

# **CODIFIED ORDINANCES OF TRAVERSE CITY**

## **PART TWELVE - PLANNING CODE**

### **TITLE TWO - PLANNING**

Chap. 1220. Planning Commission.

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# CHAPTER 1220

## Planning Commission

1220.01	Establishment; powers and duties.	1220.05	Vacancies.
1220.02	Composition.	1220.06	Officers.
1220.03	Appointments; terms of office.	1220.07	Meetings.
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### CROSS REFERENCES

Planning Commission generally - see CHTR. Sec. 160

Municipal planning commissions - see M.C.L.A. Secs. 125.31; 5.2991 et seq.

County planning commissions - see M.C.L.A. Secs. 125.101 et seq.

Enforcement of Subdivision Regulations - see P. & Z. 1242.01

#### **1220.01) ESTABLISHMENT; POWERS AND DUTIES.**

There is hereby established in and for the City a Planning Commission which shall have the powers and duties authorized and directed by the City Charter and by Act 33 of the Public Acts of 2008, as amended (M.C.L.A. 125.3801 et seq.).(1976 Code Sec. 2.121)

#### **1220.02) COMPOSITION.**

The membership of the Planning Commission shall include the following persons:

- (a) One administrative official selected by the Mayor;
- (b) Two members of the City Commission selected by that body; and
- (c) Six persons appointed by the Mayor with the approval of the City Commission. (1976 Code Sec. 2.122) (Ord. 850 Passed 12-21-09)

#### **1220.03) APPOINTMENTS; TERMS OF OFFICE.**

The appointments to the Planning Commission shall be made in the following manner and for the following terms:

- (a) At the odd-year organizational meeting, the Mayor shall appoint an administrative official, of his or her choosing, as a member of the Planning Commission, who shall serve for a two-year term.
  - (b) At the organizational meeting each year, the City Commission shall nominate and appoint two of its members to the Planning Commission. The members so appointed shall hold office until the organizational meeting of the following year, at which time a new appointment shall be made in a like manner.
  - (c) At the organizational meeting each year, the Mayor, with the approval of the City Commission, shall appoint two persons who shall serve for three-year terms.
- (1976 Code Sec. 2.123; Ord. 129. Passed 1-5-82. Ord. 549. Passed 1-21-02. Ord. 613. Passed 10-20-03. Ord. 861. Passed 3-15-10.)

#### **1220.04) REMOVALS.**

Members other than the members selected from the City Commission may, after a public hearing and upon written charges, be removed by the Mayor for misfeasance, nonfeasance, or malfeasance in office. The City Commission may, for like cause, remove the members selected by it.

(1976 Code Sec. 2.124. Ord. 861. Passed 3-15-10. Ord. 928. Passed 11-7-11)

**1220.05 VACANCIES.**

Vacancies occurring otherwise than through expiration of term shall be filled for the unexpired term by the Mayor, in the case of members appointed by him or her; by the City Commission, in the case of members selected by it; and by the Mayor, with the approval of the City Commission, in the case of members appointed in that manner. (1976 Code Sec. 2.125)

**1220.06 OFFICERS.**

The Planning Commission shall elect its Chairperson and Secretary from among the appointed members and shall establish and fill such other of its offices as it may determine. The term of each officer shall be one year with eligibility for re-election as set forth in the Planning Commission bylaws. (1976 Code Sec. 2.126. Ord. 928. Passed 11-7-11.)

**1220.07 MEETINGS.**

The Planning Commission shall hold not less than 4 regular meetings each year, and by resolution shall determine the time and place of meetings. The business that the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the open meetings act, MCL 15.261 to 15.275. (1976 Code Sec. 2.127. Ord. 928. Passed 11-7-11.)

**1220.08 RULES; RECORDS.**

The Planning Commission shall adopt bylaws for the transaction of business in conformity with Act 33 of the Public Acts of 2008, as amended (M.C.L.A. 125.3801 et seq.) and shall keep a public record of its resolutions, transactions, findings and determinations. A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, MCL 15.231 to 15.246. (1976 Code Sec. 2.128. Ord. 928. Passed 11-7-11. )

# CHAPTER 1222

## City Plan

*EDITOR'S NOTE: The City Plan, prepared by the City, was adopted by the Planning Commission on September 28, 1994. Copies of such Plan may be obtained from the City Clerk.*

There are no sections in Chapter 1222. This chapter has been established to provide a place for cross references and any future legislation.

### CROSS REFERENCES

Planning Commission - see CHTR. Sec. 160; P. & Z. Ch. 1220

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Master plan required - see MSA 5.2996

Notice of hearing of municipal planning commission re master plan - see M.C.L.A. Sec. 125.38

Supervisory Agency for Urban Redevelopment Corporation - see ADM. 240.01

Planning Department - see ADM. Ch. 262

Urban Forest Plan - see S.U. & P.S. 1028.04

Street numbering plat - see B. & H. 1470.01

# CHAPTER 1224

## Grand Traverse Commons Joint Planning Commission

1224.01	Formation of the Grand Traverse Commons Planning Commission.	1224.03	Repeal.
1224.02	Severability.	1224.04	Effective Date.

