified mail to the proprietor and to the owners of land immediately adjoining the proposed subdivision of the filing of the preliminary plat for tentative approval, and the time and place of the Planning Commission meeting at which the preliminary plat will be considered for tentative approval; and the notice shall be sent not less than ten (10) days before the date fixed therefor.
- (d) Following a review and recommendation by the Planning Commission, the City Council shall 1) tentatively approve and note its approval on a copy of the preliminary plat, or 2) tentatively approve it subject to conditions and note its approval and conditions on the copy of the preliminary plat, to be returned to the proprietor, or 3) set forth in writing its reasons for rejection and requirements for tentative approval, within the following time period, as applicable:

- (1) Within sixty (60) days after it was submitted to the City Clerk, if a preapplication review meeting was conducted under the Land Division Act.
- (2) Within ninety (90) days after it was submitted to the City Clerk, if a preapplication review meeting was not conducted under the Land Division Act.
- (e) The City Council may require the submission of other related data as it deems necessary, if the requirement for such data has previously been adopted and published.
- (f) Tentative approval of the preliminary plat by the City Council shall be effective for a period of one (1) year from the date of approval and may be extended by the City Council if applied for by the proprietor in writing.
- (g) No installation or construction of improvements shall be made on the basis of tentative approval of the preliminary plat.

Section 36-27. ~~Preliminary data required~~ Agency reviews.

~~The preliminary plat shall contain the following information:~~ Following tentative approval of the preliminary plat by the City Council, the proprietor shall submit copies of the tentatively approved preliminary plat to the agencies whose review and approval of the preliminary plat are required by the Land Division Act and shall provide the City Clerk with evidence of all such required approvals.

- ~~(1) Proposed name of subdivision.~~
- ~~(2) Location by section, town, and range, or by other legal description.~~
- ~~(3) Names and addresses of subdivider and planner, designer, engineer, or surveyor who designed the subdivision layout. The subdivider shall also indicate his interest in the land as to whether it is a land contract interest or if he owns the property in fee.~~
- ~~(4) Scale of plat, one inch equals 100 feet as minimum acceptable scale.~~
- ~~(5) Date, North point and scale.~~
- ~~(6) Layout of streets indicating proposed names, rights-of-way widths, and connections with adjoining platted streets, and also the widths and locations of alleys, easements, and public walkways.~~
- ~~(7) Topography drawn as contours with an interval of five feet, except if grades exceed five percent, the contour interval shall be two feet. Topographic data shall extend beyond the subdivision boundaries where determined necessary.~~
- ~~(8) Layout, numbers, and dimensions of lots, including building setback lines showing dimensions. If any outlots are proposed in the plat, the specific purpose for the outlot shall be indicated.~~

- ~~(9) Indication of proposed uses of parcels to be dedicated or set aside for public use or for the use of property owners in the subdivision or lands set aside for future street connections to adjacent tracts.~~
- ~~(10) An indication of system proposed for sewage disposal by a method approved by the council shall be provided by the subdivider.~~
- ~~(11) An indication of system proposed for water supply by a method approved by the state department of health and the council shall be provided by the subdivider.~~
- ~~(12) An indication of storm drainage proposed by a method approved by the council and if involving county drains, the proposed drainage shall be acceptable to the county drain commission.~~

Section 36-28. ~~Preliminary plat review by planning commission~~ Final review procedure.

- (1) The City Clerk shall place the proposed preliminary plat on the agenda of the next regular planning commission meeting which follows the submittal by no less than 20 days. Should any data required in section 36-27 be omitted, the secretary of the planning commission shall notify the subdivider of the additional data required and delay further planning commission action until the required data is received. The planning commission shall review a preliminary plat in the following manner Contents.

In addition to the information required for tentative approval of the preliminary plat, the proprietor shall submit the following information for final approval of the preliminary plat:

- (a) Details on street design including curve radii, rights-of-way, cross sections, gradient, etc.
- (b) Details on curb and gutter, and details on the width, materials, grades, etc. for sidewalks, crosswalks and nonmotorized pathways.
- (c) Entry features such as signs, walls, landscaping, and lighting.
- (d) Conceptual layout of water and sewer lines, including flow testing if necessary.
- (e) Location and size of water and sewer lines and all other existing and proposed underground utilities for the proposed subdivision and for a distance of two hundred (200) feet beyond the limits of the proposed subdivision.
- (f) A stormwater management plan and runoff calculations demonstrating that the proposed drainage system is adequate for the proposed subdivision and the information necessary to determine that the proposed system complies with the Phase II Clean Water Act requirements.
- (g) The City reserves the right to require a traffic impact study, at the sole cost of the proprietor, prepared by or under the direct supervision of a licensed professional engineer (PE) with specific training in traffic engineering and at least three (3) years of experience in the preparation of traffic impact studies, with enough level of detail to:

- (1) Evaluate the safety and operational aspects of the proposed intersections and access points to the subdivision including location, design, and geometrics.
- (2) Determine if existing transportation systems and traffic control mechanisms are adequate to effectively manage the projected traffic volumes.
- (3) Provide a description of the changes necessary to mitigate any negative impacts of the proposed subdivision on the existing surrounding transportation system and to ensure that traffic from the proposed subdivision will be managed safely and in an operationally effective and efficient manner.

If a traffic impact study is required, the application for final approval of the preliminary plat shall not be considered complete until the study has been received and includes the information listed above.

- (2) ~~The proprietor may request that a preapplication review meeting take place by submitting a written request to the chairperson of the county plat board and submitting copies of a concept plan for the preliminary plat to the municipality and to each officer or agency entitled to review the preliminary plat under MCL 560.113 to 560.118. A preapplication review meeting shall take place not later than 30 days after the written request and concept plan are received. The meeting shall be attended by the proprietor, representatives of each officer or agency entitled to review the preliminary plat under MCL 560.113, 560.114, and 560.118, and a representative of the municipality. Representatives of each agency entitled to review the preliminary plat under MCL 560.115 to 560.117 shall be informed of the meeting and may attend. The purpose of the meeting is to conduct an informal review of the proprietor's concept plan for the preliminary plat~~Procedure.

- (a) The City Council shall review the preliminary plat submitted for final approval, after the plans have been revised, if revisions are necessary, for conformance with the requirements of outside agencies. If any required revisions result in substantial changes to the tentatively approved preliminary plat, as determined by the City Council, the preliminary plat submitted for final approval must be referred to the Planning Commission for its review and recommendation prior to final approval by the City Council.

Substantial changes are any change which:

- (1) Adds or deletes lots;
- (2) Adds or deletes any road or access point;
- (3) Changes the layout of the street or access system;
- (4) Changes the topography or drainage plan;
- (5) Deletes any curbs or gutters;
- (6) Results in a lot or infrastructure element that does not comply with the requirements of the City Code or the Municipal Standards referenced in this Chapter;

- (7) Changes the sanitary sewage disposal system; or
- (8) Any changes similar to the above.
- (b) If determined to be in substantial conformance with the tentatively approved preliminary plat and any conditions required thereof, the City Council shall finally approve the preliminary plat at its next meeting, or at a meeting called within twenty (20) calendar days of the date of filing of a preliminary plat for final approval that is accepted as complete.
- (c) Final approval of the preliminary plat by the City Council shall be effective for a period of one (1) year from the date of approval and may be extended by the City Council if applied for by the proprietor in writing. Written notice of any such extension shall be sent by the City to all other approving authorities.

~~Section 36-29. Duty of planning commission.~~

~~All details of the proposed preliminary plat shall be reviewed within the framework of chapter 46, the various elements of the master plan, and within the design standards of this chapter. The planning commission shall transmit copies of the proposed preliminary plat to the city engineer and planner for their technical reviews.~~

~~Section 36-30. Action by planning commission.~~

~~The planning commission shall approve, approve conditionally, or disapprove the proposed plat.~~

- ~~(1) Should the approval be a conditional approval and therefore tentative, the subdivision layout shall not be forwarded to the council until said conditions have been satisfied by the subdivider. The revised layout shall be marked as a revision and shall follow the filing procedure required in section 36-26.~~
- ~~(2) Should the planning commission disapprove the preliminary plat, it shall record the reasons in the minutes of its regular meeting. A copy of the minutes shall be sent to the subdivider. The subdivision layout shall not be forwarded to the council.~~
- ~~(3) Should the planning commission find that all conditions have been satisfactorily met, it shall give preliminary approval to the subdivider; the chairperson and secretary shall make a notation to that effect on each copy of the preliminary plat, returning one copy to the subdivider, forwarding three copies to the council with recommendations for preliminary approval, and retaining three copies, one of which shall become a matter of permanent record in the planning commission files.~~

~~Section 36-31. Notice of hearing.~~

~~It shall be the duty of the City Clerk to send notice by certified mail to the owners of land immediately adjoining the property to be platted of the presentment of the preliminary plat and the time and place of meeting of the planning commission to consider said preliminary plat; said notice shall be sent not less than five days before the date fixed therefor.~~

~~Section 36-32. Preliminary plat review by council.~~

~~The council will not review a preliminary plat until it has received the review recommendations of the planning commission. Following the receipt of such recommendations, the council shall consider the plat at such meeting that the matter is placed on the regularly scheduled agenda.~~

- ~~(1) Should the council approve the preliminary plat, it shall be deemed to confer upon the subdivider the right to proceed with the preparation of a final plat.~~
- ~~(2) Preliminary approval shall not constitute approval of the final plat. It shall be deemed as approval of the layout submitted on the preliminary plat as a guide to the preparation of a final plat.~~
- ~~(3) The approval of the council shall be effective for a period of 12 months. Should the final plat, in whole or in part, not be recorded within this time limit, the preliminary plat must again be submitted to the planning commission for approval.~~
- ~~(4) No installation or construction of any improvements shall be made before the plat has received council approval and only after the engineering plans have been approved by the city engineer.~~

Secs. 36-~~33~~29—36-52. Reserved.

Article III. Final Platting Procedure and Data Required.

Section 36-53. ~~Final plat procedure~~Filing.

~~The subdivider shall submit the following to the City Clerk, at least ten days prior to the regular meeting of the planning commission:~~

- ~~(1) Three copies of a letter of application for a final plat review~~An application, ten (10) paper copies of a scale not less than eighteen (18) inches wide by twenty-four (24) inches long in size and one (1) digital copy of the final plat, and the required application fee shall be submitted to the City Clerk.
- ~~(2) Five Mylar copies, seven paper copies and one electronic copy of the proposed final plat, drawn to a scale of one inch equals 100 feet, and prepared by a registered civil engineer or surveyor~~In addition to the City's application fee, the proprietor shall deposit with the City Clerk the county plat board filing and recording fee required by the Land Division Act.
- ~~(3) The City Clerk shall immediately transmit the final plat filing to the Zoning Administrator to be checked for completeness. If any of the information required to be included with the final plat has not been provided, the Zoning Administrator shall notify the proprietor of same, and that the final plat will not be considered to have been received until all required information has been received.~~
- ~~(4) A final plat shall not be accepted after the date of expiration of the preliminary plat approval.~~

- (5) The proprietor shall submit an abstract of title, certified to date of the proprietor's certificate, to establish recorded ownership interest and 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 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 opinion from an attorney licensed in the State of Michigan as to the title to the land.

Section 36-54. ~~Final data required~~ Contents.

The final plat shall be drawn to a scale not less than one (1) inch equals one hundred (100) feet and shall include the following:

- (1) ~~The final plat shall comply with the provisions of Act 288 of the Public Acts of 1967, State of Michigan, as amended (The Land Development Act) and with the instructions and requirements set forth in the Plat Manual of Instructions Relative to Making and Filing of Township, Village and City Plats, issued by the Auditor General's Office, Lansing, Michigan, and shall contain the following information:~~ The name of the proposed subdivision. The name shall not duplicate the name of any subdivision previously recorded in the same county unless it is an addition contiguous to the same, or which is a part of the same previously approved preliminary plat. The first subdivision bearing the name may be designated as number one (1) and all additions to it shall be consecutively numbered beginning with number two (2).
- ~~(a) Name of subdivision, and name of owner, the subdivider, and the engineer.~~
 - ~~(b) Date, North point, and scale.~~
 - ~~(c) Exact location of subdivision and description of all monuments, found or placed, in making the survey.~~
 - ~~(d) Boundaries of the subdivided area with accurate distances and bearings noted thereon.~~
 - ~~(e) The lines, names, and widths, or dimensions, of all proposed street rights of way.~~
 - ~~(f) The lines, widths, and purposes of all easements.~~
 - ~~(g) Numbered designation of all lots in the subdivision, with their lines and dimensions accurately shown.~~
 - ~~(h) The names of all adjacent subdivisions.~~
 - ~~(i) Certification by the registered professional engineer or land surveyor who designed the final plat as to the accuracy of the survey and plat.~~
 - ~~(j) Dedication, by the owner, of lands for public use, including streets and walkways.~~

- (2) ~~The final plat shall conform substantially to the preliminary plat, as approved, and it may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time, provided, however, that such portion conforms to this article.~~ Lots numbered consecutively beginning with lot number one (1) in the first subdivision bearing the name and continuing in consecutive order throughout the several additions, if any.
- (3) ~~The subdivider shall submit such evidence of title, either the opinion from an attorney as to title showing any interests of record, or shall furnish an abstract of title certified to date, or at the option of the subdivider, a policy of title insurance for examination in order to ascertain as to whether or not the proper parties have signed the plat.~~ A north point.
- (4) The caption of the final plat printed at the top of the plat in large, bold letters, and including:
 - (a) Name of the proposed subdivision.
 - (b) The section, town, range, City, and county in which the land is situated.
- (5) A full and detailed description of the land included in the subdivision by distances and bearings.
- (6) The name of the original plat.
- (7) A description by distances and bearings of each excepted parcel.
- (8) The number of lots, the number of outlots, and the number of private and public parks.
- (9) The intermediate traverse line if one is required on the plat.
- (10) The area within the existing right of way of any abutting street, county road, or state trunk line highway.
- (11) Sufficient information to completely define, for the purpose of a resurvey, the location of any boundary, corner, or angle point within the plat. All land lying within the boundaries of the plat shall be shown thereon in such a manner that title to the area may be clearly established as to whether dedicated to public use or reserved to private use.

Section 36-55. ~~Final plat review by planning commission~~ Procedure.

~~The City Clerk shall place the proposed final plat on the agenda of the next regular planning commission meeting which follows the submittal by no less than ten days. Should any data required in section 36-54 be omitted, the secretary of the planning commission shall notify the subdivider of the additional data required and delay planning commission action until the data is received.~~

- (1) All easements and utility agreements shall be executed by the City, all other utility authorities, and the proprietor, setting forth the terms of utility arrangements and the use and development of any land reserved for the use of the public and future subdivision property owners.

(2) The proprietor shall submit copies of deed restrictions and protective covenants in their final recordable form.

