

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BESSEMER BY ADDING A NEW CHAPTER WHICH SHALL BE DESIGNATED AS CHAPTER 53 OF TITLE V OF SAID CODE.

AN ORDINANCE TO REGULATE THE SUBDIVISION OF LAND IN THE CITY OF BESSEMER, PURSUANT TO THE PROVISIONS OF ACT 288, PUBLIC ACTS 1967, AS AMENDED, OF THE STATE OF MICHIGAN; TO ESTABLISH STANDARDS, PROCEDURES AND RULES FOR THE PREPARATION AND FILING OF PLATS; TO PROVIDE FOR THE PRELIMINARY AND FINAL REVIEW AND APPROVAL OF PLATS BY THE CITY OF BESSEMER; AND TO PROVIDE FOR A PENALTY FOR THE VIOLATION THEREOF.

The City of Bessemer ordains:

ARTICLE I - TITLE AND PURPOSE

SECTION 5.221. Short title. This ordinance shall be known and may be designated as the "Subdivision Ordinance of the City of Bessemer, Michigan".

SECTION 5.222. Purpose. The purposes of this ordinance are to provide for the orderly growth and harmonious development of the community; to secure adequate traffic circulation through coordinated street systems with relation to major streets, 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 sewage, and other health requirements; to secure adequate provisions for recreational areas, school sites and other public facilities; and to provide logical and orderly procedures for the achievement of these purposes.

ARTICLE II - DEFINITIONS

SECTION 5.223. Definitions. For the purpose of this ordinance, certain words, terms and phrases shall be defined as follows:

- (a) All terms as defined in the State Subdivision Control Act, Act 288, Public Acts of 1967, as amended, of the State of Michigan, shall apply in this ordinance except as limited or otherwise modified below.
- (b) "Alley" - A minor service street used primarily to provide secondary vehicular access to the rear or side of properties otherwise abutting upon a street.
- (c) "Block" - A part of a subdivision bordered on all sides by any combination of streets, railroad right-of-ways, unsubdivided acreage, bodies of water, and natural barriers to continuous development.

- (d) "Boulevard" - A street developed into two two-lane, one-way pavements separated by a median.
- (e) "City" - The City of Bessemer, Michigan.
- (f) "City Clerk" - The Clerk of the City of Bessemer, Michigan.
- (g) "City Council" - The Council of the City of Bessemer, Michigan.
- (h) "City's Engineer" - any registered engineer designated by the City Council as its engineer for any project or activity.
- (i) "Cul-de-sac" - a circular area at the end of the street which provides turn-around space for vehicles.
- (j) "Dead-end street" - any street or part of a street, including a boulevard, which intersects with another street at only one end, whether or not a cul-de-sac is provided.
- (k) "Easement" - a grant by the owner of the use of strip of land by the public, a corporation, or persons, for specific uses and purposes, to be designated as a "public" or "private" easement depending on the nature of the use.
- (l) "Local street" - any street which is not a "major street" as hereinafter defined.
- (m) "Major street" - any street designated as "Major" by the Michigan State Highway Department pursuant to the provisions of Act 51, P.A. 1951, as amended; or any existing or proposed street right-of-way which, when developed, would extend an existing Major street as designated by the State Highway Department; or any existing or proposed street right-of-way which, when developed, might reasonably be expected to be approved by the State Highway Department for inclusion in the Major street system of the City of Bessemer; or any state trunkline highway or county primary road as designated by the State Highway Department.
- (n) "Minor local street" - a Local street of limited continuity used primarily for access to abutting property, and which does not intersect with more than three other streets.
- (o) "State Subdivision Law" - the State Subdivision Control Act, Michigan Public Act No. 288 of 1967, as amended.

- (p) "Street" - a public right-of-way dedicated to public use for vehicular and pedestrian transportation.
- (q) "Zoning ordinance" - The Zoning Ordinance of the City of Bessemer, Michigan.

