

CHAPTER 6 LAND DIVISION ORDINANCE

An ordinance enacted under Act 288, Public Acts of 1967, as amended, of the State of Michigan establishing regulations governing the division of land. This ordinance is intended to provide standards, procedures and rules for the preparation and filing of applications for land divisions, subdivisions, and lot splits, and to provide for preliminary and final approval or rejection of such applications by the City of Lapeer, Lapeer County, Michigan; and imposing penalties for the violation of this Ordinance.

6.01 SHORT TITLE

This Ordinance shall be known and may be designated as the City of Lapeer Land Division Ordinance.

6.02 PURPOSE

The purpose of this ordinance is 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 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 sewage, 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.

6.03 DEFINITIONS

- (A) All terms as defined in the Land Division Act, P.A. 288 of 1967, as amended, shall control in this Ordinance unless indicated to the contrary in this Section.
- (B) For the purpose of this ordinance, certain words, terms and phrases shall be defined as follows:

Accessible - In reference to a parcel, means that the parcel meets one (1) or both of the following requirements:

1. Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road commission, and of the city, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.

2. Is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road commission and of the city, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.

Block - Property abutting one side of a 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.

City Commission - The elected governing body of the City of Lapeer.

Clerk - The Clerk of the City of Lapeer.

Conceptual Plan – A map or graphic representation of the proposed subdivision submitted for purposes of introduction and initial feedback.

Development Site - Any parcel or lot on which exists or which is intended for building development other than the following:

1. Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.
2. Forestry use involving the planting, management, or harvesting of timber.

Division - The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purposes of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act. A property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to adjacent parcel, does not count toward the number of divisions allowed under the state Land

Division Act, but shall be subject to the land division review procedures in Section 6.04 and 6.05 of this ordinance.

Easement - A grant by the owner of the use of a strip of land by the public, a corporation, or person, for specific uses and purposes, to be designated as a “public” or “private” easement depending on the nature of the use.

Engineer - The staff engineer or consulting engineer of the City of Lapeer.

Exempt Split - The partitioning or splitting of a parcel or tract of land that does not result in one (1) or more parcels of less than forty (40) acres or the equivalent.

Improvements - Grading, street surfacing, curb and gutter, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, and other additions to the natural state of land which increases its value, utility or habitability.

Land Division Act - The Land Division Act, Michigan Public Act 288 of 1967, as amended.

Lot - A measured portion of a parcel or tract of land, which is described or fixed in a recorded plat.

Lot Split - The division of a lot in a recorded subdivision.

Master Plan - The comprehensive land use plan for the municipality, 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 municipality, and includes any unit or part of such plan separately adopted, and any amendments to such plan or parts thereof duly adopted by the Planning Commission.

Municipality - The City of Lapeer, Michigan.

Parcel - A continuous area or acreage of land which can be described as provided for in the Land Division Act.

Parent Parcel (or Parent Tract) - A parcel or tract, respectively, lawfully in existence on March 31, 1997.

Planner - The staff planner or consulting planner of the municipality.

Planning Commission - The Planning Commission of the City of Lapeer,

the members of which are appointed by the City Commission.

Plat - A map or chart of a subdivision of land:

1. **Preliminary Plat** - A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.
2. **Preliminary Plat - Tentative** - A map indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for review and to meet the requirements and procedures set forth hereinafter.
3. **Preliminary Plat - Final** - A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration in determining compliance with State, County and City requirements.
4. **Plat - Final** - A map of all or part of a subdivision providing substantial conformance to the Preliminary Plat of the Subdivision, prepared in conformance of the Land Division Act, PA 288 of 1967, as amended, and this Ordinance, and suitable for recording by the County Register of Deeds.

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.

Street - Any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing State, County or Municipal roadway or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way on a plat duly filed and recorded in the office of the County Register of Deeds. A street includes the land between the street lines, whether improved or unimproved, and may consist of pavement, shoulders, gutters, sidewalks, parking areas, and lawns.

1. **Major Thoroughfare** - An arterial street of great continuity which is intended to serve as a large volume trafficway for both the immediate municipality and region beyond, and may be designated in the municipality's thoroughfare plan as a major thoroughfare, parkway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan.

