

HOUSE BILL No. 4273

February 15, 1991, Introduced by Rep. Niederstadt and referred to the Committee on Towns and Counties.

A bill to amend sections 105 and 194 of Act No. 288 of the Public Acts of 1967, entitled as amended "Subdivision control act of 1967," being sections 560.105 and 560.194 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 105 and 194 of Act No. 288 of the
2 Public Acts of 1967, being sections 560.105 and 560.194 of the
3 Michigan Compiled Laws, are amended to read as follows:

4 Sec. 105. Approval of preliminary and final plats shall be
5 conditioned upon compliance with THE FOLLOWING:

6 (a) The provisions of this act.

7 (b) Any ordinance or published rules of a municipality or
8 county adopted to carry out the provisions of this act.

1 (c) Any published rules of a county drain commissioner,
2 county road commission, or county plat board adopted to carry out
3 the provisions of this act.

4 (d) The rules of the STATE TRANSPORTATION department ~~of~~
5 ~~state highways~~ relating to provisions for the safety of entrance
6 upon and departure from the abutting state trunk line highways or
7 connecting streets and relating to the provisions of drainage as
8 required by the department's then currently published standards
9 and specifications.

10 (e) The rules of the department of ~~the~~ treasury adopted
11 for the approval of plats, including forms, certificates of
12 approval and other required certificates, captioning of plats and
13 numbering of lots, as provided in this act. ~~, and as published~~
14 ~~in the state administrative code.~~

15 (f) ~~The~~ EXCEPT AS PROVIDED IN THIS SUBDIVISION, THE rules
16 of the water resources commission of the ~~state~~ department of
17 ~~conservation~~ NATURAL RESOURCES, adopted for the determination
18 and establishment of floodplain areas of rivers, streams, creeks,
19 or lakes, as provided in this act. ~~, as published in the state~~
20 ~~administrative code.~~ THE DEPARTMENT OF NATURAL RESOURCES AND THE
21 WATER RESOURCES COMMISSION SHALL NOT PROHIBIT THE DEVELOPMENT OF
22 A LOT TO BE USED OR CAPABLE OF BEING USED FOR RESIDENTIAL PUR-
23 POSES, IF ALL OTHER REQUIREMENTS OF STATUTE AND RULES ARE MET, IF
24 THE LOT HAS A MINIMUM BUILDABLE SITE OF 3,000 SQUARE FEET OF ITS
25 AREA AT A GRADE ABOVE THE ELEVATION DEFINING THE FLOODPLAIN
26 LIMIT. FOR PURPOSES OF THIS SUBDIVISION, "GRADE" MEANS THE

1 NATURAL GRADE PLUS ANY FILL THAT HAS BEEN ADDED IN COMPLIANCE
2 WITH APPLICABLE STATE AND FEDERAL LAW.

3 (g) The rules of the department of public health ~~as pub-~~
4 ~~lished in the state administrative code~~ relating to suitability
5 of soils for subdivisions not served by public water and public
6 sewers, the authority for which is granted by this act and the
7 manner prescribed in ~~section 7 of Act No. 146 of the Public~~
8 ~~Acts of 1919, as amended, being sections 325.1 to 325.14 of the~~
9 ~~Compiled Laws of 1948~~ PART 127 OF THE PUBLIC HEALTH CODE, ACT
10 NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.12701 TO
11 333.12771 OF THE MICHIGAN COMPILED LAWS. The department of
12 public health may authorize local city, county, or district
13 health departments to carry out the provisions of this act relat-
14 ing to suitability of soils for subdivisions not served by public
15 water and public sewers. The department of public health may
16 require percolation tests and boring tests to determine suitabil-
17 ity of soils. When ~~such~~ THOSE tests are required, they shall
18 be conducted under the supervision of a registered engineer, reg-
19 istered land surveyor, or registered sanitarian in accordance
20 with uniform procedures established by the department of public
21 health.

22 Sec. 194. If any part of a proposed subdivision lies within
23 the floodplain of a river, stream, creek, or lake, approval of
24 the final plat shall be conditioned on the following:

25 (a) No buildings for residential purposes and occupancy
26 shall be located on any portion of a lot lying within a
27 floodplain, unless approved in accordance WITH THIS ACT AND with

1 the rules of the water resources commission of the department of
2 ~~conservation~~ NATURAL RESOURCES.

3 (b) Restrictive deed covenants shall be filed and recorded
4 with the final plat that the floodplain area will be left essen-
5 tially in its natural state.

6 (c) The natural floodplain may be altered if its original
7 discharge capacity is preserved and the stream flow is not
8 revised so as to affect the riparian rights of other owners.

9 Section 2. This amendatory act shall not take effect unless
10 Senate Bill No. _____ or House Bill No. 4274 (request
11 no. 01826'91a) of the 86th Legislature is enacted into law.