

NOTE: The following ordinance revisions, as shown in blue type, are based on Planning Commission direction. In a complementary review process, the Government Affairs Liaison and Village attorney are comparing the Village ordinance to Public Act 288 of 1967 Land Division Act for legislative support.

§ 319-5 Approval standards for land division or combination.

- A. The division or combination of any parcel of land shall require the approval of the Village Council prior to the effective date of such division or combination. In the review of the application for the lot division or combination, the Village Council shall review the report and recommendation of the Village Planning Commission and shall determine the conformity with the requirements of this chapter and the Village of New Haven Zoning Ordinances and shall not approve any land division or combination which is not in conformity with the same and other requirements of the Subdivision Control Act of 1967, as amended, MCLA § 560.101 et seq.
- B. A proposed land division or combination shall be approved if the following criteria are met:
 - (1) All parcels created by the proposed division(s) or combination(s) comply with the applicable lot (parcel), yard and area requirements of the 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, maximum lot (parcel) coverage and minimum setbacks for existing buildings/structures.
 - (2) The proposed division(s) or combination(s) complies with all requirements of the Land Division Act and this chapter.
 - (3) All parcels created and remaining have existing adequate accessibility, as defined in § 319-10 of this chapter, or an area available to provide such accessibility to a public road for public utilities and emergency and other vehicles not less than the requirements of the applicable Zoning Ordinance, master road plan, Road Ordinance or this chapter. 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 or more parcels.
 - (4) There is adequate storm drainage and public utilities to serve the parcels created by the division or combination, and suitable easements are provided to allow the extension of adequate storm drainage and public utilities in the future.
 - (5) All taxes and special assessments on the properties sought to be divided or combined have been paid.
 - (6) The ratio of depth to width of any parcel created by the division or combination does not exceed a four-to-one ratio. The permissible depth of a parcel created by a land division or combination 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 applicable Zoning Ordinance or, in the absence thereof, as specified in Subsection B(6)(a) and (b) of this section.

- (a) The minimum width for a lot or parcel on a cul-de-sac or other irregularly shaped lot or parcel shall be measured as the front yard setback line. Such lots or parcels shall have a minimum width as set forth in the Zoning Ordinance.
- (b) For corner lots or parcels, the depth of the property shall be measured along the longest front property line which is parallel to or is generally parallel to the public or private street right-of-way or easement. The width of the corner lot or parcel shall be that front property line which is parallel to or is generally parallel to the public or private street right-of-way or easement and is the shorter of the two front lot lines. Where such lines are of equal length, the [Village Planning Commission](#) shall determine which property line to use for the purposes of determining width to depth for the purposes of this section.
- (c) The [Village Council](#) may permit the division or combination of a lot or parcel which does not comply with the above provisions, provided that the following findings are made:
 - [1] The greater depth-to-width ratio is necessitated by conditions of the land which make compliance with this section impractical. Such conditions may include topography, road access, soil conditions, wetlands, floodplains, water bodies or other similar unique conditions;
 - [2] The division or combination of land and use of such land will not conflict with other federal, state, county or village ordinances or regulations, unless an appropriate variance of approval is granted as required or permitted by such ordinances or regulations;
- (7) The proposed division or combination shall not cause any existing building or structure to become nonconforming.
- (8) If the parcel or lot which is the subject of the proposed land division or combination is located at the end of a stub street, the applicant agrees, as a condition of approval of the land division or combination, to design and install a cul-de-sac meeting the Village's standards [subject to review and recommended approval](#) by the Village Engineer. Installation of the proposed cul-de-sac or street extension must be completed prior to the approval of the land division.
- (9) The proposed division or combination would not result in a parcel containing more than one zoning classification, unless the Village [Council](#) has determined that multiple zoning classifications on a resultant parcel promotes orderly and harmonious development between adjacent parcels, such as creating a desirable transition buffer between adjacent parcels of different zoning classifications.

- (10) The proposed division or combination complies with such additional written regulations, additional conditions and safeguards which have been established by the Village deemed to ensure compliance with the requirements of this chapter.
- (11) Any required roadways or streets shall be completed to the Village's specifications and accepted as public roads by the Village of New Haven.
- (12) No private road shall be created as a result of land division or combination.

Note: The following ordinance section is relevant to the new language as directed by the Planning Commission.

§ 319-7 Application for property division and combination.

Any owner of land within the Village of New Haven desiring to divide or combine the same shall present a written application thereof to the Village Clerk prior to any instrument being recorded purporting to divide said property.

A. The application so presented shall include the following:

- (1) Legal documents showing the ownership of all properties involved in the division or combination.
- (2) A survey or sketch showing the dimensions of the original or parent parcel, tract, lot or outlot to be divided or combined. The survey shall also show names of all existing and proposed streets and rights-of-way; all existing structures and physical features which would influence the layout and design of the proposed divisions or combination; and the location, width and purpose of easements.
- (3) A survey, prepared by a registered land surveyor in the State of Michigan, providing the following. The survey shall be prepared on durable white paper, to a scale not greater than 300 feet to one inch, and a sheet size of 8 1/2 inches by 11 inches or 8 1/2 inches by 14 inches.
 - (a) The legal description of the individual parcels or lots to be created;
 - (b) The map showing the size and dimensions of each parcel or lot to be created; all streets existing or proposed; location, size, width and purpose of any easements; the size and location of any existing buildings; and the dimensions to the proposed lot line;
 - (c) The zoning classification of all proposed lots or parcels.

(4) Written approval from utilities, Macomb County Department of Roads, Macomb County Drain Commission, Michigan Department of Transportation, federal, State of Michigan and other applicable agencies serving each resulting property.

- B. In the event that the proposed division or combination will result in parcels, tracts, lots or outlots being less than the minimum area or size required by the applicable provisions of the State Subdivision Control Act^[1] and/or the New Haven Zoning Ordinance, the proprietor shall also file with the Clerk a duly executed affidavit suitable in form for recording with the Macomb County Register of Deeds, signed by all persons having a legal or equitable interest in said parcels, tracts, lots or outlots acknowledging that they understand that said parcels, tracts, lots or outlots may not thereafter be developed for use separately, but only in conjunction with adjoining parcels, tracts, lots or outlots which, when together; shall satisfy the minimum area and size requirements of said Act and/or ordinance.
- C. The Zoning Administrator shall examine the proposed divisions or combination as to whether they comply with the applicable provisions of this chapter, and that the resultant parcels, tracts, lots or outlots are of sufficient area and size so as to comply with applicable provisions of the Village of New Haven Zoning Ordinance. The Village Clerk may request the opinions of the Village Attorney, Engineer or Planner or seek the advice of state or county departments.
- D. If it appears that there may be a violation of the Village of New Haven Zoning Ordinance or the State Subdivision Control Act, the Village shall return the documents to the applicant until such conflict is resolved.
- E. The Village Planner shall make its review and then submit its recommendations to the Village [Planning Commission](#).
- F. The application, all pertinent documents and the review and recommendation of the Village [Planning Commission](#) shall then be submitted to Village Council for its action.
- G. If the Village Council approves the lot split or combination, a resolution of lot consolidation or lot division shall be drafted by the Village Attorney and adopted by Council. A copy of the resolution, the survey, and the legal description shall be submitted to the Macomb County Land File/Tax Mapping Division and the Lenox Township Assessor.