



VILLAGE OF SUTTONS BAY  
**REMOTE Access Village Council Meeting**  
Village Hall  
420 N. Front Street  
Suttons Bay, MI 49682 at 5:30pm  
February 16, 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](http://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 -January 19, 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 2021-07 LDA Ordinance Set Public Hearing-March 15, 2021
  - b. Manager's Work Plan
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



## Zoom Invite

Topic: Village Council Regular Meeting

Time: Feb 16, 2021 05:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82159007915?pwd=WFQzNDg2ME5wVE5LdFVLU1RUd0xUQT09>

Meeting ID: 821 5900 7915

Passcode: 825440

One tap mobile

+13126266799,,82159007915#,,,,\*825440# US (Chicago)

+19294362866,,82159007915#,,,,\*825440# 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: 821 5900 7915

Passcode: 825440

Find your local number: <https://us02web.zoom.us/j/82159007915?pwd=WFQzNDg2ME5wVE5LdFVLU1RUd0xUQT09>



VILLAGE COUNCIL  
MEETING MINUTES OF JANUARY 19, 2021

The meeting was called to order by President Lutke, at 5:32 p.m.

Present: Karl Bahle, Will Case, Colleen Christensen, Steve Lutke, Debby Smith and Roger Suppes  
Absent: Mike Long  
Staff present: Lorrie DeVol, Shar Fay, Rob Larrea and Dave Miller

Approval of Agenda

Christensen moved, Suppes seconded, CARRIED, to approve Agenda as presented with an affirmative unanimous roll call vote. Ayes: 6, No: 0.

Approval of Consent Agenda

Case moved, Christensen seconded, CARRIED, to approve the Consent Agenda as presented with an affirmative unanimous roll call vote. The Village Council Special meeting minutes of December 3, 2020, and the Village Council Regular meeting minutes of December 21, 2020, are approved. The Payment of Invoices submitted by Treasurer DeVol are approved. Ayes: 6, No: 0.

Public Comment

Richard Bahle made the following suggestions regarding Agenda item 7a. Land Division Ordinance: Page 3, Section VI, first paragraph: Applicant shall file all of the following with the Village Zoning Administrator (remove Township Assessor). Page 4, paragraph I; eliminate or abbreviate this paragraph. Page 6, paragraph C; change to The Village of Suttons Bay shall maintain an official record (instead of the Assessor) as official record keeper. Also, add an Appeals process for the applicant to appeal to the Village Council or some other entity short of the District Court.

New Business:

Report VSB-2021-04 Land Division Ordinance

It was the consensus of Council to refer the Land Division Ordinance to the Administrative Committee for further review.

Report VSB-2021-01 Sewer Water Intergovernmental Agreement

It was the consensus of Council to prohibit further expansion of our infrastructure outside the Village limit until annexation of the property or a new agreement can be explored. Further, the expansion of services to supplement a township development (known as the Baldwin housing project) should be honored as conditional approval has been secured from the township and design of the infrastructure is under review by the Village. In addition, the Sewer Water discussion will continue in Committees.

Certificate of Appreciation(s)

Bahle moved, Case seconded, CARRIED, to approve the Certificate of Appreciation(s) as presented, with an affirmative unanimous roll call vote. Ayes: 6, No: 0.

Manager's Report

Larrea stated he is compiling the Work Plan for the 2021.

Public Comment

Eric Carlson asked for confirmation that the Baldwin housing project will proceed in light of the Sewer Water Intergovernmental Agreement discussion. Yes, it may proceed.

The meeting adjourned at 6:10 p.m.

Meeting minutes submitted by Shar Fay, Village Clerk.

