

CITY OF AUGRES
NEW SUBDIVISION ORDINANCE

ORDINANCE NO. 18

An ordinance to regulate the subdividing or platting of land within the City of Au Gres, Michigan and providing for the procedure for the filing of preliminary and final plats, for design standards and for the installation of improvements.

The City of Au Gres, Michigan Ordains:

Section I. Definitions.

For the purpose of these regulations, certain words used herein are defined as follows:

- (A) Planner-The Planning Consultant or Planning Commission.
- (B) Subdivider- The word "subdivider" shall be deemed to include the plural as well as the singular and may mean either a natural person, association, partnership, corporation or a combination of any of them.
- (C) Subdivision-The division of a tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land, for the purpose, whether immediate or future, of transfer of ownership or building development, including all changes in street or lot lines; provided however that this definition of a subdivision shall not include bonafide divisions of land for agricultural purposes, in parcels of more than ten (10) acres, not involving any new street or easement of access.
- (D) Comprehensive Plan-The Master Plan or Development Plan which has been adopted by the Planning Commission as specified in Act 285, P.A. of 1931, as amended.

- SOUTHWORTH CLUB, S.A.
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- (E) Major Street & Thoroughfare Plan-The Master Plan of Highways, Major Streets and Parkways adopted by the Planning Commission.
 - (F) Major Street, Highway, Parkway-A street or road which serves or is intended to serve as a major traffic way and is designated in the Major Street Plan.
 - (G) Local Street-A street intended to serve and to provide access to neighborhoods or subneighborhoods.
 - (H) Alley or Service Drive-A passage or way affording generally a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
 - (I) Improvements-Street construction and surfacing, curb and gutter, water mains, storm and sanitary sewers, sidewalks, walkways, graded outlawsns and bridges or culverts.
 - (J) Municipality or Municipal-Shall mean the City which has adopted this Ordinance.
 - (K) Council-Shall mean the legislative body of the City which has adopted the Ordinance.
 - (L) Commission-Shall mean the Planning Commission of the City which has adopted this Ordinance.
 - (M) Municipal Standards-Shall mean standards and specifications of construction and installation as established and administered by the Municipality.
 - (N) Responsibility-Shall mean the total cost of labor and materials for installation.

Section II. Procedure by Subdivider for Plats

A. Preliminary Plat

1. Prior to submission of a preliminary plat, the subdivider shall discuss tentative studies with the Planner.
2. In order to receive consideration at the next subsequent meeting of the Commission, five (5) prints of the preliminary plat along with written application shall be filed with the Planner not less than five (5) days prior to such meeting.
3. The following shall be shown on or accompany the preliminary plat;
 - A. Proposed name of the Subdivision and description of land to be platted.
 - B. Scales shall be 100 feet to the inch, except that the location of the nearest sanitary and storm sewers and water mains may be shown at a scale of 100 feet to an inch.
 - C. Date and cardinal point.
 - D. The boundary lines, accurate in scale of the tract to be subdivided.
 - E. The proposed names of all streets.
 - F. The location, width, approximate grade and radii of curvature if of proposed and existing streets, alleys, highways, walkways and easements, including those for utilities, to be included in the plat.
 - G. Locations and dimensions of proposed lots and parks.
 - H. The location of all existing features within or adjacent to the proposed subdivision, which affect the subdivision, such as railroads, roads, buildings, wooded areas, easements, ditches, county drains, water courses, section lines, etc.
 - I. The location and size of the nearest available public or private sanitary sewer, watermains and power lines existing or proposed.

