

PLATTING AND SUBDIVIDING OF LANDS

ORDINANCE NO. 85

An Ordinance regulating the platting and subdividing of lands within the corporate limits of the City of Munising, and Providing penalties for the violation thereof.

The City of Munising Ordains:

Section: 1.

Definitions: The term "Subdivision" as used in this Ordinance, shall mean the division of the tract of parcel of land, for the purpose, whether immediate or future, of transferring ownership or building development, including all changes in street or lot lines; provided, however, that this definitions shall not include bonafide divisions of land for agricultural purposes, in parcels of more than 10 acres, not involving any steet or easement of acces.. The city Planningk Commission or any sucessor organization with similar powers bdelegated by the City lCommission shall here inafter be referred to as the City Planning Commission.

Section: 2.

No person proposing to make or have made a subdivision within the limits of the City of Munising, shall enter in to any contract for the sale, or shall offer to sell, or sell or convey, any subdivision or any part thereof, or shall proceed with any construction on the proposed subdivision, including grading, until such person shall have obtained the tentative approval of the preliminary plot of the proposed subdivision by the City Commission.

Section: 3.

Preliminary Plat. A preliminary plat, consisting of four (4) blue line ditto white print copies, shall be prepared by a registred professional enginner or registered land surveyor, and shall be submitted to the City Planning Commission for consideration and approval. All copies of the preliminary plat must be submitted to the City Manager at least ten (10) days before a regularly scheduled City Planning Commission meeting. The preliminary plat shall be drawn on a scale of not mote than one-hundred (100) feet to the inch, and shall clearly show and contain the following features and information:

(A) The proposed name of the subdivision.

(B) The date, a north arrow and identification of existing bordering streets, property line, water courses, railroads, utilities (including storm sewers, sanitary sewers, and water mains), and either physical features so that the proposed plat may be adequately located in such respect to adjoining property.

(C) All parcels of land intended to be dedicated for public use or reserved for use of all property owners within the purpose indicated, the name, location, width and other dimensions of proposed streets, alleys easements, lot line, parks and other open spaces, and other information pertinent to the proper study of the proposed plat.

(D) Contours at five-foot intervals and relative ground elevations at the intersection of all streets and the extremities of the plat.

(E) Correct legal description of such portion of the government survey as is intended to be platted.

(F) Names and addresses of the owners of the real property and surveyors or engineers preparing the preliminary plat.

(G) All lots within said platted areas, numbered consecutively. Areas not designated as such lots shall be described in printing upon the plat. Dimensions of such lots and areas shall be clearly set forth.

(H) The profile and cross section of proposed streets showing grades, street width and intersection details.

(I) The plans and profiles of proposed sanitary and storm sewers with grades and sizes indicated.

(J) The zoning classification requested for the plat or parts of the plat.

(K) Copies of any private restrictions to be included in the deeds should be attached to the preliminary plat.

Section: 4.

Action on Preliminary Plat.

(A) Upon receipt by the city Planning Commission of the preliminary plat for consideration and approval, the City Planning Commission shall act thereon within 30 days to approve of, or disapprove of the same. Before approval the

Planning Commission shall make in writing the findings and recommendations as set out in Section 7. If the preliminary plat is not satisfactory as presented, the applicant shall have the opportunity to make changes and also additions required by the City Planning Commission.

(B) Upon approval by the City Planning Commission, the preliminary plat shall thereupon be submitted to the City Commission for their consideration and approval at the next regular meeting of the City Commission.

(C) Upon acceptance and approval by the city Commission and the entering into the contracts specified in Section 7, at least three (3) copies of the preliminary plat shall be marked "Approved by the City Commission", dated and signed by the Mayor and the City Clerk. One copy shall be returned to the applicant, and two (2) copies shall remain on file in the office of the City Clerk.

Section: 5.

Final Plat.

(A) Upon approval by the city Commission of the preliminary plat, the subdivider shall, within one (1) year from the date of the acceptance of the preliminary plat submit to the City Planning Commission five (5) copies of a final plat, in final form for recording.

(B) The final plat shall be prepared in accordance with the provisions of Act 172, of the Public Acts of 1929, as amended (Plat Act).

(C) The final plat shall be in strict accordance with the preliminary plat as approved by the City Commission.

(D) At the discretion of the subdivider, the final plat may constitute only that portion of the approved preliminary plat which it is proposed to record and develop at the time of the submission of the final plat. If the subdivider elects to develop only a portion of the preliminary plat, such portion shall conform to all things, matters, requirements and regulations of the preliminary plat insofar as they related to the entire subdivision.

(E) If the final plat is approved by the City Planning Commission, it shall thereupon be submitted to the City Commission for consideration.

(F) Approval or rejection of the final plat by the city commission shall be made not less than thirty (30) days after submission and shall be conditioned upon the subdivider and

developer meeting the requirements and conditions of Section 7 of this Ordinance.