2. **Collector Street** - A street intended to serve as a major means of access from minor streets to major thoroughfares which have considerable continuity within the framework of the thoroughfare plan.
3. **Minor Street** - A street of limited continuity used primarily for access to abutting residential properties.
4. **Marginal Access Street** - A minor street paralleling and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.
5. **Boulevard Street** - A street developed to two-lane, one-way pavements separated by a median.
6. **Turn-around** - A short boulevard street permanently terminated by a vehicular turnaround.
7. **Cul-de-sac Street** - A short minor street having one end permanently terminated by a vehicular turn-around.
8. **Alley** - A minor service street used primarily to provide secondary vehicular access to the rear or side of properties otherwise abutting upon a street.

Subdivision - The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by the proprietor's heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act.

Thoroughfare Plan - The part of the Master Plan which sets forth the location, alignment and dimensions of existing and proposed streets and thoroughfares.

Tract - Two (2) or more parcels that share a common property line and are under the same ownership.

Waiver - A variation or exception from standards contained in the City of Lapeer Land Division Ordinance.

6.04 LAND DIVISIONS

(A) Land Division Requirements

1. A division is not subject to the platting requirements of the Land Division Act.
2. A proposed division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following, as applicable:
 - a. For the first ten (10) acres or fraction thereof in the parent parcel or parent tract, four (4) parcels.
 - b. For each whole ten (10) acres in excess of the first ten (10) acres in the parent parcel or parent tract, one (1) additional parcel, for up to a maximum of eleven (11) additional parcels.
 - c. For each whole forty (40) acres in excess of the first one-hundred twenty (120) acres in the parent parcel or parent tract, one (1) additional parcel.
3. For a parent parcel or parent tract of not less than twenty (20) acres, the division may result in a total of two (2) parcels in addition to those permitted by subsection (2.) above, if one or both of the following apply:
 - a. Because of the establishment of one (1) or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2.) above or this subsection are created or required.
 - b. One of the resulting parcels under subsection (2.) above and this subsection comprises not less than sixty (60%) percent of the area of the parent parcel or parent tract.
4. A parcel of forty (40) acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted under subsections (2.) and (3.) above.
5. A parcel or tract created by an exempt split or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of this ordinance if all of the following requirements are met:

- a. Not less than ten (10) years have elapsed since the parcel or tract was recorded.
 - b. The partitioning or splitting results in not more than the following number of parcels, whichever is less:
 - 1) Two parcels for the first ten (10) acres or fraction thereof in the parcel or tract plus 1 additional parcel for each whole ten acres in excess of the first ten acres in the parcel or tract.
 - 2) Seven parcels or ten (10) parcels if one of the resulting parcels under this subsection comprises not less than 60% of the area of the parcel or tract being partitioned or split.
 - c. The partitioning or splitting satisfies the requirements of Section 109 of the Land Division Act.
6. A parcel or tract created under the provisions of subsection (5.) above may not be further partitioned or split without being subject to the platting requirements of the Land Division Act, as defined in this Ordinance, except in accordance with the provisions of subsection (5.) above.

(B) Land Division Application

The City assessor shall be provided with documented proof that the following requirements have been met before any land division can be approved:

1. A land division map (to scale) shall be submitted, which shows:
 - a. Area of each land division.
 - b. Proposed property lines of each land division.
 - c. Public utility easements to each land division.
 - d. Road accessibility for each land division.
2. Compliance with a depth to width ratio of not more than 4 to 1 for each land division.

3. Compliance with the minimum lot width requirements of the City zoning ordinance for each land division.
4. Compliance with the minimum lot area requirements of the City zoning ordinance for each land division.
5. Road accessibility for each land division by:
 - a. Public road frontage which meets City of Lapeer Zoning Ordinance standards; or
 - b. Frontage on a private road which complies with the City Private Road Ordinance.
6. An accurate legal description and recordable survey of each proposed land division, including the remaining parcel of land from which the new divisions are being taken, compatible with the City's Geographic Information System (GIS) coordinate system.
7. Proof that the proposed land divisions shall not create more divisions than the number allowed by the Land Division Act.
8. County Health Department approval for on-site water (if public water is not available) for each land division, if the land division is to be a development site.
9. County Health Department approval for on-site sewage disposal (if public sewer is not available) for each land division, if the land division is to be a development site.
10. Public Utility easements must be in place for the proposed land division to connect to existing public utility facilities, if the land division is to be a development site.

(C) Land Division Approval Period

The City Assessor shall have a review period of forty-five (45) days after documents verifying compliance with each of the requirements listed in Subsection (B.) have been submitted to the assessor. If all items are in compliance, approval shall be granted within said forty-five (45) day review period. Prior to final approval of the proposed land division, the applicant shall provide the assessor with a survey and legal description of each proposed land division.

