

CHAPTER 1220

SUBDIVISION REGULATIONS

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CROSS REFERENCES

1220.01 Short Title

This Chapter shall be known and may be designated as the City of Ewart Subdivision Regulations Ordinance,

1220.02 Purposes

The purposes of this Chapter are to regulate and control the subdivision of land within the corporate limits of the Municipality in order to promote the public health, safe, comfort, convenience and general welfare of the inhabitants of the City; to provide means for carrying out the City's responsibility relative to the platting of land under the laws of the State of Michigan, and to provide for the orderly growth and harmonious development of the City, consistent with the Master Plan Zoning Chapter; to secure adequate traffic circulation through coordinated street systems so as to lessen congestion of the streets and highways; to ensure adequate provisions for water, drainage and sanitary sewer facilities, and other health requirements; to achieve the maximum utility and livability on individual lots; and to provide logical procedures for the achievement of these purposes,

1220.03 Definitions

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

- (1) "Alley": A dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation,

- (2) "Block": That property abutting one side of a street and between the two nearest intersecting streets, or between the nearest such street and railroad right of way, un-subdivided acreage, river or live stream; or between

any of the foregoing and any other barrier to the continuity of development.

(3) The City Clerk of the City of Evert,

(4) "Commission": The Planning Commission of the City of

(5) "Date of Filing":

(a) Date of for Tentative Approval of the Preliminary Plat: Is the date of the initial Planning Commission meeting when the proprietor presents the preliminary plat for consideration.

(b) Date of Filing for Final Approval of the Preliminary Plat: Is the date the proprietor files the tentatively approved preliminary plat and a certified list of all authorities required for approval with the Clerk.

(c) Date of Filing for Final Plat Approval: Is the date the proprietor files the necessary prints of the final plat with the Clerk.

(6) "Easement": A specific area of land over which a liberty, privilege or advantage is granted by the owner to the public, a corporation, or some particular person or part of , the public for specific uses and purposes and which shall be designated a "public" or "private" easement, depending on the nature of the user.

(7) "Improvements": Grading, street surfacing, curbs and gutters, water mains, hydrants, sanitary sewers, storm sewers, culverts, bridges, and other additions to the natural state of land which increase its value, utility or habitability,

(8) "Lot": A parcel of land separated from other parcels on a preliminary or recorded plat for the purpose of or separate use.

(9) "Major streets or Thoroughfare Plan": The part of the Plan which sets forth the location, alignment and dimensions of existing and proposed streets and thoroughfares.

(10) "Master Plan": The comprehensive land use plan for the City, including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, zoning districts, and all physical developments of the City, including any unit or part of such plan separately adopted, and any amendment to such plan or parts thereof adopted by the Planning Commission.

(11) "City Engineer or Engineer": The staff engineer, consulting engineer or person designated as such by the City.

(12) "City Planner or Planner"; The staff planner or consulting planner of the City.

(13) "Plat" A map or chart of a subdivision of land.

(a) Preliminary Plat: A map showing all requisite details of a proposed subdivision to an approving authority for purposes of preliminary consideration, prepared in conformance with the Subdivision Act and the requirements and procedures set forth in this Chapter.

(b) Final Plat: A map of all or part of a subdivision providing substantial conformance to the Preliminary Plat of the Subdivision prepared in conformance with the requirements of the Subdivision Act and this Chapter and suitable for recording by the County Register of Deeds.

(14) "Parcel (or Tract)": A continuous area or acreage of land which can be described as provided for in the Subdivision Act.

- (15) "Proprietor": A natural person, firm, association, partnership, corporation or combination of any them, which may hold any ownership interest in land, whether recorded or not.
- (16) "Public Reservation": A portion of a subdivision which is set aside for public use and made available for public use and acquisition.
- (17) "Public Utility": Any person, firm or corporation, City department, board or commission, duly authorized to furnish, and furnishing under governmental regulations to the public: gas, steam, electricity, sewage disposal, telegraph, transportation or water.
- (18) "Public Walkway": A right of way dedicated for the purpose of a pedestrian access through residential areas, and located so as to connect to two or more streets, Or a street and a public land parcel.
- (19) "Reverse Frontage": A lot abutting a major thoroughfare and a minor street(s), with vehicular access only to the minor street.
- (20) "Road Commission": The Osceola County Road Commission.
- (21) "Sketch Plan": A plan drawn to scale showing existing and proposed of a site and its surroundings and the general layout of a proposed subdivision. The Plan may include a description of general topographic and soil conditions on the site including water level information, description of existing and proposed man-made features important to the proposed development description of significant natural features on the site, description of general site conditions that are to be retained or in the proposed development, description of uses and facilities to be incorporated in the development and description of approximate phases of development.
- (22) "Street": Any street, avenue, boulevard, road, lane, County or City roadway; or, a street or way shown in a plat, heretofore approved pursuant to law or approved by official

action; or, a street or way on a plat duly filed and recorded in the office of the County Register of Deeds. A street includes the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and lawns.

