

City of Sandusky

SUBDIVISION ORDINANCE

Updated November, 2006

CITY OF SANDUSKY SUBDIVISION ORDINANCE

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ARTICLE 1 TITLE AND PURPOSE

Section 1.01 Short title.

This ordinance shall be known and may be designated as the "City of Sandusky Subdivision Ordinance".

Section 1.02 Authority.

The regulations of the Ordinance are adopted pursuant to the statutory authority of Act No. 288 of the Michigan Public Acts of 1967, as amended, the Land Division Act.

Section 1.03 Purposes.

The purposes of this ordinance are to provide for the orderly growth and harmonious development of the community by providing regulations dealing with the subdivision or platting of land within the City of Sandusky; to secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of maximum utility and livability; to secure adequate provisions for water supply drainage and sanitary sewerage; and other health requirements; to secure adequate provisions for recreational areas, school sites, and other public facilities; and to provide logical procedures for the achievement of these purposes.

Design standards of this ordinance may be superseded by standards of a Planned Unit Development Ordinance for the property.

ARTICLE 2 DEFINITIONS

Section 2.01 Definitions.

For the purpose of this ordinance, certain words, terms and phrases shall be defined as follows:

All terms as defined in the Land Division Act shall control in this ordinance unless indicated to the contrary in this Section 2.01.

1. **BLOCK:** Property abutting one side of the street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.
2. **CITY:** City of Sandusky
3. **CLERK:** The Clerk of the City of Sandusky.
4. **COMMISSION:** The Planning Commission of the City of Sandusky.
5. **EASEMENT:** A grant by the owner of the use of land by the public, a corporation, or persons, for specific uses and purposes, to be designated as a "public" easement or a "private" easement depending on the nature of the use.
6. **ENGINEERING STANDARDS:** The City of Sandusky Engineering Design Standards, or its successor standards as the case may be.
7. **CITY COUNCIL:** City Council of Sandusky, Michigan.
8. **IMPROVEMENTS:** Grading, street surfacing, curb and gutter, sidewalks, crosswalks, water mains, and lines, sanitary sewers, storm sewers, culvert, bridges, utilities, and other additions to the natural state of the land which increases its value, utility or habitability.
9. **LOT:** A measured portion of a parcel or tract of land, which is described or fixed in a proposed or recorded plat.
10. **MASTER PLAN:** The comprehensive land use plan for the City of Sandusky including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, zoning districts, and all physical developments of the City of Sandusky, and includes any unit or part of such plan separately adopted, and any amendments to such plan or parts thereof duly recommended by the Planning Commission and adopted by the City Council.
11. **MAJOR STREETS OR THOROUGHFARES PLAN:** That part of the Master Plan which sets forth the location, assignment and dimensions of existing and proposed streets and thoroughfares.
12. **ORDINANCES:** The word Ordinance as used herein shall be synonymous with rules and regulations.

13. **PLAT:** A map or chart of the subdivision of land.

- (a) Preliminary Plat: A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration prepared in conformance with the Land Division Act.
- (b) Final Plat: A map of all or part of a subdivision providing substantial conformance to the Preliminary Plat of the Subdivisions prepared in conformance with the requirements of the Land Division Act and this Ordinance, and suitable for recording by the Sanilac County Register of Deeds.

14. **PARCEL:** (or Tract) A continuous area or acreage of land which can be described as provided for in the Land Division Act.

15. **PROPRIETOR:** A natural person, firm, association, partnership, corporation, or combination of any of them which may hold any ownership interest in land, whether recorded or not.

16. **SECRETARY:** The Secretary of the Sandusky Planning Commission.

17. **SHALL and MAY:** The word "shall" is mandatory, and the word "may" is permissive.

18. **STREET:** Any dedicated avenue, boulevard, road, lane, parkway, viaduct, alley, or other way which is an existing state, county, or municipal roadway; or a street, as defined below, or right of way shown in a public plat heretofore approved pursuant to law; or a street, as defined below, or right of way, on a plat duly filed, and recorded in the office of the County Register of Deeds. A street includes the land between the right-of-way lines whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas, and lawns.

- (a) Major Streets - An arterial street of great continuity which is intended to serve as a large volume traffic way for both the immediate CITY area and region beyond, and may be designated in the City's Major Thoroughfare Plan as a major thoroughfare parkway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan.
- (b) Collector Street - A street intended to means of access from minor streets to major thoroughfares, which has considerable continuity within the framework of the Major Thoroughfare Plan.
- (c) Local Street - A street of limited continuity used primarily for access to abutting residential properties.
- (d) Marginal Access Street - A minor street paralleling and adjacent to a major thoroughfare, which provides access to abutting properties and protection from through traffic.
- (e) Boulevard Street - A street developed in two, two-lane, one-way pavements separated by a median.
- (f) Turn-around - A short boulevard street permanently terminated by a vehicular turn-around.

- (g) Cul-de-Sac Street - A short minor street having one end permanently terminated by a vehicular turn-around.
- (h) Alley - A minor service street used primarily to provide secondary vehicular access to the rear or side of properties otherwise abutting upon a street.

19. **LAND DIVISION ACT:** The Land Division Act, Michigan Act No. 288 of the Michigan Public Acts of 1967, as amended.

20. **SUBDIVISION:** The partitioning or dividing of a parcel or tract of land as set forth in the Land Division Act.

21. **WORDS:** Singular words shall include the plural, and masculine words shall include the feminine and neuter.

22. **ZONING ORDINANCE:** The City of Sandusky Zoning Ordinance, or its successor ordinance as the case may be.

ARTICLE 3

SUBDIVISION PROCEDURE

The preparation of a subdivision for platting shall be carried out through two phases: Preliminary Plat and Final Plat, all in accordance with the procedure as follows:

Section 3.01 Initial investigation.

