

Detroit Ordinances

ORDINANCE NO. 56

AN ORDINANCE PROVIDING FOR SUBDIVISION AND LAND PARTITIONING STANDARDS AND PROCEDURES.

The City of Detroit ordains as follows:

Section 1. Definitions. As used in this ordinance, the following words and phrases shall mean:

- (1) Building line. A line on a plat or map indicating the limit beyond which buildings or structures may not be erected.
- (2) City. The city of Detroit.
- (3) Development plan. A city plan for the guidance of growth and improvement of the city, including modifications or refinements which may be made from time to time.
- (4) Easement. A grant of the right to use a strip of land for specific purposes.
- (5) Lot. A unit of land that is created by a subdivision of land.
 - (a) Corner lot. A lot at least two adjacent sides of which abut streets other than alleys; provided, the angle of intersection of the adjacent streets does not exceed 135 degrees.
 - (b) Reversed corner lot. A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.
 - (c) Through lot. A lot having frontage on two parallel or approximately parallel streets other than alleys.
- (6) Map. A final diagram, drawing or other writing concerning a major partition.
- (7) Parcel. A unit of land that is created by a partitioning of land.
- (8) Partition. Either an act of partitioning land or an area or tract of land partitioned as defined in this section.
 - (a) Major partition. A partition which includes the creation of a street.
 - (b) Minor partition. A partition that does not include the creation of a street.
- (9) Partition land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the zoning ordinance.
- (10) Pedestrian way. A right-of-way for pedestrian traffic.
- (11) Person. A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as

Detroit Ordinances

a unit.

- (12) Planning commission. The planning commission of the city.
- (13) Plat. The final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- (14) Right-of-way. The area between boundary lines of a street or other easement.
- (15) Roadway. The portion of a street right-of-way developed for vehicular traffic.
- (16) Sidewalk. A pedestrian walkway with permanent surfacing.
- (17) Street. A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the term "road," "highway," "lane," "avenue," "alley" or similar designations.
- (a) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
- (b) Arterial. A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.
- (c) Collector. A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties.
- (d) Cul-de-sac (dead-end street). A short street having one end open to traffic and being terminated by a vehicle turnaround.
- (e) Half street. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
- (f) Marginal access street. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
- (g) Minor street. A street intended primarily for access to abutting properties.
- (18) Subdivide land. To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
- (19) Subdivision. Either an act of subdividing land, or an area or tract of land subdivided as defined in this section.

Section 2. Scope of Regulations. Subdivision plats and major partition maps shall be approved by the planning commission in accordance with these regulations. A person desiring to subdivide land or desiring to partition land by creation of a street shall submit tentative plans and final documents for approval as provided in this ordinance and the state law.

Section 3. Submission of Tentative Subdivision Plan. A subdivider shall prepare a tentative plan together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project, and shall submit five copies of the tentative plan to the city recorder's office at least 15 days prior to the

Detroit Ordinances

planning commission meeting at which consideration of the plan is desired.

Section 4. Scale. The tentative plan of a subdivision shall be drawn on a sheet 18 by 24 inches in size or a multiple thereof at a scale of one inch equals 100 feet or, for areas over 100 acres, one inch equals 200 feet.

Section 5. General Information. The following general information shall be shown on the tentative plan of a subdivision:

- (1) Proposed name of the subdivision. This name shall not duplicate nor resemble the name of another subdivision in the county and shall be approved by the planning commission.
- (2) Date, northpoint and scale of drawing.
- (3) Appropriate identification of the drawing as a tentative plan.
- (4) Location of the subdivision sufficient to define its location and boundaries and a legal description of the tract boundaries.
- (5) Names and addresses of the owner, subdivider, and engineer or surveyor.

Section 6. Existing Conditions. The following existing conditions shall be shown on the tentative plan:

- (1) The location, widths and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features such as section lines, section corners, city boundary lines and monuments.
- (2) Contour lines related to some established bench mark or other datum approved by the city engineer and having minimum intervals as follows:
 - (a) For slopes of less than 5 per cent: show the direction of slope by means of arrows or other suitable symbol together with not less than four spot elevations per acre, evenly distributed.
 - (b) For slopes of 5 per cent to 15 per cent: five feet.
 - (c) For slopes of 15 per cent to 20 per cent: ten feet.
 - (d) For slopes of over 20 per cent: 20 feet.
- (3) The location of at least one temporary bench mark within the subdivision boundaries.
- (4) The location and direction of watercourses and the location of areas subject to flooding.
- (5) Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.
- (6) Existing uses of the property and location of existing structures to remain on the property after platting.

