

Chapter 74 SUBDIVISIONS AND LAND DIVISION*

***Charter reference(s)**--Land plats, ' 11.3.

Cross reference(s)--Any ordinance dedicating, accepting or vacating any plat or subdivision saved from repeal, ' 1-11(a)(13); buildings and building regulations, ch. 14; community development, ch. 26; environment, ch. 34; streets, sidewalks and other public places, ch. 70; utilities, ch. 86; vegetation, ch. 90; zoning, ch. 98; subdivision open space plan, ' 98-652.

State law reference(s)--Land division act, MCL 560.101 et seq., MSA 26.430(101) et seq.; lot splits, MCL 560.263, MSA 26.430(263); divisions defined, MCL 560.102(d), MSA 26.430(102), (d); divisions exempt from platting but local approval required, MCL 560.103, 560.108, 560.109, MSA 26.430(103), 26.430(108), 26.430(109).

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ARTICLE I. IN GENERAL

Sec. 74-1. Territorial limits of regulations.

The rules and regulations governing plats and subdivisions of land contained in this chapter shall apply within the corporate limits of the city and within such part of the adjacent unincorporated area as may be within the subdivision jurisdiction of the city by state statute.
(Code 1971, ' 5.91)

Sec. 74-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Block means an area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys; or by streets, highways or ways, except alleys, and the exterior boundary or boundaries of the subdivision.

Commission means the city planning commission.

Street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

- (1) *Alleys* are minor ways of providing a secondary means of access to a property.
- (2) *Arterial streets* are those which are used primarily for fast or heavy traffic.
- (3) *Collector streets* are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such development.

- (4) *Cul-de-sac* is a minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (5) *Marginal-access streets* are minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
- (6) *Minor streets* are those which are used primarily for access to the abutting properties.

Complete Streets is defined as a design principle to promote a safe network of access for bicyclists, pedestrians, transit users, and motorists of all ages and abilities.

Subdivision means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership of building development, or, if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots or parcels of ten acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

- (1) *Major subdivisions* are those involving new streets or involving more than four lots.
 - (2) *Minor subdivisions* are those on existing streets involving less than four lots.
- (Code 1971, ' 5.92)

Cross reference(s)--Definitions generally, ' 1-2.

Sec. 74-3. Variances.

- (a) Where the commission finds that extraordinary hardship may result from strict compliance with this chapter, it may, with council approval, vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the master plan or this chapter. In granting variances and modifications, the commission may require such conditions as will in its judgment secure substantially the objectives of the standards or requirements so varied or modified.
- (b) Any modification thus granted shall be entered in the minutes of the commission, setting forth the reasons which, in the opinion of the commission, justified the modification.(Code 1971, ' 5.116)

Secs. 74-4--74-35. Reserved.

ARTICLE II. PLAT APPROVAL

Sec. 74-36. Preapplication procedure.

- (a) Prior to submission of a preliminary plat, subdividers are requested to submit tentative studies and general data to the council at least five days before a regularly scheduled meeting.
 - (1) The purpose of the preapplication procedure is to afford the subdivider an opportunity to avail himself of the advice and assistance of the council and staff before preparation of the preliminary plat and before formal application for its approval, in order to save time and money and to make the most of his opportunities.
 - (2) He should also consult with parties potentially interested with him or with the ultimate users of the development such as lending and mortgage insurance institutions, with a

view to reaching, at this beginning stage, conclusions regarding what part of the market demand should be served, the suitability of the location of the proposed subdivision, and the most advantageous subdivision plan.

- (3) Here is where opportunities are assured or lost. The subdivider is advised to engage a land planning specialist qualified to help him resolve the major factors into a workable and profitable subdivision plan.
 - (4) The council shall refer the study and general data to the commission for review and recommendations.
- (b) Within 30 days, the council shall inform the subdivider that the studies and data as submitted, or as modified, do or do not meet the objectives of this chapter. When the commission finds the studies and data do not meet the objectives of this chapter, it shall express its reasons.
- (Code 1971, ' 5.94)

Sec. 74-37. Procedure for conditional approval of preliminary plats.