Prior to the preparation of a preliminary plat, it is suggested that the proprietor investigate the procedures and standards of the City of Sandusky with reference to this Subdivision Ordinance and with the proposals of the Master Plan as they affect the area in which the proposed subdivision is located. The proprietor should not submit the preliminary plat at this time. The proprietor should concern himself with the following factors:

- 1) The proprietor shall secure a copy of the Zoning Ordinance, Subdivision Regulations, Engineering Design Standards, petition to plat land, and other similar ordinances or controls relative to the subdivision and improvements of land so as to make himself aware of the requirements of the City of Sandusky.
- 2) The area for the proposed subdivision shall be properly zoned for the intended use.
- 3) An investigation of adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to serve the proposed subdivision shall be made by the proprietor.
- 4) The relationship of the proposed subdivision with respect to major thoroughfares and plans for widening of thoroughfares shall be investigated by the proprietor.
- 5) Standards for sewage disposal, water supply and drainage of the City of Sandusky shall be investigated by the proprietor.

Section 3.02 Preliminary plat.

The procedure for preparation and submittal of the preliminary plat of the land area to be subdivided shall be as follows:

- 1) FILING:
 - a) Ten (10) copies of a valid and complete preliminary plat of the proposed subdivision, together with an application and any other information required to be submitted under the subdivision act shall be filed with the City Clerk. The preliminary plat shall conform substantially to this subdivision regulations ordinance.
 - b) Submittal with the Clerk shall be at least two (2) weeks prior to a regular Planning Commission Meeting (which meeting shall be considered as the date of filing).
- 2) IDENTIFICATION and DESCRIPTION: The preliminary plat shall include:
 - a) Proposed name of subdivision.
 - b) Location by Section, Town and Range, or by other legal description.
 - c) Names and addresses of the proprietor, owner proprietor, and the planner, designer, engineer, or surveyor who designed the subdivision layout. The proprietor shall also indicate his interest in the land.
 - d) Scale of plat, 1" = 100' as minimum acceptable scale, with bar scale.
 - e) Date.
 - f) North arrow.

3) EXISTING CONDITIONS: The preliminary plat shall include:

- a) An overall area map at a scale of not less than 1" = 2000' shall be provided showing the relationship of the subdivision to its surroundings such as section lines and/or major streets or collector streets.
- b) Boundary lines of proposed subdivision, section or corporation lines within or adjacent to the tract and overall property dimensions.
- c) Property lines of contiguous adjacent tracts of subdivided and unsubdivided land, including roadways, up to 300 feet, are to be shown in relation to the tract being proposed for subdivision including those of areas across abutting roads.
- d) Location, widths, and names of existing or prior platted streets and private streets, and easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.
- e) Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision.
- f) Topography drawn as contours with an interval of at least two (2) feet in elevation, except if grade exceeds five (5) percent, the contour interval shall be five (5) feet. Topography should be based on United States Geological Survey Datum. Bench marks for the work shall be indicated on the plat. The contours shall extend a minimum of 150 feet beyond the boundary of the plat.
- g) The School Board or School Board Superintendent of the School District having jurisdiction in the area concerned shall be informed and made aware of the proposed preliminary plat by the proprietor. A copy of said letter to the School Board or School Board Superintendent shall be submitted to the Planning Commission Clerk with the preliminary plat.

4) PROPOSED CONDITIONS: The preliminary plat shall include:

- a) Layout of streets indicating proposed street names, right-of-way widths and connections with adjoining platted streets and also the widths and location of alleys, easements, and public walkways.
- b) Layout, numbers and scale dimensions of lots, including building setback lines showing dimensions.
- c) Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.
- d) An indication of the status of ownership, and existing use, if owned by the proprietor, and proposed use of any parcels identified as "excepted" on the preliminary plat. If the proprietor has an interest or owns any parcel so identified as "excepted", the preliminary plat shall generally indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.
- e) An indication of any proposed required underground utilities.
- f) An indication of system proposed for sewage.
- g) An indication of system proposed for water supply.
- h) An indication of storm drainage and detention, and point of outlet at the subdivision line, proposed by a method approved by the City Council and the City Engineer.

- i) In the case where the proprietor wishes to subdivide a given area, but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the proprietor intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the proprietor is subdivided.
- j) If the subdivision is proposed to be developed under the Subdivision Open Space Plan, said subdivision shall meet the requirements of Section 4.04 of this ordinance.

5) PRELIMINARY PLAT REVIEW BY PLANNING COMMISSION:

- a) The City and no other shall authorize installation of any sewer or water line within the corporate limits of the City of Sandusky.
- b) The policy and procedure for extension of sanitary sewer, watermain, and storm sewer as established by Engineering Standards shall be adhered to when submitting preliminary plat review.
 - i) The City shall review the proposed plat and accompanying documentation and forward nine (9) copies to the Planning Commission for its review and action. Should any of the data required in this ordinance or in the Engineering Standards, be omitted, the proprietor shall be informed of the data required by the City, and the application will be delayed until the required data is received.
 - ii) A copy of the valid and complete preliminary plat shall be transmitted by the City to the City Engineer for technical review and recommendation to the Planning Commission according to this ordinance and the Engineering Standards
 - iii) Upon receipt of the recommendations of the City Engineer, the preliminary plat shall be placed on the next regular Planning Commission agenda, at which meeting the proprietor will be scheduled to appear. The Planning Commission shall act on the preliminary plat within sixty (60) days after the date of filing unless the proprietor agrees to an extension, in writing, of the time required for approval by the City Council, and the Planning Commission.
 - iv) The Commission shall review all details of the proposed subdivision within the framework of the Zoning Ordinance, Engineering Standards, within the various elements of the Master Plan, and within the standards of this Subdivision Ordinance.
- c) The Planning Commission shall conduct at least one (1) public hearing for the purpose of receiving comments on the proposed Plat, Notification of the public hearing shall be given as follows:

- (1) Upon receipt of an application for a subdivision application, the Zoning Administrator shall cause notice to be given of a subdivision application public hearing as follows:
 - (2) The notice of public hearing shall be published in a newspaper of general circulation in the City and shall be sent by mail or personal delivery to the owners of the property for which approval is being considered, to all persons whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet, except that the notice shall be given not less than five (5), and not more than fifteen (15) days before the application will be considered.
 - (3) If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, business or organizations, one (1) occupant of each unit or special unit shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other district spatial areas or organization, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- d) Following the public hearing, the Planning Commission shall recommend to the Council approval, denial, or approval with the conditions. The Commission shall state its reasons for such recommendation. The minutes containing the record of the public hearing and the Commission's recommendation, shall be forwarded to the City Council and to the applicant prior to the Council's consideration of the plat.