Section 7. Proposed Plan of Subdivision. The following information shall be included on the tentative plan of a subdivision:

- (1) The location, width, names, approximate grades and radii of curves of proposed streets. The relationship of streets to projected streets as shown on any development plan or, if no complete development plan is in effect in the area, as suggested by the planning commission to assure adequate traffic circulation.
- (2) The location, width and purpose of proposed easements.
- (3) The location and approximate dimensions of proposed lots and

Detroit Ordinances

the proposed lot and block numbers.

(4) Proposed sites, if any, allocated for purposes other than single-family dwellings.

Section 8. Partial Development. If the subdivision proposal pertains to only part of the tract owned or controlled by the subdivider, the planning commission may require a sketch of a tentative layout for streets in the unsubdivided portion.

Section 9. Explanatory Information with Tentative Plan. Any of the following information may be required by the planning commission; and, if it cannot be shown practicably on the tentative plan of a subdivision, it shall be submitted in separate statements accompanying the plan:

(1) A vicinity map showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.

(2) Proposed deed restrictions, if any, in outline form.

(3) The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes and electric lines.

Section 10. Supplemental Proposals with Tentative Plan. Any of the following may be required by the planning commission to supplement the plan of subdivision.

(1) Approximate centerline profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.

(2) A plan for domestic water supply lines and related water service facilities.

(3) Proposals for sewage disposal, stormwater drainage and flood control, including profiles of proposed drainage ways.

(4) If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.

(5) Proposals for other improvements such as electric utilities and sidewalks.

Section 11. Preliminary Review of Tentative Plan. Upon receipt, the city recorder shall furnish one copy of a tentative plan and supplementary material to the city engineer and such other agencies as are known to be affected. Other agencies believed to have an interest shall be provided notice of the proposal. These officials and agencies shall be given a reasonable time to review the plan and to suggest revisions that appear to be in the public interest.

Section 12. Approval of Tentative Subdivision Plan.

(1) Within 40 days from the first regular planning commission meeting following submission of a tentative plan of a subdivision, the planning commission shall review the plan and the reports of appropriate officials and agencies. The planning commission may approve the tentative

Detroit Ordinances

plan as submitted or as it may be modified. If the planning commission does not approve the plan, it shall express its disapproval and its reasons therefor.

(2) Approval of the tentative plan shall indicate approval of the final plat if there is no change in the plan of the subdivision and if the subdivider complies with the requirements of this ordinance.

(3) The action of the planning commission shall be noted on two copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be returned to the subdivider and the other shall be retained by the planning commission.

Subdivision Plat

Section 13. Submission of the Subdivision Plat. Within one year after approval of the tentative plan, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved. The subdivider shall submit the original drawing, five prints and any supplementary information to the city. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plan, he must submit a new tentative plan and make any revision necessary to meet changed conditions.

Section 14. Information on Plat. In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the plat:

(1) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

(a) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.

(b) Adjoining corners of adjoining subdivisions.

(c) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.

(2) The exact location and width of streets and easements intercepting the boundary of the tract.

(3) Tract, block and lot boundary lines and street right-of-way and centerlines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Normal high water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

(4) The width of the portion of streets being dedicated and the width of existing right-of-way. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated.

(5) Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be

Detroit Ordinances

shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

(6) Lot numbers beginning with the number "1" and numbered consecutively in each block.

(7) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

(8) Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.

(9) Building setback lines, if any, are to be made a part of the subdivision restrictions.

(10) The following certificates which may be combined where appropriate:

(a) A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.

(b) A certificate signed and acknowledged as above, dedicating all land intended for public use, except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

(c) A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final map.

(d) Other certifications now or hereafter required by law.

Section 15. Supplemental Information with Plat. The following data shall accompany the plat:

(1) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.

(2) Sheets and drawings showing the following:

(a) Traverse data, including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.

(b) The computation of distances, angles and courses shown on the plat.

(c) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.

(3) A copy of any deed restrictions applicable to the subdivision.

(4) A copy of any dedication requiring separate documents.

(5) A list of all taxes and assessments on the tract which have become a lien on the tract.

(6) A certificate by the city engineer that the subdivider has complied with the requirements of Sections 22 and 23.

Section 16. Technical Plat Review.

(1) Upon receipt by the city, the plat and other data shall be reviewed by the city engineer who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on

Detroit Ordinances

the approved tentative plan and that there has been compliance with provisions of the law and of this ordinance.

