

Chapter 18

**LAND DIVISIONS AND SUBDIVISIONS\***

**Article I. In General**

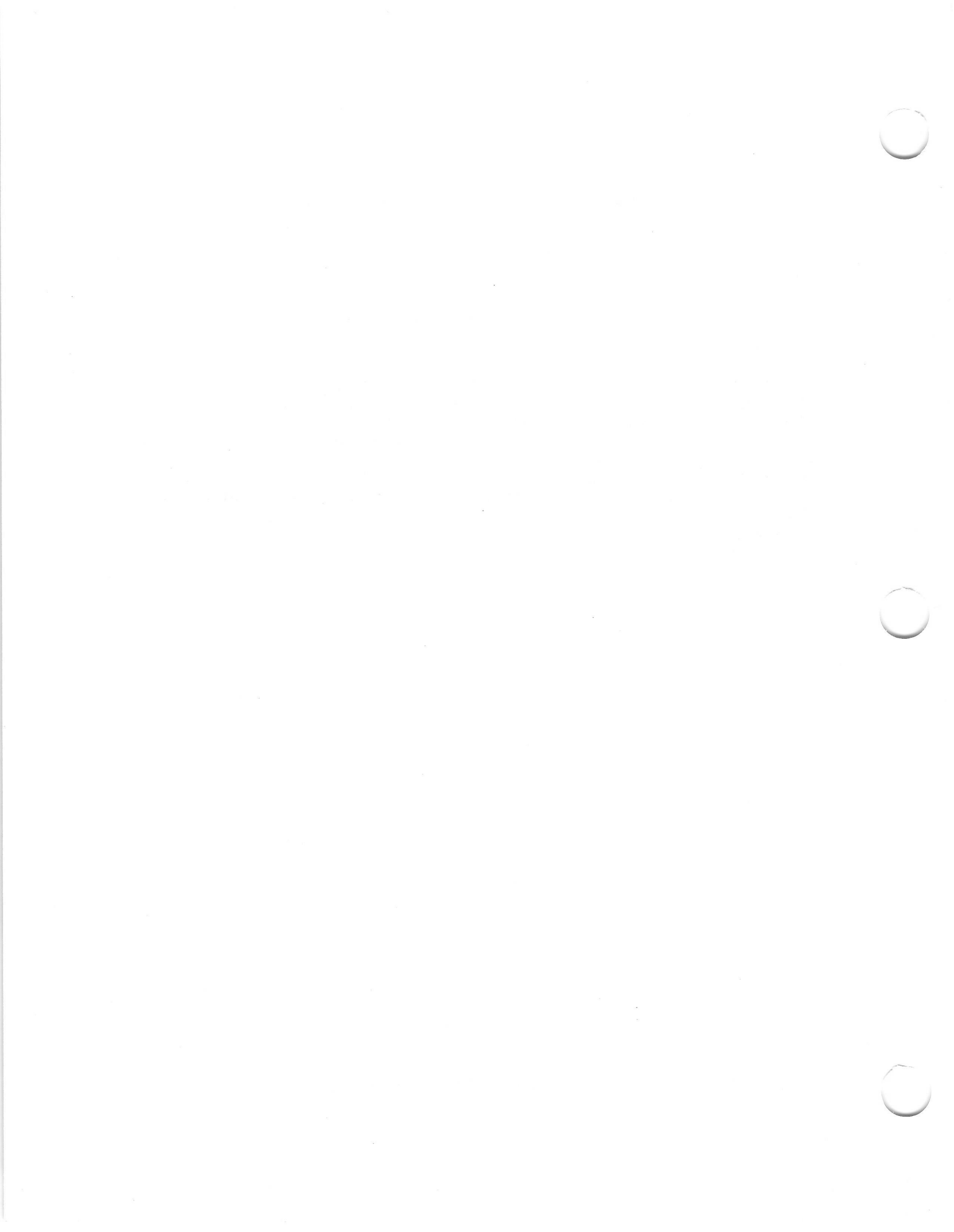
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\*State law reference—Land division act, MCL 560.101 et seq.



