

## ARTICLE 14

### SUBDIVISION DEVELOPMENT REQUIREMENTS

#### Section 14.1 Intent

Any proposed development of property which is subject to the requirements of the Land Division Act of the State of Michigan (formerly the Michigan Subdivision Control Act), Public Act 288 of 1967 and as amended, shall comply with the provisions of this Article to promote the public safety, health and general welfare by facilitating the orderly layout and development of land subdivided into plats.

#### Section 14.2 Optional Pre-Preliminary Plat Conference

A potential applicant for plat review is strongly encouraged to submit a generalized conceptual sketch of a potential plat for a non-binding review and comment by the Village and Planning Commission. This optional process is recommended to facilitate early contact between the owner/developer and the Village to discuss the general conceptual layout of the proposed development, compliance with the requirements of this Article and zoning.

#### Section 14.3 Tentative Preliminary Subdivision Plat

A. Filing:

1. The proprietor shall submit at least four (4) copies of the preliminary plat of the proposed subdivision to the Village Clerk at least thirty (30) days before a meeting of the Planning Commission.
2. The preliminary plat shall be prepared in accordance with the Subdivision Control Act and in accordance with the requirements of this Ordinance.

B. The Preliminary Plat Plan shall include the following information:

1. Proposed name of subdivision.
2. Legal description of property/development.
3. Names and addresses of the proprietor(s) and the design professional(s) who prepared the subdivision layout.
4. Date, north arrow and scale of plat. NOTE: 1"=100' is the minimum acceptable scale.
5. An overall map showing the relationship of the subdivision to its surroundings such as section lines and streets.

6. Boundary lines of proposed subdivision and over-all property dimensions.
7. Property lines of adjacent tracts of land are to be shown in relation to the tract being proposed for subdivision, including those located across abutting roads and/or streets.
8. Location, widths and names of existing or prior platted streets and private streets, public areas and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.
9. The direction or flow of streams and surface drainage.
10. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision.
11. Topography survey drawn at contours with an interval of two (2) feet in elevation.
12. Soil types and characteristics.
13. The general location and size of any flood plain and/or wetlands within or adjacent to the proposed plat.
14. Trees (in excess of 8 inches in diameter) on the site shall be inventoried and sketched as to type and location.
15. Layout of proposed streets indicating street names, right-of-way widths, and connections with adjoining platted streets and also the widths and locations of alleys, easements and public walkways. Indicate whether such streets are intended to be dedicated public streets or maintained as private streets.
16. Layout, numbers and dimensions of lots, including building setback lines.
17. Parcels of land intended to be dedicated to set aside for public use or for the use of property owners in the subdivision.
18. Location of the required underground utilities and utility installations.
19. In the following cases;
  - a. where the proprietor owns or has legal interest in acquisition of adjoining land, or
  - b. 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 of the entire

area. The part which is proposed to be subdivided first shall be clearly superimposed upon the over-all plan in order to illustrate clearly the method of development which the proprietor intends to follow.

20. The seal of the surveyor who prepared the proposed preliminary plat.

C. Review by the Planning Commission:

1. The Planning Commission shall act on the preliminary plat within sixty (60) days after the date that all necessary information is provided to the Planning Commission, unless the proprietor agrees to an extension.
2. The Village Clerk shall send a notice to adjacent property owners as to the time and place of the meeting of the Planning Commission to consider the preliminary plat. The notice shall be sent not less than five (5) business days before the meeting date.
3. The Planning Commission may direct that copies of the preliminary plat be transmitted to the Village Engineer for technical review and recommendation.
4. The Planning Commission shall review the preliminary plat as to the following:
  - a. Zoning ordinance compliance.
  - b. Availability and adequacy of utilities.
  - c. Impact on schools and public facilities.
  - d. Land use plan compliance.
  - e. Adequacy of streets.
  - f. Effect on surrounding land use.
  - g. Objectives and policies of the Village.
  - h. Compliance with the subdivision design standards of this Ordinance.
5. The Planning Commission shall recommend approval, conditional approval, or disapproval of the preliminary plat.

D. Review by the Village Council:

1. Following the receipt of the Planning Commission recommendations, the Village Council shall consider the preliminary plat and shall take action within ninety (90) days of the date that all necessary information was provided to the Planning Commission, unless the proprietor has requested an extension. The decision of the Village Council shall be based on the same standards as the Planning Commission review process.
2. Should the Village Council grant approval to the preliminary plat, it shall be deemed to confer upon the proprietor the right to proceed with the

submission of the preliminary plat to the county and state agencies required in the Subdivision Control Act.

3. The initial approval of the preliminary plat by the Village Council shall be effective for a period of one (1) year. Should the preliminary plat, as reviewed and approved by the required county and state agencies, not be re-submitted to the Village Council within this time limit, the preliminary plat must again be submitted to the Planning Commission for recommendation to the Village Council.
4. Upon re-submission of the preliminary plat as reviewed and approved by the required county and state agencies, the Village Council shall consider and review the plat within twenty (20) days. If final preliminary plat approval is granted by the Village Council, such approval shall be effective for a period of two (2) years. Such approval shall be deemed to confer upon the proprietor the right to proceed with the presentation of the final plat.

