

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
P.O. Box 358
Manistee, Michigan 49660

MEETING OF MARCH 6, 1997

There will be a meeting of the Manistee City Planning Commission to be held on Thursday, March 6, 1997 at 7:00 P.M. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

AGENDA

- I. Roll Call
- II. Matters Pertaining to the General Citizenry:
 - A. Public Hearing:
 - 1. Zoning Change - Ronald Sutter
 - 2.
 - B. Site Plan Reviews:
 - 1. Snyder's Shoes
 - 2. Bob Horvat - Motel
 - 3.
 - C. Questions, Concerns and Consideration of Matters
 - 1.
 - 2.
- III. Business Session:
 - A. Approval of Minutes from Last Meeting (2/6/97)
 - B. Unfinished Business:
 - 1. Zoning Change - Ronald Sutter
 - 2.
 - 3.
 - C. Other Communications:
 - 1. City Update
 - 2.
 - D. Reports:
 - 1. D.D.A. Update
 - 2. Zoning Board of Appeals
 - 3. Site Plan Review/Historic Overlay Committees
 - 4. Joint City Review/Ordinance Committee
 - 5. Pre-Manufactured Homes - Adult Foster Care
 - E. New Business:
 - 1. Set date for March Worksession
 - 2.
- IV. Work/Study Session:
- V. Adjournment

cc: Planning Commission Members
City Council
R. Ben Bifoss, City Manager
Jon Rose, Community Development Officer
Lori Doman, Administrative Assistant
Kurt Schindler, County Planner
Manistee News Advocate
Manistee Observer
WMTE Radio
WXYZO Radio
Jeff Mikula, Aboumarche
Julie Beardslee, Assessor

City of Manistee

Memorandum

TO: Planning Commission Members

FROM: Lori L. Donnan *LLD*

DATE: February 28, 1997

SUBJECT: March 6, 1997 Planning Commission Meeting

A public hearing for Mr. Ronald Sutter is on the Agenda for our March 6th meeting. Mr. Sutter is requesting a Zoning Change for a parcel he owns at 68 Lake Street. The parcel is currently zoned as R-4 (Residential). Mr. Sutter is requesting that the parcel be rezoned to C-4 (Commercial), so that he may operate a carpentry/woodshop/office space out of the garage that is currently on the property. Enclosed is the Zoning Change Request Application and a Site Plan for your review.

Also enclosed in your packet are a copies of a letter from Dr. Mattice and Mr. & Mrs. John Raz concerning the zoning change request for the 68 Lake Street parcel. Mr. & Mrs. Raz own the parcel on 58 Lake Street. The couple reside in Empire and currently use the dwelling at 58 Lake Street as a rental unit. Please note that the Raz's are opposed to this request. In addition to their written concerns, the Raz's have expressed (via telephone) concern for the volume of traffic noise that Mr. Sutter's business may create. Please keep these matters in perspective as you are addressing Mr. Sutter's zoning change request.

In addition to the above enclosures, your packet contains Subdivision Control Act Amendments (received from Kurt Schindler), and two items on manufactured housing. Please review these items at your leisure.

I am suggesting that we schedule a workshop on March 20, 1997, to discuss the necessary elements involved with manufactured housing zoning. Those members unable to attend our February 20, workshop will need to review the City Ordinances handed out at that meeting.

If you have any questions or comments, please cal me at 723-2558.

LLD:djm

CITY OF MANISTEE
Michigan

COUNCIL GOVERNMENT
CITY MANAGER PLAN
P.O. BOX 358
MANISTEE, MICHIGAN 49660

INSTRUCTIONS FOR THE COMPLETION OF
PETITION FOR ZONING AMENDMENT

1. FILL IN ALL INFORMATION REQUESTED IN THE DESIGNATED BLANKS. MAKE ALL ANSWERS TO THE QUESTIONS AS CLEAR, SPECIFIC AND AS BRIEF AS POSSIBLE. IF ADDITIONAL SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS.
2. INFORMATION CONCERNING THE ZONING DISTRICT IN WHICH YOUR PROPERTY IS LOCATED, AS WELL AS THE REQUIREMENTS OF THE OTHER DISTRICTS IN THE CITY, CAN BE OBTAINED FROM THE CITY ASSESSOR.
3. INFORMATION CONCERNING THE PROPERTY INFORMATION CAN BE OBTAINED FROM YOUR LAST TAX STATEMENT/RECEIPT AND FROM YOUR RECORDED DEED.
4. BE SURE TO PREPARE AND SUBMIT A SITE PLAN OF THE PROPERTY, AS REQUIRED IN SECTION II, PARAGRAPH E. OF THE PETITION, MAKING SURE ALL REQUIRED ITEMS ARE INCLUDED IN THE PLAN.
5. WHEN THE PETITION HAS BEEN FULLY COMPLETED AND SIGNED, RETURN IT ALONG WITH THE REQUIRED FILING FEE TO THE CITY ASSESSOR. (CHECK WITH THE ASSESSOR TO DETERMINE THE CORRECT AMOUNT TO SUBMIT)

WHEN THE PUBLIC HEARING HAS BEEN SCHEDULED BY THE PLANNING COMMISSION TO RECEIVE COMMENT ON YOUR REQUEST, YOU WILL RECEIVE WRITTEN NOTICE FROM THE CITY INDICATING THE DATE AND TIME. YOU OR YOUR REPRESENTATIVE SHOULD BE PRESENT AT THAT TIME TO EXPLAIN YOUR REQUEST TO THE PLANNING COMMISSION AND TO ANSWER ANY QUESTIONS.

AFTER THE PUBLIC HEARING, THE PLANNING COMMISSION WILL MAKE A RECOMMENDATION TO THE CITY COUNCIL TO EITHER APPROVE OR DENY YOUR REQUEST. AT THAT TIME THE CITY COUNCIL WILL CONSIDER WHAT FINAL ACTION THEY WILL TAKE ON YOUR PETITION.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS PETITION, PLEASE CONTACT THE CITY ASSESSOR AT 723-2558, MONDAY THROUGH FRIDAY, BETWEEN THE HOURS OF 8:00 A.M AND 5:00 P.M. OR BY STOPPING BY HIS OFFICE AT 70 MAPLE STREET, MANISTEE. IT IS ADVISABLE TO CALL AHEAD FOR AN APPOINTMENT.

CITY OF MANISTEE
Michigan

3-6-97
COUNCIL GOVERNMENT
CITY MANAGER PLAN
P.O. BOX 358
MANISTEE, MICHIGAN 49660

PETITION FOR ZONING AMENDMENT

TO: MANISTEE CITY COUNCIL
MANISTEE CITY PLANNING COMMISSION

BY: Ronald Sutter
NAME OF PETITIONER
3 Hahn Road
ADDRESS OF PETITIONER
Manistee, MI 49660
CITY, STATE, ZIP CODE
(H) 723-4064 (W)
TELEPHONE NUMBERS - HOME & WORK

| FOR OFFICE USE ONLY | |
|-------------------------------------|-------------------------|
| CASE NO. | _____ |
| DATE RECEIVED | <u>1-29-97</u> |
| TAX PARCEL NO. | <u>51-51-448-711-11</u> |
| FEE RECEIVED (AMOUNT & DATE) | <u>200.00 1-29-97</u> |
| RECEIPT NO. | <u>1201</u> |
| HEARING DATE | _____ |
| PLANNING COMMISSION ACTION AND DATE | _____ |
| CITY COUNCIL ACTION | _____ |
| DATE | _____ |

PLEASE NOTE: ALL QUESTIONS MUST BE ANSWERED COMPLETELY. IF ADDITIONAL SPACE IS NEEDED, NUMBER AND ATTACH ADDITIONAL SHEETS.

I. ACTION REQUESTED

I (WE), THE UNDERSIGNED TO HEREBY REQUEST THAT THE CITY OF MANISTEE APPROVE THE FOLLOWING PETITION FOR ZONING AMENDMENT:

A. TEXT AMENDMENT: AMEND ARTICLE _____ SECTION _____ TO (DELETE, SUPPLEMENT OR CLARIFY) THE MANISTEE CITY ZONING ORDINANCE BY MAKING THE FOLLOWING CHANGE(S): (ATTACH ADDITIONAL SHEETS IF NECESSARY - STATE PROPOSED ORDINANCE LANGUAGE)

B. REZONE FROM R4 TO C4 THE PROPERTY(S) DESCRIBED IN 'PROPERTY INFORMATION' (BELOW), FOR THE FOLLOWING PURPOSE: (STATE PROPOSED USE OF THE LAND) want to use the garage as a carpentry / woodshop office. The garage stands alone on the property in question. want to add city water and sewer to building

A PREVIOUS APPLICATION FOR A VARIANCE, SPECIAL USE PERMIT OR REZONING ON THIS LAND (HAS / HAS NOT) BEEN MADE WITH RESPECT TO THESE PREMISES IN THE LAST _____ YEARS. IF A PREVIOUS APPEAL, REZONING OR SPECIAL USE PERMIT WAS MADE, STATE THE DATE, NATURE OF ACTION REQUESTED AND THE DECISION: (DATE) _____ (ACTION REQUESTED) _____ (DECISION) APPROVED DENIED

(CONTINUED)

PETITION FOR ZONING AMENDMENT

II. PROPERTY INFORMATION

A. LEGAL DESCRIPTION OF PROPERTY(S) PROPOSED TO BE REZONED: Filer and Smith DDW - 6FT. OFF lot 11 plus Lot 12 and Lot 6

TAX ROLL PARCEL DATE PROCESS NUMBER: 51-51-448-211-11
ADDRESS OF PROPERTY: 68 Lake Street

B. LIST ALL DEED RESTRICTIONS (ATTACH ADDITIONAL SHEETS IF NECESSARY) None

C. NAMES AND ADDRESSES OF ALL OTHER PERSONS, FIRMS OR CORPORATIONS HAVING A LEGAL OR EQUITABLE INTEREST IN THE LAND.
Ronald Sutter 3 Hahn Road Manistee MI 49661

D. THIS AREA IS UNPLATTED, PLATTED, WILL BE PLATTED.
IF PLATTED, NAME OF PLAT Filer and Smith

E. ATTACH A SITE PLAN DRAWN TO THE SCALE OF ONE (1) INCH EQUALS TEN (10) FEET, SHOWING ALL EXISTING STRUCTURES ON THE PROPERTY, ALL PROPOSED STRUCTURES AND MARKING THOSE STRUCTURES THAT WILL BE REMOVED OR RAZED. ALSO, THE GENERAL SHAPE, SIZE AND LOCATION OF ALL EXISTING STRUCTURES WITHIN 100 FEET OF THE PROPERTY ALONG WITH THEIR USES SHALL BE DEPICTED ON THE SITE PLAN, ALONG WITH ALL ABUTTING ROADS, STREETS, ALLEYS OR EASEMENTS.

F. PRESENT USE OF THE PROPERTY IS: Storage of household and carpentry items.

III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION

A. STATE SPECIFICALLY THE REASON FOR THIS AMENDMENT REQUEST AT THIS TIME want to use garage for commercial use. Garage was originally zoned as commercial under previous owner's ownership. want to do light carpentry and woodworking jobs out of garage.