- (a) Three copies of the preliminary plat and supplementary material specified shall be submitted to the council with written application for conditional approval at least ten days before the meeting at which it is to be considered. Two copies shall be referred to the commission.
- (b) The following shall be shown on the preliminary plat:
 - (1) The plat shall be at a scale of not more than 100 feet to the inch and submitted on sheets 18 inches wide by 24 inches long with a 1 1/2-inch binding margin and half-inch margin on all other sides.
 - (2) Boundary lines: bearings and distances.
 - (3) Easements: location, width and purpose.
 - (4) Existing streets on and adjacent to the tract; name, right-of-way width, location; type, width and elevation of surfacing; any legally established centerline elevations; walks, curbs, gutter, culverts, etc.
 - (5) Existing utilities on and adjacent to the tract; location, size and invert elevation of existing sewers at points of proposed connections, water mains, drain pipes, electric lines, telephone poles and streetlights; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers.
 - (6) Location of existing property lines, buildings, watercourses, railroads, marshes, nearby public spaces and other physical features.
 - (7) Ground elevations on the tract. For land that slopes less than approximately two percent, show spot elevations at all breaks in grade and at the extremities of and intersections of all public ways; for land that slopes more than two percent, show contours with an interval of not more than five feet if ground slope is regular, two feet if the land is irregular or more detailed data is necessary for construction drawings.
 - (8) Names, locations, widths and approximate grades of proposed streets, building lines, alleys, easements, parks, open spaces, lot lines and utilities.
 - (9) Title under which proposed subdivision is to be recorded, description of land to be

platted, names and addresses of owner and technical author of the plan.

- (10) All parcels of land proposed to be dedicated to public use and conditions of such dedication.
 - (11) Date, cardinal points, scale.
 - (12) Zoning on and adjacent to the tract.
 - (13) Site data, including number of lots, typical lot size, acres in parks, etc.
- (c) A draft of protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development shall be submitted with the copies of the preliminary plat.
 - (d) Following review of the preliminary plat and other material submitted for conformity to this chapter and after negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the commission shall within a reasonable time pass upon the preliminary plat as originally submitted or modified. If approved, the commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons for disapproval and thereafter transmit a copy of the preliminary plat and other material to the council.
 - (e) The action of the commission shall be noted on all copies of the preliminary plat, references and attached to any conditions determined. One copy shall be returned to the subdivider, one retained by the commission, and the other retained by the council. Acceptance means approval of the design as a basis for the preparation of the final plat.
 - (f) If public water and public sewers are not available and assessable to the area proposed for subdivision, the preliminary plat must have prior approval by the city health officer. (Code 1971, ' 5.95)

Sec. 74-38. Procedure for final approval of minor subdivisions.

- (a) The final plat shall conform substantially to the preliminary plat as approved.
- (b) Five copies of the final plat shall be submitted to the council, which shall have it checked by the city engineer, or city manager, for study in relation to zoning regulations and the character of existing adjacent development. Thereafter it shall be reviewed by the commission.
- (c) When the final plat of a minor subdivision meets all requirements, it shall be presented to the council for final approval. When the final plat is not in keeping with chapter 98 or adjacent platting, it shall be returned to the subdivider for correction.
- (d) One copy of the final plat as approved shall be given to each of the following: the subdivider, commission, city manager, city assessor, city clerk. (Code 1971, ' 5.96)

Sec. 74-39. Procedure for final approval of major subdivisions.

- (a) The final plat shall conform substantially to the preliminary plat as approved; and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time provided such a portion conforms to all requirements of this chapter.

- (b) The final plat shall be submitted to the council for approval within one year after approval of the preliminary plat; otherwise, such approval shall become null and void unless an extension of time is applied for and granted by the council.
- (c) Application for approval of the final plat shall be submitted in writing, with the plat copies, to the council at least 15 days prior to the meeting at which it is to be considered.
- (d) The original and four copies of the final plat must be submitted. One of the four copies shall be on tracing cloth and will be retained by the council. The other copies shall be referred to the commission for review.
- (e) The final plat shall be approved only after those provisions listed below under article IV of this chapter which are required by the commission and council are met.
- (f) The final plat shall be prepared and presented in accordance with the provisions of Public Act No. 288 of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.) and in addition shall show building lines and easements properly dimensioned, when, in the opinion of the council this requirement is desirable.
- (g) When the final plat of a major subdivision meets all requirements, the commission shall present their report and copies of the plat along with the certificates of titles to the council for approval. (Code 1971, ' 5.97)

Secs. 74-40--74-70. Reserved.

ARTICLE III. DESIGN STANDARDS

Sec 74-71. General Requirements.

- (a) *Complete Streets.* The City of Houghton will plan for, design, and construct all transportation improvement projects, both new and retrofit activities, to provide appropriate accommodation for bicyclists, pedestrian, transit users, and motorists of all ages and abilities in accordance with City of Houghton pedestrian and bike plans.

In furtherance of that policy:

- (1) The City of Houghton pedestrian and bike plans shall be referenced and their implementation considered prior to construction or re-construction within city rights-of-way.
- (2) All street plans will include, at a minimum, accommodations for accessibility, sidewalks, curb ramps and cuts, trails and pathways, signage, bike lanes, and shall incorporate principles of complete streets and maximize walkable and bikeable streets wherever feasible within the City of Houghton.
- (3) The accommodations shall also be designed and built using guidance from the most recent editions of the American Association of State Highway Transportation officials (AASHTO) *Guide for Development of Bicycle Facilities*, the Michigan Manual on Uniform Traffic Control Device (MMUTCD) (MDOT, and the *Americans with Disabilities Act Accessibility Guidelines* (ADAAG). Methods for providing flexibility within safe design parameters, such as context sensitive solutions and design, will be considered.