### CROSS REFERENCES

Agreement Establishing the Grand Traverse Commons Joint Planning Commission (authorized April 30, 2007)  
Joint Municipal Planning Act - see M.C.L.A. 125.139

#### **1224.01      Formation of the Grand Traverse Commons Planning Commission.**

The City of Traverse City approves the establishment of a joint planning commission pursuant to Public Act 226 of 2003, as amended, and shall enter into and adhere to the Agreement Establishing the Grand Traverse Commons Joint Planning Commission between the City of Traverse City and the Charter Township of Garfield regarding the formation, composition, and operation of the Grand Traverse Commons Planning Commission, whose jurisdictional area shall be property commonly known as the Grand Traverse Commons.  
(Ord. 722. Passed 4-30-07.)

#### **1224.02      Severability.**

If any clause, sentence, paragraph, or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.  
(Ord. 722. Passed 4-30-07.)

#### **1224.03      Repeal.**

All ordinances or parts of ordinances of the City of Traverse City inconsistent herewith are hereby repealed so far as they may be inconsistent with the provisions of this Ordinance.  
(Ord. 722. Passed 4-30-07.)

#### **1224.04      Effective Date.**

This Ordinance shall take effect following its adoption and publication pursuant to the procedures outlined in Section 9 of Public Act 226 of 2003 (MCL 125.139).  
(Ord. 722. Passed 4-30-07.)

# CHAPTER 1240

## General Provisions and Definitions

1240.01	Short title.	1240.04	Compliance required.
1240.02	Purposes.	1240.05	Separability.
1240.03	Interpretation; conflict of laws.	1240.06	Definitions.

### 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.

#### **1240.03) 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)

#### **1240.04) 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)

#### **1240.05) 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)

**1240.06) 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 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)

**1240.07) 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)

**1240.08) 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.

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- (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 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:

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- (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.
  - (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.)

# CHAPTER 1242

## Administration, Enforcement and Penalty

1242.01	Enforcement by Planning Commission and City Commission.	1242.03	Variances.
		1242.99	Penalty.
1242.02	Fees.		

### 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.

### **1242.01 ENFORCEMENT BY PLANNING COMMISSION AND CITY COMMISSION.**

These Subdivision Regulations shall be interpreted and enforced by the Planning Commission and the City Commission pursuant to and under the authority of Act 285 of the Public Acts of 1931, as amended (M.C.L.A. 125.31 et seq.) and Act 288 of the Public Acts of 1967, as amended (M.C.L.A. 560.101 et seq.). (1976 Code Sec. 15.08)

### **1242.02 FEES.**

- (a) Plan Review. Fees for subdividing land shall be in accordance with a schedule recommended by the Planning Commission and adopted by the City Commission, as published and amended from time to time.
- (b) Construction Inspection. Prior to the approval of the City for the proprietor to proceed with the installation of required utilities, a deposit in the amount of four percent of the contract costs of the utilities proposed for construction shall be received to guarantee any construction inspection expense of the City. Upon completion of the project, actual expenses shall be itemized and accounted for, based on payroll cost plus thirty-five percent. The excess, if any, shall be returned to the depositor, and if the deposit is insufficient to cover the expenses, the depositor will be billed for the deficiency. (1976 Code Sec. 15.09)
- (c) Final Plat Approval. The final plat approval fee shall be determined by resolution of the City Commission.

### **1242.03 VARIANCES.**

The City Commission may authorize a variance from these Subdivision Regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the City Commission shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings as required in this section, the City Commission shall take into account the nature of the proposed use of land, 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 Commission finds that:

- (a) There are special circumstances or conditions affecting the property such that the strict application of these Subdivision Regulations would deprive the applicant of the reasonable use of his or her land;
- (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and
- (c) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

(1976 Code Sec. 15.13)

**1242.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of these Subdivision Regulations shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than ninety days, or both, in the discretion of the court. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The subdivision or use of land in violation of these Subdivision Regulations is hereby declared to be a nuisance per se, and any court of competent jurisdiction may order such nuisance abated. Any person so violating these Subdivision Regulations shall be adjudged guilty of maintaining a nuisance per se.

(1976 Code Sec. 15.10)

# CHAPTER 1244

## Subdivision Procedures

1244.01	Pre-application sketch.	1244.04	Approval of final plats.
1244.02	Tentative approval of preliminary plats.	1244.05	Lot splits.
1244.03	Final approval of preliminary plats.		

### 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.

### **1244.01 PRE-APPLICATION SKETCH.**

- (a) Unless waived in writing by the City Engineer, the proprietor shall submit ten copies of a sketch of a proposed subdivision to the City Clerk. The sketch plan shall show the entire development scheme of the subdivision in a schematic form, including the area for immediate development. The existing conditions and characteristics of the land and all pertinent features therein and adjacent to the site shall be noted. The general layout of streets, alleys, blocks and lots and any general area set aside for public open space shall be noted. The scale shall not be less than one inch equals 100 feet.
- (b) A letter or report from the proprietor's engineer or surveyor concerning the general feasibility of the land for subdividing shall be submitted if required by the City.
- (c) The City Clerk shall promptly transmit copies of the preliminary plat to affected City administrative officials.
- (d) The Planning Commission and City administration will review the plans with the proprietor or his or her agent. If requested, the Commission shall inform the proprietor or his or her agent of the policies of the City regarding the type of development proposed. Appropriate comments and suggestions concerning the proposed development scheme will be discussed. In the event of a disagreement regarding the design and layout, the proprietor shall be requested to revise his or her plans according to the recommendations of the Commission.
- (e) When the pre-preliminary sketch is satisfactory to the Commission, the proprietor may submit his or her preliminary plat. Acceptance of the sketch does not ensure acceptance of the preliminary plat.

