



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: August 24, 2006
SUBJECT: Amendment to Subdivision Control Ordinance

With the availability of the site condominium process, the City of Troy does not currently have many subdivision plats to consider. However, since developers are still able to submit subdivision plats for the City of Troy, Troy's ordinance should be consistent with the current state law. Troy has not yet incorporated Public Act No. 525 of 2004 into its ordinance. For this reason, we have prepared a proposed amendment to Chapter 41, Troy's Subdivision Control Ordinance. These amendments are limited to those portions of the ordinance that are inconsistent with state law. A comprehensive review will be done of the entire Chapter 41, and additional changes and modifications (including re-formatting), will be submitted at a future date. The immediate concern was to update the ordinance to be consistent with the current state law.

The most significant change proposed in the amendment to Chapter 41 is the new subsection 3.00C, which provides prospective developers an opportunity to have a pre-application review meeting. If requested, this pre-application review meeting provides the developer with an opportunity to meet with City representatives and also possibly representatives of the other agencies that are required to review a subdivision plat under state law. If such a pre-application review meeting is requested, the City's time frame for review is shortened to 60 days after submission (Section 3.01E (2)(A)). Those developers who do not request a pre-application review meeting could wait up to 90 days for action on their proposed subdivision plat.

The proposed amendment also includes clerical and some other minor revisions as suggested by City staff. Only those sections affected by the new legislation have been changed. These sections include sections 2.00, 2.99, 3.00, 3.01, 3.02, 3.03, 3.04, 3.05, 4.06(A) and 6.00. The amendment to section 4.06 (A) would change the width requirement for sidewalks along major thoroughfares from five feet to eight feet.

The Planning Commission reviewed the proposed amendment to Chapter 41. At its meeting on July 25, 2006, the Planning Commission recommended approval of the proposed amendment. City Administration also recommends approval of the proposed ordinance revisions.

Please let us know if you have any questions or comments concerning the proposed ordinance amendment.

Red line version of sections with proposed amendments

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 41 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 41 of the Code of the City of Troy.

Section 2. Amendment

Sections 2.00, 2.99, 3.00, 3.01, 3.02, 3.03, 3.04, 3.05, 4.06(A) and 6.00 of Chapter 41, Subdivision Control, are hereby amended or added to read as follows: (Underlining and strikethrough denotes additions and changes to the various sections).

2.00 Definitions. For the purpose of this chapter, certain terms, words and phrases shall, wherever used in this chapter, have the meaning herewith defined as follows:

- A. Block. Subdivided property surrounded by, but not separated by, one or more of the following barriers: streets, unsubdivided acreage, rivers or live streams, or by any of the foregoing and any other barriers to the continuity of development.
- B. Cul-De-Sac. 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.
- C. Easement. 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.
- D. Final Plat. A map on approved material of all or part of a subdivision prepared and certified as to its accuracy by a registered ~~Civil~~ Professional Engineer or a registered ~~Land~~ Professional Surveyor. Such maps must meet the requirements of this chapter and Act 288, Public Acts, 1967-, as amended. The final plat shall conform to the approved preliminary plat.
- E. Governing Body. The City Council of the City of Troy.

