

Chapter 25

SUBDIVISION REGULATIONS*

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ARTICLE I. IN GENERAL

Sec. 25-1. Purpose.

The purpose of this chapter is to provide for the harmonious development of areas within the city, for the coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive plan; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

(Code 1969, § 151.02)

Sec. 25-2. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

Building line shall mean a line on a plat between which line and a street no building or structure may be erected.

Cul-de-sac shall mean a minor street with only one outlet and culminated by a turnaround.

Easement shall mean a grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation or a certain person.

Lot shall mean a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

Major street shall mean a street designated as a major street in the major street plan for the city.

Minor street shall mean a street not designated as a major street in the major street plan for the city.

Performance bond shall mean a surety bond or cash deposit made out to the city in an amount equal to the full cost of the improvements which are required by this chapter, the cost

***Cross references**—Any ordinance granting or accepting plats saved from repeal, § 1-11(10); buildings and building regulations, Ch. 6; fences and hedges, Ch. 11; flood damage prevention, Ch. 13; mobile homes and trailers, Ch. 16; planning, Ch. 21; streets, sidewalks and other public places, Ch. 24; utilities, Ch. 28; zoning, App. A.

State law reference—Subdivision control act, MCL 560.101 et seq., MSA 26.430(101) et seq.

being estimated by the city engineer and the surety bond or cash deposit being legally sufficient to secure to the city that the improvements will be constructed in accordance with this chapter.

Roadway shall mean that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back-to-back of curbs.

Street shall mean all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, land, place, circle or however otherwise designated.

Subdivide or *subdivision* means the partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five (5) or more parcels of land each of which is ten (10) acres or less in area; or five (5) or more parcels of land each of which is ten (10) acres or less in area are created by successive divisions within a period of ten (10) years.

Subdivider shall mean any person dividing or proposing to divide land so as to constitute a subdivision and includes any agent of the subdivider.

(Code 1969, § 151.03)

Cross reference—Definitions and rules of construction generally, § 1-2.

State law reference—Similar definitions, MCL 560.102, MSA 26.430(102).

Sec. 25-3. Modification of requirements.

(a) Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider because of unusual topography; or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the objectives of this chapter, the planning commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver, will not have the effect of nullifying the intent and purpose of this chapter or interfering with carrying out the comprehensive plan.

(b) In no case shall any variation or modification be more than a minimum easing of the requirements. In no case shall it have the effect of reducing the traffic capacity of any street below that is shown on the comprehensive plan or be in conflict with any zoning ordinance and map.

(c) Such variances and waivers may be granted only by the affirmative vote of three-fourths of the members of the planning commission.

(d) In granting variances and modifications, the planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

(Code 1969, § 151.19)

Sec. 25-4. Violations.

Whoever, being the owner or agent of the owner of any land located within the city, knowingly or with intent to defraud, transfers or sells by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the city council, shall be guilty of a misdemeanor for each lot so transferred or sold or agreed or negotiated to be sold, and a description by metes and bounds shall not exempt the transaction. (Code 1969, § 151.99)

Secs. 25-5—25-20. Reserved.**ARTICLE II. JURISDICTION AND PROCEDURE****Sec. 25-21. When plat required.**

(a) It shall be unlawful for the owner, agent or person having control of any land within the city to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways and grounds, unless by plat in accordance with the laws of the state and the provisions of this chapter.

(b) Each subdivider should confer with the city engineer before preparing the preliminary plan in order that he may become familiar with the requirements of this chapter and the proposals of the comprehensive plan as they may apply to the land proposed to be subdivided. (Code 1969, § 151.04)

Sec. 25-22. Subdivision procedure.

(a) In obtaining final approval of a proposed subdivision by the planning commission and the city council, the subdivider shall submit a preliminary plat, a performance bond, as may be required and a final plat in accordance with this chapter.

(b) The subdivider shall first prepare and file with the city engineer fifteen (15) copies of a preliminary plat conforming to the requirements set forth in this chapter, and the subdivision control act of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.).

(c) A hearing on the preliminary plat will be held before the planning commission at its first regular meeting following the filing. No hearing shall be held by the planning commission until notice thereof, which shall include the time and place, shall be given by the city engineer in behalf of the commission, by mailing notice to the person who filed the preliminary plat to the address set forth in the filing papers and to such other interested parties as may be determined by the planning commission.

(d) The city engineer shall examine the plat as to its compliance with the laws and regulations of the city, the existing street system and good engineering practices and shall, within fifteen (15) days, submit his findings in duplicate to the planning commission.

(e) The planning commission, upon receiving the city engineer's report, shall within a reasonable time consider the report and pass upon the plat. It shall then set forth its recom-

mendations in writing, whether of approval, modification or disapproval. In case of modification or disapproval, it shall give its reasons therefor. The planning commission shall return one copy of any approved preliminary plat to the subdivider.

(f) Upon approval of the preliminary plat by the planning commission, the subdivider may proceed with the preparation of the final plat.

(g) The approval of the preliminary plat by the planning commission is revocable and does not constitute final approval or acceptance of the subdivision by the city council or authorization to proceed with construction of improvements within the subdivision but shall constitute approval of layout and general engineering proposals and plans.

(h) Before submitting the final plat to the planning commission for approval, the subdivider shall furnish all information as listed in the "final plat requirements".

(i) For final plat approval, the subdivider shall submit to the planning commission:

- (1) Five (5) copies of the final plat;
- (2) A performance bond as required and approved by the city engineer;
- (3) A filing fee of ten dollars (\$10.00) shall be required for each plat;
- (4) A certificate from the city engineer that the final plat is substantially in accord with the preliminary plat as approved by the planning commission.

(j) When the final plat has been passed upon the planning commission, copies of the final plat and performance bond shall forthwith be transmitted to the city council together with a certificate showing the action of the planning commission.

(k) When the final plat has been approved by the city council, the performance bond accepted, and all copies duly certified, one copy shall be delivered to the planning commission, and one copy to the city engineer for their respective files, and three (3) to the subdivider, two (2) of which are for filing with the county recorder and county auditor shall point out in writing wherein said proposed plat is objectionable.

(l) The passage of the resolution accepting the plat shall constitute final approval by the city of the area shown on the final plat, but the owner shall cause the plat to be duly certified and recorded as required by the subdivision control act, and said recorded plat filed in the office of the city engineer before the city shall recognize the plat as being in full force and effect.

(m) The state requires certain certificates be entered on record together with the certified plat.

(n) Receipt of the duly certified final plat by the subdivider is authorization that he may proceed with the installation and construction of the required improvements.

(o) The city will return the performance bond to the subdivider upon certification by the city engineer of satisfactory completion of the installation and construction of the required improvements and acceptance of the required improvements by the city council.

(Code 1969, § 151.05)

Sec. 25-23. Preliminary plat.

(a) The preliminary plat shall be clearly and legibly drawn to a scale of one (1) inch to one hundred (100) feet or less and shall be plainly marked "preliminary plat," and in conformance with the requirements of the subdivision control act (MCL 560.101 et seq., MSA 26.430(101) et seq.)

(b) The preliminary plat shall include:

- (1) The proposed name of the subdivision and, if different, the title under which the subdivision is to be recorded;
 - (2) The name and address of the owner and the name, address and profession of the person preparing the plat;
 - (3) The date, scale and northpoint, and a key map showing the general location of the proposed subdivision in relation to surrounding development;
 - (4) The legal description of the area being platted;
 - (5) The boundary line (accurate in scale); the dimensions and location of the property to be platted and the location of section lines; contours with intervals of not less than five (5) feet;
 - (6) The names and location of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land;
 - (7) The location of property lines, streets, alleys, easements, buildings, utilities, water-courses, tree masses, and other existing features affecting the plat;
 - (8) The zoning classification and proposed use for the area being platted;
 - (9) The layout, numbers and approximate dimensions of proposed lots;
 - (10) The layout of all existing and proposed building lines and easements;
 - (11) The location, width and dimensions of all streets, alleys and grounds proposed to be dedicated for public use;
 - (12) Proposed names for all streets in the area being platted;
 - (13) Written and signed statements explaining how and when the subdivider proposes to provide and install all improvements required by this chapter;
 - (14) Written and signed statements of the appropriate officials of the availability of gas, electricity and water to the proposed subdivision.
 - (15) Any restrictions proposed to be included in the owner's declaration of plat.
- (Code 1969, §§ 151.06, 151.07)

State law reference—Preliminary plat, MCL 560.107 et seq., MSA 26.430(107) et seq.

Sec. 25-24. Final plat.

(a) The final plat shall be clearly and legibly drawn and submitted in accordance with the requirements of the subdivision control act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and on material specified by the state recording agency.

(b) The final plat shall contain:

- (1) The title under which the subdivision is to be recorded;
- (2) The name or names of the owners and subdividers;
- (3) The date, scale and northpoint, and a key map showing the general location of the proposed subdivision;
- (4) The legal description of the area being platted;
- (5) Accurate distances and bearings of all boundary lines of the subdivision including all sections, United States Survey and Congressional township lines;
- (6) Street right-of-way lines of all proposed and adjoining streets with their right-of-way width and names;
- (7) Lines of all lots with a simple method of numbering to identify all lots and blocks;
- (8) All building lines and all easements provided for public service together with their dimensions and any limitations of the easements;
- (9) Any and all dimensions necessary for accurate location of the boundaries of the site to be developed and of all streets, lots, easements and dedicated areas; these dimensions shall be expressed in feet and decimals of a foot;
- (10) All radii, arcs, points of tangency, central angles and lengths of curbs;
- (11) Certification by a surveyor that the final plat as shown is a correct representation of the survey as made;
- (12) All survey monuments and benchmarks, together with their description;
- (13) Private restrictive covenants and their period of existence;
- (14) The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property owners in the subdivision.

(Code 1969, § 151.08)

Secs. 25-25—25-40. Reserved.

ARTICLE III. DESIGN STANDARDS

Sec. 25-41. Streets.

(a) The street and alley arrangement shall be such as to cause no hardship to owners of adjoining property when they seek to subdivide their lands.

(b) The arrangement of streets shall make provisions for continuation of the principal existing streets in adjoining areas.

(c) Off-set streets shall be avoided.

(d) The right-of-way width for major streets shall conform to the major street plan of the comprehensive plan and to all subsequent amendments or additions thereto.

(e) The minimum right-of-way for minor streets shall be sixty (60) feet, or as designated on a precise plat.

(f) When streets adjoin unsubdivided property, a half-street may be dedicated, and whenever the subdivided property adjoins a half-street the remainder of the street shall be dedicated.

(g) Proper access shall be given to all lots from a dedicated street.

(h) All dead-end streets shall terminate in an open space having a minimum radius of fifty (50) feet. No dead-end streets shall exceed six hundred (600) feet in length.

(i) Reserve strips controlling access to streets shall be prohibited.

(j) A tangent of at least one hundred (100) feet long shall be placed between reverse curves on major streets; on minor streets such tangents shall be at least fifty (50) feet long.
(Code 1969, § 151.08)

Sec. 25-42. Lots.

(a) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography and the character of adjacent development.

(b) All side lines of lots shall be at right angles to straight street lines or radial to curved street lines unless a variation of this rule will give a better street and lot plan.

(c) Lots with double frontage shall be avoided.

(d) Access from a public street shall be provided for all lots.

(e) No lot shall have a depth of less than one hundred (100) feet or a depth in excess of three (3) times its width, nor shall it be less than seventy (70) feet in width.

(f) No lot that is to be used for residential purposes shall contain an area of less than seven thousand (7,000) square feet provided, however, that all lots shall conform in area to the city zoning ordinance.
(Code 1969, § 151.10)

Sec. 25-43. Building lines.

Restrictions requiring buildings to be set back to such building lines shall either be shown on the plat or shall be contained in a separate recorded instrument. The building lines shall not be in conflict with minimum requirements as specified in the zoning ordinance.
(Code 1969, § 151.11)

Sec. 25-44. Open spaces other than streets.

(a) Where an area being subdivided includes lands to be used for parks under the officially adopted comprehensive plan, the subdivider shall indicate the location of such areas on the subdivision plat and shall grant a two (2) year option for the purchase of such lands or

easements by the appropriate public agency at the appraised value prior to subdividing plus one-half the cost of grading and surfacing of the portions of any streets that are contiguous to the site.

(b) The option may be taken up by the appropriate public agency upon the payment to the subdivider of ten (10) percent of the total purchase price, total purchase price being the price plus pro-rata street costs. The amount shall serve as either earnest money, if the purchase is not completed or shall be applied on the purchase price if the purchase price is completed as hereinafter provided. The balance of the purchase price plus interest computed at the current bank rate, shall be payable over a period of not to exceed twelve (12) months or the remainder of the current fiscal year, whichever is shorter.

