

**SUBDIVISION CONTROL ORDINANCE  
CITY OF MUNISING, ALGER COUNTY, MICHIGAN  
2006-02**

**THE CITY OF MUNISING HEREBY ORDAINS;**

An Ordinance to regulate and control the subdivision of land in the City of Munising in accordance with the provisions of Act 288 of 1967, as amended; requiring the preparation and presentation of preliminary and final plats for local review and approval; establishing minimum subdivision design standards; providing minimum improvements to be made or guaranteed to be made by the proprietors, establish fees and penalties and other administrative provisions to enforce this Ordinance; and to provide regulations regarding conflicts with other ordinances or regulations.

**ARTICLE I: GENERAL PROVISIONS**

**Section 1.1 PURPOSE**

The general purpose of this ordinance is to regulate and control the subdivision of land within the City of Munising in order to promote the safety, public health and general welfare of the community. These regulations are specifically designed to:

- A.** Provide for orderly growth and harmonious development of the community, consistent with the City of Munising Comprehensive Plan and other local plans and policies.
- B.** Secure adequate traffic circulation and safety through adequately designed and coordinated street systems with proper relationships to existing roads, streets and driveways, major thoroughfares, adjoining subdivisions, and public facilities.
- C.** Achieve the maximum utility and livability of individual property lots.
- D.** Insure adequate provisions for water, sewage disposal, drainage, and other health requirements.
- E.** Provide for adequate recreational areas, open space, educational facilities, lighting, pedestrian access, and other amenities.

**Section 1.2 SCOPE**

This ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the Ordinance, except for the further dividing of lots, provided that such lot or lots and subdivision was created in compliance with the ordinances and regulations in effect at

the time the subdivision was created and recorded. Nor is it intended by the Ordinance to appeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or regulations, or with private agreements, or with restrictive covenants running with the land to which the City of Munising is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of the City of Munising, the provisions of this Ordinance shall prevail.

### **Section 1.3 ADMINISTRATION**

The provisions of this ordinance, where applicable, shall be administered by the City Planning Commission, acting in lieu of the governing body.

### **Section 1.4 SCHEDULE OF FEES**

The City Commission, by resolution, shall establish the filing fee for the Tentative and Final review of the Preliminary Plat, review of detailed engineering plans, and review of the Final Plat.

## ARTICLE II: DEFINITIONS

### Section 2.1 CONSTRUCTION OF LANGUAGE

The following rules of construction shall apply to the text of this Ordinance.

- A. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
- B. The particular shall control the general.
- C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- E. When consistent with the context, words in the present tense shall include the future, words in the singular number shall include the plural, and words in the plural shall include the singular.
- F. The words “used” or “occupied” include the words “intended,” “designed,” or “arranged” to be used or occupied.
- G. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either— or,” the conjunction shall be interpreted as follows:
  - 1. “And” indicates that all connected items, conditions, provisions, or events shall apply.
  - 2. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - 3. “Either—Or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- H. Whenever a reference is made to several sections and the section numbers are connected by the word “to,” the reference includes both sections whose numbers are given and all intervening sections.

### Section 2.2 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated.

**ACCESS POINTS:** The point at which the road system within a proposed subdivision intersects with an existing public road, typically a County primary road.

**ALLEY:** A public or legally established thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

**AS-BUILT PLANS:** Revised construction plans in accordance with all approved field changes.

**BLOCK:** The property abutting one side of a 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, lake, river, stream, or other barrier to continuity of development.

**BUFFERYARD:** A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.

**CAPTION:** The name by which the plat is legally and commonly known.

**CITY COMMISSION:** The elected governing body of the City of Munising.

**COUNTY PLAT BOARD:** The Alger County Plat Board is made up of the Chairperson of the Alger County Board of Commissioners, who serves as chairperson, the County Clerk, who acts as secretary, and the County Treasurer.

**CUL-DE-SAC:** A turnaround at the end of a dead-end street, typically circular.

**CUL-DE-SAC STREET:** A street with a single common ingress and egress and with a turnaround at the end.

**DEDICATION:** The intentional appropriation of land by the owner to public use.

**DEPARTMENT HEADS:** The heads of the water, wastewater, electric, public works, public safety, and parks and recreation departments.

**ENGINEER:** A civil engineer who is a professional engineer licensed under Article 20 of the Occupational Code, Act No. 299 of the Public Acts of 1980, being subsections 339.2001 to 339.2014 of the Michigan Compiled Laws.

**GREENBELT:** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

**IMPROVEMENTS:** Any structure or structures incidental to furnishing or servicing facilities for a subdivision, including but not limited to, streets and roads, sidewalks, street lights, signs, water mains, sanitary and storm sewers, manholes, hydrants, culverts, utility lines., etc.

**LOCAL STREET:** A street intended to serve and to provide access to neighborhoods or sub-neighborhoods.

**LOT:** A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this Ordinance, either shown on a plat or record or else considered as a unit of property and described by metes and bounds. For purposes of this ordinance “site condominium” shall mean the same as “lot”.