- F. Improvements. Grading, street surfacing, curb and gutter, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, landscaping, streams, lakes, improvements, and other additions to the natural state of land which increase its value, utility, or habitability.
- G. Industrial Street. A street intended to serve primarily as a means of access from within industrial subdivisions or industrial districts to major thoroughfares and not intended to serve residential properties or carry residential traffic.
- H. Major Thoroughfare. An arterial street of great continuity which is intended to serve as a large volume trafficway for both the immediate area and region beyond, and may be designated in the ~~major thoroughfare~~ master plan as a major thoroughfare, parkway, freeway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan.
- I. Marginal Access Street. A minor street parallel and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.
- J. Master Plan. ~~The comprehensive plan whether officially adopted or adopted in principle, 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 City of Troy and including any unit or part of such plan separately adopted, and any amendments to such plan or parts thereof adopted by the Planning Commission.~~ A Master Plan as defined in the Municipal Planning Act No. 285 of 1931, as amended, being Section 125.31 et seq. of the Michigan Compiled Laws.
- K. Minor Street. A street supplementary to a major or secondary thoroughfare intended to serve the local needs of the neighborhood, ~~and of limited continuity,~~ low pedestrian and vehicular volumes, and used primarily as access to abutting residential properties.
- L. Multiple-Family Residential Streets. A street intended to serve primarily the greater traffic demands of multiple family residential developments. Such streets may or may not have continuity within the over-all thoroughfare system.
- M. Municipality. The City of Troy.
- N. Plan Commission. The ~~Plan~~ Planning Commission of the City of Troy.

- Q. Preliminary Plat. A map indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for review and to meet the requirements and procedures set forth in this ordinance.
- P. Public Reservation. A portion of a subdivision which is set aside for public use and made available for public use and acquisition.
- R. Registered Professional Engineer. An Civil Engineer who is registered ~~a~~ Professional Engineer licensed under Article 20 of the Occupational Code, Act No. 299 of the Public Acts of 1980, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws. ~~in the State Michigan as a Registered Professional Engineer.~~

Registered Professional Surveyor. A Professional Surveyor licensed under Article 20 of the Occupational Code, Act No. 299 of the Public Acts of 1980, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws.

Survey. A survey map and/or report prepared by a Registered Professional Surveyor.
- S. Secondary Thoroughfare or Collector Street. A street intended to serve as a major means of access from minor streets to major thoroughfares which has considerable continuity within the framework of the Master Thoroughfare Plan.
- T. Street. A right-of-way dedicated to public use, which provides 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 the 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.
- U. 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 effect a subdivision of land for himself/herself or for another. The word "subdivider" shall include the word "proprietor" as used in Act 288, Public Acts of Michigan, 1967, MCL 560.101 et seq., as amended.
- V. Turn-Around. A minor street or short length with two openings to traffic with a median strip in the center, beginning from the same street, and projecting parallel to each other and connecting at their termination by a loop.
- W. Walkway. An area and improvement, either dedicated to the public or on private property, which is intended to provide for pedestrian access and movement.

X. ~~Words. Single words shall include the plural, and masculine words shall include the feminine and neuter.~~

2.99. The review and approval of subdivision development plats shall be in accordance with this chapter and the Michigan Subdivision Control Land Division Act, Act 288, Public Acts of 1967, MCL 560.101, et seq., as amended, (M.S.A. 26.430) and shall follow the steps as listed below:

Section 3.00. Preliminary investigation

Section 3.01. Preliminary Plat - Tentative approval

Section 3.02. Improvement Design - Review and approval

Section 3.03. Preliminary Plat - Final approval

Section 3.04. Final Plat Approval

Section 3.05. Fees

3.00. Preliminary Investigation.

A. Prior to the preparation of a preliminary plat, the subdivider should meet informally with the Planning and Engineering Departments to investigate the procedures and standards of the City of Troy, and the ecological impact of the proposed development.

B. It is the responsibility of the subdivider to:

1. Familiarize himself/herself with the Zoning Ordinance, Subdivision Regulations, Tree Regulations, Master Land Use Plan, Master Thoroughfare Plan, Engineering Design Standards, Landscape Design and Tree Preservation Standards, Soil Removal and Filling Regulations, and Soil Erosion and Sedimentation Control Regulations relative to the subdivision and improvement of land, so as to make himself/herself aware of the requirements of the City of Troy.
2. Review the existing zoning of the proposed subdivision to determine if it is zoned for the intended use.
3. Review the development options of the Zoning Ordinance to determine the feasibility of utilizing one of these approaches.

