

Title V ZONING AND PLANNING

CHAPTER 52. CITY PLAN COMMISSION

Sec. 5.201. Commission continued.

The city plan commission heretofore created pursuant to Public Act 285 of 1931, as amended, and the City Charter, is hereby continued.

Sec. 5.202. Members, organization.

The plan commission shall consist of the mayor, one of the administrative officials of the city, who shall be selected by the mayor, one member of the city council who shall be selected by the city council, all three of whom shall serve as members ex-officio of such city plan commission, and six additional citizens and taxpayers of the city who shall be appointed by the mayor. The mayor, in appointing such six additional members, shall cause, insofar as is possible, representation of different professions or occupations. All appointments of the members of such commission, excepting ex-officio members, shall be subject to the approval by a majority vote of the members of the city council. All members of the commission shall serve as such without compensation and no one of the members, excepting such aforesaid ex-officio members, shall at any time during his membership, hold other municipal office. The terms of ex-officio members shall correspond to their respective official tenures, excepting that the term of the administrative official selected by the mayor shall terminate with the term of the mayor selecting him. The term of each member, excepting the aforesaid ex-officio members, shall be three years or until his successor takes office, excepting that the respective terms of two of the members first appointed shall be for one year and two years respectively. Members other than the member selected by the city council may, after public hearing, be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The city council may for like cause remove the member selected by it. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor in the case of members selected or appointed by him and by the city council in the case of the city council member.

Sec. 5.203. Powers, duties.

The powers and duties of the city plan commission shall be as provided by Act 285 of the Michigan Public Acts of 1931, to the same extent and with the same legal result and effect as if the powers and duties of city plan commissions, as declared and provided by said Act, had been at length set forth and declared herein.

Secs. 5.204—5.220. Reserved.

CHAPTER 53. SUBDIVISION CONTROL¹

¹Editor's note(s)—Ord. No. 313, §§ 1, 2, adopted July 7, 1992, amended this Code by repealing ch. 53, substantive sections being, §§ 5.221—5.223, 5.229—5.232, 5.238—5.243, 5.21 and 5.255—5.258. Formerly, ch. 53

- CODE
Title V - ZONING AND PLANNING
CHAPTER 53. - SUBDIVISION CONTROL
ARTICLE I. SHORT TITLE

pertained to subdivision control. Said ordinance further provided for the addition of a new ch. 53 as is herein set out, pertaining to a similar subject matter.

ARTICLE I. SHORT TITLE

Sec. 5.221. Short title.

This chapter shall be known and may be cited as the "Subdivision Ordinance of the City of Marysville."
(Ord. No. 313, §§ 1, 2, 7-27-92)

ARTICLE II. AREA REGULATED

Sec. 5.222. Territorial limits of regulations.

The rules and regulations governing plats and subdivisions of land contained herein 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 law.

(Ord. No. 313, §§ 1, 2, 7-27-92)

ARTICLE III. DEFINITIONS

Sec. 5.223. Definitions.

For the purpose of this chapter, certain words used herein are defined as follows:

- (1) *Block* shall mean 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.
- (2) *Commission* shall mean the city planning commission.
- (3) *Council* shall mean the legislative body of the city.
- (4) *Street* shall mean a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
 - a. Alleys are minor ways providing a second means of access to a property.
 - b. 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.
 - c. Local streets (minor streets) are those which are used primarily for access to the abutting properties.
 - d. Major thoroughfares are those streets and highways which are used as through routes for traffic in the city.
 - e. Major collectors are those streets which carry traffic from major thoroughfares to intensive land uses in the city and are major circulation routes within the city.

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- f. Minor 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 a development.
 - g. 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.
 - h. Private streets shall mean a street intended for motor vehicle use as a means of ingress and egress from a public street to two or more parcels of property, two or more residences or two or more places of business or any combination thereof which is not dedicated to the use of the public or owned in fee by the city.
- (5) *Subdivide or subdivision* means the partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigned for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five or more parcels of land each of which is ten acres or less in area; or five or more parcels of land each of which is ten acres or less in area are created by successive divisions within a period of ten years.
- (6) A *plat* is a map or plan of a subdivision of land or condominium subdivision plan.
- a. A map showing the salient features of a proposed subdivision or condominium subdivision submitted to the city planning commission and the council for purposes of preliminary plat.
 - b. A final plat is a concise map or plan of a subdivision or condominium subdivision, meeting the requirements of the Subdivision Control Act of 1967, or Condominium Act of 1978 as amended.
- (7) The *Subdivision Control Act* is Act 288, Public Acts of 1967 (effective January 1, 1968).
- (8) The *Condominium Act* is Act 59 of 1978 as amended NCLA (559.101).
- (9) An *easement* is a grant by the property owner of the use of a strip of land by the public, a corporation, or private person or persons for a specific purpose or purposes.
- (10) When included within the boundary of a recorded plat, an *outlot* means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.
- (11) A *proprietor* is a person, firm, association, partnership, corporation, or combination of any of them which may hold any ownership interest in land whether recorded or not.

(Ord. No. 313, §§ 1, 2, 7-27-92)

Secs. 5.224—5.228. Reserved.

ARTICLE IV. SUBDIVISION PROCEDURE

Sec. 5.229. Tentative approval of preliminary plats.

