



VILLAGE OF SUTTONS BAY
REMOTE Access Village Council Meeting
Village Hall
420 N. Front Street
Suttons Bay, MI 49682 at 5:30pm
March 15, 2021
Agenda

Electronic Remote Access, in accordance with Public Act 228 of 2020 will be implemented in response to COVID-19 social distancing requirements and Michigan Health and Human Services restrictions of indoor gatherings. The public may participate in the meeting through Zoom access by computer and smart phone and can find the link on our website at www.suttonsbayvillage.org

1. Regular Meeting Called to Order
2. Roll Call
3. Review and Approval of the Agenda – Conflict of Interest
4. Consent Agenda
 - a. Approval of Minutes -February 16, 2021
 - b. Payment of Invoices
5. Public Comment / Communication and Reports (please limit to no more than three (3) minutes)
6. Unfinished Business
7. New Business
 - a. Report VSB 2021-17 Land Division Ordinance- Public Hearing
 - b. Report VSB 2021-16 Manager's Report
8. Special Committee Reports/Staff Reports (Verbal)
9. Good of the Order (Council Member **Comments**)
10. Manager's Report
11. Public Comment (please limit to no more than three (3) minutes)
12. Adjournment



Roberto Larrea is inviting you to a scheduled Zoom meeting.

Topic: Suttons Bay Village Council Regular Meeting

Time: Mar 15, 2021 05:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85809539294?pwd=STZ6UGITUVkxaERXQ2dIYzJ4bZg5Zz09>

Meeting ID: 858 0953 9294

Passcode: 412418

One tap mobile

+13126266799,,85809539294#,,,,*412418# US (Chicago)

+19294362866,,85809539294#,,,,*412418# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 858 0953 9294

Passcode: 412418

Find your local number: <https://us02web.zoom.us/j/85809539294?pwd=STZ6UGITUVkxaERXQ2dIYzJ4bZg5Zz09>



VILLAGE OF SUTTONS BAY
VILLAGE COUNCIL REGULAR
MEETING MINUTES OF FEBRUARY 16, 2021

The meeting was called to order at 5:30 p.m., by Pro-Tem Christensen.

Present: Bahle, Case, Christensen, Long, Smith and Suppes
Absent: Lutke
Staff present: Fay, Larrea and Miller

Approval of Agenda

Bahle moved, Case seconded, CARRIED, to approve the Agenda as presented, with an affirmative unanimous roll call vote: Ayes: 6, No: 0

Consent Agenda

Suppes moved, Smith seconded, CARRIED, to approve the Consent Agenda as presented, by an affirmative unanimous roll call vote. The Village Council meeting minutes of January 19, 2021 are approved. The Payment of Invoices is approved. Ayes: 6, No: 0

Public Comment/Communications and Reports

Sue Gentges of the Suttons Bay Bingham Library Board of Trustees informed Council that an opening has been posted for a Village resident to be a representative on the Library board for a term ending May 2024. Interested persons should send a letter of interest to the Library either by mail or email, stating their qualifications and reasons why they would like the position.

Report VSB 2021-07 LDA Ordinance- Set Public Hearing for March 15, 2021

Bahle moved, Case seconded, CARRIED, to set a public hearing on the attached Land Division Ordinance for March 15, 2021, by an affirmative unanimous roll call vote. Ayes: 6, No: 0

Manager's Work Plan

Larrea stated the Planning Commission has been moving forward on updating the Parks and Recreational Plan.

Larrea has been working with Inland Seas on the draft agreement for docking the Schooner. The new agreement would require parties to meet yearly to review parts of the agreement so that communication is continuous. It is a ten-year agreement.

The Village is hiring a Planning Consultant, Sara Kopriva, to assist the Planning Commission with a variety of tasks.

The Blight Ordinance draft is complete and has been reviewed by the Attorney. Larrea has talked with Chet Janik regarding the draft ordinance and will possibly speak with the Prosecuting Attorney regarding the draft as well.

A \$2,500 grant has been received for cameras and a recording system to help secure the WWTP, with a full estimate of approximately \$9,800.00. Conversations have been initiated on placing cameras downtown at the intersections/crossings in the Spring.

Council member comments regarding the Work Plan:

Case asked about the plan for Waterwheel Park. Larrea stated the drawing for the Waterwheel Park is in the Parks and Rec Plan and that we can start looking at grant dollars for that Park. The drawing can be amended if need be. Case asked where the broken sewer line is; it is along Front Street. Case asked if the Village still plans on purchasing a used single axel plow truck; yes, the Village does intend too.