(1976 Code Sec. 15.031)

### **1244.02 TENTATIVE APPROVAL OF PRELIMINARY PLATS.**

- (a) Information and Data. The following shall be shown on the preliminary plat or submitted with it:
  - (1) The proposed name of the subdivision by which it shall be legally and commonly known. The name shall not closely approximate or duplicate any other subdivision on record in the City or in its immediate vicinity.

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- (2) A description of the boundaries of the proposed subdivision acceptable to the City Engineer;
- (3) The name and address of the proprietor; and the name, address, registration number and official seal impression on the preliminary plat of the engineer or surveyor who designed the preliminary plat. The scale shall be not smaller than one inch equals 100 feet. A north arrow shall be shown. Total acreage within the subdivision shall be indicated.
- (4) Drawings indicating the existing and proposed contours at intervals not to exceed two feet, subject to the approval of the City Engineer. Elevations shall be based on City datum, USC and GS datum. Other engineering data as may be required by the City related to street crossings, sewer elevations, water elevations and similar conditions shall be submitted.
- (5) The location of flood plain areas, rivers, streams, creeks, lakes, County drains, lagoons, slips, waterways, bays, canals and artificial impoundments, either existing or proposed, within or adjacent to the area to be platted;
- (6) The layout of all proposed lots with approximate dimensions and lot numbers. All lots shall be designated by consecutive numbers. Building set-back lines, parallel to proposed streets, shall show the pertinent dimensions.
- (7) Existing water mains, storm sewers, 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 area to be subdivided;
- (8) Preliminary engineering plans and general descriptions and drawings showing proposed improvements. The engineering plans shall contain 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.
- (9) A map of the entire area scheduled for development, if the proposed plat is a portion of a larger holding intended for subsequent development;
- (10) The location of section lines, City limit lines and existing previously platted lots within the area to be platted and in areas immediately adjacent thereto. Existing streets, alleys, easements, railroads, utility right of ways, parks, public open spaces, buildings, structures and other existing improvements shall be shown.
- (11) The existing land use and zoning of the proposed subdivision and adjacent properties and intersecting boundaries thereof; and tax numbers of adjacent unplatted parcels or lot numbers if the adjacent land is subdivided;
- (12) The layout of all proposed streets, alleys and easements showing general courses, widths, lengths and proposed street names;
- (13) A statement of the intended uses of the proposed plat, such as residential single-family, two-family, multiple housing, commercial, industrial or recreation;
- (14) A general description of any site proposed for parks, playgrounds or schools, or of any parcel of land within the subdivision intended to be dedicated or reserved for public use or set aside for use by the property owners within the subdivision;
- (15) A description of all land owned by the proprietor adjacent to the land in the preliminary plat, together with a statement of present plans for the development of that adjacent land; and

- (16) A description of the type of residential buildings and the number of dwelling units contemplated, if specifically requested by the City. In addition, the proprietor shall furnish a draft of his or her proposed protective covenants or deed restrictions, if any, whereby he or she proposes to regulate land use in the subdivision and otherwise protect the proposed development.

(b) Authority of Planning Commission.

- (1) Application. The proprietor shall submit one brown line sepia and ten copies of the preliminary plat, and one original and ten copies of the documents containing all of the information required by subsection (a) hereof, to the City Clerk at least twenty-four calendar days before the next regular meeting of the Planning Commission at which the request for tentative approval of the preliminary plat is to be first considered.
- (2) Action.
  - (A) The Planning Commission shall hold a public hearing on the preliminary plat and accompanying information and shall review the same for compliance with law and recommendations of the City.
  - (B) The Secretary of the Planning Commission shall publicly advertise such hearing in the official newspaper of the City and shall send notice thereof by mail to all owners of land immediately adjoining or within 300 feet of the property proposed to be platted. The time and place of the meeting of the Commission to consider such preliminary plat and accompanying information shall be given.
  - (C) The Commission may, immediately following the public hearing, but within sixty days after the preliminary plat is first submitted to it, unless the proprietor agrees to an extension, in writing, grant tentative approval, grant tentative approval subject to certain modifications and/or written conditions or disapprove the proposed plat. Otherwise, such plat shall be deemed to have been approved. A certificate to that effect shall be issued by the Commission on demand.
  - (D) If the plat is approved with modifications and/or conditions by the Commission, the reasons therefor shall be specified in writing. In approving a plat, with or without modifications or conditions, the Commission may grant variances from these Subdivision Regulations, but only in accordance with Section 1242.03, and must state its reasons therefor in writing.
  - (E) If approved conditionally, the conditions and reasons therefor shall be stated in writing. For any conditional approval requiring a change in the plat, the Planning Commission may require the proprietor to submit a revised preliminary plat to the City Commission.
  - (F) If disapproved, the reasons for that action shall be stated in writing. The Planning Commission shall, in writing, recommend such modifications as would render the plat acceptable to the Commission.
  - (G) One copy of the preliminary plat as acted on by the Commission, signed by its Secretary and noting the action taken shall be retained in its records. One signed copy shall be delivered to the proprietor.