- J. The location, size, and grade of the sewer which is proposed to serve the subdivision or the location and explanation of other means of sewage disposal which shall be acceptable by the Health Department.
 - K. The names and addresses of the subdivider and other owners of record of land within the proposed subdivision; and the engineer or surveyor.
 - L. All parcels of land proposed to be dedicated to public use and conditions of such dedication.
 - M. When only a part of a tract is proposed to be subdivided, the lay-out of the remaining area shall be shown in sketch form.
 - N. Boundary lines of adjacent tracts or unsubdivided, and subdivided land, showing owners.
 - O. Contours when required by the Commission.
 - P. The proposed numbers of lots shall be shown by numerical order commencing with number "1" and with no omission or duplications.
 - Q. There shall be no block numbers or letters.
 - R. Deed or subdivision restrictions, when desired by the subdivider, shall be furnished.
 - X S. A written statement of intent, of the installation of improvements, shall be furnished.
- B. Final Plat
- 1. The subdivider shall file with the Commission the following, in compliance with the requirements of the Plat Act, Act 172 of the Public Acts of 1929, as amended, and any other requirements stipulated in this Ordinance.
 - A. The original ink tracing and eight (8) lithoprints on mylar of the final record plat. (The ink tracing shall be retained by the Municipality.)

- B. Certificate of Title by an Attorney at Law.
- C. Profile and cross-section notes of each street with grades; profile of proposed sanitary and storm sewer with sizes and grades; a plan of the water lines with size and appurtenances in accordance with the standard specification of the Municipality.
- D. An agreement with the Municipality containing a restriction upon the plat whereby the Building Inspector will not be permitted to issue a building permit for any structure upon any lot within said subdivision until the improvements as specified herein have been completed, or satisfactory arrangements have been made with the Municipality for the completion of said improvements. These plat restrictions shall be made a part of all deeds or contracts for any lot within the subdivision.
- E. An agreement (when half-street rights-of-way are involved) with the Municipality whereby said subdivider shall be responsible for the installation of improvements as required by this Ordinance on his half of said street at the time the adjacent tract is developed.
- F. A remittance of ten dollars (\$10.00) for each acre of land or fraction thereof included within the plat boundaries. Said sum shall include all expenses required for inspection of the lands, meetings of the Commission and the Council and fees required by Act 172 of the Public Acts of 1929, as amended, but further provided that in no case shall the amount paid exceed five hundred dollars (\$500.00) for any one (1) plat.
- G. Plat restrictions, if such are proposed by the subdivider, shall be submitted, with the final record plat. Such restrictions shall not be in contradiction to those of the Zoning Ordinance or any other Ordinance of the Municipality.

These restrictions shall become a part of the final record plat and shall be recorded along with the plat in the Office of the Register of Deeds of the County within such Municipality is located.

Section III. General Specification and Design Standards

A. Streets and Alleys

1. The subdivision of land or the dedication of land for streets, alleys, highways, parks, or other public uses shall conform to the Major Street and Thoroughfare Plan and Comprehensive Plan as approved by the Commission.
2. In the preparation of new subdivisions, provisions shall be made for the continuation of existing or platted streets in adjoining or adjacent subdivisions or parcels of land, onsofar as they may be necessary for public requirements. The center lines of such streets shall continue with the center lines of existing streets. In general, the streets shall extend to the boundary of the subdivision to provide proper access to the adjoining property and provide for proper connection with the street system for continuous and adjacent land.
3. Minimum rights-of-way widths shall be as follows:
 - A. Major Street, Highway and Parkways - Eighty (80) feet
 - B. Local Streets - Sixty (60) feet
 - C. Alleys and Service Drives - Forty (40) feet
 - D. Walkways - Ten (10) feet
4. If there exists a dedicated and recorded one-half ($\frac{1}{2}$) street on an adjoining plat, the other one-half ($\frac{1}{2}$) must be dedicated on the proposed plat to make the street complete.
5. Intersections of streets shall be at an angle of ninety (90) degrees or as close to such an angle as practicable, but in no case less than sixty (60)

degrees. Termination of streets at intersections shall be clearly defined.

6. Where subdivisions are adjacent to a railroad, a street shall parallel the railroad at a distance of not less than two hundred (200) feet which shall be one (1) lot depth from the railroad.
7. Alleys shall not be accepted in residence districts unless specifically required by the Commission.

B. Utilities

All utilities, including electrical power lines, telephone lines, telegraph lines, shall be installed below the finish surface grade prior to street or road construction, except in the case of unusual soil conditions wherein the Commission and/or the Council may grant a variance.

C. Lots

1. All lots shall face upon a public street.
2. The side lines of lots shall be approximately radial to the street upon which the lots face.
3. No lot shall be divided by a corporate boundary line. Such boundary line may be the lot line or center line of streets and alleys.
4. Residential lot widths, depths and area shall conform to the stipulations as set forth in the Zoning Ordinance.
5. Business lots shall have width of not less than twenty (20) feet.
6. Corner lots shall be sufficient width to allow conformance with building lines as established in the Zoning Ordinance.
7. Lots shall not front on any major streets, highway or parkways, unless, in the opinion of the Planning Commission and City Council such requirement is not feasible for a specific subdivision or portion thereof. Double

frontage lots shall be otherwise avoided.

D. Blocks

1. No block shall be more than one thousand (1,000.00) feet in length, except where, in the opinion of the Commission, conditions justify a departure from maximum. In blocks over nine hundred (900) feet in length, said Commission may require a walkway or easement for public utilities at or near the middle of the block.
2. The number of intersecting streets along highways and major streets shall be held to a minimum, wherever practicable, blocks along such traffic way shall not be less than one thousand three hundred twenty (1,320) feet in length.

E. General Requirements.

1. When held appropriate by the Commission, open spaces suitably located and of adequate size for parks or other public use shall be dedicated to the Municipality.
2. In case where variations and exceptions from the dimensional standards, improvement requirements and open space requirements are deemed necessary, said variation shall be recommended by the Commission to the Council.
3. Every subdivision shall have a dedicated means of ingress and egress.

Section IV. Improvements

A. Installation

The minimum improvements which shall be installed according to Municipal Standards in all subdivisions, are as follows:

1. Streets shall be constructed with six (6) inch sand base gravel.
 - A. Twenty-eight (28) feet from curb to curb on local streets, all of shall be the responsibility of the subdivider.
 - B. Twenty-eight (28) feet, from curb to curb on cul-de-sacs (courts)

with turning circle having a thirty-five (35) foot radius, all of which shall be the responsibility of the subdivider.

- C. Twenty (20) feet, without curb and gutter for alleys and service drives, all of which shall be the responsibility of the subdivider.
2. Sanitary Sewer Lines shall be installed, when an adequate sanitary sewer Main exists within five hundred (500) feet from any portion of the proposed subdivision of which the subdivider shall be responsible**for up to and including eight (8) inch diameter mains within the subdivision being platted and shall be responsible for any above normal cost of material and installation thereof necessarily encountered, as determined by the City Official having jurisdiction, outside the boundary of the subdivision being platted. If a sanitary sewer main is not available, as specified above , a disposal system, either on a subdivision-wide or single lot basis may be approved, if approved by the Arenac County Department of Health.
3. Water lines shall be installed when an adequate water main exists within five hundred (500) feet from any portion of proposed subdivision, of which the subdivision, shall be responsible for up to and including six (6) inch diameter mains.
4. Sidewalks of three (3) foot width shall be constructed along both sides of the street right-of-way, within all dedicated street and walkway rights-of-way, of responsibility of the subdivider.
5. Outlawns between each curb and sidewalk shall be graded and seeded, of which the entire construction shall be the responsibility of the subdivider.
6. Culverts and bridges shall be constructed when determined to be necessary by the Municipal Official having jurisdiction and shall be entirely the

responsibility of the subdivider.

7. Storm sewer lines (including catch basins and manholes) shall be installed at the expense of the subdivider, except that in the case of the necessity of the installation of lines larger than those normally needed to serve the area within the limits of the subdivision being platted, the Municipality will assume the additional cost encountered.

If, during the process of the installation of improvements, it is necessary to remove any monuments or benchmarks, the subdivider or his contractor shall obtain permission from the Engineering Department to make such removal. All Monuments or benchmarks removed, relocated, or destroyed shall be replaced in their proper location by the subdivider, at his expense.