Smith asked if there were any updates on the Short-Term Rental Ordinance. Larrea stated that following the Blight Ordinance, a sub-committee will be formed to address the STR Ordinance. Smith volunteered to be on that sub-committee.

Special Committee Reports/Staff Reports

DPW Director Miller stated a demonstration of a product that is supposed to preserve and seal a structure took place on S. Shore drive. The product was tried and worked well on five sanitary structures identified in various stages of deprivation. In addition, some extensive camera work took place to reverify some problem areas previous noted, notably along Front Street. Miller is communicating with a contractor about the best plan to seal up these manhole structures this spring.

Good of the Order

Case asked about Broadway Street and if Part 1 was complete and paid for. Larrea stated that the work done appears to be working well and that the need to complete Part 2 will depend on how well the work already done performs. Broadway will be reevaluated following the spring melt.

Public Comment

Bill Perkins asked if food trucks will be allowed at the Suttons Bay Art Fair this summer; no, currently food trucks are not allowed.

Eric Carlson stated he will place the Library vacancy for a Village resident on the Leelanau enterprise website. He further stated that Sara Kopriva is a professional and a pleasure to work with.

The meeting adjourned at 5:54 p.m.

Meeting minutes submitted by Shar Fay, Village Clerk

Check Date	Check	Vendor Name	Description	Amount
Bank GEN FIFTH THIRD CHECKING				
02/15/2021	44819	CONSUMERS ENERGY	JANUARY 2021 SERVICE	4,318.12
02/15/2021	44820	AMERICAN WASTE	ACCT 3222750 - FEB SERVICE- 1520 RICHTER	207.01
02/15/2021	44821	GT RUBBER SUPPLY, INC	CUST 10195 - HYDR HOSE - AEBI REPAIR	36.44
02/15/2021	44822	INTEGRITY SOFTWARE SYSTEMS	1/8/21 - EMAIL SETTINGS - BS&A BILLING	50.00
02/15/2021	44823	MI MUNICIPAL LEAGUE WORKERS CO	5002750-20, 4TH QTR 2020 YE A/P	1,268.00
02/15/2021	44824	NORTHWOODS PRINTERS, LLC	1000 LASER AP CHECKS - ALL FUNDS	199.96
02/15/2021	44825	PITNEY BOWES - PURCHASE POWER	8000-9090-0222-9933, POSTAGE THRU 01/25/	402.50
02/15/2021	44826	PRINTING SYSTEMS, INC	ACCT 1033 - 3000 LASER UTILITY FORMS	258.02
02/15/2021	44827	SOS ANALYTICAL	WSSN 6500 - LAB ANALYSIS, BACTI 10/12/20	80.00
02/15/2021	44828	SOS ANALYTICAL	WSSN 6500 - BACTI TEST - YE A/P	80.00
02/15/2021	44829	SOS ANALYTICAL	WSSN 6500 - BACTI TESTS - DEC 2020 YE A/	502.67
02/15/2021	44830	STANDARD INSURANCE COMPANY	POLICY 00-642946 0117 - JAN 2021 PREMIUM	502.67
02/15/2021	44831	STANDARD INSURANCE COMPANY	642946 0117, FEB 2021 PREMIUM	502.67
02/25/2021	44832	GRAINGER	MOTOR POOL SUPPLIES	385.02
02/25/2021	44833	ART'S AUTO AND TRUCK PARTS INC	MOTOR POOL SUPPLIES	118.23
02/25/2021	44834	DTE ENERGY	MULTIPLE ACCOUNTS THROUGH JANUARY 2021	1,251.84
02/25/2021	44835	BLUE CROSS BLUE SHIELD OF MICH	007015354710 0001 -MARCH 2021 PREMIUM	260.52
02/25/2021	44836	CUMMINS BRIDGEWAY, LLC	MAINTENANCE-GASKET REPAIR	207.13