#### **Section 14.4 Final Subdivision Plat**

- A. The final plat shall conform substantially to the preliminary plat as approved and contain detailed working drawings showing grades, drainage structures, proposed utilities and construction plans for streets, pedestrian sidewalks/walkways and bicycle paths/lanes, within and adjoining the plat.
- B. After the preliminary plat has been tentatively approved or approved subject to conditions by all applicable county and state agencies, the proprietor shall:
  1. File eight (8) reproducible copies of the final plat with the Village Clerk, including a list of all authorities required by statute to review the preliminary plat certifying that the list shows all such authorities, and the written approvals of the preliminary plat by such authorities.
  2. Shall deposit such sums of money as the Village Council may require herein or by other ordinances.
- C. The final plat at the discretion of the Village Council, may be reviewed by the Village Engineer as to compliance with the approved preliminary plat and plans for utilities and other improvements.
- D. The Village Council shall review all recommendations and take action on the final plat within twenty (20) days of its date of filing.
- E. Upon approval of the final plat by the Village Council, the subsequent approvals shall follow the procedure set forth in the Subdivision Control Act. Copies of the final plat shall be distributed as follows:

1. One (1) to the Village Clerk,
  2. One (1) to the Planning Commission,
  3. One (1) to the Building Inspector,
  4. Five (5) copies shall be forwarded to the County Plat Board.
- F. In lieu of the proprietor having installed improvements the Village Council may 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 Village for the full cost, as estimated by the Village Engineer, of the installation of any required monuments, corner markers, sidewalks, public streets, public sewers, water lines, and drainage facilities to insure the completion of said improvements and facilities within a specified length of time.

### **Section 14.5 Subdivision Design Standards**

A. General Provisions:

1. Lands subject to flooding or otherwise determined to be uninhabitable shall not be platted for development. Such lands may be set aside for other purposes within a subdivision such as parks and/or open space.
2. Existing natural features which add value to residential development or that enhance the attractiveness of the community shall be preserved insofar as possible in the layout of the subdivision.
3. No land within the subdivision shall be isolated from a public street, nor shall any adjoining land of the proprietor or others be isolated from a public street, thereby creating land locked parcels.

B. Streets:

1. Street right-of-way in the proposed subdivision shall conform to the applicable county right-of-way plan.
2. The street layout shall provide for continuation of streets in adjoining subdivisions and/or parcels. Where the adjoining areas are not subdivided, the arrangement of street right-of-ways in the new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas.
3. The street layout shall discourage the use of minor streets by through traffic.
4. Streets shall be arranged in proper relation to topography so as to result in desirable and usable lots, and safe streets with reasonable grades.
5. Street Intersections: Streets shall be laid out so as to intersect as nearly as

possible to ninety (90) degrees.

6. Streets: All streets and appurtenances thereto shall be constructed in accordance with details and specifications approved by the Lapeer County Road Commission or Genesee County Road Commission, as applicable.
7. Street lighting may be required by the Village Council when the Council determines that the street lighting is necessary for public health, safety and welfare.

C. Lots:

1. The lot sizes, width, depth, and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.
2. Lot areas and widths shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision is proposed.
3. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of not more than 4 to 1 shall be desirable.
4. Corner lots in residential subdivisions shall be platted at least ten (10) feet wider than the minimum width permitted by the Zoning Ordinance.
5. Side lot lines shall be at right angles or radial to the street lines whenever possible.
6. Residential lots abutting major streets shall be platted with reverse frontage, or with side lot lines parallel to the major traffic streets, or shall be platted with extra depth to permit adequate distances between buildings and such streets.
7. Lots shall have a front-to-front relationship across all streets where possible.
8. Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes.

D. Utilities:

1. Underground Wiring: All local distribution lines for telephone, electric, television and other similar services distributed by wire or cable shall be placed underground throughout the area subdivided for residential use, except for main supply and perimeter feed distribution lines which serve areas outside the subdivided area, and except for surface facilities related to underground service. Such wires, conduits or cables shall be placed

within private easements provided to such service companies by the proprietor or within dedicated public ways.

