
CHAPTER 53**SUBDIVISION CONTROL****ARTICLE 1. TITLE AND PURPOSE**

5.281. Title. This Chapter shall be known and may be designated as the "City of Frankenmuth Subdivision Regulations."

5.282. Purpose. The purpose of this Chapter is to regulate and control the subdivision of land within the corporate limits of the Municipality, in order to promote the public health, safety, comfort, convenience and general welfare of the inhabitants of the Municipality, and to provide for the orderly growth and harmonious development of the Municipality, consistent with the Master Plan; to secure adequate traffic circulation through coordinated street systems so as to lessen congestion on the streets and highways; to insure adequate provisions for water, drainage and sanitary sewer facilities, and other health requirements; to achieve the maximum utility and livability on individual lots; to facilitate the further subdivision of large tracts into smaller tracts; and to provide logical procedures for the achievement of these purposes.

ARTICLE 2. DEFINITIONS

5.283. Definitions. The following definitions shall apply in the interpretation and enforcement of this Chapter.

- (1) ALLEY - The term "Alley" shall mean a minor vehicular way used primarily to serve as an access way to the rear or side of properties otherwise abutting on a street.
- (2) BLOCK - The term "Block" shall mean that 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.
- (3) COUNCIL - The term "Council" shall mean the City Council of the City of Frankenmuth. The term "Governing Body" shall also mean "Council" under this Chapter.
- (4) CUL-DE-SAC - The term "Cul-de-Sac" shall mean a minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn around.
- (5) EASEMENT - The term "Easement" shall mean a quantity of land set aside or over which a liberty, privilege or advantage is granted by the owner to the public, a corporation, or some particular person or part of the public for specific uses and purposes, and shall be designated a "public" or "private" easement depending on the nature of the user.
- (6) FINAL PLAT - The term "Final Plat" shall mean a map of all or part of a subdivision prepared and certified as to its accuracy by a registered engineer or land surveyor. Such maps must meet the requirements of the Subdivision Control Act, 1967 PA 288, as an amended, and be suitable for recording by the County Register of Deeds.

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- (7) **IMPROVEMENTS** - The term "improvements" shall mean 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, utilities or habitability.
- (8) **LOT** - The term "Lot" shall mean a parcel or portion of land separated from other parcels or portions by description as in a subdivision, or on a record survey map, or by metes and bounds for the purpose of sale, lease or separate use.
- (9) **MAJOR THOROUGHFARE** - The term "Major Thoroughfare" shall mean an arterial street of great continuity which is intended to serve as a large volume traffic-way for both the immediate Municipal area and region beyond, and may be designated in the Municipality'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.
- (10) **MARGINAL ACCESS STREET** - The term "Marginal Access Street" shall mean a minor street parallel and adjacent to a major thoroughfare; and which provides access to abutting properties and protection from through traffic.
- (11) **MASTER PLAN** - The term "Master Plan" shall mean 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.
- (12) **MINOR STREET** - The term "Minor Street" shall mean a street supplementary to a secondary street intended to serve the local needs of the neighborhood and of limited continuity used primarily as access to abutting residential properties.
- (13) **MUNICIPALITY** - The term "Municipality" shall mean the "City of Frankenmuth".
- (14) **PERSON** - The term "Person" shall mean individual, partnership, firm, corporation or association.
- (15) **PLANNING COMMISSION** - The term "Planning Commission" shall mean the City Planning Commission of the City of Frankenmuth.
- (16) **PRELIMINARY PLAT** - The term "Preliminary Plat" shall mean a map indicating the proposed layout of the subdivision in sufficient detail to provide an adequate basis for review and to meet the requirements and procedures set forth hereinafter.
- (17) **PUBLIC RESERVATION** - The term "Public Reservation" shall mean a portion of a subdivision which is set aside for public use and made available for public use and acquisition.
- (18) **PUBLIC UTILITY** - The term "Public Utility" shall mean any person, firm, or corporation, municipal department, board or commission, duly authorized to furnish, and furnishing under State or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.
- (19) **PUBLIC WALKWAY** - The term "Public Walkway" shall mean a right-of-way dedicated for the purpose of a pedestrian access through residential areas, and located so as to connect to two or more streets, or a street and a public land parcel.
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(20) **SECONDARY THOROUGHFARE** - The term "Secondary Thoroughfare" shall mean a street intended to serve as a major means of access from streets to major thoroughfares and has considerable continuity within the framework of the Major Thoroughfare Plan.