(3) City Council Review:

(a) The City Council shall review the final plat within twenty (20) days of the filing date and shall:

(1) Approve the final plat if it conforms to all provisions of this Chapter and all other applicable ordinances and laws, and instruct the City Clerk to certify on the final plat the City Council approval and date thereof, or

(2) Reject the final plat and instruct the City Clerk to advise the proprietor of the rejection and the reasons for the rejection and return the final plat to the proprietor.

(b) Upon determining that the final plat is in compliance with the standards and regulations in this Chapter and all other applicable ordinances and laws, the City Council shall approve the final plat and direct the City Clerk to sign the plat.

(c) The City Clerk shall forward all copies of the final plat to the Clerk of the County Plat Board, together with the filing and recording fee required by the Land Division Act.

(d) The City Clerk shall send to the County Plat Board a copy of the minutes of the City Council meeting at which action was taken to approve the final plat.

~~Section 36-56. Duty of planning commission:~~

~~All details of the proposed final plat shall be reviewed within the framework of the design standards and improvement sections of this chapter. The planning commission shall transmit copies of the final plat to the city engineer and planner for their technical reviews.~~

~~Section 36-57. Action by planning commission:~~

~~The planning commission shall examine the final plat and shall approve or disapprove the plat within 30 days of the time of its submittal.~~

~~(1) Should the planning commission find that the final plat is in substantial agreement with the preliminary plat, it shall approve the same and notify the council of this action in its official minutes.~~

~~(2) Should the planning commission find that the final plat does not conform substantially to the previously approved preliminary plat, and that it is not acceptable, it shall record the reason in its official minutes and forward same to the council; and recommend that the council disapprove the final plat until the objections causing disapproval have been changed to meet with the approval of the planning commission.~~

~~Section 36-58. Endorsement by planning commission:~~

~~The action of the planning commission shall be shown on the final plat, with the date of the action over the signature of the chairperson and secretary.~~

~~Section 36-59. Final plat review by council.~~

~~The council shall review all recommendations of the planning commission and take action to approve or disapprove the final plat.~~

~~Section 36-60. Changes after approval.~~

~~After the planning commission and council have approved the final plat, no change shall be filed therein unless said plat is resubmitted for review and approval, as required in this article.~~

~~Section 36-61. Additional approvals.~~

~~Upon approval of the final plat by the council, the subsequent approvals shall follow the procedure set forth in the Land Development Act.~~

~~Section 36-62. Endorsement by clerk.~~

~~When evidence of completion of required improvements or deposit of performance guarantee has been received by the clerk, he shall transcribe a certificate of approval of the council on the plat and deliver it to the clerk of the county plat board.~~

Secs. 36-~~63~~56—36-82. Reserved.

Article IV. Infrastructure Construction

Final approval of the preliminary plat shall confer upon the proprietor the authority to proceed with construction of the infrastructure improvements, once all of the following have been successfully completed:

- (1) A preconstruction meeting, held not more than fourteen (14) days prior to the start of construction, between the proprietor, the proprietor's design engineer and contractor, and representatives of the City, to include the City Engineer and the Department of Public Services.
- (2) Construction and engineering plans and specifications are approved by the City Engineer, Department of Public Services, Fire Chief, Zoning Administrator, and any other authority having jurisdiction over the improvements. Where a plat extends across municipal boundaries, no permits for construction shall be issued until verification has been received that the preliminary plat has been approved by all affected municipalities.
- (3) The proprietor complies with the performance guarantee requirements of this Chapter and has established an escrow account with the City in accordance with this Chapter.
- (4) A Public Infrastructure Agreement is executed between the proprietor and the City requiring the subdivision to be developed in strict compliance with the approved preliminary plat and the

infrastructure construction plans, along with any approved revisions, amendments, or modifications made thereto and all other applicable requirements.

- (5) All required permits are obtained from any authority having jurisdiction over the proposed subdivision, including but not limited to the county drain commissioner, county road commission, MDOT, and EGLE.
- (6) A staging area and all controls necessary to manage construction traffic are in place.
- (7) The proprietor obtains insurance with the City named as an additional insured in a form and in the amount provided for in the public infrastructure agreement.

Article V. Monitoring, Escrow Account, Inspections, Field Changes, Testing, and Maintenance

Section 36-83. Monitoring.

- (1) The contractor shall have on site at all times while work is being conducted an employee or representative with decision-making authority for the project.
- (2) The City shall be provided with all-hours contact information for the contractor's employee or representative with decision making authority for the project, who will respond to emergencies 24 hours a day.
- (3) The contractor must provide access for and follow the direction of the City's inspector(s) assigned to the project.

Section 36-84. Escrow Account.

- (1) The proprietor shall establish an escrow account with the City by depositing an amount sufficient to cover all costs associated with the City's inspections, and the materials and density testing conducted by the third party selected by the City. The City may draw on the escrow account as needed to pay the costs of the inspections when invoiced by the City or a third party, which shall cover expenses including but not limited to pre-construction meeting, inspections, daily inspections, field engineering, plan changes, water main and sanitary sewer testing, final site inspection, reviewing plans, public easements, inspection administration, geotechnical testing, etc.
- (2) The minimum amount of funds that shall remain in escrow account at all times shall be provided for in the public infrastructure agreement.
- (3) The City shall return to the proprietor any funds remaining in the escrow account within thirty (30) days after certification of the City Engineer that the infrastructure improvements have been constructed and installed in accordance with the Public Infrastructure Agreement, the approved plans, and all applicable ordinances and standards.

Section 36-85. Inspections.

Construction shall be subjected to on-going inspections by the City Engineer, as provided for in the public infrastructure agreement.

Section 36-86. Field Changes.

Where actual conditions encountered on the construction site warrant design modifications, such modifications may be permitted by the City Engineer provided that:

- (1) All modifications comply with the regulations of this Chapter, the Municipal Standards, and all other applicable City codes and ordinances.
- (2) The modifications do not result in a change to the general layout of the subdivision, the number of lots, and the lot dimensions.

Section 36-87. Testing.

- (1) An independent third-party, to be selected at the sole discretion of the City, will provide materials and density testing of the infrastructure improvements in accordance with the Municipal Standards.
- (2) The proprietor's engineer shall produce and provide the City with record drawings, lead cards, and GPS coordinates of the exact location of water, sanitary, and storm leads in both electronic and hard copy formats as well as video recordings of the sanitary sewer and stormwater.
- (3) The City shall collect water samples, to be used for bacteriological testing, of all water mains prior to granting approval and permitting connection to the City's water system and for continued testing, as needed.

Section 36-88. Maintenance.

- (1) During development of a subdivision, including the installation of utilities and construction of buildings, all improved roads and streets on and off of the property being subdivided shall be kept free from mud, dirt, debris, etc., which may result from the development of the property.
- (2) Neither the proprietor of a subdivision nor any other person shall allow debris, construction materials, etc., to accumulate during development in a manner which becomes unsightly, or which might affect the health, safety, and welfare of the public.
- (3) If the City notifies the proprietor, or its employee or representative with decision making authority for the project, during a working day of a dangerous condition which requires cleaning, the matter shall be taken care of within two (2) hours.
- (4) If the conditions described in the notice are not corrected within the prescribed amount of time, the City shall make the correction(s) and either utilize funds in escrow or place a lien on the property for all costs incurred in the process. The City may issue a "stop work" order on all or part of the

construction of any home site or infrastructure component of the subdivision until the necessary correction has been made.

- (5) The proprietor shall be responsible for maintenance of the public improvements until the City Engineer certifies that the public improvements have been completed in accordance with the approved plans and ownership of the public improvements has been transferred to the City.

Section 36-89—36-100. Reserved.

Article VI. Model Homes.

Two (2) model homes may be constructed prior to final plat approval, subject to the following conditions:

- (1) The lots on which the model homes are constructed shall have direct access to a public street, or street that is under construction for dedication to the City as long as access to the lot is unobstructed and construction has progressed to the extent that the street can withstand emergency and construction vehicle traffic.
- (2) Fire hydrants have been installed, tested, and are available to adequately accommodate the needs of the Fire Department.
- (3) The developer has submitted plans, specifications, and a performance guarantee to cover the cost of all improvements within the phase(s) that include the model homes, prior to issuance of any building permits.

Article VII. Lot Sizes, Shapes, and Arrangements.

Lots within subdivisions shall conform to the following standards:

- (1) Lot dimensions, sizes, and building setback lines shall conform to the Zoning Ordinance requirements of the zoning district in which the subdivision is located.
- (2) Residential lots shall have a maximum depth-to-width ratio of three (3) to one (1). This restriction may be waived by the Planning Commission during preliminary plat approval when it can be determined that a greater depth to width ratio is necessary based upon a unique feature of the overall site such as irregular shape or topography, to accommodate the preservation of natural features, or to accommodate an appropriate traffic circulation pattern.
- (3) Lots shall have frontage on a public street.
- (4) Side lot lines shall be at right angles or radial to the street lines or as nearly as possible thereto.
- (5) Residential lots abutting major thoroughfares or secondary thoroughfares, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots with a non-access reservation strip along the rear property lines having a minimum width of fifteen (15) feet, or such other feature as may be adequate for the protection of residential properties or with side lot

lines parallel to the major traffic streets, or shall be platted with extra depth to permit greater distances between buildings and such traffic way.

Article VIII. Division of Land.

Section 36-101. General Provisions.

- (1) The adjustment of parcel lines or the dividing of parcels shall be governed by the applicable provisions of this Chapter, the Zoning Ordinance, and the Land Division Act.
- (2) Land may be divided or detached from one lot, outlot, or parcel and added to another lot, outlot, or parcel upon application to and approval by the Zoning Administrator and City Assessor.

Section 36-102. Filing.

- (1) Requests for parcel divisions or parcel line adjustments shall be made by submitting an application to the Zoning Administrator, along with the required fee as established by resolution of the City Council.
- (2) The Zoning Administrator may require a certified land survey showing the proposed parcel changes and new legal descriptions for all of the affected parcels.
- (3) No parcel division or parcel line adjustment may be approved until all taxes, special assessments, or other fees owed to the City have been paid in full. A "Certificate of Paid Property Taxes" from the County of jurisdiction's Treasurer's Office is required prior to approval of a parcel division.

Section 36-103. Procedure.

- (1) The Zoning Administrator shall review the application and the proposed parcel divisions or adjustments for compliance with all applicable laws and ordinances, including the minimum lot size and dimensions set forth in the Zoning Ordinance.
- (2) Approval by the Building Official is required in those instances where a parcel change results in moving the new parcel line closer than fifty (50) feet to an existing building, other than a single or two (2)-family dwelling. The Building Official may require an architectural review of the building(s) to determine compliance with or what alterations to the building(s) are necessary to comply with the Building Code provisions for distance to a parcel line or to another building within fifty (50) feet.
- (3) A lot, outlot, or parcel may be divided into two (2) but not more than four (4) separate lots, outlots, or parcels upon application to and approval by the Zoning Administrator and City Assessor.
- (4) Upon approval by the Zoning Administrator and Building Official (if required), the application and all supporting documents shall be submitted to the City Assessor.

Section 36-104—36-110. Reserved.

Article IX. Performance Guarantee.

Section 36-111. Surety.

- (1) The proprietor shall file with the City a performance guarantee as security for completion of required public improvements in the form of an irrevocable letter of credit, corporate surety bond, certified check, or cash escrow.
- (2) Security shall be in an amount equal to one hundred and twenty (120) percent of the cost of completion of all required public improvements, as estimated by the proprietor's engineer and sole approval by the City Engineer, to ensure the completion of such improvements and facilities.
- (3) Letter of credit as security shall be irrevocable and shall require only that the City present the letter of credit with a sight draft and an affidavit signed by the City Attorney attesting to the City's right to draw funds under the letter of credit.
- (4) For cash escrow or certified checks as security, the escrow agent shall have a legal duty to deliver the funds to the City upon presentation by the City Attorney of an affidavit to the agent attesting to the City's right to receive funds whether or not the proprietor protests the right.

Section 36-112. Completion of Improvements.

The City shall not accept dedication of required improvements, nor release the surety for said improvements, until the City Engineer has approved the completion of all required improvements and until:

- (1) The proprietor's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" plans demonstrating such, that all public improvements were constructed in accordance with the approved construction plans for the subdivision. The specific "as-built" plan requirements are provided in the appendices of the Municipal Standards.
- (2) Documentation has been provided and approved by the City Attorney and City Manager certifying that the improvements have been completed, are ready for dedication to the City, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation by the City Engineer, City Attorney, and City Manager, the City Council shall accept the improvements for dedication, in accordance with the established procedure therefor, and they shall become the property of the City.

Section 36-113. Release of Funds.

As work progresses, the City shall release amounts of the surety to the proprietor, as provided for in the public infrastructure agreement. No funds shall be released until as-built plans, in accordance with the requirements of Section 36-81(1) have been provided and approved by the City Engineer for the completed work for which a release of funds is being sought. The City shall not release the surety in its entirety until the terms of Section 36-81 (1) & (2) have been met.

Section 36-114—36-120. Reserved.Article X. General StandardsSection 36-121. Reserve Strips.

Privately held reserve strips controlling access to streets shall be prohibited. The City may require a one (1) foot wide reserve strip deeded to the City at the end of any stub street which terminates at the subdivision boundary or between half streets.

Section 36-122. Public reservations.

The designation of areas suitably located and of adequate size for playgrounds, parks, and other active or passive recreation facilities, shall be provided by one of the following methods:

- (1) Dedication to the City, County having jurisdiction, or School district, if one of these entities choses to accept the land and the maintenance thereof.
- (2) Reservation of the land for the sole use of property owners or occupants of all real property within the subdivision, by deed or covenants that outline the responsibility for maintenance and payment of taxes or special assessments on the land.

Section 36-123. Deed restrictions.

In no circumstance shall deed restrictions be binding upon or enforced by the City.

Section 36-124. Natural features.

The natural features and character of lands shall be preserved wherever possible. Due regard shall be shown for all natural features such as large trees, natural groves, watercourses, and similar natural assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.

Section 36-125. Underground wiring.

- (1) All distribution lines and wiring for telephone/telecommunication service, electric service, and streetlights shall be located entirely underground throughout the subdivision, and such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated rights-of-way.
- (2) Telephone and electrical facilities placed in dedicated rights-of-way shall be planned so as not to conflict with other underground utilities.
- (3) All telephone and electrical facilities shall be constructed in accordance with standards of construction approved by the State of Michigan Public Service Commission or its successor in function.

- (4) All drainage and underground utility installations which traverse privately-owned property shall be protected by easements granted by the proprietor.
- (5) The proprietor shall bear any increase in costs, if any, over the normal mode of construction of telephone and electrical lines and facilities, as determined by the telephone or electric company involved, in accordance with the valid rules and regulations of the telephone or electric company involved.
- (6) The City Council, upon recommendation of the City Manager, may waive the requirement for underground wiring based upon a determination, due to the size of the area to be subdivided and the existence of above-ground utilities on surrounding properties, that no public purpose would be served by imposing this requirement.