**LOT CORNER:** A lot where the interior of two adjacent sides at the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. The front shall be deemed to be the shortest of the sides fronting on the streets. All corner lots shall be designated at time of subdivision or submission of a building permit or zoning compliance permit as fronting on a single street. All yard and building requirements shall be based upon that designation.

**LOT DEPTH:** The average distance five evenly separated lines drawn from the front lot line to the rear line. Two of these five lines shall be the side lot lines.

**LOT, DOUBLE FRONTAGE:** Any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

**LOT LINES:** The lines bounding a lot as defined herein:

- (1) **Front Lot Line:** The line separating the lot from the right-of-way. In the case of a through lot the lines separating the lot from each right-of-way. In the case of a corner lot, one such front line may be designated as a side lot line. In the case of a lot bordering on a lake or river, the ordinary high water mark shall be used as the front lot line.
- (2) **Rear Lot Line:** A lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line shall be opposite either front lot line, but there shall only be one rear line. In the case of a lot pointed at the rear, the rear line shall be an imaginary line parallel to the front line, no less than 10 feet long, lying farthest from the front line and wholly within the lot.
- (3) **Side Lot Line:** Any lot line not a front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT WIDTH:** The required horizontal distance between the side lot lines measured at the two points where the required front setback line intersects the side lot line.

**MAJOR STREET PLANS:** The master plan of Highways, Major and Local Streets and Parkways adopted by the city planning commission.

**MAJOR STREET, HIGHWAY, PARKWAY:** A street or road which serves or is intended to serve as a major traffic way and designated in the Major Street Plan.

**OUTLAWN:** That portion of the right-of-way between the property lines and the improved roadways.

**OUTLOT:** A lot included within the boundary of a recorded plat that is set aside for purposes other than a development site, park, or other land dedicated to public use or reserved to private use.

**PARCEL:** A continuous area or acreage of land that can be described as provided for in the Land Division Act (Act 288 of 1967, as amended).

**PLAT:** A map or chart of a subdivision of land

**PLAT, PRE-PRELIMINARY:** A drawing in accordance with Section 3.1 of this Ordinance, showing the general layout or a proposed subdivision.

**PLAT, PRELIMINARY:** A drawing in accordance with Section 3.22 of this Ordinance, containing detailed information regarding the layout, use, public improvements, etc, for a proposed subdivision.

**PLAT, FINAL:** A drawing in accordance with Section 3.5 of this Ordinance, depicting the layout, etc. of a subdivision that has received tentative and final approval of a preliminary plat, and depicting the public improvements that have been or will be constructed in accordance with Article IV.

**PROPRIETOR:** A natural person, firm, association, partnership, corporation, or combination of any of these which may hold any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as the owner, developer or subdivider.

**PUBLIC BUILDING:** Any building, structure, facility or complex used by the general public or providing public services, whether constructed by a state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to; assembly buildings, such as auditoriums or libraries, city, village or township halls; community centers, senior citizen centers or fire halls.

**PUBLIC SEWER:** A sewerage system as defined in Section 4101 of Part 41 (sewerage systems) of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being Section 324.4101 of the Michigan Compiled Laws.

**PUBLIC UTILITY:** Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, refuse removal, transportation, water or communications (including radio, telephone, telegraph, television, cable, satellite, or fiber optics).

**PUBLIC WATER:** A system of pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes, and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water to the public for household or drinking purposes.

**RESERVE STRIP:** A strip of land, typically at the boundary of a subdivision, retained by a proprietor in order to control future access.

**RIGHT-OF-WAY:** A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

**ROAD, STREET or ROADWAY:** Any vehicular way which: (1) is an existing state, county or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved.

**STATE TRUNKLINE:** A highway maintained as part of the state highway system, and designated as either a state highway (e.g. M-35) or a federal highway (e.g. U.S. 2).

**STREET, STUB:** A right-of-way or constructed street, which extends to the boundary of a subdivision but does not connect to other subdivisions or to existing roads. The purpose of a stub street is to provide for access between subdivisions as adjacent parcels are developed.

**SUBDIVIDE or SUBDIVISION:** The partitioning or splitting of a tract or parcel of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act (Act 288 of 1967, as amended) by Sections 108 and 109. This does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this Ordinance and the Land Division Act (Act 288 of 1967, as amended). (Note: this definition is much more detailed than the one in the zoning ordinance.)

**SURVEYOR:** A professional surveyor licensed under Article 20 of the Occupational Code, Act No. 299 of the Public Acts of 1980, being subsections 339.2001 to 339.2014 of the Michigan Compiled Laws.

**TOPOGRAPHICAL MAP:** A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

**TRACT:** Two or more parcels that share a common property line and are under the same ownership.

**TRAFFIC STUDY:** A study of the impacts of proposed development, based on the level of development, the type, number and location of roads proposed for construction, etc., and prepared in accordance with the standards of the Institute of Transportation Engineers.

## **ARTICLE III: PLATTING PROCEDURE AND DATA REQUIRED**

### **Section 3.1 PRE-PRELIMINARY PLAT REVIEW**

Prior to submission of a preliminary plat for tentative approval from the planning commission, the proprietor shall meet with the city manager and department heads to review the proposed subdivision development scheme. The pre-preliminary plat review is intended to provide guidelines to the proprietor concerning development and design standards of the City of Munising. There is no implied approval associated with the pre-preliminary plat review process.

### **Section 3.2 TENTATIVE APPROVAL OF PRELIMINARY PLAT**

#### **3.2.1 Purpose**

In order that subdivisions are prepared in conformity with the general standards of the City of Munising, the proprietor or developer shall prepare a Preliminary Plat. The process of obtaining tentative approval or denial of the preliminary plat shall be completed within 90 calendar days after receipt of the fee in accordance with Sections 1.4 and 3.22 of this Ordinance. The preliminary plat shall contain all of the information listed below in sufficient detail to enable a determination of whether the proposed subdivision meets requirements for lots, streets, roads, sidewalks, open space, etc., as required by this and other ordinances of the City of Munising.

#### **3.2.2 Requirements**

The proprietor shall prepare a preliminary plat on paper not less than 24 inches by 36 inches, at a scale at least 1 inch to 100 feet, showing the date and North arrow. The preliminary plat shall clearly show the following and shall meet the following requirements.

- A. Proposed plat or development name, name and address of proprietor, and the name and address of the proprietor's developer's Engineer or Surveyor and seal of the Engineer or Surveyor preparing the Plat.
- B. Information relating to the location and names of adjoining subdivisions, property description, public highways, railroads, rivers, lakes, utilities, parks, cemeteries, and any other features.
- C. Existing and proposed streets, street names, rights-of-way, and widths, including streets which link the proposed subdivision with other subdivisions or other adjacent developed areas.
- D. A legal description, approximate lot and boundary dimensions and bearings.

- E. Topography, including location of existing natural watercourses, drainage ditches, culverts or bridges, and other features affecting drainage, contour lines shall be shown at intervals close enough to permit determination of proposed gradients. Drainage arrows shall be shown on proposed roads.
- F. Easements to provide for public access for construction and maintenance of drains, public utilities, etc., in, and over and across private property within the plat or development shall be shown. Easements affecting road drainage shall be dedicated to the public or provisions shall be shown in the dedication, reserving them for use indicated, and vesting the control in local governmental authorities.
- G. The current land use and existing zoning of the proposed subdivision and adjacent tracts shown on the plat.
- H. Location of any proposed sidewalks, pedestrian walkways, bike paths, and other provisions for non-motorized transportation, if any.
- I. Location of proposed and existing storm and sanitary sewers and water mains.
- J. Location and type of existing and proposed utilities, including but not limited to electrical power, natural gas, telephone, cable television, etc.
- K. Location and design of all lighting fixtures, including but not limited to, street lighting, lighted signs, recreational area lighting, pathway lighting, etc.
- L. Location of any proposed signs, all of which must be in compliance with the city sign ordinance and any other applicable ordinances.
- M. Location of proposed recreation areas, open space, or other deeded lands.
- N. The following items shall be submitted with each plat:
  - 1. Statement of the intended use of the proposed plat.
  - 2. A map of the entire area scheduled for development, if the proposed subdivision is a portion of a larger holding intended for subsequent development.
  - 3. A location map showing the relationship of the proposed subdivision to the surrounding area.
  - 4. A wetland delineation and determination conducted by either a qualified consultant or the MDEQ, if potential or known presence of wetlands exists.

5. All proposed protective covenants and deed restrictions, or a statement in writing that none are proposed.
6. A traffic study in accordance with the standards of the Institute of Transportation Engineers, if required by the Planning Commission.

### 3.2.3 Examination Submitted Preliminary Plat

The proprietor shall submit ten (10) copies along with an application form to the City Zoning Administrator, not less than fifteen (15) business days before a regular meeting of the Planning Commission. The Zoning Administrator or his/her designee shall examine the preliminary plat to insure that all information required by Section 3.22 has been submitted. If all required information is not included on the preliminary plat, the Zoning Administrator shall notify the proprietor by first class mail, specifying what additional information is required, and informing the proprietor that the preliminary plat shall not be accepted for review until the required information is submitted. If all required information has been submitted, the Zoning Administrator shall compute the fee for review of the plat, in accordance with Section 1.4, and shall notify the proprietor in writing of the required fee within five business days.

### 3.2.4 Public Hearing

The Planning Commission shall provide for a public hearing, giving due notice to all interested parties:

- A. A notice of the public hearing shall be published in a newspaper of general circulation not more than 15 days nor less than 5 (five) calendar days prior to the hearing. The public hearing notice shall contain the date, time and location of the hearing, the purpose of the hearing, the location of the proposed subdivision, the address to which written comments may be sent, and the location(s) where a copy of the preliminary plat may be reviewed.
- B. A notice of the public hearing, containing the information described in the preceding paragraph shall be sent by first class mail or personal delivery to all persons to whom real property is assessed and to the occupants of all structures within 300 feet of the boundary of the proposed subdivision. The notice shall be sent not more than 15 nor less than 10 calendar days prior to the public hearing.

