

CHAPTER 1240

General Provisions and Definitions

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CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. Sec. 125.43
Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44
Approval or disapproval of plats; procedure; effect – see M.C.L.A. Sec. 125.45
Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.

1240.01 SHORT TITLE.

This Title Four of Part Twelve - the Planning Code shall be known and may be cited as "the Subdivision Control Ordinance for the City of Traverse City, Michigan" or just "the Subdivision Regulations."
(1976 Code Sec. 15.011)

1240.02 PURPOSES.

The purposes of these Subdivision Regulations are to regulate and control the subdivision of land in the City in order to promote the public health and the general welfare and safety of the community; to require that the land be suitable for building sites; to require certain minimum public improvements; to provide for the orderly growth and harmonious development of the community; to secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares and adjoining subdivisions; to secure the orderly expansion of public facilities; to plan for the provision of adequate recreation areas; to ensure adequate provisions for water, sanitary sewers and drainage; to provide for approvals to be obtained by subdividers prior to the recording and filing of plats; to provide for and regulate the further partitioning of lots in recorded plats; to provide penalties for violations of these Subdivision Regulations; and to repeal any ordinance or part thereof inconsistent with these Subdivision Regulations.
(1976 Code Sec. 15.012)

1240.03 INTERPRETATION; CONFLICT OF LAWS.

These Subdivision Regulations shall be held to be the minimum requirements adopted for the promotion and preservation of the public health, safety and general welfare of the City. These Subdivision Regulations are not intended to repeal, abrogate, annual or in any manner interfere with existing regulations of the City or conflict with any statute of the State or County, except that these Subdivision Regulations shall prevail in cases where they impose a greater restriction than is provided by existing statutes, laws or regulations.
(1976 Code Sec. 15.07)

1240.04 COMPLIANCE REQUIRED.

The approvals required under these Subdivision Regulations shall be obtained prior to the installation of any subdivision or project improvement in the City in a public street, alley, right

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of way or easement, and/or under the ultimate jurisdiction of the City. All subdivision or project improvements in the City installed in a public street, alley, right of way or easement, and/or under the ultimate jurisdiction of the City, shall comply with these Subdivision Regulations or any other related ordinance.

(1976 Code Sec. 15.06)

1240.05 SEPARABILITY.

The various parts, sections and clauses of these Subdivision Regulations are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these Subdivision Regulations shall not be affected thereby.

(1976 Code Sec. 15.11)

1240.06 DEFINITIONS.

All terms as defined in the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended (M.C.L.A. 560.101 et seq.), shall control in these Subdivision Regulations unless indicated to the contrary in this section. Unless otherwise specifically stated, as used in these Subdivision Regulations:

- (a) "As-built plans" means revised construction plans with all approved field changes. Copies for the permanent public record shall be on mylar or its approved equal.
- (b) "Block" means property abutting one side of the street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right of way, unsubdivided acreage, river or stream, or between any of the foregoing and any other barrier to the continuity of the development or boundary line of the City.
- (c) "Building line" or "set-back line" means a line parallel to a boundary of a lot or parcel, established on such lot or parcel for the purpose of prohibiting construction or projection of a building between such line and the boundary.
- (d) "City Engineer" means the City Engineer or the City Manager.
- (e) "Comprehensive Development Plan," "Master Plan" or "City Plan" means a unified document of text, charts, graphs and maps, or any combination thereof, designed to portray general long range proposals for the arrangement of land uses, and intended primarily to guide government policy toward achieving orderly and coordinated development of the entire community, and any amendments to such Plan or part thereof duly adopted by the Planning Commission.
- (f) "Crosswalk" or "pedestrian walkway" means a right of way dedicated to the public use, which right of way crosses a block or extends between lots and is intended to facilitate pedestrian access to adjacent streets and properties.
- (g) "Dedication" means the intentional appropriation of land by the owner to the public use.
- (h) "Governing body" means the City Commission.
- (i) "Greenbelt" or "buffer park" means a strip or parcel of land privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the residential environment.
- (j) "Health Department" means the Grand Traverse, Leelanau and Benzie District Health Department, also known as the Tri-County Health Department.
- (k) "Improvement" means any addition or modification incidental to servicing or furnishing facilities for a subdivision, such as, but not limited to, grading, curb and gutter, paving, driveways, approaches, sidewalks, crosswalks, water mains, storm and sanitary sewer lines, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other

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appropriate items, with appurtenant construction.

- (l) "Lot" means a measured portion of a parcel or tract of land which is described and fixed in a recorded plat.
- (m) "Lot depth" means the mean horizontal distance from the street line to the rear lot line.
- (n) "Lot split" means a further partitioning or dividing of a lot in a recorded plat in accordance with these Subdivision Regulations.
- (o) "Lot width" means the horizontal distance between the side lot line measured at the set-back line.
- (p) "Parcel in a recorded plat" means a measured portion of a lot or lots in a recorded plat under one ownership.
- (q) "Planning Commission" means the Planning Commission of the City as established under the City Charter and Act 285 of the Public Acts of 1931, as amended (M.C.L.A. 125.31 et seq.).
- (r) "Plat" means a map or chart of a subdivision of land. Specifically:
 - (1) "Pre-preliminary plat or pre-application sketch" means a plan, map or sketch drawing to scale showing the existing features of the site and surroundings and a general layout of the proposed subdivision. Sufficient details to provide an adequate basis for review and to meet the requirements and procedures set forth in these Subdivision Regulations shall be provided.
 - (2) "Preliminary plat" means a map showing the salient features of a proposed subdivision of land, submitted to an approving authority for purposes of preliminary consideration.
 - (3) "Final plat" means a map of all or part of a subdivision prepared by, and the accuracy of which is certified by, a registered civil engineer or land surveyor in accordance with the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended (M.C.L.A. 560.101 et seq.), and these Subdivision Regulations, which map is suitable for recording with the County Register of Deeds.
- (s) "Public utility" means any person, firm, corporation, co-partnership, municipal corporation or other public authority providing gas, electricity, water, steam, telephone or telegraph service, cable television service, sewers, transportation or any other service of a similar nature.
- (t) "Right of way" means land reserved, used or to be used for a street, alley, walkway or public utility, and those properties shown on the plat which are usually public and are dedicated to the use of the public.
- (u) "Street" means any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing State, County or Municipal roadway, or any of the foregoing included in a plat heretofore approved pursuant to law or approved by official action. "Street" includes the land between the right-of-way lines, whether improved or unimproved, and may comprise pavements, shoulders, gutters, sidewalks, parking areas, lawns and other areas within the right-of-way lines. Specifically:
 - (1) "Arterial street" means a street of considerable continuity which is used or may be used primarily for heavy vehicle loads, large volumes of traffic, fast moving traffic or through traffic.
 - (2) "Collector street" means a street used to carry traffic from a minor street to an arterial street, including principal entrance streets to large residential and commercial developments.
 - (3) "Cul-de-sac" means a minor street of short length having one end terminated by a vehicular turn-around.

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- (4) "Marginal access street" means a minor street which is parallel and adjacent to an arterial street, which provides access to abutting properties and protection from through traffic and which does not carry substantial volumes of through traffic.
- (5) "Minor street" means a street which is intended primarily for access to abutting properties, that is, a local street for residential and other local access use.
- (v) "Proprietor" means a natural person, firm, association, partnership, corporation or combination of any of them who or which may hold any recorded or unrecorded ownership interest in the land. The proprietor is also commonly referred to as the owner, subdivider or developer.
- (w) "Subdivision Control Act" means Act 288 of the Public Acts of 1967, as amended (M.C.L.A. 560.101 et seq.).
- (x) "Tract in a recorded plat" means lots, parcels, or outlots in a recorded plat under common ownership.
- (y) "Zoning Ordinance" means the City Zoning Code, codified as Title Two of Part Thirteen - the Zoning Code.
(1976 Code Sec. 15.02. Ord. 680. Passed 05-16-05.)