Check Date	Check	Vendor Name	Description	Amount
01/22/2021	18288(E)	DTE ENERGY	MULTIPLE SERV THRU 12/16/2020	880.62
01/22/2021	18289(E)	CENTURYLINK	8911593 - EQUIP RENT DEC 2020	143.40
01/22/2021	18290(E)	CHARTER COMMUNICATIONS	ACCT 8245121220019774 SERV THRU 1/10/202	380.92
01/22/2021	18291(E)	FIRST INTERNET BANK OF INDIANA	FIFEC - SUTTONS BAY, MI 2018- 3013-39801	20,798.44
01/22/2021	18292(E)	STAPLES	OFFICE SUPPLIES	76.42
01/22/2021	18293(E)	VISION SERVICE PLAN	CUST # 30017164 DECEMBER PREMIUM 2020	482.31
01/22/2021	44783	GRAINGER	PAD/HOOK LOOP PICNIC TABLES	37.14
01/22/2021	44784	BLUE CROSS BLUE SHIELD OF MICH	GR 007015354 0001 - FEB 2021 PREMIUM	260.52
01/22/2021	44785	FLEIS& VANDENBRINK ENGINEERING	PROJECT # 847330 DWAM APP 2020 SERV THRU	4,000.00
01/22/2021	44786	MI RURAL WATER ASSOCIATION	WHITEFORD HYDRANT MAINTENANCE REGISTER	220.00
01/22/2021	44787	BINGHAM BODY SHOP	PULL MAIN PUMP-PLUGGED	135.00
01/22/2021	44788	DALE DUKES & SONS, INC	EIM ST BRIDGE -GUARD RAIL REPAIR -12/19/	5,925.00
01/22/2021	44789	DAVID SKROCKI	MARINA REFUND OVERPAYMENT 2021 SLIP FEE	60.75
01/22/2021	44790	MICHIGAN MUNICIPAL LEAGUE	ACCT 0801-119 4TH ORDR 2020	2.34
01/22/2021	44791	SECURITY SANITATION, INC	BAHLE RENTAL THRU 01-21-2021	95.00
01/22/2021	44792	WINDEMULLER	LIFT STATION MAINTENANCE	220.00
01/22/2021	44793	BRAMER AUTO SUPPLY	SUPPLIES JAN 5 THRU JAN 29, 2021	302.83
02/02/2021	44794	CENTURYLINK	ACCT # 300439566 SERVICE THRU JAN 22, 20	608.72
02/02/2021	44795	CENTURYLINK	ACCT # 405593377 SERVICE THRU JANUARY 22	209.29
02/02/2021	44796	NORTHERN BUILDING SUPPLY, LLC	SUPPLIES THRU 01/25/2021	367.04
02/02/2021	44797	LEELANAU ENTERPRISE	PUBLICATIONS THRU 01/31/2021	163.85
02/02/2021	44798	AIRGAS USA, LLC	CUST 3 1459542 AR CD2560	122.22
02/02/2021	44799	AT&T MOBILITY	ACCT # 287291270755 SERVICE THROUGH JAN	462.03
02/02/2021	44800	BADGER METER INC	BEACON MLB HOSTING 597 UNITS	35.82
02/02/2021	44801	CENTURYLINK	ACCT # 89115093 FEBRUARY RENTAL	143.40
02/02/2021	44802	CHARTER COMMUNICATIONS	ACCT# 824512122022588 146 S SHORE	268.93
02/02/2021	44803	CUMMINS BRIDGEWAY, LLC	CUST # 219913 FULL SVC W/SAMPLE	1,329.83
02/02/2021	44804	ESRI	ARGIS MAINTENANCE FEE THRU 3/31/2022	1,500.00
02/02/2021	44805	MICHIGAN CAT	LOADER 924 REPAIR-FUEL PUMP INJECTOR	2,792.13
02/02/2021	44806	MONCHILLOV SEWER SERVICES, LLC	CCV 1122 FT SANITARY SEWER	3,000.00
02/02/2021	44807	BINGHAM BODY SHOP	MAIN PUMP STATION PUMP BLOCKAGE	135.00
02/02/2021	44808	DOROTHY PETROSKY	OFFICE SUPPLIES	17.98
02/02/2021	44809	STANDARD ELECTRIC COMPANY	CUST NO. 369750 PORT SUTTONS WELL, GENERA	459.00
02/02/2021	44810	OPERATIONS MANAGEMENT INT	CONTRACTUAL SERVICES FEBRUARY 2021	13,738.58
02/02/2021	44811	PRIORITY HEALTH	GROUP 784340 S001, FEBRUARY 2021 PREMIUM	7,056.46
02/02/2021	44812	PURE WATER WORKS	COOLER RENTAL - FEBRUARY	12.00
02/02/2021	44813	LEELANAU CTY ROAD COMMISSION	17 YARDS WINTER MIX @ \$23.68 PER YARD	402.56
02/02/2021	44814	SOS ANALYTICAL	SAMPLE COLLECTION WELLS 1,2,3,4	1,687.50
02/02/2021	44815	VALLEY CITY LINEN	ACCOUNT # 10467 JANUARY SERVICES	100.00
02/02/2021	44816	WELLS FARCO FINANCIAL LEASING	CONTRACT #603-0214439-000 SHARP COPIER	145.84
02/03/2021	44817	DTE ENERGY	SERVICE THRU 1-14-2021 ALL DEPTS	823.93
02/03/2021	44818	STATE OF MICHIGAN -MDOT	MDOT00592 - M-22 STREETSCAPE	131,769.55