4. Investigate the standards of sewage disposal, water supply and drainage of the City of Troy and other reviewing agencies, which may include the State of Michigan, Oakland County and the Detroit Metropolitan Water and Sewerage Department.
5. Investigate the adequacy of existing schools and public open spaces including parks and playgrounds to serve the proposed subdivision.
6. Review Act 288, Public Acts, 1967, as amended, and the requirements of those State and County Agencies which are required by said Public Act to review and approve the plat.

C. In addition to meeting informally with the Planning and Engineering Departments as suggested in subsection A, the subdivider may request a pre-application review meeting by submitting a written request to the chairperson of the County Plat Board and submitting copies of a concept plan for the Preliminary Plat to the City of Troy and to each officer or agency entitled to review the Preliminary Plat under Sections 113 to 118 of Michigan's Land Division Act, MCL 560.113 to MCL 560.118. If this process is followed, then a pre-application review meeting shall take place not later than 30 days after the written request and concept plan are received. The meeting shall be attended by the subdivider, representatives of each officer or agency entitled to review the Preliminary Plat under Sections 113, 114, and 118 of Michigan's Land Division Act, and a representative of the municipality. Representatives of each agency entitled to review the Preliminary Plat under Sections 115 to 117 of Michigan's Land Division Act, MCL 560.115 to MCL 560.117, shall be informed of the meeting and may attend. The purpose of the meeting is to conduct an informal review of the subdivider's concept plan for the Preliminary Plat.

3.01. Preliminary Plat - Tentative Approval.

A. Plat Preparation and Contents:

1. The Preliminary Plat shall be designed and drawn by a ~~Registered Professional Engineer~~ or a ~~licensed land Surveyor~~ Registered Professional Surveyor to a scale of no smaller than 100 feet to an inch.
2. Identification and Description - The Preliminary Plat shall include:
 - (A) All items as required by Act 288, Public Acts, 1967, MCL 560.101 et seq., and by the administrative rules of all State of Michigan Departments and Agencies that are required to review the plat under said Act. ~~the Departments of Commerce, Transportation, Natural Resources and Public Health as they relate to this Act.~~

- (B) Location by section, town and range, including legal description.
- (C) Date of preparation.
- (D) North arrow.
- (E) Scale of Plat, ~~100 feet to an inch.~~

3. Existing Conditions - The Preliminary Plat shall include:

- (A) A location map showing the relationship of the proposed subdivision to the surrounding area, including schools, shopping areas, parks and other community facilities. The location map shall be drawn to a minimum scale of 800 feet to an inch, and shall include all areas which lie within one-half of the subdivision boundaries in all directions.
- (B) The location of significant natural features such as natural water courses, bodies of water, flood plain areas, wetland areas, and tree information for determination of buildable land area, water resource management and as required for the preparation of a Tree Preservation Plan in accordance with the provisions of the Landscape Design and Tree Preservation Standards. This information shall be confirmed by a report from the City's environmental staff prior to submittal of the Preliminary Plat to the Planning Commission.
- (C) Boundary line of proposed subdivision and Section or corporation lines within or adjacent to the proposed subdivision.
- (D) Adjacent tracts of subdivided and un-subdivided land shown in relation to the tract being proposed for subdivision.
- (E) Location, width, and names of existing or prior platted public and private streets, and public easements within or adjacent to the tract being proposed for subdivision.
- (F) Location of existing sewers, water mains, storm drains and other underground facilities within and, if necessary, adjacent to the tract being proposed for subdivision.
- (G) Location of all easements within and if necessary, adjacent to the tract being proposed for subdivision.
- (H) Topography drawn at two (2) foot contour intervals, except where the average grade exceeds 5%, the contour interval shall be 5'. Topography to be based on U.S.G.S. Datum.

- (I) Location of severe variations in topography, and other areas having difficult or potentially unbuildable physical conditions.