2. Sewage Disposal: Sanitary sewers shall be installed in such a manner as to adequately serve all lots within the subdivision. Private sewage disposal systems shall be approved by the applicable County Health Department.
3. Water Supply: Public or private wells shall be approved by the applicable County Health Department.
4. Storm Drainage System: An adequate storm drainage system including necessary detention basins, storm sewers, catch basins, manholes, culverts, bridges, and other appurtenances shall be required in all subdivisions. Adequate provisions shall be made for proper drainage of storm water run-off from each residential lot.
5. Review: For Village approval of sanitary sewer systems and storm sewers systems the applicant shall furnish to the Village a detailed estimate of the cost and two (2) sets of the construction plans, including the general plan, for the system on which he desires approval. The Village shall collect the review fee and refer the plans to the Village Engineers who shall check the estimate and review the plans for conformity to the standards of the Village and certify that they are consistent with the overall utility plans of the Village. The applicant, after making and changes requested, shall then submit revised plans to the Village for final approval.
6. One (1) reproducible copy of As-Built plans of sanitary sewer system, storm sewer system, and road system and certification from a Registered Professional Engineer that all surfaces grades, roads and structures are in conformance with the approved plan shall be provided prior to acceptance of the subdivision improvements by the Village.

E. Easements:

1. Utility line easements shall be provided as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than ten (10) feet wide.
2. Recommendations on the proposed layout of utility 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.
3. Where a subdivision is traversed by a water course or drainage way, there shall be provided a drainage right-of-way. Such easements shall meet the approval of the applicable County Drain Commission and/or Village

Engineer.

4. All necessary easements for sewer lines shall be provided to the Village.
- F. Natural Features: The natural features and character of lands shall be preserved wherever possible. Due regard shall be shown for all natural features such as large trees, natural groves, water courses, and similar community assets that will add attractiveness and value to the property, if preserved.
- G. Sidewalks: A minimum four (4) foot wide concrete sidewalk located one (1) foot from the property line on the side or sides of the roadway abutting the subdivision may be required. In those instances where no good purpose would be served by the provision of sidewalks, the Village Council may waive this requirements.
- H. Street Trees: Trees shall be provided along all subdivision streets. They shall be not less than one (1) tree for each one hundred (100) feet of street frontage. The type of tree shall be specified and approved by the Planning Commission.

#### **Section 14.6 Subdivision Open Plan**

The following requirements apply in addition to all other requirements of this Article where a preliminary plat is filed for approval under the subdivision open space plan section of the zoning ordinance.

- A. Consideration by the Planning Commission and Village Council of the proposed optional use of subdivision open space plan shall reflect the following basic principles:
  1. The subdivision open space plan section of the zoning ordinance provides an optional method of subdividing property and approval of any subdivision open space plan is subject to the discretion of the Village Council.
  2. Attention shall be given to the effect of a subdivision open space plan upon the immediate area and to the benefits to be derived by the residents of the proposed subdivision and the Village.
  3. The following objectives shall govern the approval or disapproval of the proposed subdivision open space plan:
    - a) Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, bodies of water, scenic views and similar natural assets.
    - b.) Encourage developers to use a more creative approach in the development of residential areas.
    - c.) Encourage a more efficient, aesthetic and desirable use of the land while recognizing a reduction in development costs and by allowing

- d.) the developer to bypass natural obstacles on the site.
- d.) Encourage the provision of open space within reasonable distance of all lot development so benefits may accrue to the subdivision and to further encourage the development of recreational facilities and areas.

B. The application for approval of the subdivision open space plan shall contain the following in addition to the information required by other sections of this Article:

1. A complete description of the land proposed to be dedicated to common use (open land) shall be provided, including the following as a minimum:

- a.) Legal description of open land.
- b.) Topographical survey of open land.
- c.) Type of soil of open land.
- d.) Description of natural features of open land.
- e.) Other relevant factors.

2. The proposed plan of development of the open land shall be contained in the application and shall include the following as a minimum:

- a.) How legal title is to be held.
- b.) How such property shall be regulated.
- c.) Provisions for the payment of taxes.
- d.) Persons or corporations to be responsible for maintenance.
- e.) How maintenance is to be guaranteed.
- f.) How maintenance and development are to be financed.
- g.) Proposed uses of open land.
- h.) What improvements are to be constructed by the developer and estimated costs prepared by a licensed design professional.
- i.) Other relevant facts related to the proposed uses of the open land.

C. Before any action is taken upon any subdivision open space plan filing, copies of the preliminary plat, application and supporting data shall be submitted by the Village Clerk to the Village attorney for review and recommendation. The Village attorney shall review the proposed subdivision open space plan and render his opinion with respect to the following:

- 1. The proposed manner of holding title to the open land.
- 2. The proposed manner of payment of taxes.
- 3. The proposed methods of regulating the use of the open land.
- 4. The proposed method of maintenance of property and financing thereof.
- 5. Any other factor related to the legal or practical problems of ownership, use and maintenance of the open land.

- D. If the Village Council gives preliminary approval of the proposed subdivision open space plan, it shall instruct the Village attorney to prepare a contract setting forth the conditions upon which such approval is based, which contract, after approval thereof by the Village Council, shall be entered into between the Village and the proprietor prior to the approval of any final plat based upon the approved preliminary plat.
  
- E. At the time of application for final approval, the proprietor shall deposit a cash or corporate surety bond in the amount of the estimated cost of the proposed improvements to the open land guaranteeing the completion of such improvements within a time to be set by the Village Council.

**End of Article 14**