

VILLAGE OF DRYDEN
SUBDIVISION DEVELOPMENT REGULATIONS
ORDINANCE NUMBER 44

An Ordinance to enact regulations for the development of subdivisions within the Village of Dryden; to provide procedures therefore; to provide design standards for subdivision plats; to provide engineering standards therefore; and to provide for the division of platted lots.

THE VILLAGE OF DRYDEN ORDAINS:

SECTION 1. DEFINITIONS.

All terms as defined in the Subdivision Control Act of 1967 shall control in this Ordinance unless specifically defined hereafter. For the purpose of this Ordinance, certain words, terms and phrases shall be defined as follows:

- a. Building Line or Setback Line: A line parallel to the road right-of-way line, established on a parcel of land for the purpose of prohibiting construction of a building between such line and the road right-of-way line.
- b. Clerk: The Clerk of the Village of Dryden.
- c. Improvements: Grading, street surfacing, curb and gutter, sidewalks, crosswalks, water mains and lines, sanitary sewers, culverts, bridges, utilities, and other additions to the natural state of land which increases its value, utility or habitability.
- d. Municipal Engineer. The consulting engineer of the Village of Dryden.
- e. Performance Guarantee: Any security including performance bonds, letters of credit, cash deposits, escrow agreements, and other similar collateral or surety agreements, which may be accepted by the Village Council as a guarantee that required subdivision improvements will be made by the developer.
- f. Proprietor: A person, firm, association, or combination of any of them which may hold any ownership interest in land, whether recorded or not.
- g. Subdivision Act: Act Number 288 of the Michigan Public Acts of 1967, as amended, known as the "Subdivision Control Act of 1967."

h. Subdivision or Subdividing: The dividing of a parcel of land for the purpose of sale, or lease of more than one year, or building development, where the act of division creates five (5) or more parcels of land, each of which is ten (10) acres or less in area within a period of ten (10) years.

i. Village: The Village of Dryden.

j. Village Council: The Village Council of the Village of Dryden.

SECTION 2. PRELIMINARY SUBDIVISION PLAT.

a. Filing:

1. The proprietor shall submit at least four (4) copies of the preliminary plat of the proposed subdivision to the Village Clerk at least ten (10) days before a meeting of the Village Council.

2. The preliminary plat shall be prepared in accordance with the Subdivision Act and in accordance with the requirements of this Ordinance.

3. The proprietor shall submit evidence that a copy of the preliminary plat has been delivered to the appropriate school district.

b. Identification and Description:

The following information shall be provided with the preliminary plat:

1. Proposed name of subdivision.

2. Location of Section, Town and Range, or by other legal description.

3. Names and addresses of the proprietor and the person who designed the subdivision layout.

4. Date, northpoint and scale of plat 1" = 100' as minimum acceptable scale.

5. An over-all area map at a scale of not less than 1" = 2,000' showing the relationship of the subdivision to its surroundings such as section lines and/or major streets or collector streets shall be provided.

6. Boundary line of proposed subdivision and over-all property dimensions.

7. Property lines of contiguous adjacent tracts of land are to be shown in relation to the tract being proposed for subdivision including those located across abutting roads.

8. Location, widths, and names of existing or prior platted streets and private streets, public areas and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.

9. Location and water levels of lakes and swamps, and the direction or flow of streams and surface drainage.

10. Location of existing sewers, water mains, storm drains and other underground facilities within the adjacent to the tract being proposed for subdivision.

11. Topography drawn at contours with an interval of two (2) feet in elevation.

12. Soil types and characteristics.

13. Trees on the site shall be inventoried and sketched as to type and location.

14. Layout of proposed streets indicating street names, right-of-way widths, and connections with adjoining platted streets and also the widths and location of alleys, easements and public walkways.

15. Layout, numbers and dimensions of lots, including building setback lines.

16. Parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.

17. Existing and proposed use of any parcels excepted from the preliminary plat. If the proprietor has an interest or owns any parcel so identified as "excepted," the preliminary plat shall indicate how this property would 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.

18. Location of the required underground utilities.

19. Proposed utility installations.

20. Plan of any proposed water areas indicating depths, normal water levels, slopes and type of bank retention; methods of controlling insects, water growths and vegetation.

21. In the case where the proprietor wishes to subdivide a given area, but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout of 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:

C. Review by Village Council:

1. The Village Council shall act on the preliminary plat within ninety (90) days after the date that all necessary information is provided, unless the proprietor agrees to an extension.

2. Review fees, as established by motion of the Village Council, shall be paid to the Village treasurer prior to review of the proposed plat.

3. The Village Council shall send a notice 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 the meeting of the Village Council to consider said preliminary plat. The notice shall be sent not less than five (5) days before the date of the meeting.

4. The Village Council may direct that copies of the preliminary plat be transmitted to the Municipal Engineer for technical review and recommendation.