- (1) Prior to submission of a preliminary plat, for final approval, the proprietor shall submit copies of the preliminary plat to the city planning commission for review. Preliminary plats shall show the name, location and position of the subdivision or site condominium and the subdivision-site condominium plan and layout in sufficient detail on a topographic map to enable a determination of whether the subdivision site condominium meets requirements for lots, streets, roads and highways including drainage and floodplains.

The preliminary plat shall indicate the following information:

- (a) The plat shall be at a scale of two hundred feet to one inch or larger.
 - (b) Boundary lines: bearings and distances.
 - (c) Easements: location, width, and purpose.
 - (d) 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, gutters, culverts, etc.
 - (e) 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 street lights; 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.
 - (f) Location of existing property lines, buildings, watercourses, railroads, marshes, nearby public spaces and other physical features.
 - (g) Group 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 is regular, two feet if the land is irregular or more detailed data is necessary for construction drawings.
 - (h) Names, location, widths and approximate grades of proposed streets, building lines, alleys, easements, parks, open spaces, lot lines and utilities.
 - (i) All parcels of land proposed to be dedicated to public use and conditions of such dedication.
 - (j) Title under which proposed subdivision is to be recorded, description of land to be platted, names and addresses of owner and the name, address and seal of the surveyor.
 - (k) Date, cardinal points, scale.
 - (l) Zoning on and adjacent to the tract.
 - (m) Site data, including number of lots, typical lot size, acres in parks, etc.
 - (n) Other related data as the planning commission deems necessary.
 - (o) Data as requested by the various state authorities.
- (2) The proprietor shall furnish the city council and the city planning commission with a statement indicating the proposed use to which the subdivision or site condominium will be put, along with a description of the type of residential buildings and number of dwelling units contemplated or the type of business so as to reveal the effect of the development on traffic, fire hazards or congestion of population. Such proposed uses may not be in conflict with the zoning ordinance. In addition, the subdivider shall furnish drafts of his/her proposed protective covenants whereby he/she proposes to regulate land uses in the subdivision and otherwise protect the proposed development.
- (3) The proprietor shall submit eight copies of the preliminary plat and other data to the city clerk and copies shall be distributed to:
- (a) City clerk retains one copy.
 - (b) Two copies of the preliminary plat are sent to the planning commission.
 - (c) Two copies of the preliminary plat are sent to the building department.
 - (d) One copy of the preliminary plat is sent to the planning consultant.
 - (e) Two copies of the preliminary plat are sent to the city engineer.

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- (4) The proprietor shall submit the preliminary plat to the various public agencies as required by the Subdivision Control Act, Act No. 288, Public Acts of 1967 or the Condominium Act, Act No. 59 of 1978, as amended. The proprietor shall submit copies of the preliminary plat as follows:
- (a) The proprietor shall submit three copies of the preliminary plat to the county road commission if the proposed subdivision includes or abuts roads under the commission's jurisdiction.
 - (b) The proprietor shall submit three copies of the preliminary plat to the county drain commission.
 - (c) The proprietor shall submit three copies of the preliminary plat to the department of state highways, if any of the proposed subdivision includes or abuts a state trunk line highway, or includes streets or roads that connect with or lie within the right-of-way of state trunk line highways.
 - (d) The proprietor shall submit two copies of the preliminary plat to the state conservation department for information purposes, if the land proposed to be subdivided abuts a lake or stream, or abuts an existing access to a lake or stream where public rights may be affected.
 - (e) The proprietor shall submit two copies of the preliminary plat to the water resources commission of the state department of natural resources, if any of the subdivision or site condominium lies wholly or in part within the floodplain of a river, stream, creek or lake.
 - (f) The proprietor shall submit two copies of the preliminary plat to the county plat board and to the public utilities serving the area for informational purposes.
 - (g) The proprietor shall submit two copies of the preliminary plat to the county health department if public water and public sewers are not available and accessible to the land proposed to be subdivided.
- (5) The city council, within 90 days from the date of filing, shall tentatively approve on the copy of the preliminary plat to be returned to the proprietor, or set forth in writing its reasons for rejection and requirements for tentative approval. Preliminary plat review will be as follows:
- (a) The city engineer and city planning consultant return one copy of the preliminary plat to the city planning commission within two weeks with their comments or data for use by the commission.
 - (b) After reviewing comments of the city engineer and the city planning consultant, the commission shall make a written recommendation upon the preliminary plat and forward the same to the city council along with a copy of the preliminary plat marked-up with any suggested changes.
 - (c) The city council at their next regular meeting after receiving the recommendation from the city planning commission, shall review said preliminary plat and return a marked-up copy of such plat and written comments to the proprietor. Such marked-up copy shall contain suggested modifications and comments by the city planning commission, and the city engineer, which are agreed to by the city council.
- The city council may require the submission of other related data as it deems necessary, if the requirement for such data have previously been adopted and published.
- (6) Tentative approval of the preliminary plat by the city council shall confer upon the proprietor for a period of one year from date, approval of lot sizes, lot orientation and street layout. Such tentative approval may be extended if applied for by the proprietor and granted by the city council in writing.

(Ord. No. 313, §§ 1, 2, 7-27-92)

Sec. 5.230. Final preliminary approval.

- (1) Final approval of the preliminary plat approval 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 two-year period may be extended if applied for by the proprietor and granted by the city council in writing. Written notice of the extension shall be sent by the city council to the other approving authorities.