Section: 6.

Design Plant Standards: In the laying out of a subdivision, the subdivider shall comply with the following general principles and requirements:

(A) Streets, Alleys and Blocks:

1. The arrangements, character, extent, grades, and location of all streets shall be considered in relation to existing and planned streets to topographical conditions, to public conveniences and safety, and in their appropriate relation to the used of the land to be served by such streets.

2. Street layout shall provide for the continuation of existing Principal Streets and in surrounding areas, or conform to a plan of the neighborhood approved and adopted by the Planning Board.

3. Minor streets shall be so arranged as to discourage their use by through traffic.

4. Certain proposed streets, as indicated by the Planning Commission, shall extend to the boundary line of the tract to provide for satisfactory future circulation within the neighborhood.

5. A public street or streets shall be provided to afford convenient access to all property that is within the subdivision. No private street or through fare shall be permitted.

6. The Minimum width of Right of Way for streets shall be not less than sixty (60) feet. A street classified by the Planning Commission as "Arterial" may be required to be a greater width.

7. Cul-de Sac street shall not be longer than five-hundred (500) feet and shall be provided at the closed end with a turn-around having a roadway diameter of at least eighty (80) feet and a property line diameter of at least one-hundred (100) feet.

8. Between reverse curves there shall be a minimum tangent distance of one-hundred (100) feet.

9. Street shall be required to intersect each other at right angles; or as near the right angle as possible. Streets shall not intersect at angles less than

sixty (60) degrees.

10. Whenever a subdivision is to be laid out adjacent to a railroad right-of-way, a street shall be placed parallel to the railroad. The centerline of the parallel street shall not be less than one-hundred and seventy-five (175) feet from the railroad right-of-way. The intersection of the centerline of any street with that of any street which crosses the railroad shall not be less than three-hundred (300) feet from the nearest line of the railroad right-of-way.

11. Half-streets shall be prohibited. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract and the entire street developed in accordance with regulations contained herein.

12. Street jobs with the centerline off sets of less than one-hundred and twenty-five (125) feet shall be prohibited.

13. Connecting street lines that deflect from each other at any one point by more than ten (10) degrees shall be connected by a curve with a radius of not less than two-hundred (200) feet.

14. Street grades shall not exceed five (5) per cents. No street grade shall be less than one-half of one (0.5) percent.

15. At points of extreme change in grade, vertical curves shall be required to have a minimum sight distance of three hundred (300) feet, measured between points five (5) feet above the centerline of the street.

16. Alleys shall be prohibited in residential blocks except where the subdivider produces evidence satisfactory to the Planning Commission of the need for alleys.

17. Alleys, where permitted, shall have a minimum width of twenty (20) feet.

18. Blocks shall not be less than four-hundred (400) feet not more than eight-hundred (800) feet in length, measured between intersections of center lines except as the Planning Board considers necessary to secure efficient use of land or desired features of the street pattern.

(B) Lots, Easements and Monuments:

1. Double frontage lots shall be prohibited except where one side abuts an Arterial street. In such instance

the subdivider shall dedicate to the City an outlet six (6) inches in width parallel and adjacent to the arterial street.

2. Lot dimension and sizes shall conform to the zoning ordinance of the city of Munising.

3. Easements to the city of Munising shall be provided across lots where necessary for the storm sewers, sanitary sewers, and water mains. Such easements shall be a total of twelve (12) feet in width.

4. An easement to the City of Munising shall be provided across the rear lot line of all lots. such easement shall be at least six (6) inches, encased in a concrete cylinder at least four (4) inches in diameter and thirty-six (36) inches in depth shall be located in the ground at all angles in the boundaries of the land platted.

Section: 7.

Required Improvement:

The City Planning commission shall upon receipt of the preliminary plat, make a finding in writing as to the improvements that the developer on subdivider shall provide in addition to those listed below, and shall made a finding as to the amount of deposit and/or performance bond that shall be required from the developer or subdivider to insure the construction of the improvements herein listed and the additional improvements specified by said Planning Commission. Said findings and recommendations shall be made before submitting said preliminary plat to the City Commission for its consideration. As to the findings and recommendations, the City Commission may either concur, make alternate findings, or return to the city Planning Commission with its recommendations and findings in writing for restudy. If the City Commission concurs in findings and recommendations by the planning Commission, the furnishing of said deposit or performance bond shall be a condition precedent to the approval of the preliminary plat. Prior to such preliminary approval by the City lCommission's written contract setting forth these additional specified improvements, the contemplation of special assessments districts, and the percentage of costs to be borne by the parties, and providing for the forfeiture of bond or deposit in the event of default by the developer or subdivider, shall be entered into between the developer and subdivider and the city commission. Before the approval of the final plat by kthe city Commission, the developer or subdivider shall provide the following improvement:

(A) Street Grading.