(21) **STREET** - The term "Street" shall mean a right-of-way dedicated to public use, which provide vehicular and pedestrian access to adjacent properties whether designated as a street, highway, thoroughfare, parkway, road, avenue, lane or however otherwise designated, and includes the land between right-of-way lines whether improved or unimproved, and may comprise pavement, curbs and gutters, shoulders, sidewalks, parking areas, lawn areas and other areas within the right-of-way lines.

(22) **SUBDIVIDER** - The term "Subdivider" shall be deemed to include the plural as well as the singular and may mean a person, firm, association, partnership, corporation, or any legal combination of them or any other legal entity proceeding under these regulations to affect a subdivision of land for himself or for another.

(23) **SUBDIVISION** - The term "Subdivision" shall mean the division of land as defined in 1967 PA 288, as amended.

(24) **TURN-AROUND** - The term "Turn-Around" shall mean a minor street of short length with two openings to traffic, beginning from the same street, and projecting parallel to each other and connecting at their termination by a loop.

(25) **WORDS** - Single words shall include the plural and masculine words shall include the feminine and neuter.

ARTICLE 3. PLATTING PROCEDURE AND DATA REQUIRED

5.284. Procedure. The preparation of a subdivision for platting shall go through two (2) stages including Preliminary Plat and Final Plat and in accordance with the procedure as follows:

5.285. Preliminary Investigation. Prior to the preparation of a Preliminary Plat the subdivider shall investigate the standards and requirements of the City including the following:

- (1) The area for the proposed subdivision shall be properly zoned for the intended use.
- (2) An investigation of adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to service the proposed subdivision shall be made by the subdivider.
- (3) The relationship of the proposed subdivision with respect to major thoroughfares and plans for widening of thoroughfares shall be investigated by the subdivider.
- (4) Standards for sewage disposal, water supply and drainage of the Municipality shall be investigated by the subdivider.

5.286. Preliminary Plat Procedure. The procedure for preparation and submittal of a preliminary plat of the land area to be subdivided shall be as follows:

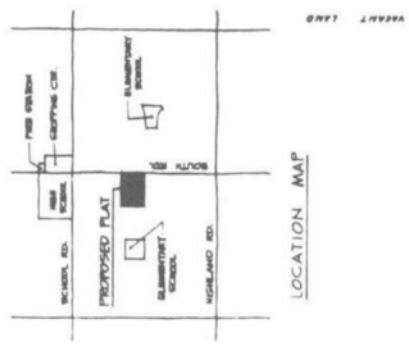
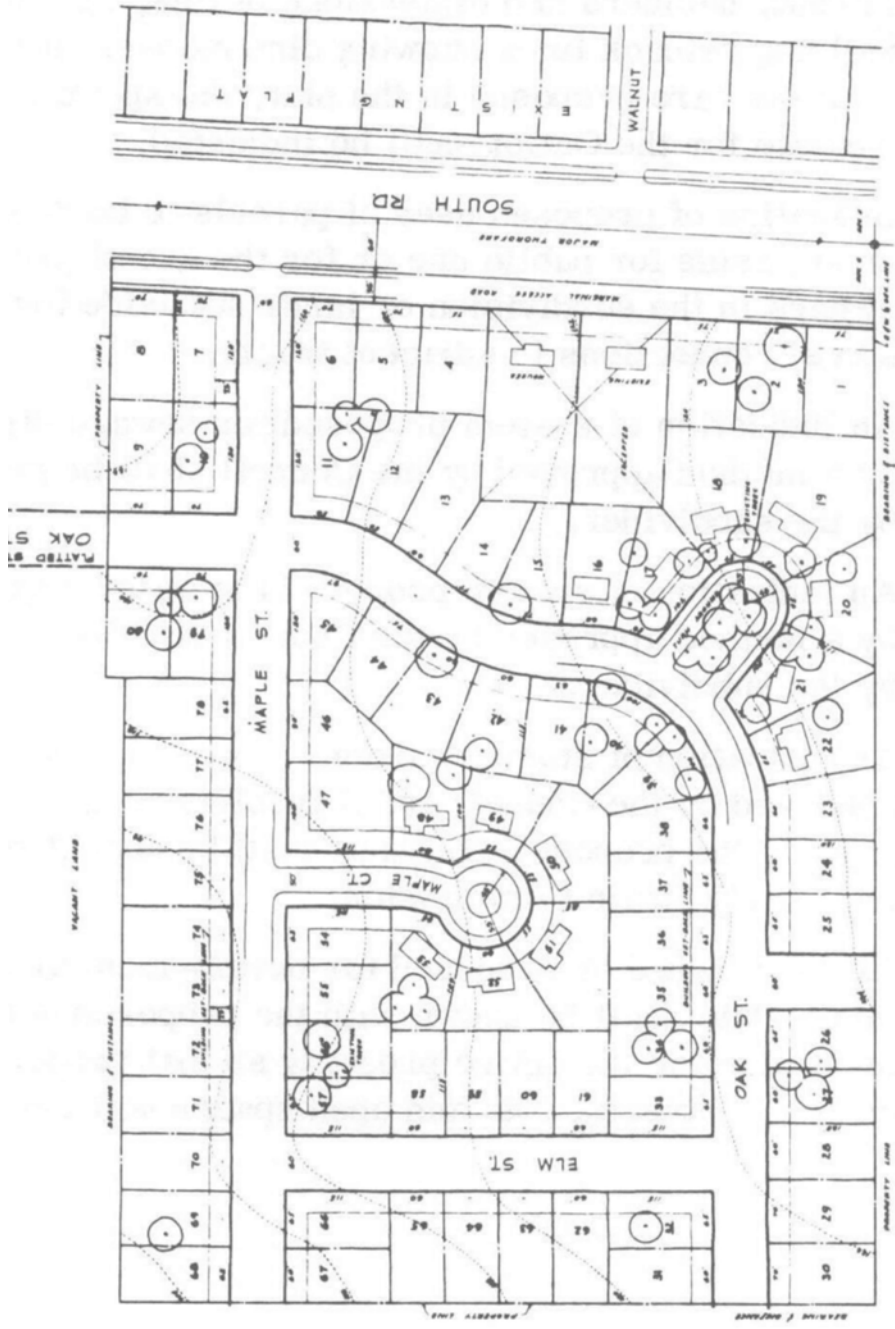
- (1) **Filing.** The subdivider shall submit the following to the Municipal Clerk, at least twenty (20) days prior to the regular Planning Commission meeting:

- (a) Three (3) copies of a letter of application for a preliminary plat review.
- (b) Seven (7) copies of the Preliminary Plat.
- (c) Submittal of a preliminary plat application fee as determined by a resolution of the City Council from time to time.

(Ordinance No. 1999-04, 05-04-1999)

(2) Data Required. The preliminary plat shall contain the following information:

- (a) Proposed name of subdivision.
- (b) Location by Section, Town and Range, or by other legal description.
- (c) Names and addresses of subdivider and planner, designer, engineer or a surveyor who designed the subdivision layout. The subdivider shall also indicate his interest in the land as to whether it is a land contract interest, or if he owns the property in fee.
- (d) Scale of plat, 1" equals 100' as minimum acceptable scale.
- (e) Date, north point, and scale.
- (f) Layout of streets indicating proposed names, rights-of-way widths and connections with adjoining platted streets and also the widths and locations of alleys, easements and public walkways.
- (g) Topography drawn as contours with an interval of five (5) feet. Topographic data is available at the Municipal Building.
- (h) Layout, numbers and dimensions of lots, including building setback lines showing dimensions. If any "Outlots" are proposed in the plat, the specific purpose for the Outlot shall be indicated.
- (i) Indication of proposed uses of parcels to be dedicated or set aside for public use or for the use of property owners in the subdivision or lands set aside for future street connections to adjacent tracts.
- (j) An indication of system proposed for sewage disposal by a method approved by the Council shall be provided by the subdivider.
- (k) An indication of system proposed for water supply by a method approved by the Council shall be provided by the subdivider.
- (l) An indication of storm drainage proposed by a method approved by the Council and if involving county drains, the proposed drainage shall be acceptable to the County Drain Commission.
- (m) All land owned or proposed for development at a future date shall be shown with the proposed development plan for the entire property so that proper design of streets, lots and open spaces will result.



A PROPOSED SUBDIVISION OF PART OF NW & SEC. 6 T2N,R8E.
 FOR JOHN J. JAMES DEVELOPERS, 206 MAIN ST. BEMIS, MICHIGAN
 BY SMITH & SMITH PLANNING CONSULTANTS 7332 ASH, ROYALTON, MICHIGAN



TYPICAL PRELIMINARY PLAT

5.287. Preliminary Plat Review By Planning Commission. The City Clerk shall place the proposed preliminary plat on the agenda of the next regular Planning Commission meeting. Should any data required in section 5.286 be omitted, the Secretary of the Planning Commission shall notify the subdivider of the additional data required and delay further Planning Commission action until the required data is received. The Planning Commission shall review a preliminary plat in the following manner:

- (1) All details of the proposed preliminary plat shall be reviewed within the framework of Chapter 51 (Zoning), the various elements of the Master Plan, and within the design standards of this Chapter.
- (2) The Planning Commission shall approve, approve conditionally, or disapprove the proposed plat.
 - (a) Should the approval be a conditional approval and therefore tentative, the subdivision layout shall not be forwarded to the Council until said conditions have been satisfied by the subdivider. The revised layout shall be marked as a revision and shall follow the filing procedure required in section 5.286.
 - (b) Should the Planning Commission disapprove the preliminary plat, it shall record the reasons in the minutes of its regular meeting. A copy of the minutes shall be sent to the subdivider.
 - (c) Should the Planning Commission find that all conditions have been satisfactorily met, it shall give preliminary approval to the subdivider; the Chairman and Secretary shall make a notation to that effect on each copy of the preliminary plat, returning one copy to the subdivider, forwarding three (3) copies to the Council with recommendations for preliminary approval, and retaining three (3) copies, one (1) of which shall become a matter of permanent record in Planning Commission files.
- (3) It shall be the duty of the Planning Commission to send notice by registered mail to the owners of land immediately adjoining the property to be platted of the presentment of the preliminary plat and the time and place of meeting of the Planning Commission to consider said preliminary plat; said notice shall be sent not less than five (5) days before the date fixed therefore.

5.288. Preliminary Plat Review By Council. The Council will not review a preliminary plat until it has received the review recommendations of the Planning Commission. Following the receipt of such recommendations, the Council shall consider the plat at such meeting that the matter is placed on the scheduled agenda.

- (1) Should the Council approve the preliminary plat, it shall be deemed to confer upon the subdivider, the right to proceed with the preparation of the final plat.
- (2) Preliminary approval shall not constitute approval of the final plat. It shall be deemed as approval of the layout submitted on the preliminary plat as a guide to the preparation of a final plat.
- (3) The approval of the Council shall be effective for a period of twelve (12) months. Should the final plat (as indicated in section 5.289) in whole or in part not be recorded within this time limit, the preliminary plat must again be submitted to the Planning Commission for approval.
- (4) No installation or construction of any improvements shall be made before the plat has received Council approval and only after the engineering plans have been approved by the Municipality's Engineer.

5.289. Final Plat Procedure. The procedure for the preparation and submittal of final plat of land area to be subdivided shall be as follows:

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- (1) Filing. The subdivider shall submit the following to the Municipal Clerk, at least ten (10) days prior to the regular meeting of the Planning Commission:
- (a) Three (3) copies of a letter of application for a final plat review.
 - (b) Five (5) linen-backed and seven (7) paper copies of the proposed final plat, drawn to a scale of 1" equals 100', and prepared by a registered civil engineer or surveyor.
- (2) Data Required. The final plat shall comply with the provisions of 1967 PA 288, The Subdivision Control Act, and shall contain the following information:
- (a) Name of subdivision, and name of owner, the subdivider, and engineer.
 - (b) Date, north point, and scale.
 - (c) Exact location of subdivision and description of all monuments, found or placed, in making the survey.
 - (d) Boundaries of the subdivided area with accurate distances and bearings noted thereon.
 - (e) The lines, names and widths, or dimensions, of all proposed street rights-of-way.
 - (f) The lines, widths, and purposes of all easements.
 - (g) Numbered designation of all lots in the subdivision, with their lines and dimensions accurately shown.
 - (h) The names of all adjacent subdivisions.
 - (i) Certification by the registered professional engineer or land surveyor who designed the final plat, as to the accuracy of the survey and plat.
 - (j) Dedication, by the owner, of lands for public use, including streets and walkways.
 - (k) 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 subdivider proposed to record and develop at the time, provided, however, that such portion conforms to these Subdivision Regulations.
 - (l) The subdivider shall submit such evidence of title, either the opinion from an attorney as to title showing any interests of record, or shall furnish an abstract of title certified to date, or at the option of the subdivider, a policy of the title insurance for examination in order to ascertain as to whether or not the proper parties have signed the plat.

5.290. Final Plat Review by Planning Commission. The City Clerk shall place the proposed final plat on the agenda of the next regular Planning Commission meeting which follows the submittal by no less than ten (10) days. Should any data required in section 5.289 be omitted, the Secretary of the Planning Commission shall notify the subdivider of the additional data required and delay Planning Commission action until the data is received. The Planning Commission shall review a final plat in the following manner:

- (1) All details of the proposed final plat shall be reviewed within the framework of the Design Standards and Improvement Sections of this Subdivision Regulations Chapter.

(2) The Planning Commission shall examine the final plat and shall approve or disapprove the plat within thirty (30) days of the time of its submittal.