- (a) The proprietor shall:
1. Submit a preliminary plat to all authorities as required in section 5.229(3).
 2. Submit to the city council an abstract of title certified to date of the proprietor's certificate to establish recorded ownership interests and any other information deemed necessary for the purpose of ascertaining whether the proper parties have signed the plat, or a policy of title insurance currently is in force, covering all of the land included within the boundaries of the proposed subdivision site condominium. The city council, in lieu of an abstract of title, as to ownership and marketability of title of the land.
 3. Submit a list of all such authorities to the city clerk, certifying that the list shows all authorities as required.
 4. Submit all approved copies to the city clerk after all necessary approvals have been secured.
- (b) The city council, after receipt of the necessary approved copies of the preliminary plat, shall:
1. Consider and review the preliminary plat at its next meeting, or within 20 days from the date of submission, and approve it if the proprietor has met all conditions laid down for approval of the preliminary plat.
 2. Instruct the city clerk to promptly notify the proprietor of approval or rejection in writing, and if rejected to give the reasons.
 3. Instruct the city clerk to note all proceedings in the minutes of the meeting, which minutes shall be open for inspection.
- (c) Following final approval of the preliminary plat by the city council, the proprietor shall cause a survey and five true plats thereof to be made by a surveyor.
- (d) All approvals made on the preliminary plat shall expire as provided in subsection (1) and section 5.229(5).
- (e) A final plat shall not be accepted after the date of expiration of the preliminary plat approval.
- (f) A final plat received by the state treasurer more than one year following the date of approval of the city treasurer shall be returned to the treasurer who shall make a new certificate currently dated, relative to paid or unpaid taxes, special assessments and tax liens or titles.
- (g) All final plats of subdivided land shall comply with the provisions of survey and mapping requirements cited below.

(Ord. No. 313, §§ 1, 2, 7-27-92)

Sec. 5.231. Final plat certificates.

To entitle a final plat to be recorded, certificates in the form prescribed by the state treasurer, lettered or printed legibly with black, durable ink shall appear on it and the certificates shall contain the statements and information and shall be signed and dated as prescribed by law.

- (1) *List of certificates.* The certificates required to entitle a final plat to be recorded are as follows:
- a. A surveyor's certificate of compliance with the statute.

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- b. A certificate of the proprietor submitting the plat.
 - c. A certificate of taxes by the county treasurer in which the plat is situated, as required by section 35 of Act No. 206 of the Public Acts of 1893, as amended by section 211.35 of the Compiled Laws of 1948.
 - d. A certificate of taxes signed by the city treasurer in which the plat is located if the city does not return delinquent taxes to the state treasurer, as required by section 35 of Act No. 206 of the Public Acts of 1893, as amended.
 - e. A certificate of approval of the county drain commissioner.
 - f. A certificate of approval of the board of county road commissioners, if public streets and roads shown on the plat are under its jurisdiction or to come under its jurisdiction and if any private streets or roads shown on the plat are in an unincorporated area.
 - g. A certificate of approval of the city council. The certificate of the city council may not be placed on the plat unless the proprietor has deposited with the clerk both the filing and recording fee required by the state and county and the fee permitted by the city for review and approval of a plat.
 - h. A certificate of approval of the county plat board. The certificate may not be placed on the plat unless the filing and recording fee required above has been received by the clerk of the county plat board.
 - i. A certificate of approval of the state highway commission when the subdivision includes or abuts state trunk line highways.
 - j. A certificate of approval of the state treasurer. The certificate of the state treasurer may not be placed on the plat unless the portion of the filing and recording fee due the state as provided above has been received by him.
- (2) *Surveyor's certificate.* The certificate of the surveyor who surveyed, divided and mapped the land; and if a firm of surveyors also by a partner or principal officer, shall give the following information, which shall have the same force and effect as an affidavit:
- a. By whose direction he made the survey, subdivision and plat of the land described on the plat.
 - b. A statement that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it.
 - c. A statement that he has prepared the description of the land shown on the plat and that he certifies to its correctness.
 - d. A statement that he has caused all of the monuments shown on the plat to be located in the ground, or that the required cash, certified check or irrevocable bank letter of credit has been deposited with the city clerk by the proprietor.
 - e. A statement that the accuracy and closure of survey are within the limits required by state law.
 - f. A statement that the bearings shown on the plat are expressed as required by state law.
- (3) *Proprietor's certificate.* The proprietor's certificate on the plat shall include the following:
- a. The caption of the plat.
 - b. A statement that the proprietor has caused the land described on the plat to be surveyed, divided, monumented, mapped and dedicated as shown on the plat.