(2) The city engineer may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground, and his representatives may enter the property for this purpose.

(3) If the city engineer determines that full conformity has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.

Section 17. Approval of the Plat. Upon receipt of the plat with the approval of the city engineer, the planning commission shall determine whether it conforms with the approved tentative plan and with these regulations. If the planning commission does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the planning commission determines that the plat conforms to all requirements, it shall give its approval; provided, supplemental documents and provisions for required improvements are satisfactory. Approval shall be indicated by the signature of the chairman of the planning commission. The approval of the plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat.

Section 18. Filing of Plat. A subdivider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained.

Approval of Partitions

Section 19. Creation of a Public Street Outside a Subdivision.

(1) The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivision; except, however, the planning commission shall approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions; provided, any of the following conditions exist:

(a) The establishment of the public street is initiated by the city council or board of county commissioners and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.

(b) The tract in which the street is to be dedicated is a major partition within an isolated ownership either of not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.

(2) In those cases where approval of a public street is to be without full compliance with the regulations applicable to subdivision, a copy of a tentative plan the proposed deed shall be submitted to the city administrator at least five days prior to the planning commission meeting at which consideration is desired. The plan, deed and such information as may be submitted shall be reviewed by the planning commission and, if not in conflict with the standards of Sections 24 to 35 of these

Detroit Ordinances

regulations, shall be approved with conditions necessary to preserve these standards.

Section 20. Creation of Private Street Outside a Subdivision.

A street which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street in a subdivision or as provided in Section 19 of these regulations, except that a private street to be established by deed without full compliance with these regulations shall be approved by the planning commission; provided, it is the only reasonable method by which the rear portion of an unusually deep land parcel of a size to warrant partitioning into not over two parcels may be provided with access. A copy of the tentative plan to create the street and partition the tract shall be submitted to the city recorder at least five days prior to the planning commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the planning commission and, if assurance of adequate utility and vehicular access is indicated, shall be approved.

Section 21. Major Partitioning Procedure. A major partition authorized by Sections 19 or 20 shall be approved under the following procedure:

(1) There shall be submitted to the city recorder a tracing of a tentative plan 8- $\frac{1}{2}$ x 11 inches, or 16 by 24 inches in size with the following information:

(a) The date, northpoint, scale and sufficient description to define the location and boundaries of the tract to be partitioned and its location.

(b) Name and address of the record owner and of the person who prepared the tentative plan.

(c) Approximate acreage of the land under a single ownership or, if more than one ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning.

(d) For land adjacent to and within the tract to be partitioned, the locations, names and existing widths of streets; location, width and purpose of other existing easements; and location and size of sewer and water lines and drainage ways and the location of power poles.

(e) Outline and location of existing buildings to remain in place.

(f) Parcel layout, showing size and relationship to existing or proposed streets and utility easements.

(g) Such additional information as required by the planning commission.

(2) The planning commission may define the circumstances under which an application for partitioning may be given routine administrative review and approval. Under this procedure, the city recorder shall check the proposal against the development plan and may approve the proposal without submitting it to the planning commission.

(3) If the location or type of land is not such as has been defined for routine administrative approval, or if the proposed partitioning does

Detroit Ordinances

not appear to comply with the requirements for routine administrative approval, the tentative plan shall be submitted for planning commission review and determination that the proposal will comply with this ordinance. The planning commission may require dedication of land and easements and may specify conditions or modifications in the tentative plan as necessary. In no event, however, shall the planning commission require greater dedications or conditions than could be required if the tract were subdivided.

(4) When a tentative plan has been approved, all copies shall be marked with the date and conditions, if any, of approval. When compliance with conditions has been assured, the plan shall be marked approved and then becomes the partition map.

(5) The provisions of Section 11 apply to review of a major partition.

Improvement Guarantee

Section 22. Agreement for Improvements. Before planning commission approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the city recorder an agreement between himself and the city, specifying the period within which required improvements and repairs shall be completed, and providing that if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the city for the cost of inspection by the city which shall not exceed 10 per cent of the cost of the improvements to be installed.

Section 23. Bond.

(1) The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the following;

(a) A surety bond executed by a surety company authorized to transact business in the state of Oregon in a form approved by the city attorney.

(b) A personal bond cosigned by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.

(c) Cash.

(2) Such assurance of full and faithful performance shall be for a sum approved by the city recorder as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of city inspection.

(3) If the land divider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds cost and expense incurred by the city, it shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the city, the land divider shall be liable to the city for the difference.