- (H) Tentative approval of the preliminary plat by the Commission shall be effective for one year. Following such approval, the general terms and conditions of the approval shall not be changed. However, if there is a change in the zoning classification of the land contained within a proposed plat, any approval given shall be null and void. No zoning change within the proposed plat shall be considered unless such change is consented to by the proprietor, in writing, and filed with the City.
- (I) A resolution containing the action of the Planning Commission, together with five copies of the plat and accompanying documents, shall be forwarded to the City Commission for consideration of tentative approval of the preliminary plat.

(c) Authority of City Commission.

- (1) Within thirty days from the date of the action of the Planning Commission, unless the proprietor agrees to an extension, in writing, the City Commission shall tentatively approve, tentatively approve subject to certain modifications and/or written conditions, or disapprove the proposed plat. Any approval shall be effective for one year. After such approval, the general terms and conditions of that approval shall not be changed. The City Commission may, but need not, hold a public hearing on the proposed preliminary plat.
- (2) No installation or construction of any improvement shall be made before final approval of the preliminary plat by the City Commission, and then only after the engineering plans have been approved by the City Engineer.
- (3) If approved conditionally, all conditions must be met prior to any consideration by the City Commission for final preliminary plat approval.
- (4) If a preliminary plat is disapproved at the tentative approval stage by the City Commission, it shall not be again considered by the City Commission until it has been again considered and acted upon by the Planning Commission.

(1976 Code Sec. 15.032)

**1244.03 FINAL APPROVAL OF PRELIMINARY PLATS.**

- (a) The proprietor shall submit to the City Clerk:
  - (1) Written approval of the preliminary plat by all authorities whose approval is required under Sections 112 through 119 of the 1967 Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended (M.C.L.A. 560.112 through 560.119).
  - (2) A written statement from the City Treasurer that there are no special assessments or ad valorem taxes outstanding against such property;
  - (3) Written approval of the preliminary plat by all public utility companies proposed to service the area to be subdivided; and
  - (4) Copies of the plat bearing the written approval of such authorities, boards and utility companies as may be designated by the City.
- (b) Upon receipt of the information set forth in subsection (a) hereof, the City Commission shall, at its next regular meeting or within twenty days, grant preliminary plat approval if the proprietor has met all the conditions, if any, of tentative approval. The City Commission shall instruct the City Clerk to notify the proprietor, in writing, of approval or rejection. If the plat is rejected, the reasons for such action shall also be noted. The

proprietor may revise such rejected plat and resubmit the same to the City Commission at a time within one year from the granting of tentative approval by the City Commission.

- (c) Final approval of the preliminary plat under this section shall confer upon the proprietor, for two years from the date of approval, the conditional right that any variance or other general term or condition under which approval was granted will not be changed. The two-year period may be extended by the City Commission if applied for by the proprietor in writing. Written notices of the extension shall be sent by the City Commission to other approving authorities. Failure on the part of the proprietor to proceed in accordance with these Subdivision Regulations with final plat procedures within the period specified shall result in automatic withdrawal of the approval of the preliminary plat. In order to regain such approval, the proprietor must again apply and precede through the pre-application sketch and preliminary plat stages in accordance with this chapter.

(1976 Code Sec. 15.033)

#### **1244.04 APPROVAL OF FINAL PLATS.**

- (a) The proprietor shall submit the final plat to the City Clerk.
- (b) The final plat shall comply with the Subdivision Control Act.
- (c) The final plat shall conform substantially to the preliminary plat as approved, except that it may constitute only that portion of the approved preliminary plat which the proprietor proposes to record and develop at the time.
- (d) The proprietor shall submit to the City Clerk, as evidence of title, an abstract of title certified to date with the written opinion of an attorney at law thereon, or at the option of the proprietor, a policy of title insurance or copy thereof, for examination in order to ascertain whether or not the proper parties have signed the plat.
- (e) The final plat shall be accompanied by one set of the approved, proposed construction plans and specifications for improvements and the necessary surety. However, if improvements have been satisfactorily completed and accepted by the City, as-built plans and any other plans as may be required by the City shall be submitted.
- (f) The City shall review the final plat for conformity with the preliminary plat and may prepare a set of recommendations to be submitted to the Planning Commission.
- (g) The Planning Commission shall examine the final plat and shall approve the plat, with or without modifications or conditions, or shall reject it. If the final plat is approved with modifications and/or conditions, the Commission shall specify, in writing, the reasons therefor. In approving a plat, the Commission may grant variances from these Subdivision Regulations, but only in accordance with the standards set out in Section 1242.03, and must state its reasons therefor in writing. If the final plat is rejected, the grounds for rejection, including citation to the applicable regulation, shall be stated on the record of the Commission. The Planning Commission shall transmit a written report of its action to the City Commission.
- (h) No final plat shall be approved by the City Commission without the prior approval of the Planning Commission.

The City Commission shall approve the final plat, with or without modifications or conditions, or shall reject it, within twenty days after the filing with the City Clerk of the written report of the Planning Commission.

Rejected plats may be referred back to the Planning Commission for further study and review

and required correction.

One mylar copy and three paper prints of the final plat shall be filed by the proprietor with the City Clerk, and the proprietor shall deposit such sums of money as the City Commission may require under these Subdivision Regulations or other ordinances. Upon approval by the City Commission, the City Clerk shall sign the plat attesting to such action. (1976 Code Sec. 15.034)

**1244.05 LAND DIVISION.**

(a) Definitions.