Section 36-126. Lawns.

Prior to issuance of a certificate of occupancy, the building site, including the area within the right-of-way must be seeded to establish a thick, healthy lawn, free of weeds and sufficient to prevent bare spots and to stabilize the soil in accordance with the Soil Erosion Control Program of the County of jurisdiction. No other ground cover beyond standard lawn grass produced by seeding is permitted within the right-of-way, with the exception of the mulch bed surrounding street trees as required by this Chapter. Sod may be used in lieu of seeding on the site, outside of the right-of-way.

Section 36-127. Trees.

Street trees must be planted, maintained, and warranted in accordance with all provisions of the Municipal Standards and the following:

- (1) The proprietor shall preserve the mature trees within the subdivision to the maximum extent practicable.
- (2) A minimum of one (1) street tree per lot is required. Additional street trees are required as follows:
 - (a) Corner lots shall have one (1) street tree along each road frontage.
 - (b) Two (2) street trees are required along road frontages where the lot line is one-hundred fifty (150) feet or more in length.
- (3) Trees shall be separated by at least fifty (50) feet but not more than seventy-five (75) feet.
- (4) Trees shall have a minimum starting size of two and one-half (2.5) caliper inches.
- (5) Trees shall be selected from the species list contained within the Municipal Standards. Other species must be approved by the City prior to planting. Evergreen trees are expressly prohibited within the right-of-way. In no case shall a tree be planted next to a tree of the same species. Each linear block shall be planted with trees from at least four (4) different genera.

- (6) A three (3) to four (4) inch layer of mulch shall surround the street tree, but in no case shall mulch be permitted within one (1) foot of the sidewalk or street nor extend more than two (2) feet from the base of the tree in any direction.
- (7) Trees shall be planted between April 15th and June 15th or between September 1st and November 1st.
- (8) Trees shall be warranted for a period of at least two (2) years from the date of acceptance by the City. If at any time during the warranty period, the City determines that the trees are found to be in an unhealthy state of growth, the proprietor shall be responsible for replacing the trees during the next planting period and the two (2) year warranty period shall be restarted.
- (9) In the event of a dispute as to the condition of the tree(s), the proprietor shall be responsible for providing documentation from a reputable Michigan-based arborist certifying that the tree or trees are in a healthy and proper state of growth.
- (10) All trees within the public right-of-way are property of the City.
- (11) Street trees that would be required by this ordinance must be replaced in accordance with the requirements herein, and the current Municipal Standards.

Section 36-128. Temporary Emergency Vehicle Accommodations.

Where an improved street ends at the boundary of a phase of the subdivision, the proprietor shall design and construct a temporary connection to an existing street or streets, or a turn-around of sufficient dimensions and stability to accommodate the largest fire truck within the Fire Department fleet. The location and design shall be subject to approval by the City Engineer and Fire Chief and the connection(s) or turn-around shall remain in place until construction has begun on the street in the adjoining phase providing the improved street connection/extension.

Section 36-129. Monuments.

- (1) Monuments shall be located in the ground and made according to the requirements of the State Land Division Act.
- (2) If any monument or lot marker is damaged or removed during construction, the responsible party or the proprietor shall secure the services of a professional land surveyor to replace the monument or lot marker.
- (3) The City Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on condition that the proprietor deposits with the City Clerk cash or a certified check, or irrevocable bank letter of credit running to the City, whichever the proprietor selects, in an amount established by the State of Michigan Land Division Act. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults, the City Council shall promptly require a surveyor to

locate the monuments and markers in the ground as certified on the plat, at a cost not to exceed the amount of the security deposited.

Section 36-130. Driveways.

The following requirements shall apply to driveways serving single family residential lots within a subdivision:

- (1) One (1) driveway for each lot is permitted. Additional driveways may be permitted on corner lots or through lots, at the sole discretion of the Public Service Superintendent.
- (2) Approaches within the right-of-way shall be solid six (6) inch concrete with a slope of not less than one (1) percent nor more than ten (10) percent.
- (3) Driveway approaches within the right-of-way shall not exceed twenty (20) feet in width measured at the edge of the sidewalk nearest to the street.
- (4) Driveways within the lot shall be constructed of either solid concrete, asphalt, brick/concrete pavers, or other hard surface as approved by the Public Service Superintendent, except that gravel, limestone or any other type of crushed surface shall not be permitted within a front yard.
- (5) No driveway shall occupy more than thirty (30) percent of a front yard.

Section 36-131—36-140. Reserved.

Article XI – Easements

- (1) The proprietor is responsible for obtaining all necessary easements, including, but not necessarily limited to, telecommunication, electric service, and street lighting easements from the servicing entities and shall provide documentation thereof to the City.
- (2) Easements required for storm drainage, sanitary sewer, and water facilities shall be determined by the City Engineer.
- (3) The City may require easements to provide for the extension of utility services and street connections onto adjoining parcels of land.
- (4) The proprietor shall provide access easements to parks, open space, and other common areas within the subdivision.

Article ~~IV~~XII. Design Standards.

Section 36-~~83~~141. ~~Major street location and arrangement~~Compliance with other standards.

~~The proposed subdivision shall conform to the various elements of the master plan and shall be considered in relation to existing and planned major thoroughfares and secondary thoroughfares, and such part shall be platted in the location and the width indicated on such plan. The standards for county roads are intended to be in harmony with all of the road and right-of-way standards and policies of the county~~

~~road commission~~ All subdivisions shall be designed in conformance with the currently adopted Municipal Standards as well as all State and county requirements, as applicable.

Section 36-84142. ~~Minor street location and arrangement~~ Sidewalks & Non-Motorized Pathways.

~~The proposed subdivision street layout shall include minor streets so laid out that their use by through traffic shall be discouraged. The street layout shall provide for a continuation of streets in adjoining subdivisions or for the proper projections of streets when adjoining property is not subdivided.~~ Sidewalks shall be constructed parallel to and along both sides of all City, county, and state streets and highways within the City limits except where non-motorized pathways are required along routes designated as such by ordinance or the City's Master Plan. Sidewalks and non-motorized pathways must be constructed in compliance with the Municipal Standards and the following:

- (1) As a general rule, sidewalks shall be a minimum of five (5) feet wide and nonmotorized pathways shall be a minimum of seven (7) feet wide, unless an alternate width is required by the Public Service Director, in concurrence with the City Manager and City Engineer. The exact width shall be determined based upon projected volumes of pedestrian traffic or unique features of the physical environment such as uneven topography.
- (2) Non-motorized pathways must comply with AASHTO Guide for the Planning, Design, and Operation of Bicycle Facilities and Design for H2O Loading.
- (3) Sidewalks and non-motorized pathways shall be constructed in accordance with the following standards:
 - (a) Shall be constructed of concrete that is at least four (4) inches thick and six (6) inches thick at the intersection of all driveways, on a four (4) inch sand base which may be increased up to eight (8) inches if deemed necessary by the City Engineer.
 - (b) Shall be placed one (1) foot from the property lines along all public streets.
 - (c) Shall comply with the Americans with Disabilities Act.
 - (d) Longitudinal slopes shall be one-half (1/2) percent minimum, five (5) percent maximum.
 - (e) Cross slopes shall be one-half (1/2) percent minimum, two (2) percent maximum.
 - (f) The nominal grade shall be three (3) percent above the existing curb, assuming the existing curb height is six (6) inches in height. Where a curb does not exist, or where the existing curb is not six (6) inches in height, the grade must be approved by the City Engineer.
 - (g) Where practical, sidewalks and non-motorized pathways shall be sloped toward the abutting street. In all cases, however, adequate drainage must be provided.
- (4) All ramps shall be installed prior to home construction and remaining sidewalks or pathways shall be installed as homes are constructed.

- (5) Sidewalk ramps must meet MDOT and federal standards.
- (6) Cast iron detection plates are required in accordance with specifications provided by the City Engineer.
- (7) Upon written request by the proprietor, the City Council may waive or modify the installation of sidewalk or non-motorized pathways, after review and recommendation by the City Manager, where it can be demonstrated that there is a practical difficulty that makes installation unreasonably difficulty or where it would not serve a purpose based upon the motorized and pedestrian transportation system in the area. The City may, however, require alternative non-motorized improvements. MDOT, state and federal law requirements may not be waived.

~~Section 36-85. Streets in relation to other rights-of-way.~~

~~Should a proposed subdivision border on or contain a railroad right of way, an expressway, or other limited access highway right of way, the planning commission may require the location of a street approximately parallel to and on each side of such right of way at a distance suitable for the development of an appropriate use of the intervening land as for parks in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separations.~~

~~Section 36-86. Marginal access streets.~~

~~Should a proposed subdivision border on or contain an existing or proposed major thoroughfare, the planning commission may require marginal access streets, reverse frontage with an approved screen planting contained in a non-access reservation along the rear property line having a minimum width of 15 feet, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.~~

~~Section 36-87. Reserve strips.~~

~~Reserve strips controlling access to streets shall be prohibited.~~

~~Section 36-88. Street rights of way widths.~~

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

Street Type	Right of Way Width
Major thoroughfare	100 feet
Secondary thoroughfare	86 feet
Industrial roads	66 feet
Minor streets	66 feet
Marginal access streets	50 feet

Cul-de-sac streets-	66-foot street and 120-foot diameter turnarounds-
Alley-	20-foot-

~~Section 36-89. Half streets:~~

~~Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the planning commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be subdivided a dedication or platted and recorded half street, the other half shall be platted.~~

~~Section 36-90. Access to streets:~~

~~Access to streets across all ditches shall be provided by the subdivider in a standard method approved by the council of the municipality.~~

~~Section 36-91. Street grades:~~

~~For adequate drainage, the minimum street grade shall not be less than one-half of one percent. The maximum grade of all streets shall not be greater than six percent. The planning commission may approve a change or variance to this standard subject to the recommendation of the city engineer clearly indicating the purpose for requiring a variance.~~

~~Section 36-92. Street alignment:~~

~~The appendix of this chapter, attached to the ordinance from which this chapter is derived, includes sketches which graphically portray vertical and horizontal controls required in the following sections 36-93 through 36-96, inclusive.~~

~~Section 36-93. Vertical street curves:~~

~~Major, secondary, and minor thoroughfares shall have profile grade changes, where the grade change is over 1.5 percent, connected by vertical curves of a minimum length equivalent to the following algebraic differences:-~~

Street Type	Grade Changes
Major thoroughfare-	20 times the algebraic difference in the rate of grade, expressed in feet per hundred-
Secondary thoroughfare-	15 times the algebraic difference in rate of grade, expressed in feet per hundred-
Minor thoroughfare-	10 times the algebraic difference in rate of grade, expressed in feet per hundred-

~~Section 36-94. Horizontal street curves:~~

~~(1) The radii of the minimum horizontal center-line curvature for major, secondary, and minor thoroughfares shall be as follows:-~~

Street Type	Radius
Major thoroughfares-	750 feet radius-
Secondary thoroughfares-	400 feet radius-
Minor streets-	200 feet radius-

~~(2) A minimum of at least a 100-foot tangent shall be introduced between reverse curves.~~

~~Section 36-95. Vertical street visibility:~~

~~The minimum vertical visibility (measured from 4 1/2-foot eye level to 18-inch tail-light) shall be:~~

- ~~(1) Eight hundred feet on major thoroughfares.~~
- ~~(2) Five hundred feet on secondary thoroughfares.~~
- ~~(3) Three hundred feet on minor streets.~~
- ~~(4) One hundred feet on minor streets less than 500 feet in length.~~

~~Section 36-96. Horizontal street visibility:~~

~~The minimum horizontal visibility (measured on centerline) shall be:~~

- ~~(1) Five hundred feet on major thoroughfares.~~
- ~~(2) Three hundred feet on secondary thoroughfares.~~
- ~~(3) Three hundred feet on minor streets.~~

~~Section 36-97. Street intersections:~~

~~Streets shall be laid out so as to intersect as nearly as possible to 90 degrees. Curved streets, intersecting with major thoroughfares and secondary thoroughfares shall do so with a tangent section of centerline 50 feet in length, measured from the right-of-way line of the major or secondary thoroughfare.~~

~~Section 36-98. Easements:~~

~~Location of utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access to every lot, park, or public grounds. Such easements shall be a total of not less than 12 feet wide, six feet from each parcel. Recommendations on the proposed layout of~~

~~telephone and electric company easements should be sought from all of the utility companies serving the area.~~

~~Section 36-99. Requirements for underground wiring.~~

~~The proprietor shall make arrangements for all distribution lines for telephone and electric service to be placed underground entirely throughout a subdivided area, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways. Those telephone and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephone and electrical facilities shall be constructed in accordance with standards of construction approved by the state public service commission or its successor in function. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor. The proprietor shall bear any increase in costs, if any, over the normal mode of construction of telephone and electrical lines and facilities, as determined by the telephone or electric company involved, in accordance with the valid rules and regulations of the telephone or electric company involved.~~

~~Section 36-100. Block dimensions.~~

~~Blocks within subdivisions shall conform to the following standards except where, in the opinion of the planning commission, physical conditions may justify a variation.~~

Standard	Minimum (feet)	Maximum (feet)
Length	780	1,300
Width	220	360

~~Section 36-101. Aerial easements.~~

~~Aerial easements three feet in width shall be provided where needed alongside lot lines so as to provide for streetlight dropouts for the affected public utility. Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained from the affected public utility indicating that easements have been provided along specific lots. A notation shall be made on the final plat indicating: "The side lot lines between lots (indicate lot numbers) are subject to streetlight dropout rights granted to the _____ Company."~~

~~Section 36-102. Public walkways.~~

~~Locations of public walkways may be required by the planning commission to obtain satisfactory pedestrian circulation within the subdivision, where blocks exceed 900 feet in length. Width of all such public walkways shall be at least 12 feet and shall be in the nature of an easement for this purpose.~~

~~Section 36-103. Public reservations.~~

~~(1) When consideration is given by the subdivider to the allocation of areas suitably located and of adequate size for playgrounds, school sites, parks, and recreation facilities, as indicated in the master plan and chapter 46 of this Code said areas shall be provided by one of the following methods:~~

~~(a) Dedication to the municipality.~~

~~(b) Reservation of land for the use of property owners by deed or covenants.~~

~~(c) Reservation for acquisition by the municipality or school board within a period of two years. Said reservation shall be made in such a manner as to provide for a release of the land to the subdivider in the event that the municipality or the school board does not proceed with the purchase.~~

~~(2) Due regard shall be shown by the planning commission for preserving outstanding natural features such as scenic areas, watercourses or exceptionally fine groves of trees.~~

~~Section 36-104. Lot sizes and shapes:~~

~~Lots within subdivisions shall conform to the following standards:~~

~~(1) Lot widths, areas, and building setback lines shall conform to at least the minimum requirements of chapter 46 of this Code.~~