ARTICLE III - SUBDIVISION PROCEDURE

SECTION 5.224. Subdivision procedure. The preparation of the subdivision for platting shall be carried out through three phases as provided herein; namely, Pre-preliminary Plat Review as provided in Section 3.02; Preliminary Plat Procedure as provided in Section 3.03; and Final Plat Procedure as provided in Section 3.04 of this ordinance.

SECTION 5.225. Pre-preliminary Plat Review. Any proprietor may submit a pre-preliminary plat to the City Council for information and review. It shall be the duty of the proprietor to inform himself of the requirements and provisions of this Subdivision Ordinance, the Zoning Ordinance and all other ordinances and regulations relative to the subdivision and improvement of land, prior to submitting any pre-preliminary plat. Every pre-preliminary plat shall, when submitted to the City Council for review, substantially comply with all applicable ordinances and regulations and shall contain sufficient information to indicate such compliance.

SECTION 5.226. Preliminary Plat Procedure. Before making or submitting a final plat for approval, the proprietor shall make a preliminary plat of the proposed subdivision and submit copies according to the following procedure:

- (a) Filing: The proprietor shall submit ten (10) copies of the preliminary plat to the City Clerk, who shall determine if said plat is deficient in any information required by this Section, and shall notify the proprietor of any such deficiency, or if no deficiency exists, the City Clerk shall schedule said plat for review at the next regular meeting of the City Council, the date of which shall be deemed to be the official filing date of said preliminary plat.
- (b) Basic identification: The preliminary plat shall include:
 - (1) The name of the proposed subdivision.
 - (2) the name and address of the proprietor;
 - (3) the legal description of the parcel of land to be divided;
 - (4) the name, address and seal of the surveyor who prepared it; and
 - (5) the scale, date and northpoint.
- (c) Existing conditions: The preliminary plat shall show in scale of not more than one hundred (100) feet to one (1) inch on a topographic map, the following:

- (p) "Street" - a public right-of-way dedicated to public use for vehicular and pedestrian transportation.
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 - (5) the scale, date and northpoint.
- (c) Existing conditions: The preliminary plat shall show in scale of not more than one hundred (100) feet to one (1) inch on a topographic map, the following:

- (1) the boundary lines of the proposed subdivision, and the relationship thereto of the property lines of an adjacent platted and unplatted parcels, including those across abutting roadways, together with the names of the owners of such parcels.
 - (2) the existing section lines, platted streets, alleys and other public easements, private roads, and water mains, sanitary sewers, storm sewers and other public and private utilities within or adjacent to the proposed subdivision.
 - (3) the names or other identification, and the dimensions of all items required above, as appropriate.
 - (4) topography drawn as contours, and based on USG data.
- (d) Proposed conditions: The preliminary plat shall include:
- (1) Layout of streets, indicating proposed street name, right-of-way widths, and connections with adjacent platted streets and also the widths and locations of alleys and easements.
 - (2) Layouts, numbers and dimensions of lots, including building set-back lines.
 - (3) 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.
 - (4) Indication of the ownership and existing and proposed use of any parcels identified as "excepted" on the preliminary plat shall 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.
 - (5) Indication of the system proposed for sewage disposal by a method approved by the City Council.
 - (6) Indication of the system proposed for water supply by a method approved by the City Council.
 - (7) Indication of the storm drainage system proposed by a method approved by the City Council.

- (8) In the case where a 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 over-all 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; provided, that said part shall conform by itself to all provisions of this ordinance.
- (e) Notification to school district. The proprietor shall submit to the City Clerk, with copies of the preliminary plat as provided in sub-section (a) above, a statement from the superintendent of any school district operating within the City of Bessemer to the effect that he has received a copy of the preliminary plat.
- (f) At the time of filing the above preliminary plat, copies shall be forwarded to the Planning Commission and street superintendent. The Planning Commission and street superintendent shall supply written reports to the City Council prior to the public hearing provided for in sub-section (g) hereafter.
- (g) Public hearing: The City Council, prior to giving its tentative approval to any preliminary plat, shall hold a public hearing on said preliminary plat. Said hearing shall be held not sooner than ten (10) days after a notice of the time and place of said hearing has been published and sent by first class mail to every utility and school district operating within the City of Bessemer.
- (h) Preliminary Approval: The City Council, within ninety (90) days from the filing date, shall tentatively approve and note its approval 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. Such tentative approval under this section shall confer upon the proprietor for a period of one (1) 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.