(a) Major Thoroughfare: An arterial street of great continuity which is intended to serve as a large volume traffic way for both the immediate City area and region beyond, and may be designated on the City's Major Thoroughfare Plan, as a major thoroughfare, parkway, expressway, or equivalent to identify those streets comprising the basic structures of the street plan. Section line roads shall be considered as major thoroughfares otherwise designated on the Major Thoroughfare Plan.

(b) Collector Street (Secondary Thoroughfare): A street used primarily to carry traffic from minor streets to major thoroughfares.

(c) Minor street: A street of limited continuity used primarily for access to abutting residential properties.

(d) Marginal Access Street: A minor street paralleling and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.

(e) Boulevard Street: A street developed to two (2) lane, one-way pavements, separated by a median.

(f) Turn-Around: A short boulevard street permanently terminated by a vehicular turn-around,

(g) Cul-de-Sac Street: A minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn

(h) Loop street: A minor street of short length with two openings to traffic beginning from same street, and projecting parallel to each other and connecting at their termination by a loop.

(23) "Subdivision Act": Means the Subdivision Control Act, Michigan Public Acts 288 of 1967, as amended.

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

(25) "Words": Singular words shall include the plural, and masculine words shall include the feminine and neuter.

(26) "Zoning Chapter": Chapter 51 of the City of Evert Ordinance Code.

1220.03 Procedure

The preparation of a subdivision for platting shall be carried out through two phases: Preliminary Plat and Final Plat, all in accordance with the procedure herein specified,

1220.04 Initial Plat Investigation

Prior to the preparation of a preliminary plat, it is suggested that the proprietor meet with the City Departments concerned to investigate the procedures, and standards of the City with reference to this Chapter, and with the proposals of the Master Plan as they affect the area in which the proposed subdivision is located. The proprietor should concern himself with the following factors:

- (1) The proprietor should secure a copy of the Zoning Chapter, Subdivision Regulations, engineering specifications, and other similar ordinances or controls relative to the subdivision and improvement of land so as to make himself aware of the requirements of the City.
- (2) The area for the proposed subdivision should be properly zoned for the intended use before preliminary plat application is made,
- (3) An investigation of adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to serve the proposed subdivision should be made by the proprietor.
- (4) The relationship of the proposed subdivision with respect to major thoroughfares and plans for Widening of thoroughfares should be investigated by the proprietor.
- (5) Standards for sewage disposal, water supply and drainage of the City and health standards of Osceola County and the State of Michigan should be investigated by the proprietor.

1220.05 Sketch Plan.

Three copies of a sketch plan may be submitted by the proprietor to the Planning Commission. The purpose of the sketch plan is to provide the proprietor with an opportunity to avail himself of the advice and assistance of the Planning Commission and other City agencies involved in subdividing, before the preparation of a preliminary plat and its submission for approval. Nothing in this section, however, shall be so construed as to require any pre-application contact and review at this stage shall not constitute any approval of the proposed preliminary plat but shall serve primarily as guidance to the prospective proprietor. Any proprietor may elect to begin subdividing by submitting a preliminary plat in accordance with the provisions of these regulations.

1220.06 Preliminary Plat

The procedure for the preparation and review of a preliminary plat requires tentative and final approval as herein specified.

1220.07 Tentative Approval.

(1) Filing.

(a) Ten (10) copies of a complete preliminary plat of the proposed subdivision, together with written application in triplicate and any other information required to be submitted under the Subdivision Act shall be filed with the Clerk. Submittal to the Clerk shall be at least ten (10) days prior to the regular Commission meeting.

(b) The preliminary plat shall be prepared in accordance with Section 111 of the Subdivision Act and in accordance with the requirements of this Chapter. It shall not be necessary that initial submission be prepared by and sealed by a surveyor, provided that properly sealed copies of the preliminary plat are filed with the City prior to the granting of tentative approval by the City.

(c) The Clerk shall check the proposed plat for completeness, Should any of the data required in the Subdivisions Act or in this Chapter be omitted, the Clerk shall be directed to inform the proprietor of the data required, and that the application will be delayed until the required data is received,

(2) Data Required, The preliminary plat shall contain the following information:

(a) Identification and Description. The preliminary plat shall include:

1. Proposed name of subdivision,
2. Location by section, town and range, by other legal description,

3. Names and addresses of the proprietor, owner proprietor, and the planner, designer, engineer or surveyor who designed the subdivision layout. The proprietor shall also indicate his interest in the land as to whether it is a land contract interest, or he owns the property in fee,
4. Scale of plat, 1 inch = 100 feet as minimum acceptable scale.
5. Date, northpoint and scale.