### 3.2.5 Planning Commission Review and Approval

The Planning Commission shall review the preliminary plat for consistency with all approved plans and policies of the City and whether the proposed subdivision meets the requirements of Article IV Design Standards. The Planning Commission will review and consider staff comments and recommendations. The Planning Commission may seek the input of other agencies and individuals,

including but not limited to, the Alger County Drain Commissioner (?), the Luce-Marquette-Alger-Schoolcraft (LMAS) District Health Department, the Michigan Department of Environmental Quality, and any consulting engineer employed by or under contract to the City.

Following the public hearing and review, the Planning Commission shall give its tentative approval, rejection, or tentative approval with conditions to the Preliminary Plat.

A tentative approval of a Preliminary Plat under this section shall confer upon the proprietor approval of lot sizes, lot orientation and street layout for a period of one year from the date of such approval. The Planning Commission may grant a one-time extension of a Preliminary Plat for one year if the proprietor applies in writing for the extension prior to the expiration of the Preliminary Plat approval and the Planning Commission finds that the standards of this Ordinance, the requirements of the City of Munising Zoning Ordinance, the requirements of other applicable ordinances and the requirements of the Land Division Act (Act 288 of 1967, as amended) have not materially changed as applied to the subdivision.

### 3.2.6 Variations and Exceptions to Design Standards

In cases where variations and exceptions to dimensional standards, public improvement requirements and/or open space requirements are deemed necessary, variations may be recommended by the Planning Commission to the City Commission. Such variations shall be included as part of the tentative approval granted by the planning commission.

Variations and exceptions may be recommended upon finding that:

1. There are special circumstances or conditions affecting the property that strict application of one or more of the provisions would clearly be unreasonable.
2. The variation and exception will not be detrimental to the public welfare, or result in substantial adverse effect on adjacent properties.
3. The variation and exception shall not violate provisions of the Land Division Act (Act 288 of 1967, as amended).
4. The variation and exception is not inconsistent with the public interest and policies of the City of Munising.

### Section 3.3 FINAL APPROVAL OF PRELIMINARY PLATS

#### 3.3.1 General Requirements for Final Approval of Preliminary Plats

Following tentative approval by the Planning Commission, the proprietor shall prepare and submit to the Zoning Administrator ten (10) copies of a Preliminary Plat for final approval. The Preliminary Plat submitted for final approval shall incorporate all required changes resulting from review by the City and other authorities. The Preliminary Plat shall be drawn on paper sized not less than 24 inches by 36 inches, at a scale at least 1 inch to 100 feet, showing the date and North arrow. The Preliminary Plat shall clearly show the following and shall meet the following requirements:

- A. Proposed plat or development name, name and address of proprietor, and the name and address of the proprietor's developer's Engineer or Surveyor and seal of the Engineer or Surveyor preparing the Plat.
- B. Information relating to the location and names of adjoining subdivisions, property description, public highways, rivers, lakes, utilities, parks, cemeteries, and any other features.
- C. Existing and proposed streets, street names, right-of-way, and widths, including streets which link the proposed subdivision with other subdivisions or other adjacent developed areas.
- D. A legal description, approximate lot and boundary dimensions and bearings.
- E. Topography, including location of existing natural watercourses, drainage ditches, culverts or bridges, and other features affecting drainage, contour lines shall be shown at intervals close enough to permit determination of proposed gradients. Drainage arrows shall be shown on proposed roads.
- F. Easements to provide for public access for construction and maintenance of drains, public utilities, etc., in, over and across private property within the plat or development shall be shown. Easements affecting road drainage shall be dedicated to the public or provisions shall be shown in the dedication, reserving them for use indicated, and vesting the control thereof in local governmental authorities.
- G. The current land use and existing zoning of the proposed subdivision and adjacent tracts shown on the plat.
- H. Location of any proposed sidewalks, pedestrian walkways, bike paths, and other provisions for non-motorized transportation, if any.
- I. Location of proposed and existing storm and sanitary sewers and water mains.

- J. Location and type of existing and proposed utilities, including but not limited to electrical power, natural gas, telephone, cable television, etc.
- K. Location and design of all lighting fixtures, including but not limited to, street lighting, lighted signs, recreational area lighting, pathway lighting, etc.
- L. Location of any proposed signs, all of which must be in compliance with the city sign ordinance and any other applicable ordinances.
- M. Location of proposed recreational areas, open space, or other deeded lands.
- N. The following items shall be submitted with each plat.
  - 1. Statement of the intended use of the proposed plat.
  - 2. A map of the entire area scheduled for development, if the proposed subdivision is a portion of a larger holding intended for subsequent development.
  - 3. A location map showing the relationship of the proposed subdivision to the surrounding area.
  - 4. All proposed protective covenants and deed restrictions, or a statement in writing that none are proposed.
  - 5. A traffic study in accordance with the standards of the Institute of Transportation Engineers, if required by the Planning Commission.
- O. Approval by Planning Commission.