6) PRELIMINARY PLAT REVIEW BY CITY COUNCIL:

- a) The City Council will not review the preliminary plat until it has received the review and recommendations of the Commission, provided the Commission acts within the time prescribed under this ordinance. Following the receipt of such recommendations, the City Council shall consider the preliminary plat and shall take action on the preliminary plat within ninety (90) days of the date of filing, as defined in this Ordinance.
- b) Should the City Council tentatively approve the preliminary plat, they shall record their approval on the plat and return one copy to the proprietor. Approval shall be deemed to confer upon the proprietor the right to proceed with the preparation of the final plat.
- c) The Clerk shall promptly notify the proprietor of approval or rejection in writing; if rejected, reasons shall be given.
- d) No installation or construction of any improvements shall be made at this time.
- e) Preliminary plat approval by the Council shall confer upon the applicant approval of the lot sizes, lot orientation, and street layout of the proposed Plat for a period of one (1) year.

- f) Should the final plat in whole or in part not be submitted within this time limit, preliminary plat approval may be extended by the City Council if such extension is applied for in writing prior to the expiration of the Plat approval period and is supported by reasonable evidence justifying the extension.
- g) Following approval of the preliminary plat, the applicant shall submit copies of such preliminary plat for the approval of the applicable State and County authorities specified in the Land Division Act.

Section 3.03. Final plat.

The procedure for preparation and review of a final plat shall be as follows:

1) PREPARATION:

- a) The final plat shall comply with the provisions of the Land Division Act and this ordinance. It shall be the responsibility of the proprietor to make the necessary submissions and gain the necessary preliminary approvals of the affected county and state agencies as required by the Land Division Act.
- b) The final plat shall conform substantially to the preliminary plat as approved and it may constitute only that portion of the approved preliminary plat which the proprietor proposed to record and develop at the time; provided, however, that such portion conforms to this ordinance.
- c) The proprietor shall submit as evidence of title to the Clerk, an abstract of title certified to date with the written legal opinion thereon, or at the option of the proprietor, a policy of title insurance for examination in order to ascertain whether or not the proper names appear on the plat.

2) FINAL PLAT REVIEW:

- a) One (1) electronic copy in acrobat PDF format and AutoCAD format and thirteen (13) paper prints of the final plat shall be filed by the proprietor with the Clerk.
- b) The final plat shall be reviewed by the City Engineer as to compliance with the approved preliminary plat and plans for utilities and other improvements.
- c) The City Engineer shall notify the City Council of his recommendation for either approval or rejection of the final plat within ten (10) days of its date of filing.
- d) The Planning Commission shall review the final plat and make a recommendation to the City Council basing their opinion on the following:
 - i) That the proposed lots comply with the requirements of the City of Sandusky Zoning Ordinance for the district in which the plat is located.
 - ii) That the streets within the plat provide adequate and safe circulation and that sufficient consideration has been given to providing access to adjacent streets and parcels within the same or compatible zoning district.
 - iii) That streets are designed and lots oriented to:
 - (1) ensure safety of access to any street including adequate sight distance and safe intersections;
 - (2) provide the most efficient and safe traffic flow;
 - (3) take best advantage of existing topography; and
 - (4) Preserve existing natural features and amenities.

- iv) That the plat conforms to the requirements of this Ordinance and any other applicable, federal, state or local laws or ordinances, and all applicable design/construction standards for streets, utilities, drainage, and other site improvements.
- e) The City Council shall review all recommendations and take action on the final plat within sixty (60) days of its date of filing.
- f) Upon approval of the final plat by the City Council, the subsequent approvals shall follow the procedure set forth in the Land Division Act.
- g) Placing of required monuments and lot corner markers may be waived by the City Council for a period of one year from the date of approval of the final plat by the City Council, provided:
 - i) That monuments or other markers adequately witnessed, shall be in a place at all angles and at all ends of curves in the boundaries of the subdivision; and
 - ii) That the proprietor shall have delivered to the Clerk or a certified check, or irrevocable bank letter of credit running to the City, whichever the proprietor selects, in an amount stated in the Fee Schedule.

Such certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults, the City Council shall promptly require a surveyor to locate the monuments and markers in the ground as certified on the plat at a cost not to exceed the amount of the security deposited and shall pay the surveyor. Any unexpended balance of the deposit shall then be returned to the party from whom it was received.
- h) In lieu of the proprietor having installed improvements, the City Council shall require of the proprietor as a condition of final plat approval, a deposit in the form of certified check, or irrevocable bank letter of credit, whichever the proprietor selects, payable to the City for the full cost, as estimated by the City Engineer, for construction of roads and streets, and the installation of any required public sanitary sewer, water supply, and drainage facilities, to insure the completion of said improvements and facilities within a length of time agreed upon from the date of approval of the final plat by the City Council. The City shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.
- i) Five (5) copies of any proposed Subdivision Restrictions along with one (1) electronic copy in Acrobat format shall be furnished to the City Council.
- j) The County Building Inspector shall not issue building permits for construction of buildings or structures with out written approval from the City Council as regulated by the Zoning Ordinance and this ordinance, except for signs permitted by the Zoning Ordinance, prior to the completion and acceptance of the required improvements.