B. IF THE AMENDMENT IS A PROPOSED REZONING, PLEASE ANSWER THE FOLLOWING QUESTIONS:
1. WILL THIS REZONING BE IN CONFORMANCE WITH ALL ADOPTED DEVELOPMENT PLANS OF OF THE CITY OF MANISTEE? YES NO AND MANISTEE COUNTY? YES NO
2. IF THE PROPOSED ZONE DOES NOT CONFORM TO THE(S) PLAN(S), WHY SHOULD THE CHANGE BE MADE? PLEASE BE SPECIFIC, BRIEF AND ATTACH ANY SUPPORTING DOCUMENTATION WHICH SUBSTANTIATES YOUR CLAIM. THIS COULD INCLUDE AN ALLEGATION THAT THE EXISTING ZONING IS IN ERROR WHICH WOULD BE CORRECTED BY THE PROPOSED CHANGE, OR THAT SPECIFIC CHANGES OR CHANGING CONDITIONS IN THE IMMEDIATE AREA MAKE THE REZONING NECESSARY TO PROMOTION OF PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

3. WHAT DO YOU ANTICIPATE THE IMPACTS OF THE PROPOSED ZONE CHANGE ON THE ADJACENT PROPERTY TO BE? WHAT STEPS DO YOU PROPOSE TO TAKE TO MITIGATE ANY NEGATIVE IMPACTS ASSOCIATED WITH THE PROPOSED CHANGE?

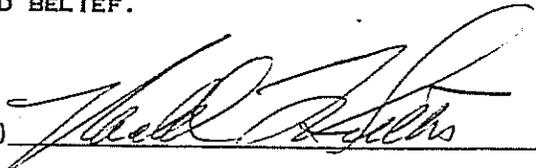
NO impacts are foreseen. Garage already existing.

3. (CONTINUED) Businesses do exist in the same block.
There is a day care center and an account
firm being operated out of Residential
Dwellings. There is also an auto repair shop
in the area located at the end of the
block between Smith and Jones Street.

IV. AFFIDAVIT

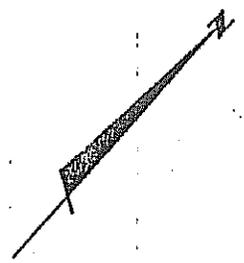
THE UNDERSIGNED AFFIRMS THAT HE/SHE OR THEY IS (ARE) THE (OWNER, LESSEE, AUTHORIZED AGENT OF OWNER) INVOLVED IN THE PETITION AND THAT THE ANSWERS AND STATEMENTS HEREIN CONTAINED AND THE INFORMATION HERewith SUBMITTED ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF HIS, HER OR THEIR KNOWLEDGE AND BELIEF.

DATE 1-29-97

SIGNATURE(S) 

CERTIFICATE OF SURVEY

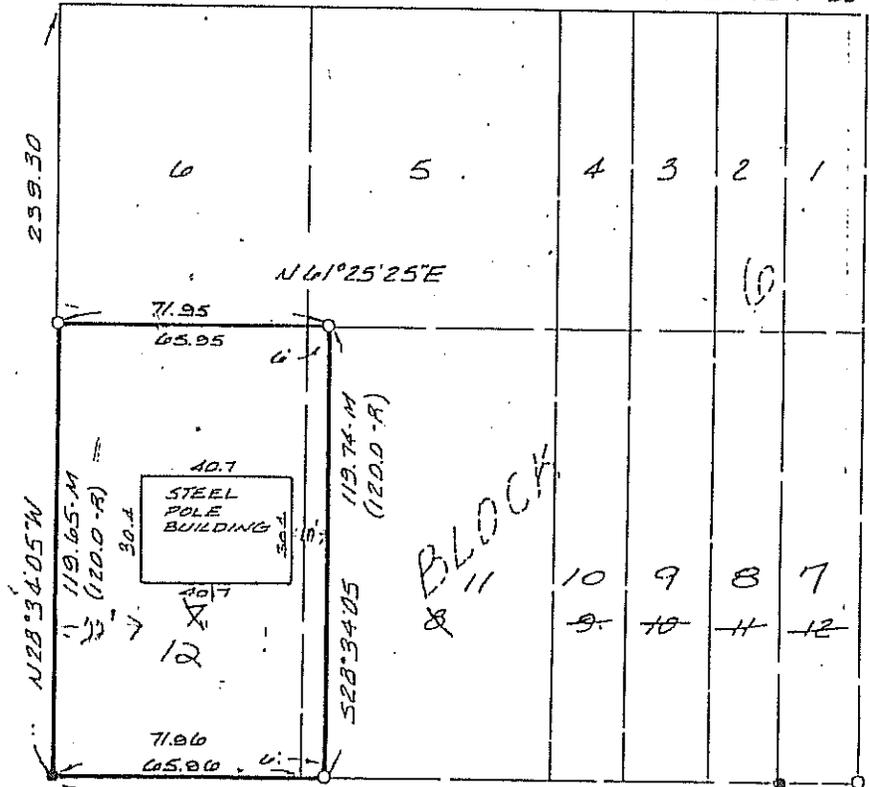
Lot 12, and the West 6.00 ft. of Lot 11,
Block 6, Filer & Smith's Add'n., to the
Village (Now City) of Manistee.



RIVER ST. 66



SMITH ST. 66 UNDEV



LEGEND

- 1. CONC. MON. FOUND
- 2. IRON FOUND
- 3. IRON W/ CAP SET
- 4. RECORDED AS
- 5. MEASURED



I, the undersigned, being a Registered Land Surveyor, hereby certify that I have surveyed and mapped the above parcel of land, that the ratio of closure of the adjusted field observations is noted, and within limits and that I have fully complied with the regulations of Act 132, P.A. 1970 as amended.
The basis for bearings is:

Bruce J. Jenema

Error of Closure is 1'

R.L.B. No. 25850

| | | | | |
|--|--|-----------------|-------------------------------|----------------------------|
| | Jenema Land Surveys | | Survey for: Jim Pollet | |
| | 302 River Street Manistee, MI 49660 616-723-7930 | | File No. 89119 | Sheet 1 of 1 |
| | Dwn: BJJ | Chk: RJJ | Date: Mar. 31, 1989 | |

Feb 21, 1997

Manistee City Planning Comm.
70 MAPLE ST.
MANISTEE, MI 49660

RE: MARCH 6, 1997 ZONING change Request 68 LAKE ST

Dear Planning Commission members,

Please put me on record as being opposed to the proposed zoning request change at 68 LAKE ST, for the following reasons.

* I've owned a residential home AT 58 LAKE ST SINCE 1984

Being an owner of a residential home at 58 LAKE ST, SINCE 1984

Please put me on record as being opposed.

* Would this be an appropriate location for a C-4 Commercial zone? Does it conform with your Master Plan? Remember ~~all uses in C-4~~ that ~~any~~ of the uses permitted in C-4 would be permissible ~~once the~~ ^{should} ~~the~~ approval for that zone be granted.

3.6.97

FEB 27 1997



ROBERT I. MATTICE, D.D.S.

86 MAPLE • MANISTEE, MI 49660 • (616) 723-2954

February 25, 1997

City Planning Commission
70 Maple St
Manistee, MI 49660

Re: Request to rezone 68 Lake Street

Dear Members:

I have often wondered where all the saw noise was coming from in the neighborhood. Saturday and Sunday evenings during the summer are often filled with the screaming and wining of a saw. Out of courtesy to the neighbors I had not inquired. I thought possibly there was a huge remodeling project in the residences. Now it comes to light that there is a commercial shop already operating in the neighborhood?

I would like the commission to know that the Lake Street address is included in a neighborhood that is in the process of renewal. Homes are being remodeled. The lake is right across the street. The homes on Lake Street have tremendous views of the Manistee Lake all the way from Seng's point to Martin Marietta. The owners of these properties do not intend to degrade the neighborhood with a commercially spot zoned, noisy operation.

There was a time in Manistee when building permits or a simple OK from the city was enough to permit a non-conforming structure of this sort in a residential neighborhood. Those days are gone. A planning commission charged with the orderly development of this city is now in place. Go ahead, do your job. And while you are at it stop that saw from running weekends especially in the evening.

Sincerely,

Robert I. Mattice, DDS
18 Hancock St

SITE PLAN REVIEW

NAME: Snyder's Shoe Store PROPOSED USE: Retail
ZONING DISTRICT: C-4

PARCEL CODE: 51-51-453-701-04 USE IS: X Permitted
Special
Not Permitted

BULK REGULATIONS

Table with columns: BULK REGULATIONS, REQUIRED BY ZONING, PROPOSED IN PLAN, COMPLIANCE YES, COMPLIANCE NO. Rows include Parcel Size, Street Frontage, Setbacks (Front, Side, Rear, Waterfront), Height, and Building Area.

SPECIAL DISTRICTS

Table with columns: SPECIAL DISTRICTS, APPLIES? (YES, NO), APPROVED? (YES, NO). Rows include Historic Overlay, High Risk Erosion, Flood Plain, and Soil Erosion.

OTHER:

REVIEWED BY: Lori L. Donnan, Zoning Administrator

DATE: February 24, 1997

SLIM LIGHT FIXTURE - SEE MANUF.
SPECS FOR PROPER POSITIONING

SEE OWNER FOR SIGNAGE

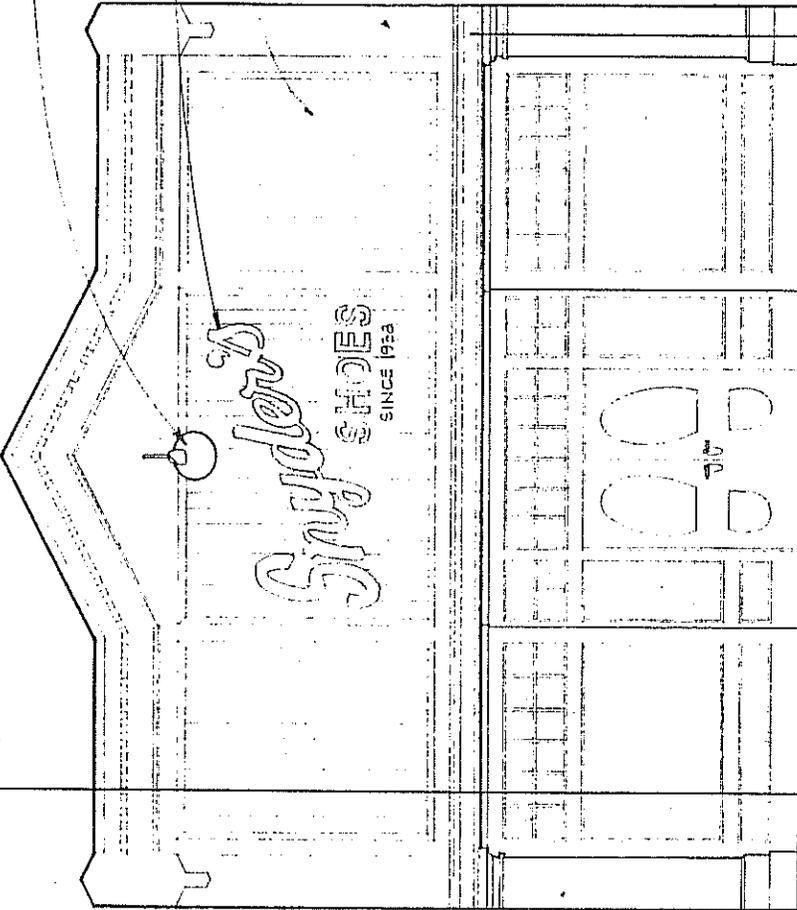
1/2" x 2 1/4" - 1 x 6 FIR
BEAD BOARD

3/4" BIRCH PLYWOOD

TOP OF COLUMN
ELEV: 109'-4"

SIDEWALK @
FACE OF BUILDING
ELEV: 100'-0"