SECTION 5.227. Final Plat Procedure. The procedure for preparation, review, and approval of a final plat shall be as follows:

- (a) Preparation: A final plat shall meet the following requirements:
- (1) the final plat shall comply with the provisions of the State Subdivision Law;

- (2) the final plat shall conform substantially to the preliminary plat as approved, and it may constitute only that part of the approved preliminary plat which the proprietor proposed to record and develop at the time; provided, that such part shall conform to all provisions of this ordinance.
 - (3) the proprietor shall submit as evidence of title, an abstract of title certified to date with the written opinion of an attorney-at-law thereon, or at the option of the proprietor, a policy of title insurance for examination in order to ascertain as to whether or not the proper parties have signed the plat.
- (b) Filing: The proprietor shall submit to the City Clerk:
- (1) six (6) mylar copies and four (4) paper prints of the final plat;
 - (2) a list of all authorities required to be notified under provisions of the State Subdivision Law, and certification that the list shows all such authorities;
 - (3) a copy of the preliminary plat approved by each of the aforementioned authorities;
 - (4) the filing and recording fee as provided by the State Subdivision Law, and any fee established under provisions of this ordinance;

The City Clerk shall schedule said plat for review at the next regular meeting of the City Council, the date of which shall be deemed to be the official filing date of said final plat.

- (c) Final approval: The City Council shall consider and review said plat, and approve it within twenty (20) days from the filing date, if the proprietor has met all the conditions laid down for approval of the preliminary plat. Upon action by the City Council the City Clerk shall
- (1) record all proceedings in the minutes of the meeting at which such action was taken.
 - (2) promptly notify the proprietor of approval or rejection in writing, and if rejected, give the reasons.
 - (3) if the final plat is approved, certify on the copies of said plat such approval, and the approval of the health department when such is required, and the dated thereof.

- (4) forward all mylar copies of said approved final plans to the Clerk of the County Plat Board, together with the filing and recording fee.

Final approval of the preliminary plat approval shall confer upon the proprietor for a period of two (2) years from the date of approval, the conditional approval 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.

ARTICLE IV - DESIGN STANDARDS

SECTION 5.228. Intent. The design standards set forth in this chapter are development guides for the assistance of the proprietor, and are not intended nor to be construed to limit the reasonable discretion of the City Council in setting forth additional requirements for any proposed plat.

SECTION 5.229. Streets. Streets shall conform to at least all requirements set forth herein, and other requirements as set forth by the City Council.

- (a) The proposed subdivision shall provide for continuation of existing or planned major and local streets.
- (b) The street layout shall be designated to discourage through traffic on minor local streets.
- (c) Half-streets shall be avoided whenever possible. Whenever a platted half-street exists adjacent to the proposed subdivision, the other half shall be platted.
- (d) Right-of-ways shall meet the following minimum standards:
 - (1) Major streets - r.o.w. width 86 feet
 - (2) Major boulevards - r.o.w. width 120 feet
 - (3) Local streets - r.o.w. width 60 feet
 - (4) Local Boulevards - r.o.w. width 100 feet
 - (5) Alleys - r.o.w. width 24 feet
 - (6) Cul-de-sacs - radius 75 feet
 - (7) Dead end streets - lengths 500 feet
- (e) Street Grades: For adequate drainage, the minimum street grade shall not be less than 0.5%. The maximum street grade shall be 5.0% except that the City Council may make an exception to this standard on the recommendation of the City's Engineer.