B. Financing

The financing of the installation of improvements shall be accomplished by one (or a combination of both) of the following methods:

1. The subdivider may install the required improvements under private contract in which case the subdivider shall enter into a legal agreement or contract with the Municipality to make, install and complete all of the improvements required of the subdivider by the Ordinance, and shall insure the completion of the same by filing a cash bond or a faithful performance bond issued by a Surety Company acceptable to the Municipality, in the favor of the Municipality in a sum equal to the cost as estimated by the Municipality of the improvements.
2. The subdivider may request, by petition, of the Council, the installation of improvements required by the subdivider wherein the Council may install all or any part of the required improvements under contract for any portion of the subdivision and assess the subdivider for said improvements costs

and under any conditions which the Council may determine.

Section V. Procedure for Approval of Plats

A. By the Planning Commission

1. The preliminary plat and any required accompanying data shall be reviewed for the purpose of checking its compliance with the Comprehensive Plan, Major Street and Thoroughfare Plan and other specifications of the Ordinance, all in accord with sound engineering practice.
2. Before acting on the preliminary plat, the Commission shall hold a public hearing notice of which shall contain the date and place of the hearing and shall be sent by Certified Mail to the subdivider and owners of land immediately adjacent to the proposed subdivision, at least seven (7) days prior to the hearing date.
3. Written approval by the Commission shall be indicated on the preliminary plat along with any changes or requirements that said Commission may make, constituting acceptance thereof as a basis for the preparation of the final plat.
4. Approval of the preliminary plat shall be valid for a duration of not more than one (1) year.
5. Final record plat approval will be granted only under the following conditions:
 - A. That the subdivider has submitted the final record plat and eight (8) lithoprints thereof.
 - B. That the subdivider has submitted necessary engineering drawings, as required by the Ordinance and said drawings have been checked and approved for engineering accuracy by the Municipality.
 - C. That the subdivider has installed all improvements or in lieu thereof, has made arrangements for the installation of said improvements in

accordance with the provisions of this Ordinance.

B. By the Council

1. Upon receipt of the final record plat and other Material, the Council shall take action upon said plat in accordance with the requirements of the State Plat Act, the Municipal Charter and requirements of this Ordinance. In case of disapproval, the reasons for such action shall, by written communication, be transmitted to the subdivider and the Commission both of whom shall, within a reasonable time, resubmit to the Council any changes or alterations stipulated in the Council's Action of disapproval.
2. Upon approval of the final record plat, the Municipal Clerk shall, in accordance with the State Plat Act and any other applicable requirements, file said Plat (eight (8) lithoprints) agreements, restrictions and fees with the Office of the County Register of Deeds.

Section VI. Amendments

The Council may, by ordinance, amend, supplement or change this Ordinance, provided that prior to such amendments, a public hearing is held by both Commission and the Council after posing notice of hearing at fifteen (15) days prior to the date of hearing, by publication in an official paper of general circulation in the Municipality and be certified United States Mail to each public utility company and railroad company within the Municipality. A copy of such amendment, supplement or change shall be filed with the County Register of Deeds.

Section VII. Penalties

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be fined not less than twenty-five (\$25.00) dollars nor more

than one hundred (\$100.00) dollars for each offense. On imposition of any such fine, the Court shall have the power and authority to make a further order and judgment that any such person so convicted shall be imprisoned in the County jail until such fine and costs shall have been paid. Such imprisonment shall no exceed more that thirty (30) days.

Section VIII. Validity

Should any section, clause or provision of the Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section IX. Conflicting Ordinances

All ordinances and parts of ordinances of the Municipality in conflict with the provisions of the Ordinance are hereby repealed.

Section X. Effective Date

The Ordinance shall take effect the 1st day of August, 1977.

Signed:

Edward Samosky
Mayor of City of AuGres

Dorothy Hill
Clerk of City of AuGres