- (4) It will be the goal of the City to fund the implementation of Complete Street Projects which shall include expending State Act 51 funds received by the City annually in accordance with Public Act 135 of 2010, as amended.
- (b) Exceptions.
- Facilities for bicyclists, pedestrians, transit users, and motorists of all ages and abilities are not required to be provided in instances where a documented exception is recommended by the City Manager and granted by the City Council based on findings of one or more of the following conditions:
- (1) Where their establishment would be contrary to public health and safety,
 - (2) When the cost would be excessively disproportionate to the need for probable use,
 - (3) When the cost would result in an unacceptable diminishing of other city services,
 - (4) Where there is no identified long-term need,
 - (5) Where the length of the project does not permit a meaningful addition to the non-motorized network, or
 - (6) Where reconstruction of the right-of-way is due to an emergency.
- (c) The arrangement, character, extent, width, grade and location of all streets shall conform to the master plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (d) Where such is not shown in the master plan, the arrangement of streets in a subdivision shall either:
- (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - (2) Conform to a plan for the neighborhood approved by the commission to meet a particular situation where topographical or other conditions make conformation to existing streets impracticable.
- (e) Minor streets shall be laid out that their use by through traffic will be discouraged.
- (f) Where a subdivision abuts or contains an existing or proposed arterial street, the commission may require marginal-access streets, reverse-frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with near service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (g) Where a subdivision borders on or contains a railroad right-of-way or limited-access highway right-of-way, the commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (h) Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this chapter and where the commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- (i) Where the plat submitted covers only a part of the subdivider's plat, a sketch of the prospective future system of the unsubmitted part shall be furnished; and the street

system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.

- (j) Where the parcel is subdivided into larger tracts than for building lots, such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets. (Ord. 2010-226)

Sec. 74-72. Streets.

- (a) Insofar as is practical, acute angles between streets at their intersections are to be avoided.
- (b) Street jogs with centerline offsets of less than 125 feet shall be avoided.
- (c) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
- (d) When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than 200 feet for minor and collector streets, and of such greater radii as the commission shall determine for special cases.
- (e) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 60 degrees.
- (f) Property lines at street intersections shall be rounded with a radius of ten feet, or of a greater radius where the commission may deem it necessary. The commission may permit comparable cutoffs or chords in place of rounded corners.
- (g) Street right-of-way widths shall be as shown in the master plan, and where not shown in the master plan shall be not less than as follows:

Street Type	Right-of-Way (feet)
Arterial	100
Collector	66
Minor, other than cul-de-sac	60
Marginal-access	60

- (h) Cul-de-sac streets, designed to be so permanently, shall not be longer than 500 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 80 feet and a street property line diameter of at least 120 feet. The right-of-way width of the straight portion of the street shall be a minimum of 60 feet. The property line at the intersection of the turnaround and the straight portion of the street shall be rounded at a radius of not less than 20 feet.
- (i) No street names shall be used which will duplicate or be confused with the names of existing

streets. Street names shall be subject to the approval of the commission.

- (j) Street grades, wherever feasible, shall not exceed five percent, with due allowance for reasonable vertical curves.
- (k) No street grade shall be less than one-half of one percent. (Code 1971, ' 5.101)

Sec. 74-73. Alleys.

- (a) Alleys shall be provided in commercial and industrial districts; except the commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
- (b) The width of an alley shall be 20 feet.
- (c) Alley intersections and sharp changes in alignment shall be avoided; but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- (d) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the commission. (Code 1971, ' 5.102)

Sec. 74-74. Easements.

- (a) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 12 feet wide.
- (b) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and further width for construction, or both, as will be adequate for the purpose. (Code 1971, ' 5.103)

State law reference(s)--Public utilities easements, MCL 560.139, 569.190, MSA 26.430(139), 26.430(190).

Sec. 74-75. Blocks.

- (a) No block may be more than 800 feet or less than 500 feet in length between the centerlines of intersecting streets, except when exceptional circumstances justify a departure from these limits.
 - (b) In blocks over 700 feet in length, the commission may require at or near the middle of the block a public way or easement not less than ten feet in width for use by pedestrians, and/or as an easement for public utilities.
- (Code 1971, ' 5.104)

Sec. 74-76. Lots.