**ARTICLE I. IN GENERAL**

**Secs. 18-1—18-18. Reserved.**

**ARTICLE II. SUBDIVISION CONTROL****Sec. 18-19. Purpose.**

The purpose of this article is to regulate and control the subdivision of land within the village in order to promote the public safety, health and general welfare.  
(Code 1988, § 5.202)

**Sec. 18-20. Authority.**

This article is enacted pursuant to the authority granted by the Land Division Act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), and Public Act No. 3 of 1895 (MCL 61.1 et seq.), which authorize village councils to adopt ordinances, to secure the public health, safety and general welfare.  
(Code 1988, § 5.203)

**Sec. 18-21. Submission of preliminary plat for tentative approval.**

(a) Every person who submits a proposed preliminary plat to the village council for tentative approval shall submit not less than four or more than ten legible copies of said proposed preliminary plat. Such copies must contain, at a minimum, the following information and fees:

- (1) Relief area proposed to be platted with not more than four-foot contour intervals.
- (2) Road layout.
- (3) Lot layout, showing size and shape of proposed lots.
- (4) Whether proposed plat will be served by sanitary sewer and/or water.
- (5) The general location and size of any floodplain possibly located within the area to be platted.
- (6) In general, the methods proposed for stormwater disposal.
- (7) A fee equal to the sum of \$1.00 multiplied by the number of lots contained in the proposed subdivision, but not less than \$50.00.

(b) When the proprietor owns or plans to acquire and anticipates platting adjoining land, he shall submit, with the preliminary plat for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.  
(Code 1988, § 5.204)

**State law reference—**Preliminary plat tentative approval, MCL 560.112.

**Sec. 18-22. Village council review of preliminary plat for tentative approval.**

(a) *Standards for review.* Upon receipt of copies of said proposed plat for tentative approval, the village council shall forward one copy each to the county planning commission, local soil conservation district and the county road commission and/or state highway department, where applicable, for recommendation and shall examine said proposed preliminary plat with such assistance and review by the village engineer and village attorney as the village council shall require. The village council shall determine whether said proposed preliminary plat complies with all village ordinances and state statutes as well as makes adequate provision for the following:

(1) *Streets.*

- a. Compliance with a major street thoroughfare plan adopted by village, if any.
- b. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new subdivision.
- c. Where adjoining areas are not subdivided, the arrangement of the streets in the proposed subdivision shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjoining areas; provided, however, that minor streets within the subdivision shall be so laid out that their use by through traffic will be discouraged.
- d. Where the proposed subdivision abuts or contains a county primary road or major thoroughfare, as defined in the village major thoroughfare plan, the village council may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
- e. Private streets may be permitted by the village council if the village council finds that private streets within the plat will not adversely affect public health, safety or welfare.
- f. All new streets shall be named as follows: Streets with predominant north-south directions shall be named "Street," streets with predominant east-west direction shall be named "Avenue," meandering streets shall be named "Drive," "Lane," "Path," "Road" or "Trail," etc., and culs-de-sac shall be named "Circle," "Court," "Way" or "Place," etc.
- g. Streets should intersect at 90 degrees or closely thereto and in no case less than 80 degrees.
- h. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect such cross street closer than 175 feet from such opposite existing street as measured from the centerline of said streets.
- i. The maximum length allowed for residential blocks shall be 1,000 feet.

- j. All primary road rights-of-way, as designated by the village council, within or abutting plats hereafter recorded, shall provide a 50-foot half-width. All other rights-of-way within or abutting such plats shall be not less than 66 feet in width. Permanent dead-end streets in excess of 660 feet in length shall be prohibited except upon primary approval of the village council, to be granted only where the topography of the area, rivers, streams, other natural conditions or the prior development of the area prevents a through street from being constructed.
- k. A subdivision or extension of an existing subdivision creating a total of 50 or more lots must be developed so as to provide two or more access streets.

(2) *Lots.*

- a. Lots served by sewer or water must have a minimum width of 80 feet at the building setback line and a minimum of 10,000 square feet of area. Lots with either sewer or water must have a minimum width of 90 feet at the building setback line and a minimum of 12,000 square feet of area. Lots without either sewer or water must have a minimum width of 100 feet at the building setback line and a minimum of 13,200 square feet of area.
- b. Corner lots generally should have extra width to permit appropriate building setback from both streets.

(3) *General provisions.*

- a. Privately held reserve strips controlling access to streets shall be prohibited.
- b. Existing natural features which add value to residential development and that enhance the attractiveness of the community (such as streams, water courses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the subdivision.
- c. Lands subject to flooding or otherwise determined by the village council to be uninhabitable should not be platted for residential, commercial or industrial purposes. Such lands within a subdivision may be set aside for other purposes such as parks and/or open space.

