



PLANNING COMMISSION

AGENDA for 6/20/22

5:30 P.M.

- | | |
|---|--------|
| 1. Call to Order | Dixon |
| 2. Pledge of Allegiance | Dixon |
| 3. Roll Call | Walker |
| 4. Approval of minutes from 5/16/2022 | Dixon |
| 5. Public Comment (2 minutes per speaker) | Dixon |
| 6. Old Business | Dixon |
| A. Procedure for Review & Approval | Alden |
| B. Retail Marijuana Zoning Review | Alden |
| 7. New Business | |
| A. Land Division Application Review | Alden |
| B. Annual Report | Dixon |
| 8. Correspondence/Reports | Dixon |
| 9. Public Comment (2 minutes per speaker) | Dixon |
| 10. Adjournment | Dixon |

PLANNING COMMISSION MINUTES

5-16-2022

- 1.) Dixon called meeting to order at 5:35, regular meeting, Village of Roscommon Hall
- 2.) 2.) Pledge of Allegiance
- 3.) Roll Call: Don Dixon, Angela Cook, Tim Reilly, Kris Suvada. Also present; Ron Alden, Dan Fishel
- 4.) Approval of minutes; Dixon made motion to accept the minutes, for last regular meeting, Suvada second.
- 5.) Public comment: None
- 6.) Review of Marijuana Ordinance. Discussion regarding revised ordinance, text discussed. As the ordinance had been reviewed and edited, motion by Reilly to table the ordinance, Cook seconded motion.
- 7.) New Business: Land Division Ordinance discussed. It had been updated and is now published.
- 8.) Discussion re: New benches in Village are in place, Flowers in the Village hanging baskets up soon, Village advertisement south of Linwood very noticeable. A. Cook thanked for being the Village Leadership on the Planning Commission.
- 9.) Public comment: D Fishel commented on Marijuana Ordinance.
- 10.) Adjournment

Don Dixon, Planning Commission Chair

Date

Planning Commission Recorder

Date



Procedure for Review and Approval Village of Roscommon Zoning Ordinance

Initial Contact**

Contact the Village Manager at 989-275-5743 to initiate the process.

Pre-Conceptual Review Meeting

In most cases a Pre-Conceptual Review Meeting will be required or suggested – informal review a development proposal

Determination

If it is determined all requirements for a permit or request have been met to move forward it will be determined and recommended whether the project requires only Zoning Administrator approval or if requires a hearing with the Planning Commission.

If Necessary, Preliminary Site Plan Review by Planning Commission.

If necessary, a Planning Commission meeting will be schedule within 30 days of the Pre-Conceptual Meeting.

Final Site Plan Submission and Zoning Administrator Approval

Final inspection required. Certificate of Occupancy issued. Applicable fees will be collected.

Plot Plan.

The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, to evaluate compliance with Zoning Ordinance standards and requirements.

Site Plan. The drawings and documents, submitted for review and approval by the Planning Commission, depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

Article 5

Plot Plan & Site Plan Review

Sec	Name	Pg
5.1	Purpose & Approval Table	5-1
5.2	Plot Plans	5-2
5.3	Site Plan Review - Procedures	5-3
5.4	Site Plan Review - Data Required	5-7
5.5	Site Plan Review - Standards	5-8
5.6	Wellhead Protection	5-10

Section 5.1 Purpose & Approval Table

The purpose of this Article is to specify the documents and/or drawings required and procedures for plot plans and site plan review so as to ensure that a proposed land use or development activity is in compliance with this Ordinance. The following table summarizes the review level required and the approving body for each type of use.

