

VILLAGE OF DEERFIELD

ORDINANCE NUMBER 23

VILLAGE OF DEERFIELD

SUBDIVISION AND LAND DIVISION ORDINANCE

ARTICLE I. SUBDIVISIONS

DIVISION 1. GENERALLY

Sec. 23-1. **Purposes.**

The purposes of this article are to provide for the orderly growth and harmonious development of the community; to secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of maximum utility and livability; to secure adequate provisions for water supply, drainage and sanitary sewerage, and other health requirements; to secure adequate provision for recreational areas, school sites and other public facilities; and to provide logical procedures for the achievement of these purposes.

Sec. 23-2. **Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terms as defined in the Land Division Act (P.A. 288 of 1967, as amended) shall control in this article unless indicated to the contrary in this section.

**Block** means property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

**Commission** means the planning commission of the village of Deerfield, Lenawee County, Michigan.

**Easement** means a grant by the owner of the use of a strip of land by the public, a corporation, or persons, for specific uses and purposes, to be designated as a public or private easement depending on the nature of the use.

**Filing date** means the initial meeting date at which the plan for preliminary plat (stage 1), preliminary plat (stage 2), tentative or final, and final plat review appears on the planning commission or village council's regular meeting agenda.

**Governing body** means the village council of the village of Deerfield, Lenawee County, Michigan.

**Improvements** means grading, street surfacing, curb and gutter, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, and other additions to the natural state of land which increases its value, utility or habitability.

**Land Division Act** refers to P.A. 288 of 1967, as amended.

**Land Use Plan** means the comprehensive land use plan for the village, including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, zoning districts, and all physical developments of the village, and includes any unit or part of such plan separately adopted, and any amendments to such plan or parts thereof duly adopted by the planning commission.

**Lot** means a measured portion of a parcel or tract of land, which is described or fixed in a recorded plat.

**Parcel or tract** means a continuous area or acreage of land which can be described as provided for in the Land Division Act.

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**Plat** means a map or chart of a subdivision of land, sequenced as follows:

- (1) Preliminary plat (stage 1) means a map indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for review and to meet the requirements and procedures set forth in this article.
- (2) Preliminary plat (stage 2) means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration, prepared in conformance with the Land Division Act and this article.
- (3) Final plat means a map of all or part of a subdivision providing substantial conformance to the preliminary plat of the subdivision, prepared in conformance with the requirements of the Land Division Act and this article, and suitable for recording by the county register of deeds.

**Proprietor** means a natural person, firm, association, partnership, corporation or combination of any of them which may hold any ownership interest in land, whether recorded or not.

**Street** means any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat approved pursuant to law or approved by official action; or a street or way on a plat duly filed and recorded in the office of the county register of deeds. A street includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas, and lawns.

- (1) Arterial Street means an arterial street of great continuity which is intended to serve as a large volume traffic way for both the immediate village area and region beyond, and may be designated in the village's major thoroughfare plan as a major thoroughfare, parkway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan.
- (2) Collector street means a street intended to serve as a major means of access from minor streets to major thoroughfares which has considerable continuity within the framework of the major thoroughfare plan.
- (3) Local street means a street of limited continuity used primarily for access to abutting residential properties.
- (4) Marginal access street means a minor street paralleling and adjacent to a arterial street which provides access to abutting properties and protection from through traffic.
- (5) Boulevard street means a street developed to two two-lane, one-way pavements separated by a median.
- (6) Turnaround means a short boulevard street permanently terminated by a vehicular turnaround.
- (7) Cul-de-sac street means a short minor street having one end permanently terminated by a vehicular turnaround.
- (8) Alley means a minor service street used primarily to provide secondary vehicular access to the rear or side of properties otherwise abutting upon a street.

**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 one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act by sections 108 and 109 of that statute. "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 the Land Division Act or the requirements of any applicable ordinance in effect in the Village of Deerfield.

**Village engineer or engineer** means the staff engineer or consulting engineer of the village.

**Village planner or planner** means the staff planner or consulting planner of the village.

**Zoning ordinance** means the zoning ordinance of the Village of Deerfield.

Sec. 23-3. **Interpretation.**

The provisions of this article shall be held to be the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of the village. The regulations set out in this article are not intended to repeal, abrogate, annul or in any manner

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interfere with existing regulations or laws of the village, nor conflict with any statutes of the state or the county, except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations.

## Sec. 23-4. **Penalty for violation of article.**

Any person, or anyone acting in behalf of such person, violating any of the provisions of this article shall be deemed responsible for committing a municipal civil infraction. Each day that a violation is permitted to exist shall constitute a separate violation.

## Sec. 23-5. **Compliance standards.**

The approvals required under the provisions of this article shall be obtained prior to the installation of any subdivision or project improvements within the village, in public streets, public alleys, public rights-of-way, and public easements, and/or under the ultimate jurisdiction of the village. All subdivision or project improvements within the village installed in public streets, public alleys, public rights-of-way, or public easements, and/or under the ultimate jurisdiction of the village, shall comply with all of the provisions and requirements of this article or any other related ordinance.

## Sec. 23-6. **Review fees.**

Preliminary plat (stages 1 and 2) and final plat review fees, planning fees, engineering fees, attorney fees, inspection fees, water and sewer connection charges and other applicable development charges shall be paid by the proprietor as may be provided for in this article or by ordinance of the village.