### 3.3.2 Commissions Review and Approval of Final Preliminary Plat

The City Commission shall hold a public hearing on the final Preliminary Plat at its next regularly scheduled meeting. A notice of the public hearing shall be published in a newspaper of general circulation not more than 15 days nor less than five calendar days prior to the hearing. The public hearing notice shall contain the date, time and location of the hearing, the purpose of the hearing, the location of the proposed subdivision, the address to which written comments may be sent, and the location(s) where a copy of the preliminary plat may be reviewed.

Following the public hearing, the city commission shall approve the final Preliminary Plat if the proprietor has met all conditions for approval of the Preliminary Plat. The City Clerk shall notify the proprietor the approval or rejection, in writing, within five working days; reasons for rejection will be specified.

Final approval of the preliminary plat under this section shall confer upon the proprietor for a period of two years from date of approval, the conditional right that the general terms and conditions under which preliminary approval was granted will not be changed. The 2-year period may be extended if applied for by the proprietor and granted by the City Commission. Written notice of the extension shall be sent by the City Clerk to the other approving authorities.

### **Section 3.4 DETAILED ENGINEERING PLANS**

#### **3.4.1 Submittal of Detailed Engineering Plans**

Following final approval of the preliminary plat in accordance with Sec. 3.3, the proprietor shall submit three sets of detailed engineering plans for streets, storm drainage, sidewalks, and other required public improvements to the City Manager. The engineering plans shall contain the name, address, telephone number and seal of the engineer who prepared the plans, and shall be of sufficient detail to determine conformance of the proposed improvements to applicable city regulations and standards, including the Subdivision Design Standards set forth in Articles IV and V of this Ordinance. The engineering plans shall include, but not be limited to, the following:

- A. Proposed and existing storm and sanitary sewers, water mains, and their respective profiles, including size and type of material proposed to be used.
- B. Location, width, profile, radii of curves and cul-de-sacs, surface material, and profiles of proposed and existing streets, roads and alleys.
- C. Location, width, and surface material of sidewalks and/or pedestrian walk or bike paths, if any.
- D. Location and type of existing and proposed utilities, including but not limited to electrical, natural gas, telephone, cable televisions, etc., and showing whether located overhead or underground.

#### **Section 3.4.2 Review of Detailed Engineering Plans**

The City Manager shall have the detailed engineering plans reviewed by appropriate personnel for conformance with applicable regulations and standards contained in this and other ordinances of the City.

If the detailed engineering plans are found to be adequate, an agreement between the proprietor and the City shall be made to provide for periodic and final inspection of public improvements to insure conformity to the submitted plans. The agreement shall be a condition of approval of the final plat.

Following approval of the detailed engineering plans the proprietor may begin construction of roads and streets, public utilities, and other improvements.

## Section 3.5 FINAL PLAT

### 3.5.1 Requirements

The proprietor shall prepare a Final Plat following final approval of the Preliminary Plat, approval of detailed engineering plans, and completion of a survey. A Final Plat shall contain all of the information specified in Sections 132 to 141 of the Land Division Act (Act 288 of 1967, as amended) and shall be clearly identified as a Final Plat. The Final Plat submitted for approval to the City Commission shall be identical to the Preliminary Plat that obtained final approval of the Planning Commission. In addition, the Final Plat shall include an opinion of the proprietor's attorney that title to the land encompassed by the Plat is marketable.

The City Commission shall require that all improvements and facilities, such as roads, streets, water, storm and sanitary sewer, sidewalks, etc., be completed, or that financial guarantees be in place before the Final Plat is approved.

A Final Plat shall not be accepted for review by the City Commission after the date of expiration of the final approval of the preliminary plat or date of expiration of any extension granted.

### 3.5.2 Procedure

The Final Plat shall be submitted for approval in accordance with the requirements of the Michigan Department of Consumer and Industry Services, Subdivision Control and the Land Division Act (Act 288 of 1967, as amended).

Following approval by the other authorities as required by Land Division Act (Act 288 of 1967, as amended), the proprietor shall submit all copies of the Final Plat to the City Clerk, together with the filing and recording fee and state plat review fee as required by Section 241 of the Land Division Act (Act 288 of 1967, as amended). The state plat review fee shall be paid by check or money order payable to the State of Michigan.

Within 20 calendar days of the date of submission, the City Commission shall:

- A. Approve the plat if it conforms to all of the provisions of this ordinance and the Land Division Act (Act 288 of 1967, as amended), and instruct the City Clerk to certify on the plat as to the City's approval, showing the date of the approval, or
- B. Reject the plat, instruct the City Clerk to give the reasons in writing as set forth in the minutes of the meeting, and return the plat to the proprietor.
- C. Instruct the City Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection.

Following approval by the City Commission, the City Clerk shall promptly forward all copies of the final plat to the clerk of the county plat board, together with the filing and recording fees and state plat review fee as specified in Section 241 of the Land Division Act (Act 288 of 1967, as amended).

## ARTICLE IV: SUBDIVISION DESIGN STANDARDS

### Section 4.1 STREETS AND ROADS

#### 4.1.1 Public Roads

- A. All roads and streets within a subdivision shall be dedicated to public use. Private roads shall not be allowed.