4. Proposed Conditions - The Preliminary Plat shall include:

- (A) Layout of streets, right-of-way widths, connections with adjoining platted streets and also the widths and locations of alleys, easements and public walkways.
- (B) Layout, numbers and dimensions of lots, including building setback lines showing dimensions.
- (C) Identification of parcels of land intended to be dedicated or set aside for public use or for the use of property owners within the subdivision, or land set aside for future street connections to adjacent tracts.
- (D) Identification of all major easements, as determined to be necessary by the City Engineer. Minimum lot areas and dimensions shall be computed excluding such easements.
- (E) Indication of how all parcels either identified on the plat or by the Planning Department as "outlots", or "excepted", or "unplatted", and as determined by the Planning Director, could be developed in accordance with the requirements of the existing zoning district while maintaining an acceptable relationship to the layout of the proposed Preliminary Plat.
- (F) A Tree Preservation Plan developed in accordance with the City of Troy Landscape Design and Tree Preservation Standards.
- (G) An indication of the means by which significant natural features such as water course, bodies of water, flood plain areas and wetland areas are to be preserved or treated in conjunction with the development of the proposed subdivision.

B Submission

- 1. At least twenty (20) days prior to a regular meeting of the Planning Commission, the subdivider shall submit to the City Clerk ~~twenty-six (26)~~ 16 copies of the Preliminary plat and other data as requested by the Planning Department.

2. In addition, the subdivider shall file an application in duplicate, and two copies of the receipt from acknowledging the applicable school district verifying that has received a copy of the preliminary plat, ~~has been received,~~ and pay all plat review fees as specified in Article III, Section 3.05 of this ordinance.

~~3. The subdivider shall file plans indicating the improvements intended within proposed park or open space areas intended to be dedicated or set aside for the public use or for the use of property owners within the subdivision. This submittal shall be accompanied by proposed agreements, private restrictions, and subdivision association by laws showing the manner in which such areas and facilities are to be maintained.~~

C. Department Review

1. The City Clerk shall retain one copy of the plat for his or her records and forward the balance of the plats to the Planning Director.

2. The Planning Director shall check for completeness of the preliminary plat. Should any of the data required in this section of this chapter be omitted, the Planning Director shall notify the subdivider of the additional data required and further action shall be delayed until the required data is received.

3. The Planning Director shall forward copies of the preliminary plat to all affected City departments for their review and recommendation. The Planning Director shall contact the subdivider to explain any recommendations of the City departments and seek his or her cooperation in amending the plat, if necessary.

4. When the plat has been revised to based on the review and recommendation of the affected City departments, the Planning Director's ~~satisfaction,~~ he shall place the plat on the agenda of the next regular Planning Commission meeting.

5. The ~~City Clerk~~ Planning Department shall notify the subdivider and the owners of land immediately abutting the property to be platted of the submission of the preliminary plat and the time, place and date of the meeting of the Planning Commission to consider said preliminary plat.

D. Planning Commission Review

1. The Planning Commission shall review the preliminary plat and determine if it complies with the Zoning Ordinance, Subdivision regulations, Master Land Use Plan and Master Thoroughfare Plan.
2. The Planning Commission, upon completion of this review, and within 45 days of the date of submission by the subdivider, shall make one of the following recommendations:
 - (A) Tentative approval of the preliminary plat.
 - (B) Disapproval of the preliminary plat, with the reasons for the disapproval to be recorded in the minutes of the meeting, and a copy of the minutes ~~to-~~will be sent to the subdivider by the Planning Department.
 - (C) Provisional approval conditioned upon specified conditions which shall be recorded in the minutes of the meeting. If provisional approval is given to a subdivision plat, the subdivider shall submit amended plans containing the specified revisions within ten (10) days of the date of this approval. If revised plans are timely submitted and the revisions meet the approval of the Planning Director as conforming to the conditions ~~laid down~~ imposed by the Planning Commission, the plat shall be submitted to the City Manager for presentation to the City Council with the recommendation for tentative approval. If revised plans are not received within ten (10) days, the plat shall be submitted to the City Council with the recommendation for disapproval.

