

## Chapter 18

### LAND DIVISIONS AND SUBDIVISIONS\*

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\* **State Law References:** Land division act, MCL 560.101 et seq.

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### ARTICLE I.

#### IN GENERAL

#### Sec. 18-1. Division of recorded lots.

(a) *Lot division.* The division of a lot in a recorded plat is prohibited, unless approved following application to the city council. The application shall be filed with the city clerk and shall state the reasons for the proposed division. The division, to be approved by the city council, shall have the suitability of the land for building purposes approved by the county or district health department unless city water and sewer are to be used.

(b) *Council approval.* No building permit shall be issued, or any building construction commenced, prior to the city council's approval. No lot in a recorded plat shall be divided into more than four parts and the resulting lots shall be not less in area than permitted by the city zoning ordinance. The division of a lot resulting in a smaller area the prescribed herein may be permitted but only for the purpose of adding to the existing building site.

(Ord. No. 86-1, 9-29-1986)

**State Law References:** Further partition or division of property, MCL 560.263.

Secs. 18-2--18-20. Reserved.

### ARTICLE II.

#### LAND DIVISIONS

Sec. 18-21. Purpose.

The purpose of this article is to provide a procedure for the division of unplatted land located within the city pursuant to the requirements of Public Act No. 591 of 1996 (MCL 560.101 et seq.), being the Michigan land division act.

(Ord. of 9-13-2004, § 1)

**Sec. 18-22. Applicability.**

This chapter shall apply to all unplatted lands within the city. Where sections of the article covering platted lands, including lot splits and subdivision regulations are in conflict with this chapter, this article and the land division act shall take precedence.

(Ord. of 9-13-2004, § 2)

**Sec. 18-23. Compliance review by city assessor.**

No land within the city shall be divided without the prior review and recommendation of the city assessor for compliance with this article and the Michigan land division act.

(Ord. of 9-13-2004, § 3)

**Sec. 18-24. Land division requirements.**

An applicant for land division approval shall provide the zoning administrator with documented proof that the following requirements have been met before any land division will be approved:

- (1) *Land division map.* A tentative land division map, to scale, for preliminary review by the zoning administrator, showing:
  - a. Area of each land division.
  - b. Proposed property lines of each land division.
  - c. Public utility easements to each land division.
  - d. Road accessibilities for each land division.
- (2) *Depth and width ratio compliance.* Compliance with any applicable depth to width ratio requirements in the city zoning ordinance.
- (3) *Minimum lot width.* Compliance with the minimum lot width requirements of the zoning ordinance for each land division.
- (4) *Minimum lot area.* Compliance with the minimum lot area requirements of the zoning ordinance for each land division.
- (5) *Road accessibility.* Road accessibility for each land division by one of the following:
  - a. Public street frontage.

- b. Frontage on a private road which complies with road construction standards and which intersects with a public street.
  - c. A private easement at least 60 feet in width which provides access to land which will always remain vacant.
- (6) *Survey.* A survey and legal description of each proposed land division. This must be provided before final approval will be given by the zoning administrator but may be provided after the zoning administrator's preliminary review of the tentative land division map.
  - (7) *Accurate legal description.* An accurate legal description, in the shortest possible form, of the remaining parcel of land from which the new divisions are being taken.
  - (8) *Number of divisions allowed.* Any proposed land division shall not create more divisions than the number allowed by the Michigan land division act.
  - (9) *Approval for on-site water.* District Health Department Number 10 approval for on-site water for each land division where city water is unavailable, unless the land will always remain vacant.
  - (10) *Approval for on-site sewage disposal.* District Health Department Number 10 approval for on-site sewage disposal for each land division, where public sewers are unavailable, unless the land will always remain vacant.
  - (11) *Public utilities easements.* Public utility easements must be in place from the proposed land division to existing public utility facilities for any land that will not be permanently vacant.

(Ord. of 9-13-2004, § 4)

#### **Sec. 18-25. Approval period.**

The city zoning administrator shall have a review period of 45 days after documents verifying compliance with each of the requirements listed in the land division requirements in section 18-24 have been submitted to the zoning administrator. If all items are in compliance, approval shall be granted within the said 45-day review period.

(Ord. of 9-13-2004, § 5)

#### **Sec. 18-26. Fees.**

The city council may establish a reasonable fee schedule for processing land divisions and parcel combination requests.

(Ord. of 9-13-2004, § 6)