ARTICLE 4

DESIGN LAYOUT STANDARDS

The subdivision design layout standards set forth under this section are development guides for the assistance of the operator. All final plans must be reviewed and approved by the City Council and the City Engineer.

Section 4.01 Streets.

Streets shall conform to at least all minimum requirements of the general specifications, as set forth in this Design Layout Standards Article of this ordinance and the City's Engineering Design Standards. Where specifications are not set forth in sufficient detail the current Michigan Department of Transportation or American Association of State Highway and Transportation Officials specifications shall apply.

1) LOCATION and ARRANGEMENT:

- a) The proposed subdivision shall conform to the various elements of the Master Plan and shall be considered in relation to the existing and planned major thoroughfares and collector streets, and such part shall be platted in the location and width indicated on such plan insofar as possible.
- b) The street layout shall provide for continuation of local or collector streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Commission.
- c) The street layout shall include local streets so laid out that their use by through traffic shall be discouraged.
- d) Should a proposed subdivision border on or contain an existing or proposed major thoroughfare, the Commission may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
- e) Should a proposed subdivision border on or contain a railroad, expressway or other limited access highway right-of-way, the Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks and residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.
- f) Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations. Wherever there exists adjacent to the tract to be subdivided a dedicated or platted and recorded half street, the other half shall be platted or the adjacent half street shall be vacated.

2) RIGHT-OF-WAY WIDTHS: Street right-of-way widths shall conform to at least the minimum requirements in the Engineering Design Standards

- 3) Maximum length for residential cul-de-sac streets shall generally be ten (10) times the average width of lots on the street, but in no instance shall such streets exceed 750 feet in length. Maximum length for industrial and other cul-de-sac streets may not exceed 1000 feet, provided, however, in such cases where it can be satisfactorily demonstrated that a greater length will not endanger the public health, safety or welfare, a greater length may be requested and submitted to the Planning Commission for its recommendation and to the City Council for its approval.
- 4) **STREET GRADES:** For adequate drainage, the minimum street grade shall not be less than 0.3%. The maximum street grade shall be 6% except that the Commission may make an exception to this standard on the recommendation of the Engineer. Vertical curves shall be provided when a change in grade of 1% or more occurs.
- 5) **STREET GEOMETRICS:** Standards for maximum and minimum street grades, vertical and horizontal street curves, and sight distances shall be established by resolution of the City Council and shall in no case be less restrictive than the standards of the Sanilac County Road Commission, Michigan Department of Transportation, and American Association of State Highway and Transportation Official.
- 6) **STREET INTERSECTIONS:** Streets shall be laid out so as to intersect as nearly as possible to ninety (90) degrees. Curved streets, intersecting with major thoroughfares and collector thoroughfares, shall do so with a tangent section of center line fifty (50) feet in length, measured from the right-of-way line of the major or collector thoroughfare, where said minor streets are on a curve with a radius of at least 400 feet which tangent does not make a 90 degree intersection with the thoroughfare being intersected.
- 7) **STREET JOGS:** Street jogs with centerline offsets of less than 125 feet shall be avoided.
- 8) **TRUCK WELLS:** Truck wells, and receiving and shipping depots will be so located as to provide adequate vehicular movement on the site, and shall not face directly onto a public right-of-way unless at least 100 feet from the right-of-way, and shall be subject to the review of the City Engineer.

Section 4.02 Blocks.

Blocks within subdivisions shall conform to the following standards:

- 1) **SIZES:**
 - a) Maximum length for blocks shall not exceed 1,400 feet in length, except where, in the opinion of the Commission, conditions may justify a greater distance.
 - b) Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.
- 2) **PUBLIC WALKWAYS:**
 - a) Location of public walkways or crosswalks may be required by the Commission to obtain satisfactory pedestrian access to public or private facilities such as, but not limited to, schools and parks.

- b) Widths of public walkway easements other than such easements parallel with the street right-of-way shall be at least twelve (12) feet in width and shall be in the nature of an easement for this purpose and shall be improved with a five foot wide concrete walk.

3) **EASEMENTS:**

- a) Location of utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than twelve (12) feet wide, six (6) feet from each parcel.
- b) Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the preliminary plat to all appropriate public utility agencies.
- c) Easements three (3) feet in width shall be provided where needed along side lot lines so as to provide for street light dropouts. Prior to the approval of the final plat for a proposed subdivision a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific lots. A notation shall be made on the final plat indicating: "The side lot lines between lots (indicating lot numbers) are subject to street light dropout rights granted to the Detroit Edison Company."

Section 4.03 Lots.

- 1) Lots within subdivisions shall conform to the following standards:

2) **SIZES and SHAPES:**

- a) The lot size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.
- b) Lot areas and widths shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision is proposed.
- c) Building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance.
- d) Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of not more than 3 to 1 shall be desirable.
- e) Corner lots in residential subdivisions shall be platted at least ten (10) feet wider than the minimum width permitted by the Zoning Ordinance.
- f) Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setbacks, and other requirements in accordance with the Zoning Ordinance.

3) **ARRANGEMENTS:**

- a) Every lot shall front or abut on a street.
- b) Side lot lines shall be at right angles or radial to the street lines when possible.
- c) Residential lots abutting major thoroughfares or collector streets where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots, or with side lot lines parallel to the major traffic streets, or shall be platted with extra depth and extra building setback to permit additional distances between building and such traffic way.

- d) Lots shall have a front-to-front relationship across all streets where possible, provided that surrounding conditions warrant the same.
- e) Where lots border upon bodies of water, the front yard may be designated as the waterfront side of such lot provided the lot has sufficient depth to provide adequate setback for all structures equal to the front setback on the street side as well as on the waterfront side.

Section 4.04 Subdivision Open Space Plan.

The following requirements apply in addition to all other requirements of this Ordinance where a preliminary plat is filed for approval under the Residential Open Space Preservation Option (Sandusky Zoning Ordinance).