~~(2) Residential lots having excessive eas in relation to width shall be avoided. A depth-to-width ratio of three to one shall normally be considered a maximum.~~

~~(3) Corner lots in residential areas shall be platted in minimum of at least ten feet wider than interior lots in order to permit conformance to setback lines on side lotted streets.~~

~~(4) Lots intended for purposes other than residential use shall be specifically designed for such purpose, and shall have adequate provisions for off-street parking and off-street loading, all in accordance with the requirements of chapter 46 of this Code.~~

~~Section 36-105. Lot arrangement:~~

~~Lots within subdivisions shall conform to the following standards:~~

~~(1) Every lot shall front or abut on a street.~~

~~(2) Side lot lines shall be at right angles or radial to the street lines or as nearly as possible thereto.~~

~~(3) Residential lots abutting major thoroughfares or secondary thoroughfares, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots with an approved screen planting contained in a non-access reservation along the rear property line having a minimum width of 15 feet, or such other treatment as may be adequate for protection of residential properties or with side lot lines parallel to the major traffic streets, or shall be platted with extra depth to permit generous distances between building and such traffic way.~~

- ~~(4) Lots shall have a front to front relationship across all streets. Any deviation shall require the review and approval of the planning commission.~~

~~Section 36-106. Lot line alterations and lot splits.~~

- ~~(1) Application. Before any lot line alteration or lot split is made pursuant to this section, an application therefor shall be filed with the city zoning administrator, on a form approved by the zoning administrator which will include the following information, together with any additional information or materials required by the zoning administrator or the planning commission:~~
- ~~(a) A legal description of the lots or parcels affected and created by the lot line alteration or lot split, which legal descriptions shall, if required by the zoning administrator or planning commission, be certified as accurate by a registered land surveyor.~~
 - ~~(b) A survey or drawing showing the dimensions of the lots or parcels affected and created by the lot line alteration or lot split, the location of public water and sewer, the location of all structures, and, in the case of lot splits, the location of the nearest public street or dedicated required by the zoning administrator or planning commission, be prepared and/or certified by a registered land surveyor.~~
 - ~~(c) The signatures by all parties of interest in the affected lots or parcels below a statement stating that they are consenting to the lot line alteration or lot split.~~
 - ~~(d) Information satisfactory to the zoning administrator that the person signing the application are all of the parties of interest in the lots or parcels affected by the lot line alteration or lot split.~~
 - ~~(e) A statement by the owner of the lot or parcel to which the property is to be added as a result of the lot line alteration or lot split stating the anticipated use of the property conveyed.~~
- ~~(2) Lot line alteration approval. The zoning administrator shall, after making a determination that all requirements of this section, this chapter and chapter 46 of this Code have been met, approve a lot line alteration, in which case, no further city approval for said lot line alteration shall be necessary.~~
- ~~(3) Lot split approval. The zoning administrator shall, after making a determination that all requirements of this section, this chapter and chapter 46 of this Code have been met, forward the application for a lot split to the planning commission. If the planning commission approves the lot split, no further city approval shall be necessary.~~
- ~~(4) Disapproval. If the zoning administrator in a proposed lot line alteration or the planning commission in a proposed lot split disapproves the request, the decision shall be considered final and the applicant may not reapply for a lot line alteration or lot split for a period of one year after such disapproval.~~
- ~~(5) Fee. All applications for a lot line alteration or lot split pursuant to this section shall be accompanied by a nonrefundable application fee in an amount established from time to time by the City Council.~~

~~(6) — Violations. No conveyance of property with the effect of altering a lot line or splitting a lot without first obtaining approval pursuant to this section shall be recognized by the City Assessor, City Treasurer, or zoning administrator.~~

~~Section 36-107. Floodplain.~~

~~Any areas of land within the proposed subdivision which lie either wholly or in part within the floodplain of a river, stream, creek or lake, or any other areas which are subject to flooding or inundation by stormwater shall not be platted for any use as may increase danger to health, life, or property. The subdivider may show, by way of accurately engineered plans, that a change to the topography in the proposed subdivision will eliminate flooding in the area in question and shall clearly demonstrate that any such planned topographical change will not unduly aggravate the flood hazard beyond the limits of the proposed subdivision. If the City Council determines that a flood problem does exist, then it shall reject all or that part of the proposed subdivision lying within the floodplain.~~

~~Section 36-108. Natural features.~~

~~The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, watercourses, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the subdivider and the dedication and provision of adequate barriers, where appropriate, shall be required.~~

~~Secs. 36-109—36-129. Reserved.~~

~~Article V. Improvements.~~

~~Section 36-130. Minimum standards.~~

~~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 have said standards set by the City Council. All improvements must meet the approval of the City Council.~~

~~Section 36-131. Guarantee of completion of improvements.~~

~~(1) — Prior to issuing the certificate of approval on the final plat (section 36-62), the City Council must be satisfied that all improvements required under this article have been constructed. In lieu of the completion of the improvements the proprietors shall be required to deposit with the City Clerk in the form of cash, a certified check, or irrevocable bank letter of credit, whichever the proprietor selects, or a surety bond acceptable to the governing body and running to the city, to issue construction of all improvements. The amount of said deposit or said surety bond shall be set by the City Council based on an estimate by the city engineer. The deposit shall guarantee the completion of the required improvements within one year from the date of the approval of the plat. The agreement shall provide that progress payments shall be made to the contractor or the developer out of the deposit as work progresses. The City Council shall rebate to the proprietors as the work progresses amounts of any cash deposits equal to the ratio of the work completed to the entire project.~~

- ~~(2) Prior to the acceptance by the city of improvements, a one-year maintenance bond in an amount set by the City Council shall be posted by the subdivider.~~

Section 36-~~132~~143. Streets.

~~Street improvements shall be provided by the subdivider in accordance with the standards and requirements described as follows:~~

- (1) ~~Major thoroughfares. A 100-foot right of way, with pavement as determined by the City Council. Major thoroughfares designated as county roads shall meet the standards and requirements of the county road commission~~Streets shall be designed and constructed in compliance with all provisions of the Municipal Standards and the latest edition of the AASHTO, A Policy on Geometric Design of Highways and Roads.
- (2) ~~Secondary thoroughfares. 86-foot right of way, 36-foot concrete pavement outside of curb to outside of curb, curb and gutter each side of pavement, 18-foot separation strip and six-foot concrete sidewalk on each side of roadway, and one foot of space between sidewalk and right of way line on each side~~Streets shall be constructed and inspected by the City Engineer at the expense of the proprietor.
- (3) ~~Minor streets. 66-foot right of way, 27-foot bituminous or concrete pavement with integral curb measured from outside of curb to outside of curb, 10 1/2-foot separation strip and five-foot concrete sidewalk on each side of roadway, and one foot of space between sidewalk and right of way line on each side~~Upon final and successful inspection by the City Engineer, all streets shall be dedicated to the City.
- (4) ~~Marginal access streets. 50-foot right of way, 20-foot bituminous or pavement outside of curb to outside of curb, concrete curb and gutter each side of pavement, four-foot separation strip measured from right of way line of the adjacent street to the marginal access street pavement, three-foot separation strip, and four-foot sidewalk on one side with one foot of space between sidewalk and right of way line~~The requirements of MDOT and the road commission of the county of jurisdiction must be met as applicable.
- (5) ~~Grading and centerline gradients. Per plans and profiles approved by the City Council~~All streets and extensions thereof shall be located within a publicly dedicated sixty-six (66) foot right-of-way.
- (6) ~~Curbs and gutters. In accordance with details and specifications prescribed by the City Council~~Streets shall be concrete or asphalt with dimensions of thirty-one (31) feet measured from back-to-back of curb with an eleven (11) foot separation strip, five (5) foot concrete sidewalk, and one (1) foot of space between sidewalk and right-of-way line on each side of the public street.
- (7) ~~Roadway pavements. In accordance with details and specifications prescribed by the City Council~~Dead end streets may not exceed eight hundred (800) feet and must end in a turnaround or cul-de-sac with a radius sufficient to accommodate turning of the largest vehicle within the Fire Department.

- (8) ~~Sidewalks. Concrete sidewalks shall be constructed along both sides of every street shown on the plat; provided, however, that where the property is platted in lots having an area of 15,000 square feet or more, and a width of at least 100 feet, the City Council may waive this requirement. Sidewalks, where required, shall be five feet wide, four inches thick, and shall be placed one foot off property lines. Where deemed necessary by the city engineer, sidewalks shall be provided with at least three inches of gravel or sand base. Sidewalks shall be seven inches thick where they intersect with driveways.~~ The City reserves the right to require that streets be constructed to the property line(s), or easements provided for future construction to accommodate street connections onto adjoining parcels where future street connections are deemed necessary, in the sole opinion of the City, based upon the size and design of the subdivision, to manage the traffic generated therefrom and to plan for traffic anticipated to result from development of adjoining parcels.
- (9) ~~Street lighting. All streets shall be lighted in a manner approved by the City Council. The developer shall secure proposed street lighting plans from the servicing utility for modification and/or approval by the City Council prior to final plat approval. All installation costs shall be paid by the developer, who shall also petition the City Council for a street lighting special assessment district, including waiver and consent language as specified by the City Attorney.~~ The requirements of provisions (5), (6) and (7) of this Section may be waived or modified if approved by the Public Service Director, City Engineer, and City Manager.

~~Section 36-133. Sanitary sewer system:~~

~~Sanitary sewer improvements shall be provided by the subdivider in accordance with the standards and requirements described as follows:~~

- (1) ~~Public sanitary sewer accessible. Where a public sanitary sewer is reasonably accessible, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the city engineer.~~
- (2) ~~Public sanitary sewer inaccessible. In the event a public sanitary sewer is not accessible to the subdivision, the subdivider shall pay the cost of extending the sanitary sewer lines from the area platted to the nearest public sanitary sewer trunk line, with the city providing the necessary easements. Said extension shall conform to the overall sanitary sewer plans of the city, and the subdivider shall be reimbursed by a payback arrangement for future connections thereto as provided by the City Council. In addition, the subdivider shall install public sanitary sewer facilities within the platted area in accordance with the current city specifications.~~
- (3) ~~Sanitary sewers design. Sanitary sewers shall be designed to run half full, be connected on centerlines, and the velocity in same to be not less than two feet per second. Sanitary sewers shall be capable of carrying 65 gallons per capita per day.~~

~~Section 36-134. Storm sewer system:~~

~~Storm sewer improvements shall be provided by the subdivider in accordance with the standards and requirements described as follows:~~

- ~~(1) Public storm sewer accessible. Where a public storm sewer is reasonably accessible, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the city engineer.~~
- ~~(2) Public storm sewer inaccessible. In the event a public storm sewer is not accessible to the subdivision, the subdivider shall pay the cost of extending the storm sewer lines from the area platted to the nearest public storm sewer trunk line, with the city providing the necessary easements. Said extension shall conform to the overall storm sewer plans of the city, and the subdivider shall be reimbursed by a payback arrangement for future connections thereto as provided by the City Council. In addition, the subdivider shall install public storm sewer facilities within the platted area in accordance with the current city specifications.~~
- ~~(3) Storm sewers shall be designed to flow full and shall be designed for the storm of that intensity which can be interpreted as the conventional ten year storm for the area. The runoff from platted areas shall in no case be considered less than 40 percent, and in case of large paved areas not less than 75 percent.~~
- ~~(4) The type, extent, location, and capacity of all drainage facilities shall be determined by the city engineer.~~

~~Section 36-135. Water supply.~~

~~Water system improvements shall be provided by the subdivider in accordance with the standards and requirements described as follows:~~

- ~~(1) Accessible water supply. Where a public water supply is accessible, provisions shall be made by the subdivider to supply each lot in the subdivision with water from the public water supply by means of a water supply system which meets current city specifications.~~
- ~~(2) Nonaccessible water supply. Where a public water supply is nonaccessible by reason of absence of feeder mains, the subdivider must bear the cost of installation of a new feeder main from the source of supply to the subdivision, with the city providing the necessary easements. Said extension shall conform to the overall water supply plans of the city, and the subdivider shall be reimbursed by a payback arrangement for future connections thereto as provided by the City Council.~~

~~Section 36-136. Fire hydrants.~~

~~The subdivider shall provide for fire hydrants in compliance with requirements set forth by the duly designated fire commissioner, and shall meet the following requirements:~~

- ~~(1) Fire hydrants shall be placed not over 600 feet apart.~~
- ~~(2) The hydrant nozzles shall be set at 18 to 21 inches above the finished grade, and shall be constructed in accordance with the standard specifications set by the city engineer.~~

~~Section 36-137. Trees.~~

~~Existing trees near street rights-of-way shall be preserved by the subdivider. Street trees shall be provided at least one per lot of no less than one-inch caliber, and shall be placed in the separation strip at such location as directed by the City Council. Tree species shall be approved by the City Council.~~

Section 36-~~138~~144. Street signs.

~~Street name signs shall be placed at all street intersections within or abutting the subdivision, and they shall be located as follows in the order of preference of the subdivider:~~

- (1) ~~Next to stop sign~~ The proprietor shall install street signs at all street intersections within or abutting the subdivision in compliance with all applicable City standards, requirements, and specifications, and shall be subject to the review and approval of the City.
- (2) ~~At N.E. corner of intersection~~ Street signs shall be located next to stop signs, where provided, along the northeast or southeast corner of an intersection.
- ~~(3) At S.E. corner of intersection.~~

Section 36-~~139~~145. ~~Monuments~~ Street lights.

~~Permanent monuments shall be installed in compliance with and as specified by Act 288 of the Public Acts of 1967, State of Michigan, as amended.~~

- ~~(1) The proprietor shall install lighting along all streets.~~
- (2) A street lighting plan from the servicing utility, including the light fixture details, shall be submitted by the proprietor and shall be subject to the review and approval by the Zoning Administrator and City Engineer.
- (3) The proprietor shall petition the City for a street lighting special assessment district which shall be established prior to the sale of any lots within the subdivision.

Section 36-~~140~~146. ~~Inspections~~ Fire hydrants.

~~All required improvements shall be inspected on a continuous basis by inspectors authorized by the City Council. It shall be the responsibility of the improvement contractors to notify the city engineer at least three days in advance for the following periodic inspections:~~

- ~~(1) Storm sewers, laterals, and catch basins before the trenches for these improvements are backfilled~~ The proprietor shall construct and install public fire hydrants within the subdivision.
- ~~(2) Forms set for curb and gutter after subbase has been put in place and before any concrete is poured~~ Fire hydrants shall be placed not more than four hundred and fifty (450) feet apart, unless an exception is approved, in writing, by the City Engineer.