- (a) The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, conforming to chapter 98.
- (b) Minimum lot dimensions and sizes shall conform to the requirements of chapter 98, provided:

- (1) Residential lots where not served by public sewer shall not be less than 80 feet wide nor less than 12,000 square feet in area.
 - (2) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - (3) Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- (c) The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
 - (d) Double-frontage lots or lots with frontage on two parallel streets should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet and across which there shall be no right of access shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
 - (e) Side lot lines shall be substantially at right angles or radial to street lines. (Code 1971, ' 5.105)

Sec. 74-77. Public sites and open spaces.

- (a) Where a proposed park, playground, school or other public use shown in the master plan is located in whole or in part in a subdivision, the commission may require the dedication or reservation of such area within the subdivision in those cases in which the commission deems such requirements to be reasonable. It would result in injustice to require a tract smaller in area than the neighborhood or community area to contribute more than its share of the appropriate locations; therefore, in such cases the land should be dedicated at or about the places designated in the neighborhood plan, with money adjustment to compensate the owner of any subdivided tract for the excess contributed by him above his fair share.
- (b) The commission may accept the dedication of parks, playgrounds and other public open spaces not shown in the master plan when it appears that the city will benefit from such dedication. (Code 1971, ' 5.106)

Secs. 74-78--74-110. Reserved.

ARTICLE IV. REQUIRED IMPROVEMENTS

Sec. 74-111. Basic improvements.

The commission and the council may require that any or all of the following must be filed before approval of a final plat:

- (1) The basic improvements required for a plat, or that portion to be recorded and developed, will be storm sewer, sanitary sewer, water, and an acceptable improved gravel street, if not already in existence. The developer will pay 100 percent of these improvements and must post a performance bond to complete the improvements within two years of acceptance of the plat, except that no buildings may be erected on the plat until improvements are completed. If some improvements are to be installed under contract, the work shall be done in accordance with the plans sealed by a professional engineer and approved by and filed with the department of public works. A certificate of

approval from the state department of health shall be filed with the department of public works along with the plans for sewer and water installations. After the work is completed, the owner's engineer shall file an affidavit with the department of public works stating that the work has been done in accordance with the plans previously filed.

- (2) An agreement prepared by the city providing for owner responsibility for construction of a standard temporary road of gravel or other suitable material approved by the city to a width of 18 feet and a depth of six inches compacted, to provide access to any dwelling within the subdivision at the time construction is begun on such dwelling.
- (3) A performance bond or certified check drawn on an approved bank in an amount necessary to assure compliance with the provision of subsection (2) of this section.
- (4) Where plats are designed with interior walkways, walks shall be fully constructed to adequately serve the area being platted.
- (5) In the case of a subdivision that is not to be served by a public sewerage system, private restrictions shall be filed with the final plat and incorporated in each deed calling for the installation on each lot of an individual sewage disposal system meeting fully the requirements of the city or county officials having jurisdiction.
- (6) A certified copy of the plat restrictions, which shall include a provision that in all instruments of sale or conveyance given before all street improvements have been made, the consignee shall agree to and approve such improvements. (Code 1971, ' 5.110)

Sec. 74-112. Street trees.

Street trees shall be planted in conformance with a planting plan approved by the commission on all streets. (Code 1971, ' 5.111)

Cross reference(s)--Vegetation, ch. 90.

Sec. 74-113. Street signs.

Street signs of the same type and design in general use within the community shall be installed. (Code 1971, ' 5.112)

State law reference(s)--Authority to require improvements agreement, MCL 560.188, MSA 26.430(188).

Secs. 74-114--74-145. Reserved.

ARTICLE V. LOT SPLITS

Sec. 74-146. Authorized.

- (a) The council, after obtaining review and comment by the commission, may, by resolution, approve the further partition or division of any lot, outlot or other parcel of land in a recorded plat into not more than four parts, provided that any lot, outlot or other parcel of land not serviced by public sewerage and public water systems shall not be partitioned or divided, if any resulting lots, outlots or other parcels are less than the minimum width and area required by Public Act No. 288 of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.). As a further condition to approval of any proposed partition or division, all deeds of conveyance for any resulting lot, outlot or other

parcel that does not meet the minimum width and area requirements of Act No. 288, shall contain restrictions, in perpetuity, that such resulting lot, outlot or other parcel may only be owned, possessed, occupied and used by the owner of a specific adjacent and contiguous lot, outlot or other platted parcel within the same recorded plat which meets those requirements; and the resulting lot, outlot or other parcel and such adjacent and contiguous lot, outlot or other platted parcel are, together, to be treated as one parcel for all purposes of application of chapter 98.

- (b) The resolution of approval shall include a legal description for each resulting lot, outlot or other parcel of land and shall set forth any and all special requirements or conditions for approval and any and all restrictions related to the ownership, possession, occupancy and use of each resulting lot, outlot, or other parcel. The resolution shall be recorded in the office of the county register of deeds. (Ord. No. 92, ' 5.120, 1-12-1994)