(b) Existing Conditions, The preliminary plat shall include:

1. An overall area map at scale not less than 1 inch = 2, 000 feet showing the relationship of the subdivision to its surroundings such as section lines and/or thoroughfares or collector streets shall be provided.
2. Boundary line of proposed subdivision, section or corporation lines within or adjacent to the tract and overall property dimensions,
3. Property lines of adjacent tracts of subdivided and un-subdivided land shown in relation to the tract being proposed for subdivision, including those of areas across abutting roads with those unplatted landowners being designated by name.
4. Location, widths and names of existing or prior platted streets and private streets, and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.
5. Location, sizes, and invert elevations of existing sewers, water mains, storm drains. and other underground facilities within or adjacent to the tract being proposed for subdivision.
6. Topography drawn as contours with an interval of no more than two (2) feet. Topography to be based U. S. G. S. datum. Where existing ground surface will remain substantially unaltered, proposed grades of streets shall be shown by superimposed

contours in a characteristic clearly distinguishable from the existing ground contours: Where substantial alteration of existing ground surface is proposed, a separate contour map shall show the proposed revised ground surface and street grades.

(c) Proposed Conditions. The preliminary plat shall include:

1. Layout of streets indicating proposed street names, right-of-way widths, and connections with adjoining platted streets and also the widths and location of alleys, easements and public walkways.
2. Layout, numbers, and dimensions of lots, including building setback lines showing dimensions.
3. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.
4. An indication of the ownership, and existing and proposed use of any parcels identified as "excepted" on the preliminary plat. If the proprietor has an interest or owns any parcel so identified as "excepted", the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.
5. An indication of system proposed for sewage disposal by a method approved by the City Council and the Water & Sewer Superintendent shall be provided by the proprietor.
6. An indication of system proposed for water supply by a method approved by the City Council and the Engineer shall be provided by the proprietor.

7. An indication of storm drainage proposed by a method approved by the City Council and the Engineer, and if, involving County drains, the proposed drainage shall be acceptable to the County Drain Commission.

8. An indication of the method proposed for soil and erosion sedimentation control in accordance with Act 347, Public Acts of 1972.

9. In the case where the proprietor wishes to subdivide a given area, but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which proprietor intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the proprietor is subdivided.

1220.08 Planning Commission Review -Tentative Approval.

(1) Submittal to the Clerk shall be at least ten (10) days prior to the regular Commission meeting at which the proprietor is scheduled to appear. The Clerk shall the preliminary plat on the next regular Planning Commission agenda, at which meeting The proprietor will be scheduled to appear. The Planning Commission shall act on the preliminary plat within forty five (45) days of its receipt by the Commission unless the proprietor agrees to an extension, in writing, of the time required for approval by the City Council and Planning Commission.

(2) It shall be the duty of the Clerk to send a notice by registered or certified mail to the owners of land immediately the property be platted of the presentment of the preliminary plat and the time and place of the meeting of the Commission to consider said preliminary plat; said notice shall be sent not less than five (5) days before the date fixed therefore,

(3) The Clerk shall transmit a copy of the preliminary plat to the City Manager and the Water & Sewer Superintendent for their technical review and recommendation and

transmit a copy to the School Board having jurisdiction in the area where the plat is located.

(4) Should the Commission approve the preliminary plat, it shall notify the City Council of this action in written report and forward the same, together with all accompanying data, to the City Council for their review.

(5) Should the Commission find that the preliminary plat is not acceptable, they shall record the reasons in their official minutes and forward a written report together with all accompanying data to the City Council; and recommend that the City Council disapprove the preliminary plat.

1220.09 City Council -Tentative Approval.

(1) The City Council will not review a preliminary plat until it has received the review and recommendations of the Commission. Following the receipt of such recommendations, City Council shall consider the preliminary plat at such meeting that the matter is placed on the regularly scheduled agenda. The City Council shall take action on the preliminary plat within ninety (90) days of the date of initial filing of the plat with the Clerk, as required in 1220.08.

(2) Should the City Council tentatively approve the preliminary plat, they shall record their approval on the plat and return one copy to the proprietor.

(3) Tentative approval shall not constitute final approval of the preliminary plat.