E. City Council Review

1. ~~Within twenty five days of~~ After the receipt of the recommendations of the Planning Commission from the Planning Director, and receipt of the recommendation of the City Engineer and such other officials deemed necessary by the City Manager, the City Manager shall place the preliminary plat on the City Council agenda.
2. ~~Within ninety (90) days from the date of filing, the City Council shall:~~ The City Council shall take one of the following actions with respect to the preliminary plat:
 - a) Tentatively approve the preliminary plat and make a note of its approval on the copy of the preliminary plat;

b) Tentatively approve it subject to conditions and make a note of its approval and conditions on the copy of the preliminary plat, which shall be returned to the subdivider.

c) Set forth in writing its reasons for rejection and requirements for tentative approval.

(A) Tentatively approve and note its approval on a copy of the preliminary plat to be returned to the subdivider, or (B) Reject the plat and instruct the City Clerk to so advise the subdivider and explain the reasons for the rejection.

3. Action on the plat shall be taken within 60 days after it was submitted to the clerk, if a pre-application review meeting was conducted under section 3.0.

4. Action on the plat shall be taken within 90 days after it was submitted to the clerk, if a pre-application review meeting was not conducted under section 3.00C.

35. Tentative approval shall confer on the subdivider for a period of one year from the date of approval, approval of lot sizes, lot orientation and street layout, and permission to submit improvement plans for Engineering Division Design Review. This approval shall be valid for one year from the date of approval. Such approval may be extended by City Council if the Subdivider files a written request and after if applied for, in writing, by the subdivider and granted by the City Council a review and a report by City staff on any conditions that may have changed.

F. Proposed Names of New Streets

After tentative approval of the preliminary plat, the subdivider shall submit proposed names for all streets within the subdivision, ~~providing that a~~ All names shall comply with the Troy Street Naming Ordinance, Chapter Two of the Troy City Code, and ~~are~~ shall be reviewed by the appropriate City departments in a manner prescribed by the City Manager.

G. Traffic Control Orders

After tentative approval of the ~~p~~ Preliminary p ~~Plat~~, the City Engineer and the Traffic and ~~Safety~~ Committee shall review the tentatively approved preliminary plat and send copies of their recommendations for signing and traffic regulations to the City Manager. The City Manager shall place the Traffic Control Orders on the City Council agenda for approval after when the Preliminary Plat has received recommended final approval.

3.02 Improvement Design – Review and Approval

A. Submission

1. After tentative approval, but before submission of the Preliminary Plat for final approval, the subdivider shall submit his or her improvement plans for review and approval. The subdivider shall file the following with the City Clerk: an application for design review, plans for all improvements to be installed within the proposed subdivision, and all plan review fees, as specified in Section 3.05 of this chapter.
2. The City Clerk shall forward all plans received to the Engineering ~~d~~Division.
3. Said improvement plans shall be held for review by the City for a period not to exceed a total of sixty (60) days. ~~Said sixty (60) days shall include only those days in which the improvement plans are in the possession of the City.~~

B. Plan Contents

1. All improvement plans shall be prepared by a ~~registered~~ Registered professional ~~Professional engineer~~ Engineer.
2. Design standards for all improvements shall be as established in Article IV of this ordinance and as established by the Engineering Division and all other public agencies having jurisdiction:
 - (A) The water supply system must be acceptable to the Michigan Department of ~~Public~~ Community Health, the Detroit ~~Metropolitan~~ Water and Sewerage Department and Oakland County Health Department.
 - (B) The storm drainage system, if involving County drains, must be acceptable to the County Drain Commissioner.
 - (C) The sanitary sewer system must be acceptable to the Oakland County Health Department, Oakland County Department of Public Works, Oakland County Drain Commissioner and the Michigan Department of ~~Public~~ Community Health.