#### 4.1.2 Road Standards

- A. Road construction: All roads within a subdivision shall be constructed in accordance with road construction procedures and standards of the City of Munising
- B. Street right-of-way minimum widths:
  - 1. Parkways: 100 feet
  - 2. Major streets: 80 feet
  - 3. Local streets: 60 feet
  - 4. Alley and service Drives: 20 feet
  - 5. Cul-de-sacs: 60 feet
  - 6. Easements: 12 feet
- C. Minimum Pavement Widths:
  - 1. Major streets: 36 feet face to face of the curb
  - 2. Local streets: 31 feet face to face of the curb
  - 3. Parkways: 24 feet face to face of the curb
  - 4. Cul-de-sacs: 31 feet face to face of the curb. The pavement of the turning circle of cul-de-sacs shall have a 30-foot radius to the inside curb and a pavement width of 20 feet face to face of the curb.
- D. Local Roads and Streets: Streets shall be arranged and designed so as to discourage their use by through traffic. Local roads and streets shall be designed to discourage high-speed traffic through residential areas.
- E. Street Layout: If a tentative layout for the area has been made by the department of public works director, the street layout shall be in general conformance.
- F. Continuation: The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions. Where areas adjacent to the proposed Plat are not subdivided, the streets in new subdivision shall be arranged in such a way as

to connect to adjacent properties should development occur. Street rights of way, other than cul-de-sac streets, shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas. If lots in the subdivision are provided access via a stub street, such street shall be constructed and paved.

- G. Border Line Streets: Whenever there exists, adjacent to the tract to the subdivided, a dedicated or platted and recorded half-width street or alley, the other half width shall be platted. When a plat dedicates half of the width of a street on a boundary line separating two or more parcels of property, the proprietor shall enter into an agreement with the City whereby the proprietor shall be responsible for the installation of improvements on his half of the street at the time the adjacent tract is developed.
- H. Relationship to Physical Site Constraints: Streets shall be arranged in property relation to the physical features of the site, so as to result in usable lots, safe streets, and reasonable gradients, while avoiding unnecessary development in areas of steep slopes, unstable, shallow or hydric soils, wetlands, etc. Streets located over areas of unstable material shall be excavated to solid footing and backfilled with materials suitable to the Department of Public Works specifications.
- I. Alleys: Alleys shall be platted in all business districts. Alleys are not permitted in any residence district, unless required by the Planning Commission.
- J. Cul-de-sac Streets: The maximum length of a cul-de-sac street shall be 500 feet. The terminal shall be a circular area with a minimum diameter of 120 feet.
- K. Blocks:
  - 1. No block along a local street or parkway shall be more than 1,000 feet in length, except where the Planning Commission determines conditions justify a departure from this maximum. In blocks over 900 feet in length, the city Planning Commission may require at or near the middle of the block, a walkway or easement for public utilities.
  - 2. The number of intersection streets along highways and major streets shall be held to a minimum. Blocks along highways and major streets shall not be less than 1,320 feet in length.
- L. Subdivision Access: Every subdivision shall have a dedicated means of ingress and egress.

M. Intersections: Streets shall intersect one another at right angles or as nearly at right angles as conditions permit. Intersections shall be designed, as conditions permit, to insure adequate sight distance and to reduce conflict points.

#### 4.1.3 Street Names

Street names shall not duplicate the name of any existing street in the city, except where a new street is a continuation of an existing street. Street names that may be spelled differently but sound the same shall be avoided.

### **Section 4.2 SIDEWALKS**

Installation of sidewalks is required when curb and gutters are installed. Sidewalks shall run parallel to roads or streets, within the right of way, and shall be separated from the roadway surface by a grass strip, trees, etc. Trees, landscaping, structures, etc. used to separate sidewalks from roads or streets shall be located and designed so as not to interfere with plowing or storage of snow, or other routine road maintenance activities.

### **Section 4.3 LOT SIZE AND ORIENTATION**

#### 4.3.1 General

Lots shall be arranged in such a way as to facilitate provision of public services, allow for safe and efficient traffic patterns, protect valuable environmental resources, and not be detrimental to the health, safety and welfare of the City.

#### 4.3.2 Conformity to Local Zoning

All lots shall conform to the requirements of the city zoning ordinance.

#### 4.3.3 Lot Lines

Side lot lines shall be approximately at right angles to the right-of-way line of the street the lot faces, unless a variation from this rule will produce a more desirable street or lot plan.

#### 4.3.4 Double Frontage Lots

Double frontage lots (sometimes called through lots) should be avoided.

#### 4.3.5 Access to Lots

All lots shall have direct access to a publicly dedicated street or road.

#### 4.3.6 Future Division of Lots

When a subdivision would result in the creation of lots large enough to be split at some future time into two or more lots which would comply with the minimum size requirements of the zoning ordinance, those lots shall be arranged in such a way as to minimize potential adverse effects of future lot divisions. No lot, outlot, or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with this ordinance and other applicable ordinances of the City.

#### 4.3.7 Physical Site Constraints

Lots developed in wetland areas, areas subject to flooding, or steep slopes should be arranged in such a manner as to provide for adequate and suitable building area. Development which retains natural vegetation along shorelines is encouraged.