(1) Planning review fees. Fees charged for the review of subdivision plats shall be in accordance with fees established by resolution of the village council and shall cover all anticipated costs for review of such subdivision plats.

(2) Engineering review fees. At time of submittal of plans and specifications and detailed estimate of cost of the proposed subdivision, and project improvements, the proprietor shall pay the village clerk a fee for review thereof equal to 1 1/2 percent of the estimated cost of the improvements. Further, prior to the construction of subdivision and project improvements, the proprietor shall deposit with the village clerk, at least 24 hours prior to the start of construction, a percentage of the total contract price for inspection as follows:

TABLE INSET:

Contract amount	Deposit amount or percentage
\$ 0--\$ 5,000.00	\$1,000.00
5,000.00-- 50,000.00	12% but not less than \$1,000.00
50,000.00-- 100,000.00	10% but not less than \$6,000.00
100,000.00 and up	6% but not less than \$10,000.00

At the completion of the project, if the deposit made toward the cost of a total inspection fee, as provided in this subsection, is insufficient, then the contractor or owner shall pay such additional amount as may be required to pay the village for the total inspection costs prior to the final acceptance of the project. If, at the completion of the project, it is ascertained that the total inspection cost to the village was less than the amount deposited, then the surplus shall be returned to the contractor or owner upon final acceptance of the project. The fees and charges contained in this subsection shall be in addition to those charged for debt service, service charges, connection charges, and other charges or fees imposed for sanitary sewer and water supply.

## Sec. 23-7. **Variances.**

Variance for hardship. The village council may authorize a variance from this article when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the village council shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required in this subsection, the village council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the village council finds that:

(A) There are special circumstances or conditions affecting such property such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his land.

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(B) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

(C) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

Secs. 23-8-23-15. **Reserved.**

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## DIVISION 2. SUBDIVISION PROCEDURE

### Sec. 23-16. **Generally.**

The preparation of a subdivision for platting shall be carried out through three phases: pre-preliminary plat investigation, preliminary plat (stages 1 and 2), and final plat, all in accordance with the procedure set out in this division.

### Sec. 23-17. **Pre-preliminary plat investigation.**

Prior to the preparation and filing of a preliminary plat, the proprietor may meet informally with the planning commission in order that he may become familiar with the procedures and standards of the village with reference to this ordinance and with the proposals of the master plan as they affect the area in which the proposed subdivision is located. The proprietor should concern himself with the following factors:

- (1) The proprietor shall secure a copy of the zoning ordinance, subdivision regulations, engineering specifications, and other similar ordinances or controls relative to the subdivision and improvement of land so as to make himself aware of the requirements of the village.
- (2) The area for the proposed subdivision shall be properly zoned for the intended use.
- (3) An investigation of adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to serve the proposed subdivision shall be made by the proprietor.
- (4) The relationship of the proposed subdivision with respect to arterial streets and plans for widening of thoroughfares shall be investigated by the proprietor.
- (5) Standards for sewage disposal, water supply and drainage of the village shall be investigated by the proprietor.

### Sec. 23-18. **Preliminary plat procedure (stage 1).**

The procedure under stage 1 for preparation and submittal of a preliminary plat of the land area to be subdivided shall be as follows:

- (1) Filing:
  - a. Ten copies of the preliminary plat (stage 1) of the proposed subdivision, together with written application in triplicate, shall be submitted to the clerk for the planning commission.
  - b. Submittal to the clerk shall be at least ten days prior to the regular commission meeting (which meeting shall be considered as the date of filing) at which the proprietor will be scheduled to appear. Should any of the data required in this section be omitted, the clerk shall notify the proprietor of the additional data required and commission action shall be delayed until the required data is received. The commission shall act on the preliminary plat (stage 1) within 30 days after the date of filing unless the proprietor agrees to an extension of time in writing.
- (2) Identification and description. The preliminary plat (stage 1) shall include:
  - a. Proposed name of subdivision.
  - b. Location by section, township and range, or by other legal description.
  - c. Names and addresses of the proprietor and the planner, designer, engineer or surveyor who designed the subdivision layout. The proprietor shall also indicate his interest in the land.
  - d. Scale of plat, one inch equals 100 feet as minimum acceptable scale.
  - e. Date.
  - f. North point.
- (3) Existing conditions. The preliminary plat (stage 1) shall include:
  - a. An overall area map at a scale of not less than one inch equals 2,000 feet, showing the relationship of the subdivision to its surroundings such as section lines and/or major streets or collector streets.
  - b. Boundary line of proposed subdivision, section or corporation lines within or adjacent to the tract and overall property dimensions.
  - c. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the

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tract being proposed for subdivision including those of areas across abutting roads.

d. Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.

e. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision.

f. Topography drawn as contours with an interval of at least five feet. Topography to be based on USGS datum.

g. The school board or school board superintendent of the school district having jurisdiction in the area concerned shall be informed and made aware of the proposed preliminary plat (stage 1) by the proprietor. A letter or document from the school board or school board superintendent indicating awareness of the proprietor's intentions shall be submitted to the planning commission as part of the preliminary plat (stage 1).