- (1) "Boundary adjustment" means a property transfer between two or more adjacent parcels that results in no new buildable lots or creates fewer buildable lots than originally platted.
- (2) For all other terms in this section, the definitions contained in Section 1240.06 of the Codified Ordinances and the State Land Division Act, PA 288 of 1967, as amended by PA 591 of 1996 shall apply. In the event that Section 1240.06 and the Land Division Act contain a definition for the same term, the provisions of Section 1240.06 shall control to the extent permitted by law.

(b) Consent. Notwithstanding anything contained in the ordinances of the City to the contrary, no building permit shall be issued for any construction on any lot, outlot or other parcel, which lot, outlot or other parcel has been divided or has had its boundary adjusted, or for any construction on a lot, comprised in whole or in part of such a divided or boundary adjusted lot, outlot or parcel, unless and until the City consents, in writing, to such division or boundary adjustment.

(c) Application. An application for a division or boundary adjustment of any tract, lot, outlot or parcel of land signed by the owner thereof, shall be filed with the City Clerk. Such application shall be made on a form prescribed by the City and obtainable from the office of the City Clerk. The application shall include the following:

- (1) A survey drawn to scale in a manner and form prescribed by the application.
- (2) Certification that boundary corner monuments have been or will be placed.
- (3) A complete and accurate legal description of each proposed lot or parcel created by the land division or boundary adjustment.
- (4) An application fee in an amount set by resolution of the City Commission.
- (5) A memo from the City Treasurer indicating that there are no due and unpaid city taxes or special assessments on all of the tracts, lots, parcels, or outlots involved.
- (6) If the proposed division is of an unplatted tract, parcel or parcels, the history and specifications of any previous division of land of which the proposed division was a part sufficient to establish that the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.
- (7) A legal, recorded instrument demonstrating proof of ownership of the subject tract, lot, outlet or parcel of land.

(d) Lot or Tract in a Recorded Plat. The City Manager may permit the division of a lot or tract in a recorded plat or a boundary adjustment following:

- (1) The City Planning Director's certification that the resulting parcels comply with all minimum lot requirements contained in the Zoning Ordinance, including, but not limited to lot size, lot dimensions, street frontage, driveway spacing, zoning

- setbacks, water frontage and number of lots on a single street right-of-way pursuant to the Zoning Ordinance.
- (2) The City Engineer's certification that each resulting parcel that is a development site has adequate easements for public utilities from the parcel to existing public utility facilities and the resulting parcels proposed to be created by the proposed land division are accessible.
  - (3) The City Assessor's certification that the resulting parcels created by the proposed land division complies with all standards of the State Land Division Act, PA 288 of 1967, as amended by PA 591 of 1996.
- (e) Unplatted Parcels. Pursuant to the Land Division Act, the City Manager shall permit a division of an unplatted tract or unplatted parcels within 45 days of the filing of a completed application following:
- (1) The City Planning Director's certification that the resulting parcels comply with all minimum lot requirements contained in the Zoning Ordinance including, but not limited to, lot size, lot dimensions, street frontage, driveway spacing, zoning setbacks, water frontage and number of lots on a single street right-of-way pursuant to the Zoning Ordinance.
  - (2) The City Engineer's certification that each resulting parcel that is a development site has adequate easements for public utilities from the parcel to existing public utility facilities and the resulting parcels proposed to be created by the proposed land division are accessible.
  - (3) The City Assessor's certification that the resulting parcels created by the proposed land division complies with all standards of the State Land Division Act, PA 288 of 1967, as amended by PA 591 of 1996.
- (f) Unusual or Unique Circumstances. Where there are exceptional topographic, physical conditions, or other unusual or unique circumstances as determined by the City's Planning Director associated with a tract proposed to be divided, a division resulting in parcels that do not satisfy the minimum lot size requirements of the Zoning Ordinance may only be approved by resolution of the City Commission after consideration by the Planning Commission following a determination that the proposed division would allow the development of the land in such a manner as to be compatible with the surrounding land use and development and would not be contrary to the spirit and purpose of this section and the Zoning Ordinance. The City Commission may deny, approve or approve with conditions such requests after notice and a hearing, which conditions may include if the proposed division would result in a not buildable parcel, the City Commission may require the applicant to execute and record a deed restriction with the County Register of Deeds designating the parcel as "not buildable." Any such parcel shall also be designated as "not buildable" in the municipal records, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and area requirements, and shall not be developed with any building or above ground structure.
- (g) Effect of Approval. Approval of a land division or boundary adjustment under this section does not grant approval for any specific uses of a parcel of property nor is it a determination that the resulting parcels comply with other ordinances or regulations. A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County

SUBDIVISION PROCEDURES

Register of Deeds office and filed with the City Assessor accomplishing the approved land division or transfer.

(1976 Code Sec. 15.035; Ord. 71. Passed 9-5-78. Ord. 609. Passed 8-4-03. Ord. 681. Passed 5-16-05.)

# CHAPTER 1246

## Design Standards

1246.01	Streets, crosswalks and pedestrian walkways.	1246.04	Lots.
1246.02	Easements.	1246.05	Flood plains.
1246.03	Blocks.	1246.06	Natural features.

### 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.

### **1246.01 STREETS, CROSSWALKS AND PEDESTRIAN WALKWAYS.**

The standards set forth in this section shall be considered the minimum standards for streets, roads, crosswalks and pedestrian walkways.