### **Section 4.4 PUBLIC UTILITIES AND EASEMENTS**

Public utilities must be installed underground. Easements for public utilities shall be provided in accordance with applicable city ordinances. Utility rights-of-way along rear or side lot lines are discouraged.

### **Section 4.5 COMPATABILITY WITH ADJACENT SITES**

#### 4.5.1 General

It is appropriate for the City to consider the relationship of proposed subdivisions to existing and potential development in the area where the subdivision is proposed. It is also necessary to examine the relationship of proposed development to existing facilities such as schools, parks, shopping centers, health care facilities, etc. Adequate provision should be made to protect residential development from incompatible uses, and to insure an orderly arrangement of residential subdivisions.

#### 4.5.2 Bufferyards or Greenbelts

Bufferyards or greenbelts may be required at the boundary of a proposed subdivision to screen incompatible uses or potentially undesirable features such as highways, railroads, commercial or industrial uses from the view of adjacent residential properties. Street rights-of-way and utility easements may not be used to meet the requirement for bufferyards or greenbelts.

#### 4.5.3 Dimensions of Bufferyards or Greenbelts

A bufferyard or greenbelt shall generally be a minimum of 20 feet in width. Natural features such

as ridges, rock outcrops, etc., which serve as natural barriers may provide natural screening which may be used to replace a bufferyard or greenbelt. Bufferyards or greenbelts should contain trees, shrubs or structures which block the view of adjacent uses, and such trees, shrubs or structures shall be maintained on the bufferyard in perpetuity. Provisions for perpetuity may include dedication of lands to the City of Munising, recorded deed restrictions or conservation easements.

#### 4.5.4 Access to Community

Subdivision design should consider the relationship of the subdivision to the surrounding community. The subdivision should be designed in such a way as to maximize access to parks and recreation facilities, schools, public buildings such as libraries and community centers, health care facilities, shopping, etc. Access includes streets, sidewalks, pedestrian walkways, and open space which allow residents to travel between neighborhoods.

#### 4.5.5 Relationship to Other Subdivisions

Subdivision design which provides lot sizes and layout similar to adjacent developments is encouraged. Connection of one subdivision to another through streets, sidewalks, pedestrian walkways and open space is also encouraged to promote a sense of neighborhood and facilitate the provision of public services.

### 4.6 OPEN SPACE

When deemed appropriate by the planning commission, open space shall be located of adequate size for parks or other public use dedicated to the City of Munising.

## **ARTICLE V: PUBLIC IMPROVEMENTS**

### **Section 5.1 RESPONSIBILITY FOR IMPROVEMENTS**

The proprietor of a subdivision shall be required to install the improvements described below in accordance with the conditions and specifications set forth in the following sections and in an agreement as a condition of approval of the Preliminary Plat. The proprietor may install the required improvements under private contract, in which case the proprietor shall enter into a legal agreement for the guarantee of completion of the improvements in accordance with Section 5.3

The proprietor may petition the city commission for the city to complete the installation of the improvements required. The city may install all or any of the required improvements under city contract with any conditions the City commission may impose and assess the proprietor for the costs of the improvements.

The proprietor shall enter into an agreement with the City to be incorporated into a restriction upon the plat, whereby the City of Munising will not issue a zoning compliance permit for any structure upon any lot within the subdivision until the improvements as specified below have been completed or a written contractual arrangement has been made with the City of Munising, for the completion of the improvements. Construction of these improvements shall not begin until the preliminary plat has received final approval, and the detailed engineering plans have been approved.

### **Section 5.2 REQUIRED PUBLIC IMPROVEMENTS**

#### **5.2.1 Monuments**

If during the process of installation of improvements it is necessary to remove any monuments or benchmarks, the proprietor shall obtain permission from the City Manager prior to making such removal. All monuments or benchmarks removed, relocated or destroyed shall be replaced in the proper location by the proprietor at his expense.

#### **5.2.2 Streets, Roads and Alleys**

All streets and roads shall be constructed in accordance with design standards established by the Alger County Road Commission

#### **5.2.3 Street Name Signs**

Street name signs shall be installed at all street intersections, subject to the approval of the City Commission,

#### 5.2.4 Sidewalks

Sidewalks shall be constructed in accordance with the requirements Ordinance #15 and Ordinance #16 of the City of Munising, as amended from time to time.

#### 5.2.5 Sanitary Sewer and Water Service

City water and sewer ordinances shall be complied with at all times.

If water and/or sanitary lines are extended to a new subdivision, adjacent property owners may tap into the water and/or sanitary sewer lines by paying to the City its regular access fee. If the adjacent property tap into such an extended water and/or sanitary sewer line within 10 years of its completion date, they shall also pay to the City a portion of the cost of the water and/or sanitary line extensions, which will be refunded to the developer who paid for the extension to the subdivision. The refund should be calculated at one month's average household water and/or sanitary sewer bill within the City. Total cumulative refunds shall not exceed the original cost to the developer of extending water and/or sanitary line to the subdivision and shall cease after 10 years from date of completion of the water an/or sanitary line project.