02/25/2021	44837	SHAR FAY	NOTARY BOND	60.00
02/25/2021	44838	JACK DOHENY COMPANIES INC	CUST CODE: SUTT0002 - WATER SPRAY HAND G	159.00
02/25/2021	44839	JACK DOHENY COMPANIES INC	CUST SUTT0002 BULLDOG ANTIBLAST	3,568.06
02/25/2021	44840	JACK DOHENY COMPANIES INC	CUST SUTT0002 DEBRIS HOSE	683.39
02/25/2021	44841	TKS SECURITY	REMOTE VIDEO SERVICE CONTRACT SUTTONS PA	120.00
02/25/2021	44842	MR CLEAN	JANITORIAL SERVICE THRU JANUARY 2021	410.00
02/25/2021	44843	NETLINK BUSINESS SOLUTIONS	SEVILLHALL MAINT TO 5/5/21	306.93
02/25/2021	44844	NETLINK BUSINESS SOLUTIONS	WWTP COPIER MAINT TO 5/7/21	132.00
02/25/2021	44845	NORWOODS PRINTERS, LLC	LASER CHECKS PAYROLL	199.96
02/25/2021	44846	INTEGRITY BUSINESS SOLUTIONS	ACCT # 957380 SUPPLIES THRU JANUARY	58.48
02/25/2021	44847	INTEGRITY BUSINESS SOLUTIONS	OFFICE SUPPLIES - INDEX BINDERS	3.69
02/25/2021	44848	INTEGRITY BUSINESS SOLUTIONS	ACCT 957380 - OFC SUPPLIES, CLIPS, BINDE	0.00
02/25/2021	44849	PRIORITY HEALTH	GROUP 784340 S001, MARCH 2021 PREMIUM	7,720.16
02/25/2021	44850	LEELANAU CITY ROAD COMMISSION	DIESEL & UNLEADED FUEL THROUGH JANUARY 2	777.04
02/25/2021	44851	SECURITY SANITATION, INC	BAHLE PARK WASTE DISPOSAL THRU 2/21/2021	95.00
02/25/2021	44852	SOS ANALYTICAL	LAB ANALYSIS	80.00
02/25/2021	44853	TIME WARNER CABLE	SERVICE TO 2/28/21	81.97
02/25/2021	44854	WELLS FARGO FINANCIAL LEASING	SHARP COPIER FEBRUARY 12 THRU MARCH 12,	72.92
02/26/2021	44855	LESLIE COUTURIER	ZONING ADMIN AGREE - FEB, 2021	480.00
02/26/2021	44856	LESLIE COUTURIER	PLAN COMM ATTEND - FEB, 2021	50.00
03/03/2021	44857	BRAMER AUTO SUPPLY	ACCT # 8571 SUPPLIES THRU FEB, 2021	0.00
03/03/2021	44858	CENTURYLINK	ACCT # 300439566 SERVICE THRU 2-22-2021	0.00
03/03/2021	44859	CENTURYLINK	ACCT# 405593377 SERV THRU 2-22-2021	0.00
03/03/2021	44860	GRAINGER	ACCT# 871012852 MINI STROBE LIGHT	0.00
03/03/2021	44861	GRAINGER	ACCT # 871012852FINISH SANDER	0.00
03/03/2021	44862	NORTHERN BUILDING SUPPLY, LLC	CUST VILL0 SUPPLIES THRU FEB 25, 2021	0.00
03/03/2021	44863	LEELANAU ENTERPRISE	CUST #1217 PUBLISHING THRU 2/28/21	0.00
03/03/2021	44864	BADGER METER INC	BEACON HOSTING SERV FEBRUARY 2021	0.00
03/03/2021	44865	CENTURYLINK	ACCT#89115093 FEBRUARY 2021	0.00
03/03/2021	44866	CHARTER COMMUNICATIONS	ACCT# 8245121220022588 FEBRUARY SERVICE	0.00
03/03/2021	44867	FLETS& VANDENBRINK ENGINEERING	PROJECT 847720 ELM STREET BRIDGE REPAIR	0.00
03/03/2021	44868	DOROTHY PETROSKEY	OFFICE SUPPLIES-COFFEE	0.00
03/03/2021	44869	OPERATIONS MANAGEMENT INT	CUST #120525 SERV THRU MARCH 2021	0.00
03/03/2021	44870	INTEGRITY BUSINESS SOLUTIONS	ACCT #957380 CALCULATOR/CUPS	0.00
03/03/2021	44871	PURE WATER WORKS	SERVICE THROUGH FEBRUARY 19, 2021	0.00
03/03/2021	44872	PURE WATER WORKS	COOLER RENTAL-MARCH 2021	0.00
03/03/2021	44873	VALLEY CITY LINEN	ACCT#10467 FEB 2021 SERVICE	0.00
03/03/2021	44874	BRAMER AUTO SUPPLY	ACCT# 8571 SUPPLIES THRU FEB, 2021	0.00
03/03/2021	44875	CENTURYLINK	ACCT # 300439566 SERVICE THRU 2-22-2021	0.00