5. The Village Council shall review the preliminary plat as to the following:

1. Zoning ordinance compliance.
2. Availability and adequacy of utilities.
3. Impact on schools and public facilities.
4. Land use plan compliance.
5. Transportation network.
6. Surrounding land uses.
7. Objectives and policies of the Village.

6. Should the Village Council approve the preliminary plat, it shall be deemed to confer upon the proprietor the right to proceed with the submission of the preliminary plat to the county and state agencies required in the Subdivision Act.

7. The tentative approval of the preliminary plat by the Village Council shall be effective for a period of one year. Should the preliminary plat, as reviewed and approved by the required county and state agencies, not be submitted within this time limit, the preliminary plat must again be submitted to the Planning Commission for recommendation to the Governing Body.

8. Upon submission of the preliminary plat as reviewed and approved by the required county and state agencies, the Village Council shall consider and review the plat within twenty (20) days. If final preliminary plat approval is granted by the Village Council, such approval shall be effective for a period of two (2) years. Such approval shall be deemed to confer upon the proprietor the right to proceed with the preparation of the final plat.

9. No installation or construction of any improvements shall be made before the preliminary plat has been approved by the Village Council and any deposits required have been received by the Village.

SECTION 3. FINAL SUBDIVISION PLAT.

a. Preparation:

1. The final plat shall comply with the provisions of the Subdivision Act.

2. The final plat shall conform substantially to the preliminary plat as approved.

b. Final Plat Review:

1. Five (5) mylar copies and two (2) paper prints of the final plat shall be filed by the proprietor with the Clerk and shall deposit such sums of money as the Village Council may require.

2. The final plat, at the discretion of the Village Council, may be reviewed by the Municipal Engineer as to compliance with the approved preliminary plat and plans for utilities and other improvements.

3. The Village Council shall review the final plat for compliance with the items specified in Section 2.C.5. of this ordinance.

4. The Village Council shall review all recommendations and take action on the final plat within thirty (30) days of its date of filing.

5. Upon approval of the final plat by the Village Council, the subsequent approvals shall follow the procedure set forth in the Subdivision Act. The two (2) prints shall be distributed to the Clerk and to the Building Inspector. The five (5) mylar copies shall be forwarded to the County Plat Board.

6. The proprietor shall be solely responsible for the paying for all public improvements within the subdivision plat. In lieu of the proprietor having installed improvements, the Village Council shall require of the proprietor as a condition of final plat approval, a deposit in the form of cash, certified check, or irrevocable bank letter of credit running to the Village for the full cost, as estimated by the Municipal Engineer, of all public improvements including public places, the installation of any required monuments, corner markers, public sewer, water supply, streets, and drainage facilities, to insure the completion of said improvements and facilities within a length of time established by the Village Council. The Village shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.

7. A copy of the proposed Subdivision Deed Restrictions or Protective covenants or a statement in writing that none are proposed shall be furnished to the Village Council to be filed with the Village copy of the final plat.

SECTION 4. SUBDIVISION DESIGN STANDARDS.

a. Streets:

1. The proposed subdivision shall conform to all established Village plans and shall be considered in relation to the existing and planned major thoroughfares. The proposed subdivision shall also conform to any state, or county right-of-way plan which may be applicable to that location.

2. The street layout shall provide for continuation of streets in adjoining subdivisions. Where the adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas.

3. The street layout shall discourage the use of minor streets by through traffic.

4. Should a proposed subdivision border on an existing or proposed major thoroughfare, the Village may require access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and reduction of traffic hazards.

5. Streets shall be arranged in proper relation to topography so as to result in desirable and usable lots, and safe streets with reasonable grades.

6. Street Intersections: Streets shall be laid out so as to intersect as nearly as possible to ninety (90) degrees.

7. Streets: All streets and appurtenances thereto shall be constructed in accordance with details and specifications approved by the Lapeer County Road Commission and the Village of Dryden.

b. Easements:

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 not less than ten (10) feet wide.

2. Recommendations on the proposed layout of telephone and electric company easements should be sought from all 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. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width for construction as will be adequate for the purpose. Such easements shall meet the approval of the County Drain Commissioner and/or County Road Commission.

c. Lots:

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. Lot areas and widths shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision is proposed.

3. Building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance.

4. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of ot more than 4 to 1 shall be desirable.

5. Corner lots in residential subdivisions shall be platted at least ten (10) feet wider than the minimum width permitted by the Zoning Ordinance.

6. Side lot lines shall be at right angles or radial to the street lines whenever possible.

7. Residential lots abutting major streets shall be platted with reverse frontage, or with side lot lines parallel to the major traffic streets, or shall be platted with extra depth to permit adequate distances between buildings and such streets.

8. Lots shall have a front-to-front relationship across all streets where possible.

9. Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes.