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- c. A statement that the streets, alleys, parks and other places shown on it which are usually public are dedicated to the use of the public.
 - d. A statement that all public utility easements are private easements and that all other easements are reserved to the uses shown on the plat.
 - e. The name of each street, park or other place which is usually public and which is intended to be reserved to other than public use, and the character and purpose of such use.
 - f. The the plat includes all land to the water's edge.
 - g. The proprietor's certificate shall be signed by the following, each signature shall be witnessed by two persons, and the signatures shall be acknowledged as deeds conveying lands are required to be witnessed and acknowledged:
 - 1. All persons holding the title by deed of the lands.
 - 2. All persons holding any other title of record.
 - 3. All persons holding title as mortgagee or vendee under land contract, or who are in possession but shall not include renters.
 - 4. The wives of persons named in subsections g.1, g.2 and g.3.
- (4) *County treasurer's certificate.* A certificate shall be signed and dated by the county treasurer relative to paid or unpaid taxes, special assessments and tax liens or titles, as required by section 35 of Act No. 206 of the Public Acts of 1893, as amended.
- The certificate shall be signed and dated by the city treasurer if the city does not return delinquent taxes to the state treasurer, as required by section 35 of Act No. 206 of the Public Acts of 1893, as amended.
- (5) *Drain commissioner's certificate.* A certificate shall be signed and dated by the drain commissioner signifying that the provisions of State Act 288, Public Acts of 1967, have been met and that the plat meets his approval.
- (6) *Board of county road commissioner's certificate.* A certificate shall be signed by the majority of the board of county road commissioners.
- a. The certificate shall show the date on which the board met and approved the plat and the date the certificate was placed on the plat.
 - b. The certificate shall signify that:
 - 1. The plat has been reviewed and conforms to the requirements of this chapter and the board's published rules and regulations relative to streets, alleys, roads and highways under its jurisdiction.
 - 2. The plat has the board's approval.
- (7) *City council's certificate.* A certificate shall be signed by the city clerk signifying the approval of the plat by the city council which shall show the date of the meeting at which the approval was made and the date the certificate was signed by the city clerk.
- a. The certificate shall include a statement that the plat was reviewed by the city council or that the review was made in part by persons authorized by the city council and that the plat is in conformance with all applicable provisions of this chapter.

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- b. If a copy of the preliminary plat was required to be approved by the health department, a statement to the effect that such approval was made and the name of the health department and the date of its approval shall be included.
 - c. If the minimum lot width and area prescribed by state law has been waived and the subdivision is served by public sewers and public water or is accessible thereto, the certificate shall so state and shall also state that the city has legally adopted zoning and subdivision control ordinances which specify lot widths and areas.
- (8) *County plat board's certificate.* A certificate shall be signed and dated by the majority of the county plat board, signifying its approval of the plat.

The certificate shall include a statement that the plat was reviewed for conformance to all applicable provisions of this chapter by the county plat board, by the county plat engineer, or both.

- (9) *State highway commission's certificate.* A certificate shall be signed and dated by the state highway commission or by an official of the department of state highways, authorized by the commission to certify its approval on plats.
- a. The certificate shall signify that:
 - 1. The plat has been reviewed and conforms to the requirements of this chapter and the commission's published rules and regulations relative to streets, roads and highways under its jurisdiction.
 - 2. The plat has the commission's approval.
- (10) *State treasurer's certificate.* A certificate shall be signed and dated by the state treasurer, or may be signed and dated for him by an officer of the department of treasury, if authorized by the state treasurer.
- a. The certificate shall signify that:
 - 1. The plat conforms, in his opinion, to all of the requirements of this chapter and to the published rules and regulations of the department of treasury, relative to plats.
 - 2. The plat has the state treasurer's approval.

(Ord. No. 313, §§ 1, 2, 7-27-92)

Sec. 5.232. Final plat submittal.

The following routing will be used for the final plat submittal:

- (1) *Drain commissioner.* The proprietor shall submit five true copies of the final plat to the drain commissioner, as his approval was required on the preliminary plat, or six true copies if the proprietor requests an additional copy to be returned to him. The proprietor at the same time shall submit six blackline prints to the city.
- a. The city clerk shall, within three days after receiving an application for final plat approval, transmit two copies of the blackline prints of the plat to the city planning commission two copies to the city engineer, and two copies to the city planning consultant for rechecking.
 - b. At their next regular meeting, the city planning commission shall recommend approval or denial of the final plat to the city council, based on the recommendations from the city engineer and city planning consultant as to the compliance of the final plat with the preliminary plat.

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- (2) *County road commissioner.* When the plat has been approved by the county drain commissioner, the proprietor shall submit all copies of the plat to the board of county road commissioners, when their approval was required on the preliminary plat.
 - (3) *City clerk.* When the plat has been approved by the drain commissioner and the county road commissioners, the proprietor shall submit all copies of the plat to the city clerk together with the filing fee required by the state and county.
 - a. At its next regular meeting, or at a meeting called within 20 days of the date of submission, the city council, with the report of the city planning commission, shall:
 1. Approve the plat if it conforms to all of the provisions of this chapter including the design standards set forth in article IV and instruct the clerk to certify on the plat to the city council approval, showing the date of the board's approval, the approval of the health department, and the date thereof as shown on the approved preliminary plat; or
 2. Reject the plat, instruct the clerk to give the reasons in writing as set forth in the minutes of the meeting, and return the plat to the proprietor.
 3. Instruct the clerk to record all proceedings in minutes of the meeting, which shall be open for inspection.
 - (4) *County plat board.* When approved by the city council, the clerk shall promptly forward all copies of the plat to the clerk of the county plat board, together with the filing and recording fee.
 - (5) *County treasurer.* When approved by a majority of the county plat board, the clerk of the board shall secure a warrant from the county treasurer for one-half the filing and recording fee required by the state and county and forward it with all copies of the plat to the state treasurer.
 - (6) *State highway commission.* Within 15 days after receipt of the plat from the county plat board, the state treasurer shall promptly forward the plat to the state highway commission, if the plat includes or abuts a state trunk line highway.
 - (7) *State treasurer.* Within 15 days after receipt of the plat, or within 25 days if the plat requires the approval of the state highway commission, the state treasurer shall review the plat and when it conforms to all of the provisions of this chapter, he shall approve it and send one copy of the plat to the register of deeds for recording.
 - (8) *County register of deeds.* Upon receipt of the plat from the state treasurer, the register of deeds shall:
 - a. Certify on the plat the time of recording and the book and page where recorded. He shall not accept a plat for recording unless it is sent to him by the state treasurer and bears his certificate of approval.
 - b. When notification of recording of one copy of the plat has been received by the state treasurer, he shall:
 1. Retain one copy for his files.
 2. Mail one copy of the plat to the county treasurer, one copy to the city clerk, one copy to the county road commission, and one copy to the proprietor if he has submitted an extra copy for certification and mailing.