- 1) **STATEMENT of PRINCIPLES:** Consideration by the Commission and the City Council of proposed optional use of Residential Open Space Preservation Option shall reflect the following basic principles:
 - a) The Residential Open Space Preservation Option section of the Zoning Ordinance provides an optional method of subdividing property, and approval of any Residential Open Space Preservation Option is subject to the discretion of the City Council.
 - b) Particular attention shall be given to the effect of a Residential Open Space Preservation plan upon the immediate area, where the character of that area has been established by previous development. Consideration shall be given by the Commission and the City Council to the benefits to be derived by the residents of the proposed subdivision and the CITY because of the Residential Open Space Preservation plan with reasonable consideration to be given to the proprietor.
 - c) The following objectives shall govern the approval or disapproval of the proposed Residential Open Space Preservation Option:
 - i) To provide a more desirable living environment by preserving the natural character of the terrain features.
 - ii) To encourage developers to use a more creative approach in the development of residential areas.
 - iii) To encourage a more efficient, aesthetic and desirable use of the land while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles.
 - iv) To encourage the provision of open space so benefits may accrue directly to residents of the subdivision and to further encourage the development of recreational facilities.
- 2) Residential Open Space Preservation plan shall contain the following in addition to the information required by other Sections of this Ordinance:
 - a) A complete description of the land proposed to be dedicated to the CITY or to the common use of lot owners (herein called open land) shall be provided, including the following as a minimum:
 - i) Legal description of open land.
 - ii) Topographical survey of open land.
 - iii) Types of soil in open land.

- iv) Description of natural features on open land (stands of trees or other vegetation, streams or other bodies of water, etc.).
- v) Other relevant factors.
 - (1) The proposed plan of development of the open land shall be submitted with the plat and shall include the following as a minimum:
- vi) The proposed manner in which the title to land and facilities is to be held by the owners of land in the subdivision.
- vii) The proposed manner of collection of maintenance costs, financing costs or assessments so that non-payment will constitute a lien on the property, thus avoiding Municipal responsibility in the future.
- viii) The proposed manner of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and cause for enforcement by the governing unit.
- ix) The proposed method of notifying the CITY when any change is contemplated in plans that would affect the original specifications approved by the CITY.
- x) The proposed method of setting up assessments to cover contingencies, insurance against casualty and liability and payment of taxes relating to these properties.
- xi) The proposed uses of open land and the proposed improvements which are to be constructed by the proprietor.
- b) The Residential Open Space Preservation Plan shall contain a statement of the benefits to be realized by the residents of the proposed subdivision and the CITY by approval of the proposed Subdivisions Residential Open Space Preservation Plan with particular reference to the objectives stated in Zoning Ordinance.
- 3) If the Commission is satisfied that the proposed Residential Open Space Preservation Plan meets the letter and spirit of the Zoning Ordinance and should be approved, it shall recommend such approval to the City Council with the conditions upon which such approval should be based. Thereafter, the City Council shall take action upon such application in accordance with this ordinance.
- 4) If the Commission is not satisfied that the proposed Residential Open Space Preservation Plan meets the letter and spirit of the Zoning Ordinance or finds that the approval of said Residential Open Space Preservation Plan will be detrimental to existing development in the general area and should not be approved, it shall communicate such disapproval to the City Council with the reasons therefore. The proprietor shall be entitled to a hearing upon said proposal before the City Council upon written request therefore filed with the Clerk.

Section 4.05 Natural features.

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor, and the dedication and provision of adequate barriers, (dams, bulkheads, retaining walls, etc.) where appropriate shall be required.

Section 4.06 Flood plains.

Any areas of land within the proposed subdivision which lie either wholly or in part within the flood plain of a river, stream, creek or lake, or any other areas which are subject to flooding or inundation by storm water shall require specific compliance with the Land Division Act and its review by the Water Resources Commission of the Department of Conservation, as determined by the City Engineer.

ARTICLE 5 IMPROVEMENTS

The improvements set forth under this section are to be considered as the minimum acceptable standard. All improvements must meet the approval of the City Council. Prior to the undertaking of any improvements, the proprietor shall deposit with the Clerk: a certified check or irrevocable bank letter of credit, whichever the proprietor selects, or a surety bond acceptable to the City Council, to insure faithful completion of all improvements within the time specified. The amount of the deposit shall be set by the City Council based on an estimate by the Engineer. The City Council shall release funds for the payment of work as it is completed and approved by the CITY. Improvements shall be provided by the proprietor in accordance with the Engineering Standards and requirements established in this ARTICLE 5 and/or any such standards and requirements currently adopted or which may from time to time be adopted by resolution or established by ordinances of the CITY.

Section 5.01 Streets.

All streets and appurtenances thereto shall be constructed in accordance with the Engineering Standards approved by the City Council. All street pavements shall be constructed of concrete or bituminous asphalt as determined by the City Engineer. Design shall be in accordance with locally adopted standards or in the absence of such, then the current M.D.O.T. Design Standards for road and bridge construction will apply. Street signs of a size, type, and location as required by the CITY shall be provided by the proprietor.

Section 5.02 Utilities.

- 1) REQUIREMENTS for UNDERGROUND WIRING: The proprietor shall make arrangements for all local distribution lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the area subdivided for residential use, except for main supply and perimeter feed distribution lines which serve areas outside the subdivided area, and except for surface facilities related to underground service, such as above ground closures or terminals, and such wires, conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways, provided that overhead local distribution lines within such residential area may be permitted upon written recommendation from the Planning Commission, upon advisement from the City Engineer, and the approval of the City Council at the time of final plat approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, plat design and character of the subdivision. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor.

- 2) **SEWAGE DISPOSAL:** A City sanitary sewer system including all appurtenances shall be required in all subdivisions.
- 3) **WATER SUPPLY:** City water system including all appurtenances shall be required in all subdivisions.
- 4) **STORM DRAINAGE & DETENTION SYSTEM:** An adequate storm drainage system as approved by the City Council shall be required in all subdivisions. Adequate provisions shall be made for proper drainage of storm water run-off from residential rear yards.