(4) Proposed conditions. The preliminary plat (stage 1) shall include:

a. Layout of streets indicating proposed street names, right-of-way widths, and connections with adjoining platted streets and also the widths and location of alleys, easements and public walkways.

b. Layout, numbers and dimensions of lots, including building setback lines showing dimensions.

c. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.

d. An indication of the ownership, and existing and proposed use of any parcels identified as "excepted" on the preliminary plat. If the proprietor has an interest or owns any parcel so identified as excepted, the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.

e. An indication of system proposed for sewage by a method approved by the village council and the village engineer.

f. An indication of system proposed for water supply by a method approved by the village council and the village engineer.

g. An indication of storm drainage proposed by a method approved by the village council and the village engineer and, if involving county drains, the proposed drainage shall be acceptable to the county drain commissioner.

h. If the proprietor wishes to subdivide a given area, but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the proprietor intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the proprietor is subdivided.

i. If the subdivision is proposed to be developed under the subdivision open space plan, such subdivision shall meet the requirements of Section 23-40.

(5) Preliminary plat (stage 1) review by planning commission.

a. The clerk shall receive and check for completeness the preliminary plat (stage 1) as required under subsections (1) through (4) of this section. If complete and basically in conformance with applicable village requirements, the clerk shall place the proposal on the agenda of the next regular commission meeting.

b. The clerk shall transmit a copy of the preliminary plat (stage 1) to the village engineer and the village planner for their technical review and recommendation.

c. The commission shall review all details of the proposed subdivision within the framework of the zoning ordinance (Chapter 1 of this Code), within the various elements of the land use plan and within the standards of this subdivision regulations article.

d. The commission shall approve conditionally, disapprove, or approve the preliminary plat (stage 1).

1. Should the approval be a conditional approval and therefore tentative, the preliminary plat (stage 1) shall not be forwarded to the village council until such conditions have been satisfied by the proprietor.

2. Should the commission disapprove the preliminary plat, it shall record the

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reasons in the minutes of the regular meeting. A copy of the minutes shall be sent to the proprietor and the school board or superintendent of the school district having jurisdiction in the area concerned.

3. Should the commission find that all conditions have been satisfactorily met, it may give approval to the preliminary plat. The chairman shall make a notation to that effect on each copy of the preliminary plat and distribute copies of such plat as follows:

- i. Return one copy to the proprietor;
  - ii. Retain one copy which shall become a matter of permanent record in the commission files;
  - iii. Forward one copy to the school board or superintendent of the school district having jurisdiction in the area concerned;
  - iv. Forward the remaining four copies to the village council via the clerk's office for informational purposes.
- e. The approval of the planning commission shall be effective for a period of 12 months. Should the preliminary plat (stage 1), in whole or in part, not be submitted within this time limit, a preliminary plat (stage 1) must again be submitted to the commission for approval.
- f. No installation or construction of any improvements shall be made on the basis of preliminary plat (stage 1) approval.

### Sec. 23-19. Preliminary plat procedure (stage 2).

The procedure under stage 2 for the preparation and review of a preliminary plat requires tentative and final approval as follows:

#### (1) Preliminary plat (stage 2) tentative approval.

##### a. Filing.

1. Ten copies of a valid and complete preliminary plat (stage 2) of the proposed subdivision, together with written application in triplicate and any other information required to be submitted under the Subdivision Act, shall be filed with the clerk.
2. The preliminary plat (stage 2) shall conform substantially to the preliminary plat (stage 1) as approved, and it may constitute only that portion of the approved preliminary plat (stage 1) which the proprietor proposed to record and develop at the time; provided, however, that such portion conforms to this subdivision regulations article.
3. The clerk shall check the proposed plat for completeness. Should any of the data required in the Subdivision Act, or section 23-58(1)--(4), be omitted, the clerk shall be directed to inform the proprietor of the data required, and that the application will be delayed until the required data is received.
4. The clerk shall transmit a copy of the valid and complete preliminary plat (stage 2) to the village engineer and village planner for their technical review and recommendation.

##### b. Planning commission review, tentative approval.

1. The clerk shall place the preliminary plat (stage 2) on the next regular planning commission agenda, at which meeting the proprietor will be scheduled to appear. The planning commission shall act on the preliminary plat (stage 2) within 30 days after the date of filing unless the proprietor agrees to an extension, in writing, of the time required for approval by the village council and planning commission.
2. It shall be the duty of the clerk to send a notice by registered or certified mail to the owners of land immediately adjoining the property to be platted of the presentment of the preliminary plat (stage 2) and the time and place of the meeting of the commission to consider such preliminary plat; such notice shall be sent not less than 15 days before the date fixed therefor.
3. The preliminary plat (stage 2) shall be reviewed by the village

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engineer as to compliance with the approved preliminary plat (stage 1) and plans for utilities and other improvements.

4. The village engineer shall notify the commission of his recommendation for either approval or rejection of the preliminary plat (stage 2).

5. The preliminary plat (stage 2) documents shall be reviewed by the commission as to compliance with the approved preliminary plat (stage 1).

6. Should the commission find that the preliminary plat (stage 2) is in close agreement with the preliminary plat (stage 1), it shall approve such plat and notify the village council of this action in its official minutes and forward such plat, together with all accompanying data, to the village council for its review.

7. Should the commission find that the preliminary plat (stage 2) does not conform substantially to the previously approved preliminary plat (stage 1) and that it is not acceptable, the commission shall record its reason in its official minutes and forward such plat together with all accompanying data to the village council, and recommend that the village council disapprove the preliminary plat (stage 2) until the objections causing disapproval have been changed to meet with the approval of the commission.

c. Village council tentative approval.