(Ord. No. 313, §§ 1, 2, 7-27-92)

Secs. 5.233—5.237. Reserved.

ARTICLE V. DESIGN STANDARDS

Sec. 5.238. General requirements.

Insofar as possible these design standards shall apply to existing platted areas as well as proposed plats.

- (1) The arrangement, character, extent, width, grade and location of all streets shall conform to the city's comprehensive development plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (2) Where such is not shown in the city's comprehensive development plan, the arrangement of streets in a subdivision site condominium shall either:
 - a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - b. Conform to a plan for the neighborhood approved by the commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
- (3) Minor streets shall be so laid out that their use by through traffic will be discouraged.
- (4) 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 non-access reservation along the rear property line, deep lots with rear 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.
- (5) Where a subdivision-site condominium borders on or contains a railroad right-of-way or limited access highway right-of-way, the planning 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, shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (6) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision site condominium in conformity with the other requirements of these regulations; and where the planning 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.
- (7) Where the plat submitted covers only a part of the subdividers' plat, a sketch of the prospective future system of the unsubmitted part shall be considered in the light of adjustments in connection with the street system of the part not submitted.
- (8) 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.
- (9) Subdivisions or site condominiums showing unplatted strips or private streets controlling access to public ways will not receive approval.

(Ord. No. 313, §§ 1, 2, 7-27-92)

Sec. 5.239. Streets.

- (1) Insofar as is practical, acute angles between streets at their intersections are to be avoided.
- (2) Street jogs with centerline offsets of less than 125 feet shall be avoided.
- (3) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
- (4) 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 insure 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.
- (5) 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.
- (6) Property lines at street intersections shall be rounded with a radius of 10 feet, or of a greater radius where the commission may deem it necessary. The commission may permit comparable cut-offs or chords in place of rounded corners.
- (7) Street right-of-way widths shall be as shown in the city's master plan and ordinance for private streets, and where not shown therein shall be not less than as follows:

Street Type	Right-of-Way in Feet
Major thoroughfare	120
Major collector	100
Collector	80
Local	60
Marginal access	30

- (8) 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 turn-around having an outside roadway diameter of at least 80 feet and a street property line diameter of at least 100 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.
- (9) 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.
- (10) Street grades, wherever feasible, shall not exceed five percent, with due allowance for reasonable vertical curves.
- (11) No street grade shall be less than one-half of one percent.
- (12) Street lights will be installed in accord with the master plan for street lighting and as approved by the city council. Where installation charges are levied by the utility company, the developer shall pay these charges.

(Ord. No. 313, §§ 1, 2, 7-27-92)

Sec. 5.240. Alleys.

- (1) Alleys shall be provided in commercial and industrial districts, except that 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.
- (2) The width of an alley shall be 20 feet.
- (3) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- (4) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead end, as determined by the commission.

(Ord. No. 313, §§ 1, 2, 7-27-92)

Sec. 5.241. Easements.

- (1) 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.
- (2) Where a subdivision-site condominium is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and further width or construction, or both, as will be adequate for the purpose.

(Ord. No. 313, §§ 1, 2, 7-27-92)

Sec. 5.242. Blocks.

- (1) No block may be more than 1,320 feet or less than 500 feet in length between the center lines of intersecting streets, except where, in opinion of the commission, extraordinary conditions unquestionably justify a departure from these limits.
- (2) Minimum lot dimensions and sizes shall conform to the requirements of chapter 51 (Zoning), provided:
 - (a) 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.
 - (b) 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.
 - (c) Corner lots for residential use shall have an extra ten feet of width to permit appropriate building setback from and orientation to both streets.
- (3) 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.
- (4) Double frontage, 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 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.
- (5) Side lot lines shall be substantially at right angles or radial to street lines.

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(Supp. No. 16)

Sec. 5.243. Public sites and open spaces.

- (1) The subdivision regulations or zoning ordinance relative to area, height, bulk and placement may be modified by the city council upon recommendation of the planning commission, in the case of a plan for a large-scale development which, in the judgment of the planning commission, provides adequate open space and improvements for the circulation, recreation, education, light, air and service needs of the tract when fully developed. The requirements of area, height, bulk and placement regulations, as they are usually applicable to individual buildings on individual lots of record, would in certain cases of large-scale developments have results affording less protection to the public health, safety and welfare than if a measure of flexibility were permitted. The permitting of these planned projects as special exceptions can, in certain cases, increase the desirability and convenience to the residents of the planned project without causing adverse affects on adjoining properties. In no case, however, may the density of the proposed development exceed that of the subdivision regulation requirements or zoning ordinance requirements. [Requirements] for minimum site size for planned projects is 20 acres for single-family residential zones.