Section 5.03 Other improvements.

- 1) **SIDEWALKS:** Where sidewalks are required by the CITY prior to issuance of a building permit a cash deposit of sufficient amount to pay for sidewalk construction for the lot being built upon shall be deposited with the City and only refunded upon satisfactory construction of the required sidewalk.
 - a) **Major Thoroughfares:** A five foot wide concrete sidewalk located one foot from the property line on the side or sides of the roadway abutting the subdivision shall be provided. In those instances where no good purpose would be served by the provision of sidewalks, the City Council may waive this requirement.
 - b) **Collector Street:** A five foot concrete sidewalk located one foot from the property line on each side of the roadway shall be provided. In those instances where no good purpose would be served by the provision of sidewalks, the City Council may waive this requirement.
 - c) **Local Streets:** A five foot concrete sidewalk located one foot from the property line on each side of the roadway shall be provided. In those instances where no good purpose would be served by the provision of sidewalks, the City Council may waive this requirement.
 - d) **Marginal Access Streets:** A five foot concrete sidewalk located one foot from the property line on the private property side of the roadway shall be provided. In those instances where no good purpose would be served by the provision of sidewalks, the Planning Commission may waive this requirement.
 - e) **Public Walkways:** The surface of the walkways shall be developed in concrete. Planting pockets may be provided in public walkways for tree and shrub planting. The planting plan and surface treatment shall meet the approval of the City Council. Fences and/or other improvements may also be required if the Commission and/or City Council determines they are necessary to protect adjacent property owners.
- 2) **STREET LIGHTS:** The design, height, and spacing of street lighting shall be in accordance with standards approved by the City.
- 3) **TREES.** Street trees (within the right-of-way) are required at an average distance of forty (40) feet o.c. (on center) and shall be a 2-1/2" caliper deciduous canopy tree. Trees shall be planted at the times provided for installation of sidewalks.

Section 5.04 House connections.

In all cases where sanitary sewers or water mains are constructed in street right of ways a separate connection shall be extended from the sewer main and the water main to the property line or edge of easement of each platted lot prior to street construction. Sanitary sewer leads shall be engineered to the size required based on flow and slope (minimum 4") capped with a water tight plug. A marker shall be placed vertically in front of the plug with a 2" x 2" wooden stake with metal attached, terminating 6" below grade. Water lines shall be of a 1" minimum diameter terminating in a curb stop and box at the property line. Materials for water and sewer leads shall conform to current City standards.

ARTICLE 6 ENGINEERING AND DESIGN STANDARDS

Section 6.01. General requirements.

Plans submitted shall be on 24" x 36" or 22" x 36" white prints having blue or black lines, and shall be neatly and accurately prepared. Judgment should be exercised in the design and layout and presentation of proposed improvements.

For projects having more than one sheet of plans, a general plan having a scale of 1" = 100 feet shall be provided showing the overall project and indicating the location of all improvements shown on the detailed plans and a legal land description of the project together with a location sketch. Street names, lot lines and lot numbers shall be shown in all plans. Easements shall have a minimum width of 12 feet. Sewers in easements shall be kept at least two feet away from side or rear lot lines. Superimposed on this general plan shall be one foot contours of the area including the area at least 100 feet outside the project.

All sewers shall be shown in plan and profile. Profiles of sewers shall indicate the size, invert and slope of the sewer and shall indicate the existing ground and proposed grade along the route of the sewer.

Elevations shall be on U.S.G.S. datum. If in a street right-of-way, show on the profile the adjacent top of curb or edge of pavement grade (existing or proposed). Two bench marks for the work shall be indicated on each sheet of the plans.

Finished grades of structures shall be indicated on the plan or profile for all structures. If the project is in an existing or proposed subdivision, a copy of the plat shall be attached to the plans.

All plans submitted shall bear the seal of the Registered Professional Engineer responsible for the design.

All record drawings as stated in the Engineering Standards and a certification from a Registered Professional Engineer that all surface grades, roads, utilities, and structures are in conformance with the approved plan shall be provided prior to acceptance of the subdivision improvements by the CITY.

Complete project improvement plans shall be submitted prior to review and approval of any portion thereof. Improvements must be accepted by the City before any lot is sold.

ARTICLE 7 SANITARY SEWERS

Section 7.01 Submittal procedure.

For City approval of sanitary sewer systems, the applicant shall furnish to the City Clerk for the City Sewer Department and City Engineer a detailed estimate of cost and two sets of the sanitary sewer plans including the general plan, for the system on which he desires approval, MDEQ permit application, and specifications. The City Clerk shall collect the review fee and refer the plans to the City Engineers and Sewer Department, who shall check the estimate and review plans for conformity to the standards set forth herein, and certify that they are consistent with the overall utility plans of the CITY, after which they will return one of the two sets with appropriate comments. The applicant, after making any changes requested on the set of plans returned to him, shall then submit eight sets of the revised plans to the Planning Commission, for final approval. The City Engineer shall then review these revised plans for conformity to the comments mentioned heretofore, and if they have been properly made, will then transmit the plans and permit application to the Michigan Department of Environmental Quality for a construction permit.

Section 7.02. Design standards.

All design and submittal information must follow the Engineering Design Standards as adopted by City Council.

The following notes pertaining to the sanitary sewers shall appear on the plans:

- a) Footing drains of any structure shall not be connected to the sanitary sewer.
- b) Downspouts or any conduit that carries storm or ground water shall not be allowed to discharge into a sanitary sewer.
- c) No sewer installation or portion thereof shall have an infiltration exceeding 200 gallons per inch diameter per mile of pipe per twenty-four period.
- d) Sewer pipe wye openings shall be watertight, premanufactured and approved for use with house lead pipe and joint specified.
- e) Engineering Design Standards, as adopted by City Council resolution from time to time, are incorporated as part of these standards.
- f) Wherever existing manholes or sewer pipes are to be tapped, drill holes at 4-inch center to center around the periphery of opening, to create a plane of weakness joint, before breaking section out. All manhole connections to be watertight (Core seal is preferred).
- g) For the purpose of testing infiltration, an approved air test may be used.

