

CHAPTER 153: LAND DIVISION

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GENERAL PROVISIONS

§ 153.01 TITLE; STATUTORY AUTHORIZATION.

This chapter shall be known and may be cited as the city "Land Division Ordinance." The regulations of this chapter are adopted pursuant to the statutory authority of Public Act 288 of 1967, as amended, being M.C.L.A. §§ 560.101 - 560.293, otherwise known as the Land Division Act.

(Ord. 167, passed 12-15-97)

§ 153.02 APPLICABILITY OF CHAPTER.

This chapter shall apply to all land divisions governed by the provisions of the Land Division Act, Public Act 288 of 1967, as amended, being M.C.L.A. §§ 560.101 - 560.293.

(Ord. 167, passed 12-15-97)

§ 153.03 COMPLIANCE WITH ZONING AND OTHER REGULATIONS.

Approval of a land division does not grant approval for the use of such divided lot or parcel. Any lot or parcel proposed for division must comply with the requirements of the Zoning Ordinance of the city or any other applicable ordinances or regulations.

(Ord. 167, passed 12-15-97)

§ 153.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASSESSOR. The City Assessor.

CLERK. The City Clerk.

LAND DIVISION ACT. Public Act 288 of 1967, as amended, being M.C.L.A. §§ 560.101 - 560.293. The definitions of terms contained in the Land Division Act are incorporated in this chapter.

ZONING ADMINISTRATOR. The Zoning Administrator of the city.

ZONING ORDINANCE. The Zoning Ordinance of the city.

(Ord. 167, passed 12-15-97)

LAND DIVISION APPROVAL

§ 153.15 APPROVAL REQUIRED.

The approvals and requirements of this chapter shall be satisfied prior to any land division within the city.

(Ord. 167, passed 12-15-97) Penalty, see § 153.99

§ 153.16 APPLICATION REQUIREMENTS; FEE.

(A) An application for land division shall be submitted to the Clerk. Each application shall be accompanied by the following, unless deemed unnecessary by the Clerk:

- (1) the payment of a fee as established by the City Council;
- (2) a completed application form, as provided by the city;
- (3) a complete and accurate legal description of each proposed lot or parcel created by the land division;
- (4) a graphic or written description of any previous land divisions from the parent parcel including the size, number, and date of such divisions;
- (5) evidence of approvals from the County Health Department for on-site water supply and sewage disposal, if public water and/or sewer are not available;

(6) three copies of a complete tentative parcel map drawn to scale, which shall be not less than 1 inch = 20 feet for property totaling under three acres and at least 1 inch = 100 feet for those totaling three acres or more, and which shall meet the following requirements:

(a) The parcel map shall be prepared by a registered engineer or land surveyor.

(b) The tentative parcel map shall include, at a minimum:

1. the date, a North arrow, a scale, and the name of the individual or firm responsible for the completion of the tentative parcel map;

2. proposed lot lines and their dimensions;

3. the location and nature of proposed ingress and egress locations to any existing public or private streets;

4. the location of any public or private street, driveway, or utility easements to be located within any proposed parcel (Copies of the instruments describing and granting such easements shall be submitted with the application.);

5. general topographical features including contour intervals no greater than ten feet;

6. the zoning designation of all proposed lots or parcels;

7. the proposed method of providing storm drainage;

8. the depth to width ratio of each parcel resulting from the proposed land division;

9. the location of each structure on each proposed lot or parcel created by the requested land division, including dimensions in feet from each structure to existing and proposed lot lines.

(B) Applications for land divisions shall not be accepted unless all of the required materials are submitted and are complete.

(Ord. 167, passed 12-15-97)

§ 153.17 APPLICATION REVIEW; REQUIREMENTS FOR APPROVAL.

Land division applications shall be considered by the Assessor and Zoning Administrator. The Assessor and Zoning Administrator shall review the application and such other information as may be available. The Assessor and Zoning Administrator shall approve a proposed land division within 45 days after the filing of a complete application with the Clerk if, in addition to the requirements of Section 108 of the Land Division Act, being M.C.L.A. § 560.108, all of the following requirements are met:

(A) Each resulting parcel has an adequate and accurate legal description and is included in a tentative parcel map showing area, parcel lines, public utility easements, accessibility, and other requirements of this chapter and section 108 of the Land Division Act.

(B) Each resulting parcel has an area not less than that required by the Zoning Ordinance.

(C) Each resulting parcel is accessible, meaning that it satisfies one or both of the following requirements:

(1) It has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the State Transportation Department or the city, whichever has jurisdiction, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.

(2) It is served by an existing easement that provides vehicular access to an existing road or street and meets all applicable location standards of the State Transportation Department or the city, whichever has jurisdiction, or can be served by a proposed easement that will provide vehicular access to an existing road or street and meet all such applicable location standards.

(D) The division meets all of the requirements of M.C.L.A. § 560.108.

(E) Each resulting parcel that is a development site has all of the following:

(1) public water or health department approval for on-site water supply under rules described in M.C.L.A. § 560.105(g);

(2) public sewer or city, county, or district health department approval for on-site sewage disposal under rules described in M.C.L.A. § 560.105;

(3) adequate easements for public utilities from the parcel to existing public utility facilities.

(F) (1) Each resulting parcel satisfies the following rules regarding depth to width ratio:

(a) No lot or parcel shall be created the depth of which exceeds four times its width.

(b) The width to depth ratio requirements of this section shall not apply to lots or parcels that have more than one-half of their street frontage on a cul-de-sac. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the remainder of the lot. Such lots shall have a minimum lot width of 40 feet at the front property line.

(c) For corner lots, the depth of the lot shall be measured along the longest front lot line which is parallel or generally parallel to the public or private street right-of-way or easement. The width of the corner lot shall be that front lot line which is parallel or generally parallel to

the public or private street right-of-way or easement and is the shorter of the two front lot lines. Where such lot lines are of equal length, the Zoning Administrator shall determine the measurement of lot width to depth for purposes of this section.

(2) The Assessor and Zoning Administrator may permit the division of a lot or parcel which does not comply with this provision provided that the following findings are made:

(a) The greater width to depth ratio is necessitated by conditions of the land which make compliance with this section impractical. (Such conditions may include topography, road access, soil conditions, wetlands, floodplains, or water bodies, or other similar condition.)

(b) The division and use of such lot or parcel will not conflict with other federal, state, county, or city ordinances or regulations, unless an appropriate variance or approval is granted as required or permitted by such ordinances or regulations.

(Ord. 167, passed 12-15-97)

§ 153.99 PENALTY.

(A) A violation of any provision of this chapter is hereby declared to be a nuisance per se. A violation of this chapter is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$500 nor more than \$1,000 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law.

(B) For purposes of this section, SUBSEQUENT OFFENSE means a violation of the provisions of this chapter committed by the same person within 12 months of a previous violation of the same provision of this chapter for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

(C) The city may request injunctive or other equitable relief to abate violations of this chapter.

(Ord. 167, passed 12-15-97)