*for
Hannon
2/19/97*



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

SITE PLAN REVIEW

NAME: Robert & Laura Horvat PROPOSED USE: Motel
 ZONING DISTRICT: C-1

PARCEL CODE: 51-51-174-708-01 USE IS: Permitted
 Special
 Not Permitted

BULK REGULATIONS

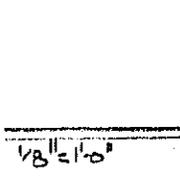
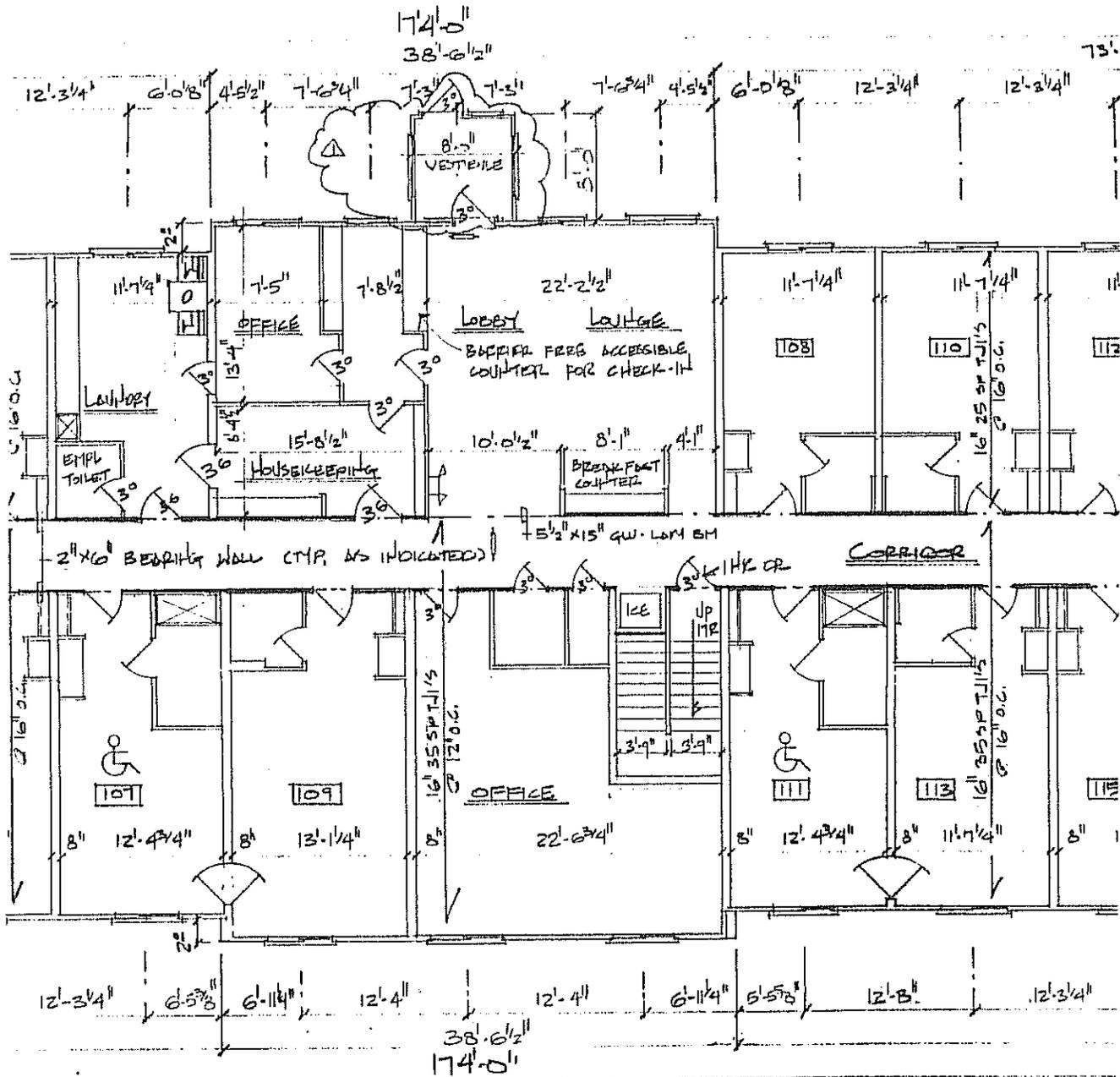
| | REQUIRED BY ZONING | PROPOSED IN PLAN | COMPLIANCE | |
|------------------|------------------------------|---------------------|--------------------------|--------------------------|
| | | | YES | NO |
| PARCEL SIZE: | 20,000 sq. ft. | 60,000 sq. ft. | X | <input type="checkbox"/> |
| STREET FRONTAGE: | 120 ft. | 110 ft. (150 ft) | X | <input type="checkbox"/> |
| SETBACKS | | | | |
| FRONT YARD | 30 ft. (+24 ft access drive) | 54 ft. | X | <input type="checkbox"/> |
| SIDE YARD | 10 ft. | 10 ft. | X | <input type="checkbox"/> |
| REAR YARD | 20 ft. | 20 ft. | X | <input type="checkbox"/> |
| WATERFRONT | n/a | n/a | X | <input type="checkbox"/> |
| HEIGHT: | 30 ft. max. | 29 ft. | X | <input type="checkbox"/> |
| PARKING: | 47 | 50 | X | <input type="checkbox"/> |
| BUILDING AREA: | n/a | 9,074 sq. ft. | <input type="checkbox"/> | <input type="checkbox"/> |

SPECIAL DISTRICTS

| | APPLIES? | | APPROVED? | |
|--------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | YES | NO | YES | NO |
| HISTORIC OVERLAY: | <input type="checkbox"/> | X | <input type="checkbox"/> | <input type="checkbox"/> |
| HIGH RISK EROSION: | <input type="checkbox"/> | X | <input type="checkbox"/> | <input type="checkbox"/> |
| FLOOD PLAIN: | <input type="checkbox"/> | X | <input type="checkbox"/> | <input type="checkbox"/> |
| SOIL EROSION: | X | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

OTHER:

REVIEWED BY: Geri Pennar DATE: March 6, 1997



| | |
|---|--------|
| ASSUMED USE GROUP | R-1 |
| TYPE OF CONSTRUCTION | 5-B |
| (BUILDING TO BE PROVIDED W/ SPRINKLER SYSTEM) | |
| ROOF LOADING | |
| TOP CHORD L.L. | 42 PSF |
| TOP CHORD O.L. | 1 |
| BOT. CHORD O.L. | 10 |
| TOTAL | 59 PSF |

BUILDING TO BE SIGHTING SYS DETECTION SYS DETECTORS CO PROVIDE FIRE WINDO LOADING ASSUMED SOIL

| | |
|---------------------------------------|--------------|
| FLOOR LOADING | |
| GUEST ROOMS | 40 PSF L.L. |
| CORRIDORS | 100 PSF L.L. |
| PUBLIC ROOMS | 100 PSF L.L. |
| DESIGN & REVIEW BASED ON 1993 B.O.C. | |
| DIMENSIONS TAKE PRECEDENCE OVER SCALE | |

JAN 29 1997

PLANNING DEPARTMENT
(616) 723-6041



Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49660

MEMO

Mr. Ben Bifoss, City Manager
Manistee City
70 Maple St. PO Box 358
Manistee, Michigan 49660

FROM: Kurt H. Schindler, County Planner
DATE: Jan. 27, 1997
TO: Those interested in Subdivision Control Act
RE: Subdivision Control Act Amendments

-

On March 31, 1997 MAJOR changes will occur to the Michigan Subdivision Control Act. The definition of what is a subdivision, and when a subdivision is needed has been changed. This also introduces major new responsibilities for local government --to review land divisions which are not subdivisions.

This presents an opportunity to work together, to set up some form of single county-wide parcel review process. This needs to be explored further.

Enrolled Senate Bill No. 112 (P.A. 591 of 1996) was signed by Governor John Engler January 22, 1997. This amendment to the Michigan Subdivision Control Act (being P.A. 288 of 1967, as amended, MCL 560.101 et. seq.). The changes will take effect March 31, 1997.

With this memo please find a copy of P.A. 591 of 1996 and some charts attempting to explain the new act.

As you will see, the act is difficult reading, and not easy to comprehend. IF I have it right, the following may help:

Subdividing means any division of land into:

1. one or more parcels which are 40 acres/one ¼ ¼ (or equivalent) or less
2. which is not exempt from section 108 and 109 of the Act, and
3. is not taking land from one parcel and adding it to an adjacent parcel (e.g. correction of a property line between two neighbors) that does not result in a new building site.

Section 108 says:

1. A division of land is not subject to being platted if:

2. Four, or fewer parcels are divided out of a 10 acre parent parcel.

(a) For each additional 10 the parent parcel is in size then one additional division can be made up to a maximum of 11 additional parcels. (e.g.

- (1) five, or fewer parcels are divided out of a minimum size of 20 acre parent parcel;
- (2) six, or fewer parcels are divided out of a minimum size of 30 acre parent parcel.)
- (3) seven, or fewer parcels are divided out of a minimum size of 40 acre parent parcel.)
- (4) eight, or fewer parcels are divided out of a minimum size of 50 acre parent parcel.)
- (5) nine, or fewer parcels are divided out of a minimum size of 60 acre parent parcel.)
- (6) 10, or fewer parcels are divided out of a minimum size of 70 acre parent parcel.)
- (7) 11, or fewer parcels are divided out of a minimum size of 80 acre parent parcel.)
- (8) 12, or fewer parcels are divided out of a minimum size of 90 acre parent parcel.)
- (9) 13, or fewer parcels are divided out of a minimum size of 100 acre parent parcel.)
- (10) 14, or fewer parcels are divided out of a minimum size of 110 acre parent parcel.)
- (11) 15, or fewer parcels are divided out of a minimum size of 120 acre parent parcel.)

(b) For each additional "whole 40 acres" in size over the first 120 acres in the parent parcel, then one additional division can be made. (e.g.

- (1) 15, or fewer parcels are divided out of a minimum size of 120 acre parent parcel.)
- (2) 16, or fewer parcels are divided out of a minimum size of 160 acre parent parcel.)
- (3) 17, or fewer parcels are divided out of a minimum size of 200 acre parent parcel.)
- (4) 18, or fewer parcels are divided out of a minimum size of 240 acre parent parcel.)
- (5) and so on.

3. A parent parcel not less than 20 acres (e.g. 20 acres or larger) two additional parcels may be created (e.g.

- 1. seven, or fewer parcels are divided out of a minimum size of 20 acre parent parcel;
- 2. eight, or fewer parcels are divided out of a minimum size of 30 acre parent parcel.)
- 3. nine, or fewer parcels are divided out of a minimum size of 40 acre parent parcel.)
- 4. 10, or fewer parcels are divided out of a minimum size of 50 acre parent parcel.)
- 5. 11, or fewer parcels are divided out of a minimum size of 60 acre parent parcel.)
- 6. 12, or fewer parcels are divided out of a minimum size of 70 acre parent parcel.)
- 7. 13, or fewer parcels are divided out of a minimum size of 80 acre parent parcel.)
- 8. 14, or fewer parcels are divided out of a minimum size of 90 acre parent parcel.)
- 9. 15, or fewer parcels are divided out of a minimum size of 100 acre parent parcel.)
- 10. 16, or fewer parcels are divided out of a minimum size of 110 acre parent parcel.)
- 11. 17, or fewer parcels are divided out of a minimum size of 120 acre parent parcel.)
-
- 12. 18, or fewer parcels are divided out of a minimum size of 160 acre parent parcel.)
- 13. 19, or fewer parcels are divided out of a minimum size of 200 acre parent parcel.)
- 14. 20, or fewer parcels are divided out of a minimum size of 240 acre parent parcel.)
- 15. and so on.

IF both the following conditions are met:

(a) No new driveways on a public road are created or required. (This is because new public roads, new private roads/easements or shared driveways will be used.) And

(b) One of the new parcels created is not less than 60% of the area of the parent parcel (e.g. the new parcel is 60%, or more, of the parent parcel. If it is a 40 acre parent parcel, then one of the new parcels must be at least 24 acres in size (40 X 0.60 = 24).)

4. A new parcel which is 40 acres or more in size is not counted as one of the parcels created for purposes of figuring out the number of parcels permitted, etc.