It shall be the responsibility of the applicant to verify utility locations provided by the CITY.

The building service lead from the lateral sewer to serve the building shall be a minimum of four (4) inches in diameter with watertight joints.

Sanitary sewers will not be approved in the rear lot easement.

A minimum depth from top of curb (or road centerline) to the top of any sanitary sewer of 8 1 / 2 feet at local control points, or a minimum of nine feet at locations where the sewer grade is parallel to the road grade shall be provided. In all cases, the sewer shall be deep enough to serve, by gravity, a standard depth basement unless otherwise approved.

Each wye or end of house connection shall have a watertight plug with same type of joint as the main sewer.

Allowable types of sewer pipe and joints shall be as designated in current Engineering Design Standards and shall be covered on the plan profile by note.

ARTICLE 8 STORM SEWERS, DETENTION, AND OPEN DRAINS

Section 8.01 Submittal procedure.

For City approval of drainage systems, the applicant shall furnish to the City Clerk, a detailed estimate of cost and two sets of storm sewer and detention plans, plus the general plan for the system on which he desires approval, specifications, detailed storm sewer design computations, and drainage area map indicating the various areas going into the points of inlet. The City Clerk shall collect the review fee and refer the plan to the City Engineer who shall check the estimate and review the plans for conformity to standards set forth herein, and certify that they are consistent with the over-all utility plans of the CITY, after which they will return one of the two sets with appropriate comments. The applicant, after making any changes requested on the set of plans returned to him shall then submit eight sets of revised plans to the CITY for final approval. The City Engineer shall then review these revised plans for conformity to the comments mentioned heretofore, and upon approval of such plans will retain six copies for the City's records, and return two approved copies to the applicant. The applicant shall obtain approval of the Sanilac County Road Commission and the Sanilac County Drain Commissioner, for storm sewer design & location. It is the intent of the City Council to require that a storm sewer system be designed for ultimate construction even though the subdivision may be approved utilizing a system of open drains.

Section 8.02 Design standards.

All design and submittal information must follow the Engineering Design Standards as adopted by City Council.

Finished easement grades shall be indicated on the plans at each lot or building site corner not adjacent to a street pavement.

Improved open drains may be permitted upon special circumstances in accordance with this Ordinance.

Headwalls and inlet structures shall be placed as required.

Lateral storm sewers shall be constructed to provide an outlet for the footing drain sump pump discharge leads where required by a high water table. Such storm sewer laterals to provide for footing drain sump pump discharge only shall be a minimum of eight inches diameter on a minimum 0.4% grade with manholes spaced a maximum of 300 feet.

A minimum 6" diameter storm sewer lead shall be constructed from the lateral storm sewer to the property line to provide an outlet for the footing drain sump pump discharge (where required). The lead shall be constructed at a minimum depth of 3 1/2 feet on a minimum of 1.0% grade. The materials and methods of construction shall be in accordance with the current Engineering Design Standards.

ARTICLE 9 WATER MAINS

Section 9.01 Submittal procedure.

For City approval of water main systems, the applicant shall furnish to the City Clerk a detailed estimate of cost and two sets of water main plans, including the general plan for the system on which he desires approval, MDEQ permit application, and specifications. The City Clerk shall collect the review fee and refer the plan to the City Engineer and Water Department who shall check the estimate and review the plans for conformity to standards set forth herein, and certify that they are consistent with the over-all utility plans of the CITY, after which they shall return one of the two sets with appropriate comments. The applicant, after making any changes requested on the set of plans, returned to him, shall then submit eight (8) sets of the plans to the CITY for final approval. The City Engineer shall then review these revised plans for conformity to the comments mentioned heretofore, and if they have been properly made, will then transmit the plans and permit application to the Michigan Department of Environmental Quality for a construction permit.

Section 9.02 Design standards.

All design and submittal information must follow the Engineering Design Standards as adopted by City Council.

ARTICLE 10 GRADING AND SITE DRAINAGE

Section 10.01 Submittal procedure.

For City approval of the grading plan for erosion and sediment control, the applicant shall furnish a detailed estimate and two sets of the project grading plans to the City Clerk. The City Clerk shall collect the review fees and forward the plans to the City Engineer who shall review the estimate and plans for conformity to the principles set forth herein, after which they will return one of the two sets with appropriate comments. The applicant, after making any changes requested on the set of plans returned to him, shall then submit eight sets of revised plans to the CITY for final approval. The City Engineer shall then review these revised plans for conformity to the comments mentioned heretofore, and if they have been properly made, will retain six copies for the City's records, and return two approved copies to the applicant.

Section 10.02 Erosion and sediment control principles.

In order to provide effective erosion and sediment control, practical combinations of the following technical principles shall be applied to the erosion control aspects of the grading plan:

- a) The smallest practical area of land should be exposed at any one time during development.
- b) When land is exposed during development, the exposure should be kept to the shortest practical period of time.
- c) Temporary vegetation and/or mulching should be used to protect critical areas exposed during development.
- d) Sediment basins (debris basins or silt traps) should be installed and maintained to remove sediment from run-off waters from land undergoing development.
- e) Provision should be made to effectively accommodate the increased run-off caused by changed soil and surface conditions after development.
- f) The permanent final vegetation and structures should be installed as soon as practical in the development.
- g) The development plan should be fitted to the topography and soil so as to create the least erosion potential.
- h) Wherever feasible, natural vegetation should be retained and protected.

Section 10.03 Surface drainage standards.

- 1) All design and submittal information must follow the Engineering Design Standards as adopted by City Council.
- 2) All project areas shall drain storm waters to suitable disposal structures which will prevent such storm water from flowing across adjacent private property and prevent damage to both private and public properties.

