

Chapter 16

LAND DIVISIONS AND SUBDIVISIONS*

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***State law reference**—Land division act, MCL 560.101 et seq.

ARTICLE I. IN GENERAL

Sec. 16-1. Land divisions.

The division of any lot or parcel of land in the city is prohibited, unless approved by the city assessor in accordance with the requirements of this article.

(Code 1972, § 17.002; Ord. No. 171, § 2.01, eff. 5-9-1988; Ord. No. 171-A, eff. 6-5-2002; Ord. No. 171-B, § 1, eff. 9-13-2013)

Sec. 16-2. Application standards.

An applicant shall file all of the following with the municipal clerk or other official designated by the city council for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- (1) A completed application form on such form as may be provided by the city.
- (2) Proof of fee ownership of the land proposed to be divided.
- (3) A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 PA 132 (MCL 54.211) by a land surveyor licensed by the state and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division, the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads, unless waived by the assessor.
- (4) Proof that all standards of the land division act (MCL 560.101 et seq.) and this article have been met.
- (5) The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the land division act (MCL 560.101 et seq.).
- (6) Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- (7) If transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- (8) All divisions shall result in "buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, floodplains and other areas where buildings are prohibited therefrom, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and maximum allowed area coverage of buildings and structures on the site.
- (9) The fee, as may from time to time be established by resolution of the city council, for land division reviews pursuant to this article to cover the costs of review of the application and administration of this article and the land division act.

(Ord. No. 171-B, § 2, eff. 9-13-2013)

Sec. 16-3. Procedure.

- (1) Upon receipt of a land division application package, the city clerk or other official designated by the city council shall forthwith submit the application package to the city assessor. The city assessor will approve, or approve with reasonable conditions to ensure compliance with applicable ordinances and the protection of public health, safety, and general welfare, or disapprove the land division applied for within 30 days after receipt of the application package conforming to this ordinance's requirements, and will promptly notify the applicant of the decisions and the reasons for any denial. If the application package does not conform to this ordinance's requirements and the land division act (MCL 560.101 et seq.), the assessor will return the application package

to the applicant for completion and re-filing in accordance with this article and the land division act (MCL 560.101 et seq.).

(2) Any person or entity aggrieved by the decision of the assessor may, within 30 days of such decision, appeal the decision to the city council which will consider and resolve such appeal by a majority vote of the council at its next regular meeting or session affording sufficient time for a 20-day written notice to the applicant (and appellant where other than the applicant) of the time and date of such meeting and appellate hearing.

(3) The city assessor will maintain an official record of all approved land divisions or transfers. (Ord. No. 171-B, § 2, eff. 9-13-2013)

Sec. 16-4. Approval standards.

(1) All the parcels to be created by the proposed land division fully comply with the applicable lot (parcel), yard and area requirements of the applicable zoning ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot width to depth ratio, and maximum lot (parcel) coverage and minimum setbacks for existing buildings/structures.

(2) The proposed land division complies with all requirements of the land division act (MCL 560.101 et seq.) and this article.

(3) All parcels created and remaining have existing adequate accessibility, or an area available therefore, to a public road for public utilities and emergency and other vehicles not less than the requirements of the applicable zoning ordinance, major thoroughfare plan, road ordinance or this article. In determining adequacy of accessibility, any ordinance standards applicable to plats shall also apply as a minimum standard whenever a parcel or tract is proposed to be divided to create four or more parcels.

(4) In the absence of applicable zoning or other ordinances providing a different standard, all parcels created by a land division shall comply with the following minimum standards:

- (a) Where accessibility is to be provided by a proposed new dedicated public road, proof that the city engineer or state department

of transportation has approved the proposed layout and construction design of the road and of utility easements and drainage facilities connected therewith.

- (b) Where accessibility by vehicular traffic and for utilities is permitted through other than a dedicated and accepted public road or easement, such accessibility shall comply with the city's private road requirements.

(Ord. No. 171-B, § 2, eff. 9-13-2013)

Sec. 16-5. Consequences of noncompliance with land division approval requirements.

(1) Any parcel created in noncompliance with this article will not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and will not be recognized as a separate parcel on the assessment roll.

(2) In addition, violation of any section of this article is punishable as a municipal civil infraction punishable by a civil fine of not less than \$100.00 nor more than \$500.00.

(3) In addition to the penalties provided by this section, the district court shall have the equitable jurisdiction to enforce any judgment, writ, or order necessary to enforce any provision of this article, including, but not limited to, abatement of any violating condition or the granting of any injunctive relief.

(Ord. No. 171-B, § 2, eff. 9-13-2013)

Secs. 16-6—16-20. Reserved.

ARTICLE II. SUBDIVISION REGULATIONS AND STREET CONSTRUCTION

Sec. 16-21. Adoption of plat development and street construction code.

The Plat Development and Street Construction Standards and Specifications Code, is hereby ad-

opted, an official copy of which is on file in the offices of the city clerk, code enforcement and city manager of the city

(Code 1972, § 17.552; Ord. No. 143, § 2.01, eff. 9-30-1982; Ord. No. 143-A, eff. 7-2-2000)

Sec. 16-22. Purpose.

The purpose of this article is to:

- (1) Provide for the orderly growth and harmonious development of the community;
- (2) Secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares and adjoining subdivisions;
- (3) Establish minimum standards for street construction, and public facilities;
- (4) Achieve individual property lots of maximum utility and liveability;
- (5) Secure adequate provisions for water supply, drainage and sanitary sewerage, and other health requirements;
- (6) Secure adequate provisions for recreational areas, school sites, and other public facilities;
- (7) Provide logical procedures for the achievement of these purposes; and
- (8) Provide for the administration, enforcement and penalty for violation of this article.

Each and all of the regulations, provisions, penalties, conditions, and terms thereof shall be deemed adopted and made a part hereto by the reference as if fully set out in this article, subject to such changes as may be made by the terms of this and future ordinances.

(Code 1972, § 17.553; Ord. No. 143, § 3.01, eff. 9-30-1982)