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**SUBDIVISIONS
CITY OF GAYLORD, MICHIGAN**

17.001

Sec. 8101. SHORT TITLE.

This Ordinance shall be known as the "Subdivision Ordinance of the City of Gaylord, Michigan".
(ord. amend. eff. Mar. 14, 1991)

17.002

Sec. 8102. AREA REGULATED.

The rules and regulations governing plats and subdivisions of lands 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 Statute except to the extent the platting of property is controlled by State Statute and this Ordinance would conflict with State Statute.

17.003

Sec. 8103. PROPOSED SUBDIVISION REGULATION.

A regulation to promote in accordance with present and future needs, the safety, morals, order, convenience, prosperity, and general welfare of the citizens of the City of Gaylord, Michigan, and to provide for efficiency and economy in the process of development, for convenience of traffic and circulation of goods, for good civic design and arrangement, and for adequate public utilities and facilities by prescribing rules and standards for the subdivision of land and for the accomplishment of said purposes to provide for the administration and enforcement hereof.
(ord. amend. eff. Mar. 14, 1991)

17.004

Sec. 8104. DEFINITIONS.

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

- A. **ALLEYS** are minor ways of providing a second means of access to a property.
- B. **BLOCK** is an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys; or by streets or boundaries of the subdivision.
- C. **BUILDING LINE** is a line on a plat between which line and a street no building or structure may be erected.
- D. **COUNCIL** shall mean the legislative body of the City.
- E. **CUL-DE-SAC** is a local street with only one outlet and culminated by a turn-around.

- F. **EASEMENT** is a grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation or a certain person or persons.
- G. **LOCAL STREETS** are those which are used primarily for access to the abutting properties.
- H. **LOT** is a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
- I. **MAJOR STREETS** are those streets designated as a major artery in the Major Street Plan for the City.
- J. **PERFORMANCE BOND** is a surety bond or cash deposit made out to the City of Gaylord in an amount equal to the full cost of the improvements which are required by this regulation, said cost being estimated by the City Manager and said surety bond or cash deposit being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this regulation.
- K. **PUBLIC UTILITY** shall mean a public or private person, firm or corporation, municipal department, board or commission duly authorized under Federal, State or Municipal laws or regulations to furnish to the public: gas, electricity, sewage disposal, telephone, television or water.
- L. **STREET** is all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle or however otherwise designated.
- M. **SUBDIVIDER** is any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit, dividing, or proposing to divide land so as to constitute a subdivision as defined herein and includes any agent of the subdivider.
- N. **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 assigns for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five (5) or more parcels of land each of which is ten (10) acres or less in area; or five (5) or more parcels of land each of which is ten (10) acres or less in area are created by successive divisions within a period of ten (10) years.
(ord. amend. eff. Mar. 14, 1991)

17.005 (ord. repealed eff. Mar. 14, 1991)

17.006 (ord. repealed eff. Mar. 14, 1991)

17.007 (ord. repealed eff. Mar. 14, 1991)

17.008 Sec. 8108. **JURISDICTION AND PROCEDURE.**

1. **Plat, When Required.** It shall be unlawful for the owner, agent, or persons having control of any land within the City of Gaylord to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways and grounds, unless by plat in accordance with the laws of the State of Michigan and the provisions of this Regulation.

Each subdivider should confer with the City Manager before preparing the preliminary plan in order that he may become familiar with the requirements of these regulations and the proposals of the Comprehensive Plan as they may apply to the land proposed to be subdivided.