ARTICLE 11

COMPLIANCE STANDARDS

Section 11.01 Approval required prior to installation; compliance with other ordinances and state law required.

The approvals required under the provisions of this Ordinance shall be obtained prior to the installation of any subdivision or project improvements within the CITY, in public streets, public alleys, public rights-of-way and public easements, and/or under the ultimate jurisdiction of the CITY. All subdivision or project improvements within the CITY installed in public streets, public alleys, public rights-of-way, or public easements, and/or under the ultimate jurisdiction of the CITY shall comply with all of the provisions and requirements of this or any other related ordinance including the Land Division Act.

ARTICLE 12 INTERPRETATION

Section 12.01 Chapter provisions deemed minimum standards.

The provisions of this Ordinance shall be held to be the minimum requirements necessary for the promotion and preservation of public health, safety, and general welfare of the CITY. In the event that any of the provisions of this Ordinance impose a greater restriction than is imposed by existing statutes of the State of Michigan, it is intended that the provisions of this Ordinance shall control and be deemed the minimum relation or restriction, as the case may be.

ARTICLE 13 REVIEW FEES

Section 13.01 Fees paid by proprietor; deposit procedure.

All fees as provided hereinafter shall be paid by the proprietor prior to final approval except that where estimates are used a deposit will be made and if final costs are less a refund will be made. If final costs are more, the applicant will be required to pay the differential.

Section 13.02 Planning review fees.

The City shall be paid for review of the preliminary plat on the basis of the following schedule. There will be no additional Planning review fee of the final plat provided that it is in substantial conformity to the preliminary plat. In the event that it is not in such substantial conformity, then an additional fee may be charged by the City in an amount stated in the fee schedule.

Section 13.03 Engineering review fees and municipal inspection.

At the time of submittal of plans, specifications and detailed estimate of cost of the proposed project improvements, the owner shall deposit with the City Clerk an estimated fee for review of such plans equal to one (1) percent of the estimate of cost of the improvements plus a minimum drainage review fee stated in the fee schedule. In no event will total estimated deposit be less than \$500.00. If the cost of review and inspection is less, the applicant will receive a refund of the unused amount. If the cost of review and inspection is more, the applicant shall make the payment for the review and inspection by the City. The fees and charges herein contained shall be in addition to those charged for debt service charges, connection charges and other charges or fees imposed for sanitary sewer and water supply.

Section 13.04 City review and administrative fees.

These fees shall be charged in accordance with such fee schedule as the City Council by resolution may adopt from time to time. Provided, however, that such schedule shall be adopted and published prior to becoming effective in the Council minutes.

Section 13.05 Attorney fees.

Any services required of the Municipal Attorney will be charged at the same rate as charged to the City.

Section 13.06 Other fees.

Additional fees, if any, may be charged in accordance with such fee schedule as the City Council by resolution, may adopt from time to time.

ARTICLE 14 INSURANCE AND BONDS

Sec. 14.01 Insurance and bond required.

Prior to construction of subdivision and project improvements, the contractor shall procure and maintain during the life of any contract or agreement for such construction, insurance protecting the City and City Engineer from any claim for damages, real, personal, or otherwise, in the amount of \$500,000.00. Prior to the acceptance of improvements by the CITY, a two-year maintenance bond in the amount as agreed by the City of Sandusky, shall be posted by the owner/developer.

ARTICLE 15 VIOLATIONS AND PENALTIES

Section 15.01 Penalties for violation.

Any person, persons, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof may be punished by a fine not exceeding five hundred (\$500.00) dollars or imprisonment in the County Jail for a period not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate violation.

ARTICLE 16 SEVERABILITY

Section 16.01 Chapter deemed severable.

If any section, paragraph, clause, phrase, or part of these Subdivision Ordinance and Engineering Design Standards is for any reason held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these Regulations and Standards; and the application of those provisions to any persons or circumstances shall not be affected thereby.

ARTICLE 17
REPEAL

Section 17.01 Conflicts.

Any and all ordinances or portions thereof inconsistent or in conflict herewith, are hereby repealed.

ARTICLE 18 VARIANCE

Section 18.01 Variance for hardship.

The City Council may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the City Council shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the City Council finds:

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
- b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- c) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.
- d) That the variance is not in conflict with the provisions and requirements of the Land Division Act

Section 18.02 Variance for complete neighborhood.

1) **CONDITIONS:** The City Council may authorize a variance from these regulations in case of a plan for a complete community or neighborhood where such development is permitted by the Zoning Ordinance and which, in the judgment of the City Council, and after a recommendation is had from the Planning Commission, provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs. In making its findings, as required herein below, the City Council shall take into account the nature of the proposed use of, and the existing use of, and in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed development upon traffic conditions in the vicinity. The City Council shall find:

- a) That there is adequate acreage and population in the proposed plan so as to support at least one elementary school.
- b) That the standards and requirements of the Zoning Ordinance of the CITY are met.
- c) That the Planning Commission has reviewed the plan and submitted its comments to the City Council relating to the standards and intent of the Master Plan of land use as it relates to facility needs.
- d) That in granting the variance, it shall be valid only as long as the plan for the complete neighborhood is carried out as approved. Any departure from the plan shall immediately rescind any variance granted.

- e) That the City Council shall establish a time schedule to be met on the various aspects of the complete neighborhood plan.
- 2) APPLICATION: Request for any such variance shall be submitted in writing by the proprietor at the time the preliminary plat is filed, stating fully and clearly all facts relied upon by the proprietor and shall be supplemented with maps, plans, or other additional data which may aid in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.

ARTICLE 19
PROPERTY OUTSIDE CITY LIMITS

Section 19.01 Annexation.

Any subdivision or platted area requested to be annexed to the City shall be reviewed for any comments and/or restrictions before said subdivision or platted area shall be accepted to be annexed to the City.