The following requirements should also be met:

- (a) Lot areas shall be in conformance with the zoning ordinance.
- (b) In instances where the subdivider provides space of a character, extent and location deemed suitable by the planning commission to the needs created by this subdivision for recreational areas, and in accordance with the requirements of subsection (c) below, minimum lot area may be reduced up to 15 percent. In no instance, however, may lot area be less than 6,000 square feet, where sanitary sewers exist.
- (c) Space for recreational purposes within the meaning of subsection (b) hereof may be provided by the subdivider if concurred in by the planning commission by one of the following methods:
 - 1. By providing an area within the subdivision-site condominium used for recreational purposes, which recreational area so provided shall have an area equal to a minimum of two and one-half percent of the entire area platted or 400 square feet per lot platted or one platted lot, whichever shall be the greater, and which area shall be developed and maintained by the subdivider or by the lot owners in the subdivision-site condominium under a legal arrangement adequate to secure such end; or
 - 2. By conveying by warranty deed to the city an amount of land within the subdivision-site condominium, equal to a minimum of two and one-half percent of the entire area platted or 400 square feet per lot platted or one platted lot, whichever shall be the greater, which land or the proceeds thereof shall be held by the city to be used for the acquisition or improvement of land for one or more park or recreational areas in the neighborhood of said subdivision or site condominium; or
 - 3. By contributing to the city such sum of money as shall be equivalent to the reasonable market value of two and one-half percent of the entire area of the subdivision-site condominium after the same shall have been improved or 400 square feet per platted lot after the same shall have been improved, whichever shall be the greater, which reasonable market value shall be computed at six times the equalized assessed value of land prior to subdividing in lieu of which such contributions shall be made in cash and all sums so contributed to be held by the city to be used for the acquisition or improvement of land for one or more parks or recreational areas in the neighborhood of said subdivision-site condominium.

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4. Where a parcel of land contiguous to a body of water is presented for subdividing, a recreational park bordering on said body of water shall be dedicated for such purpose, the privileges of which and riparian rights of user incident thereto, are to be reasonably enjoyed by the owners and occupants of lots included in any plat or plats recorded within said riparian parcel and only such owners and occupants, provided that said recreational park is dedicated at the time of recording the first plat in said parcel; and provided that where such a recreational park is dedicated for the use of owners and occupants of lots contained in such recorded plat or plats, at least two lineal feet of water frontage and 150 feet in depth shall be provided for each lot not having water frontage; provided, however, that the minimum width of said lot shall be 50 feet.
 - (2) The commission may accept the dedication of parks, playgrounds, and other public open spaces not shown in the city's comprehensive development plan when it appears that the city will benefit from such dedication.
- (Ord. No. 313, §§ 1, 2, 7-27-92)

Secs. 5.244—5.250. Reserved.

ARTICLE VI. REQUIRED IMPROVEMENTS

Sec. 5.251. Basic improvements.

The commission and council may require that any or all of the following must be filed before approval of a final plat or approval of proposed improvements in an existing plat.

- (1) Petitions for sewer, water, pavement, curb and gutter, and sidewalk or if improvements are to be installed by the owner under contract, a certified check or performance bond in an amount necessary to assure installation of those improvements not covered by petitions noted above, and an agreement prepared by the city stating when such improvements shall be installed. 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 or gravel or other suitable material approved by the city to a width of 18 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 a certified check drawn on an approved bank draft in an amount necessary to assure compliance with the provision of subsection (2) above.
- (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-site condominium that is not to be served by a public sewer 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.

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- (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.

(Ord. No. 313, §§ 1, 2, 7-27-92)

Secs. 5.252—5.254. Reserved.

ARTICLE VII. LOT SPLITTING

Sec. 5.255. Lot splitting.

- (1) *Submittal and review:* Any person desiring a lot split within a platted area or any person desiring the severance of a portion of an unplatted area shall submit to the city building inspector written application of such lot splitting together with an application fee as set by the city council, along with a survey with proposed legal descriptions prepared by a registered, licensed surveyor.
- (2) *Duties of the city building inspector.* The city building inspector shall review the proposed lot split or severance to determine its compliance with applicable city ordinances and with Act 288, Public Acts of 1967, as amended. If the resultant split conforms to the applicable requirements, the city building inspector shall have the authority to authorize the requested lot split or severance.
- (3) *Taxes.* No lot shall be split and no unplatted real property shall have any portion thereof severed from it until all taxes and special assessments have been paid.

(Ord. No. 313, §§ 1, 2, 7-27-92; Ord. No. 360, § 1, 3-22-99)

ARTICLE VIII. ADOPTION, PENALTIES AND VALIDITY

Sec. 5.256. Adoption.

Compliance with these subdivision regulations shall be a prerequisite to the approval by the city planning commission and the city council of any plat or subdivision-site condominium except insofar as such regulations may be in conflict with any applicable state law or any applicable provision or provisions of the zoning ordinance and the comprehensive development plan.

(Ord. No. 313, §§ 1, 2, 7-27-92)

Sec. 5.257. Penalties.

Any person who shall violate any of the provisions of these regulations shall be fined not to exceed the sum of \$100.00, and the cost of the prosecution, or by imprisonment for not more than 90 days, or both, at the discretion of the court. Each day such violation shall exist shall constitute a separate offense. Furthermore, all persons shall be subject to the penalties set forth in sections 261 through 267 of the Subdivision Control Act of 1967, Act 288, Public Acts of 1967.

(Ord. No. 313, §§ 1, 2, 7-27-92)

Sec. 5.258. Validity.

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

(Ord. No. 313, §§ 1, 2, 7-27-92)

Secs. 5.259—5.270. Reserved.

CHAPTER 54. PRECISE PLATTING

Sec. 5.271. Definitions.