(a) Should the Planning Commission find that the final plat is in substantial agreement with the preliminary plat, it shall approve the same and notify the Council of this action in its official minutes.

(b) Should the Planning Commission find that the final plat does not conform substantially to the previously approved preliminary plat, and that it is not acceptable, it shall record the reason in its official minutes and forward same to the Council; and recommend that the Council disapprove the final plat until the objections causing disapproval have been changed to meet with the approval of the Planning Commission.

(3) The action of the Planning Commission shall be shown on the paper copies of the final plat, with the date of the action over the signature of the Chairman and Secretary.

5.291. Final Plat Review by Council. The Council shall review all recommendations of the Planning Commission and take action to approve or disapprove the final plat.

(1) After the Planning Commission and Council have approved the final plat, no change shall be made therein unless said plat is resubmitted for review and approval, following the requirements of section 5.290.

(2) Upon approval of the final plat by the Council, the subsequent approvals shall follow the procedure set forth in the Subdivision Control Act.

(3) When evidence of completion of required improvements or deposit of performance guarantee has been received by the Clerk, he shall transcribe a certificate of approval of the Council on the Plat and deliver it to the Clerk of the County Plat Board.

(4) No construction of improvements shall be commenced by the subdivider until he has received notice of the conditional approval of the Council.

ARTICLE 5. DESIGN STANDARDS

5.294. Design Standards for Proposed Subdivisions. The design standards included in this Article 5 shall only apply to future proposed developments including streets, street intersections, easements, block dimensions, public walkways, public reservations, lot sizes and shapes, lot arrangements, flood plain requirements, natural features requirements, private easements and other miscellaneous requirements that may be required as part of new proposed subdivision developments.

5.295. Major Street Location and Arrangement. The proposed subdivision shall conform to the various elements of the Master Plan and shall be considered in relation to existing and planned major thoroughfares and secondary thoroughfares, and such part shall be platted in the location and the width indicated on such plan.

5.296. Minor Street Location and Arrangement. The proposed subdivision street layout shall include minor streets so laid out that their use by through traffic shall be discouraged. The street layout shall provide for a continuation of streets in adjoining subdivisions or for the proper projections of streets when adjoining property is not subdivided.

5.297. Marginal Access Streets. Should a proposed subdivision border on or contain an existing or proposed major thoroughfare the Planning Commission may require marginal access streets, reverse frontage with an approved screen planting contained in a non-access reservation along the rear property line having a minimum width of fifteen (15) feet, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.

5.298. Street Rights-of-Way Widths. Street rights-of-way widths shall conform to at least the following minimum right of way widths:

<u>Street Type</u>	<u>R/W Width</u>
a. Major Thoroughfare	86 feet
b. Secondary Thoroughfare	66 feet
c. Minor Streets	60 feet
d. Cul-de-sac Streets	60 feet street and 140 feet diameter turn-around

5.299. Street Widths. Unless otherwise determined by City Council, the width of streets of more than 1,000 feet in length will be a minimum of 38 feet face of curb to face of curb, and the width of streets of less than 1,000 feet in length will be a minimum of 28 feet face of curb to face of curb. Cul-de-sacs will have a minimum diameter of 108 feet. Pavements shall be asphalt or concrete, with concrete curb and gutter on each side of the pavement.

5.300. Sidewalks. Unless otherwise determined by City Council, a concrete sidewalk of not less than 4-1/2 foot width with one foot of space between the sidewalk and street right-of-way line will be required on each side of all new streets.

5.301. Half Streets. 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; and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be subdivided, a dedication or platted and recorded half street, the other half shall be platted.