5. A new parcel created does not become a new parent parcel; but may be further divided if each of the following conditions are met:

- (a) Ten or more years have elapsed since the new parcel was recorded.
 - (b) The additional division does not result in:
 - (i) Two parcels for the first 10 acres plus one additional parcel for each additional whole 10 acres, OR
 - (ii) Seven new parcels or 10 new parcels if one of the new parcels created is not less than 60% of the area of the parent parcel (e.g. the new parcel is 60% or more, of the parent parcel. If it is a 10 acre percent parcel, then one of the new parcels must be at least 6 acres in size (10 x 0.60 = 6).)
6. Then, 10 years later again, the divisions in number five can be done over again; and 10 years later, again; and 10 years later, again; and so on.

Section 109 says:

1. A municipality shall approve a proposed division within 30 days. The division is submitted to the assessor (unless the municipality designates another person to do it). Approval is on compliance with all of the following (and disapproved, if not complying with each of the following): First, it complies with what is said in section 108, and
 - (a) Adequate and accurate legal description, included in a "tentative parcel map" showing area, parcel lines, utility easements, accessibility, etc.
 - (b) If 10 acres, or less, in size a 4:1 width to depth ratio, or a smaller (e.g. 5:1, 6:1..., etc.) width to depth ratio required by ordinance. If a larger width to depth ratio (e.g. 3:1, 2:1, 1:1) is required by local ordinance, that ordinance may be void until that standard is based on "standards". A local ordinance may require a width to depth ratio for parcels larger than 10 acres, but not the one parcel which is sized 60% or more than the parent parcel's original size.
 - (c) A minimum width required by local ordinance.
 - (d) A minimum area required by local ordinance.
 - (e) Each new parcel is accessible.
 - (f) Each new parcel complies with section 108 (above).
 - (g) Each new parcel that is a development site has all of the following:
 - (i) Public water or Manistee-Mason District Health Department approval for on-site water supply.
 - (ii) Public sewer or Manistee-Mason District Health Department approval for on-site sewage disposal.
 - (iii) Adequate easements for public utilities from the existing parcel to existing public utility facilities.
2. A person can sell/or not sell the right to make further divisions of land. (e.g. When a person sells a new parcel,

he can specify that the new parcel can not be divided further, thus reserving the right to himself to make all future new parcels from his remaining land.)

3. The deed must clearly state if the further division right is included in the sale, or not.
4. All deeds which are not platted, must contain a statement that the property may be near an agricultural operation, etc.

CURRENTLY, ONLY MANISTEE COUNTY AND MANISTEE CITY HAVE A LOCAL SUBDIVISION ORDINANCE. Thus "local ordinances", at this time, include the zoning ordinance for the municipality and the *Manistee County Subdivision and Condominium Control Ordinance* of June 10, 1986, as amended.

The county currently has a new parcel division review process in place. However the process will have to be streamlined quite a bit to met the 30 day deadline the Subdivision Act amendments require. That will require amending the county ordinance.

A municipality must appoint someone to review land divisions. If that is not done, then it will be the tax assessor. There is an opportunity to set up a single county-wide joint review process to do this job.

If the tax assessor --or any other local official does this job-- they will be responsible to insure compliance with local ordinances (zoning and subdivision), the county subdivision ordinance AND the state subdivision act.

Regardless, the tax assessor still has the responsibility not to recognize that division of property until after reporting the suspected subdivision act violations to the

1. Manistee County Prosecutor,
2. the Plat Section of the Michigan Department of Commerce,
3. the person requesting the division, and
4. the person suspected of the violation or potential nonconformity

pursuant to section 53(3) of the General Property Tax Act (MCL 211.53(3)).

RECEIVED JAN 23 1997
LANSING COUNTY PLANNING COMMISSION

STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996

Introduced by Senator Stille

ENROLLED SENATE BILL No. 112

AN ACT to amend the title and sections 101, 102, 103, and 105 of Act No. 288 of the Public Acts of 1967, entitled as amended "An act to regulate the subdivision of land; to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements and that there be adequate drainage of the land; to provide for proper ingress and egress to lots; to promote proper surveying and monumenting of land subdivided and conveyed by accurate legal descriptions; to provide for the approvals to be obtained by subdividers prior to the recording and filing of plats; to provide for the establishment of special assessment districts and for the imposition of special assessments to defray the cost of the operation and maintenance of retention basins for land within a final plat; to establish the procedure for vacating, correcting, and revising plats; to control residential building development within floodplain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; to repeal certain parts of this act on specific dates; and to repeal certain acts and parts of acts," section 102 as amended by Act No. 78 of the Public Acts of 1996, being sections 560.101, 560.102, 560.103, and 560.105 of the Michigan Compiled Laws; and to add sections 108 and 109.

The People of the State of Michigan enact:

Section 1. The title and sections 101, 102, 103, and 105 of Act No. 288 of the Public Acts of 1967, section 102 as amended by Act No. 78 of the Public Acts of 1996, being sections 560.101, 560.102, 560.103, and 560.105 of the Michigan Compiled Laws, are amended and sections 108 and 109 are added to read as follows:

TITLE

An act to regulate the division of land; to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements and that there be adequate drainage of the land; to provide for proper ingress and egress to lots and parcels; to promote proper surveying and monumenting of land subdivided and conveyed by accurate legal descriptions; to provide for the approvals to be obtained prior to the recording and filing of plats and other land divisions; to provide for the establishment of special assessment districts and for the imposition of special assessments to defray the cost of the operation and maintenance of retention basins for land within a final plat; to establish the procedure for vacating, correcting, and revising plats; to control residential building development within floodplain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; to repeal certain parts of this act on specific dates; and to repeal acts and parts of acts.

Sec. 101. This act shall be known and may be cited as the "land division act".

Sec. 102. As used in this act:

(a) "Plat" means a map or chart of a subdivision of land.

(b) "Land" means all land areas occupied by real property.

(c) "Preliminary plat" means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

(d) "Division" 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 1 or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109. Division 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 this act or the requirements of an applicable local ordinance.

(e) "Exempt split" 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 that does not result in 1 or more parcels of less than 40 acres or the equivalent. For a property transfer between 2 or more adjacent parcels, if the property taken from 1 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 this act or the requirements of an applicable local ordinance.

(f) "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 1 or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of this act by sections 108 and 109. "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 this act or the requirements of an applicable local ordinance.

(g) "Parcel" means a continuous area or acreage of land which can be described as provided for in this act.

(h) "Tract" means 2 or more parcels that share a common property line and are under the same ownership.

(i) "Parent parcel" or "parent tract" means a parcel or tract, respectively, lawfully in existence on the effective date of the amendatory act that added this subdivision.

(j) "Accessible", in reference to a parcel, means that the parcel meets 1 or both of the following requirements:

(i) Has an area where a driveway provides vehicular access to an existing 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 city or village, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.

(ii) Is served by an existing easement that provides vehicular access to an existing 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 of the city or village, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.

(k) "Development site" means any parcel or lot on which exists or which is intended for building development other than the following:

(i) Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

(ii) Forestry use involving the planting, management, or harvesting of timber.

(l) "Forty acres or the equivalent" means 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

(m) "Lot" means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

(n) "Outlot", when included within the boundary of a recorded plat, means a lot set aside for purposes other than a development site, park, or other land dedicated to public use or reserved to private use.

(o) "Proprietor" 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.

(p) "Governing body" means the legislative body of a city or village or the township board of a township.

(q) "Municipality" means a township, city, or village.

(r) "County plat board" means the register of deeds, who shall act as chairperson, the county clerk, who shall act as secretary, and the county treasurer. If the offices of county clerk and register of deeds have been combined, the chairperson of the board of supervisors shall be a member of the plat board and shall act as chairperson. In a county where a board of auditors is authorized by law such board may elect to serve on the county plat board by adopting a resolution so ordering. A copy of the recorded resolution shall be sent to the state treasurer.

(s) "Public utility" means all persons, firms, corporations, copartnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, sewer, or other services of a similar nature.

(t) "Caption" means the name by which the plat is legally and commonly known.

(u) "Replat" means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

(v) "Surveyor" means a professional surveyor licensed under article 20 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws.

(w) "Engineer" means a civil engineer who is a professional engineer licensed under article 20 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws.

(x) "Government survey" means the land surveyed, subdivided and monumented by the United States public land survey.

(y) "Michigan coordinate system" means the system defined in Act No. 9 of the Public Acts of 1964, being sections 54.231 to 54.239 of the Michigan Compiled Laws.

(z) "Alley" means a public or private right of way shown on a plat which provides secondary access to a lot, block, or parcel of land.

(aa) "Health department" means the department of environmental quality, a city health department, a county health department, or a district health department, whichever has jurisdiction.

(bb) "Public sewer" means a sewerage system as defined in section 4101 of part 41 (sewerage systems) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.4101 of the Michigan Compiled Laws.

(cc) "Public water" means a system of pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes, and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water to the public for household or drinking purposes.

(dd) "Topographical map" means a map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

(ee) "Flood plain" means that area of land adjoining the channel of a river, stream, water course, lake, or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

Sec. 103. (1) An exempt split is not subject to approval under this act so long as the resulting parcels are accessible. A division is not subject to the platting requirements of this act but subject to the requirements of sections 108 and 109. A subdivision is subject to the platting requirements of this act.

(2) Plats of retracement or boundary surveys made by a department or agency of the United States or of state-owned lands made by a department or agency of the state for the retracement and division of public lands according to the survey instructions issued by the United States department of the interior may be recorded with the register of deeds of the county in which the lands represented on the plats are situated and need not otherwise comply with this act, except that plat size shall be as provided in section 132.

(3) A survey and plat shall be made when any amendment, correction, alteration or revision of a recorded plat is ordered by a circuit court.

(4) Urban renewal plats authorized by the governing body of a municipality as provided in Act No. 344 of the Public Acts of 1945, being sections 125.71 to 125.84 of the Michigan Compiled Laws, shall conform to this act.

Sec. 105. Approval of a preliminary plat, or final plat shall be conditioned upon compliance with all of the following:

(a) The provisions of this act.

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

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

(d) The rules of the state transportation department relating to provisions for the safety of entrance upon and departure from the abutting state trunk line highways or connecting streets and relating to the provisions of drainage as required by the department's then currently published standards and specifications.

(e) The rules of the department of consumer and industry services for the approval of plats, including forms, certificates of approval, and other required certificates, captioning of plats, and numbering of lots.

(f) The rules of the department of environmental quality for the determination and establishment of floodplain areas of rivers, streams, creeks, or lakes, as provided in this act, as published in the state administrative code.

(g) The rules of the department of environmental quality relating to suitability of groundwater for on-site water supply for subdivisions or development sites not served by public water or to suitability of soils for subdivisions or development sites not served by public sewers. The department of environmental quality may authorize a city, county, or district health department to carry out the provisions of this act and rules promulgated under this act relating to suitability of groundwater for subdivisions or development sites not served by public water or relating to suitability of soils for subdivisions or development sites not served by public sewers. The department of environmental quality may require percolation tests and boring tests to determine suitability of soils. When such tests are required, they shall be conducted under the supervision of a registered engineer, registered land surveyor, or registered sanitarian in accordance with uniform procedures established by the department of environmental quality.

Sec. 108. (1) A division is not subject to the platting requirements of this act.

(2) Subject to subsection (3), the division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following, as applicable:

(a) For the first 10 acres or fraction thereof in the parent parcel or parent tract, 4 parcels.

(b) For each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract, 1 additional parcel, for up to a maximum of 11 additional parcels.

(c) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, 1 additional parcel.

(3) For a parent parcel or parent tract of not less than 20 acres, the division may result in a total of 2 parcels in addition to those permitted by subsection (2) if 1 or both of the following apply:

(a) Because of the establishment of 1 or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2) or this subsection are created or required.

(b) One of the resulting parcels under subsection (2) and this subsection comprises not less than 60% of the area of the parent parcel or parent tract.

(4) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted under subsections (2) and (3) and is not subject to section 109, if the parcel is accessible.

(5) A parcel or tract created by an exempt split or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of this act if all of the following requirements are met:

(a) Not less than 10 years have elapsed since the parcel or tract was recorded.