(4) Tentative approval by the City Council shall be effective for a period of twelve (12) months. Should the preliminary plat in whole or in part not be submitted for final approval within this time limit, the preliminary plat must again be submitted to the Commission and City Council for approval unless an extension is applied for by the proprietor, and such request is granted in writing by the City Council.

1220.10 Preliminary Plat Review by City Council Final Approval.

(1) The proprietor shall file a valid preliminary with the Clerk together with a certified list of all authorities required for approval Sections 112 to 119 of the Subdivision Act. The proprietor shall also provide approved copies of plats from each of the required authorities along with any additional required information, application form and fees.

(2) The City Council shall take action on the preliminary plat at their next regular meeting or, within twenty (20) days of the submission of all necessary approvals.

(3) If the preliminary plat conforms substantially to the plat tentatively approved by the City Council and meets all conditions laid down for tentative approval, the City Council shall give final approval to the preliminary plat.

(4) The Clerk shall promptly notify the proprietor of approval or rejection in writing: if rejected, reasons shall be given and shall be recorded in the minutes pertaining thereto.

(5) Final approval shall be effective for a period of two (2) years from date of final approval. The two (2) year period may be extended, if applied for in writing, by the City Council. Written notice of the extension shall be sent by the City Council to other approving authorities.

(6) No installation or construction of any improvements shall be made before the preliminary plat has received approval of the City Council, engineering plans have been approved by the City Manager & Water & Sewer Superintendent, and any deposits required under this code have been received by the City.

1220.11 Final Plat.

The procedure for preparation and review of a final plat shall be as herein provided.

1220.12 Preparation.

- (1) The final plat shall comply with the provisions of the Subdivision Control Act No. 288, P. A. 1967, as amended.
- (2) The final plat shall conform substantially to the preliminary plat as approved it may constitute only that portion of the approved preliminary plat which the proprietor proposed to record and develop at the time; provided, however, that such portion conforms to this Subdivision Regulations Chapter.
- (3) The proprietor shall submit 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 for examination in order to ascertain as to whether or not the proper parties have signed the plat.

1220.13 Final Plat Review.

- (1) Original copies of the plat as required by the State Department of Treasury and three (3) paper prints of the final plat shall be filed by the proprietor with the Clerk and he shall deposit such sums of money as the City Council may require herein or by other ordinances. Such final plat shall have been processed in accord with Act 288 of 1967, Sections 162 through Section 165 prior to submission to the City for its review.
- (2) The final plat be reviewed by the City Manager & the Water & Sewer Superintendent as to compliance with the approved preliminary plat and plans for utilities and other improvements. The City Manager shall notify the City Council of his intentions for either approval or rejection of the final plat.
- (3) The City Council shall review all recommendations and take action on the final plat at their next regular meeting or, within twenty (20) days of its date of filing in accord with the procedures of Act 288 of 1967, Sections 166 through 167.

(4) Upon the approval of the plat by the City Council, subsequent approval shall follow the procedure set forth in the Subdivision Act. The five (5) prints of the final plat shall be forwarded; two (2) to the Clerk, one (1) to the Planning Commission, one (1) to the Building Department, and one (1) to the Assessor's office. The polyester film copies shall be forwarded to the Clerk of the County Plat Board in accord with Act 288 of 1967, Section 168.

(5) The placing of required monuments and lot corner markers may be waived by the City Council for a period one (1) year from the date of approval of the final plat by the City Council, provided:

(a) That monuments or other approved markers, adequately witnessed, shall be in place at all angles and at all ends of curves in the boundaries of the subdivision; and

(b) That the proprietor shall have delivered to the Clerk cash for a certified check, or irrevocable bank letter of credit running to the City, whichever the proprietor selects, in amount equal to \$50.00 per monument remaining to be placed plus \$25.00 per lot corner marker, remaining to be placed. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults, the City Council shall engage a surveyor to locate the monuments and markers called for on the plat and on completion of the work shall return any unexpended balance of the deposit to the party from whom it was received,

(6) The City Council shall require of the proprietor as a condition of final plat approval, a deposit in the form of cash, certified check, or irrevocable bank letter of credit running to the City for the full cost, as estimated by the City Engineer, of the improvement of public places, other than roads and streets, and the installation of any required public sanitary sewer, water supply and drainage facilities, to insure the completion of said improvements and facilities within a length of time agreed upon from the date of approval of the final plat by the City Council. The City shall rebate to the

proprietor. as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.

1220.14 Lot Division.

The following provisions shall govern the partitioning or dividing of lots, outlots or other parcels of land in a recorded plat, subject to provisions of Section 263 of the Subdivision Control Act.