Detroit Ordinances

Design Standards

Section 24. Principles of Acceptability. A land division, whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance.

Section 25. Streets.

(1) **General.** The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in a development plan, the arrangement of streets shall either:

- (a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
- (b) Conform to a plan for the neighborhood approved or adopted by the planning commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(2) **Minimum right-of-way and roadway width.** Unless otherwise indicated on the development plan, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in the following table:

Type of Street	Minimum Right-of-Way Width	Minimum Roadway Width
Arterial	80-100 feet	40-52 feet
Collector street	60-80 feet	36-48 feet
Continuous minor street	60 feet	36 feet
Minor streets less than 2,400 feet in length which cannot be extended	50 feet	28 feet
Radius for turnaround at end of cul-de-sacs	50 feet	40 feet
Alleys	20 feet	20 feet

Save to expense in width.

Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower right-of-way may be accepted, ordinarily not less than 50 feet. If necessary, slope easements may be required.

(3) **Reserve strips.** Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and

Detroit Ordinances

on major arterials, 200 feet on secondary arterials or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the planning commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably of at least 0.5 per cent.

(12) Streets adjacent to railroad right-of-way. Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

(13) Marginal access streets. Where a land division abuts or contains an existing or proposed arterial street, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a nonaccess reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(14) Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the planning commission. The corners of alley intersections shall have a radius of not less than 12 feet.

Section 26. Blocks.

(1) General. The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

(2) Size. No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception.

(3) Easements.

(a) Utility lines. Easements for sewers, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be at least 12 feet wide and centered on lot or parcel lines, except for utility pole tieback easements which may be reduced to six feet in width.

(b) Watercourses. If a tract is traversed by a watercourse such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the watercourse, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major watercourses may be required.

Detroit Ordinances

in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the city under conditions approved by the planning commission.

(4) Alignment. As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuations of the centerlines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the centerlines of streets having approximately the same direction and, in no case, shall be less than 100 feet.

(5) Future extensions of streets. Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

(6) Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires a lesser angle; but in no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersection with another street shall have at least 100 feet of tangent adjacent to the intersection, unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection, unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two streets at any one point will not be approved.

(7) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division.

(8) Half street. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the requirements of these regulations and when the planning commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

(9) Cul-de-sac. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turnaround.

(10) Street names. Except for extensions of existing streets, no street shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the planning commission.

(11) Grades and curves. Grades shall not exceed 6 per cent on arterials, 10 per cent on collector streets or 12 per cent on other streets. Centerline radii of curves shall not be less than 300 feet

Detroit Ordinances

(c) Pedestrian and bicycle ways. When desirable for public convenience, a pedestrian or bicycle way may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation.

Section 27. Building Sites.

(1) Size and shape. The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

(a) In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality, and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.

(b) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the planning commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(2) Access. Except as set forth in Section 20, each lot and parcel shall abut upon a street other than an alley for a width of at least 25 feet.

(3) Through lots and parcels. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic artery or other incompatible use.

(4) Lot and parcel side lines. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

Section 28. Grading of Building Sites. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.

(1) Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.

(2) Fill slopes shall not exceed two feet horizontally to one foot vertically.

(3) The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

Section 29. Building Lines. If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat or, if temporary in nature, they shall be included in the deed restrictions.

Detroit Ordinances

Section 30. Large Building Sites. In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the planning commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

Section 31. Land for Public Purposes.

(1) If the city has an interest in acquiring a portion of a proposed subdivision for a public purpose, or if the city has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the planning commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value to the land prior to subdivision.

(2) Within or adjacent to a subdivision, a parcel of land of not less than 6 per cent of the gross area of the subdivision shall be set aside and dedicated to the public by the subdivider. The parcel shall be approved by the planning commission as being suitable and adaptable for park and recreation uses. In the event no such area is suitable for park and recreation purposes, the subdivider shall, in lieu of setting aside land, pay into a public land acquisition fund a sum of money equal to \$ _____ per gross acre for each acre in the subdivision. The sums so contributed shall be used to aid in securing suitable areas for park and recreation purposes to serve the area containing the subdivision. If the nature of the subdivision is such that over 34 per cent of the tract to be subdivided is being dedicated to the public for streets, the requirements of this section shall be reduced so that the total obligation to the subdivider does not exceed 40 per cent.

Improvements

Section 32. Improvement Procedures. In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the requirements of this ordinance and improvement standards and specifications followed by the city, and shall be installed in accordance with the following procedure:

(1) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plan of a subdivision or partition.