C. Plan Review

1. The Engineering Division shall initially review all plans submitted to determine their conformance to the City's ~~Engineering Design~~ Development Standards and Article IV of this chapter.
2. The improvement plans shall then be reviewed by the other appropriate City departments in a manner prescribed by the City Manager.

3. After the improvement plans have received final approval, the City Engineer shall issue a eCertificate of iImprovement dDesign aApproval to the subdivider's engineer, with copies to the subdivider and the City Clerk.
4. The subdivider's engineer shall submit to the Engineering Division cost estimates for all approved improvements.
5. The City Engineer shall then prepare and submit a detailed summary of required deposits of cash and bonds or escrow deposits in an amount sufficient to insure construction of the required subdivision and public improvements that shall be set forth in an agreement. Copies of the detailed summary and agreement shall be sent to the City Manager, the subdivider, and the City Clerk, for approval by City Council of the agreement.

3.03. Preliminary Plat - Final Approval

A Submission

1. A ~~subdivision~~ subdivider desiring final approval of a preliminary plat shall file 2 copies of an application for final approval ~~in duplicate~~ with the City Clerk.
2. With the application, the subdivider shall submit the following items:
 - (A) Fourteen copies of the preliminary plat as approved by all authorities ~~as~~ required by Section 1123 through 1189 inclusive of Act 288, Public Acts of 1967, as amended.
 - (B) A certification identifying all authorities required to review the preliminary plat, as set forth in Sections 113 to 119 of the Land Division Act, MCL 560.113 to MCL 560.119.
 - (C) Copies of all resolutions and writings granting approval.
 - ~~(B)~~(D). Copies of agreements, covenants or other documents showing the manner in which areas or facilities intended to be dedicated or set aside for the public use or for the use of the property owners within the subdivision are to be maintained. Such areas or facilities include, but are not limited to, park or open space areas, and storm water retention areas. Said documents shall include Articles of Incorporation and By-Laws of the subdivision

association or organization which is to be responsible for the maintenance of such public use areas or facilities for the use of property owners within the subdivision, where applicable. Such documents shall be recorded simultaneously with the recording of the subject subdivision plat.

(C)(E). Cash, escrow deposits, certified check or irrevocable bank letter of credit; all review and inspection fees and other fees outlined in the detailed summary as required by the agreement approved by City Council.

B. Department Review

1. The City Clerk shall forward copies of the plat to the City Engineer, the Planning Director, and the Director of Parks and Recreation.
2. The City Engineer, the Planning Director, and the Director of Parks and Recreation and/or their designees shall review the plat as submitted, to determine compliance with the tentatively approved preliminary plat. If, in their opinion, the submitted plat conforms to the tentatively approved preliminary plat, they shall so indicate and forward the plat to the City Manager. If the plat does not conform to the tentatively approved preliminary plat, the Planning Director shall ~~return~~ reject the plat and return it to the subdivider, ~~stating~~ with a statement of the reasons for the rejection.
3. When the preliminary plat has been approved by the Planning Director, the City Engineer, and the Director of Parks and Recreation, the City Manager shall place it on the agenda of the next City Council meeting.

C. City Council Review

1. At its next meeting or Wwithin twenty (20) days from the date of submission of the preliminary plat for final approval, the City Council shall:
 - (A) Grant final approval of the preliminary plat and note its approval on a copy of the preliminary plat to be returned to the subdivider, ~~;~~ or
 - (B) Reject the plat and instruct the City Clerk to so advise the subdivider and explain the reasons for the rejection.

2. Final approval of the preliminary plat shall confer upon the subdivider for a period of two (2) years from the date of City Council approval, the conditional right that the general terms and conditions under which this final approval of the preliminary plat was granted will not be changed. The two-year period may be extended by City Council if the subdivider files a written request and after, ~~if applied for in writing by the subdivider and granted by the City Council~~ a review and report from City staff on any conditions that may have changed.