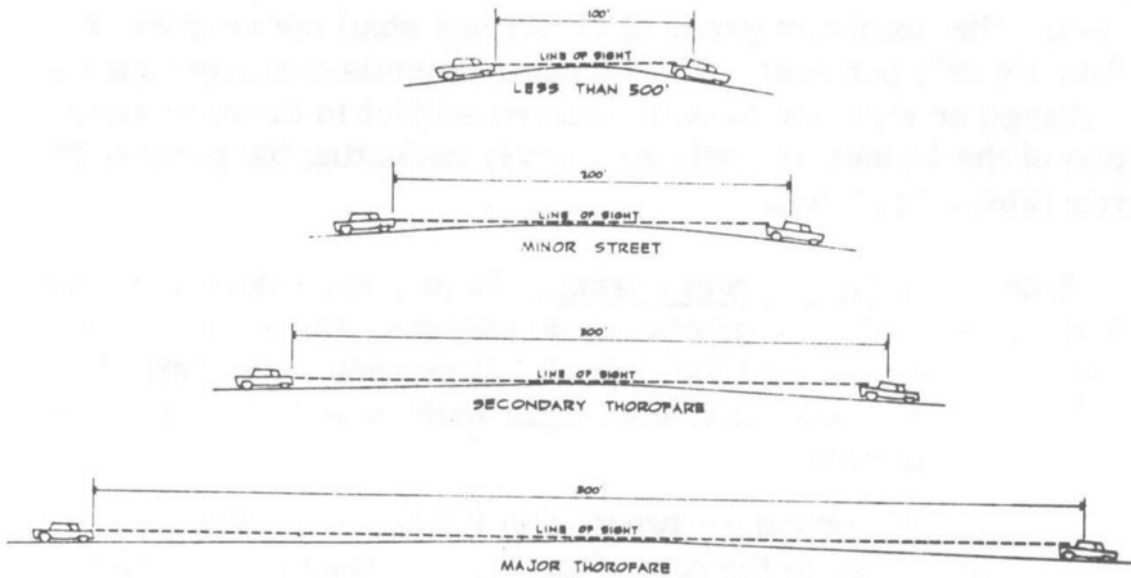
5.302. Access to Streets. Access to streets across all ditches shall be provided by the subdivider in a standard method approved by the City.

5.303. Street Grades. For adequate drainage, the minimum street grade shall not be less than one-half of one (0.5%) per cent. The maximum grade of all streets shall not be greater than six (6%) per cent. The Planning Commission may approve a change or variance to this standard subject to the recommendation of the Municipal Engineer clearly indicating the purpose for requiring a variance.

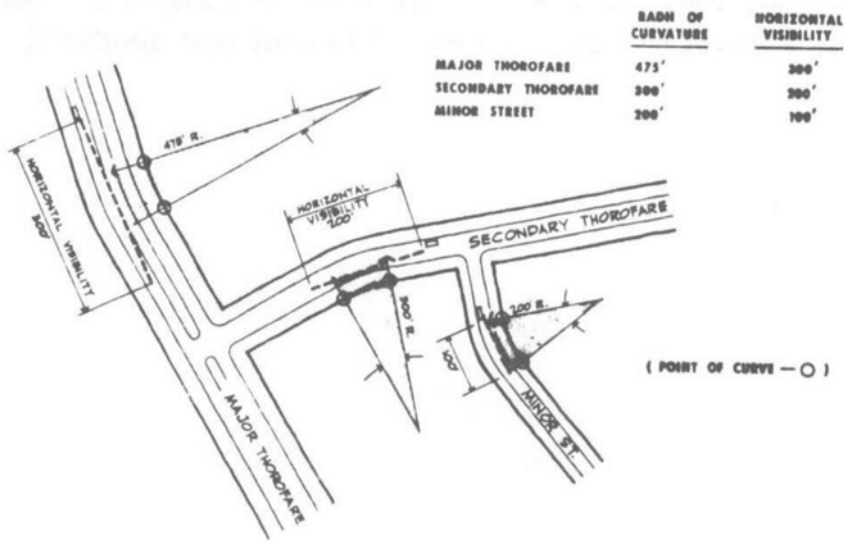
5.304. Vertical Street Curves. Major, secondary and minor thoroughfares shall have profile grade changes, where the grade change is over one and one-half (1.5%) per cent, connected by vertical curves of a minimum length equivalent to the following algebraic differences:

- (1) Major thoroughfare - twenty (20) times the algebraic difference in the rate of grade, expressed in feet per hundred.
- (2) Secondary thoroughfare - fifteen (15) times the algebraic difference in rate of grade, expressed in feet per hundred.
- (3) Minor thoroughfare - ten (10) times the algebraic difference in rate of grade, expressed in feet per hundred.

VERTICAL VISIBILITY



MINIMUM HORIZONTAL VISIBILITY & RADII OF CENTERLINE CURVATURE



5.305. Horizontal Street Curves. The radii of the minimum horizontal centerline curvature for major, secondary and minor thoroughfares shall be as follows:

- (1) Major thoroughfares – 12 degree- 475 ft. radius
- (2) Secondary thoroughfares – 19 degree - 300 ft. radius
- (3) Minor streets – 28 degree - 200 ft. radius

A minimum of at least fifty (50') foot tangent shall be introduced between reverse curves.