(c) In case of a disagreement over the value of the land, the value shall be established by three (3) qualified appraisers, one of whom shall be appointed by the purchasing public agency, one of whom shall be appointed by the subdivider and one of whom shall be mutually agreed upon by the two (2) appraisers named above. The subdivider shall bear the cost of any appraisal. If the option is not taken up within two (2) years as provided hereinafter, or if the purchase is not completed within the applicable period of time, then the subdivider may sell or use the lands for an alternative purpose, which alternative purpose shall be shown on the approved subdivision plat.

(Code 1969, § 151.12)

Sec. 25-45. Alleys.

Where there are alleys, the minimum width shall be twenty (20) feet. A cut-off shall be provided at all acute angle alley intersections. Dead-end alleys shall not be allowed.

(Code 1969, § 151.13)

Sec. 25-46. Easements.

(a) Where there are no alleys, easements of at least seven and one-half (7½) feet in width shall be provided and dedicated on each side of all rear lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and other mains.

(b) An adequate easement shall be dedicated along all important watercourses for the purpose of widening, deepening, sloping, improving or protecting the stream for drainage purposes.

(Code 1969, § 151.14)

Sec. 25-47. Character of development.

(a) The planning commission shall confer the subdivider regarding the type and character of development that will be permitted in the subdivision, and may agree with the subdivider as to certain minimum restrictions to be placed upon the property to prevent the construction of substandard buildings, to control the type and use of structures or the use of lots which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property.

(b) The planning commission shall have power to agree with the subdivider upon the use, height, area or bulk restrictions governing building and premises, providing that said restrictions do not authorize the violation of the zoning ordinance.

(c) Deed restrictions in any covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation of the terms of the restrictions or covenants.

(Code 1969, § 151.15)

Sec. 25-48. Maintenance of improvements outside corporate limits.

Where a subdivision outside the corporate limits of the city contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area which are of common use or benefit and which the city does not desire to or cannot maintain, provision shall be made by trust agreements made a part of the deed restrictions acceptable to the city council for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision.

(Code 1969, § 151.16)

Secs. 25-49—25-60. Reserved.

ARTICLE IV. IMPROVEMENTS

Sec. 25-61. Completion of improvements.

Plans for improvements shall be prepared in accordance with the laws of the state. The improvements listed below shall be installed prior to the approval of the final plat which is prepared for recording purposes. In lieu of actual completion of the improvements, the city council may accept a performance bond assuring the actual construction and installation of such improvements and utilities within a reasonable time, and with the provision that no residence or other building shall be constructed until the street improvements, water and sewer lines have been installed for the entire block in which the residence or other building shall be located.

(Code 1969, § 151.17)

Sec. 25-62. Required improvements.

(a) The improvements to be installed shall include the following:

(1) *Permanent markers.* All boundary corners, street corners and lot corners shall be marked in accordance with the requirements of the subdivision control act (MCL 560.101 et seq., MSA 26.430(101) et seq.).

(2) *Street improvements.* All streets shall be graded and the roadway improved by surfacing under the supervision of the city engineer and subject to his approval.

- a. For subdivisions, roadway surfacing shall consist of a six (6) inch compacted gravel road, to the width and grade determined by the city engineer.
 - b. For major streets i.e., streets so designated on the official comprehensive plan, the surfacing shall be the same as for subdivisions except that the surfacing shall be at a width designated by the city council.
- (3) *Water lines.* For all subdivisions, the subdivider shall provide an adequate supply of potable water to each lot by a connection to the city water system, and shall serve each lot with a water main.
 - (4) *Sewers.* For all subdivisions, the subdivider shall connect with a public sanitary sewer system, and the sewer lines shall serve each lot, and shall be constructed in accordance with the specifications of the state department of health and under the supervision of and subject to the approval of the city engineer.
 - (5) *Drainage.* Adequate provisions shall be made for drainage of storm water subject to the approval of the city engineer. Drainage improvements shall maintain any natural watercourse and shall prevent the collection of water in any low spot. When public storm drainage systems are available, subdivisions shall utilize them. When no public storm drainage system is available, drainage shall be by open channels located along the streets or along rear lot lines. No lot shall be platted to obstruct natural water flow.
 - (6) *Alleys and easements.* Alleys and easements shall be graded to their maximum usable width to a grade approved by the city engineer.
 - (7) *Lines and cables.* All electrical energy and telephone lines or other cables within the subdivision limits shall be installed underground and in accordance with the policy, specifications or other requirements of each specific utility company involved.
- (b) The developer shall present with the preliminary plat a letter from each of the utilities indicating that the development of these utilities will be in accordance with the requirements of this section.

(Code 1969, § 151.18)

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