Check Date	Check	Vendor Name	Description	Amount
03/03/2021	44876	CENTURYLINK	ACCT# 405593377 SERV THRU 2-22-2021	0.00 V
03/03/2021	44877	GRAINGER	ACCT# 871012852 MINI STROBE LIGHT	0.00 V
03/03/2021	44878	GRAINGER	ACCT # 871012852FINISH SANDER	0.00 V
03/03/2021	44879	NORTHERN BUILDING SUPPLY, LLC	ACCT VIL10 SUPPLIES THRU FEB 25, 2021	0.00 V
03/03/2021	44880	LEELANAU ENTERPRISE	CUST #1217 PUBLISHING THRU 2/28/21	0.00 V
03/03/2021	44881	BADGER METER INC	BEACON HOSTING SERV FEBRUARY 2021	0.00 V
03/03/2021	44882	CENTURYLINK	ACCT#89115093 FEBRUARY 2021	0.00 V
03/03/2021	44883	CHARTER COMMUNICATIONS	ACCT# 8245121220022588 FEBRUARY SERVICE	0.00 V
03/03/2021	44884	FLEIS& VANDENBRINK ENGINEERING	PROJECT 847720 ELM STREET BRIDGE REPAIR	0.00 V
03/03/2021	44885	DOROTHY PETROSKEY	OFFICE SUPPLIES-COFFEE	0.00 V
03/03/2021	44886	OPERATIONS MANAGEMENT INT	CUST #120525 SERV THRU MARCH 2021	0.00 V
03/03/2021	44887	INTEGRITY BUSINESS SOLUTIONS	ACCT #957380 CALCULATOR/CUPS	0.00 V
03/03/2021	44888	PURE WATER WORKS	SERVICE THROUGH FEBRUARY 19, 2021	0.00 V
03/03/2021	44889	PURE WATER WORKS	COOLER RENTAL-MARCH 2021	0.00 V
03/03/2021	44890	BRAMER AUTO SUPPLY	ACCT# 8571 SUPPLIES THRU FEB, 2021	91.21
03/05/2021	44891	CENTURYLINK	ACCT # 300439566 SERVICE THRU 2-22-2021	608.72
03/05/2021	44892	CENTURYLINK	ACCT# 405593377 SERV THRU 2-22-2021	225.27
03/05/2021	44893	GRAINGER	ACCT# 871012852 MINI STROBE LIGHT	71.32
03/05/2021	44894	GRAINGER	ACCT # 871012852FINISH SANDER	86.65
03/05/2021	44895	NORTHERN BUILDING SUPPLY, LLC	ACCT VIL10 SUPPLIES THRU FEB 25, 2021	1,142.73
03/05/2021	44896	LEELANAU ENTERPRISE	CUST #1217 PUBLISHING THRU 2/28/21	100.20
03/05/2021	44897	BADGER METER INC	BEACON HOSTING SERV FEBRUARY 2021	35.94
03/05/2021	44898	CENTURYLINK	ACCT#89115093 FEBRUARY 2021	143.40
03/05/2021	44899	CHARTER COMMUNICATIONS	ACCT# 8245121220022588 FEBRUARY SERVICE	136.96
03/05/2021	44900	FLEIS& VANDENBRINK ENGINEERING	PROJECT 847720 ELM STREET BRIDGE REPAIR	3,600.00
03/05/2021	44901	DOROTHY PETROSKEY	OFFICE SUPPLIES-COFFEE	17.98
03/05/2021	44902	OPERATIONS MANAGEMENT INT	CUST #120525 SERV THRU MARCH 2021	13,738.58
03/05/2021	44903	INTEGRITY BUSINESS SOLUTIONS	ACCT #957380 CALCULATOR/CUPS	133.65
03/05/2021	44904	PURE WATER WORKS	SERVICE THROUGH FEBRUARY 19, 2021	15.00
03/05/2021	44905	PURE WATER WORKS	COOLER RENTAL-MARCH 2021	8.50
03/05/2021	44906	VALLEY CITY LINEN	ACCT#10467 FEB 2021 SERVICE	100.00

GEN TOTALS:

(34 Checks Voided)

Total of 54 Disbursements:

45,522.84

		VILLAGE OF SUTTONS BAY REPORT VSB -2021- 17	
Prepared:	March 9, 2021	Pages:	1 of 1
Meeting:	March 15, 2021	Attachments:	<input type="checkbox"/>
Subject:	LDO – Comments Addressed		

PURPOSE:

To hold a public hearing on the Proposed Land Division Ordinance No. 20.