5.306. Vertical Street Visibility. The minimum vertical visibility (measured from four and one-half (4 1/2') foot eye level to eighteen (18") inch tail light) shall be:

- (1) 500 ft. on Major thoroughfares
- (2) 300 ft. on Secondary thoroughfares
- (3) 200 ft. on Minor streets
- (4) 100 ft. on Minor streets less than 500 ft. in length

5.307. Horizontal Street Visibility. The minimum horizontal visibility (measured on centerline) shall be:

- (1) 300 ft. on Major thoroughfares
- (2) 200 ft. on Secondary thoroughfares
- (3) 100 ft. on Minor streets

5.308. 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 secondary thoroughfares shall do so with tangent section of centerline fifty (50') feet in length, measured from the right-of-way line of the major or secondary thoroughfare.

5.309. Easements. Subject to rights granted by franchise, 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 and shall incorporate and be in conformance with 1967 PA 288, as amended. Recommendations on the proposed layout of public utility easements shall be sought from all utility companies serving the area.

5.310. Block Dimensions. Blocks within subdivisions shall conform to the following standards except where, in the opinion of the Planning Commission, physical conditions may justify a variation:

	Minimum	Maximum
(1) Length	780 ft.	1,300 ft.
(2) Width	220 ft.	360 ft.

5.311. Public Walkways. Locations of public walkways may be required by the Planning Commission to obtain satisfactory pedestrian circulation within the subdivision, where blocks exceed nine hundred (900') feet in length. Width of all such public walkways shall be at least twelve (12') feet and shall be in the nature of an easement for this purpose.

5.312. Public Reservations. When consideration is given by the subdivider to the allocation areas suitably located and of adequate size for playgrounds, school sites, parks, and recreation facilities, said areas shall be provided by one of the following methods:

- (1) Dedication to the Municipality.
- (2) Reservation of land for the use of property owners by deed or covenants.
- (3) Reservation for acquisition by the Municipality or School Board within a period of two (2) years. Said reservation shall be made in such a manner as to provide for a release of the land to the subdivider in the event that the Municipality or the School Board does not proceed with the purchase.

Due regard shall be shown for preservation of outstanding natural features such as scenic spots, water courses or groves of trees.

5.313. Lot Sizes and Shapes. Lots within subdivisions shall conform to the following standards:

- (1) Lot widths, areas, and building setback lines shall conform to at least the minimum requirements of Chapter 51 (Zoning).
- (2) Residential lots having excessive depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall normally be considered a maximum.
- (3) Corner lots in residential areas shall be platted a minimum of one hundred (100) feet width in order to permit conformance to setback lines on side lotted streets.
- (4) Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provisions for off-street parking and off-street loading all in accordance with the requirements of Chapter 51 (Zoning).

5.314. Lot Arrangements. Lots within subdivisions shall conform to the following standards:

- (1) Every lot shall front or abut on a street.
- (2) Side lot lines shall be at right angles or radial to the street lines, or as nearly as possible thereto.
- (3) Residential lots abutting major thoroughfares or secondary thoroughfares, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots with an approved screen planting contained in a non-access reservation along the rear property line having a minimum width of fifteen (15) feet, or such other treatment as may be adequate for protection of residential properties, or with side lot lines parallel to the major traffic streets, or shall be platted with extra depth to permit generous distances between building and such trafficway.

(4) Lots shall have a front to front relationship across all streets. Any deviation shall require an approval of the Planning Commission.

5.315. Flood Plain. 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 not be plotted for any use as may increase danger to health, life, or property. The subdivider may show by way of accurately engineered plans that a change to the topography in the proposed subdivision will eliminate flooding in the area in question and shall clearly demonstrate that any such planned topographical change will not unduly aggravate the flood hazard beyond the limits of the proposed subdivision. If the Governing Body determines that a flood problem does exist, then it shall reject all or that part of the proposed subdivision lying within the flood plain.

5.316. 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 subdivider and the dedication and provision of adequate barriers, where appropriate, shall be required.

5.317. Private Easements. Lots within a subdivision may be subject to private easements for access to adjoining properties or for such other restricted uses such as location of utilities for the benefit of adjoining parcels. Such easement shall be no less than ten (10) feet or no more than thirty (30) feet in width.

(Ordinance No. 1990-3, Sec. 1, 01-09-1990; Ordinance No. 2006-12, 11-08-2006; Ordinance No. 2006-13, 11-08-2006)

ARTICLE 6. IMPROVEMENTS

5.321. Minimum Acceptable Standard. 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 the Governing Body. All improvements shall meet the approval of the Governing Body.