6.05 LOT SPLITS

Lots or outlots in a recorded plat shall not be further partitioned, divided or altered unless in conformity with the Zoning Ordinance of the municipality and provided further, that any partitioning dividing or alteration shall not be in conflict with The Land Division Act, and shall be approved by resolution of the City Commission. A request for lot split shall include substantially the same information as required under the "Land Division Application" and shall also clearly state the reasons for the requested action. No zoning or building permit shall be sought nor shall any construction be commenced prior to approval of the lot split by the City Commission.

EFFECTIVE DATE OF AMENDMENT: September 13, 2007.

6.06 SUBDIVISIONS

(A) Initial Investigation

It is suggested that the proprietor meet informally with city staff to investigate the procedures and standards of the City with reference to this Ordinance.

The proprietor should concern himself/herself with the following factors:

1. The proprietor shall secure a copy of the Zoning Ordinance, Land Division Ordinance, infrastructure standards and other similar ordinances or controls relative to the subdivision and improvement of land so as to make himself/herself aware of the requirements of the City of Lapeer.
2. All subdivisions shall be designed and built in compliance with the city's Design and Infrastructure Standards as adopted by the City Commission. A subdivision may be further subject to the Averaged Lot Size or Open Space Plan provisions outlined in the Zoning Ordinance.
3. The area of the proposed subdivision shall be properly zoned for the intended use.
4. The relationship of the proposed subdivision with respect to the 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 municipality shall be investigated by the proprietor.

(B) Step One — Conceptual Plan:

1. The proprietor may, prior to preliminary plat submittal, present a conceptual representation of the entire proposed subdivision to the city for information and feedback. The Planning Commission is not required to vote to approve or deny, but may give the proprietor preliminary recommendations on the proposed subdivision. Recommendations at this stage are meant to provide direction and shall not infer approval at later stages.
2. The following items shall be included on a conceptual plan at a scale of not more than 1 inch to 200 feet:
 - a. Lot sizes and lot dimensions
 - b. Street layout
 - c. Zoning of the property within the enclosed plat
 - d. Proprietor's name and address
 - e. Property boundary
 - f. Adjacent property and land use
 - g. Location map
 - h. Proposed phases
 - i. Existing natural features (wooded areas, floodplain, wetlands, open water, streams, etc.)
 - j. Existing easements
 - k. General proposed utility information
 - l. Topographic survey plan (show existing ground contour lines) for the site and 100' beyond the property lines. Contour lines are to be shown every 2 feet.

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- m. All existing driveways and streets within one-hundred (100)

feet of the site.

- n. Plan shall otherwise comply with the City of Lapeer Design Standards and City Construction Specifications.

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- 3. The proprietor shall submit ten (10) copies to the City Zoning Administrator. The Planning Commission shall consider the pre-preliminary plat at the first Planning Commission meeting that is held at least thirty (30) days after submission to the City Zoning Administrator.

(C) Step Two — Preliminary Plat for Tentative Approval:

- 1. The purpose of this step is to provide the proprietor with city approval prior to going through the effort of obtaining jurisdictional agency approvals. All information required for final preliminary plat shall be provided at this step, with the exception of the preliminary approvals from other jurisdictional agencies.
- 2. Information required on the Preliminary Plat for Tentative Approval, at a scale not more than 1 inch to 200 feet:
 - a. All information required for conceptual plan review, as listed in Section 6.06(B)2.
 - b. Survey of property and legal description.
 - c. Name of the proposed development.
 - d. Name, address, and phone number of proprietor and surveyor or engineer that prepared the plat.
 - e. Location map of subdivision, including section and range.
 - f. Utility layout including connections to existing systems, pipe sizes, fire hydrant locations, sufficient sanitary and storm sewer inverts to insure adequate depth, storm detention/retention areas, storm sewer outlets and any proposed utility easements. Drainage calculations are not required at this stage.
 - g. Names of abutting subdivisions.
 - h. Street names, rights of way, right of way widths and typical road cross sections.

- i. Topographic survey plan (show existing ground contour lines) for the site and 100' beyond the property line. Contour lines are to be shown every 2 feet.

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- j. Proposed drainage shall be indicated by drainage arrows; drainage arrows should be sufficient to show preliminary drainage directions of the entire development.

EFFECTIVE DATE OF AMENDMENT: September 14, 2006.

- k. Provide complete language for any and all deed restrictions, or state that there are not any proposed.

EFFECTIVE DATE OF AMENDMENT: September 14, 2006.

- l. Indicate all 100-year flood plain areas.