2. **Procedure.** In obtaining final approval of a proposed subdivision by the Planning Commission and the City Council, the subdivider shall submit a preliminary plan, a performance bond, as may be required and a final plat in accordance with this Regulation.
 - (a) The subdivider shall first prepare and file with the City Manager ten copies of a preliminary plan conforming to the requirements set forth in this Regulation. Said plans shall be accompanied by a fee of One Dollar (\$1.00) for each lot in the subdivision providing said subdivision does not consist of less than ten lots, in which case a minimum filing fee of Fifty Dollars (\$50.00) shall be required.
 - (b) A presentation of preliminary plan will be held before the Planning Commission at its first regular meeting following the filing. No hearing shall be held by the Commission until notice has been published and has been mailed to the person or persons who filed the preliminary plan to the address set forth in the filing papers and to such other interested parties as may be determined by the Commission.
 - (c) The City Staff shall examine said preliminary plan as to its compliance with the laws and regulations of the City of Gaylord and shall submit its findings to the Planning Commission 15 days prior to the hearing.
 - (d) The Planning Commission shall within a reasonable time after the public hearing make its decision on the preliminary plan. The Planning Commission shall set forth its recommendations in writing, whether of approval, modification or disapproval to the City Council. In case of modification or disapproval, it shall give its reasons

therefor. The Planning Commission shall return one copy of any approved preliminary plan to the subdivider.

- (e) Upon approval of the preliminary plan by the Planning Commission, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under this Regulation.
- (f) The approval of the preliminary plan by the Planning Commission is revocable and does not constitute final approval or acceptance of the subdivision by the City Council or authorization to proceed on construction of improvements within the subdivision but shall constitute approval of layout and general engineering proposals and plans.
(ord. amend. eff. Mar. 14, 1991)

17.009 Sec. 8109. FINAL PLAT: TIME TO SUBMIT.

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 City Council.

- (a) Before submitting the final plat to the City Council for approval, the subdivider shall furnish all plans and information as listed in "Final Plat Requirements" necessary for the detailed engineering consideration of the improvements required and obtain the approval of the City Manager which shall be endorsed thereon.
- (b) For final plat approval, the subdivider shall submit to the City Council:
 - (1) Ten copies of the final plat.
 - (2) A performance bond as required and approved by the City Staff.
 - (3) One copy of the certified approved plans, profiles, cross sections and specifications.
 - (4) A certificate from the City Staff that the final plat is substantially in accord with the preliminary plan as approved by the Planning Commission.
- (c) When the final plat has been passed upon by the City Council, ten copies of the final plat and performance bond shall forthwith be transmitted to the City Council together with a certificate showing the action of the Planning Commission.
- (d) When the final plat has been approved by the City Council, the performance bond accepted, and all ten copies duly certified, one copy shall be delivered

to the Planning Commission, and four copies to the City for their respective files, and three to the subdivider, two of which are for filing with the County Register of Deeds and County Treasurer. If said plat is disapproved by the City Council, such disapproval shall point out in writing wherein said proposed plat is objectionable.

- (e) The passage of the resolution accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the owner shall cause such plat to be recorded in the offices of the County Treasurer and County Register of Deeds, and shall file satisfactory evidence of such recording in the office of the City Clerk before the City shall recognize the plat as being in full force and effect.
- (f) The State requires certain certificates be entered on record together with the certified plat.
- (g) Receipt of the duly certified final plat by the subdivider is authorization that subdivider proceed with the installation and construction of the required improvements.
- (h) The City of Gaylord will return the performance bond to the subdivider upon certification by the City Manager of satisfactory completion of the installation and construction of the required improvements and acceptance of the required improvements by the City Council. Prior to certification by the City Manager, the subdivider shall file with the City Manager plans, profiles, and cross sections of the required improvements as they have been built. (ord. amend. eff. Mar. 14, 1991)

17.010 **Sec. 8110. PRELIMINARY PLAN.**

- 1. The Preliminary Plan shall be clearly and legibly drawn to a scale of one inch to one hundred feet or less and shall be plainly marked "Preliminary Plan".
- 2. The Plan Shall Show:
 - (a) The proposed name of the subdivision and, if different, the title under which the subdivision is to be recorded.
 - (b) The name and address of the owner and the name, address and profession of the person preparing the plan.
 - (c) The date, scale and north point, and a key map, showing the general location of the proposed subdivision in relation to surrounding development.
 - (d) The legal description of the area being platted.
 - (e) The boundary line (accurate in scale), the dimensions and location of

the property to be platted and the location of section lines shall be shown.