GEN TOTALS:  
 Total of 42 Checks:  
 Less 0 Void Checks:  
 Total of 42 Disbursements:

201,372.35  
 0.00  
 201,372.35



VILLAGE OF SUTTONS BAY  
REPORT VSB -2021- 07

Prepared:	February 10, 2021	Pages:	1 of 1
Meeting:	February 16, 2021	Attachments:	<input type="checkbox"/>
Subject:	LDO – Comments Addressed		

**PURPOSE**

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 numerous procedural requests made by way of public comment. I addressed those comments at the Administrative Committee with Report VSB 202105 held on February 3, 2021. In addition, I reached out to the Township Assessor, who is a part of the review committee, for comments on the LDO.

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 next regular meeting for final review. I have attached the Administrative Committee Meeting minutes of February 2, 2021.

**ACTION REQUESTED: Motion to call for a Public Hearing on the attached Land Division ordinance for March 16, 2021.**



Administrative/Personnel Committee  
Meeting Notes of February 2, 2021

The meeting was called order at 8:10 a.m.

Present: Christensen, Lutke and Suppes  
Staff present: DeVol, Fay, Larrea, Miller and Petroskey  
Guests: Deputy John Donohue

Reports

Deputy Donohue reported for the month of January, he worked 136 hours, made 12 traffic stops, and had eight complaints, within the Village.

Committee Business

Report VSB-2021-05 Land Division Ordinance Comments

Regarding Comment #1 in this report, Page 3, Section VI, first paragraph of the proposed Land Division Ordinance, it was the consensus of Committee to have the applicant file with the Township Assessor, who will then transfer the application to the Village Zoning Administrator. Larrea will modify the language in this section to clarify that process.

Regarding Comment #2 in this report, Page 4, paragraph I of the proposed Land Division Ordinance, it was the consensus of Committee to keep the language as presented in the proposed Land Division Ordinance.

Regarding Comment #3 in this report, Page 6, paragraph C of the proposed Land Division Ordinance, it was the consensus of Committee for the Assessor to maintain the original record (who currently maintains the originals) but that the Village will keep a copy of the record as well.

Regarding Comment #4, Appeal process, it was the consensus of Committee to add a provision to the Ordinance stating Appeals will be made to the Circuit Court.

Committee further recommends a final draft, with the above modifications, of the proposed Land Division ordinance to Village Council.

Report VSB-2021-06 Planning Consultant

Larrea stated currently there is money in the Contractual Services line item of the budget to fund Planning Consultants. Larrea will determine the budget necessary for contractual Planning

Consultants. If need be, a request for a budget amendment can be made. Committee supports the need for Planning Consultants pending the budget necessary for this service and further recommends this request to the Village Council.

#### Committee Member Comments

Christensen would like to see more enforcement of the Zoning Ordinance as well as the Short-Term Rental Ordinance.

Larrea stated the Village ordinances will be going through a review process to bring them up to date. The Blight ordinance is currently being reviewed by attorneys. Larrea spoke with Chet Janik about the Blight ordinance and will be reaching out the Prosecuting Attorney to weigh in on the Blight Ordinance as well. A review of the Short-Term Rental Ordinance is a high priority for 2021. Larrea would like to bring in the Zoning Administrator for more enforcement of ordinances. Larrea will work on additional office hours and an efficient work week with the Zoning Administrator.

The meeting adjourned at 8:55 a.m.

Meeting notes submitted by Shar Fay, Clerk.





VILLAGE OF SUTTONS BAY  
LEELANAU COUNTY, MICHIGAN  
ORDINANCE NO. 1 of 2021  
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 13<sup>th</sup> 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 16<sup>th</sup> 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.

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Shar Fay, Village Clerk

ADOPTED:

EFFECTIVE: