

CHAPTER 38 SUBDIVISIONS

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ARTICLE I. IN GENERAL

Sec. 38-1 Definitions

The word “subdivide,” as used in this chapter, shall have the meaning ascribed to it in Act 288 of the Public Acts of 1967, State of Michigan [MCL 560.101 et seq., MSA 26.430(101) et seq.], as amended, herein called the Subdivision Control Act. (Code 1972, 5.241)

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

Sec. 38-2 – 38-15. Reserved.

ARTICLE II. PLATTING

Sec. 38-16. Requirements for preliminary plan.

- (a) Whenever any person desires to subdivide land into building lots or to dedicate streets, alleys or land for public use, he shall submit three (3) copies of a preliminary sketch plan before submission of the final plat. Plats containing ten (10) lots or less are exempted from the provisions of this section. The preliminary plan shall show:
- (1) The location of present property lines, streets, buildings, watercourses, tree masses and other existing features within the area to be subdivided and similar information regarding existing conditions on land immediately adjacent thereto;
 - (2) The proposed location and width of streets, alleys, lots, building and setback lines and easements;
 - (3) Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto;
 - (4) The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat;
 - (5) The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract;
 - (6) The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land;
 - (7) Contours referred to a U.S.G.S. bench mark with intervals sufficient to determine the character and topography of the land to be subdivided, but in no case shall the

intervals be more than five (5) feet;

(8) North point, scale and date;

(9) Grades and profiles of streets and plans or written and signed statements regarding the grades of proposed streets, and the width and type of pavement, location, size and type of sanitary sewer or other sewage disposal facilities, water mains and other utilities, facilities for storm drainage, and other proposed improvements such as sidewalks, planting and parks, and any grading of individual lots.

(b) Preliminary plans which do not contain all of the above information will not be approved. (Ord. of 7-27-59, I; Code 1972, 5.242)

Sec. 38-17. Requirements for final plat.

(a) The final plat on tracing cloth and five (5) prints thereof together with copies of any deed restrictions where such restrictions are too lengthy to be shown on the plat, shall be submitted. The final plat is to be drawn at a scale of not more than two hundred (200) feet to the inch from an accurate survey and on one or more sheets whose maximum dimensions are eighteen (18) inches by twenty-four (24) inches. If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the areas shown on the other sheets.

(b) The final plat shall conform with laws of the state and shall show:

(1) The boundary lines of the area being subdivided with accurate distances and bearings;

(2) The lines of all proposed streets and alleys with their width and names;

(3) The accurate outline of any portions of the property intended to be dedicated or granted for public use;

(4) The line of departure of one street from another;

(5) The lines of all adjoining property and the lines of adjoining streets and alleys with their width and names;

(6) All lot lines together with an identification system for all lots and blocks;

(7) The location of all building lines and easements provided for public use, services or utilities;

(8) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements and any other areas for public or private use. Linear dimensions are to be given to the nearest one-hundredth of a foot;

- (9) The radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners;
- (10) The location of all survey monuments and bench marks together with their descriptions;
- (11) The name of the subdivision, a small sketch showing its general location and the scale of the plat, points of the compass and name of owner or owners or subdivider;
- (12) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown;
- (13) Private restrictions and trusteeships and their periods of existence; should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat;
- (14) Acknowledgement of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required;
- (15) Certificates for endorsement of approval. (Ord. of 7-27-59, II; Code 1972, 5.243)

Secs. 38-18 – 38-28. Reserved.

ARTICLE III. DESIGN STANDARDS

Sec. 38-29. Relation to adjoining street system.

The arrangement of streets in new subdivision shall make provision for the continuation of the principal existing streets in adjoining areas or their proper projection where adjoining land is not subdivided. The width of such streets in new subdivisions shall be not less than the minimum widths established herein. The street and alley arrangement shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Off-set streets shall be avoided. The angle of intersection between minor streets and major streets should not vary by more than ten (10) degrees from a right angle. All intersections with state highways shall be approved by the state highway department. (Ord. of 7-27-59, III; Code 1972, 5.244)

Sec. 38-30. Street names.

Streets obviously in alignment with existing streets shall bear the names of the existing streets. Proposed street names shall not duplicate other street names. (Ord. of 7-27-59, III; Code 1972, 5.244)

Sec. 38-31. Street and alley width.

- (a) The widths and locations of major streets shall conform to the widths and and

locations designated on the official major street plan.

- (b) The minimum width for minor streets shall be fifty (50) feet. When streets adjoining unsubdivided property, a half street at least twenty-five (25) feet in width may be dedicated and whenever subdivided property adjoins a half street the remainder of the street shall be dedicated.
- (c) Alleys are not permitted except under very unusual conditions in a residential block. When provided, a minimum width of fifteen (15) feet shall be required. Alleys are required in the rear of all business lots and shall be at least twenty (20) feet wide. A five (5) foot cutoff shall be made at all acute angle intersections. (Ord. of 7-27-59, III; Code 1972, 5.245)

Sec. 38-32. Easements.

Easements of at least six (6) feet in width shall be provided on each side of all rear lot lines and along-side lot lines, where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water or other mains. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement. (Ord. of 7-27-59, III; Code of 1972, 5.246)

Sec. 38-33. Blocks.

- (a) No block shall be less than five hundred (500) or longer than one thousand two hundred (1,200) feet between cross streets.
- (b) In platting residential lots containing less than fifteen thousand (15,000) square feet, the depth of the block shall not exceed three hundred (300) feet.
- (c) Where a tract of land is of such size or location as to prevent a lot arrangement directly related to a normal street arrangement, there may be established one or more "places" such place may be in the form of a court, a dead-end street, or other arrangement; provided, however, that proper access shall be given to all lots from a dedicated place (street or court), a dead-end street or place shall terminate in an open space (preferably circular) having a minimum radius of fifty (50) feet. A dead-end street or place shall not exceed seven hundred fifty (750) feet in length. (Ord. of 7-27-59; III; Code 1972, 5.247)

Sec. 38-34. 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 surrounding development.
- (b) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout. Lots with double frontage shall be avoided.
- (c) The average minimum width of residential lots shall be sixty (60) feet at the building lines. No lot shall have a depth in excess of three (3) times its width. No lot shall have an area less than that required by the zoning ordinance.
- (d) Where corner lots rear upon lots facing the side street, the corner lots shall have extra width sufficient to permit the establishment of front building lines on both the front and side of the lots adjoining the streets.

- (e) Lots of major street intersections and at all other acute angle intersections shall have a radius of twenty (20) feet at the street corner. On business lots a chord may be substituted for the circular arc. (Ord. of 7-27-59, III; Code 1972, 5.248)

Sec. 38-35. Building lines.

- (a) Building lines shall be shown on all lots intended for residential use of any character and on commercial or industrial lots immediately adjoining residential areas. Such building lines shall not be less than thirty (30) feet or less than that required by any zoning or building regulation applying to the property. Restrictions requiring buildings to be set back to such building lines shall be shown on the plat.
- (b) Restrictions shall also be made and shown on or referred to on the plat, requiring all residential buildings to be set at least five (5) feet off each side lot line and not less than thirty (30) feet from rear lot lines. (Ord. of 7-27-59, III; Code 1972, 5.249)

Sec. 38-36. Maintenance of improvements.

Where the subdivision 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 and which are of common use or benefit and are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made by trust agreement, made a part of the deed restrictions acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of such facilities. (Ord. of 7-27-59, III; Code 1972, 5.250)

Sec. 38-37. Parks, school sites, etc.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to any recommendations of the official park and school plan. Any provision for schools, parks and playgrounds shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be provided or acquired by the appropriate taxing agency. (Ord. of 7-27-59, III; Code 1972, 5.251)

Sec. 38-38. Easements along streams.

Whenever any stream or important surface drainage course is located in any area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or drainage course. (Ord. of 7-27-59, III; Code 1972, 5.252)

Sec. 38-39 – 38-49. Reserved.

ARTICLE IV. IMPROVEMENT STANDARDS

Sec. 38-50. Generally.

Approval of the preliminary plan is authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements contained in this article and with the preparation of the final plat. Prior to the construction of any improvements required or to the submission of a bond in lieu thereof, or to the provision for any assessment for such construction, the subdivider shall furnish all plans, information and data necessary to determine the character of such improvement. These plans will be approved if in accordance with

the requirements of this article. Following this approval, construction can be started or the amount of a bond determined, or an assessment provided for. (Ord. of 7-27-59, IV; Code 1972, 5.253)

Sec. 38-51. Provisions for installation prior to final plat approval.

No final or official plat of any subdivision shall be approved unless:

- (1) The subdivider agrees upon an assessment whereby the city is put in an assured position to install the improvements listed in sections 38-53 – 38-58 at the cost of the owners of property within the subdivision; or
- (2) The improvements listed in sections 38-53 – 38-58 have been installed prior to such approval; or
- (3) The subdivider files a surety bond, cashier's check or a certified check conditioned to secure the construction of the improvements listed in sections 38-53 – 38-58 in a satisfactory manner and within a period not to exceed two (2) years. No such bond or check shall be accepted unless it be enforceable or payable in a sum at least equal to the cost of constructing the improvements. (Ord. of 7-27-59, IV; Code 1972, 5.254)

Sec. 38-52. Partial development.

The owner of a tract may prepare and secure approval of a preliminary subdivision plan of an entire area and may install the improvements only in a portion of such area, but the improvements must be installed in any portion of the area for which a final plat is approved for recording; provided, however, that trunk sewers and any sewage treatment plants shall be designed and built to serve the entire area or designed and built in such a manner that they can easily be expanded or extended to serve the entire area. (Ord. of 7-27-59, IV; Code 1972, 5.255)

Sec. 38-53. Permanent markers.

Permanent metal monuments consisting of bars not less than one-half inch in diameter and thirty-six (36) inches in length, or shorter bars of not less than one-half inch in diameter lapped over each other at least six (6) inches with an overall length of not less than thirty-six (36) inches, encased in a concrete cylinder at least four (4) inches in diameter and thirty-six (36) inches in depth shall be located in the ground at all angles in the boundaries of the land platted; and at all intersections of the lines of streets, alleys, streets and alleys, and the lines of streets and alleys with the boundaries of the plat. When there are permanent objects in the vicinity of such monuments, the bearings and distances of such witness points or objects, as well as the character of the monuments, shall be distinctly given on the plat. (Ord. of 7-27-59, IV; Code 1972, 5.256)

Sec. 38-54. Street improvements.

All streets and public ways shall be graded to their full width, including side slopes, and to the appropriate grade and shall be surfaced with a thirty-two (32) minimum foot width of surfacing in accordance with applicable standard specifications. Such construction shall be subject to inspection and approval. (Ord. of 7-27-59, IV; Code 1972, 5.257)

Sec. 38-55. Sidewalks.

Concrete sidewalks shall be constructed along both sides of every street, shown on the plat, in accordance with applicable standard specifications. (Ord. of 7-27-59, IV; Code 1972, 5.258)

Sec. 38-56. Water lines.

- (a) Each lot within the subdivided area with an area of less than twenty thousand (20,000) square feet shall be provided with a connection to approved public water supply.
- (b) Fire hydrants shall be installed in all subdivisions. (Ord. of 7-27-59, IV; Code 1972, 5.259)

Sec. 38-57. Sanitary sewers.

Each lot within the subdivided area with an area of less than twenty thousand (20,000) square feet shall be provided with a connection to a public sanitary sewer. All connections and the subdivision sewer system shall comply with regulations of the state board of health. (Ord. of 7-27-59, IV; Code 1972, 5.260)

Sec. 38-58. Drainage.

All necessary facilities shall be installed sufficient to prevent the collection of surface water in any low spot, and to maintain any natural watercourse. (Ord. of 7-27-59, IV; Code 1972, 5.261)

Sec. 38-59. Fee for request for change in plats, etc.

All requests for changes in plats, lot splits, replats, etc. shall require approval of the planning commission. The applicant shall pay a fee of one hundred dollars (\$100.00). (Ord. No. 563-87, 5-26-87)