1. The village council will not review a preliminary plat (stage 2) until it has received the review and recommendations of the commission. Following the receipt of such recommendations, the village council shall consider the preliminary plat (stage 2) at such meeting that the matter is placed on the regularly scheduled agenda. The village council shall take action on the preliminary plat (stage 2) within 15 days of the filing date of the plat.

2. Should the village council tentatively approve the preliminary plat (stage 2), it shall record its approval on the plat and return one copy to the proprietor.

3. Tentative approval shall not constitute final approval of the preliminary plat (stage 2).

4. Tentative approval of the village council shall be effective for a period of 12 months. Should the preliminary plat (stage 2) in whole or in part not be submitted for final approval within this time limit, the preliminary plat (stage 1) must again be submitted to the commission for approval unless an extension is applied for by the proprietor, and such request is granted in writing by the village council.

(2) Preliminary plat (stage 2) review by village council, final approval.

a. The proprietor shall file a valid preliminary plat (stage 2) with the clerk together with a certified list of all authorities required for approval in sections 112 to 119 of the Subdivision Act. The proprietor shall also provide approved copies of plats from each of the required authorities.

b. The village council shall take action on the preliminary plat within 15 days of the filing date.

c. If the preliminary plat (stage 2) conforms substantially to the plat tentatively approved by the village council and meets all conditions laid down for tentative approval, the village council shall give final approval to the preliminary plat (stage 2).

d. The clerk shall promptly notify the proprietor of approval or rejection in writing; if rejected, reasons shall be given.

e. Final approval shall be effective for a period of two years from the date of final approval. The two-year period may be extended if applied for by the proprietor and granted by the village council in writing.

f. No installation or construction of any improvements shall be made before the preliminary plat (stage 2) has received final approval of the village council, engineering plans have been approved by the village engineer, and any deposits required under Section 23-6 of this article have been received by the village. Where improvements which are to be owned and/or maintained by the village, such as sewer and water supply facilities, are to be installed prior to the recording of the final plat, acceptable easements running to the village must be filed with the clerk covering all proposed street rights-of-way and other places in which such installations are located.

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### Sec. 23-20. **Final plat.**

The procedure for preparation and review of a final plat shall be as follows:

#### (1) Preparation.

- a. The final plat shall comply with the provisions of the Land Division Act.
- b. The final plat shall conform substantially to the preliminary plat (stage 2) as approved, and it may constitute only that portion of the approved preliminary plat which the proprietor proposed to record and develop at the time; provided, however, that such portion conforms to this subdivision regulations article.
- c. The proprietor shall submit as evidence of title an abstract of title certified to date with the written opinion of an attorney-at-law thereon, or at the option of the proprietor, a policy of title insurance for examination in order to ascertain as to whether or not the proper parties have signed the plat.

#### (2) Final plat review.

- a. Five mylar copies and three paper prints of the final plat shall be filed by the proprietor with the clerk and the proprietor shall deposit such sums of money as the village council may require in this article or by other ordinances.
- b. The final plat shall be reviewed by the village engineer as to compliance with the approved preliminary plat and plans for utilities and other improvements.
- c. The village engineer shall notify the village council of his recommendation for either approval or rejection of the final plat.
- d. The village council shall review all recommendations and take action on the final plat within 20 days of its date of filing.
- e. Upon the approval of the final plat by the village council, the subsequent approvals shall follow the procedure set forth in the Land Division Act. The three prints of the final plat shall be forwarded, one to the clerk, one to the planning commission, and one to the building department. The five mylar copies shall be forwarded to the clerk of the county plat board.

Secs. 23-21--23-35. **Reserved.**

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## DIVISION 3. DESIGN LAYOUT STANDARDS

### Sec. 23-36. **Applicability.**

The subdivision design layout standards set forth under this division are development guides for the assistance of the proprietor. All final plans must be reviewed and approved by the village council.

### Sec. 23-37. **Streets.**

Streets shall conform to at least all minimum requirements of the general specifications and typical cross sections as set forth in this division, and other conditions set forth by the village council.

#### (1) Location and arrangement.

- a. The proposed subdivision shall conform to the various elements of the land use plan and shall be considered in relation to the existing and planned major arterial and collector streets, and such part shall be platted in the location and width indicated on such plan.
- b. The street layout shall provide for continuation of collector streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the commission.
- c. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
- d. Should a proposed subdivision border on or contain an existing or proposed arterial, the commission may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
- e. Should a proposed subdivision border on or contain a railroad, expressway or other limited access highway right-of-way, the commission may require the location of the street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks and residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.
- f. Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of this article, and where the commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be subdivided a dedicated or platted and recorded half street, the other half shall be platted.

(2) Street grades. For adequate drainage, the minimum street grade shall not be less than one-half of one percent. The maximum street grade shall be five percent, except that the commission may make an exception to this standard on the recommendation of the engineer.

(3) Street geometrics. Standards for maximum and minimum street grades, vertical and horizontal street curves and sight distances shall be established by ordinances or published rules of the village council, and shall in no case be less restrictive than the standards of the county road commission.

(4) Street intersections. Streets shall be laid out so as to intersect as nearly as possible to 90 degrees. Curved streets intersecting with major thoroughfares and collector thoroughfares shall do so with a tangent section of centerline 50 feet in length, measured from the right-of-way line of the major or collector thoroughfare.