1. All streets shall be fine graded to line and grade approved by the city Engineer. such grading shall comply with specifications set forth by the Michigan Highway Department.

2. Where sub grade soil is unsuitable a compacted layer of sand one (1) foot deep shall be placed.

3. Roadway base shall consist of four (4) inches of compacted bank run gravel under three (3) inch layer of compacted aggregate meeting existing Michigan State Highway Department specifications.

(B) Water Supply.

1. The City of Munising Shall pay all the installation and materials to provide an adequate supply of water up to the point of the subdivision boundary nearest to existing city water supply facilities, as funds become available in the Water improvement Fund.

2. The time and priority of the installation of such water supply up to the subdivision boundary shall be determined by the City Commission. Where such installation is already in existence in a reasonable period of time, the developer or subdivider shall provide water facilities within the subdivision to be installed to serve each building, before occupancy.

(C) Sanitary Sewers

1. When located within the service area of a public sanitary sewerage system, sanitary sewer mains and appurtenances shall be constructed throughout the entire subdivision in such a manner as to serve adequately all lots and all tracts with connection to such public sewer system.

2. When lots cannot be connected with the public sewerage system, provisions shall be made for sanitary sewerage facilities approved by the State Health Department.

3. All sanitary sewers shall have a six (6) inch house service extended to each lot. The services, which shall be laid at the time of the installation of the sanitary sewer, must extend to the property line.

(D) Dedication:

The subdivider and developer shall dedicate to the city of Munising at least five (5) percent of the total area of the plat (including street area) to be used for park, school or recreation area; except that, within the discretion

of the city Planning commission, a check payable to the city of Munising, shall be acceptable equal in value to said land (before installation of water mains and sanitary sewers) to be dedicated. All properties so dedicated shall be used only for the purpose of which they are dedicated and any moneys received by the city in lieu of properties, or from the sale of daid dedicated properties shall be used only for the development of municipal park and recreational facilities, and shall be considered additional to money budgeted and appropriate for this purpose. In addition to the improvemnts and dedication listed above, the City Planning commission shall make specifically, findings and recommendations as to the responsibility of the developer or subdivider ofr additional improvements, including but not limited so, storm sewer and curb and gutters.

Section: 8.

Variance in Design: Where the subdivider can show that a provision of the required improvements as set forth in the Ordinance would cause undue and unnecessary hardship if strictly adhered to, and where because of topographical or other conditions peculiar to the sire or surroundings of conditions, and in the opinion of the City Planning Commission a departure may be made without variance. Any variance shall be state inwriting in the minutes for the City kCommission with the reasoning set forth upon which the variance was considered justified.

Section: 9.

Changes and Amendments of Regulations: The City Commission shall from time to time prepare and make additions to the provisions of and regulations here in contained for subdivision control, as the City Planning Commission may deem necessary or advisable, such changes or additions shall become effective after their adoption by the City Commission by its passage of an Amendment to this Ordinance.

Section: 10.

Enforcement of Ordinance: The Commission of the City Munising here by appoints the City Manager to be the enforcing officer of this Ordinance, and it shall be his duty to enforce the provisions hereof. The enforcing officer may call upon any department of, or official of the City of Munising to furnish him with such information and addistance as he may deem necessary for the observance or enforcement of this Ordinance, and it shall be the duty of such department or officer to furnish such information and assistance whenever required.

Section: 11.

Penalty: Any person violating any of the provisions of this Ordinance or the provisions of the contract specified under Section sever (7) shall be deemed guilty of a misdemeanor, and each person shall be deemed guilty of a separate offense for each and every day or portion therof during which any violation of any of the provisions of thie Ordinance is committed, continued or permitted, and upon conviction of such violation such person shall be punished by a fine of not more than one-hundred (100) dollars, or by imprisonment for not more than three (3) months, or by both such fine and imprisonment. such punishment shall be in addition to any deposit forfeitures, action on bond defaults or other provisions and penalties set forth in the contract required under section seven (7).

Section: 12.

Validity: Should any section, clause, or provision of this Ordinance be declared by court to be invalied, the same shall not eddect the validity of the Ordinance as a whole any part therof, other than the part so declared to be invalid.

Section: 13.

Repeal: All Ordinance or sections or Ordinances in conflict with this Ordinance are hereby repealed.

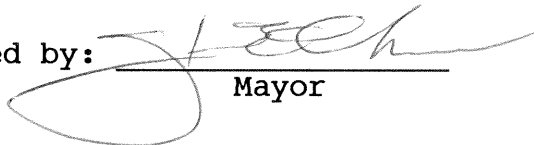
Section: 14.

Effective Date: This Ordinance shall be infull force and effect from and after its passage and publication as provided by law.

Moved by: Commission Carberry, and seconded by: Commissioner Chedacoff, the Ordinance be adopted.

Passed and approved this Ordinance on the 19th day of December, 1966

Approved by:



Mayor



City Clerk