1220.15 Division Permitted.

Land may be detached from one lot, outlot, or parcel and added to another lot, outlot or parcel upon application to and approval by the City Council. The fact of such a division shall be noted upon the City Assessment roll and thereafter the enlarged lot, outlot, or parcel shall be considered to be a single lot, outlot, or parcel for tax assessment and all other purposes. No such division shall be permitted unless the remainder of the lot, outlot or parcel from which the part was taken meets the minimum requirements of the Zoning Chapter, including requirements as to width, area and open spaces.

1220.16 Division into Two Lots.

Land may be divided into not more than two lots, outlots or parcels upon application to and approval by the City Council. The fact of such a division shall be noted upon the City Assessment roll and thereafter each separate parcel shall be considered to be a single lot, outlot or parcel for tax assessment and all other purposes. No such division shall be permitted unless separate parcel meets the minimum requirements of the Zoning Chapter including requirements as to width, area and open spaces. In those cases where water, sewer or other services have been installed within the plat by special assessment and the lot, outlot or parcel proposed to be divided has been assessed therefor, no division shall be permitted unless the applicant agrees in writing to pay into the special assessment district an additional amount to be determined by the City Council representing the increased share of the cost of the special assessment district which should be borne by

said lot, outlot or parcel as the result of increased benefit received by said lot, outlot or parcel when divided into two separate lots, outlots or parcels.

1220.17 Division into Three or Four Lots.

A lot, outlot or parcel may be divided into more than two (2) but not more than four (4) separate lots, outlots or parcels upon application to approval the Commission. A survey showing such proposed divisions prepared by a registered civil engineer or land surveyor and including a proper legal description of each separate lot, outlot or parcel proposed shall be submitted with the application. The application shall be filed with the Clerk at least twelve (12) days prior to the regular Commission meeting at which the applicant is scheduled to appear. A copy of the applications and the survey shall be forwarded to the City Planner for recommendation. Upon receipt of such recommendations, the matter shall be placed upon the agenda of the next regular meeting of the Commission. Should the Commission approve the requested division, it shall notify the City Council and the fact of such a division shall be noted upon the City Assessment roll and thereafter the divided portions of the lot, outlot or parcel shall be considered to be separate outlots or parcels for tax assessment and all other purposes. No such division shall be permitted unless each of the parts into which such lot, outlot or parcel is to be divided meets the minimum requirements of the Zoning Chapter including requirements as to widths, area and open spaces, In those cases water, sewer or other services have been installed within the lot by special assessment and the lot proposed to be divided has been assessed therefor, no division shall be permitted unless the applicant agrees in writing to pay into the special assessment district an additional amount to be determined by the City Council representing the increased share of the cost of the special assessment district which should be borne by said divided lot, outlot or ,parcel due to increased benefits received by said lot, outlot or parcel when divided into three (3) or four (4) such lots, outlots or parcels.

1220.18 Appeal.

Any person aggrieved by any action of the hereunder shall be entitled to a hearing before the City Council. Such hearing' shall be requested in writing and hall be held at the next

regular meeting of the City Council occurring not less than ten (10) days after filing of the request. The City Council may, after hearing, modify or reverse any decision of the Commission.

1220.19 Division into Nonconforming Parcels.

A parcel of platted land (acreage) may be divided into not more than four parcels, each containing ten(10) acres or less (subject to the 3trictions of P. A. No. 288 of 1967 as amended) and additional parcels each containing more than ten (10) acres, for sale, lease for more than one (1) year, or building development as building some of which may have no street frontage or insufficient street frontage to satisfy the requirements of the Schedule of Regulations of the Zoning Chapter, provided that the division and condition of sale, lease or development are in conformity with a site ,an previously approved by the Commission. Individual parcels from such division shall be eligible for building permits on obtaining such an approved site plan, as if the parcels met street frontage and dimensional requirements of the applicable Zoning District.

1220.20 Requirements of Site Plan.

(1) Easements, The site plan shall provide an easement or easements fifty (50) feet in width, giving vehicular access from a public street or streets to all parcels resulting from the proposed division not having street frontage. Such easements shall be established for the joint use of owners of all abutting resultant parcels of the original property for ingress and egress and also for occupation by utilities serving such abutting parcels.

(2) Areas of Parcels. Each parcel resulting from the proposed division shall have, exclusive of any area occupied by easement required above, across the parcel, a net area of not less than that required for a single subdivision lot in the particular Zoning District, and shall have a lot width along the easement equal to at least that width required in the particular Zoning District. The yard abutting easement shall be considered the front yard,

(3) Building Locations, Within each parcel shown on such site plan there shall be delineated and fully dimensioned an area within which the principal structure shall be confined and a greater area within which auxiliary buildings shall be confined, The areas so delineated shall be such that, the opinion and judgment of the Commission, development on each parcel will be in conformity with the spirit and intent of Chapter 51 respect to the particular Zoning District, will be compatible with existing development in the vicinity, and will not adversely affect adjacent properties, No building permits shall be issued for buildings not located within the limits shown on an approved site plan.