(5) Grading and centerline gradients. Grading and centerline gradients shall be according to plans and profiles approved by the village engineer.

(6) Street jogs. Street jogs with centerline offsets of less than 125 feet shall be avoided.

#### (7) Other requirements.

- a. Maximum length for residential cul-de-sac streets shall generally be 500 feet. Maximum length for industrial and other cul-de-sac streets may exceed 500 feet subject to the approval of the commission.
- b. Access to streets across all ditches shall be provided by the proprietor in a standard method

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approved by the village council.

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### Sec. 23-38. **Blocks.**

Blocks within subdivisions shall conform to the following standards:

#### (1) Sizes.

- a. Maximum length for blocks shall not exceed 1,300 feet in length, except where, in the opinion of the commission, conditions may justify a greater distance.
- b. Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.
- c. Blocks shall be so designed as to provide two tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary.

#### (2) Public walkways.

- a. Location of public walkways or crosswalks may be required by the commission to obtain satisfactory pedestrian access to public or private facilities such as, but not limited to, schools and parks.
- b. Widths of public walkways shall be at least 12 feet and shall be in the nature of an easement for this purpose.

#### (3) Easements.

- a. Location of utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than 12 feet wide, six feet from each parcel.
- b. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the preliminary plat to all appropriate public utility agencies.
- c. Easements six feet in width, three feet from each parcel, shall be provided where needed along side lot lines so as to provide for streetlight dropouts. Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific lots. A notation shall be made on the final plat indicating: "The side lot lines between lots (indicating lot numbers) are subject to streetlight dropout rights granted to (name of utility company)."

### Sec. 23-39. **Lots.**

Lots within subdivisions shall conform to the following standards:

#### (1) Sizes and shapes.

- a. The lot size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.
- b. Lot areas and widths shall conform to at least the minimum requirements of the zoning ordinance for the district in which the subdivision is proposed.
- c. Building setback lines shall conform to at least the minimum requirements of the zoning ordinance.
- d. Corner lots in residential subdivisions shall be platted at least ten feet wider than the minimum width permitted by the zoning ordinance.
- e. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of three to one shall normally be considered a maximum.
- f. Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setbacks, and other requirements in accordance with the zoning ordinance.

#### (2) Arrangement.

- a. Every lot shall front or abut on a street.

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- b. Side lot lines shall be at right angles or radial to the street lines.
- c. Residential lots abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots, or with side lot lines parallel to the major traffic streets, or shall be platted with extra depth to permit generous distances between buildings and such trafficway.
- d. Lots shall have a front-to-front relationship across all streets where possible.
- e. Where lots border upon bodies of water, the front yard may be designated as the waterfront side of such lot provided the lot has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.

### Sec. 23-40. **Subdivision open space plan (planned unit development).**

The following requirements apply in addition to all other requirements of this article where a preliminary plat (stage 1) is filed for approval under the subdivision open space plan (planned unit development) section of the zoning ordinance.

(1) Statement of principles. Consideration by the commission and the village council of proposed optional use of subdivision open space plan shall reflect the following basic principles:

- a. The subdivision open space section of the zoning ordinance provides an optional method of subdividing property, and approval of any subdivision open space plan is subject to the discretion of the village council.
- b. Particular attention shall be given to the effect of a subdivision open space plan upon the immediate area, where the character of that area has been established by previous development. Major attention shall be given by the commission and the village council to the benefits to be derived by the residents of the proposed subdivision and the village because of the subdivision open space plan with minor consideration to be given to the proprietor.
- c. The following objectives shall govern the approval or disapproval of the proposed subdivision open space plan:
  - 1. To provide a more desirable living environment by preserving the natural character of the terrain features;
  - 2. To encourage developers to use a more creative approach in the development of residential areas;
  - 3. To encourage a more efficient, aesthetic and desirable use of the land while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles;
  - 4. To encourage the provision of open space so benefits may accrue directly to residents of the subdivision and to further encourage the development of recreational facilities.

(2) The application for approval of subdivision open space plan shall contain the following in addition to the information required by other sections of this article:

- a. A complete description of the land proposed to be dedicated to the village or to the common use of lot owners (referred to in this section as "open land") shall be provided, including the following as a minimum:
  - 1. Legal description of open land;
  - 2. Topographical survey of open land;
  - 3. Type of soil in open land;
  - 4. Description of natural features on open land (stands of trees or other vegetation, streams or other bodies of water, etc.); and
  - 5. Other relevant factors.
- b. The proposed plan of development of the open land shall be contained in the application and shall include the following as a minimum:
  - 1. The proposed manner in which the title to land and facilities is to be held by the owners of land in the subdivision;
  - 2. The proposed manner of collection of maintenance costs, financing costs or assessments so that nonpayment will constitute a lien on the property, thus avoiding village responsibility in the future;
  - 3. The proposed manner of regulating the use of the common facilities and

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areas so as to eliminate possible nuisances to other property owners and cause for enforcement by the governing unit;

4. The proposed method of notifying the village when any change is contemplated in plans that would affect the original specifications approved by the village;

5. The proposed method of setting up assessments to cover contingencies, insurance against casualty and liability and payment of taxes relating to these properties; and

6. The proposed uses of open land and the proposed improvements which are to be constructed by the proprietor.

c. The application shall contain a statement of the benefits to be realized by the residents of the proposed subdivision and the village by approval of the proposed subdivision open space plan with particular reference to the objectives stated in the zoning ordinance.