Table 5.1 Approval Summary Table

Type of Use	Required	Approving Body
1. Single-Family Detached Dwellings and Two-Family Dwellings	Plot Plan	Reviewed & approved by ZA
2. Single-Family Attached Dwellings,	Site Plan	Reviewed & approved by PC
3. Residential Special Uses (Group Child Care; Cottage Industry)	Plot Plan	Reviewed & approved by PC
4. Special Uses (Non-Residential)	Site Plan (none required if no changes to structure)	
5. Parking Lots	Site Plan	Reviewed & approved by PC
6. Accessory Structures (residential and nonresidential)	Plot Plan	Reviewed & approved by ZA
7. Fences	Plot Plan	Reviewed & approved by ZA
8. New Commercial, Industrial, Institutional and Utility Structures/Uses	Site Plan	Reviewed & approved by PC
9. Expansion of an existing use which increases the required parking	Site Plan	Reviewed & approved by PC
10. Change of Use – from one use category to another (if #8 does not apply). Example: "Office" to "Accommodation"	ZA determines if plot plan is necessary	Reviewed & approved by ZA
11. Planned Unit Developments and Site Condominium Projects	Site Plan	Reviewed & approved by PC
12. Food Trucks	Plot Plan	Reviewed & approved by ZA
13. Small Cell Wireless Facilities	Site Plan	Reviewed & approved by ZA
PC = Planning Commission ZA = Zoning Administrator		
ZA may request Planning Commission review/decision on any application.		

ECONOMIC DEVELOPMENT GOAL 2022-2025

"The Village of Roscommon will be ready for future development while sustaining an environmentally balanced community as a beautiful place to live, work, and recreate."

Objective A

Develop and promote the growth of a diverse economic base as well as the tourism economy to serve the employment and commercial needs of residents and visitors.

Objective B

Market the Village to attract additional commercial and industrial enterprises.

1. Support and promote the development of **mixed lodging opportunities** within the Village by measures such as adopting zoning ordinance provisions that permit various forms of lodging, i.e. hotels, motels, bed and breakfasts, and tourist homes.
 - o DDA/M/EDST
 - o **LONG ON-GOING**
2. Modify zoning ordinance as needed Increase the **availability and attainability of a range of housing options** such as accessory housing units (ADU):
 - an apartment over the garage
 - a tiny house (on a foundation) in the backyard
 - a basement apartment
 - "Granny Flats"
 - o M/PC/ZO
 - o **MEDIUM ON-GOING**
3. Conduct follow up survey to monitor progress.
 - o EDST
 - o **MEDIUM ON-GOING**

Objective C

Work to attract a diverse age group to the Village by providing a thriving environment for training and job growth as well as by maintaining a family-friendly high quality of life.

Action Steps:

1. Encourage entrepreneurial training programs to assist residents in starting and maintaining their own small businesses.
 - o VC/DDA/EDST/M
 - o **MEDIUM ON-GOING**
2. Create information packets for new and potential residents and businesses.
 - o EDST/M
 - o **LONG ON-GOING**
3. Become more internet and Wi-Fi friendly.
 - a. EDST/M/VC
 - b. **LONG ON-GOING**
4. Develop a strategy that addresses activities related to key economic development initiatives including business and talent attraction/retention, and education and infrastructure
 - o EDST/M/VC
 - o **LONG ON-GOING**
5. Conduct follow up survey to monitor progress.
 - o EDST
 - o **MEDIUM ON-GOING**

Objective D

Provide a development-friendly environment in the Village.

Action Steps:

1. Conduct follow up survey to monitor progress.
 - o EDST
 - o **MEDIUM ON-GOING**

LAND DIVISION APPLICATION

1. Applicant/Ownership Detail	
A. Name:	
B. Mailing Address: Number/Street: City/State/ZIP:	_____ _____
C. Telephone:	_() _____
D. FAX:	_() _____
E. <u>Names, Addresses, and Ownership Interest:</u> Provide the names, mailing addresses, and type of ownership interest of all parties having an interest in the land to be divided. Use additional sheets as necessary.	_____ _____ _____ _____ _____ _____
<input type="checkbox"/> Check if additional sheet attached. Attach as Exhibit 1.	

2. Property Detail	
A. Address of Property to be Divided [if applicable]: Number/Street: City/State/ZIP:	_____ _____
B. Tax Identification Number of Property to be Divided [found on tax bill or obtained from Assessor's Office]	_____
C. Legal Description of Property to be Divided, including existing easements and covenants.	Attach as Exhibit 2 - Original Parcel. [May be included on Parcel Map.]
D. Legal Description of Parcels to be Created, including all Remnant Parcels. Include all easements and covenants.	Attach as Exhibit 3 - Parcels Created. [May be included on Parcel Map.]
E. Attach 10 Copies of Tentative Parcel Map to Include (refer to Ordinance for scale requirements):	
<input type="checkbox"/> Date, north arrow, scale, and name of individual or firm responsible for completion of the parcel map.	
<input type="checkbox"/> Name and address of applicant.	
<input type="checkbox"/> Proposed lot lines and their dimensions.	
<input type="checkbox"/> Location and nature of proposed ingress and egress locations to any existing public or private streets.	
<input type="checkbox"/> Location of any public or private street, driveway, lake or stream, access, or utility easements to be located within any proposed lot or parcel or to benefit the same.	
<input type="checkbox"/> General topographic features including contour intervals not to exceed 10 feet.	
<input type="checkbox"/> Any existing buildings, public or private streets, and driveways within 100 feet of all proposed lots or parcels.	
<input type="checkbox"/> Zoning designation of all proposed lots or parcels.	
<input type="checkbox"/> Small scale sketch of properties and streets within one quarter (1/4) mile of the subject site.	
<input type="checkbox"/> Proposed method of storm drainage.	

3. Additional Information	
A. Describe purpose/intent of divisions. How are the parcels to be used? Will they become part of an association or other entity? Will the parcels be served by private roads? If so, who will maintain the roads? Will there be common open space or other similar features? If so, who will maintain?	Attach as Exhibit 4 - Purpose of Land Divisions. If a private road is to be constructed, Exhibit 4 should also include a copy of a proposed maintenance agreement detailing how, and by whom, said road will be maintained.
B. Provide a graphic (map) or written description of any previous land divisions from the parent parcel including the size, number, and date of such divisions.	Attach as Exhibit 5 - Parent Parcel
C. Provide evidence of approval from the Public Works Department for on-site water supply and sewage disposal.	Attach as Exhibit 6 - Public Works Department Approval
D. If the project involves easements, restrictive covenants, or other such attachments to the land, provide copies of the instruments describing and granting same.	Attach as Exhibit 7 - Easements and Covenants

4. Applicant Certification
By the signature attached hereto, the applicant certifies that the information included with this application is, to the best of his/her knowledge, true and accurate:
By: _____ Date: _____

For Municipal Use Only	
A. Date application submitted:	____ / ____ / 97
B. Fee Paid:	\$ _____
C. Items Waived: Attach additional sheets as necessary.	_____ _____ _____
D. Road/Easement Agreement Required: Attach additional sheets as necessary.	_____ _____ _____
E. Application/Site Plan Complete: Attach additional sheets as necessary.	_____ _____ _____
F. Submit To: <input type="checkbox"/> Attorney <input type="checkbox"/> Engineer <input type="checkbox"/> Planner <input type="checkbox"/> Road Commission <input type="checkbox"/> Health Department <input type="checkbox"/> Fire Department <input type="checkbox"/> [Other] _____	
G. Reviewed/Approved	By: _____ Date: _____

DIVISION FORMULA

PARCELS	CRITERIA
4	First 10 acres or fraction thereof.
1 Per	Each whole 10 acres in excess of the first 10 acres, up to a maximum of 11 parcels. <i>[Must have 20 acre parcel to begin with.]</i>
1 Per	Each whole 40 acres in excess of the first 120 acres.
2 Extra If	<p>a) Because of the establishment of 1 or more new roads, no new driveway access to an existing public road for any of the resulting parcels are created or required; and/or,</p> <p>b) One of the resulting parcels comprises not less than 60% of the area of the parent parcel or parent tract.</p>
40 acre parcel	Not counted as one of the parcels permitted.

THE FOLLOWING COPY OF THE LAND DIVISION ACT IS TAKEN FROM THE JULY 1997 EDITION OF *PLANNING AND ZONING NEWS*, 715 CEDAR STREET, LANSING, MI, 48906. THE ARTICLE HAS BEEN PHOTOCOPIED WITH PERMISSION OF THE PLANNING AND ZONING CENTER FOR USE AT THE JANUARY AND FEBRUARY, 1998, MML WORKSHOPS.

LAND DIVISION PROVISIONS

Public Act 591 of 1996 as Amended by Public Act 87 of 1997

Following are sections 101, 102, 103, 105, 108, 109, 109a, 109b, 264 and 267 of the Land Division Act (as amended through July 26, 1997). The Land Division Act was formerly known as the Subdivision Control Act. Together these sections comprise the land division (as opposed to the platting) sections of the Act. They are the result of PA 591 of 1996 as amended by PA 87 of 1997 (signed by the Governor July 26, 1997). PA 591 text appears in regular type as does sections 264 and 267 which were a part of the Subdivision Control Act since 1967. The language of PA 87 is in *italics*.

TITLE

An act to regulate the division of land; to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements and that there be adequate drainage of the land; to provide for proper ingress and egress to lots and parcels; to promote proper surveying and monumenting of land subdivided and conveyed by accurate legal descriptions; to provide for the approvals to be obtained prior to the recording and filing of plats and other land divisions; to provide for the establishment of special assessment districts and for the imposition of special assessments to defray the cost of the operation and maintenance of retention basins for land within a final plat; to establish the procedure for vacating, correcting, and revising plats; to control residential building development within floodplain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; to repeal certain parts of this act on specific dates; and to repeal acts and parts of acts.

Sec. 101.

This act shall be known and may be cited as the "land division act".

Sec. 102.

As used in this act:

- (a) "Plat" means a map or chart of a subdivision of land.
- (b) "Land" means all land areas occupied by real property.
- (c) "Preliminary plat" means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.
- (d) "Division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109. Division does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.
- (e) "Exempt split" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns that does not result in 1 or more parcels of less than 40 acres or the equivalent. For a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.
- (f) "Subdivide" or "subdivision" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of this act by sections 108 and 109. "Subdivide" or "subdivision" does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.
- (g) "Parcel" means a continuous area or acreage of land which can be described as provided for in this act.
- (h) "Tract" means 2 or more parcels that share a common property line and are under the same ownership.
- (i) "Parent parcel" or "parent tract" means a parcel or tract, respectively, lawfully in existence on the effective date of the amendatory act that added this subdivision.
- (j) "Accessible", in reference to a parcel, means that the parcel meets 1 or both of the following requirements:
 - (i) 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 county road commission under Act No. 200 of the Public Acts of 1969, being sections 247.321 to 247.329 of the Michigan Compiled Laws, and of the city or village, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.
 - (ii) Is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969 and of the city or village, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.
- (k) "Development site" means any parcel or lot on which exists or which is intended for building development other than the following:
 - (i) Agriculture use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.
 - (ii) Forestry use involving the planting, management, or harvesting of timber.
- (l) "Forty acres or the equivalent" means 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- (m) "Lot" means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.
- (n) "Outlot", when included within the boundary of a recorded plat, means a lot set aside for purposes other than a development site, park, or other land dedicated to public use or reserved to private use.
- (o) "Proprietor" means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- (p) "Governing body" means the legislative body of a city or village or the township board of a township.
- (q) "Municipality" means a township, city, or village.
- (r) "County plat board" means the register of deeds, who shall act as chairperson, the county clerk, who shall act as secretary, and the county treasurer. If the offices of county clerk and register of deeds have been combined, the chairperson of the board of supervisors shall be a member of the plat board and shall act as chairperson. In a county where a board of auditors is authorized by law such board may elect to serve on the county plat board by adopting a resolution so ordering. A copy of the recorded resolution shall be sent to the state treasurer.
- (s) "Public utility" means all persons, firms, corporations, copartnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, sewer, or other services of a similar nature.
- (t) "Caption" means the name by which the plat is legally and commonly known.
- (u) "Replat" means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.
- (v) "Surveyor" means a professional surveyor licensed under article 20 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections

339.2001 to 339.2014 of the Michigan Compiled Laws.

(w) "Engineer" means a civil engineer who is a professional engineer licensed under article 20 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws.

(x) "Government survey" means the land surveyed, subdivided and monumented by the United States public land survey.

(y) "Michigan coordinate system" means the system defined in Act No. 9 of the Public Acts of 1964, being sections 54.231 to 54.239 of the Michigan Compiled Laws.

(z) "Alley" means a public or private right of way shown on a plat which provides secondary access to a lot, block, or parcel of land.

(aa) "Health department" means the department of environmental quality, a city health department, a county health department, or a district health department, whichever has jurisdiction.

(bb) "Public sewer" means a sewerage system as defined in section 4101 of part 41 (sewerage systems) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.4101 of the Michigan Compiled Laws.

(cc) "Public water" means a system of pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes, and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water to the public for household or drinking purposes.

(dd) "Topographical map" means a map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

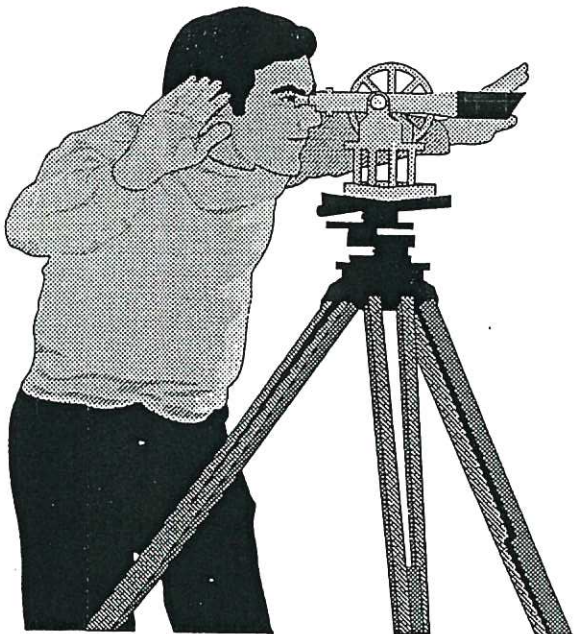
(ee) "Flood plain" means that area of land adjoining the channel of a river, stream, water course, lake, or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

Sec. 103.

(1) An exempt split is not subject to approval under this act so long as the resulting parcels are accessible. A division is not subject to the platting requirements of this act but subject to the requirements of sections 108 and 109. A subdivision is subject to the platting requirements of this act.

(2) Plats of retracement or boundary surveys made by a department or agency of the United States or of state-owned lands made by a department or agency of the state for the retracement and division of public lands according to the survey instructions issued by the United States department of the interior may be recorded with the register of deeds of the county in which the lands represented on the plats are situated and need not otherwise comply with this act, except that plat size shall be as provided in section 132.

(3) A survey and plat shall be made when any amendment, correction, alteration or revision of a recorded plat is ordered by a circuit court.



(4) Urban renewal plats authorized by the governing body of a municipality as provided in Act No. 344 of the Public Acts of 1945, being sections 125.71 to 125.84 of the Michigan Compiled Laws, shall conform to this act.

Sec. 105.

Approval of a preliminary plat, or final plat shall be conditioned upon compliance with all of the following:

(a) The provisions of this act.

(b) Any ordinance or published rules of a municipality or county adopted to carry out the provisions of this act.

(c) Any published rules of a county drain commissioner, county road commission, or county plat board adopted to carry out the provisions of this act.

(d) The rules of the state transportation department relating to provisions for the safety of entrance upon and departure from the abutting state trunk line highways or connecting streets and relating to the provisions of drainage as required by the department's then currently published standards and specifications.

(e) The rules of the department of consumer and industry services for the approval of plats, including forms, certificates of approval, and other required certificates, captioning of plats, and numbering of lots.

(f) The rules of the department of environmental quality for the determination and establishment of floodplain areas of rivers, streams, creeks, or lakes, as provided in this act, as published in the state administrative code.

(g) The rules of the department of environmental quality relating to suitability of groundwater for on-site water supply for subdivisions or development-sites not served by public water or to suitability of soils for subdivisions or development-sites not served by public sewers. The department of environmental quality may authorize a city, county, or district health department to carry out the provisions of this act and rules promulgated under this act relating to suitability of groundwater for subdivisions or development-sites not served by public water or relating to suitability of soils for subdivisions or development-sites not served by public sewers. The department of environmental quality may require percolation tests and boring tests to determine suitability of soils. When such tests are required, they shall be conducted under the supervision of a registered engineer, registered land surveyor, or registered sanitarian in accordance with uniform procedures established by the department of environmental quality.

Sec. 108.

(1) A division is not subject to the platting requirements of this act.

(2) Subject to subsection (3), the division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following, as applicable:

(a) For the first 10 acres or fraction thereof in the parent parcel or parent tract, 4 parcels.

(b) For each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract, 1 additional parcel, for up to a maximum of 11 additional parcels.

(c) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, 1 additional parcel.

(3) For a parent parcel or parent tract of not less than 20 acres, the division may result in a total of 2 parcels in addition to those permitted by subsection (2) if 1 or both of the following apply:

(a) Because of the establishment of 1 or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2) or this subsection are created or required.

(b) One of the resulting parcels under subsection (2) and this subsection comprises not less than 60% of the area of the parent parcel or parent tract.

(4) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted under subsections (2) and (3) and is not subject to section 109, if the parcel is accessible.

(5) A parcel or tract created by an exempt split or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of this act if all of the following requirements are met:

(a) Not less than 10 years have elapsed since the parcel or tract was recorded.

(b) The partitioning or splitting results in not more than the following number of parcels, whichever is less:

(i) Two parcels for the first 10 acres or fraction thereof in the parcel or tract plus 1 additional parcel for each whole 10 acres in excess of the first 10 acres in the parcel or tract.

(ii) Seven parcels or 10 parcels if one of the resulting parcels under this subsection comprises not less than 60% of the area of the parcel or tract being partitioned or split.

(c) The partitioning or splitting satisfies the requirements of section 109.

(6) A parcel or tract created under the provisions of subsection (5) may not be further partitioned or split without being subject to the platting require-

ments of this act, except in accordance with the provisions of subsection (5).

Sec. 109.

(1) A municipality shall approve or disapprove a proposed division within 30 days after the filing of a complete application for the proposed division with the assessor or other locally municipally designated official. However, a municipality with a population of 2,500 or less may enter into an agreement with a county to transfer to the county authority to approve or disapprove a division. An application is complete if it contains information necessary to ascertain whether the requirements of section 108 and this section are met. The assessor or other municipally designated official, or the county official, having authority to approve or disapprove a proposed division, shall provide the person who filed the application written notice whether the application is approved or disapproved and, if disapproved, all the reasons for disapproval. A complete application for a proposed division shall be approved if, in addition to the requirements of section 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 section and section 108. The tentative parcel map shall be a scale drawing showing the approximate dimensions of the parcels.

(b) Each resulting parcel has a depth of not more than 4 times the width or, if an ordinance referred to in section 105(b) subsection (5) requires a smaller depth to width ratio, a depth to width ratio as required by the ordinance. A The municipality or county having authority to review proposed divisions may allow a greater depth to width ratio than that otherwise required by this subdivision or an ordinance referred to in section 105(b) subsection (5). The greater depth to width ratio shall be based on standards set forth in the ordinance referred to in section 105(b) subsection (5). The standards may include, but are not required to include and need not be limited to, exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands. The depth to width ratio requirements of this subdivision do not apply to a parcel larger than 10 acres, unless an ordinance referred to in section 105(b) subsection (5) provides otherwise, and do not apply to the remainder of the parent parcel or parent tract retained by the proprietor.

(c) Each resulting parcel has a width not less than that required by an ordinance referred to in section 105(b) subsection (5).

(d) Each resulting parcel has an area not less than that required by an ordinance referred to in section 105(b) subsection (5).

(e) Each resulting parcel is accessible.

(f) The division meets all of the requirements of section 108.

(g) Each resulting parcel that is a development site has all of the following: adequate easements for public utilities from the parcel to existing public utility facilities.

(i) Public water or health department approval for on-site water supply under rules described in section 105(g);

(ii) Public sewer or city, county, or district health department approval for on-site sewage disposal under rules described in section 105(g);

(iii) Adequate easements for public utilities from the parcel to existing public utility facilities.

(2) The right to make divisions exempt from the platting requirements of this act under section 108 and this section can be transferred, but only from a parent parcel or parent tract to a parcel created from that parent parcel or parent tract. A proprietor transferring the right to make a division pursuant to this subsection shall within 45 days give written notice of the transfer to the assessor of the city or township where the property is located on the form prescribed by the state tax commission under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a. The state tax commission shall revise the form to include substantially the following questions in the mandatory information portion of the form:

(a) "Did the parent parcel or parent tract have any unallocated divisions under the land division act, 1967 PA 288, MCL 560.101 to 560.293? If so, how many?"

(b) "Were any unallocated divisions transferred to the newly created parcel? If so, how many?"

(3) A person shall not sell a parcel of unplatted land unless the deed contains a statement as to whether the right to make further divisions exempt from the platting requirements of this act under this section and section 108 is proposed to be conveyed. The statement shall be in substantially the following form: "The grantor grants to the grantee the right to make [insert number] division(s) under section 108 of the land division act, Act No. 288 of the Public Acts of 1967." In the absence of a statement conforming to the requirements of this subsection, the right to make such divisions under section 108(2), (3), and (4) stays with the remainder of the parent tract or parent parcel retained by the grantor.

(4) All deeds for parcels of unplatted land within the state of Michigan after the effective date of this act shall contain the following statement:

"This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act."

(5) The governing body of a municipality or the county board of commissioners of a county having authority to approve or disapprove a division may adopt an ordinance setting forth the standards in section 109(1)(b), (c), and (d). The ordinance may establish a fee for reviews under this section and section 108. The fee shall not exceed the reasonable costs of providing the services for which the fee is charged.

(6) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

Sec. 109a.

(1) If a parcel resulting from a division is less than 1 acre in size, a building permit shall not be issued for the parcel unless the parcel has all of the following:

(a) Public water or city, county, or district health department approval for the suitability of an on-site water supply under the same standards as set forth for lots under rules described in section 105(g).

(b) Public sewer or city, county, or district health department approval for on-site sewage disposal under the health department standards as set forth for lots under rules described in section 105(g).

(2) The municipality or county approving a proposed division resulting in a parcel less than 1 acre in size and its officers and employees are not liable if a building permit is not issued for the parcel for the reasons set forth in this section. A notice of approval of a proposed division resulting in a parcel of less than 1 acre in size shall include a statement to this effect.

(3) A city, county, or district health department may adopt by regulation a fee for services provided under this section. The fees shall not exceed the reasonable costs of providing the services for which the fees are charged.

Sec. 109b.

(1) An exempt split or other partitioning or splitting of a parcel or tract that only results in parcels of 20 acres or more in size is not subject to approval under this act if the parcel or tract is not accessible and 1 of the following applies:

(a) The parcel or tract was in existence on March 31, 1997.

(b) The parcel or tract resulted from an exempt split or other partitioning or splitting under this section.

(2) The proprietor shall provide the purchaser of a parcel resulting from an exempt split or other partitioning or splitting under subsection (1) with the following written statement before closing:

"This parcel is not accessible as defined in the land division act, 1967 PA 288, MCL 560.101 to 560.293."

Sec. 264.

(1) Any person who sells or agrees to sell any lot, piece, or parcel of land without first having recorded a plat thereof when required by this act is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000.00, or imprisonment for not to exceed 180 days, or both. For each offense under this subsection after a first offense under this subsection, the person shall be punished by a fine of not more than \$1,000.00, or imprisonment for not to exceed 1 year, or both. Agreement to sell under this section does not include an option to buy extended from the seller for a money consideration to the prospective buyer.

(2) Any person who violates section 108, 109, 109b, or the exempt split provision of section 103(1) and sells a resulting parcel of land is responsible for the payment of a civil fine of not more than \$1,000.00 for each parcel sold. A default in the payment of a civil fine or costs ordered under this subsection or an installment of the fine or costs may be remedied by any means authorized under the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9948.

(3) Any person who violates any provision of this act other than section 108, 109, 109b, or the exempt split provision of section 103(1) is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

Sec. 267.

Any sale of lands subdivided or otherwise partitioned or split in violation of this act is voidable at the option of the purchaser, and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

Enacting section 1. Section 264 of the land division act, 1967 PA 288, MCL 560.264, as amended by this amendatory act, takes effect October 1, 1997.

This act is ordered to take immediate effect.

□

5. **DEVELOPMENT SITE LIMITS** (Check each which represent a condition which exists on the parent parcel:

- ☐ Waterfront property (river, lake, pond etc.) ☐ Includes wetlands
☐ Is within a flood plain ☐ Includes a beach
☐ Is on muck soils or soils known to have severe limitations for on site sewage system

6. **ATTACHMENTS** - All the following attachments **MUST** be included. Letter each attachment as shown:

- A. A scale drawing for the proposed division(s) of the parent parcel showing:
- (1) current boundaries (as of March 31, 1997), and
 - (2) all previous divisions made after March 31, 1997 (indicate when made or none), and
 - (3) the proposed division(s), and
 - (4) dimensions of the proposed divisions, and
 - (5) existing and proposed road/easement right-of-way(s), and
 - (6) easements for public utilities from each parcel that is a development site to existing public utility facilities, and
 - (7) any existing improvements (buildings, wells, septic system, driveways, etc.)
 - (8) any of the features checked in question number 5.
- B. Indication of approval, or permit from the appropriate county road commission, Michigan Department of Transportation or respective city/village street administrator, that a proposed easement provides vehicular access to an existing road or street meets applicable location standards.
- C. A copy of any reserved division rights (sec. 109 (2) of the act) in the parent parcel.
- D. A fee of \$ _____

7. **IMPROVEMENTS** - Describe any existing improvements (buildings, well, septic, etc., which are on the parent parcel or indicate none). _____

8. **Acknowledgment-**

The undersigned acknowledges that any approval of the within application is not a determination that the resulting parcels comply with other applicable ordinances, rules or regulations which may control the use or development of the parcels. It is also understood that ordinances, laws and regulations are subject to change and that any approved parcel division is subject to such changes that may occur before the recording of the division or the development of the parcels.

Property Owner's Signature _____ Date: _____

For office use only- Reviewer's action: Total Fee \$ _____ Check # _____

Signature: _____ Application Completed: Date _____ Approval: Date _____

Denial Date: _____ Reasons for denial _____ see attached

HIGGINS TOWNSHIP

COUNTY of ROSCOMMON

700 SOUTH FIFTH STREET
P.O. Box 576
ROSCOMMON, MICHIGAN 48653
PHONE (989) 275-8112
FAX (989) 275-8990

HIGGINS TOWNSHIP PARCEL DIVISION APPLICATION

Please answer all questions and include all attachments. Bring or mail to HIGGINS TOWNSHIP at the above address.

Approval of a division of land is required before it is sold, when a new parcel is less than 40 acres and not just a property line adjustment (Sec 102 e & f)

This form is designed to comply with Sec. 108 and 109 of the Michigan Land Division Act (formerly the subdivision control act P.A.288 of 1967 as amended particularly by P.A 591 of 1996 and PA 87 of 1997, MCL 560.101 et seq.)

(Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.)

1. LOCATION of PARENT to be split: Address: _____ Road Name _____

PARENT PARCEL IDENTIFICATION NUMBER: _____

- Parent Parcel Legal Description (DESCRIBE OR ATTACH) _____

2. PROPERTY OWNER INFORMATION:

Name: _____ Address: _____

Phone: (____) _____ Zip Code _____

3. PROPOSED DIVISION(S) TO INCLUDE THE FOLLOWING:

- A. Number of new Parcels _____
- B. Intended use (residential, commercial, etc.) _____
- C. Each proposed parcel, has a depth to width ratio of 4 to 1 or ____ to ____ as provided by ordinance.
- D. Each parcel has a width of _____ (not less than required by ordinance)
- E. Each parcel has an area of _____ (not less than required by ordinance)
- F. The division of each parcel provides access as follows: (check one)
 - a) _____ Each new division has frontage on an existing public road. Road name _____
 - b) _____ A new public road, proposed road name: _____
 - c) _____ A new private road, proposed road name: _____
- G. Describe or attach a legal description of proposed new road, easement or shared driveway. _____
- H. Describe or attach a legal description for each proposed new parcel. _____

4. FUTURE DIVISIONS being transferred from the parent parcel to another parcel. Indicate number transferred _____
(See section 109 (2) of the Statute. Make sure your deed includes both statements as required in 109 (3 & 4) of the Statute.)