The meaning of the following terms used in this chapter shall be as follows:

Commission or planning commission shall mean the city plan commission of the city.

Council or city council shall mean the legislative body of the city.

Sec. 5.272. Preparation and certification of plats.

After the planning commission shall have lawfully adopted a master plan for the physical development of the city or of one or more major sections or divisions thereof, it shall have the power to make or cause to be made and certify to the city council, from time to time, detailed and precise plats, each showing the exact location of the proposed future outside lines of one or more new, extended or widened streets, avenues, places or other public ways, or of one or more parks, playgrounds or other public grounds or extensions thereof shown on such adopted master plan. At the time of each such certification to the city council, the planning commission shall transmit an estimate of the time period within which the land acquisitions for public use indicated on the certified plat should be accomplished. The making or certifying of such a plat by the planning commission shall not in and of itself constitute or be deemed to constitute the opening and establishment of any street or the taking or acceptance of any land for any of the aforesaid purposes.

Sec. 5.273. Adoption of plat.

The city council may by ordinance adopt any such precise plat certified to it by the planning commission as provided in section 5.272. Notice of the time and place when and where a precise plat shall be considered for final passage shall be sent by mail to the record owners of land located within or abutting on the new lines of such proposed streets, ways, places, parks, playgrounds or other public grounds or extensions thereof designated on the plat. Any modification of such certified plat before passage of the adopting ordinance, and any amending ordinance originating in the city council shall be submitted to the planning commission for its approval, but in case of its disapproval the planning commission shall communicate its reasons therefor to the city council which shall thereafter have the power to overrule such disapproval by a recorded vote of not less than the two-thirds of its entire membership. Failure of the planning commission to report on any such modification or amendment within 30 days shall be deemed to constitute an approval thereof. The adoption of any such certified plat by ordinance, or by amending ordinance, shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for any of the aforesaid purposes.

Sec. 5.274. Amendments.

Amendments or modifications to such certified plats, in conformity with lawfully adopted changes, or additions to the adopted master plan may be made and certified by the planning commission to the city council, and ordinances embodying amendments to or changes in such certified plats may be adopted by the city council, in accordance with the procedure prescribed by law for the enactment of ordinances. Notice of the time and place when and where any amendatory ordinance shall be considered by final passage shall be sent by mail to the record owners of land located within or abutting on the lines of proposed streets, ways, places, parks, playgrounds, or other public grounds. Any such proposed amendment or change shall be submitted to and approved by the planning commission, but in case of disapproval the planning commission shall communicate its reasons to the city council which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership. Any plat of a street, park, playground, or public ground certified by the planning commission to the city council under this chapter shall be deemed approved by the planning commission without further submission to said planning commission.

Sec. 5.275. Time to effectuate.

When a certified plat is adopted by the city council, the adopting ordinance shall fix the time limit for effectuation, which shall not be in excess of ten years.

Sec. 5.276. Restraint on building.

After the adoption of any such plat by the city council and during the time limit fixed in the adopting ordinance, no permit shall be issued for and no building or structure or part thereof shall be erected on any land located within the proposed future outside lines of any new, extended or widened street, avenue, place or other public way, or of any park, playground or other public grounds or extension thereof shown on any such certified and adopted plat. The zoning board of appeals shall have the power on appeal filed with it by the owner of such land to authorize the granting of a permit for and the erection of a building, or structure, or part thereof, within the lines of any such mapped street, park, playground, or other public ground in any case in which such board finds, upon the evidence and arguments presented to it on such appeal, (a) that the entire property of the appellant located in whole, or in part, within the lines of such mapped street, park, playground, or other public ground cannot yield a reasonable return to the owner unless such permit be granted, and (b) that, balancing the interest of the municipality in preserving the integrity of the adopted map, and the interest of the owner of the property in the use and benefits of his property, the granting of such permit is required by consideration of justice and equity. Before taking any such action, the board of appeals shall hold a public hearing thereon, at least ten days' notice of the time and place of which shall be given to the appellant by mail at the address specified by the appellant in his appeal petition. In the event that the board of appeals decides to authorize a building permit and erection, it shall have the power to specify the exact location, ground area, height, and other details and conditions of size, character and construction, and also the duration of the building, structure, or part thereof to be permitted.

Sec. 5.277. Showing on map.

The proposed future outside lines of streets, parks, playgrounds and other public grounds shown on any plat certified and adopted as hereinbefore provided, may for convenience be shown wholly or in part, by appropriate symbols on any official map or other map of the city. Showing such lines on any map shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for any of the aforesaid purposes.

Sec. 5.278. Enjoining unlawful building.

It shall be unlawful within the number of years after the adoption of a plat as fixed in the ordinance of adoption to erect a building or structure or part thereof on any part of the land between the future outside lines of any new, extended or widened street, avenue, place or other public way or of any park, playground or other public grounds or extension thereof, as shown upon any such adopted plat, except with the approval of the zoning board of appeals as provided in this chapter. The city manager, building inspector and other officials of the city may abate or remove or prevent the use or occupancy of any unlawfully erected building, structure or part thereof in the manner provided in the case of buildings erected without a building permit and the city council may direct the taking of appropriate proceedings to enjoining the erection of any such building, structure or part.

CHAPTER 56. CITY HOUSING COMMISSION**Sec. 5.401. Establishment of commission.**

Pursuant to Act 18 of the Public Acts of 1933 (Ex. Sess.), MCL 125.651 et seq., as amended, there is hereby created in and for the city a commission to be known as "The City of Marysville Housing Commission".