EFFECTIVE DATE OF AMENDMENT: September 14, 2006.

- m. Indicate any wetland areas that are regulated by the Michigan Department of Environmental Quality.

EFFECTIVE DATE OF AMENDMENT: September 14, 2006.

- n. Required zoning setbacks.

EFFECTIVE DATE OF AMENDMENT: September 14, 2006.

- o. Date and north arrow.

EFFECTIVE DATE OF AMENDMENT: September 14, 2006.

- p. All parcels of land proposed to be dedicated to public use and conditions of such dedication.

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- q. Plan shall otherwise comply with City of Lapeer Design Standards and City Construction Specifications.

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- 3. The proprietor shall submit fifteen (15) copies of the preliminary plat to the City Zoning Administrator at least thirty (30) days prior to the next Planning Commission meeting. Upon receipt, the City Zoning Administrator shall submit copies to members of the City Planning Commission and shall make one (1) copy available to each appropriate city department, which shall review the preliminary plat and provide written comments to the Planning Commission at least two (2) weeks prior to the next meeting.

- 4. Planning Commission Review of Tentative Preliminary Plat**
 - a.** Before making a recommendation on the preliminary plat, the Planning Commission shall hold a public hearing, notice of which shall contain the date, time and place of hearing, and shall be sent by Certified Mail to the proprietor and owners of land immediately adjacent to the proposed subdivision, at least seven (7) days prior to the hearing date.
 - b.** The preliminary plat and any required accompanying data shall be reviewed by the Planning Commission for the purpose of checking its compliance with the Master Plan, Zoning Ordinance, other applicable City ordinances, and other specifications of this Ordinance, all in accord with sound engineering practice.
 - c.** The Planning Commission shall submit a written recommendation on the preliminary plat to the City Commission. The Planning Commission shall either:
 - 1)** Recommend tentative preliminary plat approval; or,
 - 2)** Set forth reasons for not recommending tentative preliminary plat approval and the requirements for tentative approval.

- 5. City Commission Review of Tentative Preliminary Plat**
 - a.** The preliminary plat and any required accompanying data, and written comments from reviewers, shall be reviewed by the City Commission for the purpose of checking its compliance with the Master Plan, Zoning Ordinance, other applicable City ordinances, and other specifications of this Ordinance, all in accord with sound engineering practice.
 - b.** The City Commission shall make a determination on the preliminary plat within ninety (90) days of filing of the plat with the City Zoning Administrator. The City Commission shall either:
 - 1)** Tentatively approve the preliminary plat; or,
 - 2)** Deny the preliminary plat, setting forth reasons for not tentatively approving the preliminary plat and the requirements for tentative approval.

- c. City Commission approval shall be valid for a period of one (1) year. The approval may be renewed for an additional one (1) year period upon application by the proprietor and approval by the City Commission.

(D) Step Three — Final Preliminary Plat Approval:

1. This is the final approval stage prior to the proprietor producing construction drawings and obtaining construction permits. All items required on the Preliminary Plat for Tentative Approval are required on the Final Preliminary Plat.
2. Before the final preliminary plat is placed on the City Commission Agenda the proprietor must obtain preliminary approvals from:
 - a. Lapeer County Road Commission (if the proposed subdivision includes or abuts roads under the Road Commission's jurisdiction).
 - b. Lapeer County Drain Commissioner.
 - c. Michigan Department of Transportation (if the proposed subdivision includes or abuts a state highway, or includes streets or roads that connect with a State highway).
 - d. Michigan Department of Natural Resources (if the land proposed to be subdivided abuts a wetland, floodplain, lake or stream).
 - e. The proprietor shall send two copies to the Lapeer County Plat Board.
 - f. The proprietor must notify all public utilities in the city of the application by certified mail (including the local telephone, gas, electric and cable company).
3. City Commission Review of Final Preliminary Plat
 - a. The City Commission shall take action on the final preliminary plat at its next regularly scheduled meeting, or within twenty (20) days of the date of submittal. The City Commission shall either:
 1. Approve the Final Preliminary Plat; or,

2. Set forth reasons for not approving the Final Preliminary Plat and the requirements for final approval.
- b. Approval of the Final Preliminary Plat by the City Commission shall be valid for a period of two (2) years. The approval may be renewed for an additional one (1) year period upon application by the proprietor and approval by the City Commission.