(b) The partitioning or splitting results in not more than the following number of parcels, whichever is less:

(i) Two parcels for the first 10 acres or fraction thereof in the parcel or tract plus 1 additional parcel for each whole 10 acres in excess of the first 10 acres in the parcel or tract.

(ii) Seven parcels or 10 parcels if one of the resulting parcels under this subsection comprises not less than 60% of the area of the parcel or tract being partitioned or split.

(c) The partitioning or splitting satisfies the requirements of section 109.

(6) A parcel or tract created under the provisions of subsection (5) may not be further partitioned or split without being subject to the platting requirements of this act, except in accordance with the provisions of subsection (5).

Sec. 109. (1) A municipality shall approve a proposed division within 30 days after the filing of the proposed division with the assessor or other locally designated official if, in addition to the requirements of section 108, all of the following requirements are met:

(a) Each resulting parcel has an adequate and accurate legal description and is included in a tentative parcel map showing area, parcel lines, public utility easements, accessibility, and other requirements of this section and section 108. The tentative parcel map shall be a scale drawing showing the approximate dimensions of the parcels.

(b) Each resulting parcel has a depth of not more than 4 times the width or, if an ordinance referred to in section 105(b) requires a smaller depth to width ratio, a depth to width ratio as required by the ordinance. A municipality may allow a greater depth to width ratio than that otherwise required by this subdivision or an ordinance referred to in section 105(b). The greater depth to width ratio shall be based on standards set forth in the ordinance referred to in section 105(b). The standards may include, but are not required to include and need not be limited to, exceptional

topographic or physical conditions with respect to the parcel and compatibility with surrounding lands. The depth to width ratio requirements of this subdivision do not apply to a parcel larger than 10 acres, unless an ordinance referred to in section 105(b) provides otherwise, and do not apply to the remainder of the parent parcel or parent tract retained by the proprietor.

- (c) Each resulting parcel has a width not less than that required by an ordinance referred to in section 105(b).
- (d) Each resulting parcel has an area not less than that required by an ordinance referred to in section 105(b).
- (e) Each resulting parcel is accessible.
- (f) The division meets all of the requirements of section 108.
- (g) Each resulting parcel that is a development site has all of the following:
 - (i) Public water or health department approval for on-site water supply under rules described in section 105(g).
 - (ii) Public sewer or city, county, or district health department approval for on-site sewage disposal under rules described in section 105(g).
 - (iii) Adequate easements for public utilities from the parcel to existing public utility facilities.

(2) The right to make divisions exempt from the platting requirements of this act under section 108 and this section can be transferred, but only from a parent parcel or parent tract to a parcel created from that parent parcel or parent tract.

(3) A person shall not sell a parcel of unplatted land unless the deed contains a statement as to whether the right to make further divisions exempt from the platting requirements of this act under this section and section 108 is proposed to be conveyed. The statement shall be in substantially the following form: "The grantor grants to the grantee the right to make [insert number] division(s) under section 108 of the land division act, Act No. 288 of the Public Acts of 1967." In the absence of a statement conforming to the requirements of this subsection, the right to make such divisions stays with the remainder of the parent tract or parent parcel retained by the grantor.

(4) All deeds for parcels of unplatted land within the state of Michigan after the effective date of this act shall contain the following statement: "This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act."

This act did not receive immediate effect and will take effect 90 days after final adjournment of the Legislature.

Carol Morey Viventi

Secretary of the Senate.

Allen R. Beyer

Clerk of the House of Representatives.

Approved _____

Governor.

SB112, AS PASSED 12-13-96

For Parent parcels or tracts "lawfully in existence" on effective date
Initial Split Rights for:

Revision Rights for:

| Number of allowable splits under current law | Parent Parcel Size | Number of allowable divisions under SB 112- section 108 | Number of allowable divisions with bonus- section 108 | 40% of parent parcel acreage | Average size of divisions | 60% of parent parcel as a remainder (can be used for current use or future development) | Size of property for further partitioning | Number of allowable divisions | Number of allowable splits under current law |
|--|--------------------|---|---|------------------------------|---------------------------|---|---|--|--|
| 5 | 20 acres | 5 | 7 | 8 acres | 1.14 acres | 12 acres | 10 acres or less | 2 | 4 |
| 6 | 30 acres | 6 | 8 | 12 acres | 1.5 acres | 18 acres | 20 acres | 3 | 5 |
| 7 | 40 acres | 7 | 9 | 16 acres | 1.78 acres | 24 acres | 30 acres | 4 | 6 |
| 8 | 50 acres | 8 | 10 | 20 acres | 2.00 acres | 30 acres | 40 acres | 5 | 7 |
| 9 | 60 acres | 9 | 11 | 24 acres | 2.18 acres | 36 acres | 50 acres | 6 | 8 |
| 10 | 70 acres | 10 | 12 | 28 acres | 2.33 acres | 42 acres | 60 acres | 7 | 9 |
| 11 | 80 acres | 11 | 13 | 32 acres | 2.46 acres | 48 acres | 70 acres | 7 or 8 if all exemptions are used in 40% of the parcel | 10 |

| | | | | | | | | | | |
|-----|------------|----|----|-----------|-------------|-----------|--|------------|----------|-----|
| 59 | 560 acres | 26 | 28 | 224 acres | 8.00 acres | 336 acres | | 560 acres | 7 or 10* | 59 |
| 63 | 600 acres | 27 | 29 | 240 acres | 8.28 acres | 360 acres | | 600 acres | 7 or 10* | 63 |
| 83 | 800 acres | 32 | 34 | 320 acres | 9.41 acres | 480 acres | | 800 acres | 7 or 10* | 83 |
| 103 | 1000 acres | 37 | 39 | 400 acres | 10.26 acres | 600 acres | | 1000 acres | 7 or 10* | 103 |
| 123 | 1200 acres | 42 | 44 | 480 acres | 10.91 acres | 720 acres | | 1200 acres | 7 or 10* | 123 |

* 7 exemptions or 10 exemptions if all exemptions are used in 40% of the parcel

Regarding Initial Splits:

- * For the first time ever, local units of government have the ability to review adequately exempt divisions
- * For the first time, a farmland disclosure statement is placed on all deeds for parcels of unplatted land
- * Parent parcels of 10 acres or smaller are allowed four (4) exemptions with no bonus provision
- * The bonus provision encourages divisions to be used within 40% of the parent parcel, leaving a remainder of land for current use and/or future development
- * This proposal encourages preservation of farm land, forestry and open space
- * This is an incentive proposal versus a mandated formula, therefore guaranteeing personal property rights

Regarding Redivision Rights:

- * The redivision provision was added in the House version of SB 112 and amended in the Senate
- * Redivision rights also encourage divisions to be used within 40% of the parcel, leaving a remainder of land for current use and/o future development
- * Redivision rights also encourage the preservation of farm land, forestry and open space through the 60% remainder provision
- * Redivision rights also take into account personal property rights

| | | | | | | | | | | |
|----|-----------|----|----|-----------|------------|-----------|--|--------------------|---|----|
| 12 | 90 acres | 12 | 14 | 36 acres | 2.57 acres | 54 acres | | 80 acres | 7 or 9 if all exemptions are used in 40% of the parcel | 11 |
| 13 | 100 acres | 13 | 15 | 40 acres | 2.67 acres | 60 acres | | 90 acres and above | 7 or 10 if all exemptions are used in 40% of the parcel | 12 |
| 14 | 110 acres | 14 | 16 | 44 acres | 2.75 acres | 66 acres | | 110 acres | 7 or 10* | 14 |
| 15 | 120 acres | 15 | 17 | 48 acres | 2.82 acres | 72 acres | | 120 acres | 7 or 10* | 15 |
| 19 | 160 acres | 16 | 18 | 64 acres | 3.56 acres | 96 acres | | 160 acres | 7 or 10* | 19 |
| 23 | 200 acres | 17 | 19 | 80 acres | 4.21 acres | 120 acres | | 200 acres | 7 or 10* | 23 |
| 27 | 240 acres | 18 | 20 | 96 acres | 4.80 acres | 144 acres | | 240 acres | 7 or 10* | 27 |
| 31 | 280 acres | 19 | 21 | 112 acres | 5.33 acres | 168 acres | | 280 acres | 7 or 10* | 31 |
| 35 | 320 acres | 20 | 22 | 128 acres | 5.82 acres | 192 acres | | 320 acres | 7 or 10* | 35 |
| 39 | 360 acres | 21 | 23 | 144 acres | 6.26 acres | 216 acres | | 360 acres | 7 or 10* | 39 |
| 43 | 400 acres | 22 | 24 | 160 acres | 6.67 acres | 240 acres | | 400 acres | 7 or 10* | 43 |
| 47 | 440 acres | 23 | 25 | 176 acres | 7.04 acres | 264 acres | | 440 acres | 7 or 10* | 47 |
| 51 | 480 acres | 24 | 26 | 192 acres | 7.38 acres | 288 acres | | 480 acres | 7 or 10* | 51 |
| 55 | 520 acres | 25 | 27 | 208 acres | 7.70 acres | 312 acres | | 520 acres | 7 or 10* | 55 |



Manufactured HOMES

- In this issue:**
- Affordable housing options
 - Amenities in new models
 - Financing options for buyers
 - Location, location, location

A Supplement to the *Tampa Bay City Record* - E7

Manufactured homes attract retiree buyers

By SHARON FLESHER
Special to the Record-Eagle

After Nellie Balmer's husband died a year ago, she decided the home they had shared on five-plus acres near Williamsburg was too large for her to maintain on her own.

"I had a big garden and couldn't keep the weeds out of it," said Balmer, 83. "I had to get away from that."

She rented the house to her granddaughter and purchased a 24-foot wide mobile home in a park south of Airport Road in Traverse City. The house has lots of easy-to-reach shelf space in the kitchen and the small lot is ideal for planting a few flowers. The location also proved convenient for Balmer, who had six surgeries in the past year.

"It was very nice this last winter because I was going to the doctor two or three times a week and they were only a couple of miles away," she said.

Home is among a fast-growing customer base for mobile home manufacturers.

"Probably about 35 percent of our sales will be to retirees," said Bob Kluzak of Pine Grove Homes in Traverse City. "When older people come in here, they want to downsize their current housing."

Sometimes the retiree has an older home that requires extensive repairs and maintenance, or they may simply want to cut housing costs, Kluzak said.

"A lot of people who have an expensive home can sell it and buy a manufactured home, then they can take the difference and put that money to work for them," Kluzak said.

Some retirees use the money to buy winter homes in warmer climates.

"Some retired people will go and sell their homes, then will go buy a manufactured home from us, then buy one in Texas," said Bob Merchant of Schmidt Mobile Home Brokers, a division of Coldwell Banker Schmidt Realtors. "They will have a summer home and winter home and will still have money left over."

Others who are retiring to the Traverse City area from downtown go into sticker shock at the cost of site-built



Retirees Julie and Walt Weiss put this top-of-the-line modular home from Active Building Systems in Mancelona at property overlooking West Bay between Traverse City and Suttons Bay.

housing and turn to manufactured homes for affordability.

"Our area is growing so rapidly here and housing is very expensive," said Kluzak. "Our type of housing seems to fit a need or a price area that people can afford or want to afford."

The average new manufactured house in this region sells for about \$35 per square foot, compared to an average of \$70 per square foot for a site-built home, he said.

Retirees usually find maintenance and utility bills lower in their manufactured home than in their previous homes. Mobile homes have easy-care features such as vinyl siding and shingle roofs.

"Quite often some of the older homes, especially those built before World War II, don't have a lot of insulation," Kluzak said. "Our homes are much more energy efficient."

Nellie Balmer said her utility bills have been much lower at her mobile home and during the winter there wasn't any frost on the windows.