1220.21 Submission of Site Plan

(1) Preliminary Submission. Preliminary submission of a proposed division of property under this Article shall include the following:

(a) A plan of the property to be divided, accurately drawn at scale not smaller than one (1) inch equals fifty (50) feet, prepared by a Registered Land Surveyor or Civil Engineer licensed to practice in the State of Michigan and showing at least:

1. Survey location, dimensions and area of the' property to be divided.
2. Topography, by contours on U. S. G. S. datum at intervals of not more than two (2) feet, extending to the opposite right-of-way line of any abutting street or highway, and extending at least twenty-five (25) feet onto all abutting property; also all existing buildings on the site, all important trees or stands of woods and features of special interest in development and use of the parcels.
3. Location and description of any buildings located on abutting property within fifty (50) feet of the boundaries of the parcel to be divided.
4. Boundaries of all proposed divisions, with complete dimensions and area of each proposed resultant parcel.
5. Proposed easements, with complete dimensions.
6. Proposed limits within which principal structure and auxiliary buildings shall be confined on each parcel, with dimensions.

(2) Final Site Plan. After the preliminary site plan, as submitted or modified, is accepted by the Commission, the proprietor shall submit to the Commission for final approval and final record the following:

(a) A plan, in the form of an original ink drawing on draft film or a "Chronaflex" duplicate, drawn to a scale of not less than one (1) inch equals one hundred (100) feet, showing in conformity with the accepted plan:

1. Survey location, dimensions and areas of all parcels
2. Location and complete dimensions of all easements.

3. Completely dimensioned limits within which principal structures and auxiliary buildings shall be confined on each parcel.

(b) A legal description of each parcel into which the property is divided, prepared by a Registered Land Surveyor.

(c) An easement or easements containing an accurate legal description thereof prepared by a Registered Land Surveyor, and including recitation of the purposes for which the easement is created, with grant to the City, its successors and assigns, in perpetuity, of the right to occupy and use such easement for installations, maintenance and operation of publicly owned utilities; such instrument to be in form and substance provided or approved by the City Attorney.

(3) Approval of Final Site Plan. When the final site plan and its accompanying material has been reviewed and found to be in conformity with the accepted preliminary plan and otherwise satisfactory, the Planning Commission shall formally recommend approval to the City Council of the final site plan. The City Council shall give the proprietor written notice of its action. Thereafter, the resultant parcels so set off shall be eligible for building permits, upon evidence being presented to the City of Ewart of recording with the Osceola County Register of Deeds of all required easements and the site plan.

1220.22 Standards.

The subdivision design layout standards set forth under this section are development guides for the assistance of the proprietor. All final plans must be reviewed and approved by the City Council.

1220.23 Streets.

Streets shall conform to at least all minimum requirements of the general specifications and typical cross-sections as set forth in this Design Layout Standards Article of this Chapter and shall conform to the various elements of the Chapter and Master Plan, and to any other conditions set forth by the City Council.

(1) Location and Arrangements,

(a) The proposed subdivision shall conform to the various elements of the Master Plan and shall be considered in relation to the existing and planned major thoroughfares and collector streets, and such part shall be platted in the location and width indicated on such plan.

(b) The street layout shall provide for continuation of collector streets in the adjoining subdivisions or the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Commission.

(c) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.

(d) Should a proposed subdivision border on or contain an existing or proposed major thoroughfare, the Commission may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards,

(e) Should a proposed subdivision border on a railroad, expressway or other limited access highway right of way, the Commission may require the location of a street approximately parallel to and on each side of such right of way at a distance suitable for the development of any use of the intervening land, Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.

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

(2) Right-of-Way Widths. Street right-of-way widths shall conform to at least the following minimum requirements:

STREET TYPE RIGHT-OF-WAY WIDTHS

(a) Major Thoroughfare -100 feet, or in conformance with the Major Thoroughfare Plan of the City.

(b) Collector Streets (Secondary Thoroughfares) 86 feet.
Industrial Service streets -66 feet.

(c) Industrial Collector streets -86 feet.

(d) Multiple-Family Residential streets (where platted) -70 feet.

(e) Minor (single-family residential) Streets -70 feet.

(f) Turn-Around (Loop) Street -110 feet diameter.

- (g) Alley 20 feet.