(b) *Tentative approval.* If the village council determines that the proposed preliminary plat complies with all applicable ordinances and statutes and the provisions set forth in this section, it shall grant tentative approval of the preliminary plat, and such approval shall confer upon the proprietor, for a period of one year from date of approval, lot size, lot orientation and street layout. Such tentative approval may be extended in the discretion of the village council upon application of the proprietor. (Code 1988, § 5.205)

**Sec. 18-23. Submission of preliminary plat for final approval.**

Every person who submits copies of a proposed preliminary plat to the village council for final approval shall submit the following relevant data and fees:

- (1) Evidence that all requirements imposed by the village council at the time of granting tentative approval have been incorporated into the proposed plan.

- (2) Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private roads within and adjoining said plat. Prior to submitting copies of the preliminary plat to the village council for final approval, the developer shall document consultation with all public utilities which will be servicing the subdivision to resolve any conflicts in location between public utility facilities and other improvements.
  - (3) A fee equal to the sum of \$2.00 multiplied by the number of lots contained in the proposed subdivision, but not less than \$100.00.
- (Code 1988, § 5.206)

**State law reference**—Final approval of preliminary plat, MCL 560.120.

### **Sec. 18-24. Village council review of preliminary plat for final approval.**

(a) Upon receipt of all required copies of the preliminary plat for final approval, the village council shall examine the same with such assistance and review by the village engineer and village attorney as said village council shall request. Upon completing its review, the village council shall determine whether said proposed preliminary plat complies with the requirements imposed by the village council at the time of tentative approval; has received the required statutory approval of other governmental agencies and, in addition, meets the following requirements:

- (1) All road grades shall not exceed a seven percent grade or be less than a 0.5 percent grade except upon special approval of the village engineer.
- (2) All grades in excess of three percent shall require installation of a curb and gutter. Such curbs and gutters shall be set apart not less than 35 feet, as measured from back to back, and fully paved between the lips of the gutters.
- (3) All road rights-of-way within or abutting such plat shall be constructed with not less than six-inch compacted gravel base for a width of 22 feet and covered with not less than two inches of bituminous aggregate pavement for a width of 20 feet.
- (4) All rights-of-way shall be graded to the full width thereof for proper drainage and prospective future widening and improving. Road grading shall be accomplished so as to establish a 0.5-foot higher elevation at the boundary of the rights-of-way than at the crown of the traveled roadway. All trees or other obstructions within the right-of-way which interfere with the grading and/or drainage shall be removed. The 0.5-foot elevation and tree and obstruction removal may be varied or adjusted by the village council upon recommendation of the village engineer where valuable trees or obstacles are involved and as long as drainage and safety will not be impaired.
- (5) Permanent dead-end streets shall be provided at the closed end with a turnaround having an outside improved roadway diameter of at least 125 feet as measured from the centerline of the gutter or back of curb and a street property line diameter of at least 150 feet. Temporary dead-end streets shall be provided at the closed end with a turnaround constructed the full width of the right-of-way.

- (6) All surface waters shall be adequately drained within each plat by a separate system of drainage structures or through the connection of such separate system to an adequate adjoining system. Where storm sewers are used, inlet basins must not be spaced farther apart than 300 feet except upon express approval of the village council, upon recommendation of the village engineer, to be granted only where other equivalent and sufficient drainage inlets are provided. Where such outlets are not thus available, such drainage structures may consist of leaching basins so spaced that water shall not be required to run on the surface of the road further than 250 feet to such basin, or so spaced as to afford equivalent and sufficient drainage. The determination of what is equivalent and sufficient drainage shall be left to the village council upon the recommendation of the village engineer.
- (7) Connection to sanitary sewers and/or water mains may be required by the village council when the village council determines that said sewers and/or water mains are reasonably available to the proposed subdivision.
- (8) At the discretion of the village council, the proprietor shall make arrangements for all distribution lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely through the residential subdivided area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the state public service commission. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission. Private easements for underground utilities shall be shown on the preliminary plat.
- (9) Stormwater disposal methods proposed for the subdivision must be adequate to ensure each building site and roadway will not be flooded and that all necessary easements for storm sewers or open drains can feasibly be dedicated to the public for such purposes.
- (10) No land within the subdivision may be isolated from a public highway, and no adjoining land of the proprietor or others may be isolated from a public thoroughfare thereby creating landlocked parcels.
- (11) Street lighting may be required by the village council when said council determines that street lighting is necessary for public health, safety and welfare.
- (12) Sidewalks may be required by the village council when the village council determines that sidewalks are necessary for pedestrian safety, public health, and welfare. When required, sidewalks shall be constructed of concrete, four feet in width, four inches in depth, upon a two-inch minimum of 50 feet; sidewalks built across driveways shall be constructed of concrete and six inches in depth.

(b) If the village council determines that the preliminary plat has obtained the required statutory approval of other governmental agencies and complies with the requirements of this article, the village council shall grant final approval of the preliminary plat, which shall confer upon the proprietor, for a period of two years from date of approval, the conditional right that the general terms and conditions under which said approval was granted will not be changed. The two-year period may be extended at the discretion of the village council upon application by the proprietor. (Code 1988, § 5.207)

**Sec. 18-25. Submission of final plat for final approval.**

Every person who submits a proposed final plat to the village council for final approval shall also submit the following relevant data and fees:

- (1) An abstract of title or title insurance policy showing merchantable title in the proprietor of the subdivision.
  - (2) A fee equal to the sum of \$2.00 multiplied by the number of lots contained in the proposed subdivision, but not less than \$100.00.
- (Code 1988, § 5.208)

**State law reference**—Final plats, MCL 560.131 et seq.

**Sec. 18-26. Review by village council of final plat for final approval.**

The village council shall review the proposed final plat and determine that:

- (1) All monuments required to be placed in the subdivision have either been placed or a cash or equivalent deposit has been made with the village and a deposit agreement executed by the proprietors.
- (2) All roads, streets, bridges and culverts have been completed and installed, or that a cash or equivalent deposit has been made with the village and a deposit agreement has been executed by the proprietors.
- (3) If the subdivision has any waterways or lagoons, etc., as set forth in section 188 of the state land division act, that all such waterways, etc., shall be installed or that a cash or an equivalent deposit has been made to the village and a deposit agreement has been executed by the proprietors.
- (4) If any floodplains are involved in the proposed subdivision then such floodplains shall be restricted as provided by the state land division act and such restrictions shall be submitted to the village council for review and approval prior to recording and thereafter shall be recorded in the office of the register of deeds contemporaneously with the recording of the plat.
- (5) All utilities servicing the plat have been installed and water and sanitary sewer mains have been stubbed to the lot line, or that a cash or equivalent deposit has been made with the village council sufficient in amount to ensure completion thereof within the time specified and a deposit agreement has been executed by the proprietors.



- (6) All underground utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded on the final plat as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side or lanes provided for utilities shall be at least 12 feet wide, usually six feet dedicated from each lot or parcel, except side lot easements three feet wide granted for street lighting dropouts. These easements should be direct and continuous from block to block.
- (7) All public improvements, such as streetlights, fire hydrants, sidewalks, parks, etc., which have been required by the village council have been completed and installed, or a cash or equivalent deposit has been made with the village sufficient in amount to ensure completion within the time specified and a deposit agreement has been executed by the proprietors.
- (8) The proposed final plat complies with all applicable state statutes and village ordinances and has received the requisite statutory approval of other governmental agencies.
- (9) The dedication is executed by all required owners.  
(Code 1988, § 5.209)

**Sec. 18-27. Penalty in case of failure to complete construction of public improvement.**

In the event the subdivider, in any case, fails to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the village council to proceed to have such work completed. In order to accomplish this, the village council shall reimburse itself for the cost and expense thereof by appropriating the security deposit which the subdivider had deposited with the village, or it may take such steps as may be necessary to require performance in accordance with the deposit agreement executed by the proprietors.

(Code 1988, § 5.210)

**Sec. 18-28. Lot division.**

After a subdivision has been recorded, platted lots may thereafter be partitioned or divided, with the approval of the village council, into not more than four parts, provided that the resulting lots or parcels or combinations or portions of two or more divided lots shall not be less in width or size than the more restrictive of this article, chapter 36, or the land division act, and provided further that such resulting lots shall each have direct access to a public roadway or private roadway constructed to the standards of this article, and also to public utilities necessary or required to service such lot, and provided further that all such resulting lots shall conform in all particulars to the requirements of the land division act and all village ordinances.

(Code 1988, § 5.211)

**State law reference**—Further partition or division of property, MCL 560.263.

**Sec. 18-29. Procedure.**

Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this article, the village council shall have power in passing upon proposed subdivisions to vary or modify any of the terms and provisions of this article so that the spirit of the article shall be observed and public health, safety and welfare shall be secured.

(Code 1988, § 5.212)

**Sec. 18-30. Violation as a municipal civil infraction.**

Any person violating this article shall be responsible for a municipal civil infraction.

(Code 1988, § 5.213)

Chapter 19

**RESERVED**

