

SUBDIVISION CONTROL ORDINANCE

# 66B

VILLAGE OF NORTHPORT, MICHIGAN

An Ordinance regulating the ~~subdivision of land~~ in the Village of Northport, requiring and regulating the preparation and presentation of preliminary and final plats for such purpose; establishing minimum subdivision standards; providing for minimum improvements to be made or guaranteed to be made by the subdivider; setting forth the procedures to be followed by the Village in applying these rules, regulations and standards.

The Village of Northport Ordains:

ARTICLE I--GENERAL PROVISIONS

SHORT TITLE: This Ordinance shall be known and may be cited as the "Northport Village Subdivision Ordinance."

PURPOSE: The purpose of this Ordinance is to regulate and control the subdivision of land within the Village of Northport, in order to promote the safety, public health and general welfare of the community. These regulations are specifically designed to:

- (a) Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies.
- (b) Achieve individual property lots of maximum utility and livability.
- (c) Insure adequate provisions for water, drainage, sanitary facilities, and other health requirements.

This Ordinance is enacted pursuant to the statutory authority granted by the Subdivision Control Act of 1967, Act 288, P.A. 1967, as amended; Act 3, P.A. 1895, as amended, authorizing Village Councils to adopt ordinances and regulations to secure the public health, safety and general welfare.

SCOPE: This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except for the further dividing of lots. Nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way

impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants or with restrictive covenants running with the land to which the Village is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of this Village, the provisions of the more restrictive ordinance shall control.

ADMINISTRATION: The approval provisions of this Ordinance shall be administered by the Village in accordance with Act 288, P.A. 1967, as amended, known as the "Subdivision Control Act of 1967."

SCHEDULE OF FEES: The schedule of fees for review of plats shall be as follows:

- (1) Fifty and no/100 (\$50.00) Dollars shall be paid to the Village Clerk at the time each preliminary plat is submitted for Council approval;
- (2) Fifty and no/100 (\$50.00) Dollars shall be paid to the Village Clerk at the time each final plat is submitted to the Council for approval;
- (3) Twenty and no/100 (\$20.00) Dollars additional shall be paid to the Village Clerk at the time the final plat is submitted to the Council (this is a recording fee which will not be returned in the event the final plat is not approved);
- (4) Ten and no/100 (\$10.00) Dollars shall be paid to the Village Clerk each time an application is made for the division of a lot.

## ARTICLE II--DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated. The word "shall" is always mandatory and not merely directory

- (a) ALLEY: A public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.
- (b) DEDICATION: The intentional appropriation of land by the owner

to public use.

(c) IMPROVEMENTS: Any structure incident to servicing or furnishing facilities for a subdivision.

(d) LOT: A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

(1) Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

(2) Lot Width: The horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.

(e) OUTLOT: When included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

(f) PARCEL OR TRACT: A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act, Act 288, P.A. 1967, as amended.

### ARTICLE III--PLATTING PROCEDURE AND DATA REQUIRED

#### PRELIMINARY PLATS:

Preliminary plats shall be submitted and filed for final approval under Sections 112 to 120 of the Subdivision Control Act. The fee provided for in this Ordinance for review of plats shall be deposited with the Village Clerk at the time of filing.

#### ACTIONS:

(1) The Village Council shall consider the preliminary plat at its next meeting, but no later than thirty-one (31) days after receipt.

(2) The Village Council shall within thirty-one (31) days after receipt either approve the preliminary plat as submitted, or reject the preliminary and give its reasons therefore.

(3) Said approval or rejection by the Village Council shall be noted in the minutes of the meeting, and a letter stating the action taken by the Village Council shall be issued to the subdivider.

CONDITIONS AND DURATION OF APPROVAL:

CONDITIONS:

(1) Approval of a preliminary plat shall not constitute approval of the final plat.

DURATION:

(1) Approval of the preliminary plat by the Village Council shall be for a period of one year, said period commencing after approval by all other required authorities.

(2) The Village Council may extend the one year period if applied for and granted in writing but only concerning its own requirements.

FINAL PLATS

REQUIREMENTS:

General

(1) Final plats shall be prepared and submitted as provided for in the Subdivision Control Act.

(2) A written application for approval and the recording fee shall accompany all final plats.

(3) The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to the date of the proprietor's certificate, or a policy of title insurance currently in force.

(4) The Village may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

ACTIONS:

VILLAGE COUNCIL

- (1) The Village Council shall review the final plat at its next regular meeting, or at a meeting to be called within thirty-one (31) days of receipt of the plat.
- (2) The Village Council shall approve or disapprove the plat. If disapproved, the Village Council shall give the subdivider its reasons in writing.
- (3) The Village Council shall instruct the Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection, and to sign the municipal certificate on the approved plat in behalf of the Village Council.

ARTICLE IV--LOTS--Requirements for

- (a) LOT SIZE: The lot shall have an average width of not less than 100 feet; an area of not less than 15,000 square feet, excluding all streets and alleys; and shall comply with all Village Ordinances and Michigan Statutes, as the case may be.
- (b) LOT LINES: Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.
- (c) WIDTH RELATED TO LENGTH: The depth of a lot generally should not exceed two and one-half (2 1/2) times the width as measured at the building line.
- (d) CORNER LOTS: Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets.
- (e) UNINHABITABLE AREAS: Lands subject to flooding or otherwise deemed by the Village Council to be uninhabitable shall not be platted for residential purposes, or for uses that may in the judgment of the Village Council increase the danger to health, life or property or increase the flood hazard. Such land within a subdivision may be set aside for other uses, such as parks or other open space.
- (f) LOT FRONTAGE: All lots shall front upon a street or road. Exceptions may be permitted for lots on lakes, rivers or streams. The front line shall be the street or road unless otherwise shown on the plat and approved by the Village Council at the time of council consideration of the preliminary plat.

(g) LOT DIVISION: The division of a lot in a recorded plat is prohibited, unless approved following application to the Village Council. The application shall be filed with the Village Clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in area than permitted by Article IV, sub-paragraph "a", as herein above recited. No building permit shall be issued, or any building construction commenced, unless the division has been approved by the Village Council and the suitability of the land for building sites has been approved by the Grand Traverse-Leelanau-Benzie District Health Department. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

ARTICLE V--AMENDMENTS

PROCEDURES: The Village Council may, from time to time, amend, supplement, or repeal the regulations and provisions of this Ordinance, as provided by law.

ARTICLE VI--MISCELLANEOUS PROVISIONS

VALIDITY: Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not effect the validity of the Ordinance as a whole or any other part thereof.

EFFECTIVE DATE: This Ordinance shall take effect in the Village immediately upon adoption by the Village Council, by a majority vote in favor thereof, entry in the Record of Ordinances and certification by the clerk as to the date of adoption and vote, and after the Village Clerk has posted this Ordinance in three of the most public places of the Village and has added to the Record of Ordinances a certificate under her hand, stating the time and place of such posting. Said posting must be accomplished within one week of the day of the Ordinance adoption.

Adoption by Village Council SEPT. 6, 1973

Date of Posting SEPT 6, 1973

Effective Date SEPT 6, 1973

Betty F. Mack

Village Clerk

Robert A. Zucker

Village President