(3) If the commission is satisfied that the proposed subdivision open space plan meets the letter and spirit of the zoning ordinance and should be approved, it shall recommend such approval to the village council with the conditions upon which such approval should be based. Thereafter, the village council shall take action upon such application in accordance with section 23-18.

(4) If the commission is not satisfied that the proposed subdivision open space plan meets the letter and spirit of the zoning ordinance or finds that the approval of such subdivision open space plan will be detrimental to existing development in the general area and should not be approved, it shall communicate such disapproval to the village council with the reasons therefor. The proprietor shall be entitled to a hearing upon such proposal before the village council upon written request therefor filed with the clerk.

(5) If the village council gives approval to the proposed subdivision open space plan, it shall instruct the village attorney to prepare a contract setting forth the conditions upon which such approval is based, which contract, after approval by the village council, shall be entered into between the village and the proprietor prior to the approval of any preliminary plat based upon the approved prepreliminary plat.

### Sec. 23-41. **Natural features.**

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, watercourses and similar community assets that will add attractiveness and value to the property if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.

### Sec. 23-42. **Floodplains.**

Any areas of land within the proposed subdivision which lie either wholly or in part within the floodplain of a river, stream, creek or lake, or any other areas which are subject to flooding or inundation by stormwater, shall require specific compliance with the Subdivision Act and its review by the water resources commission of the department of conservation.

### Secs. 23-43--23-50. **Reserved.**

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## DIVISION 4. IMPROVEMENTS

### Sec. 23-51. **Generally.**

- (1) The improvements set forth under this division are to be considered as the minimum acceptable standard. All those improvements for which standards are not specifically set forth shall have such standards set by ordinance or published rules of the village council. All improvements must meet the approval of the village council.
- (2) Prior to the undertaking of any improvements, the proprietor shall deposit with the village clerk cash, a certified check or irrevocable bank letter of credit running to the village, whichever the proprietor selects, to insure faithful completion of all improvements within the time specified. The amount of the deposit shall be set by the village council based on an estimate by the engineer. All improvements shall be constructed and approved by the village within a length of time agreed upon from the date of approval of the final plat by the village council. The village council shall release funds for the payment of work as it is completed and approved by the village. Prior to the acceptance by the village of improvements, a two-year maintenance bond in an amount set by the village council shall be posted by the proprietor.
- (3) Improvements shall be provided by the proprietor in accordance with the standards and requirements established in this division and/or any other such standards and requirements which may from time to time be established by ordinance or published rules of the village.

### Sec. 23-52. **Streets.**

All streets and appurtenances thereto shall be constructed in accordance with current village standards and specifications as set forth in Section \_\_\_\_ of the Code of Ordinances for the Village of Deerfield. All pavements, shall be concrete pavement with concrete curb and gutter on each side, or, at the approval of the village council, asphaltic pavement with concrete curb and gutter on each side.

### Sec. 23-53. **Utilities.**

- (1) Requirements for underground wiring. The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout a subdivided area, except for major thoroughfare rights-of-way, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the engineer, planner, commission, and the approval of the village council at the time of final plat approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, plat design and character of the subdivision. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor.
- (2) Sewage disposal. A sanitary sewer system including all appurtenances shall be required in all subdivisions which shall connect and outlet into a village sanitary sewer system.
- (3) Water supply. A water supply system including appurtenances shall be required in all subdivisions which shall be connected to a village water supply system.
- (4) Storm drainage system. An adequate storm drainage system including necessary storm sewers, catchbasins, manholes, culverts, bridges, and other appurtenances shall be required in all subdivisions. Adequate provision shall be made for proper drainage of stormwater runoff from residential rear yards. Each yard shall be self-contained and shall be drained from rear to front except where topography or other natural features require otherwise.

### Sec. 23-54. **Other improvements.**

- (1) Sidewalks. Sidewalks shall be provided along the following types of streets as provided in this subsection.
  - (A) Major arterials. A three-and-one-half-foot-wide concrete sidewalk located one foot from the property line on the side or sides of the roadway abutting the subdivision shall be provided. In those instances where no good purpose would be served by the provision of sidewalks, the village council may waive this requirement.
  - (B) Collector streets. A three-and-one-half-foot-wide concrete sidewalk located one foot from

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the property line on each side of the roadway shall be provided. In those instances where no good purpose would be served by the provision of sidewalks, the village council may waive this requirement.

(C) Minor streets. A three-and-one-half-foot-wide concrete sidewalk located one foot from the property line on each side of the roadway shall be provided. In those instances where no good purpose would be served by the provision of sidewalks, the village council may waive this requirement.

(D) Marginal access streets. A three-and-one-half-foot-wide concrete sidewalk located one foot from the property line on the private property side of the roadway shall be provided. In those instances where no good purpose would be served by the provision of sidewalks, the village council may waive this requirement.

(2) Public walkways. The surface of public walkways shall be developed in concrete. Planting pockets shall be provided in public walkways for tree and shrub planting. The planting plan and surface treatment shall meet the approval of the commission. Fences and/or other improvements may also be required if the commission and/or village council determines they are necessary to protect the adjacent property owners.