OVERVIEW:

The proposed Land Division Ordinance (LDO) was reviewed and scheduled for a public hearing in 2020. The Ordinance, as with numerous other items, fell victim to the pandemic. The Ordinance was reintroduced to the Village Council at their January 2021 meeting (VSB-2021-04). During the introduction and request for public hearing there were procedural requests made by way of public comment. These requests were addressed in detail (Report VSB 2021-05) at the February 3, 2021, Administrative Committee.

In addition, we reached out to the Township Assessor, who is a part of the review committee, and well versed on land divisions. The assessor’s input was very productive and all comments were made with the Village’s best interest in mind. All suggested changes, although minor, have been made and further strengthen the ordinance while adding clarification for the applicant. The Administrative committee reviewed the Ordinance as amended and asked that the Amended Ordinance be provided to the Village Council at their February 16th meeting for final review.

The Village Council reviewed the Report VSB 2021-07 along with the proposed Ordinance and called for a public hearing to be held at the March 15, 2021 regular meeting.

Therefore, adoption of Land Division Ordinance Number 20, will repeal and replace Land Division Ordinance Number 2 of 2014, and all previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance.

*Please note: we are moving away from stating ordinances by year, such as Ordinance #1 of 2021. This format can be confusing as we have numerous Ordinance #1’s dating back several years. We will now simply designate a number such as Ordinance Number 20. Being that we are reviewing numerous adopted ordinances, it is likely that several of them will be replaced and therefore renumbered to this format.

ACTION REQUESTED:

A motion for consideration is provided below.

MOTION THAT the Village Council adopt Land Division Ordinance Number 20 as described in Report VSB-2021-17 and being made a part of this motion.

VILLAGE OF SUTTONS BAY
LEELANAU COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE VILLAGE OF SUTTONS BAY LEELANAU COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

Public notice is hereby given that the Suttons Bay Village Council will hold a public hearing on Monday, March 15th, 2021 at 5:30p.m., at the Village Hall located at 420 N. Front Street, Suttons Bay, Michigan, 49682. The purpose of the public hearing is for consideration of adopting Ordinance No. 20, being the Land Division Ordinance, an ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, et seq.) and the General Law Village Act, Public Act 3 of 1895, as amended, (MCL 61.1, et seq.), to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

A copy of the proposed Ordinance is available for review on the Village Web site at www.suttonsbayvillage.org.

All interested persons are invited to attend this meeting VIA Remote Access. A link can be found on our website. If you are unable to attend, written comment may be submitted to the Village Clerk at the Suttons Bay Village Hall located at 420 N. Front Street, 49682, up to the date of the hearing and may be further received by the Village Council at said hearing.

The Village of Suttons Bay will provide necessary reasonable auxiliary aids and services, such as signers for hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities upon the provision of reasonable advance notice to the Village. Individuals with disabilities requiring auxiliary aids or services should contact the Village of Suttons Bay by writing or calling Shar Fay, Clerk, Ph: (231) 271-3051.

Leelanau Enterprise:

Please publish one (1) time: February 25, 2021
Send affidavit and bill to: Village of Suttons Bay
Sent VIA E-MAIL

Date: _____ By: _____



VILLAGE OF SUTTONS BAY
LEELANAU COUNTY, MICHIGAN
ORDINANCE NO. 20
LAND DIVISION ORDINANCE

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, et seq.) and the General Law Village Act, Public Act 3 of 1895, as amended, (MCL 61.1, et seq.), to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

THE VILLAGE OF SUTTONS BAY ORDAINS:

SECTION I: TITLE

This ordinance shall be known and cited as the Village of Suttons Bay Land Division Ordinance.

SECTION II: PURPOSE

The purpose of this ordinance is to carry out the provisions of the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, et seq.), formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Village by establishing reasonable standards for prior review and approval of land divisions within the Village.

SECTION III: LEGAL BASIS

This Ordinance is enacted pursuant to the statutory authority granted by the Land Division Act, formerly known as the Subdivision Control Act of 1967, Act 288, P.A. 1967, as amended by Act 591 of P.A. 1997.

SECTION IV: DEFINITIONS

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

- A. "Accessible" in reference to a parcel, means that the parcel meets one or both of the following requirements:
 - (i) Has an area where a driveway provides vehicular access to an existing and approved public or private 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 Village, or has an area where a driveway can provide vehicular access to an existing and approved public or private road or street and meet all such applicable location standards.