- (h) Cul-de-Sac Streets
 - 1. Industrial -70 feet (terminated with a 110 foot diameter turn-around).
 - 2. Residential and others 70 feet (terminated with a 110 foot diameter turn-around)

- (i) Length for cul-se-sac streets shall not exceed six hundred (600) feet.

- (3) Street Geometrics. Standards for maximum and minimum street grades, vertical and horizontal street curves and sight distances shall be established by resolution of the City Council and shall, in no case, be less restrictive than the standards of the Osceola County Road Commission.

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

- (5) Street Jogs. Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall be avoided.

- (6) Acceleration and Deceleration Lanes, Streets which intersect with major thoroughfares which are developed in only two (2) moving lanes shall be provided with paved acceleration and deceleration lanes and passing lanes on both sides of the thoroughfare, Such lanes shall be provided in keeping with the standards approved by the Council for this type of improvement.

1220.24 Blocks

Blocks within subdivisions shall conform to the following standards:

(1) Sizes.

(a) Blocks shall not exceed one thousand four hundred (1,400) feet in except where, in the opinion of the Commission, conditions may justify a greater distance.

(b) Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

(2) Public Walkways

(a) Location of public walkways or crosswalks may be required by the Commission to obtain satisfactory pedestrian access to public parks, schools, institutions and other public facilities.

(b) The right-of-way width of all such public walkways should be at least twelve (12) feet and shall be in the nature of an easement for this purpose.

(3) Easements.

(a) Location of utility line shall be provided along the rear or side lot lines as necessary for utility lines. In instances where extreme topographic features or vegetation exists, easements may be located along the front lot lines to thus conserve natural features. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than twelve (12) feet wide, six (6) feet from each parcel.

(b) Recommendations on the proposed layout of telephone and electric company easements should be sought from all utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the preliminary plat to all appropriate public utility agencies.

(c) Easements three (3) feet in width shall be provided where needed along side lot lines so as to provide for street light dropouts. Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained from the appropriate public utility indicating: "That side lot lines between lots (indicating lot numbers) are subject to street light dropout rights granted to the (name of the utility company)."

1220.25 Lots.

Lots within subdivisions shall conform to the following standards:

(1) Sizes and Shapes.

(a) The lot size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.

(b) Lot areas and widths shall conform to at least the minimum requirements of the Zoning Chapter for the district in which the subdivision is proposed.

(c) Building setback lines shall conform to at least the minimum requirements of the Zoning Chapter.

(d) Corner lots in residential subdivisions shall be platted at least ten (10) feet wider than the minimum width permitted by the Zoning Chapter.

(e) Excessive lot depth in relation to width shall be avoided. A depth-to-width of three to one (3:1) shall normally be considered a maximum,

(f) Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setback and other requirements in accordance with the Zoning Chapter.

(2) Arrangement.

- (a) Every lot shall front or abut on a street.
- (b) Side lot shall be at right angles or radial to the street line(s), except where some variation is necessary to preserve natural features.
- (c) Residential lots abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots, or with side lot lines parallel to the major traffic streets, Or shall be platted with extra depth to permit greater distances between building and such trafficway.
- (d) Lots shall have a 'front-to-front relationship across all streets where possible. Any deviation shall require the review and approval of the Planning Commission.

1220.26 Natural Environmental Features

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, 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.

1220.27 Flood Plains.

Any areas of land within the proposed subdivision which lie either wholly or in part within the flood plain of a river, stream, creek or lake, or any other areas which are subject to flooding or inundation by storm water shall require specific compliance with the Subdivision Act and its review by the Water Resources Commission of the Department of Natural sources.

1220.28 Minimum Requirements.

The improvements set forth under this Article are to be considered as the minimum requirements acceptable. All those improvements for which standards are not

specifically set forth shall have said standards set by Ordinance or published rules of the City Council. All improvements must meet the approval of the City Council. Prior to the undertaking of any improvements, the proprietor shall deposit with the Clerk, cash, certified check or irrevocable bank letter of credit, whichever the proprietor selects, or a surety bond acceptable to the City Clerk to insure faithful completion of all improvements within the time specified. The amount of the deposit shall set by the City Council based on an estimate by the City Manager. The City Council shall release funds for the payment of work as it is completed and approved by the City.

Prior to the acceptance by the City of improvements, two year maintenance bond in an amount set by the ,City Council shall posted by the proprietor. Improvements shall be provided by the proprietor in accordance with the standards and requirements in this Article V and/or any other such standards and requirements which may from to time be established by Ordinance or published rules of the City.

1220.29 Streets.

All streets and appurtenances thereto shall be constructed in accordance with details and specifications approved by the City Council.