- (3) ~~Forms set for sidewalks before any concrete is poured.~~ The hydrant nozzles shall be set to eighteen (18) to twenty-one (21) inches above the finished grade and shall be constructed in accordance with the Municipal Standards and any other specifications set by the City Engineer.
- (4) ~~All subgrade that has been shaped and rolled, before the compaction test is made.~~ The location, installation, fixture, and construction of the fire hydrants shall be subject to the review and approval by the City Engineer.
- ~~(5) Forms for pavement before any concrete is poured.~~
- ~~(6) Base courses.~~

Section 36-141147. ~~Fees for inspections~~ Utilities.

~~Engineering fees, inspection fees, water and sewer connection charges, and other applicable development charges may be provided for by resolution of the City Council.~~

(1) Sanitary sewer system.

- (a) Sanitary sewer shall be designed in compliance with Part 41, the Ten State Standards and the Municipal Standards.
- (b) Design data, and construction plans and specifications, shall be provided to the City Engineer and the Department of Public Services for review, approval, and submittal to EGLE for its approval.
- (c) All sanitary sewer plans shall be approved prior to commencement of construction.
- (d) A twenty (20) foot easement will be required for all sanitary sewer laterals not located within a right-of-way. A legal description shall be furnished to the City for all easements so required.
- (e) Each residential unit within the subdivision shall be provided with a connection to sanitary sewer.
- (f) Sanitary sewers must pass a low-pressure air test, mandrel test, and televised inspections prior to acceptance.

(2) Water supply system.

- (a) Water supply systems shall be designed in compliance with the Municipal Standards.
- (b) Design data, and construction plans and specifications, for the water supply system shall be provided to and approved by the City Engineer and the Department of Public Services for review, approval, and submittal to EGLE for its approval.
- (c) All water supply plans shall be approved prior to commencement of construction.

(d) Each residential unit within the subdivision shall be provided with a connection to the water system.

(e) Water mains must be pressure tested, flushed, chlorinated, and pass two (2) consecutive bacteriological tests prior to acceptance.

(3) Stormwater management systems.

(a) Stormwater systems shall be designed in compliance with the Municipal Standards.

(b) Design data, and construction plans and specifications, for the stormwater system shall be furnished to and approved by the City Engineer prior to the commencement of construction.

(c) The proprietor shall submit a Basis of Design for review indicating flows, pipe sizes and slopes, detention calculations (if required), and stormwater treatment methods.

(d) Grading plans must be designed to meet Phase II of the Clean Water Act and the Soil Erosion Control requirements of the county of jurisdiction.

(e) Grading plans must utilize existing grades and protect existing topography whenever possible.

(f) Drainage plans must show patterns that will need to be maintained after the development is complete.

(g) Drainage to adjacent properties must be limited to existing flows.

(h) Each residential unit within the subdivision shall be provided with a connection to the stormwater system.

(i) Stormwater must pass a televised inspection prior to acceptance. In addition, the final grade, all surface improvements, flow channels, and finishes must be visually inspected by the City Engineer, contractor, and proprietor during a walk of the site prior to acceptance. A final SESC inspection may also be required by the drain commissioner's office.

(j) The proprietor shall petition the City for a stormwater special assessment district which shall be established prior to the sale of any lots within the subdivision.

Secs. 36-~~142~~148—36-~~169~~160. Reserved.

Article XIII. Pre and Post Construction Surveys.

(1) Prior to the start of construction, survey stakes must be placed at the corners of the proposed building to be constructed under the approved permit. A survey stake identifying the first finished floor elevations shall also be required.

(2) The City may require a post-construction survey for any new construction, prior to issuance of a certificate of occupancy, if there is reasonable cause to suspect that it may not comply with the approved plan(s). Post-construction surveys shall be prepared by a licensed land surveyor or civil engineer, and shall include the following information:

(a) First floor finished elevations.

(b) Finished grades at all building corners and at all corners of the property.

(c) Topographic contours on and within twenty (20) feet of the site at 2-foot intervals, referenced to a USGS or NGVD benchmark.

Article ~~VI~~XIV. ~~Interpretation;~~ Variances.

~~Section 36-170. Interpretation.~~

~~The provisions of this article shall be held to be the minimum requirements adopted for the promotion and preservation of public health, safety, and general welfare of the city. These regulations are not intended to repeal, abrogate, annul, or in any manner interfere with existing regulations or laws of the city, nor to conflict with any statutes of the state or the county, except that this chapter shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws, or regulations.~~

~~Section 36-171. Variance.~~

The City Council, following a recommendation by the Planning Commission, may authorize a variance from the provisions of this chapter when, in its opinion, undue hardship may result from strict compliance and provided that the variance does not pertain to requirements of the Zoning Ordinance. In granting any variance, the City Council shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the City Council 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 granted unless the City Council finds that:

(1) ~~That there~~ There are special circumstances or conditions affecting said property such that the strict application of the provisions of this chapter would deprive the applicant owner or proprietor of the reasonable use ~~of his land~~.

~~(2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.~~

~~(3)~~(2) ~~That the~~ The granting of the variance will not be detrimental to the public welfare or injurious to other property properties in the ~~territory in which said~~ vicinity of the property ~~is situated~~.

~~(4)~~(3) The specific condition justifying the variance shall be neither so general nor so recurrent in nature as to make an amendment to this Chapter for such condition(s) reasonably practical.

Article XV. Administration and Enforcement.Section 36-161. Interpretation and Conflict.

In interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience, or general welfare. It is not intended by this Chapter to repeal, abrogate, annul, or in any way impair or interfere with any existing provision of law or ordinance other than the above-described Chapter, or with any rules, regulations, or permits previously adopted or issued pursuant to the law relating to subdivision regulation and development, provided, however, that where this Chapter imposes a greater restriction than is required by existing ordinance or by rules, regulations, or permits, the provisions of this Chapter shall control.

Section 36-162. Separability.

The provisions of this Chapter are separable. If a section, sentence, clause, or phrase of this Chapter is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this Chapter.

Section 36-163. Suits, claims, and legal actions.

Until such time that any property is dedicated to the public, the proprietor shall maintain insurance in a form and amount provided for the public infrastructure agreement and fully indemnify and hold harmless the City and defend it in all suits, claims, and legal actions for damages of every kind and description, brought or claimed against it, for or on account of any party or parties, by or from any act or omissions, or through the negligence of any person, their servants, agents, employees, or independent contractors with respect to the work required by this Chapter.

Section 36-164. Enforcement.

Enforcement of this Chapter shall be the responsibility of the Zoning Administrator.

Section 36-165. Violations & penalties.

- (1) Where any condition in violation of this Chapter shall exist or shall be created, any person who has assisted knowingly in the commission of such violation shall be responsible for a separate infraction and, upon a finding of responsibility therefor, shall be liable for the fine as herein provided. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- (2) Any person violating any of the provisions of this Chapter shall be responsible for a municipal civil infraction and shall be subject to a fine for each infraction as established by the City Council, along with costs for prosecution. The imposition of any penalty shall not exempt the offender from compliance with the requirements of this Chapter.

Section 36-166. Other remedies.

In addition to all other remedies, including the penalties provided in this Chapter, the City may commence and prosecute appropriate actions in the circuit court for the county of jurisdiction, or any other court having jurisdiction, to restrain or prevent any noncompliance with or violation of any of the provisions of this Chapter, or to correct, remedy, or abate such noncompliance or violation.

Section 2. Severability. The provisions of this ordinance are severable, and if any section, sub-section, paragraph, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of all remaining sections, sub-sections, paragraphs, sentences, clauses, phrases or portions of this ordinance.

Section 3. Section Headings. The section headings used in this ordinance are for convenience only and are not a part of this ordinance.

Section 4. Effective Date. This ordinance shall take effect seven days after it has been adopted by the Grand Ledge City Council.

Introduced by the Grand Ledge City Council this _____ day of _____, _____.

Motion by
Second by

Ayes:

Nays:

Absent:

Adopted by the Grand Ledge City Council this _____ day of _____, _____.

Motion by
Second by

Ayes:

Nays:

Absent:

Approved:

Keith O. Mulder, Mayor

I, Gregory Newman, Grand Ledge City Clerk, certify this is Ordinance # _____ adopted by the Grand Ledge City Council at a meeting held the _____ day of _____, _____, a meeting held according to the Open Meetings Act, Public Act No. 267 of 1976, as amended. I further certify Ordinance # _____ was published in the Grand Ledge Independent, a newspaper of general circulation in the City of Grand Ledge, the _____ day of _____, _____, subsequent to its adoption.

Gregory L. Newman, City Clerk

Introduced:

Public Hearing:

Adopted:

Published:

Effective:

PROPOSED AMENDMENTS

City of Grand Ledge Ordinance # _____

An Ordinance Amending City Code, Chapter 36 – Subdivisions.

The City of Grand Ledge Ordains:

Section 1. Change. City Code, Chapter 36 – Subdivisions, is amended, as follows:

Article I. In General.

Section 36-1. Purposes.

The purposes of this Chapter are to provide a guide for the orderly growth and harmonious development of the community; to secure adequate traffic circulation by means of coordinated street systems joining subdivisions and public facilities; to achieve individual lots of reasonable utility and livability; to facilitate adequate provisions for transportation, water supply, drainage, sanitary sewage and health requirements; to make adequate provisions for recreational areas, school sites and other public facilities; to facilitate the further subdivision of larger tracts into smaller parcels of land; and to provide procedures for the achievement of these purposes.

Section 36-2 – Interpretation.

The provisions of this Chapter are the minimum requirements necessary for the preservation of public health, safety, and general welfare of the City regarding the subdivision of land. This Chapter is not intended to repeal, abrogate, annul, or in any manner interfere with existing regulations or laws of the State of Michigan, except that this Chapter shall prevail in cases where it imposes a greater restriction than is provided by existing statutes, laws, or regulations.

Section 36-3 – Fees.

The application fees required by this Chapter, as set forth by resolution of the City Council, shall be paid by the applicant at the time of application. The applicant shall be responsible for reimbursement to the City of all fees associated with the review of applications and documents required by this Chapter and shall establish an escrow account with the City in an amount sufficient to cover these costs.

Section 36-4 – Extension of Deadlines

Deadlines for review and action on a preliminary or final plat as specified in the Land Division Act and Sections 36-11, 36-13 and 36-22 of this Ordinance, may be extended by mutual written consent of the proprietor and the City Manager.

Section 36-5 – Municipal Standards.

The Municipal Standards for development and construction, including all appendices and any revisions or amendments made thereto, as set forth by resolution of the City Council are hereby referenced in this Chapter and shall be construed as having the full force and effect thereof.

Section 36-6. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Chapter:

AASHTO means the American Association of State Highway and Transportation Officials, A Policy on Geometric Design of Highways and Roads.

Accessory use means a use which is naturally and normally incidental, ancillary, and subordinate to the primary residential use of the property, such as a garage, shed, or gazebo.

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 construction plans that have been revised upon completion of the construction to illustrate the actual location and details of improvements.

City means the City of Grand Ledge.

City Engineer means individuals and employees or representatives thereof, licensed as professional engineers, employed or contracted by the City to review plans or inspect construction projects.

Cul-de-sac means a minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turnaround.

Easement means a defined area of land that a person, corporation, or government entity has been given the nonpossessory right by the owner to utilize for a specific purpose.

EGLE means the Michigan Department of Environment, Great Lakes, and Energy.

Fire Department means the agency fighting and preventing fires in the City and any agency providing mutual aid assistance.

Improvements means grading, street surfacing, curb and gutter, sidewalks, crosswalks, trails, water mains and lines, sanitary sewers, stormwater, culverts, bridges, utilities, parks, and other additions to the natural state of land which increases its value, utility, or habitability.

Land Division Act means Public Act 288 of 1967 and all amendments thereto, enacted by the State of Michigan.

Lot means a parcel or portion of land separated from other parcels or portions by descriptions as in a subdivision, or on a record survey map, or by metes and bounds for the purpose of sale, lease, or separate use.

Lot line alteration means the change in the line between adjoining parcels resulting from the conveyance by the owner of one parcel or a portion of that parcel to the owner of an adjoining parcel.

Lot split means the division of one parcel into two or more parcels, which is not a lot line alteration.

Major thoroughfare means streets designed for large volumes of traffic and intended to serve as traffic arteries of considerable length and continuity throughout the community.

Marginal access street means a minor street parallel and adjacent to a major thoroughfare; and which provides access to abutting properties and protection from through traffic.

Master plan means the comprehensive land use plan for the City, including graphic and written descriptions of the general locations recommended for streets, parks, schools, public buildings, zoning districts, and all physical developments and includes any unit or part of such plan separately adopted, and any amendments to such plan or parts thereof duly adopted by the Planning Commission and City Council.

MDOT means the Michigan Department of Transportation.

Minor street means a street supplemental to a secondary street intended to serve the local needs of the neighborhood and of limited continuity used primarily as access to abutting residential properties.

Model home means a dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision, and which will not be permanently occupied during its use as a model.

Municipal Standards means the current development standards adopted by resolution of the City Council with all appendices included therewith, and any amendments made thereto.

Owner means the present or persons of interest in the real property.

Person means individual, partnership, firm, corporation, or association.

Plat means a map or chart of a subdivision of land, prepared in conformance with the Land Division Act.

- (1) *Preliminary plat* means a map showing all salient features of a proposed subdivision of land, or phase thereof, prepared for the purposes of preliminary consideration and in accordance with this Chapter and the Land Division Act.
- (2) *Final plat* means a map showing all the salient features of a proposed subdivision of land, or phase thereof, which is substantially in conformance with the approved preliminary plat of the same proposed subdivision of land, or phase thereof, prepared for the purposes of final approval and certified as to its accuracy by a licensed professional engineer or land surveyor and meeting the requirements of this Chapter and the Land Division Act, and suitable for recording by the county Register of Deeds.

Principal use means a use which is the primary and predominant use or intended use of the premises according to the zoning district requirements.

Proprietor means a natural person, firm, associate, partnership, corporation, or any combination thereof which may hold ownership interest in land, whether recorded or not, or any other legal entity proceeding under this Chapter to affect a subdivision of land.

Public Infrastructure Agreement means a legally binding agreement between the City and the proprietor that the subdivision will be constructed in compliance with the approved plans, all additional development regulations and establishing the financial requirements associated therewith.

Public utility means any person, firm, corporation, municipal department, board, or commission, duly authorized under state or municipal regulations to furnish to the public: gas, steam, electricity, sewage disposal, storm sewer systems, cable, fiber, telecommunication services, transportation, or water.

Reserve strip means a privately owned piece of land that controls access to a street.

Right-of-way means land reserved and dedicated for a street, alley, walkway, or other public purpose, and which may be occupied by public utilities, such as electric transmission lines, gas pipelines, cable television lines, fiber optics lines, water mains, sanitary sewers, stormwater mains, shade trees, or other utility uses. Rights-of-way established and shown on the final plat are to be distinct and separate from the lots or parcels adjoining such rights-of-way and are not to be included in the dimensions or areas of such lots or parcels.

Secondary street means a street intended to serve as a primary means of access from minor streets to major thoroughfares.