Sec. 5.402. Membership.

Said commission shall consist of five members, all qualified electors and property owners of the city, who shall be appointed by the city manager.

Appointed members of the first commission existing hereunder shall be appointed for the terms of one year, two years, three years, four years and five years respectively, and annually thereafter one member shall be appointed for the term of five years.

Members of the commission shall serve without compensation. Appointed members may be removed from office by the city manager. Any vacancy in appointed office shall be filled within 30 days of such vacancy for the remainder of the unexpired term.

No member of the housing commission or any of its officers or employees shall have any interest directly or indirectly in any contract for property, materials or services to be acquired by said commission.

Sec. 5.403. Powers and duties.

The housing commission shall have all powers and duties vested or permitted to be vested in said housing commission by said Act 18, of the Public Acts of 1933, (Ex. Sess.), as heretofore or hereafter amended, and any laws heretofore or hereafter enacted which are supplemental thereto, it being the intent of this chapter to vest in the housing commission all powers and duties permitted by law.

Sec. 5.404. Meetings and compensation.

The commission shall meet at regular intervals, said meeting to be public. The commission shall adopt its own rules of procedure. The commission shall keep record of its proceedings. Three members shall constitute a quorum for the transaction of business. A president and vice-president shall be elected by the commission. The commission may appoint a director who may also serve as secretary, and such other employees or officers as shall be necessary. The commission shall prescribe the duties of all its officers and employees and may, with the approval of the city manager, fix their compensation. The commission may from time to time as necessary employ engineers, architects, consultants.

Sec. 5.405. Funds.

Funds for the initial operation of the commission shall be provided by the city council, but the commission shall, as soon as possible, reimburse the city all monies so expended from revenues received or derived by the commission.

Sec. 5.406. Reports.

The commission shall make an annual report of its activities to the city council no later than the second regular meeting of the city council in January of each year. The commission shall make such other reports as the city council may from time to time direct.

Sec. 5.407. Approval of transactions; control of projects.

All deeds, contracts, leases, or purchases entered into by the commission shall be in the name of the city and shall be approved by the city council. Contracts for the purchase of necessary materials, leases with tenants and options need not be so approved.

The commission shall have complete control of the entire housing project or projects including the construction, maintenance and operation as fully and completely as if said commission represented private owners.

Sec. 5.408. Liability and obligations; filing of claims.

The notes, bonds or other obligations or any claims of whatever nature against said housing project or projects, shall not be debts or charges against the city nor against any members of the commission and no individual liability shall attach for any official act done by any member of such commission.

All claims that may arise in connection with said housing project or projects shall be presented as are ordinary claims against the city: provided, that written notice of all claims based upon injury to persons or property must be served upon the city clerk within 60 days from the happening of the injury, but the disposition thereof shall rest in the discretion of said commission and the cost of investigation, attorneys' fees, all claims that may be allowed and final judgments obtained from said claims, shall be paid only from the operating revenue of said housing project or projects.

Sec. 5.409. Condemnation; public purpose.

Said housing commission may recommend the institution and prosecution of proceedings under the power of eminent domain in accordance with the laws of the state, and/or provisions of the City Charter relative to condemnation. Housing projects contemplated by this chapter are hereby declared to be for public purposes within the meaning of the constitution, state laws and City Charter relative to the power of eminent domain.

Sec. 5.410. Repeal of conflicting ordinances.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent necessary to give this chapter full force and effect.

Sec. 5.411. Evidence of invalidity of section.

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

Sec. 5.412. Rules and regulations.

Said commission shall, to the extent not inconsistent with federal law or regulation, state law or local ordinance, adopt and promulgate reasonable rules which establish eligibility requirements for admission to housing, obligations of tenants, causes for termination of tenancy, conditions for continued occupancy and such other rules as may be necessary to effectively administer the housing projects. Said rules shall be posted in a conspicuous place in each housing project operated by the commission.

Sec. 5.413 Payment in lieu of taxes.

- (a) *Title.* This section shall be known and cited as the City of Marysville Payment in Lieu of Taxes Ordinance—Vicksburg Halls.
- (b) *Preamble.* It is acknowledged that the Marysville Housing Commission, through the operation of Vicksburg Halls, provides a valuable benefit to the City of Marysville. Pursuant to the Act, Vicksburg Halls is exempt from ad valorem taxation. However, the city is authorized by the Act to establish a service charge to be paid in lieu of taxes for Vicksburg Halls.
- (c) *Establishment of annual service charge.* The housing project operated by the Marysville Housing Commission, identified as Vicksburg Halls and the property on which it is located, shall be exempt from all ad valorem property taxes as long as such exemption is provided for under the Act. As long as Vicksburg Halls is exempt from ad valorem property taxes, pursuant to the Act the city agrees to accept payment of an annual service charge for public services in lieu of all ad valorem property taxes. The annual service charge shall be equal to ten percent of the annual shelter rents actually collected during each operating year. For purposes of this section, annual shelter rent means the total annual collections by the Marysville Housing Commission from or paid on behalf of all occupants of Vicksburg Halls representing rent or occupancy charges, exclusive of charges for gas, electric, water, sanitary sewer and other utilities or services furnished to residents of Vicksburg Halls by the Marysville Housing Commission.

(Ord. No. 466, §§ 1—3, 3-28-16)