- (ii) Is served by an existing easement that provides vehicular access to an existing and approved public or private 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 road width and other dimensional standards in the Zoning Ordinance and which will comply with the road width and other dimensional standards in the Zoning Ordinance or can be served by a proposed easement that will provide vehicular access to an existing and approved public or private road or street and that will meet all such applicable location standards and which will comply with the road width and other dimensional standards in the Zoning Ordinance.
- B. "Adequate Permanent Access" means a public or private street or place along with its right-of-way, easement or general common area, which provides vehicular access to a lot or parcel.
- C. "Applicant" 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.
- D. "Boundary Adjustment" means a property transfer between two or more existing adjacent parcels where property is taken from one parcel and added to an adjacent parcel.
- E. "Divide" or "Division" means the partitioning or splitting of a parcel or tract of land by the applicant thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an existing 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 other applicable local ordinances.
- F. "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the applicant thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns that does not result in one or more parcels of less than 40 acres or the equivalent. For a property transfer between two or more adjacent parcels, if the property taken from one 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 the Land Division Act or the requirements of other applicable local ordinances.
- G. "Forty acres or the equivalent" means 40 acres, or a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- H. "Governing Body (or Village Council)" means The Village Council of the Village of Suttons Bay.
- I. "Land Division Committee": The body responsible for the review of Land Division applications under Article IV of the Ordinance, composed of the Township Assessor, Village Zoning Administrator and Village Planner and/or Village Manager.
- J. "Lot Split" shall mean the partitioning of a lot, out lot or other parcel of land within a recorded plat.



- K. "Private Road or Street": A road or street held in private ownership dedicated to the use of adjacent property owners which meets the definition, design and construction standards of the Zoning Ordinance.
- L. "Public Road or Street": A road or street dedicated to the public, such dedicating having been accepted by the appropriate public entity, which meets the definition, design, and construction standards as adopted by the Village, and/or Department of Transportation and otherwise meets the standards of the Zoning Ordinance.
- M. "Village": The Village of Suttons Bay.
- N. "Zoning Ordinance": The Village of Suttons Bay Zoning Ordinance.

SECTION V: PRIOR APPROVAL REQUIREMENT

Land in the Village shall not be divided nor shall a boundary adjustment be affected without the prior review and approval of the Land Division Committee, in accordance with this ordinance and the Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act.
- B. A parcel proposed for subdivision that will be transferred to a federal, state, county or local unit of government in its entirety for public purposes.
- C. A parcel proposed for subdivision through a recorded site condominium pursuant to the State Condominium Act.
- D. A lot in a recorded site condominium proposed to be divided in accordance with the State Condominium Act.
- E. An exempt split as defined in this Ordinance.

SECTION VI: APPLICATION FOR LAND DIVISION OR BOUNDARY ADJUSTMENT APPROVAL

Prior to making any land division or boundary adjustment either by deed, land contract, lease for more than one year, or for building development shall file all of the following with the Township Assessor with a copy of the application to the Zoning Administrator: (A fee made payable to the Village of Suttons Bay)

- A. A completed application form provided by the Village.
- B. Proof of fee ownership of the land proposed to be divided.
- C. Proof that all taxes payable upon the property have been paid in full.
- D. Two copies of a survey map in accordance with E below, and drawn to scale, illustrating all resulting parcels, current structures and setbacks.
- E. For boundary adjustments, both the area of the boundary adjustment and the original parcel before adjustment must be separately shown. The survey map must be prepared by a surveyor or civil



engineer licensed to practice in the State of Michigan. The survey must show the legal description and dimensions of all created parcels and the location of existing and proposed structures, land improvements, public /private utilities, easements, streets, driveways, and ingress and egress to public or private streets. This map must be at a scale of at least one-inch equals 100 feet and should show the location of wetlands or flood plain areas, the zoning of proposed parcels, and the location of existing buildings, streets, or driveways within 50 feet of the property lines. The survey map will represent the parcels AFTER the division or boundary adjustment has occurred. Label the newly created parcels as "Parcel 1, Parcel 2, etc.". The application should include two copies of site plans for the proposed development.

In lieu of such survey map, and prior to application, the applicant may submit a tentative preliminary parcel map to be reviewed, for conceptual purposes, by the Land Division Committee. The tentative preliminary parcel map shall be drawn to a scale of not less than that provided for in the application form, and shall show the boundary lines, dimensions and accessibility of each proposed land division or boundary adjustment from existing or proposed public roads and public utilities. When submitting a tentative preliminary parcel map, the applicant shall waive the 45-day statutory requirement for a decision and shall include a fee that is set by resolution of the Village Council. The Land Division Committee's decision regarding the feasibility of the proposed land division or boundary adjustment is not binding upon the application or the Village.