(1) Street Pavement Width Standards:

Street Type Pavement Width (Measured from back of to back of curb)

(a) Major Thoroughfare

In conformance with the standards and specifications established by the City Manager and the City Council. This width is generally established as 48 feet.

(b) Collector Streets

41 feet

(c) Industrial streets

41 feet

- (d) Multiple-Family Residential Street (where indicated)
37 feet
- (e) Minor Residential Streets
31 feet
- (f) Turn-Around (loop) Street
Not less than 80 ft. diameter at termination loop 36 ft. wide pavement
- (g) Alley
20 feet
- (h) Cul-de-Sac Streets

Industrial

65 foot radius

Residential and Others

45 foot radius

- (2) Curbs and Gutters:

In accordance with details and specifications prescribed by the Council.

- (3) Roadway Pavements:

In accordance with details and specifications prescribed by the City Council.

1220.30 Utilities.

- (1) Requirements for Under-ground Wiring: The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout a subdivided area, except for major thoroughfare right-of-way. Such conduits or cables shall be placed within private easements to such service companies by the proprietor or within dedicated public ways,

provided only overhead lines may be permitted upon approval the City Council at the time of final plat approval after review and a written recommendation is provided by the Engineer, Planner and Commission where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, plat design and character the subdivision. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse private owned property shall protected by easements granted by the proprietor.

(2) Storm Drainage System and Other Drainage Improvements: Per plans approved by the City Council. Where County drains are involved, a letter or document of approval from the County Commissioner must submitted by the proprietor.

(3) Sewage System: Per plans approved by the City Council and the requirements of the County Health Board or other appropriate public health authority.

(4) Water Supply: Water distribution system per plans approved by the City Council and in conformance with the Regulations of the Michigan Department of Health relating to City water supplies.

1220.31 Other Improvements.

(1) Sidewalks: Sidewalks shall be provided on the sides of all road rights-of-way adjacent to the subdivision being developed. In those instances where no good purpose would be served, the City Council may waive this requirement. All sidewalks shall made of concrete four (4) feet wide, four (4) inches thick, and located one (1) foot from the property line.

(2) Public Walkways: Walkways shall at least be twelve (12) feet in width. Planting pockets may be provided in public walkways for tree and shrub planting. The planting

plan and surface treatment meet the approval of the Commission. Fences or other improvements may also required the Commission or City Council determines they are necessary to protect the adjacent property owners.

(3) Trees: Existing trees near street rights-of-way shall be preserved by the subdivider. Street trees shall be provided at least one per lot in the street right-of-way between sidewalk and curb in accordance with regulations established by the City Council.

(4) Street Signs: Street name signs shall placed at all street intersections and shall be of a permanent weather resistant construction, with street names visible from two directions, as approved by the City Council. Traffic regulations signs, as may be required, will be located as required by the City Council. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, road, boulevard, drive, place or court or an abbreviation thereof.

1220.32 Required Approvals.

The approvals required under the provisions of this Chapter shall be obtained prior to the installation of any subdivision or project improvements within the City, in public streets, public alleys, public rights-of-ways, and public easements, or under the ultimate jurisdiction of the City. All subdivision or project improvements within the City installed in public streets, public alleys, public rights-of-way, or public easements, or under the ultimate jurisdiction of the City, shall comply with all of the provisions and requirements of the City Code.

1220.33 Interpretation.

The provisions of these regulations shall be held to be the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of the City. These regulations are not intended to repeal, abrogate, annul or, in any manner, interfere with existing regulations or laws of the City nor conflict with any statutes of the State of Michigan or the County of Osceola except that these regulations shall prevail in

cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations.

1220.34 Review Fees.

Preliminary and final plat review fees, planning fees, engineering fees, inspection fees, water and sewer connection charges and other applicable development charges shall be paid by the proprietor as provided for by Ordinance.

1220.35 Violations and Penalties.

Any person violating any of the provisions of this Chapter shall, upon conviction thereof, be subject to the following penalties:

(a) **First Offense** – The first violation of the above rules shall be a civil infraction, punishable by a fine not to exceed \$50.00 plus costs.

(b) **Second Offense** – The second violation of the above rules, within a 3 year period, shall be a civil infraction, punishable by a fine not to exceed \$100.00 plus costs.

(c) **Third Offense** – The third or more violation of the above rules, within a 3 year period, shall be a misdemeanor punishable by a fine of not greater than \$500.00 plus costs and/or jail sentence not to exceed 93 days in jail.

1220.36 Variance for Hardship.

The City Council may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance and provided the variance does not pertain to requirements of the Zoning Chapter. In granting any variance, the City Council shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below the City Council shall take into account the nature of the proposed use of land existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect

of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the City Council finds:

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

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

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