SESC means soil erosion and sedimentation control.

Street means a right-of-way dedicated to public use, which provides vehicular and pedestrian access to adjacent properties whether designated as a street, highway, thoroughfare, parkway, road, avenue, lane, or however otherwise designated, and includes the land between right-of-way lines, whether improved or unimproved, and may comprise pavement, curbs and gutters, shoulders, sidewalks, parking areas, lawn areas, and other areas within the right-of-way lines.

Street tree means a tree located in the right-of-way.

Subdivision means the division of land, as defined in the Land Division Act.

Turnaround means a junction for turning vehicles at the end of a road.

Variance means a waiver from compliance with a specific provision of the subdivision regulations ordinance granted for a particular property because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of the ordinance.

Zoning Administrator means a person employed or contracted and designated by the City of Grand Ledge to administer and enforce its Zoning Ordinance, Subdivision Ordinance and other City Ordinances as assigned.

Article II. Preliminary Plat.**Section 36-25. Preapplication meeting.**

Prior to submitting an application for tentative approval of a preliminary plat, the proprietor may request a meeting with City staff and its engineering consultants to review subdivision regulations and procedures.

Section 36-26. Tentative approval procedure.

- (1) Filing.
 - (a) An application, ten (10) paper copies of a scale not less than eighteen (18) inches wide by twenty-four (24) inches long in size and one (1) digital copy of the preliminary plat, and the required application fee shall be submitted to the City Clerk.
 - (b) The preliminary plat shall be prepared a land surveyor or civil engineer, in accordance with state law and in accordance with the requirements of this Chapter.

- (2) Contents.

The preliminary plat shall be drawn to a scale not less than one (1) inch equals one hundred (100) feet and shall include the following:

- (a) Name of the proposed subdivision.
- (b) Location of the proposed subdivision by section, township, range, and legal description.
- (c) Name and addresses of the owner and the proprietor, and the designer, engineer, or surveyor who designed the proposed subdivision layout. The proprietor shall provide their interest in the land to be subdivided.
- (d) Date, north arrow, and scale.
- (e) Boundary lines of the proposed subdivision, and the overall property dimensions and acreage of the land to be subdivided.
- (f) Key map at a scale of not less than one (1) inch equals two thousand (2,000) feet showing the relationship of the subdivision to its surroundings of not less than one-half (1/2) mile, such as section lines, major thoroughfares, and secondary streets.
- (g) Property lines of adjacent subdivided and unsubdivided land shown in relation to the proposed subdivision, including those areas across abutting roads.
- (h) Street names, rights-of-way widths, roadway widths, and locations of all existing or prior platted public or private streets and public easements within and adjacent to the proposed subdivision, including those located across abutting roads.
- (i) Existing water mains, stormwater, sanitary sewers, gas lines, power lines, telephone lines, or

other existing facilities, together with any ditches, culverts, or natural watercourses, including data on general sizes, types, and elevations of such existing utilities which are within or adjacent to the proposed subdivision.

- (j) All existing structures and other physical features, including topography drawn as contours with an interval of no more than two (2) feet based on United States Geological Survey data, which would have an influence on the layout and design of the subdivision.
 - (k) Location of flood plain areas, rivers, streams, creeks, and County drains, either existing or proposed, within or adjacent to the proposed subdivision.
 - (l) Layout of proposed streets indicating proposed street names, rights-of-way widths, and connections with adjoining platted streets, and also the widths and location of alleys, easements, and public walkways.
 - (m) Layout of proposed lots indicating lot numbers, dimensions of lots, and building setback lines.
 - (n) Identification of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the proposed subdivision.
 - (o) Identification of the ownership, and existing and proposed use, of any parcels identified as "excepted". If the proprietor has an interest or owns any parcel so identified as excepted, describe how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and how it relates to the layout of the proposed subdivision.
 - (p) General layout for the entire area to be subdivided with the first phase clearly delineated on the overall plan.
 - (q) Preliminary engineering plans, general descriptions, and drawings showing proposed infrastructure improvements containing enough information and detail to enable the City to make a preliminary determination as to the conformity of the proposed improvements to applicable City requirements.
 - (r) Existing zoning and land uses of the proposed subdivision and that of adjacent parcels.
 - (s) Existing buildings or structures on or within one hundred (100) feet of the proposed subdivision.
 - (t) Evidence that the Grand Ledge Public Schools has been informed and made aware of the proposed subdivision.
- (2) Tentative Approval Procedure.

If any of the information required to be included with the preliminary plat for tentative approval has not been provided, the Zoning Administrator shall notify the proprietor of same, and that the preliminary plat will not be considered to have been received until all required information has been received.

- (a) The Zoning Administrator shall review the preliminary plat for compliance with the Land Division Act, applicable state and federal laws, this Chapter, the Master Plan, and the Zoning Ordinance.
- (b) The Zoning Administrator shall provide a copy of the preliminary plat to the City Manager, City Engineer, Department of Public Services, Fire Chief, and Police Chief for their review to determine compliance with the applicable requirements of their respective departments.
- (c) Notice shall be sent by registered or certified mail to the proprietor and to the owners of land immediately adjoining the proposed subdivision of the filing of the preliminary plat for tentative approval, and the time and place of the Planning Commission meeting at which the preliminary plat will be considered for tentative approval; and the notice shall be sent not less than ten (10) days before the date fixed therefor.
- (d) Following a review and recommendation by the Planning Commission, the City Council shall 1) tentatively approve and note its approval on a copy of the preliminary plat, or 2) tentatively approve it subject to conditions and note its approval and conditions on the copy of the preliminary plat, to be returned to the proprietor, or 3) set forth in writing its reasons for rejection and requirements for tentative approval, within the following time period, as applicable:
 - (1) Within sixty (60) days after it was submitted to the City Clerk, if a preapplication review meeting was conducted under the Land Division Act.
 - (2) Within ninety (90) days after it was submitted to the City Clerk, if a preapplication review meeting was not conducted under the Land Division Act.
- (e) The City Council may require the submission of other related data as it deems necessary, if the requirement for such data has previously been adopted and published.
- (f) Tentative approval of the preliminary plat by the City Council shall be effective for a period of one (1) year from the date of approval and may be extended by the City Council if applied for by the proprietor in writing.
- (g) No installation or construction of improvements shall be made on the basis of tentative approval of the preliminary plat.

Section 36-27. Agency reviews.

Following tentative approval of the preliminary plat by the City Council, the proprietor shall submit copies of the tentatively approved preliminary plat to the agencies whose review and approval of the preliminary plat are required by the Land Division Act and shall provide the City Clerk with evidence of all such required approvals.

Section 36-28. Final review procedure.

(1) Contents.

In addition to the information required for tentative approval of the preliminary plat, the proprietor shall submit the following information for final approval of the preliminary plat:

- (a) Details on street design including curve radii, rights-of-way, cross sections, gradient, etc.
- (b) Details on curb and gutter, and details on the width, materials, grades, etc. for sidewalks, crosswalks and nonmotorized pathways.
- (c) Entry features such as signs, walls, landscaping, and lighting.
- (d) Conceptual layout of water and sewer lines, including flow testing if necessary.
- (e) Location and size of water and sewer lines and all other existing and proposed underground utilities for the proposed subdivision and for a distance of two hundred (200) feet beyond the limits of the proposed subdivision.
- (f) A stormwater management plan and runoff calculations demonstrating that the proposed drainage system is adequate for the proposed subdivision and the information necessary to determine that the proposed system complies with the Phase II Clean Water Act requirements.
- (g) The City reserves the right to require a traffic impact study, at the sole cost of the proprietor, prepared by or under the direct supervision of a licensed professional engineer (PE) with specific training in traffic engineering and at least three (3) years of experience in the preparation of traffic impact studies, with enough level of detail to:
 - (1) Evaluate the safety and operational aspects of the proposed intersections and access points to the subdivision including location, design, and geometrics.
 - (2) Determine if existing transportation systems and traffic control mechanisms are adequate to effectively manage the projected traffic volumes.
 - (3) Provide a description of the changes necessary to mitigate any negative impacts of the proposed subdivision on the existing surrounding transportation system and to ensure that traffic from the proposed subdivision will be managed safely and in an operationally effective and efficient manner.

If a traffic impact study is required, the application for final approval of the preliminary plat shall not be considered complete until the study has been received and includes the information listed above.

(2) Procedure.

- (a) The City Council shall review the preliminary plat submitted for final approval, after the plans have been revised, if revisions are necessary, for conformance with the requirements of outside agencies. If any required revisions result in substantial changes to the tentatively approved preliminary plat, as determined by the City Council, the preliminary plat submitted for final approval must be referred to the Planning Commission for its review and recommendation prior to final approval by the City Council.

Substantial changes are any change which:

- (1) Adds or deletes lots;
- (2) Adds or deletes any road or access point;
- (3) Changes the layout of the street or access system;
- (4) Changes the topography or drainage plan;
- (5) Deletes any curbs or gutters;
- (6) Results in a lot or infrastructure element that does not comply with the requirements of the City Code or the Municipal Standards referenced in this Chapter;
- (7) Changes the sanitary sewage disposal system; or
- (8) Any changes similar to the above.

- (b) If determined to be in substantial conformance with the tentatively approved preliminary plat and any conditions required thereof, the City Council shall finally approve the preliminary plat at its next meeting, or at a meeting called within twenty (20) calendar days of the date of filing of a preliminary plat for final approval that is accepted as complete.

- (c) Final approval of the preliminary plat by the City Council shall be effective for a period of one (1) year from the date of approval and may be extended by the City Council if applied for by the proprietor in writing. Written notice of any such extension shall be sent by the City to all other approving authorities.

Secs. 36-29—36-52. Reserved.

Article III. Final Plat.

Section 36-53. Filing.

- (1) An application, ten (10) paper copies of a scale not less than eighteen (18) inches wide by twenty-four (24) inches long in size and one (1) digital copy of the final plat, and the required application fee shall be submitted to the City Clerk.

- (2) In addition to the City's application fee, the proprietor shall deposit with the City Clerk the county plat board filing and recording fee required by the Land Division Act.
- (3) The City Clerk shall immediately transmit the final plat filing to the Zoning Administrator to be checked for completeness. If any of the information required to be included with the final plat has not been provided, the Zoning Administrator shall notify the proprietor of same, and that the final plat will not be considered to have been received until all required information has been received.
- (4) A final plat shall not be accepted after the date of expiration of the preliminary plat approval.
- (5) The proprietor shall submit an abstract of title, certified to date of the proprietor's certificate, to establish recorded ownership interest and 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 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 opinion from an attorney licensed in the State of Michigan as to the title to the land.

Section 36-54. Contents.

The final plat shall be drawn to a scale not less than one (1) inch equals one hundred (100) feet and shall include the following:

- (1) The name of the proposed subdivision. The name shall not duplicate the name of any subdivision previously recorded in the same county unless it is an addition contiguous to the same, or which is a part of the same previously approved preliminary plat. The first subdivision bearing the name may be designated as number one (1) and all additions to it shall be consecutively numbered beginning with number two (2).
- (2) Lots numbered consecutively beginning with lot number one (1) in the first subdivision bearing the name and continuing in consecutive order throughout the several additions, if any.
- (3) A north point.
- (4) The caption of the final plat printed at the top of the plat in large, bold letters, and including:
 - (a) Name of the proposed subdivision.
 - (b) The section, town, range, City, and county in which the land is situated.
- (5) A full and detailed description of the land included in the subdivision by distances and bearings.
- (6) The name of the original plat.
- (7) A description by distances and bearings of each excepted parcel.

- (8) The number of lots, the number of outlots, and the number of private and public parks.
- (9) The intermediate traverse line if one is required on the plat.
- (10) The area within the existing right of way of any abutting street, county road, or state trunk line highway.
- (11) Sufficient information to completely define, for the purpose of a resurvey, the location of any boundary, corner, or angle point within the plat. All land lying within the boundaries of the plat shall be shown thereon in such a manner that title to the area may be clearly established as to whether dedicated to public use or reserved to private use.

Section 36-55. Procedure.

- (1) All easements and utility agreements shall be executed by the City, all other utility authorities, and the proprietor, setting forth the terms of utility arrangements and the use and development of any land reserved for the use of the public and future subdivision property owners.
- (2) The proprietor shall submit copies of deed restrictions and protective covenants in their final recordable form.
- (3) City Council Review:
 - (a) The City Council shall review the final plat within twenty (20) days of the filing date and shall:
 - (1) Approve the final plat if it conforms to all provisions of this Chapter and all other applicable ordinances and laws, and instruct the City Clerk to certify on the final plat the City Council approval and date thereof, or
 - (2) Reject the final plat and instruct the City Clerk to advise the proprietor of the rejection and the reasons for the rejection and return the final plat to the proprietor.
 - (b) Upon determining that the final plat is in compliance with the standards and regulations in this Chapter and all other applicable ordinances and laws, the City Council shall approve the final plat and direct the City Clerk to sign the plat.
 - (c) The City Clerk shall forward all copies of the final plat to the Clerk of the County Plat Board, together with the filing and recording fee required by the Land Division Act.
 - (d) The City Clerk shall send to the County Plat Board a copy of the minutes of the City Council meeting at which action was taken to approve the final plat.

Secs. 36-56—36-82. Reserved.

Article IV. Infrastructure Construction

Final approval of the preliminary plat shall confer upon the proprietor the authority to proceed with construction of the infrastructure improvements, once all of the following have been successfully completed:

- (1) A preconstruction meeting, held not more than fourteen (14) days prior to the start of construction, between the proprietor, the proprietor's design engineer and contractor, and representatives of the City, to include the City Engineer and the Department of Public Services.
- (2) Construction and engineering plans and specifications are approved by the City Engineer, Department of Public Services, Fire Chief, Zoning Administrator, and any other authority having jurisdiction over the improvements. Where a plat extends across municipal boundaries, no permits for construction shall be issued until verification has been received that the preliminary plat has been approved by all affected municipalities.
- (3) The proprietor complies with the performance guarantee requirements of this Chapter and has established an escrow account with the City in accordance with this Chapter.
- (4) A Public Infrastructure Agreement is executed between the proprietor and the City requiring the subdivision to be developed in strict compliance with the approved preliminary plat and the infrastructure construction plans, along with any approved revisions, amendments, or modifications made thereto and all other applicable requirements.
- (5) All required permits are obtained from any authority having jurisdiction over the proposed subdivision, including but not limited to the county drain commissioner, county road commission, MDOT, and EGLE.
- (6) A staging area and all controls necessary to manage construction traffic are in place.
- (7) The proprietor obtains insurance with the City named as an additional insured in a form and in the amount provided for in the public infrastructure agreement.

Article V. Monitoring, Escrow Account, Inspections, Field Changes, Testing, and Maintenance

Section 36-83. Monitoring.

