

THE CITY OF PETERSBURG  
ORDINANCE NO. 17-0001

AN ORDINANCE TO REGULATE PARTITIONING OR DIVISION OF PARCELS OR TRACTS OF LAND, ENACTED PURSUANT BUT NOT LIMITED TO MICHIGAN PUBLIC ACT 288 OF 1967, AS AMENDED AND TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF PETERSBURG ORDAINS:

Section 1. Title

This ordinance shall be referred to as the “The City of Petersburg Land Division Ordinance.”

Section 2. Purpose

The purpose of this Ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to provide for the combination of parcels or tracts, to maintain orderly development of the community, and otherwise provide for establishing reasonable standards for prior review and approval of land divisions within the municipality.

Section 3. Definitions

For purposes of this Ordinance certain terms and words used herein shall have the following meaning:

“Applicant” – a person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

“Divided” or “Division” – the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his/her heirs, executors, administrators, legal representatives, successors or assignors, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act.

“Exempt split” or “Exempt division” – the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his/her heirs, executors, administrators, legal representatives, successors or assignors, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.

“Forty acres or the equivalent” – either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

“City Council” – the Council of the City of Petersburg.

Section 4. Prior Approval Requirement for Land Divisions

Land in the City shall not be divided without the prior review and approval of the City Building Inspector and City Council in accordance with this Ordinance and the State Land Division Act. The following shall be exempted from this requirement:

A parcel proposed for subdivision through a recorded plat pursuant to the City's Subdivision Control Ordinance and the State Land Division Act.

An exempt split as defined in the Ordinance.

Section 5. Application for Land Division Approval

An applicant shall file all of the following with the City Building Inspector for review and approval of the proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

A completed application with all required attachments on the application form provided by the City.

Proof of ownership of the land proposed to be divided.

A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL54.211) by a land surveyor licensed by the State of Michigan and showing the dimensions and legal descriptions of the existing parcels and parcels proposed to be created by the division(s), the location of all existing structures and other improvements, and the accessibility of the parcels for the vehicular traffic and utilities from existing public roads.

In lieu of such survey map, at the applicant's option, the applicant may waive the 30 day statutory requirement for a decision on the application until such survey map and legal description are filed with the City Building Inspector, and submit a tentative preliminary parcel map drawn to scale of not less than 200 feet per one inch including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for vehicular traffic and public utilities, for preliminary review, approval, and/or denial by the designated official prior to a final application under Section 5.

Notwithstanding the requirements of 5(C), at the discretion of the City Building Inspector, the survey requirement may be waived in writing when considering a division of a lot in a recorded plat proposed to be divided in accordance with the City's Subdivision Control Ordinance, when enacted, and the State Land Division Act.

Proof that all standards of the State Land Division Act and this Ordinance have been met. (See application.)

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 State Land Division Act.

Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.

If transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.

Unless a division creates a parcel which is acknowledged and declared to be 'not buildable' under Section 8 of this Ordinance, all divisions shall result in 'buildable' parcels containing sufficient 'buildable' area outside of unbuildable wetlands, flood plains 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 space, and maximum allowed area coverage of buildings and structures on the site.

#### Section 6. Procedure for Review of Applications for Land Division Approval

A land division application package shall be submitted to the City Assessor, City Building Inspector and City Council for review and decision. The City Assessor and/or Building Inspector and Council shall approve, approve with reasonable conditions to assure compliance with applicable ordinances, or disapprove the land division applied for within 30 days after receipt of the application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decision and the reason(s) for any denial. If the application package does not conform to this Ordinance's requirements and the State Land Division Act, the Assessor, Building Inspector or Council or its designee shall return the same to the applicant for completion and refile in accordance with this Ordinance and the State Land Division Act.

Any person or entity aggrieved by the decision of the Assessor, Building Inspector or Council may, within 30 days of said decision, appeal the decision or request any variation in the Ordinance to such other board or person designated by the City Council which shall consider and resolve such appeal by a majority vote of said 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 said meeting and appellate hearing.

A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the Monroe County Register of Deeds office and filed with the City Assessor accomplishing the approved land division or transfer.

The City Assessor shall maintain an official record of all approved and accomplished land divisions or transfers.

#### Section 7. Standards for Approval of Land Divisions

A proposed land division shall be approved if the following criteria are met:

All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the City of Petersburg 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.

The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.

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 City Zoning Ordinance, major thoroughfare plan, or this Ordinance. In determining adequacy of accessibility, any ordinance standards applicable to plats shall also apply as minimum standards applicable to plats shall also apply as minimum standards whenever a parcel or tract is proposed to be divided to create four (4) or more parcels.

The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-buildable parcels created under Section B of this Ordinance and parcels added to contiguous parcels that result in all involved parcels complying with said ratio. The four to one depth to width ratio shall not apply to any parcel created which is 10 acres or larger.

The permissible depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

The permissible minimum width shall be defined in the City Zoning Ordinance.

#### Section 8. Allowance for Approval of Other Land Divisions

Notwithstanding disqualification from approval pursuant to this Ordinance, a proposed land division which does not fully comply with the applicable yard, accessibility and area requirements of the applicable zoning ordinance of the Ordinance may be approved in any of the following circumstances:

Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the municipality designating the parcel as 'not buildable'. Any such parcel shall also be designated as 'not buildable' in the City records and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements, and shall not be developed with any building or above ground structure exceeding four feet in height.

Where, in circumstances not covered by paragraph A above, the Zoning Board of Appeals has, previous to this Ordinance, granted a variance from the lot, yard, frontage and/or area requirements with which the parcel failed to comply.

Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, any applicable zoning ordinance, or the State Land Division Act.

#### Section 9. Land Combination

Applications for the combination of land located in the City of Petersburg shall be made on applications provided by the City. No combination of any lot(s) or parcels of land shall be made or approved until all information requested in the application has been furnished to the City Building Inspector as well as with any additional information required by this Ordinance.

All applications for the combination of any lot or parcel of land located in the City of Petersburg shall have attached a survey containing the following:

Existing lot(s) or parcels of land prior to combination.

Lot or parcel after combination.

All existing structures on all lots or parcels and other physical features which would influence layout or description of lots or parcels to be combined.

Legal descriptions of parcels described in 9B above.

All such surveys shall bear the seal of a licensed surveyor and said surveys shall comply with Public Act 132 of 1970 as amended.

Notwithstanding the requirements of 9, combinations of residentially zoned and used parcels and agriculturally zoned and used parcels may be exempt from the survey requirements of this section at the discretion of the City Building Inspector provided that the applicant sign a waiver concerning the accuracy of the legal description.

#### Section 10. Consequences of Non-Compliance with Land Division Approval Requirement

Any parcel created in non-compliance with this Ordinance shall not be eligible for any building permits or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this Ordinance shall subject the violator to the penalties and enforcement actions set forth in Section 11 of this Ordinance, and as may otherwise be provided by law.

#### Section 11. Penalties and Enforcement

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine in an amount determined by City Council.

Any person who violates any of the provisions of the Ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

#### Section 12. Severability

The provisions of the Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

#### Section 13. Repeal

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the applicable Zoning Ordinances or Building Codes.

#### Section 14. Effective Date

This Ordinance shall take effect immediately after publication in a newspaper having general circulation in the City of Petersburg, Monroe County, Michigan.

I hereby certify that this Ordinance was duly adopted by the Petersburg Council on the \_\_\_\_\_  
day of \_\_\_\_\_, 2017.

\_\_\_\_\_,  
Leanne G. Goodin  
Petersburg City Clerk

\_\_\_\_\_  
Date