D. Construction of Improvements

No construction of improvements shall begin until the subdivider has:

1. Received notice from the City Clerk of the final approval of the preliminary plat by the City Council.
2. Entered into a subdivision agreement with the City for construction of all required subdivision improvements.

3.04. Final Plat Approval

A. Submission

1. The final plat shall conform to the approved final preliminary plat, shall constitute only that portion of the approved final preliminary plat which the subdivider proposes to record and develop at that time, and shall conform in all respects to the requirements of Act 288, Public Acts of 1967, MCL 560.101 et seq., as amended.
2. The subdivider shall file 2 copies of an application for final approval ~~in duplicate~~ with the City Clerk, together with:
 - (A) ~~All official copies~~ One (1) true copy of the plat together with an additional twelve (12) paper prints of the final plat; and
 - (B) The County Plat Board filing and recording fee required by Sections 241 and ~~241a~~ of Act 288, Public Acts of 1967, MCL 560.241, as amended.
 - (C) ~~An abstract of title, certified to date of the proprietor's certificate, to establish recordable ownership interest and other information deemed necessary for the purpose of ascertaining whether the~~

~~proper parties have signed the plat; or a policy of title insurance~~ **A current abstract of title that sets forth the recordable interests in the property to allow for a determination that all proper parties have signed the plat. In the alternative, a policy of title insurance** currently in force covering all the land included within the boundaries of the proposed subdivision **shall be provided**. The City Council, in lieu of an abstract of title, may accept on its own responsibility, an attorney's opinion as to the ownership and marketability of title to the land.

- (D) A certification from the ~~proprietor~~ **subdivider** that the construction of subdivision improvements has begun in the area covered by the Final Plat.
- (E) Documentation indicating that current property taxes on the property covered by **that are part of** the Final Plat are paid and that there are no outstanding Special Assessments **on the property**.

B. Department Review

1. The City Clerk shall forward copies of the final plat to the City Engineer and the Planning Director.
2. The City Engineer and the Planning Director shall review the final plat to determine its conformance with the approved preliminary plat. If the final plat does conform, they shall so indicate and forward the approved plat to the City Manager. If the plat does not conform, the Planning Director shall return the plat to the subdivider together with reasons for its rejection.
3. ~~When~~ **if** approved, the City Manager shall place the final plat on the agenda of the next **regular** City Council meeting.

C. City Council Review

1. **At its next regular meeting or a meeting called** ~~W~~ within twenty (20) days of the date of submission **required under Section 3.04**, the City Council shall:
 - (A) Approve the plat if it conforms to all provisions of this chapter and instruct the City Clerk to certify on the plat the City Council approval and date

thereof; the approval of the Oakland County Health Department, when required, and the date thereof as shown on the approved preliminary plat, or

(B) Reject the plat and instruct the City Clerk to advise the subdivider, explain of the rejection and the reasons for the rejection, and return the plat to the subdivider.

~~(C) Instruct the City Clerk to record all proceedings in the minutes of the meeting which shall be open for inspection.~~

2. The City Clerk shall send a copy of the minutes of the meeting(s) where action is taken on a final plat to the County Plat Board.

23. The City Clerk shall transcribe a certificate of approval of the City Council on the Plat and deliver all copies to the clerk of the County Plat Board together with the filing and recording fee required by the State ~~Subdivision Control~~ Land Division Act.

3.05 Fees

The following schedule of fees is adopted as authorized by Sections 241, 241a, 246 and 188 of Act 288, Public Acts of 1967, MCL 560.241 and MCL 560.246, as amended.