- (1) The contractor shall have on site at all times while work is being conducted an employee or representative with decision-making authority for the project.
- (2) The City shall be provided with all-hours contact information for the contractor's employee or representative with decision making authority for the project, who will respond to emergencies 24 hours a day.
- (3) The contractor must provide access for and follow the direction of the City's inspector(s) assigned to the project.

Section 36-84. Escrow Account.

- (1) The proprietor shall establish an escrow account with the City by depositing an amount sufficient to cover all costs associated with the City's inspections, and the materials and density testing conducted by the third party selected by the City. The City may draw on the escrow account as needed to pay the costs of the inspections when invoiced by the City or a third party, which shall cover expenses including but not limited to pre-construction meeting, inspections, daily inspections, field engineering, plan changes, water main and sanitary sewer testing, final site inspection, reviewing plans, public easements, inspection administration, geotechnical testing, etc.
- (2) The minimum amount of funds that shall remain in escrow account at all times shall be provided for in the public infrastructure agreement.
- (3) The City shall return to the proprietor any funds remaining in the escrow account within thirty (30) days after certification of the City Engineer that the infrastructure improvements have been constructed and installed in accordance with the Public Infrastructure Agreement, the approved plans, and all applicable ordinances and standards.

Section 36-85. Inspections.

Construction shall be subjected to on-going inspections by the City Engineer, as provided for in the public infrastructure agreement.

Section 36-86. Field Changes.

Where actual conditions encountered on the construction site warrant design modifications, such modifications may be permitted by the City Engineer provided that:

- (1) All modifications comply with the regulations of this Chapter, the Municipal Standards, and all other applicable City codes and ordinances.
- (2) The modifications do not result in a change to the general layout of the subdivision, the number of lots, and the lot dimensions.

Section 36-87. Testing.

- (1) An independent third-party, to be selected at the sole discretion of the City, will provide materials and density testing of the infrastructure improvements in accordance with the Municipal Standards.
- (2) The proprietor's engineer shall produce and provide the City with record drawings, lead cards, and GPS coordinates of the exact location of water, sanitary, and storm leads in both electronic and hard copy formats as well as video recordings of the sanitary sewer and stormwater.
- (3) The City shall collect water samples, to be used for bacteriological testing, of all water mains prior to granting approval and permitting connection to the City's water system and for continued testing, as needed.

Section 36-88. Maintenance.

- (1) During development of a subdivision, including the installation of utilities and construction of buildings, all improved roads and streets on and off of the property being subdivided shall be kept free from mud, dirt, debris, etc., which may result from the development of the property.
- (2) Neither the proprietor of a subdivision nor any other person shall allow debris, construction materials, etc., to accumulate during development in a manner which becomes unsightly, or which might affect the health, safety, and welfare of the public.
- (3) If the City notifies the proprietor, or its employee or representative with decision making authority for the project, during a working day of a dangerous condition which requires cleaning, the matter shall be taken care of within two (2) hours.
- (4) If the conditions described in the notice are not corrected within the prescribed amount of time, the City shall make the correction(s) and either utilize funds in escrow or place a lien on the property for all costs incurred in the process. The City may issue a “stop work” order on all or part of the construction of any home site or infrastructure component of the subdivision until the necessary correction has been made.
- (5) The proprietor shall be responsible for maintenance of the public improvements until the City Engineer certifies that the public improvements have been completed in accordance with the approved plans and ownership of the public improvements has been transferred to the City.

Section 36-89—36-100. Reserved.

Article VI. Model Homes.

Two (2) model homes may be constructed prior to final plat approval, subject to the following conditions:

- (1) The lots on which the model homes are constructed shall have direct access to a public street, or street that is under construction for dedication to the City as long as access to the lot is unobstructed and construction has progressed to the extent that the street can withstand emergency and construction vehicle traffic.
- (2) Fire hydrants have been installed, tested, and are available to adequately accommodate the needs of the Fire Department.
- (3) The developer has submitted plans, specifications, and a performance guarantee to cover the cost of all improvements within the phase(s) that include the model homes, prior to issuance of any building permits.

Article VII. Lot Sizes, Shapes, and Arrangements.

Lots within subdivisions shall conform to the following standards:

- (1) Lot dimensions, sizes, and building setback lines shall conform to the Zoning Ordinance requirements of the zoning district in which the subdivision is located.
- (2) Residential lots shall have a maximum depth-to-width ratio of three (3) to one (1). This restriction may be waived by the Planning Commission during preliminary plat approval when it can be determined that a greater depth to width ratio is necessary based upon a unique feature of the overall site such as irregular shape or topography, to accommodate the preservation of natural features, or to accommodate an appropriate traffic circulation pattern.
- (3) Lots shall have frontage on a public street.
- (4) Side lot lines shall be at right angles or radial to the street lines or as nearly as possible thereto.
- (5) Residential lots abutting major thoroughfares or secondary thoroughfares, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots with a non-access reservation strip along the rear property lines having a minimum width of fifteen (15) feet, or such other feature as may be adequate for the protection of residential properties or with side lot lines parallel to the major traffic streets, or shall be platted with extra depth to permit greater distances between buildings and such traffic way.

Article VIII. Division of Land.

Section 36-101. General Provisions.

- (1) The adjustment of parcel lines or the dividing of parcels shall be governed by the applicable provisions of this Chapter, the Zoning Ordinance, and the Land Division Act.
- (2) Land may be divided or detached from one lot, outlot, or parcel and added to another lot, outlot, or parcel upon application to and approval by the Zoning Administrator and City Assessor.

Section 36-102. Filing.

- (1) Requests for parcel divisions or parcel line adjustments shall be made by submitting an application to the Zoning Administrator, along with the required fee as established by resolution of the City Council.
- (2) The Zoning Administrator may require a certified land survey showing the proposed parcel changes and new legal descriptions for all of the affected parcels.
- (3) No parcel division or parcel line adjustment may be approved until all taxes, special assessments, or other fees owed to the City have been paid in full. A "Certificate of Paid Property Taxes" from the County of jurisdiction's Treasurer's Office is required prior to approval of a parcel division.

Section 36-103. Procedure.

- (1) The Zoning Administrator shall review the application and the proposed parcel divisions or adjustments for compliance with all applicable laws and ordinances, including the minimum lot size and dimensions set forth in the Zoning Ordinance.
- (2) Approval by the Building Official is required in those instances where a parcel change results in moving the new parcel line closer than fifty (50) feet to an existing building, other than a single or two (2)-family dwelling. The Building Official may require an architectural review of the building(s) to determine compliance with or what alterations to the building(s) are necessary to comply with the Building Code provisions for distance to a parcel line or to another building within fifty (50) feet.
- (3) A lot, outlot, or parcel may be divided into two (2) but not more than four (4) separate lots, outlots, or parcels upon application to and approval by the Zoning Administrator and City Assessor.
- (4) Upon approval by the Zoning Administrator and Building Official (if required), the application and all supporting documents shall be submitted to the City Assessor.

Section 36-104—36-110. Reserved.

Article IX. Performance Guarantee.

Section 36-111. Surety.

- (1) The proprietor shall file with the City a performance guarantee as security for completion of required public improvements in the form of an irrevocable letter of credit, corporate surety bond, certified check, or cash escrow.
- (2) Security shall be in an amount equal to one hundred and twenty (120) percent of the cost of completion of all required public improvements, as estimated by the proprietor's engineer and sole approval by the City Engineer, to ensure the completion of such improvements and facilities.
- (3) Letter of credit as security shall be irrevocable and shall require only that the City present the letter of credit with a sight draft and an affidavit signed by the City Attorney attesting to the City's right to draw funds under the letter of credit.
- (4) For cash escrow or certified checks as security, the escrow agent shall have a legal duty to deliver the funds to the City upon presentation by the City Attorney of an affidavit to the agent attesting to the City's right to receive funds whether or not the proprietor protests the right.

Section 36-112. Completion of Improvements.

The City shall not accept dedication of required improvements, nor release the surety for said improvements, until the City Engineer has approved the completion of all required improvements and until:

- (1) The proprietor's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" plans demonstrating such, that all public improvements were constructed in

accordance with the approved construction plans for the subdivision. The specific “as-built” plan requirements are provided in the appendices of the Municipal Standards.

- (2) Documentation has been provided and approved by the City Attorney and City Manager certifying that the improvements have been completed, are ready for dedication to the City, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation by the City Engineer, City Attorney, and City Manager, the City Council shall accept the improvements for dedication, in accordance with the established procedure therefor, and they shall become the property of the City.

Section 36-113. Release of Funds.

As work progresses, the City shall release amounts of the surety to the proprietor, as provided for in the public infrastructure agreement. No funds shall be released until as-built plans, in accordance with the requirements of Section 36-81(1) have been provided and approved by the City Engineer for the completed work for which a release of funds is being sought. The City shall not release the surety in its entirety until the terms of Section 36-81 (1) & (2) have been met.

Section 36-114—36-120. Reserved.

Article X. General Standards

Section 36-121. Reserve Strips.

Privately held reserve strips controlling access to streets shall be prohibited. The City may require a one (1) foot wide reserve strip deeded to the City at the end of any stub street which terminates at the subdivision boundary or between half streets.

Section 36-122. Public reservations.

The designation of areas suitably located and of adequate size for playgrounds, parks, and other active or passive recreation facilities, shall be provided by one of the following methods:

- (1) Dedication to the City, County having jurisdiction, or School district, if one of these entities choses to accept the land and the maintenance thereof.
- (2) Reservation of the land for the sole use of property owners or occupants of all real property within the subdivision, by deed or covenants that outline the responsibility for maintenance and payment of taxes or special assessments on the land.

Section 36-123. Deed restrictions.

In no circumstance shall deed restrictions be binding upon or enforced by the City.

Section 36-124. Natural features.

The natural features and character of lands shall be preserved wherever possible. Due regard shall be shown for all natural features such as large trees, natural groves, watercourses, and similar natural assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.

Section 36-125. Underground wiring.

- (1) All distribution lines and wiring for telephone/telecommunication service, electric service, and streetlights shall be located entirely underground throughout the subdivision, and such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated rights-of-way.
- (2) Telephone and electrical facilities placed in dedicated rights-of-way shall be planned so as not to conflict with other underground utilities.
- (3) All telephone and electrical facilities shall be constructed in accordance with standards of construction approved by the State of Michigan Public Service Commission or its successor in function.
- (4) All drainage and underground utility installations which traverse privately-owned property shall be protected by easements granted by the proprietor.
- (5) The proprietor shall bear any increase in costs, if any, over the normal mode of construction of telephone and electrical lines and facilities, as determined by the telephone or electric company involved, in accordance with the valid rules and regulations of the telephone or electric company involved.
- (6) The City Council, upon recommendation of the City Manager, may waive the requirement for underground wiring based upon a determination, due to the size of the area to be subdivided and the existence of above-ground utilities on surrounding properties, that no public purpose would be served by imposing this requirement.

Section 36-126. Lawns.

Prior to issuance of a certificate of occupancy, the building site, including the area within the right-of-way must be seeded to establish a thick, healthy lawn, free of weeds and sufficient to prevent bare spots and to stabilize the soil in accordance with the Soil Erosion Control Program of the County of jurisdiction. No other ground cover beyond standard lawn grass produced by seeding is permitted within the right-of-way, with the exception of the mulch bed surrounding street trees as required by this Chapter. Sod may be used in lieu of seeding on the site, outside of the right-of-way.

Section 36-127. Trees.

Street trees must be planted, maintained, and warranted in accordance with all provisions of the Municipal Standards and the following:

- (1) The proprietor shall preserve the mature trees within the subdivision to the maximum extent practicable.
- (2) A minimum of one (1) street tree per lot is required. Additional street trees are required as follows:
 - (a) Corner lots shall have one (1) street tree along each road frontage.
 - (b) Two (2) street trees are required along road frontages where the lot line is one-hundred fifty (150) feet or more in length.
- (3) Trees shall be separated by at least fifty (50) feet but not more than seventy-five (75) feet.
- (4) Trees shall have a minimum starting size of two and one-half (2.5) caliper inches.
- (5) Trees shall be selected from the species list contained within the Municipal Standards. Other species must be approved by the City prior to planting. Evergreen trees are expressly prohibited within the right-of-way. In no case shall a tree be planted next to a tree of the same species. Each linear block shall be planted with trees from at least four (4) different genera.
- (6) A three (3) to four (4) inch layer of mulch shall surround the street tree, but in no case shall mulch be permitted within one (1) foot of the sidewalk or street nor extend more than two (2) feet from the base of the tree in any direction.
- (7) Trees shall be planted between April 15th and June 15th or between September 1st and November 1st.
- (8) Trees shall be warranted for a period of at least two (2) years from the date of acceptance by the City. If at any time during the warranty period, the City determines that the trees are found to be in an unhealthy state of growth, the proprietor shall be responsible for replacing the trees during the next planting period and the two (2) year warranty period shall be restarted.
- (9) In the event of a dispute as to the condition of the tree(s), the proprietor shall be responsible for providing documentation from a reputable Michigan-based arborist certifying that the tree or trees are in a healthy and proper state of growth.
- (10) All trees within the public right-of-way are property of the City.
- (11) Street trees that would be required by this ordinance must be replaced in accordance with the requirements herein, and the current Municipal Standards.

Section 36-128. Temporary Emergency Vehicle Accommodations.

Where an improved street ends at the boundary of a phase of the subdivision, the proprietor shall design and construct a temporary connection to an existing street or streets, or a turn-around of sufficient dimensions and stability to accommodate the largest fire truck within the Fire Department fleet. The location and design shall be subject to approval by the City Engineer and Fire Chief and the connection(s) or turn-around shall remain in place until construction has begun on the street in the adjoining phase providing the improved street connection/extension.

Section 36-129. Monuments.

- (1) Monuments shall be located in the ground and made according to the requirements of the State Land Division Act.
- (2) If any monument or lot marker is damaged or removed during construction, the responsible party or the proprietor shall secure the services of a professional land surveyor to replace the monument or lot marker.
- (3) The City Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on condition that the proprietor deposits with the City Clerk cash or a certified check, or irrevocable bank letter of credit running to the City, whichever the proprietor selects, in an amount established by the State of Michigan Land Division Act. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults, the City Council shall promptly require a surveyor to locate the monuments and markers in the ground as certified on the plat, at a cost not to exceed the amount of the security deposited.

Section 36-130. Driveways.

The following requirements shall apply to driveways serving single family residential lots within a subdivision:

- (1) One (1) driveway for each lot is permitted. Additional driveways may be permitted on corner lots or through lots, at the sole discretion of the Public Service Superintendent.
- (2) Approaches within the right-of-way shall be solid six (6) inch concrete with a slope of not less than one (1) percent nor more than ten (10) percent.
- (3) Driveway approaches within the right-of-way shall not exceed twenty (20) feet in width measured at the edge of the sidewalk nearest to the street.
- (4) Driveways within the lot shall be constructed of either solid concrete, asphalt, brick/concrete pavers, or other hard surface as approved by the Public Service Superintendent, except that gravel, limestone or any other type of crushed surface shall not be permitted within a front yard.
- (5) No driveway shall occupy more than thirty (30) percent of a front yard.