(3) Street trees. Existing trees near street rights-of-way shall be preserved by the proprietor. At least two street trees shall be provided per lot in the street right-of-way between sidewalk and curb. ***All costs related to the installation of street trees shall be borne by the proprietor.***

(4) Street signs. Street name signs shall be placed at all street intersections and shall be of a permanent weather-resistant construction with street name visible from two directions in accordance with details and specifications prescribed by the village council.

(5) Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the village engineer. The monuments shall be of such material, size and length as may be approved by the village engineer.

(6) Driveways. All driveways shall be paved.

(7) Street lighting. Street lighting shall be provided in accordance with Section \_\_\_ of the Village Zoning Ordinance.

Secs. 23-55--23-60. **Reserved.**

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# ARTICLE II. LAND DIVISION

### Sec. 23-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Acreage tracts or acreage land** means any legal description of land or real estate which is either an acreage description or a metes and bounds description of the parcel, and is not described as a numbered lot in an approved subdivision.

**Applicant** means a natural person, firm, association, partnership, corporation, or any combination thereof, which may hold an ownership interest in land, whether recorded or not, that is petitioning for approval to divide or partition land pursuant to the terms of this article.

**Condominium subdivision plan** means the drawings and information prepared pursuant to the Condominium Act, being MCL 559.101 et seq., and as defined therein.

**Divide or partition** means the splitting or separating of a tract of land, lot or outlot into parts by a change or changes in boundaries and/or legal description, for purposes of sale, transfer or assignment, or for obtaining separate tax statements, and which is done pursuant to the exclusion to the platting procedures as specified in the Land Division Act, being MCL 560.101 et seq., as amended, and which is not part of an approved condominium plan pursuant to the Condominium Act, being MCL 559.101 et seq.

**Easement** means the right of an owner of property, by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage and similar uses.

**Lot** means a measured portion of a parcel or tract of land, which is legally described and fixed in a recorded plat.

**Outlot** means a parcel of land included within the boundary of a recorded plat which is set aside for purposes other than a residential building site, park or other land dedicated to public use or reserved to private use, or a parcel of land designated as an outlot within an approved subdivision plat.

**Parcel or tract** means a continuous area of land under the ownership of the same person, firm, association, partnership, corporation, or combination thereof.

**Parcel division board** means a board composed of the zoning administrator, or designee thereof, and representatives of each of the following boards or commissions as appointed by such: the planning commission and the zoning board of appeals. The representative of the planning commission shall not be a member of the zoning board of appeals.

**Partition.** See "divide."

**Person** means a natural person, firm, association, partnership, corporation, or combination thereof, which may hold an ownership interest in land, whether recorded or not.

**Plat** means a map or chart of a recorded subdivision of land.

**Private road** means an area of land used for ingress and egress (including vehicular traffic, emergency response and public safety vehicles) and for private and public utilities to serve more than one parcel of land or more than one use of a parcel of land, which is under private ownership and is not maintained at public expense.

**Public street or right-of-way** means a public or dedicated right-of-way, other than an alley, which affords the principal means of vehicular access to abutting property, including emergency response and public safety vehicles.

**Zoning lot** means a single or continuous tract of land which may include one or more lots or parcels of record, which is designated by the owner or developer thereof to be used, developed or built upon as a single unit, under single ownership or control.

**Zoning ordinance** means the village zoning ordinance, as amended as contained in Chapter 1 of this Code.

**Zoning/ordinance administrator** means that person designated to review and approve zoning matters administratively as authorized by ordinance or by the planning commission, and who also has the authority to enforce the provisions of zoning and other ordinances of the village.

### Sec. 23-62. Requirements generally.

(1) It shall be unlawful for any person to sell, divide or partition any lot, outlot or other parcel of land in a recorded plat, or sell, divide or partition any unplatted parcel or tract of land, or zoning lot, for purposes of sale, transfer or

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assignment, except in accordance with the provisions of this article, unless the division or partition is approved as a part of a subdivision plat at the time of plat approval or is part of a condominium subdivision plan under the laws of the state, or such division or partition is pursuant to an order of a court of competent jurisdiction. A zoning lot shall not be divided except in conformity with the zoning ordinance with respect to area, size, dimension and frontage as required in the district in which the zoning lot is located.

(2) All divisions of property in the village which are not part of a subdivision plat at the time of plat approval nor part of an approved condominium plan shall be in accordance with the following requirements:

(A) The minimum area, setback, frontage, dimensions and other applicable requirements set forth in the zoning ordinance.

(B) All other requirements of the ordinances of the village as to access, either by means of an abutting public street, driveway or private road easement.

(C) The requirements of the applicable ordinances of the village and the county health department, or other applicable government agency, as to provisions for sewage disposal and water.

### Sec. 23-63. **Application--Contents.**

Applications for proposed land divisions shall include the following:

(1) A plan showing all property lines, dimensions, and easements, along with the legal descriptions of the existing parcel or parcels and the legal descriptions of the parcels proposed to be created. If a private road easement is included, a separate proposed legal description of such private road easement shall be provided. Such plan or drawing shall be in the form and size required by the parcel division board. An application shall not be initially required to have a certified survey submitted.

(2) When the land being divided has improvements or easements located on some or all of the parcels, all such improvements or easements shall be shown as to their relationship to the new property lines in order to assure compliance with the requirements of the zoning ordinance.

(3) The addresses, if any, and the tax identification numbers of the existing parcel or parcels.

(4) A brief statement as to the purpose of the proposed land division, indicating whether or not it is for sale, transfer or assignment, and if for residential or commercial development or construction.