(E) Final Plat

1. The proprietor shall file with the City Commission the following, in compliance with the requirements of The Land Division Act, as amended, and any other requirements stipulated in this Ordinance:
 - a. A Mylar copy and ten (10) blueprint copies of the final record plat (the Mylar copy shall be retained by the city).
 - b. Documentary evidence sufficient to allow the City to ascertain whether all the proper persons have signed the proprietor's certificate, including a current commitment or policy of title insurance (or equivalent) written by a company licensed to issue title insurance policies in Michigan.
 - c. Proof of City Engineer's approval of construction plans. Plans to be prepared and submitted as directed in Section 6.07 of this ordinance.
 - d. An agreement with the city containing a restriction upon the plat whereby the building inspector will not be permitted to issue a building permit for any structure upon any lot within said subdivision until the improvements as specified herein have been completed, or satisfactory arrangements have been made with the city for the completion of said improvements. These plat restrictions shall be made a part of all deeds or contracts for any lot within the subdivision.
 - e. Plat restrictions, if such are proposed by the proprietor, shall be submitted, with the final record plat. Such restrictions shall not be in contradiction to those of the Zoning Ordinance or any other Ordinance of the City. These restrictions shall become a part of the final record plat and shall be recorded along with the plat in the Office of the Lapeer County

Register of Deeds.

2. Final plat approval will be granted only under the following conditions:
 - a. That the items listed in Section 6.06(E)1 have been submitted as required.
 - b. That one of the following has occurred:
 - 1) That the proprietor has installed all improvements. The proprietor shall submit as-built engineering drawings, as required by this Ordinance, and said drawings shall have been checked and approved for compliance with requirements contained in this Ordinance, in the City of Lapeer Design Standards and Construction Specifications or standards adopted by other agencies with authority to approve subdivision improvements. The city may also require on-site construction observation by the city or its representatives with costs paid for by the proprietor.
 - 2) The proprietor may, at the city's option, provide a bond, cash, certified check or bank letter of credit in the amount of the cost of installation of all improvements as a performance guarantee. The performance guarantee shall accrue to the city, and shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement, including contingencies, based on an estimate by the City Engineer. The term length for which the performance guarantee is in force shall be for a period to be specified by the City Commission. If the performance guarantee is in the form of a bond, it shall be with a surety company authorized to do business in the State of Michigan and acceptable to the City Commission. The **escrow agreement** shall be drawn and furnished by the city. The performance guarantee shall not be released to the proprietor until the proprietor has submitted as-built engineering drawings of the constructed improvements, as required by this Ordinance, and said drawings have been checked and approved for compliance with requirements contained in this Ordinance, in the City of Lapeer Design Standards and Construction

Specifications or standards adopted by other agencies with authority to approve subdivision improvements. The city may also require on-site construction observation of such improvements by the city or its representatives with costs paid for by the proprietor.

- c. Prior to the final acceptance by the municipality of improvements, a two (2) year maintenance bond in an amount set by the City Commission shall be posted by the proprietor.

3. City Commission Review of Final Plat

- a. Upon receipt of the final plat and other material, the Commission shall take action upon said plat in accordance with the requirements of the Land Division Act, the Municipal Charter and requirements of this ordinance. In case of disapproval, the reasons for such action shall, by written communication, be transmitted to the proprietor who shall, within a reasonable time, resubmit to the City Commission any changes or alterations stipulated in the Commission's action of disapproval.
- b. Upon approval of the final plat, the city shall, in accordance with the Land Division Act and any other applicable requirements, file said plat, agreements, restrictions and fees with the Office of the County Register of Deeds.

6.07 CONSTRUCTION PLANS

No proprietor proposing to subdivide land within the territorial limits to which these regulations are applicable, shall enter into any contract for the sale of, or shall offer to sell said subdivision or any part thereof until final plat approval has been obtained and the proprietor has completed construction of all improvements or has posted a performance guarantee with the city for the cost of the improvements. The proprietor shall not proceed with any construction work on the proposed subdivision until the proprietor has obtained from the city the final approval of the construction plans, and the city has verified that all outside agency permits have been obtained; except grading, which may commence upon approval of the proprietor's grading plan. The city may further require a pre-construction meeting prior to allowing commencement of site work.

It shall be the responsibility of the proprietor of every proposed subdivision to have prepared by a Professional Engineer registered in the State of Michigan, a

complete set of construction plans, including profiles and cross-sections of each street with grades; profile of proposed sanitary and storm sewer with sizes and grades; a plan of water lines with sizes and appurtenances, and specifications and other supporting data for the required streets, utilities and other facilities. Such construction plans shall be based on plans which had received preliminary approval. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with the standards or specifications contained in the City Design and Infrastructure Standards and the City Construction Specifications, and eight (8) sets shall be submitted to the City Planning Department for review and approval.