- (f) Street Geometrics: standards for maximum and minimum street grades, vertical and horizontal street curves and sight distances, shall be established by published rules of the City Council and shall in no case be less restrictive than the standards of the County Road Commission.
- (g) Street Intersections: Streets shall be laid out so as to intersect as nearly as possible to ninety (90°) degrees.

SECTION 5.230. Blocks. Blocks shall conform to at least all requirements set forth herein, and other requirements as set forth by the City Council.

- (a) The maximum length, of a block shall be 800 feet on any side, except where a small additional length is warranted to allow orderly subdivision development.
- (b) Easements shall be provided as follows:
 - (1) 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.
 - (2) 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.
 - (3) Easements six (6) feet in width three (3) feet from each parcel, 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 (name of utility company)".

SECTION 5.231. Lots. Lots shall conform to at least all requirements set forth herein, and other requirements as set forth by the City Council.

- (a) Size and shape.

- (1) 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.
- (2) Every lot shall have a minimum frontage of 80 feet and a minimum area of 10,000 square feet.
- (3) Building set-back lines shall conform to at least the minimum requirements of the Zoning Ordinance.
- (4) Every corner lot in a residential subdivision shall have a frontage at least ten (10) feet wider than that for a non-corner lot.
- (5) Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall normally be considered a maximum.
- (6) Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provisions for off-street parking, setbacks, and other requirements in accordance with the Zoning Ordinance.

(b) Arrangement:

- (1) Every lot shall front or abut on a street.
- (2) Side lot lines shall be a right angles or radial to the street lines.
- (3) Lots shall have a front-to-front relationship across all streets where possible.
- (4) Where lots border upon bodies of water, the front yard may be designed as the waterfront side of such lot provided the lot has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.

SECTION 5.232. 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, where appropriate, shall be required.

ARTICLE V - IMPROVEMENTS

SECTION 5.233. Intent. The improvements set forth under this section are to be considered as the minimum acceptable standard. All those improvements for which standards are not specifically set forth shall have said standards set by resolution of the City Council. All improvements must meet the approval of the City Council.

Improvements shall be provided by the proprietor in accordance with the standards and requirements established in this ARTICLE V and/or any other such standards and requirements which may from time to time be established by resolution of the City Council.

SECTION 5.234. Streets. Streets shall be developed, according to standards set by the City, with at least the following improvements:

- (a) Local streets in residential - zoned areas:
double-seal-coated surface
- (b) Major streets in residential - zoned areas:
asphalt pavement
- (c) All streets in commercial - or individual - zoned areas:
asphalt pavement
- (d) Concrete curb and gutter shall be required with all new asphalt pavement which intersects with existing asphalt pavement with curb and gutter, for a distance from such intersection to be determined by the City Council in each case.

SECTION 5.235. Utilities.

- (a) Requirements for Underground Wiring: The Proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground through a subdivided area, except for major street right-of-ways. Such cables or conduits shall be placed within private easements provided to such service companies by the proprietor whenever possible, or within dedicated public ways. Provided, that overhead installations may be permitted when specifically approved by the City Council at the time of final plat approval. 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 Michigan Public Service Commission. Any drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor.

- (b) Sewage. A sanitary sewer system including all appurtenances shall be required in all subdivisions for which access to the public sewage disposal system is available.
- (c) Water supply. A water supply system including appurtenances shall be required in all subdivisions for which access to the public water supply system is available.
- (d) Street lights. A system of street lights shall be required according to standards established by the City.
- (e) Fire hydrants. A system of fire hydrants shall be required according to standards established by the City.
- (f) Storm water drainage. An adequate storm water drainage system, including appurtenances, shall be required according to standards established by the City.

Adequate provisions shall be made for proper drainage of storm water run off from rear yards. Each yard shall be self-contained and shall be drained from rear to front, except where topography or other natural features require otherwise.

SECTION 5.236. Other Improvements.

- (a) Street signs. Street name signs shall be placed at all street intersections, in accordance with specifications established by the City.
- (b) Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets, and at other intermediate points as requested by the City Council.
- (c) Street trees. Existing trees to be preserved or new trees to be provided within the street right-of-way shall be preserved or provided according to standards established by the City.