Although many retirees purchase

homes to place on their own property, others prefer the convenience of a mobile home park. Lots are usually small, neighbors are close by and traffic is residential.

"People are watching over the parks," Merchant said. "It's a private setting. People just don't drive in there who don't live there."

The proximity of neighbors is comforting to Nellie Balmer.

"You could almost holler and get somebody," she said. "The houses aren't over 26 feet apart."

Although some mobile home communities attract mostly retirees, Balmer's park has mixed demographics, including lots of single people and young families. She says the community is quite desirable.

"We usually have a pot luck once a month at the clubhouse," Balmer said. "It's a very pleasant home."

Study rates manufactured housing

ANN ARBOR - Manufactured housing is "essentially equivalent" to a site-built home in terms of physical performance. That was the conclusion of a 1993 study released by the University of Michigan.

The study examined performance and durability, costs and affordability, appreciation versus depreciation, impact on adjacent property values, senior housing needs and alternative ownership.

The study concluded that there are "no

major quality differences" between manufactured and site-built homes in terms of structural performance and maintenance and repair problems. Fire safety was also deemed a different in manufactured homes than in site built homes.

The report also said that homes on permanent foundations or with wind stabilizing systems do not suffer wind and storm damage more than other homes.

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MOBILES OPEN DAILY

Attention to detail sets newest home models apart

By LORI HALL STEELE
Special to the Record-Eagle

TRAVERSE CITY — Stronger walls, higher pitches on roofs and increasing attention to detail are among new features of manufactured housing.

"It just keeps getting better and better," said Gary Taylor, sales manager of Pine Grove Homes in Traverse City.

Manufacturers of pre-built housing have increasingly gotten away from the flimsy construction that made mobile depreciation swifly. A couple of years ago, builders began using 2x6 side walls in manufactured housing, which is standard in on-site construction, Taylor said.

The upgrade makes walls sturdier and roofs stronger under snow loads. The higher pitches also help mobile homes to resemble castler housing. This stronger construction

66

It just keeps getting better and better.

Gary Taylor

and greater attention to detail now puts it on par with many average homes built on site, said Mike Duhais, owner Traverse Mobile Homes in Traverse City.

"The quality is the same, the price is less," Duhais said.

Lifetime vinyl siding is more common now, and manufacturers use higher-grade trim and cabinetry, area dealers said. Buyers can have solid oak, birch or maple cabinets installed, just as with stick-built homes, the term for on-site constructed housing.

Drywall finishes are replacing painted vinyl decor board, giving interiors the look of a site-built home. Buyers can select whirlpools and separate shower stalls, or can choose to finish interiors themselves.

"Whatever you want in the home you can just about get," said Bob Hannan, who works for Economy Homes and Bay Area Homes, two Traverse City firms.

New attention to floor plans — incorporating many morning rooms and many bathrooms, for instance — have helped modular housing increasingly look like on-site construction.

Buyers can select a variety of home styles, from ranches to cape cods to two-story homes, and place the homes on crawl spaces or basements.

"We really have made some differences in the last two years," Duhais said.

This shift to higher quality has helped boost sales. At Economy Homes and Bay Area Homes, sales have doubled in the past few years, Hannan said.

"There's a lot more acceptance," Duhais said. "If people just give it a chance, they're amazed at what can be done."

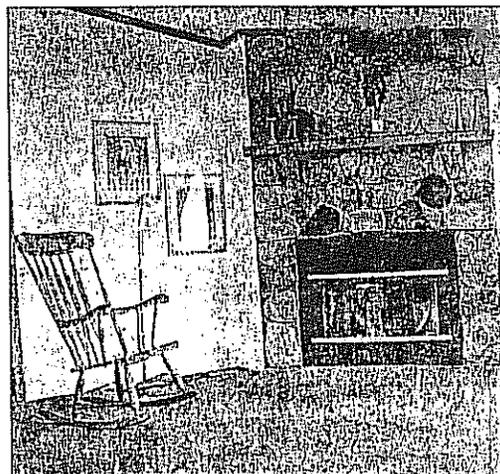
Features such as cathedral ceilings have become standard in modular homes.

"You're seeing a lot more quality that hadn't been there

— See **DETAILS**, Page 4 ▶



Record-Eagle/Koith Vandervort
Spacious kitchens with islands and stone fireplaces are among the features available in manufactured homes.



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Manufactured housing buyers reflect all ages, incomes

By LORI HALL STEELE
Special to the Record-Eagle

TRAVERSE CITY — Back in the 1970s, Tom Crump moved a manufactured home onto a city lot.

"People looked at me like I was nuts," the 48-year-old Traverse City man said.

This year, he did it again, moving a 1,600-square-foot \$97,000 home onto Pine Drive. The reaction was a little different this time.

"I know my neighbors didn't mind," he said. "Most people wouldn't know the difference. It has 8-foot walls and a pitch roof so it blends. You couldn't tell the difference. I do think people are changing their minds."

For many, manufactured housing is a cost-efficient starter home, particularly single-wide trailers. Dealers in the Traverse City area say, however, that trade-ins, retirees and people buying second homes make up a bulk of the market.

In 10 years, Mike DuBois, owner of Traverse Mobile Homes in Traverse City has seen "tremendous change" in who's buying manufactured housing. They're older now — averaging 35 years or more — and fall into higher income brackets than ever before, he said.

"Years ago this seemed to cater to the lower income, the blue collar," said Gary Taylor, sales manager of Pine Grove Homes in Traverse City. "But that's changed. Now I'm selling to the middle class and some of the upper class, too."

"A lot of it's attributable to the quality they've gone from being a trailer to being a home. They're built to last now."

Vacation home buyers make up an increasing share of the market — about 25 percent of sales at Traverse Mobile Homes, DuBois said.

At some places, like Economy Homes in Traverse City, first-time buyers and the elderly still comprise the majority of buyers,

said office manager Deb Homan.

The elderly seem to be moving away slightly from retirement communities and condominiums lately, Taylor said, with some opting instead for their own manufactured home. That way, they can still own an affordable house and lend their own yard.

"I'm seeing it a lot as a retirement-type setup," he said. "The older people seem to be heading in that direction."

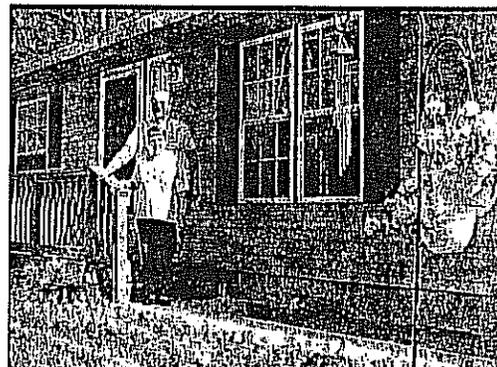
Another 25 percent of sales at Traverse Mobile Homes is made up of people trading in a smaller trailer, DuBois said.

Tom Crump did just that, last December.

"For one thing, you get the most square footage for your money," Crump said. "Plus they seem to be a well-built house."

The family's 28 x 56-foot home has three bedrooms, cathedral ceilings, a two-stall garage and an airy morning room. The family looked at conventional housing but decided they could get more space — 1,600 vs. 1,200 square feet — for the price they could pay.

"You oughta see the house," he said. "It's a nice house, real nice."

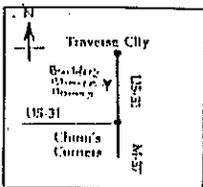


Record-Eagle/Kathy Gibbons
Tom and Joyce Crump of Traverse City opted to purchase this 1,600-square-foot modular home over a stick-built model because they could get more space for their money.

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Details, details

◀ Continued from Page 3

in the past," Taylor said. The industry differs in intent between modular and mobile homes, though both are built by the same manufacturers and may appear identical, Homan said.

The more-expensive modular home is built to state code and enables owners to finish work inside after the home is placed on site.

Single- and double-wide mobile homes are built to federal codes, Housing and Urban Development (HUD) codes, and must be ready to move into, Homan said.



Record-Eagle/Kathy Vandavort
Spa tubs (above) and large living areas (below) are common in today's newest manufactured home models, shown here at Pine Grove Homes in Traverse City.



Lumberyard kits eliminate some of the guesswork

By CAROL SOUTH
Special to the Record-Eagle

TRAVERSE CITY — People can build cars, radios and even airplanes from a kit. Why not homes?

That's the thinking of area lumberyards offering package homes. Basically, the kits offer the parts of a home that buyers can assemble or hire someone else to build for them.

Packages include the basic exterior shell including windows and doors and a basic interior shell excluding drywall or insulation. The kits also include specifications for the electrical and plumbing work plus the kitchen and bath. Plans for accompanying decks, storage areas and garages are also available.

Buyers can modify a package home somewhat to fit their individual needs and style.

However, major structural modifications require reapproval by the local zoning board, said Nick Anderson, an estimator at Wolohan Lumber in Traverse City.

Modifications are made via a computer drafting package that allows the buyer to see immediately how a change will affect the design.

Wolohan offers a dozen different package house plans. The homes are between 1,500 and 2,000 square feet, although some smaller designs are available.

If a customer is interested in a designer home, Wolohan will sell detailed plans created by a corporate architect for \$150, said Anderson.

"The designer plans include five or six different sets of plans — one for each contractor showing exactly what they need to do," said Anderson.

The lumberyard does not build the home. After buyers choose a package, they become their own general contractors responsible for getting the home built.

At Wickes Lumber, which also

66

The designer plans include five or six different sets of plans — one for each contractor showing exactly what they need to do.

Nick Anderson

sells home kits, sales associates can suggest names from more than 250 builders who deal through the company.

"The sales associates know whose work they like and who may have some free time coming up," said Jim McMahon, business manager at Wickes. "They also want the buyer and builder to be compatible."

Building a package home takes no more time than putting up another home of comparable value. And the popularity of package homes continues to grow every year. McMahon said that from the Wickes Traverse City area location alone, more than 100 standard homes and a couple hundred custom versions were sold last year.

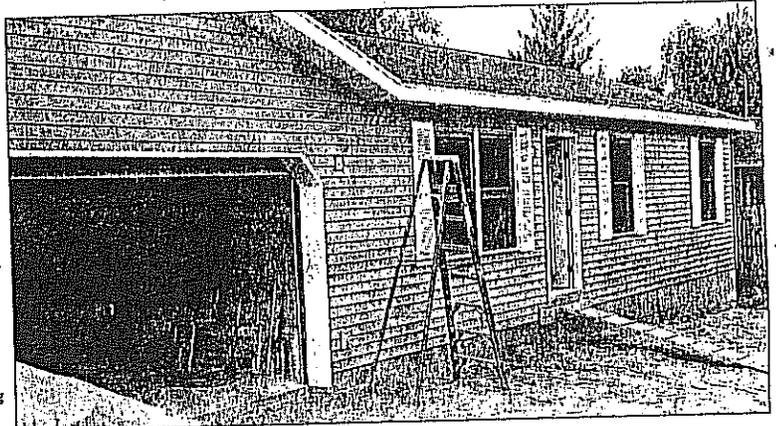
For Mary and Frank Reed of Interlochen, a package home plan inspired them to build their dream home themselves.

"We had an idea of what we wanted, a theme, and we decided right away which house we wanted when we saw it in the book of package homes at Wickes," said Mary.

While the Reeds are building their home themselves, they are using much of the information and specifications of the package home.

"The package was very helpful, a lifesaver," said Reed. "It gave us a lot of ideas."

"Now we are shopping around for the materials ourselves and picking everyone's brains as we go."



Record-Eagle/Kathy Gibbons

A local builder is putting up this house in Traverse City from a Wolohan Lumber package.

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Know zoning laws, covenants before buying property

By CAROL SOUTH
Special to the Record-Engle

TRAVERSE CITY — As housing prices skyrocket in northern Michigan, one affordable housing option is a manufactured house. No longer the domain of retirees or newbies, manufactured homes are increasingly popular with families, especially in areas with limited affordable starter homes.