- F. Proof that all standards of the Land Division Act and this Ordinance have been met.
- G. The history and specifications of the land proposed to be divided sufficient to establish that the proposed land division complies with Section 108 of the State Land Division Act. Specifically, the application shall state that the land proposed to be divided is a parent parcel, or if not a parent parcel, then it shall provide the history of the land proposed to be divided from the parent parcel to present, including all leases, land contracts and conveyances.
- H. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- I. All land divisions and boundary adjustments shall result in "buildable" parcels sufficient to comply with all required area and width requirements, setback provisions, minimum floor areas, off-street parking spaces, public water and sewer service, access to existing public utilities and public roads, and maximum allowed area coverage of buildings and structures on the site, if applicable.
- J. The fee as may from time to time be established by Resolution of the Village Council for land division reviews.

SECTION VII: PROCEDURE FOR REVIEW OF APPLICATIONS FOR APPROVAL

A. The Land Division Committee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division or boundary adjustment applied for within forty-five (45) days after receipt of a complete application conforming to this Ordinance's requirements and the Land Division Act, and shall promptly notify the applicant of the decision and, if denied, the reasons for denial. If the application



does not conform to this Ordinance's requirements and the Land Division Act, the Land Division Committee shall return the same to the applicant for completion and re-filing in accordance with this Ordinance and the Land Division Act.

B. A decision approving a land division or boundary adjustment is effective for 90 days, after which it shall be considered revoked unless:

- i. Within such period the Village certificate of approval and the written instrument creating such land division or boundary adjustment, together with the approved survey, are recorded with the Leelanau County Register of Deeds office and filed with the Township Assessor; or
- ii. An extension of time has been granted in writing by the Land Division Committee to fulfill the conditions of approval. Such extension shall only be granted when factors beyond the reasonable control of the applicant have prevented fulfillment of the conditions and completion of the land division or boundary adjustment application.

C. The Township Assessor or designee shall maintain an official record of all approved and accomplished land division and boundary adjustments. A copy of the same shall be maintained at the Village offices.

D. Approval of a land division or boundary adjustment is not a determination that the resulting parcels comply with other ordinances or regulations.

E. The Village and its officers and employees shall not be liable for approving a land division or boundary adjustment if building permits for construction on the parcels are subsequently denied due to inadequate water supply, sewage disposal facilities, wetlands or otherwise, and any notice of approval may include a statement to this effect.

F. Any person aggrieved by the decision of the Land Division Committee may appeal its decision to the 13th Circuit Court.

SECTION VIII: STANDARDS FOR APPROVAL

A proposed land division or boundary adjustment reviewable by the Village shall be approved if the following criteria are met:

A. All resulting parcels have the minimum width required and as measured by the applicable zoning district pursuant to the Zoning Ordinance.

B. All resulting parcels have the minimum area required for the applicable zoning district pursuant to the Zoning Ordinance.

C. The ratio of depth to width of all resulting parcels created by the land division or boundary adjustment do not exceed a four to one ratio exclusive of access roads, easements, or non-development sites. The depth of all resulting parcels created by a land division or boundary adjustment 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.



- D. The proposed land division or boundary adjustment complies with all requirements of this Ordinance and the Land Division Act.
- E. All resulting parcels are "accessible" as that term is defined in the Ordinance.
- F. All resulting parcels have adequate easements for public utilities from the parcel to existing public utility facilities.
- G. If any resulting parcel contains a pre-existing structure, the structure shall comply with minimum setbacks and maximum parcel coverage standards as required by the applicable zoning district pursuant to the Zoning Ordinance.

SECTION IX: LOT SPLITS

Lot splits shall be processed in the same manner and subject to the same standards and conditions as a land division or boundary adjustment application, provided that no lot, out lot or other parcel of land within a recorded plat shall be partitioned or divided into more than four (4) parts.

SECTION X: CONSEQUENCES OF NONCOMPLIANCE WITH APPROVAL REQUIREMENT

Any resulting parcel created in non-compliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, including but not limited to land use permits, conditional land use approval or site plan approval, and shall be recognized as to be in violation in the legal description, tax roll or assessment roll. The Village shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance.

In addition, any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, to which the Village has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance.

Pursuant to Section 267 of the Land Division Act (MCL 560.267), an unlawful land division, boundary adjustment or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

SECTION XI: SEVERABILITY



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

SECTION XII: REPEAL

The Village of Suttons Bay Ordinance No. 2 of 2014 and all previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, or other ordinances of the Village that shall remain in full force and effect notwithstanding any land division approval hereunder.