(5) The status of payment of all real property taxes for the existing parcel or parcels.

(6) The names and addresses of any persons having an interest in the title of the existing parcel or parcels, and the type of interest held.

### Sec. 23-64. **Same--Review.**

All information submitted for a proposed land division shall be reviewed by the parcel division board. The parcel division board shall consult with the building inspector, the planning consultant, the department of public services and the engineering consultant to receive their recommendations, if necessary. The parcel division board shall receive and review all applications for land divisions as submitted pursuant to this article, and shall act thereon as provided in this article. The board shall grant preliminary approval if the proposed division:

(1) Meets or exceeds the requirements of this article and of the zoning ordinance as to parcel size and dimensions;

(2) Is in compliance with the Land Division Act (Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq.), as amended, if applicable; and

(3) If any private road meets or exceeds the requirement provided in the private road ordinance, as set out in chapter 58, article II, of this Code; however, nothing contained herein shall require the parcel division board to review and approve the engineering, design or construction standards for such private road.

The board may deny or grant preliminary approval for the proposed land division, or it may table action upon the request therefor pending receipt of additional information as specified in this article. Any such action shall be by a simple majority of all members of the parcel division board.

### Sec. 23-65. **Same--Processing and approval.**

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(1) Applications for land division shall be processed by action of the parcel division board to deny, grant preliminary approval or table the request, within 30 calendar days after submittal of the application with all necessary information and payment of the required fees. Preliminary approval of such applications may be granted upon submittal of the information required by this article and may be contingent upon granting of any necessary variances from other applicable ordinances. Preliminary approvals shall be in writing and shall state specifically the items and information required for final approval.

In the event that insufficient information is submitted, the parcel division board shall table the request and the applicant shall be notified to submit any additional information required, and any approval or denial shall occur within 30 days of submittal of such additional information. All approvals, denials and requests for additional information shall be in writing and shall specifically set forth the reasons for approval or denial, or specifically itemize any additional information required to be submitted.

(2) Final approval of an application for proposed land division under this article shall be upon submittal of the following:

(A) A complete survey by a registered land surveyor or registered civil engineer, which shall be in recordable form, showing all property lines, directional calls, dimensions, easements and rights-of-way, and a complete legal description of the resulting parcels. If a private road easement is included, a separate and complete legal description shall be provided for such easement and included in the survey. The requirement for such a survey may be waived by the parcel division board if submittal of the survey would provide no reasonable purpose, including but not limited to the proposed division of two or more platted lots having a single tax identification number, and each individual platted lot otherwise meets the requirements of this article.

(B) Compliance with all conditions established by the parcel division board at the time of preliminary approval.

(C) Proof of payment of all real property taxes which have been levied against the existing parcel or parcels and which have become due.

(D) The written consent to the division of the existing parcel or parcels by all parties having an interest in the title thereof.

(E) Granting of all necessary variances from other applicable ordinances.

(F) A copy of a current, valid perc permit issued by the county health department if the proposed parcel or parcels will not be served by the municipal sanitary sewer system.

(3) In all applications for land division under this article, final approval or denial shall be granted within 30 days of submittal of all the items required in this section. Approval or denial shall be in writing, and shall state with specificity the reasons for approval or denial. The zoning administrator shall promptly forward to the local assessor a copy of the notification of any final approval, together with the legal descriptions of the resulting parcels, and a copy of the survey, if required to be submitted. The zoning administrator shall forward to the local assessor a copy of any notification of denial.

### Sec. 23-66. Fees, forms and permits.

The following provisions as to fees, forms and permits pursuant to this article shall apply:

(1) Fees. By resolution, the village council shall establish a schedule of fees for land divisions, which may include professional review fees. Application fees shall be paid in advance at the time of making application, and any additional fees shall be paid prior to final approval of a land division.

(2) Forms. The written forms for application for land division, preliminary approval and final approval, denial, and requests for additional information shall be in such form as required by the parcel division board. The board may develop such other forms as it may reasonably require for use under this article.

(3) Building permits. No building permit shall be issued by the village for any property on a parcel or tract of land which has been divided and for which final approval has not been obtained pursuant to this article.

### Sec. 23-67. Appeals.

Any appeal from a decision of the parcel division board shall be to the village council.

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## Sec. 23-68. Penalty for violation.

Any person who violates or fails to comply with any provision of this article shall be deemed responsible for committing a municipal civil infraction.

## EFFECTIVE DATE

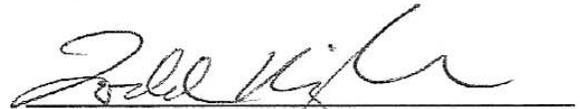
This ordinance shall take effect immediately upon publication of the synopsis as required by law following adoption by the Village Council.

Yeas: Sieler, Bocskay, Holubik, Gilson, Rogers, Nighswander

Nays: 0

Absent: Eggleston

Ordinance Declared Adopted on July 11, 2011.



Todd Nighswander, President  
Village of Deerfield

## CERTIFICATION OF ADOPTION AND PUBLICATION

I, Sandra Witt, the duly elected Clerk of the Village of Deerfield certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Village Council of the Village of Deerfield on July 11, 2011, and a synopsis was published in the Adrian Daily Telegram, a newspaper circulated in the Village of Deerfield on July 18, 2011.



Sandra Witt  
Village of Deerfield Clerk