"In the northern Michigan region, manufactured houses comprise 25 percent of new homes, and 40 percent of new homes statewide. In most cases these homes are just like stick-built homes, with a garage, basement and deck," said Jack Armstrong of Bay Area Homes in Traverse City.

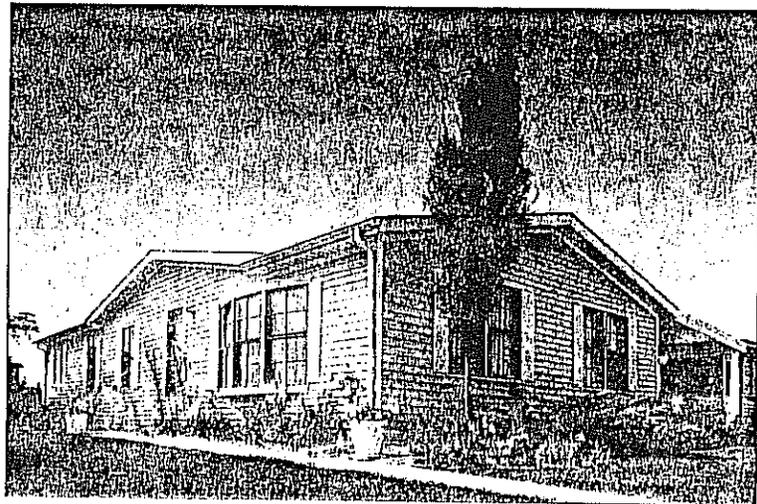
First-time buyers can break the real estate cycle for \$40,000 to \$100,000 and get a home built to the same code as a stick-built version. Another money-saving feature is that essential like

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Some buyers find the easy part is choosing a home. The hard part is finding somewhere to put it.

Robert Oleson

appliances, the furnace and drapes can be included in the rest of the house.

A manufactured home can be placed on private land or in a modular home community. Local zoning restrictions on private land may limit where some types of manufactured homes — a single-wide trailer, for example — may be placed, said Robert Oleson of Bay Area Homes. And some neighborhoods have covenants prohibiting manufactured homes.



Most manufactured homes become a permanent part of the site on which they are built. However, experts recommend investigating local zoning laws and neighborhood covenants before decking on a spot to build.

"With most manufactured homes becoming a permanent part of the site, they are really no different from traditionally built homes," Oleson said. "But some buyers find the easy part is choosing a home. The hard part is finding somewhere to put it."

Bay Area Homes is developing its own 71-lot subdivision in Interpchen to provide a pre-manufactured housing environment, said Oleson.

"We are equipping a garage and asphalt driveway," Oleson said. "Everything is just like other subdivisions."

Another option is to move into a community that rents sites to homeowners. Policies vary, but many communities provide water and sewer services and snow and trash removal as part of the lot rental. The homeowner is responsible for utilities and cutting their lawn, said Armstrong.

"Our policy is to keep housing affordable, so we may not offer extras like a clubhouse," said Sheila Sherwood, owner of Cherrywood Village Mobile Home Park in Kingsley. "But we are a community. It's not much different from a subdivision."

Regardless of the style or price of manufactured housing, they are exploding in popularity. A Traverse City native who moved back to the area six years ago, Sherwood established Cherrywood and a manufactured housing business with her husband as a means of making a living.

"We started out hoping to have 50 lots to run a living," she said. "Soon we will be up to 194."

In the Traverse City area, 400 new sites are planned to open in the next year, said Armstrong.

Quality, safety and all the features of a stick-built home are the keys to today's manufac-

tured housing.

"If anything, a manufactured home is over-built, because it has to weather the stresses of traveling on the highway from

where it was built to the purchaser's lot. It has to keep its structural integrity during that trip," said Oleson.

Financing depends on type of home purchased

By LORI HALL STEELE
Special to the Record-Engle

TRAVERSE CITY — Back when Bob Kluzak started selling trailers 30 years ago, financing for mobile and modular homes was pretty straightforward.

Which is to say, buyers had a single option: A seven-year installment loan with interest built in. No more.

Now banks offer traditional 30-year mortgages on modular homes built to the same code as site-built houses, said Kluzak, a salesman at Pine Grove Homes in Traverse City. Kluzak watched over the years as banks slowly raised the terms for manufactured home buyers in increments — from seven years to 10 to 15 and finally, to a full 30-year term.

And that's good news for buyers.

"It helps because by the time a person buys a lot, gets a well and septic, it gets to be quite a sizable amount," he said.

Most manufactured housing now is treated the same as any other home — eligible for a traditional 30-year mortgage with simple interest — as long as it's fixed to a foundation.

"We don't look at these homes any differently than any other homes," said Bucky Collier, mortgage officer at

Empire National Bank in Traverse City.

Collier estimated that the number of mortgages on modular and mobile homes from Empire National Bank has doubled in the past decade.

Most banks offer packages on the homes, land and sometimes, well and septic. Other banks do not finance single-wide mobile homes, but may have special programs. Some local manufactured home sellers deal with lenders who specialize in financing modulars.

"It just depends on the house, what lender we'll go with," said Sandy Popp at Pine Grove Homes.

Manufactured homes built to the federal Housing and Urban (HUD) code still receive a title, much like automobile owners do. The title enables the state to collect sales tax on the modular home. With the site construction, the state already has drawn a six percent sales tax from each 2nd, each gallon of paint and every pound of nails, Kluzak said.

"We have to collect it all at once," he said.

The titles go through the Michigan Secretary of State, just as auto titles do.

Some manufactured home brokers are unhappy with the system because it establishes age for the home, which leads to a perception of depreciation, Kluzak said.



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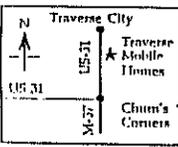
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Used homes can save buyers money

By SHARON FLESHER
 Special to the Record-Eagle

While a new manufactured home usually is significantly less expensive than a new site-built home, a previously owned manufactured home may offer even greater value to a buyer.

Because mobile homes usually appreciate in value immediately following the purchase, home buyers may find a nearly new home at a nice discount over a comparable new mobile home, said Realtor Bob Merchant of Schmidt Mobile Home Brokers, a division of Caldwell Banker Schmidt Realtors.

"The purchase price of a used mobile home is primarily influenced by the same factor affecting the value of other real estate: location, location, location."

"If it's in a park, it's just like buying a car," Merchant said. "The only difference is that unlike a car, it will come back up. How fast it comes up will depend on what kind it is."

The newer the mobile home, the faster the price rebounds, Merchant said. Also, if the home is on a foundation, such as a brick or concrete crawlspace, it will be easier to sell.

"The ones that come with real estate will definitely appreciate faster than those in a park," said Merchant. "If you can get a nice comfortable lot that people want, that's priced right, we have no trouble selling it."

A new deluxe 2,000-square-foot doublewide home may sell for as much as \$75,000, with luxury features such as walk-in closets, garden tubs, separate showers and Pella windows. A new 980-square-foot home without all the bells and whistles may cost about \$30,000. Most new homes fall in the \$30,000 to \$60,000 range, said Bob Kluzak of Pine Grove Homes in Traverse City.

Merchant said the average price for used mobile homes in the resale market is between \$20,000 and \$30,000 on a lot; in parks, the average is about \$10,000 to \$20,000.

Some people buy used mobile homes for investment purposes. Those on the owners' land can be rented for \$400 to \$500 a month, Merchant said.

But the typical used mobile home buyer is a young family purchasing their first home.

"It's an affordable starter home," Merchant said. "You can get into a \$20,000 home for 5 percent down."

The investment is not without pitfalls, however. The interest rate usually runs a little bit higher than the conventional mortgage because of the low equity involved. And insurance can be tricky if the home is very old.

"It's really hard to insure one over 15 years old," said Bridget Jordan of Farmers Insurance Group in Traverse City. "If you

have a mobile home that's worth \$2,000 and you have \$20,000 in personal property, companies don't want to take that loss."

Jordan said her company doesn't directly insure mobile homes that are more than 15 years old but offers insurance through a subcontracting agency.

Buyers of new mobile homes, however, may want to avoid becoming sellers too quickly. That initial depreciation could prove a major financial setback if the owner is forced to sell too early. Merchant said a new home usually takes at least two years before returning to its initial value.

"There's a very small percentage of people that will buy (mobile homes) and have to bail out," Merchant said. "For the buyer, it's sometimes a good deal. For the seller, it's not."



Realtor Bob Merchant of Schmidt Mobile Home Brokers in Traverse City with one of his used mobile home listings in Traverse City's King's Court Mobile Home Park. Record-Eagle/Kathy Gibbons

Glossary of housing terms

OKEMOS - The term "manufactured housing" actually refers to a broad spectrum of home options.

The Michigan Manufactured Housing Association offers some guidelines for sorting out the differences between different types of construction.

Manufactured housing typically known as a mobile home is any one-story home built in a factory with construction standards enforced by the Department of Housing and Urban Development (HUD) in Washington, D.C. Built on a permanent chassis, it is designed to be used with or without a permanent foundation when connected to the required utilities.

Single-section homes are delivered to the home site in one intact section, usually about 1,200 square feet.

Multi-section homes are delivered to the home site in two or three sections. Total square

footage can range from 1,200 to 2,500-plus, and the homes may include an attached garage.

They don't call them trailers anymore. "The association provides the following definition for trailers:

"1. A person, animal or thing that trails another.

"2. Not a manufactured home."

Modular housing is factory-built housing that adheres to standards enforced by state and local agencies. In Michigan and most midwestern and eastern states, it's the Building Officials and Code Administrators International (BOCA) Code, which also governs construction of stick-built or site-built homes.

Delivered to the home site in several sections, modulars may have more than one story. The home's interior amenities may be installed at the factory or on site.

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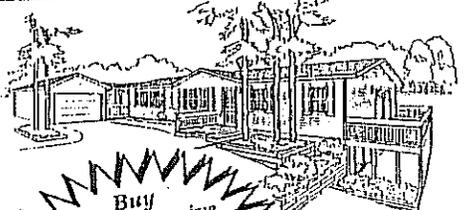
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Homes offer options for those seeking affordable housing

By LORI HALL STEELE
Special to the Record-Eagle

TRAVERSE CITY — Mobile homes were once much like automobiles. As soon as you bought them, they started losing value.

But these days, that's no longer necessarily true.

"It's holding its own in resale," said Gary Taylor, sales manager of Pine Grove Homes in Traverse City. "It used to be a heavy depreciation item, and it's no longer that. Some are actually making money."

It's all about that real estate adage: Location, location, location.

"A lot of this is for aught on where you're going to put it," Taylor said. "Right now in Traverse City you'd be hard pressed not to make money on anything you put in."

Taylor suggests looking at a local real estate guide. Which are manufactured homes? It's not easy to tell. In fact, the Traverse Area Association of Realtors doesn't differentiate between on-site and manufactured housing in its listings, said Executive Vice President Judith Lindeman.

The Traverse City area real estate guide does not accept listings for trailers, which are considered personal property, not real property. It accepts only manufactured homes permanently attached to

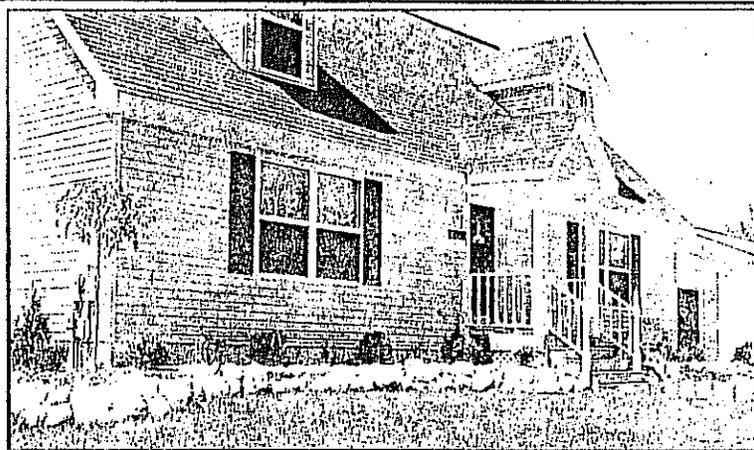
foundations.) The affordability of manufactured homes has them sprouting throughout the region. Some say they may be one answer to the region's low-cost housing shortage.