SECTION XIII: EFFECTIVE DATE

This ordinance shall take effective twenty (20) days following the publication of the Ordinance or a synopsis of the Ordinance in a newspaper of general circulation in the Village.

YEAS:

NAYS:

ABSTAIN:


ABSENT:

I hereby certify that the foregoing was duly adopted by the Village of Suttons Bay, Leelanau County, Michigan, at its regular meeting on the 15th day of March and that (7) seven members of the Village Council were in attendance and (7) seven voted for the adoption of the Ordinance.

Shar Fay, Village Clerk

ADOPTED:

EFFECTIVE:

		VILLAGE OF SUTTONS BAY REPORT VSB -2021- 16	
Prepared:	March 9, 2021	Pages:	1 of 1
Meeting:	March 15, 2021	Attachments:	<input type="checkbox"/>
Subject:	Manager's Update		

INTERGOVERNMENTAL AGREEMENT UPDATE (REPORT VSB -2021-01 & 2020-09)

Discussions continue regarding **future water & sewer connections**, specifically, for those outside the Village boundary. The consensus at the January VC meeting was 1) to temporarily prohibit further expansion of our infrastructure outside the Village limit and 2) to refer the subject to the Utility Committee for further discussion and an eventual recommendation.

The **Utilities Committee** felt that a general understanding of the wastewater treatment plant's capacity and water availability was needed prior to making a decision on how to proceed. We will have a general breakdown of our capacity at our next committee meeting. This subject is ongoing and will continue to be explored at the Utility Committee level.

PLANNING CONSULTANT UPDATE (REPORT VSB -2021- 06)

We have reached an agreement with Sara Kopriva, AICP, to be our consulting planner. Sara is a *certified* planner with extensive experience in guiding planning commissions and amending ordinances. I have worked with her over the years and I am confident in her ability to assist us moving forward. Sara will work at my direction so we can prioritize tasks and efficiently address our communities many needs.

VILLAGE CLEAN UP UPDATE (REPORT VSB -2021-10)

Over the years our Village residents have enjoyed having a Spring clean-up day. Last year, due to uncertainties of COVID, the Village moved the event to take place in the Fall. This change received mixed "reviews" by our residents. The General Service Committee was presented with the idea of scheduling the event to take place once again in the Fall, rather than Spring. As you are aware, our Village residents are also residents of Suttons Bay Township, who historically schedules their clean-up day in the Spring, and intends to do so in 2021. By **moving the Village clean-up day to the Fall**, it would provide our Village residents the ability to participate in two clean up events every year, rather than one.

The General Service Committee **has recommended** to the Village Council that we move forward with scheduling a fall clean-up day with the understanding that we make every effort to educate our residents on the change and why.

LEAF PICK-UP UPDATE (REPORT VSB -2021- 11)

As we begin planning our 2021 spring services, we will be asking the Village Council to consider changes to leaf and yard waste collections. This service is very time consuming and takes away from the time needed to maintain and service our infrastructure. This discussion is ongoing however the following is being discussed. 1) Requiring all **grass clippings** to always be placed in biodegradable yard waste bags rather than placed in the street. 2) Move to a more **scheduled approach** where a 7-day period will be

provided once in the Spring and once in the Fall in which all residents must have their leaves out in the street for pick up. That will be the only time leaves are permitted in the roadway. 3) outside of the two mass leaf pick up events, all leaves will be required to be placed in **biodegradable bags** for pick up. 4) Provide **open hours at the “dump”** where residents can bring their leaves and grass clippings as an alternative to using bio-degradable bags. 5) Establish a **composting area** for leaves and debris rather than continuing with past practices of *burning* the leaves. 6) Make compost available for **free to residents** on a yearly basis. Discussion on this subject continues at the General Service Committee.

PLANNING & ZONING

A zoning **map amendment** to fix the inadvertent rezoning of properties (that occurred when the new zoning map was adopted) is making its way through the Planning Commission as is a **text amendment** to eliminate the **fence setback** of 1-foot. Both amendments are anticipated to be recommended to the VC for adoption. The Planning Commission is also looking at possible changes to the **South Gateway** zoning district. The Ordinance does not differentiate between the historic architecture in the North Gateway district and that of the 80's architecture (or lack thereof) of the South Gateway. Creating **new standards** for the South Gateway District is paramount for this district to succeed. A **re-write** of the zoning ordinance will continue to be an ongoing task and a **new format** will be provided to the PC for discussion at their next meeting.