Section 36-131—36-140. Reserved.

Article XI – Easements

- (1) The proprietor is responsible for obtaining all necessary easements, including, but not necessarily limited to, telecommunication, electric service, and street lighting easements from the servicing entities and shall provide documentation thereof to the City.
- (2) Easements required for storm drainage, sanitary sewer, and water facilities shall be determined by the City Engineer.
- (3) The City may require easements to provide for the extension of utility services and street connections onto adjoining parcels of land.
- (4) The proprietor shall provide access easements to parks, open space, and other common areas within the subdivision.

Article XII. Design Standards.

Section 36-141. Compliance with other standards.

All subdivisions shall be designed in conformance with the currently adopted Municipal Standards as well as all State and county requirements, as applicable.

Section 36-142. Sidewalks & Non-Motorized Pathways.

Sidewalks shall be constructed parallel to and along both sides of all City, county, and state streets and highways within the City limits except where non-motorized pathways are required along routes designated as such by ordinance or the City's Master Plan. Sidewalks and non-motorized pathways must be constructed in compliance with the Municipal Standards and the following:

- (1) As a general rule, sidewalks shall be a minimum of five (5) feet wide and nonmotorized pathways shall be a minimum of seven (7) feet wide, unless an alternate width is required by the Public Service Director, in concurrence with the City Manager and City Engineer. The exact width shall be determined based upon projected volumes of pedestrian traffic or unique features of the physical environment such as uneven topography.
- (2) Non-motorized pathways must comply with AASHTO Guide for the Planning, Design, and Operation of Bicycle Facilities and Design for H2O Loading.
- (3) Sidewalks and non-motorized pathways shall be constructed in accordance with the following standards:
 - (a) Shall be constructed of concrete that is at least four (4) inches thick and six (6) inches thick at the intersection of all driveways, on a four (4) inch sand base which may be increased up to eight (8) inches if deemed necessary by the City Engineer.

- (b) Shall be placed one (1) foot from the property lines along all public streets.
 - (c) Shall comply with the Americans with Disabilities Act.
 - (d) Longitudinal slopes shall be one-half (1/2) percent minimum, five (5) percent maximum.
 - (e) Cross slopes shall be one-half (1/2) percent minimum, two (2) percent maximum.
 - (f) The nominal grade shall be three (3) percent above the existing curb, assuming the existing curb height is six (6) inches in height. Where a curb does not exist, or where the existing curb is not six (6) inches in height, the grade must be approved by the City Engineer.
 - (g) Where practical, sidewalks and non-motorized pathways shall be sloped toward the abutting street. In all cases, however, adequate drainage must be provided.
- (4) All ramps shall be installed prior to home construction and remaining sidewalks or pathways shall be installed as homes are constructed.
 - (5) Sidewalk ramps must meet MDOT and federal standards.
 - (6) Cast iron detection plates are required in accordance with specifications provided by the City Engineer.
 - (7) Upon written request by the proprietor, the City Council may waive or modify the installation of sidewalk or non-motorized pathways, after review and recommendation by the City Manager, where it can be demonstrated that there is a practical difficulty that makes installation unreasonably difficult or where it would not serve a purpose based upon the motorized and pedestrian transportation system in the area. The City may, however, require alternative non-motorized improvements. MDOT, state and federal law requirements may not be waived.

Section 36-143. Streets.

- (1) Streets shall be designed and constructed in compliance with all provisions of the Municipal Standards and the latest edition of the AASHTO, A Policy on Geometric Design of Highways and Roads.
- (2) Streets shall be constructed and inspected by the City Engineer at the expense of the proprietor.
- (3) Upon final and successful inspection by the City Engineer, all streets shall be dedicated to the City.
- (4) The requirements of MDOT and the road commission of the county of jurisdiction must be met as applicable.
- (5) All streets and extensions thereof shall be located within a publicly dedicated sixty-six (66) foot right-of-way.

- (6) Streets shall be concrete or asphalt with dimensions of thirty-one (31) feet measured from back-to-back of curb with an eleven (11) foot separation strip, five (5) foot concrete sidewalk, and one (1) foot of space between sidewalk and right-of-way line on each side of the public street.
- (7) Dead end streets may not exceed eight hundred (800) feet and must end in a turnaround or cul-de-sac with a radius sufficient to accommodate turning of the largest vehicle within the Fire Department.
- (8) The City reserves the right to require that streets be constructed to the property line(s), or easements provided for future construction to accommodate street connections onto adjoining parcels where future street connections are deemed necessary, in the sole opinion of the City, based upon the size and design of the subdivision, to manage the traffic generated therefrom and to plan for traffic anticipated to result from development of adjoining parcels.
- (9) The requirements of provisions (5), (6) and (7) of this Section may be waived or modified if approved by the Public Service Director, City Engineer, and City Manager.

Section 36-144. Street signs.

- (1) The proprietor shall install street signs at all street intersections within or abutting the subdivision in compliance with all applicable City standards, requirements, and specifications, and shall be subject to the review and approval of the City.
- (2) Street signs shall be located next to stop signs, where provided, along the northeast or southeast corner of an intersection.

Section 36-145. Street lights.

- (1) The proprietor shall install lighting along all streets.
- (2) A street lighting plan from the servicing utility, including the light fixture details, shall be submitted by the proprietor and shall be subject to the review and approval by the Zoning Administrator and City Engineer.
- (3) The proprietor shall petition the City for a street lighting special assessment district which shall be established prior to the sale of any lots within the subdivision.

Section 36-146. Fire hydrants.

- (1) The proprietor shall construct and install public fire hydrants within the subdivision.
- (2) Fire hydrants shall be placed not more than four hundred and fifty (450) feet apart, unless an exception is approved, in writing, by the City Engineer.
- (3) The hydrant nozzles shall be set to eighteen (18) to twenty-one (21) inches above the finished grade and shall be constructed in accordance with the Municipal Standards and any other specifications set by the City Engineer.

- (4) The location, installation, fixture, and construction of the fire hydrants shall be subject to the review and approval by the City Engineer.

Section 36-147. Utilities.

- (1) Sanitary sewer system.
 - (a) Sanitary sewer shall be designed in compliance with Part 41, the Ten State Standards and the Municipal Standards.
 - (b) Design data, and construction plans and specifications, shall be provided to the City Engineer and the Department of Public Services for review, approval, and submittal to EGLE for its approval.
 - (c) All sanitary sewer plans shall be approved prior to commencement of construction.
 - (d) A twenty (20) foot easement will be required for all sanitary sewer laterals not located within a right-of-way. A legal description shall be furnished to the City for all easements so required.
 - (e) Each residential unit within the subdivision shall be provided with a connection to sanitary sewer.
 - (f) Sanitary sewers must pass a low-pressure air test, mandrel test, and televised inspections prior to acceptance.
- (2) Water supply system.
 - (a) Water supply systems shall be designed in compliance with the Municipal Standards.
 - (b) Design data, and construction plans and specifications, for the water supply system shall be provided to and approved by the City Engineer and the Department of Public Services for review, approval, and submittal to EGLE for its approval.
 - (c) All water supply plans shall be approved prior to commencement of construction.
 - (d) Each residential unit within the subdivision shall be provided with a connection to the water system.
 - (e) Water mains must be pressure tested, flushed, chlorinated, and pass two (2) consecutive bacteriological tests prior to acceptance.
- (3) Stormwater management systems.
 - (a) Stormwater systems shall be designed in compliance with the Municipal Standards.

- (b) Design data, and construction plans and specifications, for the stormwater system shall be furnished to and approved by the City Engineer prior to the commencement of construction.
- (c) The proprietor shall submit a Basis of Design for review indicating flows, pipe sizes and slopes, detention calculations (if required), and stormwater treatment methods.
- (d) Grading plans must be designed to meet Phase II of the Clean Water Act and the Soil Erosion Control requirements of the county of jurisdiction.
- (e) Grading plans must utilize existing grades and protect existing topography whenever possible.
- (f) Drainage plans must show patterns that will need to be maintained after the development is complete.
- (g) Drainage to adjacent properties must be limited to existing flows.
- (h) Each residential unit within the subdivision shall be provided with a connection to the stormwater system.
- (i) Stormwater must pass a televised inspection prior to acceptance. In addition, the final grade, all surface improvements, flow channels, and finishes must be visually inspected by the City Engineer, contractor, and proprietor during a walk of the site prior to acceptance. A final SESC inspection may also be required by the drain commissioner's office.
- (j) The proprietor shall petition the City for a stormwater special assessment district which shall be established prior to the sale of any lots within the subdivision.

Secs. 36-148—36-160. Reserved.

Article XIII. Pre and Post Construction Surveys.

- (1) Prior to the start of construction, survey stakes must be placed at the corners of the proposed building to be constructed under the approved permit. A survey stake identifying the first finished floor elevations shall also be required.
- (2) The City may require a post-construction survey for any new construction, prior to issuance of a certificate of occupancy, if there is reasonable cause to suspect that it may not comply with the approved plan(s). Post-construction surveys shall be prepared by a licensed land surveyor or civil engineer, and shall include the following information:
 - (a) First floor finished elevations.
 - (b) Finished grades at all building corners and at all corners of the property.

- (c) Topographic contours on and within twenty (20) feet of the site at 2-foot intervals, referenced to a USGS or NGVD benchmark.

Article XIV. Variances.

The City Council, following a recommendation by the Planning Commission, may authorize a variance from the provisions of this chapter when, in its opinion, undue hardship may result from strict compliance and provided that the variance does not pertain to requirements of the Zoning Ordinance. In granting any variance, the City Council shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the City Council 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 granted unless the City Council finds that:

- (1) There are special circumstances or conditions affecting said property such that the strict application of the provisions of this chapter would deprive the owner or proprietor of reasonable use.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity of the property.
- (3) The specific condition justifying the variance shall be neither so general nor so recurrent in nature as to make an amendment to this Chapter for such condition(s) reasonably practical.

Article XV. Administration and Enforcement.

Section 36-161. Interpretation and Conflict.

In interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience, or general welfare. It is not intended by this Chapter to repeal, abrogate, annul, or in any way impair or interfere with any existing provision of law or ordinance other than the above-described Chapter, or with any rules, regulations, or permits previously adopted or issued pursuant to the law relating to subdivision regulation and development, provided, however, that where this Chapter imposes a greater restriction than is required by existing ordinance or by rules, regulations, or permits, the provisions of this Chapter shall control.

Section 36-162. Separability.

The provisions of this Chapter are separable. If a section, sentence, clause, or phrase of this Chapter is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this Chapter.

Section 36-163. Suits, claims, and legal actions.

Until such time that any property is dedicated to the public, the proprietor shall maintain insurance in a form and amount provided for the public infrastructure agreement and fully indemnify and hold harmless the City and defend it in all suits, claims, and legal actions for damages of every kind and description, brought or claimed against it, for or on account of any party or parties, by or from any act or omissions, or

through the negligence of any person, their servants, agents, employees, or independent contractors with respect to the work required by this Chapter.

Section 36-164. Enforcement.

Enforcement of this Chapter shall be the responsibility of the Zoning Administrator.

Section 36-165. Violations & penalties.

- (1) Where any condition in violation of this Chapter shall exist or shall be created, any person who has assisted knowingly in the commission of such violation shall be responsible for a separate infraction and, upon a finding of responsibility therefor, shall be liable for the fine as herein provided. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- (2) Any person violating any of the provisions of this Chapter shall be responsible for a municipal civil infraction and shall be subject to a fine for each infraction as established by the City Council, along with costs for prosecution. The imposition of any penalty shall not exempt the offender from compliance with the requirements of this Chapter.

Section 36-166. Other remedies.

In addition to all other remedies, including the penalties provided in this Chapter, the City may commence and prosecute appropriate actions in the circuit court for the county of jurisdiction, or any other court having jurisdiction, to restrain or prevent any noncompliance with or violation of any of the provisions of this Chapter, or to correct, remedy, or abate such noncompliance or violation.

Section 2. Severability. The provisions of this ordinance are severable, and if any section, sub-section, paragraph, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of all remaining sections, sub-sections, paragraphs, sentences, clauses, phrases or portions of this ordinance.

Section 3. Section Headings. The section headings used in this ordinance are for convenience only and are not a part of this ordinance.

Section 4. Effective Date. This ordinance shall take effect seven days after it has been adopted by the Grand Ledge City Council.

Introduced by the Grand Ledge City Council this _____ day of _____, _____.

Motion by
Second by

Ayes:

Nays:

Absent:

Adopted by the Grand Ledge City Council this _____ day of _____, _____.

Motion by

Second by

Ayes:

Nays:

Absent:

Approved:

Keith O. Mulder, Mayor

I, Gregory Newman, Grand Ledge City Clerk, certify this is Ordinance # _____ adopted by the Grand Ledge City Council at a meeting held the _____ day of _____, _____, a meeting held according to the Open Meetings Act, Public Act No. 267 of 1976, as amended. I further certify Ordinance # _____ was published in the Grand Ledge Independent, a newspaper of general circulation in the City of Grand Ledge, the _____ day of _____, _____, subsequent to its adoption.

Gregory L. Newman, City Clerk

Introduced:

Public Hearing:

Adopted:

Published:

Effective:

CITY OF GRAND LEDGE
NOTICE OF PUBLIC HEARING

The Grand Ledge City Council will hold a public hearing during its regular meeting at 7:30 p.m. on 13 March 2023, to consider and receive public input on a proposed ordinance amending City Code, Chapter 36 – Subdivisions. The proposed ordinance is available on the City’s website at www.cityofgrandledge.com.

The meeting will be held in the Council Chambers, City Hall, 310 Greenwood St., Grand Ledge MI 48837, in compliance with the Open Meetings Act, as amended, and will also be livestreamed via Zoom for informational purposes only. The online stream can be accessed at <https://www.zoom.us> with the Meeting ID: 896 1913 1266, or by calling +1 309 205 3325 or +1 312 626 6799 or +1 646 876 9923 or +1 646 931 3860 or +1 301 715 8592 or +1 305 224 1968 or +1 346 248 7799 or +1 360 209 5623 or +1 386 347 5053 or +1 408 638 0968 or +1 507 473 4847 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 689 278 1000 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 with Meeting ID: 896 1913 1266.

The City Council invites anyone interested to attend in person and offer comments at the public hearing. Written comments can be mailed or delivered to Elected or Appointed Officials at 310 Greenwood St., Grand Ledge, MI 48837, placed in the drop box in front of City Hall, or emailed to cityhall@cityofgrandledge.com. All written comments will be considered if received by 5:00 p.m. the day of the hearing. Please call (517) 627-2149 or email cityhall@cityofgrandledge.com for further information or to request accommodations for disabilities.

Gregory Newman, City Clerk