#### 5.2.6 Storm Drainage

A storm drainage system, including but not limited to storm sewers, catch basins, manholes, culverts, retention ponds, etc., shall be constructed in accordance with the requirements of the City Engineer.

#### 5.2.7 Other Public Improvements

Where greenbelts, bufferyards, or other improvements are shown on the preliminary plat as approved by the City in accordance with Section 3.4, such improvements shall be in place before the final plat may be approved by the City Commission or until financial guarantees as described in Section 5.31 are in place. If an open space, or park area is shown on the preliminary plat as approved by the planning commission, dedication of the land to the City must be made prior to approval of the final plat.

### **Section 5.3 GUARANTEE OF COMPLETION REQUIRED**

#### 5.3.1 Financial Guarantee Arrangements

In lieu of the actual installation of improvements as described in the previous section, the City Commission will require the proprietor to provide a financial guarantee of performance. Guarantees shall be in one of the following forms:

A. Performance or Surety Bond:

1. Accrual: the bond shall accrue to the City covering construction of the public improvement.
2. Amount: The bond shall be in an amount equal to the total estimated cost for completing construction of the specified public improvement(s), including contingencies, as estimated by the Planning Commission at time of approval. If the estimated cost is based on figures provided by the proprietor, the source of all estimated costs shall be identified.
3. Term Length: The bond shall be in force for a period specified by the City Planning Commission for the specific public improvement, but shall not extend beyond the actual completion date of the improvement.
4. Bonding or Surety Company: The bond shall be with a surety company authorized to do business in the State of Michigan and acceptable to the City Commission
5. Escrow Agreement: The escrow agreement shall be drawn and furnished by the City Commission.

B. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit:

1. Accrual: A cash deposit, certified check, negotiable bond, or an irrevocable letter of credit shall accrue to the City. The deposits shall be made with the City Treasurer or deposited with a mutually acceptable escrow agent or trust company, subject to the approval of the City Commission.
2. Amount: The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit shall be equal to the total estimated cost for completing construction of the specified public improvement(s), including contingencies, as estimated by the City Planning Commission. If the estimated cost is based on figures provided by the proprietor, the source of all estimated costs shall be identified.
3. Escrow Time: The escrow time for the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit shall be for a period to be specified by the City Commission for the specific public improvements(s).

4. Progressive Payment: The City Commission and the proprietor may enter into an agreement to provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond, or letter or credit, to the extent of the cost of the completed portion of the public improvement(s).

#### 5.3.2 Inspection of Public Improvements

An agreement between the proprietor and the City Commission shall be made to provide for periodic and final inspection of public improvements to insure conformity to the submitted plans. This agreement shall be a condition of approval of the preliminary plat. Final inspection and acceptance of the public improvements as being in compliance with the approved detailed engineering plans shall take place prior to final payment or release of any performance or surety bond, cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit.

#### 5.3.3 Approval of Final Plat

The City Commission shall not approve any final plat until all public improvements have been completed, inspected and accepted, or until financial guarantees are in place.

#### 5.3.4 Penalty for Failure to Complete Construction of Public Improvements

In the event the proprietor fails to complete all public improvements within the period of time required by the conditions of the guarantee for completion, it shall be the responsibility of the City Commission to have such work completed. In order to accomplish this, the City Manager shall retain qualified contractors to complete the public improvements, and shall reimburse the cost of completion of the improvements by appropriating the necessary funds from the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit. The cost of reimbursement shall include any costs associated with advertising for bids, project monitoring and inspection, etc., which would not have been incurred by the City Commission if the proprietor had completed the public improvements as required by the conditions of the guarantee.

## **ARTICLE VI: PENALTIES AND MISCELLANEOUS PROVISIONS**

### **Section 6.1 PENALTIES**

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred (\$500.00) dollars and imprisoned for not more than 90 days, or both, and in additions, shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. The landowner(s), tenant(s), proprietor(s), contractor(s), public official(s), or any other person who commits, participates in, assists in, or maintains such violation may be charged under the provisions of this section, and if found guilty, shall be penalized in accordance with the above. Nothing contained herein shall prevent the City Manager or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of the Ordinance or of the Land Division Act (Act 288, P.A. 1967, as amended).

### **Section 6.2 SEVERABILITY**

This ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

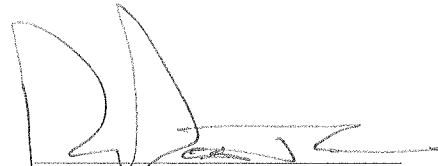
### **Section 6.3 REPEALING CLAUSE**

Ordinance Number 85, the Subdivision Control Ordinance of the City of Munising, adopted December 19, 1966, and subsequent amendments are hereby repealed.

### **Section 6.4 EFFECTIVE DATE**

This Ordinance shall be in full force and effect 10 days following publication of a notice of adoption in a newspaper of general circulation.

ADOPTED: September 6, 2006



ROD DESJARDINS, Mayor



SUE ROBERTS, City Clerk

Date Adopted: September 6, 2006

Date Published: September 20, 2006

Date Effective: September 30, 2006