10. Where parcels of land are subdivided into unusually large lots (such as when large lots are required for septic tank operations), the parcels shall be designed, where feasible, so as to allow for resubdivision into smaller lots in a logical fashion.

d. Natural Features:

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

e. 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.

f. Public Sites and Open Spaces:

When the proprietor is willing to provide playgrounds, school sites, parks and recreation facilities, said area shall be provided by one of the following methods:

1. Dedication to the Village or School District.
2. Reservation of land for use of property owners by deed or covenants.

3. Reservation for acquisition by the Village or School Board. Said reservations shall be made in such a manner as to provide for a release of the land to the proprietor in the event that the Village or the School Board does not proceed with the acquisition.

SECTION 5. IMPROVEMENTS:

a. Minimum Standards:

The improvements set forth in this ordinance are to be considered as the minimum acceptable standard. All improvements must meet any additional requirements imposed by the Village and other governmental units.

b. Utilities:

1. Underground Wiring: All local distribution lines for telephone, electric, television and other similar services distributed by wire or cable shall be placed underground throughout the area subdivided for residential use, except for main supply and perimeter feet distribution lines which serve areas outside the subdivided area, and except for surface facilities related to underground service. Such wires, conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways.

2. Sewage Disposal: When a proposed subdivision is located within, adjacent to or reasonably near the service area of a municipal public sewer system, sanitary sewers and other required appurtenances thereto, shall be installed in such a manner as to adequately serve all lots from the municipal system. In the event of the non-existence or non-availability of a municipal sewer system, septic tank systems shall be approved by the County Health Department.

3. Water Supply: When a proposed subdivision is located within, adjacent to or reasonably near the service area of a municipal water supply system, water mains, fire hydrants and required water system appurtenances shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat, both for domestic use and fire protection. In the event of the non-existence or non-availability of a municipal water supply system, private wells shall meet approval of the County Health Department.

4. Storm Drainage System: An adequate storm drainage system including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances shall be required in all subdivisions. Adequate provisions shall be made for proper drainage of storm water run-off from each residential lot.

c. Sidewalks:

a. A four (4) foot side concrete sidewalk located one foot from the property line on the side or sides of the roadway abutting the subdivision may be required. In those instances where no good purpose would be served by the provision of sidewalks, the Village Council may waive this requirement.

d. Street Trees:

Street trees shall be provided; at least one (1) per lot or not less than one (1) tree for each one hundred (100) feet of street frontage on each side of the street. The species of each tree shall be maple unless an alternate species is approved by the Village Council at the time the plat is approved.

SECTION 6. ENGINEERING DESIGN STANDARDS:

a. General Requirements:

1. Plans submitted shall be on 24" x 36" or 22" x 36" white prints having blue or black lines, and shall be neatly prepared.

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

3. Elevations shall be on United States Geological Survey datum.

4. Finished grades of structures shall be indicated on the plan or profile for all structures.

5. All engineering plans submitted shall bear the seal of a Registered Professional Engineer.

6. One mylar copy of As-Built plans of water, sanitary sewer, roads and storm sewer system and certification from a Registered Professional Engineer that all surface grades, roads and structures are in conformance with the approval plan shall be provided prior to acceptance of the subdivision improvements by the Village.

b. Review:

For Village approval of sanitary sewer systems, storm sewers or water mains, the applicant shall furnish to the Village a detailed estimate of the cost and two sets of the plans including the general plan, for the system on which he desires approval. The Village shall collect and review fee and refer the plans to the Municipal Engineers, who shall check the estimate and review plans for conformity to the standards of the Village and certify that they are consistent with the

over-all utility plans of the Village. The applicant, after making any changes requested on the set of plans returned to him, shall then submit the revised plans to the Village, for final approval.

SECTION 7. DIVISION OF EXISTING LOTS WITHIN A SUBDIVISION.

Any lot, outlot, or other parcel in a recorded subdivision plat may be further partitioned or divided so as to total not more than four (4) parts which meet the following minimum requirements.

a. The minimum size of any parcel of land created pursuant to this section shall be in accordance with the minimum requirements of the Zoning Ordinance, except when the dividing of such land is for the use of such divided land in conjunction with an adjoining parcel of land.

b. The petitioner shall submit a scale drawing of the proposed lot split to the Village Council. The drawing must show all existing structures on the lot. The petitioner shall also provide proof of ownership of the lot or lots to be split.

c. If the division of the parcel will result in a lot size less than the requirements of the Zoning Ordinance, the applicant shall submit an affidavit in form legally sufficient for recording with the Register of Deeds and signed by all persons who have any ownership interest in the parcel acknowledging that they understand that the divided parcel shall thereafter be used only in conjunction with the adjoining parcel.

d. Any division shall be permitted only after a motion permitting the division has been passed by the Village Council.

The undersigned President and Clerk of the Village of Dryden hereby certify that this Ordinance was adopted by the Dryden Village Council at a meeting duly held on the 6th day of March, 1989 and was published in the Tri-City Times on the 15th day of March, 1989. This Ordinance was made effective twenty days after said date of adoption.

Dean Williams
Dean Williams, President

Pam Krauth
Pam Krauth, Clerk