Upon completion of the construction of all required streets, utilities and other facilities, as built drawings shall be prepared at the proprietor's expense by a Professional Engineer registered in the State of Michigan and submitted to the City.

6.08 TOPSOIL

Removal of topsoil from areas to be subdivided shall be prohibited except in those areas to be occupied by buildings, roads or parking areas. A plan for storage or stockpiling of topsoil shall be submitted by the proprietor with the Final Plat and shall be approved prior to receiving approval.

6.09 COMPLETION OF IMPROVEMENTS

Prior to the undertaking of any improvements, the proprietor shall deposit with the Clerk cash, a certified check or irrevocable bank letter of credit, whichever the city selects, or a surety bond acceptable to the City Commission, to insure faithful completion of all improvements within the time specified. The amount of the deposit shall be set by the City Commission based on an estimate of the City Engineer. All improvements shall be constructed and approved by the City before the final plat is approved. The City Commission shall release funds for the payment of work as it is completed and approved by the municipality.

Prior to the acceptance by the City of improvements, a two (2) year maintenance bond in an amount set by the City Commission shall be posted by the proprietor. Improvements shall be provided by the proprietor in accordance with the standards and requirements established in this ordinance and/or any other such standards and requirements which may, from time to time, be established by ordinance or published rules of the city.

6.10 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 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-ways, 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.

6.11 INTERPRETATION

The provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of the City. This ordinance is not intended to repeal, abrogate, annul or in any manner interfere with other ordinances or regulations of the City, nor conflict with any statutes of the State of Michigan or Lapeer County, except that this ordinance shall prevail in cases where this ordinance imposes a greater restriction than is provided by existing statutes, laws or regulations.

6.12 REVIEW FEES

The City Commission shall establish a fee schedule for the review of all applications included in this ordinance. This fee schedule may be amended by the City Commission, as needed.

6.13 VIOLATIONS AND PENALTIES

Violation of this ordinance shall be a misdemeanor which is punishable by imprisonment for not more than 90 days, or a maximum fine of \$500, or both.

6.14 SEVERABILITY

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

6.15 REPEAL

All ordinances and amendments thereto enacted and/or adopted by the City Commission inconsistent with the provisions of this ordinance are hereby repealed, as of the effective date of this ordinance. The repeal of the above ordinances and their amendments does not affect or impair any act done, offense committed, or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the adoption of this ordinance.

6.16 VARIATIONS FROM STANDARDS

- (A) In cases where variances from the dimensional standards of the City of Lapeer Zoning Ordinance are deemed necessary, said variances shall be granted by the Zoning Board of Appeals subject to the procedures and standards outlined in the City of Lapeer Zoning Ordinance.
- (B) Waivers from standards contained in the City of Lapeer Land Division Ordinance may be granted by the City Commission following a recommendation by the Planning Commission. The Planning Commission shall consider input from the appropriate public authority(s) in making its recommendation.
 - 1. In making its findings the Planning Commission shall consider the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons proposed to reside or work in the subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The Planning Commission shall include its findings and the specific reasons therefore in a report of recommendations to the City Commission and shall also record its reasons and actions in the minutes.
 - 2. The Planning Commission shall only recommend waivers that it deems necessary or desirable for the public interest. No waiver shall be recommended unless the Planning Commission finds the following:
 - a. That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this ordinance would clearly be impractical or unreasonable. In such cases, the proprietor shall first state his/her reasons in writing as to the specific provision or requirement involved and submit them to the Planning Commission.
 - b. That the granting of the specific waiver will not be detrimental to the public welfare or injurious to other property in the immediate area.
 - c. That such waiver will not violate the provisions of the Land Division Act.
 - d. That such waiver will not have the effect of nullifying the interest and purpose of this ordinance and the Master Plan of the City of Lapeer.

- (C) Application for any waiver or 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.

6.17 ENFORCEMENT

The City Commission hereby appoints the City Manager the enforcing officer of this ordinance, and it shall be his or her duty to enforce the provisions hereof. The City Manager may delegate these duties to another department or official, and may call upon any department or official of the City of Lapeer to furnish him or her with such information and assistance as he or she may deem necessary for the observance or enforcement of this Ordinance. It shall be the duty of such department or official to furnish such information and assistance whenever required.

6.18 EFFECTIVE DATE

This Ordinance shall become effective on the 15th day of October, 2003.