At Economy Homes and Bay Area Homes, sales have doubled in the past few years, said Deb Hannan, who works for both firms.

"Living in Traverse City is expensive anyway," Hannan said. "I've lived here all my life and I've seen expenses go up. With a manufactured home, you can get into them for a little less than a stick-built home. Some of them are just as nice as site-built homes."

Manufactured homes built to federal HUD codes average \$35 a square foot, compared to an average of \$70 for stick-built, said Mike Dullais, owner of Traverse Mobile Homes in Traverse City. Homes built on site in this area generally cost from \$55 to \$150 per square foot.

Single-wide mobile homes range in price from \$16,000 and up, Dullais said. Six-wide, they run from 14x62 feet to



Record-Eagle/Kathy Gibbons
The cost of top-of-the-line modulars like this one is a little less than stick-built, and buyers like the advantage of not having to wait for five or six months of construction.

16x80 feet. Sections range from 28x36 feet to 28x76 feet, he said.

Modular homes built to the same codes as stick-built houses average around \$80,000, though \$100,000 and higher isn't uncommon for top-of-the-line models with land. These homes are appraised and insured the same as site-built homes, Dullais said.

"I think it's going to be one of the areas which is going to solve some of the affordable housing problems in the area," said Judith Lindeman, executive vice

president of the Traverse Area Association of Realtors.

Lindeman noted that many of the city's post-World War II subdivisions, such as Indian Woods, are National Homes manufactured housing, constructed in the '60s and '70s primarily by Zimmermann Construction.

"If you look at them, they just look like little ranches," Lindeman said. "If it hadn't been for Jack Zimmermann building all those homes, a lot of us wouldn't have had places to live in."

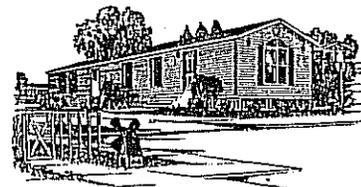
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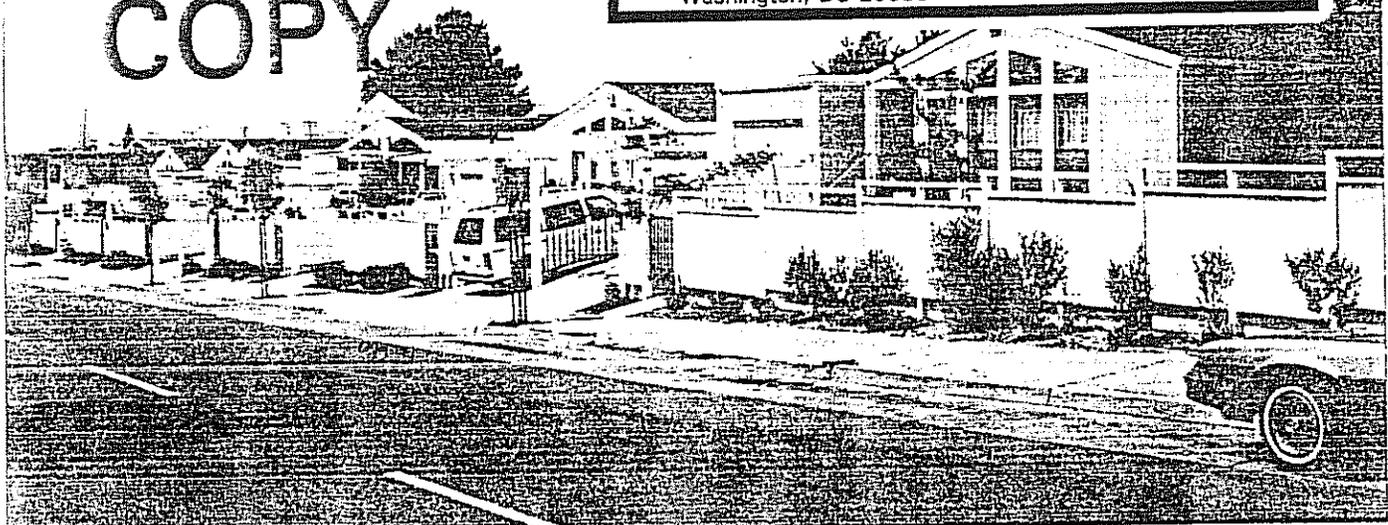
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California Dept. of Housing and Community Development

Manufactured housing in an infill subdivision in Oakland using small lot, zero lot line zoning, overcomes the outmoded trailer-park image.

New Visions for Manufactured Housing

Long derided as tacky and unsafe, manufactured housing is now being reexamined as an important aspect of the affordable housing market. Manufactured housing projects, traditionally associated with trailer parks, are today distinguishable from site-built subdivisions only by their cost. In the past, manufactured housing developments frequently came with restrictive covenants that prevented families with children from occupying them. The 1988 Fair Housing Act made these restrictions unlawful and opened a previously closed segment of the housing market to many families just entering it.

Historically, lending institutions looked at manufactured housing differently from site-built housing. Interest and principal were to be repaid on an installment basis rather than being amortized like a regular mortgage. In addition, rates were often appreciably higher than comparable real estate loans and were offered only for shorter terms. Lending institutions also tended to categorize the units as consumer purchases that would depreciate in value over time, like an automobile or a boat. But, in fact, a 1982 study found that values for manufactured housing increased in 30 states and appreciated substantially in states with rapid population growth and housing shortages. The report cited appreciation as high as 15 percent in California during the 1970s.

Currently, lending institutions will recognize manufactured housing as real estate if the unit is built on a foundation and is part of a subdivision. Many lenders will

offer 30-year mortgages at the same rates that they offer for site-built housing. These types of loans are covered by federal guarantees provided by the Federal Housing Administration and related programs. FHA and the Department of Veterans Affairs will also cover loans for unaffixed units in trailer parks with shorter-term amortized loans that require a significant down payment. The secondary mortgage market has grown to accept debt on manufactured homes, which in turn has allowed institutions to offer more loans at better rates for manufactured housing.

Acceptance of manufactured housing has increased not only because of improvements in the financial environment but also because of improvements in the units themselves. In 1976, new federal regulations established construction and safety standards that yielded dramatic improvements in the quality of manufactured housing. Over time, the housing stock has come to include such features as conventional roofing, foundations, and siding, all of which help to improve the aesthetic quality of a manufactured house. Additionally, many modern manufactured houses are "customized" with site-built amenities such as patios, garages, and decks. All of these improvements have meant a substantial increase in the cost of the units, but manufactured housing nonetheless remains significantly less expensive than site-built housing.

A recent report issued by the California Department of Housing and Community Development (*Manufactured Housing for Families: Innovative Land Use and Design*, Sacramento, 1990) offers site design guidelines and examines cases in which manufactured housing has been

used as a successful community development tool. The report describes site design principles that should already be familiar to planners and zoning administrators. These include land-conserving techniques such as zero lot line placement and clustering, in addition to nice aesthetic provisions such as curvilinear streets and angular siting of units. This issue of *Zoning News* looks at the cases cited by that report and discusses how creative site arrangements have made manufactured housing developments work.

Added Attractions

Traditionally, manufactured housing developers kept title to the land under the units and arranged for long-term leases with homeowners. Because most modern manufactured housing is immobile, these types of developments have learned over time to offer more amenities in order to attract residents.

Typical of this type of development is Canyon Creek in Napa County, California. The development looks a lot like a traditional subdivision. All of the units have conventional roofing and are set on foundations. They are placed on conventional 4,800-foot lots along curvilinear streets. This development also includes amenities such as common open space and a pool. All of the units are improved with site-built garages and patios. Their price, exclusive of land lease, ranges from \$58,990 for a two-bedroom unit to \$69,500 for a four-bedroom unit. Given that conventional financing is available for these units, monthly payments may be about \$1,000 per month. Since comparable housing in Napa County typically costs \$120,000, the manufactured units represent an attractive option for first-time buyers.

Cultivating Variety

Other manufactured housing developments are based on selling the land to potential occupants who may place different models of manufactured units on the site. One example of this type of development is Tower Park Village in Lodi, California. The site is based on a street plan dominated by stub streets ending in cul-de-sacs leading into collector streets. The average lot size is 5,040 square feet, yielding an overall density of 4.5 units per acre throughout the development. The heterogeneous housing stock, combined with curving streets, helps to make the development more attractive. A homeowners association helps to regulate the appearance of units within the development and also maintains a clubhouse and pool on the site. Units range from \$80,000 to \$87,000, placing them well within the lowest price quartile for housing in the region.

Not all manufactured housing development is aimed at the lowest end of the market. One development in Pomona, California, sought to use manufactured housing to compete for potential condominium consumers by offering large attractive units screened from the street with usable private outdoor space. In order to keep the units more affordable, the development used creative site planning. The houses were placed on small lots measuring only 30 by 80 feet. The units were set perpendicular to the street in order to offer more privacy. Units share a common side lot line, which helps to facilitate density and allows for efficient use of the narrow lots. The project was granted PUD status, which allowed for its high density, 10 units per acre, and narrower streets than normally required. Each homeowner is given a choice of several architectural styles, which serves to keep the

development from becoming visually monotonous. In order to offset some of the disadvantages of higher densities, the development offers many site amenities, including common open space and recreation facilities. One criticism of the plan is that, due to the narrow streets, no parking is permitted. This has been alleviated somewhat by the provision of common off-street parking areas throughout the site. Prices for these houses range from \$72,000 to \$79,000. Clearly it is not housing for the poor, but it is an affordable alternative for those in the middle of the housing market.

Cutting Cost Through Density

Manufactured housing can allow for more creative development than those techniques associated with the traditional subdivision. In Oakland, California, a project designed and developed by an architect is providing affordable housing to meet a pressing social need. The city gave the project tax-exempt bond financing that was guaranteed by the U.S. Department of Housing and Urban Development. This allowed for fixed low-rate mortgages, which made the units affordable to many families who, under normal circumstances, would be unable to buy.

The project achieved its most significant cost savings through efficient use of land to allow for extremely high densities. The city granted the project PUD status so that zero lot line placement could be used. Two types of units are available—840-square-foot units placed on 1,920-square-foot lots and 1,248-square-foot units on 2,720-square-foot lots. All of the units are arranged on lots perpendicular to the existing linear street. The design achieved an overall density of 17.5 units per acre, keeping land costs to a minimum. The project is distinctly urban and is ideal as an infill project in a large city. The architect was able to preserve some privacy for the residents by including small fenced-in courtyards in front of the houses. The architect also included room for a small site-built patio on the side of each house.

The costs for these units ranged from \$77,000 to \$93,000. This, combined with the favorable mortgage rates, placed the cost of the units in the lowest one percent of all housing costs in Alameda County.

Manufactured housing, with its significant cost savings, represents an increasingly important segment of the nation's housing market. Planners and zoning administrators would be wise to keep an open mind about the siting of a manufactured housing project within their community. Through good site planning, combined with improvements in the housing stock, manufactured housing can be a good neighbor while at the same time addressing a pressing social need. D.B.

Seattle Tips Its CAP

The Seattle City Council has voted to revise the city's two-year-old citizen-sponsored growth cap initiative. Under the city charter, the Citizens Alternative Plan (CAP), a 1989 voter initiative to control downtown development, could not be amended during the first two years after it took effect.

The height of downtown buildings had become a symbol for Seattle residents concerned about the pace and scale of growth in their city. The CAP restricted the density and height of new buildings, asked the Office of Long-Range