(2) Improvement work shall not commence until after the city is notified; and if work is discontinued for any reason, it shall not be resumed until after the city is notified.

(3) Improvements shall be constructed under the inspection and to the satisfaction of the city recorder. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

(4) Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the

Detroit Ordinances

streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.

(5) A map showing public improvements as built shall be filed with the city upon completion of the improvements.

Section 33. Specifications for Improvements. The city recorder shall prepare and submit to the city council specifications to supplement the standards of this ordinance based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the design and construction of required public improvements, such other public facilities as a developer may elect to install, and private streets.

Section 34. Improvements in Subdivisions. The following improvements shall be installed at the expense of the subdivider and at the time of subdivision:

(1) **Streets.** Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the subdivision shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their centerlines.

(2) **Surface drainage and storm sewer system.** Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as provided by the city engineer, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.

(3) **Sanitary sewers.** Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is impractical to connect the subdivision to the city trunk system, the planning commission may authorize the use of septic tanks if lot areas are adequate, considering the physical characteristics of the area, and if sewer laterals designed for future connection to a sewage disposal system are installed and sealed. Design by the city engineer shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

If required sewer facilities will without further sewer construction directly serve property outside the subdivision, the following arrangements will be made to equitably distribute the cost:

(a) If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the planning commission may recommend to the city council construction as an assessment project with such arrangement with the subdivider as is desirable to assure financing his share of the construction.

(b) If the installation is not made as an assessment project, the city will reimburse the subdivider an amount estimated to be

Detroit Ordinances

a proportionate share of the cost for each connection made to the sewer by property owners outside of the subdivision for a period of 10 years from the time of installation of the sewers. The actual amount shall be as determined by the city planning commission at the time of approval of the plat, considering current construction costs.

(4) Water system. Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to city mains shall be installed. The city engineer's design shall take into account provisions for extension beyond the subdivision and to adequately grid the city system.

(5) Sidewalks. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision; except that in the case of primary or secondary arterials, or special type industrial districts, the planning commission may approve a subdivision without sidewalks if alternative pedestrian routes are available; and provided further, that in the case of streets serving residential areas having single-family dwellings located on lots equivalent to two and one-half or less dwellings per gross acre, the requirements of sidewalks shall not apply; provided, there is no evidence of special pedestrian activity along the streets involved.

(6) Bicycle routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the planning commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.

(7) Street name signs. Street name signs shall be installed at all street intersections.

(8) Street lights. Street lights shall be installed and shall be served from an underground source of supply.

(9) Other. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

Section 35. Improvements in Partitions. The same improvements shall be installed to serve each building site of a partition as is required of a subdivision. However, if the planning commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the planning commission shall except those improvements. In lieu of excepting an improvement, the planning commission may recommend to the city council that the improvement be installed in the area under special assessment financing or other facility extension policies of the city.

Exceptions, Variances and Enforcement

Section 36. Exceptions in Case of a Planned Unit Development. The standards and requirements of these regulations may be modified by the planning commission in the case of a planned unit development.

Section 37. Variance Application. The planning commission may authorize conditional variances to requirements of this ordinance.

Detroit Ordinances

Application for a variance shall be made by a petition of the land divider, stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plan. A variance may be granted only in the event that all of the following circumstances exist:

(1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.

(2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess.

(3) The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.

(4) The variance requested is the minimum variance which would alleviate the hardship.

Section 38. Planning Commission Action on Variances. In granting or denying a variance, the planning commission shall make a written record of its findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The city shall keep the findings on file as a matter of public record.

Section 39. Appeal.

(1) A person may appeal to the city council from a decision or requirement made by the planning commission or the city recorder. Written notice of the appeal must be filed with the city within 10 days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.

(2) The city council shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The council may continue the hearing for good cause. Following the hearing, the council may overrule or modify the decision or requirement made by the planning commission or city recorder if the decision of the council complies with the spirit and intent of this ordinance. The disposition of the appeal shall be final.

Section 40. Severability. The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 41. Penalties for Violation. In addition to penalties provided by state law, a person who violates or fails to comply with a provision of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$200, or by imprisonment for not more than 100 days, or both. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

Passed by the Common Council this 5 day of February, 1976.
Approval this 5 day of February, 1976.

K. H. Keame

Mayor

ATTEST:

Quith. Thomas

Recorder

\$1.50 Per thousand Based on 1,000,000 Bed fe.
agree to state dust problem.
10 mile per hr. speed limit
Post signs - Danger Log Trucks.