SECTION 5.237. Improvement plan. Prior to approval of the final plat by the City, the proprietor shall provide plans for the construction of all required and additional planned improvements, for the review and approval of the City.

SECTION 5.238. Construction deposit. Prior to the undertaking of any improvements, the proprietor shall deposit with the Clerk a sum of cash, a certified check or an irrevocable bank letter of credit running to the City or a performance bond acceptable to the City 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 the estimated cost of construction.

Each improvement shall be constructed either by the proprietor or the City, as determined by prior agreement, within a length of time agreed upon from the date of approval of the final plat by the City Council. The City Council shall release funds for the payment of work as it is completed and approved by the City. Prior to acceptance by the City of improvements, a two-year maintenance bond in the amount set by the City Council shall be posted by the proprietor.

SECTION 5.239. Inspection by the City. The proprietor shall give the City the right to inspect all construction work done by him to whatever extent the City deems necessary.

ARTICLE VI - COMPLIANCE STANDARDS

SECTION 5.240. Compliance standards. The approvals required under the provisions of this Ordinance shall be obtained prior to the installation of any subdivision or project improvements within the Municipality, in public streets, public alleys, public right-of-ways, and public easements, and/or under the ultimate jurisdiction of the Municipality. All subdivision or project improvements within the Municipality installed in public streets, public alleys, public right-of-ways, or public easements, and/or under the ultimate jurisdiction of the Municipality shall comply with all of the provisions and requirements of this or any other related ordinance.

ARTICLE VII - INTERPRETATION

SECTION 5.241. Interpretation. The provisions of these regulations shall be held to be the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of the Municipality. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations of laws of the Municipality, nor conflict with any statutes of the State of Michigan or laws of Gogebic County, except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations.

ARTICLE VIII - REVIEW FEES

SECTION 5.242. Plat review fees. The proprietor shall pay a fee for the review of a preliminary plat at the time said plat is filed with the City Clerk, as follows:

- (a) Subdivisions with average frontage of less than one hundred fifty (150) feet per lot: \$25.00 plus \$0.50 per lot.
- (b) Subdivisions with average frontage of more than one hundred fifty (150) feet per lot: \$25.00 plus \$1.00 per lot.

SECTION 5.243. Engineering review fees. The proprietor shall pay a reasonable fee for review of improvement plans by the City's engineer, said fee to be determined by the City Council prior to said review.

ARTICLE IX - VARIANCE

SECTION 5.244. 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 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:

- (1) That there are special circumstances or conditions affecting said property such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) 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.

ARTICLE X - VIOLATION AND PENALTIES

SECTION 5.245. Violations and penalties. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction therefore, shall be punished by a fine not to exceed FIVE HUNDRED (\$500.00) AND NO/100 DOLLARS or by imprisonment not to exceed Ninety (90) days, or by both such fine and imprisonment at the discretion of the Court.

ARTICLE XI - SEVERABILITY

SECTION 5.246. Severability. The sections of this ordinance are hereby declared to be severable and if any portion or application shall be found to be invalid by the Court of competent jurisdiction such invalidity shall not affect the remaining portions or applications of this ordinance.

ARTICLE XII - CONFLICTING ORDINANCES REPEALED

SECTION 5.247. Conflicting ordinances repealed. All ordinances or parts of ordinances heretofore adopted which are in conflict with this ordinance are hereby repealed.

ARTICLE XIII - EFFECTIVE DATE

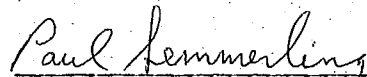
SECTION 5.248. Effective date. This ordinance shall become effective after enactment and publication according to law.

Introduced: 1-17-89

Adopted: 2-06-89

Published: 2-10-89

Effective: 2-16-89



PAUL SEMMERLING, Mayor



BRUCE CARLSON, Clerk