- (f) The names and location of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land.
- (g) The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses and other existing features affecting the plan.
- (h) The zoning classification and proposed use for the area being platted.
- (i) The layout, numbers and approximate dimensions of proposed lots.
- (j) The layout of all existing and proposed building lines and easements.
- (k) The location, width and dimensions of all streets, alleys and grounds proposed to be dedicated for public use.
- (l) Proposed names for all streets in the area being platted. The City Council reserves the right to name all streets.
- (m) Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers, water, pavements, sidewalks and drainage structures including curb and gutter. All improvements shall conform to City Specifications.
- (n) Written and signed statements of the appropriate officials of the availability of gas and electricity to the proposed subdivision.
- (o) Any restrictions proposed to be included in the owner's declaration of plat.
(ord. amend. eff. Mar. 14, 1991)

17.011 **Sec. 8111. FINAL PLAT REQUIREMENTS.**

1. The Final Plat shall be clearly and legibly drawn to a scale of one inch to one hundred feet or less and in ink on tracing cloth or any other suitable permanent base approved by the City Staff.
2. The Plat Shall Show:
 - (a) The title under which the subdivision is to be recorded.
 - (b) The name or names of the owners and subdividers.
 - (c) The date, scale and north point, and a key map showing the general

location of the proposed subdivision.

- (d) The legal description of the area being platted.
- (e) Accurate distances and bearings of all boundary lines of the subdivision including all sections, U.S. Survey and Congressional township lines.
- (f) Centerlines of all proposed and adjoining streets with their right-of-way width and names.
- (g) Lines of all lots with a simple method of numbering to identify all lots and blocks.
- (h) All building lines and all easements provided for public service together with their dimensions and any limitations of the easements.
- (i) Any and all dimensions necessary for accurate location of the boundaries of the site to be developed and of all streets, lots, easements and dedicated areas. These dimensions shall be expressed in feet and decimals of a foot.
- (j) All radii, arcs, points of tangency, central angles and lengths of curves.
- (k) Certification by a registered land surveyor that the final plat as shown is a correct representation of the survey as made.
- (l) All survey monuments and benchmarks, together with their description.
- (m) Private restrictive covenants and their period of existence.
- (n) The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property owners in the subdivision.
(ord. amend. eff. Mar. 14, 1991)

17.012 **Sec. 8112. STREET CONSTRUCTION: SPECIFICATIONS.**

Twelve (12) feet on each side of the centerline shall be constructed of eight (8) inches of compacted gravel meeting 22-A specifications of the Michigan State Highway Department. The pavement will consist of 3" Bituminous Asphalt No. 1100L and No. 1100T, 20AA. All construction shall be supervised by the City Manager and any deviations from the above specifications must be approved by the said Manager.
(ord. amend. eff. Mar. 14, 1991)

17.013 **Sec. 8113. STORM SEWER/CURB AND GUTTER.**

Must be furnished on all streets. Design and materials must be approved by the City Manager per City Specifications.
(ord. amend. eff. Mar. 14, 1991)

17.014 **Sec. 8114. INSTALLATION OF PUBLIC UTILITIES.**

All public utilities in any subdivision shall be installed underground. All lots must be serviced by the municipal water and sewer service and the design and materials for such service must have the prior approval of the City Manager. Design and materials for all other utilities must comply with the specifications and requirements of the furnishing utility company. All utilities shall be stubbed to the property line at the time of installation.
(ord. amend. eff. Mar. 14, 1991)

17.015 **Sec. 8115. SIDEWALKS.**

Two sidewalks shall be required along all streets. All sidewalks shall have a minimum width of five feet and shall be constructed under the supervision of, and subject to the approval of, the City Manager. Sidewalks shall be located one foot inside the street right-of-way line.
(ord. amend. eff. Mar. 14, 1991)

17.016 **Sec. 8116. ALLEYS: COMPLIANCE.**

Alleys shall comply with the following requirements:

- A. Alleys shall be provided in commercial and industrial district, except that the Council 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 not less than twenty feet.
- C. 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 Council.
(ord. amend. eff. Mar. 14, 1991)

17.017 **Sec. 8117. EASEMENTS.**

Easements shall comply with the following requirements:

- A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least twelve feet wide.
- B. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-

of-way conforming substantially with the lines of such water course, and such further width or construction, or both as will be adequate for the purpose.
(ord. amend. eff. Mar. 14, 1991)

17.018 Sec. 8118. **BLOCKS.**

Blocks shall comply with the following requirements:

- A. No block may be more than 1,320 feet or less than 500 feet in length between the centerlines of intersecting streets, except where in the opinion of the Council, extraordinary conditions unquestionable justify a departure from these limits.
- B. In blocks over 700 feet in length, the Council may require at or near the middle of the block a public way or easement of not less than twelve feet in width for use by pedestrians and/or as an easement for public utilities.
(ord. amend. eff. Mar. 14, 1991)

17.019 Sec. 8119. **LOTS.**

Lots shall comply with the following requirements:

- A. The lot size, width, depth, shape and orientation, and the minimum building set back lines shall be appropriate for the location of the subdivisions and for the type of development and use contemplated.
- B. Minimum lot dimensions and size shall conform to the requirements of the Zoning Ordinance:

Provided:

- 1. Residential lots shall be a minimum width of 100 feet at 25 feet from front lot line. No lot shall be less than 10,000 square feet in area, nor have a depth of less than 100 feet or a depth in excess of three times width.
- 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 set back from and orientation to both streets.
- C. The subdivision 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, 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 planning screen easement of at least ten feet and across which there 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.
(ord. amend eff. Mar. 14, 1991)

17.020 Sec. 8120. ACCEPTANCE: CITY BENEFITS.

The Council may accept the dedication of parks, playgrounds, and other public open spaces, when it appears that the City will benefit from such dedication.
(ord. amend. eff. Mar. 14, 1991)

17.021 Sec. 8121. REQUIRED IMPROVEMENTS.

The Council shall require that all of the following must be provided for before the approval of a final plat:

- A. Sewer
- B. Water
- C. Pavement
- D. Curb and Gutter
- E. Sidewalk
- F. Storm Sewer
(ord. amend. eff. Mar. 14, 1991)

17.022 Sec. 8122. COMPLETION OF IMPROVEMENTS.

Plans for improvements shall be prepared by a qualified engineer registered in accordance with the laws of Michigan. The improvements listed below shall be installed prior to the approval of the final plat which is prepared for recording purposes. In lieu of actual completion of said improvements, the City Council may accept a performance bond assuring the actual construction and installation of such improvements and utilities within a reasonable time, and with the provision that no residence or other building shall be constructed until the street improvements, water, sewer, storm sewer, curb and gutter and sidewalks have been installed for the entire block in which the residence or building shall be located.
(ord. amend. eff. Mar. 14, 1991)

17.023 Sec. 8123. RESTRICTIONS: CERTIFIED COPY.

A certified copy of the plat restrictions which shall include a provision that in all instruments of sale or conveyance given before all streets improvements have been made, the grantee shall agree to and approve such improvements.
(ord. amend. eff. Mar. 14, 1991)

17.024 **Sec. 8124. VARIANCES.**

Where the Council finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effacy of nullifying the interest and purpose of the general community plan, Zoning Ordinance, or these regulations. In granting variances and modifications, the Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified. Any modification thus granted shall be entered in the minutes of the Council setting forth the reasons which, in the opinion of the Council, justified the modification.

(ord. amend. eff. Mar. 14, 1991)

17.025 **Sec. 8125. PENALTIES.**

Any person who shall violate any of the provisions of this Ordinance, whether such person be the owner or the agent of the owner of the property, shall be fined not to exceed the sum of one hundred dollars and the cost of the prosecution or by imprisonment for a term not to exceed ninety days or both such fine and imprisonment at the discretion of the court, and shall in addition thereto be subject to all penalties as provided in Section 1104 (Sec. 12.028) of this Code.

(ord. amend. eff. Mar. 14, 1991)

17.025 **Sec. 8126. CONFLICTING REGULATIONS REPEALED.**

All regulations or parts of regulations in conflict herewith are hereby repealed, except any regulation that imposes more restrictive regulations than are imposed herein.

