

Sec. 122-65. Construction limitations.

(a) *Mud, dirt and debris on streets.* For the purposes of this article, mud, dirt and debris on streets shall be treated as follows:

- (1) *Requirement established.* During construction of a subdivision, including the installation of utilities and construction of buildings, all improved roads and streets on and off of the property being subdivided shall be kept free from mud, dirt, debris, etc., which may result from the development of the property.
- (2) *Immediate cleanup.* Any person depositing or allowing the depositing of any mud, dirt, debris, etc., on an improved road or street shall clean the road or street before the end of any working day.
- (3) *Responsibility.* The proprietor of a subdivision shall have responsibility for this subsection in addition to any other person involved.
- (4) *Dangerous condition.* If notified during a working day by the city of a dangerous condition which requires cleaning, the matter shall be taken care of within two hours.
- (5) *Use of cash deposits.* Cash deposits shall be used as follows:
 - a. *Single builder.* If it appears the mud, dirt, debris, etc., on an improved road or street has been caused by the builder of a building or in connection with the building of a building, the builder shall be responsible, and the city may use the cash deposit filed in order to obtain the building permit to clean the road or street.
 - b. *Multiple builders.* If the mud, dirt, debris, etc., appears to be caused by more than one builder or in connection with more than one building site, the cost of cleaning shall be prorated and charged against the cash deposits of the builders appearing to be responsible.

(b) *Debris, etc., on site.* Neither the proprietor of a subdivision nor any other person shall allow debris, construction materials, etc., to accumulate during construction in a manner which becomes unsightly or which might affect the health, safety and welfare of residents of homes in the vicinity.

(c) *Signs.*

- (1) *Temporary street.* After paving of streets and during construction of a subdivision, the proprietor shall install and maintain temporary street signs until the county road commission installs permanent signs. The signs shall be installed according to standards and specifications adopted by resolution of the city council.
- (2) *Lot.* At the time of obtaining a building permit, the proprietor shall place and maintain a sign on the proposed lot indicating the lot number and shall provide the building department a map showing the location of all lots.

(d) *Mayor's authority.* Upon it appearing to the mayor there has been a failure to comply with any of the requirements of this section, he may institute city review procedures and city inspections related to the subject property, until there has been compliance. This authority shall not limit the city's authority to issue citations for the violation of this section.

(Code 1976, § 4-01.12)

Secs. 122-66—122-90. Reserved.

DIVISION 2. VARIANCES

Sec. 122-91. Authority established.

The city council may authorize a variance from this article when undue hardship may result from strict compliance.

(Code 1976, § 4-01.15.01)

Sec. 122-92. Conditions to be prescribed.

In granting any variance to this article, the city council shall prescribe only conditions that it deems necessary to or desirable for the public interest.

(Code 1976, § 4-01.15.02)

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Sec. 122-93. Considerations.

In making its findings on a variance to this article as required in section 122-94, the city council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

(Code 1976, § 4-01.15.03)

Sec. 122-94. Findings.

No variance to this article shall be granted unless the city council finds as follows:

- (1) There are special circumstances or conditions affecting the property such that the strict application of this article would deprive the applicant of the reasonable use of his land.
- (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.
- (4) The variance will further the written objectives and policies of this Code and the master use plan.

(Code 1976, § 4-01.15.04)

Sec. 122-95. Waiver of sidewalk requirements.

(a) *Authority established.* The city council may authorize a waiver from the requirement that all single-family residential subdivisions provide sidewalks.

(b) *Limitation.* In no case shall a waiver be granted to any subdivision that contains nine or more buildable lots.

(c) *Findings.* In determining whether a waiver shall be granted, the city council shall determine that the subdivision meets either or both of the following factors and make findings based thereon:

- (1) The proposed sidewalk would not currently connect with any established

nonmotorized vehicle-pedestrian pathway or sidewalk nor would it be likely to connect to any nonmotorized vehicle-pedestrian pathway or sidewalk in the future.

- (2) The proposed sidewalk would not currently connect with any established nonmotorized vehicle-pedestrian pathway or sidewalk and there are identifiable conditions which may present a hazard at the unconnected end of a sidewalk.

(Code 1976, § 4-01.16)

Secs. 122-96—122-120. Reserved.

DIVISION 3. PLAT APPROVAL PROCEDURE

Subdivision I. In General

Sec. 122-121. Requirement established.

No subdivision plat within the city shall be approved unless it conforms to the requirements of this article.

(Code 1976, § 4-01.03.01)

Sec. 122-122. Exemptions.

(a) *Recorded subdivision lots.* This article, as amended, shall not apply to any lot forming a part of a subdivision created and recorded prior to January 1, 1968, except for the further dividing of lots.

(b) *Subdivisions being platted.* The requirements of this article, as amended, shall apply to a subdivision in the process of being platted, unless:

- (1) The new or added requirement would require a revision of a plat that has received tentative or final approval of the preliminary plat, and the right to proceed to the next step in the platting procedure has been established pursuant to the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.); or