#### (a) Location and Arrangement.

- (1) Generally. The subdivision of land for the dedication of land for streets, highways and alleys shall conform to the Major Street Plan as adopted by the Planning Commission.
- (2) Local or minor streets. Local or minor streets shall be so arranged as to discourage their use by through traffic. Nevertheless, dead-end streets are prohibited, except those designed as cul-de-sacs and those required for future access to adjacent, unplatted properties. Temporary turnaround arrangements for stubbed dead-end streets to unplatted properties may be required.
- (3) Continuations and extensions. The arrangement of streets shall provide for continuation of existing streets from adjoining areas into the new subdivision, unless otherwise approved. Streets shall be arranged with respect to topography so as to result in usable lots, safe streets and reasonable gradients.
- (4) Alleys. Alleys shall not be permitted in plats in areas intended for single or two-family residential development. Alleys may be provided in commercial subdivisions. Dead-end alleys shall be prohibited.
- (5) Marginal access streets. Where a subdivision abuts or contains an arterial street, the City may require a marginal access street approximately parallel to the arterial street or such other treatment as it deems necessary for adequate protection for residential properties and local access, and to afford separation of through and local traffic.
- (6) Cul-de-sacs. Cul-de-sac streets shall not extend more than 700 feet from the centerline of the nearest intersecting street. Special consideration shall be given to longer cul-de-sacs under unfavorable topographical conditions or other unusual circumstances. Cul-de-sac streets shall terminate with an adequate turnaround with a minimum right-of-way diameter of 120 feet.

- (7) Half streets. Half streets shall be prohibited, except where unusual circumstances make it essential to the reasonable development of a tract in conformity with these Subdivision Regulations and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half street or partial street, the other part of the street shall be dedicated within the plat.
  - (8) Curvilinear pattern. In an attempt to provide a more pleasing appearance and an attractive vista, and to discourage excessive vehicular speeds, residential streets should be curvilinear.
  - (9) Conformity to City Plan. All proposed plats shall be in general conformity with the City's street plan and the City Plan.
- (b) Specifications.
- (1) Right-of-way widths.
    - (A) Right-of-way widths shall conform to the adopted major street plan and shall not be less than the following:

Arterial streets	86 feet to 120 feet
Collector streets	66 feet to 86 feet
Local streets	66 feet
Cul-de-sac streets	66 feet and 120 feet diameter
Alleys	33 feet
Pedestrian crosswalks	10 feet
    - (B) If a subdivision abuts or contains an existing right of way of inadequate width, the City may require that the proprietor dedicate an additional right of way for the widening of the right of way.
    - (C) The City may require a right-of-way width greater than that provided for in this paragraph to ensure public safety with regard to subdivision access, traffic circulation and parking in the subdivision.
    - (D) Whenever a subdivision abuts or contains a railroad right of way, a parallel street bordering on or parallel to the railroad right of way shall be provided to serve as an interceptor street for minor streets as determined by the City. Between the street and the railroad there shall be a strip of land, of a width not less than the depth of one lot, which strip of land may be used in residential districts as a park, but may be used for business or industrial purposes in appropriate districts.
  - (2) Gradients. Local streets shall have minimum and maximum grades of 0.3 percent and 8.0 percent respectively, and collector and arterial streets shall have minimum and maximum grades of 0.4 percent and 5.0 percent respectively. However, such gradient standards may be modified in individual cases by the City.
  - (3) Curvature. The minimum horizontal centerline radii of curved local streets shall be 200 feet. Greater radii may be required for collector or principal streets having through traffic. A minimum tangent of seventy-five feet shall be introduced between reversed curves of streets of sixty-six feet of right of way. Greater tangent widths may be required based on the functional classification of the street.
  - (4) Multiple intersections. Multiple intersections involving the junction of more than two streets are prohibited. Curved streets intersecting with major thoroughfares and collector streets shall do so with a tangent section of centerline not less than

fifty feet in length, measured from the right-of-way line of the major or collector street.

- (5) Horizontal alignment. The centerline of the pavement shall coincide with the centerline of the right of way, except for irregular right-of-way widths or as otherwise allowed by the City.
- (c) Angle of Intersections. Streets shall intersect at ninety degrees or as closely thereto as feasible, but in no case at less than eighty degrees. However, such standard may be modified in individual cases by the City.
- (d) Site Distances. A subdivision street which intersects with a primary highway must make provision for adequate and safe site distances.
- (e) Centerline Offsets. Street jogs at intersections shall be avoided. Where such jogs are unavoidable, street centerlines shall be offset by a distance of 150 feet or more.
- (f) Crosswalks and Pedestrian Walkways. Right of ways for crosswalks and pedestrian walkways shall be required where necessary to obtain convenient pedestrian circulation, and shall extend through the blocks in question, unless otherwise allowed by the City. The City may require the proprietor to pave and fence the crosswalk area. (1976 Code Sec. 15.041)

**1246.02 EASEMENTS.**

Easements shall be provided along front lot lines and along-side and rear lot lines when necessary for utilities and/or drainage. The total width on any given lot shall not be less than ten feet along the front lot line. Rear easements shall be seven and one-half feet wide or a total of fifteen feet for adjoining lots. An easement of varying width, adjusted to the needs of the public, shall be provided as may be required along waterfronts. (1976 Code Sec. 15.042)

**1246.03 BLOCKS.**

A block shall be so designed as to provide two tiers of lots, except where lots back onto an arterial street, natural feature, railroad, subdivision boundary or barrier of a similar nature. Block length shall be not less than 500 feet nor greater than 1,320 feet, centerline to centerline. The width of a block shall normally be equal to the total depth of the two tiers of lots and shall not be less than 200 feet unless unusual conditions exist. Blocks intended for purposes other than residential shall be designed to provide adequate provisions for off-street parking and loading in accordance with the Zoning Code. (1976 Code Sec. 15.043)

**1246.04 LOTS.**

- (a) Lot size, width, depth and area shall not be less than the particular district requirements for building sites or lots in the zoning district as contained in the Zoning Code. Outlots are accepted from this subsection.
- (b) Side lot lines shall be essentially at right angles to the straight street and radial to curved streets.
- (c) The depth of a lot generally shall not exceed three times the width as measured at the building line.
- (d) Corner lots in residential plats shall have sufficient extra width to permit appropriate building setbacks for both front and side streets. Corner lots in residential plats, the rear yards of which lots abut rear yards, shall have a minimum width of seventy feet. All

corner lots in residential plats, the rear yards of which lots abut a side yard, shall have a minimum width of eighty feet.

- (e) If a proposed subdivision borders on or contains an existing or proposed major thoroughfare, shopping center, industrial property or other high intensity use, the City may require marginal access streets, reverse frontage or such other treatment as may be necessary to protect residential properties and to afford separation from and reduction of traffic hazards and nuisances. Such requirements may include landscaped easements and extra depths in lots.
  - (f) All lots shall front upon a dedicated public or private street or an approved place or way. All lots in a residential plat shall have frontage of not less than forty feet on at least one street or approved place or way, unless otherwise allowed by the City.
  - (g) Where parcels or lands are subdivided into unusually large lots or tracts, the parcels shall be divided, where feasible, so as to allow for resubdividing into smaller parcels in a logical fashion.
  - (h) Lots shall be so arranged as to not be cut by a City boundary line.
  - (i) Business or commercial lots shall have a width of not less than fifty feet. Lot areas shall be sufficient as to provide for off-street parking and loading in accordance with the Zoning Code.
  - (j) Lots fronting on arterial streets shall have a depth of not less than 125 feet.
- (1976 Code Sec. 15.044)

**1246.05 FLOOD PLAINS.**

Land subject to flooding or inundation by storm water shall be clearly shown on the final plat. Such land shall not be platted for residential purposes or for uses that may, in the judgment of the City, increase the danger to health, life or property or increase the flood hazard. Such land within a plat shall be set aside for other uses, such as parks or open spaces.

(1976 Code Sec. 15.045)

**1246.06 NATURAL FEATURES.**

The natural features and character of land 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 proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.

(1976 Code Sec. 15.046)

# CHAPTER 1248

## Improvements

1248.01	Purposes.	1248.07	Street signs.
1248.02	Responsibility for preparation of plans.	1248.08	Street pavement; width.
1248.03	Construction required prior to final plat approval.	1248.10	Trees.
1248.04	Surety; minimum standards.	1248.11	Sidewalks.
1248.05	Sanitary sewers.	1248.12	Underground utilities.
1248.06	Water.	1248.13	Inspections.
		1248.14	Acceptance.

### CROSS REFERENCES

Special assessments for public improvements - see CHTR. Ch. X; ADM. Ch. 232

Approval of plats; street system - see MCLA Sec. 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see MCLA Sec. 125.44

Approval or disapproval of plats; procedure; effect – see MCLA. Sec. 125.45

Certification of city plats - see MCLA Secs. 125.51 et seq.

Improvement guarantees - see P. & Z. 1252.02

#### **1248.01 PURPOSES.**

The purposes of this chapter are to establish and define the public improvements which must be constructed by the proprietor, or for the construction of which a bond must be posted, as conditions for final plat approval; to outline the procedures and responsibilities of the proprietor and the various public officials and agencies concerned with the administration, design, construction and financing of public facilities; and to establish procedures for assuring compliance with these requirements. (1976 Code Sec. 15.051)

#### **1248.02 RESPONSIBILITY FOR PREPARATION OF PLANS.**

The proprietor of every proposed plat shall have prepared, by a registered engineer, a complete set of construction plans, including profiles, cross sections, specifications and other supporting data, for the public streets, utilities and other facilities required by these Subdivision Regulations. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat. All construction plans shall be prepared in general accordance with City standards and specifications and shall be approved prior to final plat approval. All costs for preparation of the necessary plans shall be paid by the proprietor. (1976 Code Sec.15.052)

#### **1248.03 CONSTRUCTION REQUIRED PRIOR TO FINAL PLAT APPROVAL.**

When construction has been completed at the time of filing the final plat, one complete copy of acceptable as-built plans of each required public improvement shall be filed with the City Clerk before approval of the final plat is given. Other requirements and procedures in the submittal of final plats shall be as provided in Chapter 1244. (1976 Code Sec. 15.053)

#### **1248.04 SURETY; MINIMUM STANDARDS.**

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In order to promote healthful, clean and desirable living conditions, the proprietor shall install the site improvements described in this chapter, or shall, prior to approval of the final plat, deposit with the City Clerk cash, a certified check or an irrevocable bank letter of credit running to the City, or a surety bond acceptable to the City and executed by a reputable insurance company authorized to do business in the State, all in a sufficient amount and form to permit the completion by the City of all contemplated improvements within twenty months, if the developer fails to satisfactorily complete such improvements. The City reserves the right to demand a specific type of surety and to reject all others. All costs for the improvements required by this chapter shall be borne by the developer. The special assessment district regulations of the City shall not be applicable for these improvements unless otherwise provided by the City Commission. Prior to the acceptance by the City of the improvements, a two-year maintenance and guarantee bond in an amount set by and in a form acceptable to the City shall be posted by the proprietor.

Improvements set forth under this chapter are the minimum acceptable, and other improvements may be required by the City. Improvements shall be provided by the proprietor in accordance with standards and requirements established herein and/or such standards, specifications or details as may from time to time be established by ordinance or published or adopted by the City. (1976 Code Sec. 15.054)

### **1248.05 SANITARY SEWERS.**

The location and design of all trunk lines, lateral sanitary sewers and other necessary appurtenances, such as pumping stations, shall be first reviewed and approved by the City Engineer and all public agencies having jurisdiction. All work shall be carried out under the direct supervision of the proprietor's registered professional engineer. The proprietor shall not enter into any agreement with any adjacent property owner, which agreement requires him or her to provide such owner with sewer services, without prior approval of the City Commission. The installation of a sanitary sewer shall be required if a usable trunk sewer is located within 1,000 feet of any boundary of the proposed plat. (1976 Code Sec. 15.054)

### **1248.06 WATER.**

The location and design of water mains, the installation of fire hydrants and other necessary appurtenances shall first be reviewed and approved by the City Engineer and all public agencies having jurisdiction as to suitability. All work shall be carried out under the direct supervision of the proprietor's registered professional engineer. The proprietor shall not enter into any agreement with any adjacent property owner, which agreement requires him or her to provide such owner with water service, without prior approval of the City Commission. The installation of water mains and their connections with the City system shall be required in all new subdivisions. (1976 Code Sec. 15.054)

### **1248.07 STREET SIGNS.**

Street signs shall be of the same type and design as those in general use within the community. (1976 Code Sec. 15.054)

### **1248.08 STORM DRAINAGE.**

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A storm drainage system shall include all necessary storm sewer pipe, street and yard drainage inlets and catch basins, manholes, culverts, bridges and other appurtenances necessary for the adequate drainage of the subdivision, unless otherwise provided by the City. If the City Commission decides that the curb and gutter streets and/or storm sewerage systems are not desirable in the proposed subdivision, it shall direct the proprietor to install, at a minimum, a twenty-four foot wide bituminous mat and adequate ditches.

(1976 Code Sec. 15.054)

### **1248.09 STREET PAVEMENT; WIDTH.**

All minor or local access streets shall be a minimum of thirty-two feet in width, face of curb to face of curb. Streets shall be paved with bituminous concrete and have reinforced concrete curb and gutter, or as approved by the City Engineer. Collector streets shall be a minimum of thirty-six feet in width, face of curb to face of curb. All alleys shall be paved and twenty feet in width. If the City Commission decides that curb and gutter streets and/or storm sewerage systems are not desirable in the proposed subdivision, it shall direct the proprietor to install, at a minimum, a twenty-four foot wide bituminous mat and adequate ditches. Plans for enclosed storm sewers and/or open ditches, curb and gutter and/or mats shall be reviewed and approved by the City Engineer and all public agencies having jurisdiction before construction is begun. All work shall be carried out under the direct supervision of the proprietor's registered engineer. Previously dedicated but unimproved street right of ways, or existing streets not improved as required by this chapter for new streets, which streets or right of ways abut or are contained in the proposed plat, shall be improved with paving and curb and gutter, or as directed by the City Commission.

(1976 Code Sec. 15.054)

### **1248.10 TREES.**

The City Commission may require that not more than one tree per lot be planted by the proprietor within a City right of way and that the proprietor maintain such tree for at least one year from the time of planting. Such trees shall be of a variety and size as specified by the City.

(1976 Code Sec. 15.054)

### **1248.11 SIDEWALKS.**

The City may require the construction of sidewalks. If so required, they shall be five feet wide, constructed of concrete and located eighteen inches from the property line on each side of the roadway, and shall, at the ends of blocks, extend to the roadway. (1976 Code Sec. 15.054)

### **1248.12 UNDERGROUND UTILITIES.**

All public utility facilities in residential subdivisions, exclusive of main supply lines and necessary surface facilities, shall be placed underground within utility easements provided by the proprietor for this purpose, or in dedicated public streets or ways, and shall be planned so as not to be in conflict with other underground utilities.

(1976 Code Sec. 15.055)

### **1248.13 INSPECTIONS.**

In order to help ensure construction in accordance with approved plans and specifications, all improvements herein mentioned may be inspected by the Engineering Department of the City. In addition, the proprietor's registered engineer shall provide a signed statement that all facilities

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were installed in accordance with the approved plan, or such other assurances as may be acceptable to the City Engineer. The City may require that all work and inspection, or portions thereof, be carried out under the supervision of the City Engineer. In such cases, the proprietor's engineer is relieved of the responsibility.

(1976 Code Sec. 15.056)

### **1248.14 ACCEPTANCE.**

No streets, water facilities, sanitary sewer facilities or storm drainage systems required by this chapter shall be considered part of the public system, accepted for maintenance purposes or become operative and functional as a part of the public system until the improvement is accepted by the City.

(1976 Code Sec. 15.057)