5.322. Financing. Whenever a subdivider desires to install public improvements within an area being subdivided he shall:

- (1) First obtain the approval of the City Engineer of all plans and specifications for such installation.
- (2) Advertise for and take bids for the improvements and determine the bidder to whom he wishes to award the contract or the City may undertake such work upon petition submitted by the developer and agreed to by the Council.
- (3) Obtain the concurrence and approval of the City Engineer as to the qualifications of the bidder to whom the contract is to be awarded.
- (4) The subdivider shall enter into a contract with the City of Frankenmuth to make, install and complete all the improvements and shall insure completion of the same by filing a cash bond, a faithful performance bond issued by a surety company acceptable to the City, in favor of the City or an irrevocable letter of credit from a bank located in the State of Michigan, in a sum equal to the estimated cost of the improvements.

(5) Thereupon the subdivider or the City, at the option of the City, shall award the contract naming the City Engineer as the Project Engineer and the City as the Paying Agent for Progress Payments during the construction of any and all improvements to be made in the newly platted area. The City Engineer shall have full control of all the construction work and shall control all Progress Payments to be made and have full and complete supervision of all contractors under the subject contract.

(6) Prior to acceptance of improvements by the City, a one year maintenance bond in an amount set by the Governing Body shall be posted by the subdivider.

5.323. Streets. Street and utility improvements shall be provided by the subdivider in accordance with the standards and requirements described as follows:

(1) Major Thoroughfares. A 120 foot right-of-way with pavements as determined by the Governing Body or by appropriate State agency and a concrete sidewalk of not less than 4-1/2 foot width on each side of the roadway. One foot or more of space shall be maintained between the sidewalk and right-of-way line on each side.

(2) Collector Streets. 86 Foot right-of-way, 36 to 44 foot face of curb to face of curb, rigid base concrete pavement, curb and gutter each side of pavement, and a concrete sidewalk of not less than 4 1/2 foot width on each side of the roadway. One foot or more of space shall be maintained between the sidewalk and right-of-way line on each side.

(3) Minor Streets. 60 Foot right-of-way, 28 foot, face of curb to face of curb, asphalt or concrete pavement with curb and gutter each side of pavement, and a concrete sidewalk of not less than 4 1/2 foot width on each side of roadway with one foot of space between sidewalk and right-of-way line on each street.

(4) Marginal Access Streets. 34 Foot right-of-way, 20 foot, face of curb to face of curb, asphalt or concrete, with concrete curb and gutter each side of pavement, and a concrete sidewalk of not less than 4-1/2 foot width on each side of roadway with one foot of space between sidewalk and right-of-way line on each side.

(5) Grading and Centerline Gradients. Per plans and profiles approved by the Governing Body.

(6) Curbs and Gutters. In accordance with details and specifications prescribed by the Governing Body.

(7) Roadway Pavements. In accordance with details and specifications prescribed by the Governing Body.

(8) Sidewalks. Concrete sidewalks shall be constructed along both sides of every street shown on the plat; provided, however, that where the property is platted in lots having an area of 10,000 square feet and a width of at least 100 feet, the Governing Body may waive this requirement. Sidewalks, where required, shall be not less than 4 1/2 feet wide, and shall be placed one foot off property lines.

(9) Storm Drainage System and Other Drainage Improvements. Per plans approved by the Governing Body. Where County drains are involved, a letter or document of approval from the County Drain Commissioner must be submitted by the subdivider.

(10) Sewage Disposal. Per plans approved by the Governing Body.

(11) Water Supply. Water distribution system - per plans approved by the Governing Body and in conformance with the Regulations of the Michigan Department of Health relating to Municipal Water Supplies.

(12) **Trees.** Existing trees near street rights-of-way shall be preserved by the subdivider. Street trees shall be provided at least one per lot in the street right-of-way between sidewalk and curb.

(13) **Street Signs.** Street name signs shall be placed at all street intersections and shall be of a permanent weather resistant construction with street name visible from two directions.

ARTICLE 7. INTERPRETATION

5.324. **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 City of Frankenmuth. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the City of Frankenmuth, nor to conflict with any statutes of the State of Michigan or Saginaw 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 8. FEES; VIOLATIONS AND FINES

5.325. **Fees.** Engineering fees, inspection fees, water and sewer connection charges and other applicable development charges may be provided for by resolution.

5.326. **Violation; Municipal Civil Infraction.** A person who violates any provision of this Chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each violation. Repeat offenses shall be subject to increased fines as provided by Section 1.12(3)(b) of this Code. The Zoning Administrator is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the City of Frankenmuth Municipal Ordinance Violations Bureau) for violations under this Chapter as provided by this Code.

(Ordinance No. 2002-05, 08-07-2002)