1. A plat review fee in accordance with Chapter 60, Fees and Bonds of the City of ~~Troy~~ Troy Code of Ordinances, to be paid at the time of application for tentative approval of the preliminary plat.
2. Plan Review and inspection fees, as established by the ~~City Council~~ Planning and/or Building Departments, to be paid with the application for improvement design review.
3. All cash, escrow deposits, certified check, or irrevocable bank letter of credit; all review and inspection fees and other fees outlined in the "Detailed Summary of Required Deposits" and/or the agreement approved by City Council, along with a Plat Review Fee in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances, to be paid at the time of submission of the preliminary plat for ~~f~~ Final ~~a~~ Approval.
4. A Plat Review Fee in accordance with as set forth in Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances to be paid at the time of application for ~~f~~ Final ~~a~~ Approval.

5. ~~The~~ County Plat Board filing and recording fee, of \$20.00 to be paid in the amount established by MCL 560.241 as amended. This fee shall be paid at the time of application for ~~Final a~~ Approval.
6. ~~The~~ State Plat Review Fee of \$150.00, plus \$15.00 for each lot over 4 lots included in the plat, in the amount established by MCL 560.241 as amended. This fee shall be paid at the time of application for Final Approval.

4.06 Sidewalks and Walkways

- A. Concrete sidewalks shall be constructed along those sides of all streets which lie within or abut the plat. Sidewalks along Major Thoroughfares shall be five ~~eight~~ eight feet (58') in width, with the following exceptions:

~~Sidewalks shall be eight feet (8') in width in those locations along Major Thoroughfares which are indicated as Bikeways on the Parks and Recreation Master Plan, or along Major Thoroughfares so indicated on any succeeding Plan adopted by the City Council for the purpose of establishing Bikeway locations. Sidewalks along all other categories of streets and thoroughfares shall be five feet (5') in width. Sidewalks shall generally be placed one foot (1') off property lines, except in those instances where the City Engineer determines that an alternate location will be equally or more physically feasible or desirable, while serving the same access function.~~

(Subsections 4.06 B – E are unchanged)

6.00. Splitting Procedure and Requirements

- A. Submittal and Review: Any person wishing to split a platted lot or acreage parcel shall submit to the City Assessor written application for parcel splitting, and two (2) copies of the proposed split.
- B. Duties of City Assessor: The City Assessor shall review the proposed parcel split to determine its compliance with the applicable City Ordinances, and with Michigan's Land Division Act, Act 288, Public Acts, 1967, as amended. If the resultant split is in conformance with these conditions, the City Assessor shall have the authority to authorize the requested split.
- C. No lot or acreage parcel shall be split until all taxes have been paid. A receipt of payment must be submitted with the proposed split plan.

- D. Splitting of a lot or acreage parcel or changing any tax parcel description in a one-family residential or two-family residential zoning district is prohibited, unless the resultant parcels meet the requirements of Section 30.10.00 of the Zoning Ordinance, including frontage on a public street, minimum lot area and setbacks from existing buildings. In recorded subdivisions utilizing the Averaged Lot Sizes option, these requirements may be reduced to the minimum standards of Section 35.10.00 of the Zoning Ordinance if all requirements of Section 35.10.00 through 35.10.04 are met.
- E. In the case of applications for splits of non-residential property, the City Assessor may require the submittal of a site plan, conforming to the standards of the Zoning Ordinance, indicating the potential development of the subject property as it is presently zoned. Such plans shall indicate potential development of the parcel, either as an independent parcel or in conjunction with abutting land under the applicant's ownership, in a manner conforming to Zoning Ordinance requirements. Failure to provide such a plan when required by the City Assessor shall constitute grounds for denial of the parcel split application.
- F. Applicants for a lot split shall, except on waiver as for minor lot line adjustments, provide the City Assessor with a certified architectural survey of the property proposed to be split, which shall show existing buildings, existing City utility lines, including sewer leads, serving said property, drainage courses, easements and such other pertinent data as he may request, in addition to showing the proposed lot split and the dimensions of the new lots to be created thereby. Said survey shall upon approval of the proposed lot split by the assessor be recorded with the Oakland County Register of Deeds by the applicant.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, _____.

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk