

**VILLAGE COUNCIL  
VILLAGE OF MACKINAW CITY**  
Cheboygan and Emmet Counties, Michigan

Trustee P. Michalak supported by Trustee J. Lemanski, moved the adoption of the following Ordinance:

**ORDINANCE NO. 220**

**AN ORDINANCE TO AMEND SECTIONS 17.055 AND 17.057 OF THE COMPILED  
CODE OF THE VILLAGE OF MACKINAW CITY RELATING TO THE DIVISION OF LAND**

The Village of Mackinaw City ordains:

Sec. 1. Amendment of Compiled Code. Chapter 17.050, "Land Division Ordinance," Sections 17.055 and 17.057, of the Compiled Code of the Village of Mackinaw City (Ord. No. 144, Adopted January 6, 2005), are amended to read as follows:

Sec. 17.055. Application for Land Division Approval.

An applicant shall file all of the following with the Village Manager or other official designated by the governing body for review and approval of a proposed land division before making any division either or by deed, land contract, lease for more than one year, or for building development.

A. A completed application form or such form as may be provided by the Village.

B. Proof of fee ownership of the land proposed to be divided, split or combined.

C. A survey map of the land proposed to be divided, split or combined prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

In lieu of such survey map, at the applicant's option, the applicant may waive the thirty (30) day statutory requirement for a decision on the application until such survey map and legal description are filed with the municipality, and submit a tentative preliminary parcel map drawn to scale of not less than that provided for on the application form 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 automobile traffic and public utilities, for preliminary review, approval, and/or denial by the locally designated official prior to a final application under Section 17.055.

The Village Council, or its designated agent delegated by the Council, may waive the survey map requirement where the foregoing tentative parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory within which the proposed divisions are located. An accurate legal description of all the proposed divisions, however, shall at all times be required.

D. Proof that all standards of the State Land Division Act and this Ordinance have been met.

E. The history and specifications or 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.

F. As provided in Section 17.057 below, proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided, split or combined are paid in full.

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

H. Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under Section 17.058 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 there from, and with sufficient area to comply with all required setback provisions, minimum floor area, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and maximum allowed area coverage of buildings and structures on the site.

I. A fee may from time to time be established by resolution of the governing body of the Village Council for land division pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

Sec. 17.057. Standards for Approval of Land Divisions.

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

A. The division of a lot, parcel, condominium unit or tract shall not create any non-conformities in regard to the zoning ordinance. The division shall not create any new violations of the zoning ordinance, including but not limited to minimum lot (parcel, unit or tract) frontage or width, minimum road frontage, minimum lot (parcel, unit or tract) area, minimum lot depth to width ratio, and maximum lot (parcel, unit or tract) coverage, minimum setbacks for existing buildings/structures and parking.

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

C. All lots, parcels, condominium units and tracts created and remaining shall have adequate accessibility, or an area available therefore, to a public road or approved private road for public utilities and emergency and other vehicles not less than the requirements of the applicable Zoning Ordinance, major thoroughfare plan, road ordinance or this Ordinance. In determining adequacy of accessibility, any ordinance standards applicable to plats shall also apply as a minimum standard whenever a parcel or tract is proposed to be divided to create four (4) or more parcels.

D. 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 17.058 of this Ordinance and parcels added to contiguous parcels that result in all involved parcels complying with said ratio.

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 of a parcel shall be as defined in the Zoning Ordinance.

E. Where accessibility is to be provided by a proposed new dedicated public road, proof that the County Road Commission, Michigan Department of Transportation or Village Council has approved the proposed layout and construction design of the road and of utility easements and drainage facilities connected therewith shall be provided, as applicable.

F. Where accessibility by vehicle traffic and for utilities is permitted through other than a dedicated and accepted public road or easement, such accessibility shall comply with the Village's Private Road Standard Ordinance.

G. Satisfactory evidence of the suitability of each proposed land division for on-site sewage disposal and a potable on-site water supply is provided from the County Health Department or State Department of Environmental Quality, unless public water and sewer service is available to the site, in which case the parcel must be serviced by the public water and sewer supply according to the Village's Ordinance.

H. One of the following items is met:

- (1) A certificate from the Cheboygan or Emmet County Treasurer, as applicable based on the location of the proposed land division(s), verifying that all property taxes and special

assessments due on the parcel or tract subject to the proposed land division(s) for the 5 years preceding the date of the land division application have been paid.

(2) If the property taxes or special assessments have not been paid, the unpaid property taxes or special assessments have been apportioned as provided by the General Property Tax Act, specifically MCL 211.53 as amended. Any apportioned property taxes or special assessments are a lien against the parcels or tracts as apportioned by the assessing officer in the same manner as property taxes and special assessments of the year of the original assessment.

Sec. 2. Effective Date. This Ordinance shall take effect 20 days after its adoption, or upon publication, whichever occurs later.

Yeas: Trustees: B. Mollen, G. Ranville, E. Lieghio, T. Chastain, J. Lemanski, P. Michalak

Nays: Trustees: None

Abstain: Trustees: None

Absent: Trustees: S. Newman

**Ordinance declared adopted.**

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Tom Chastain, Village President Pro Tem

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Lana Jaggi, Clerk

CERTIFICATION

As the Clerk of the Village of Mackinaw City, Michigan, I certify this is a true and complete copy of an ordinance adopted at a meeting of the Village Council held on July 16, 2020, with notice provided as required by law.

July 16, 2020

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Lana Jaggi, Clerk