

LOTS

§ 150.01 LOT DIVISIONS.

Any lot, out-lot or other parcel of land in a recorded plat may be divided for the purpose of sale, lease or building development provided the same is reviewed by the Planning Commission and approved by Village Council, as authorized pursuant to M.C.L.A. § 560.263. However, no such division shall be authorized that does not fully comply with the Michigan Land Division Act, being M.C.L.A. §§ 560.101 *et seq.*, as amended, and the resulting divisions are in conformity with the ordinances of the village. The procedures in this subchapter shall not apply to platted lots that are modified pursuant to a duly approved replat of a recorded subdivision under the Michigan Land Division Act, or are altered by a court order pursuant to M.C.L.A. § 560.226, as amended.

(Ord. 31, passed 11-11-1985; Ord. 142, passed 2-12-2018)

§ 150.02 APPLICATION FOR LOT DIVISION APPROVAL.

An applicant shall file all of the following with the village Zoning Administrator or other official designated by the Village Council. The submittal shall include:

(A) A completed application on such form as may be prescribed by the village and payment of the application fee as set by Village Council resolution;

(B) Proof of fee ownership of the land proposed to be divided;

(C) A statement indicating any deed restrictions and/or covenants which apply to or run with the land having bearing upon the proposed division;

(D) The history and specifications of any previous divisions and combinations of land sufficient to establish the lot to be divided is subject to further division restrictions under the Michigan Land Division Act;

(E) Proof that all taxes which are due and payable and all special assessments which are outstanding pertaining to the land proposed to be divided have been paid in full;

(F) A detailed written description of the development planned for such land which is the subject of the request for division; and

(G) A survey map of the land proposed to be divided, prepared by a registered land surveyor or civil engineer licensed by the State of Michigan, which shows the dimensions and legal descriptions of the existing parcels or tracts, the location of all existing or proposed structures and other land improvements, the location of any existing easements and the accessibility of the parcels for vehicular traffic and utilities from the existing public roads.

(H) *New parcel map.*

(1) A complete, proposed new parcel map drawn to scale is required. The new parcel map shall be prepared by a registered land surveyor or civil engineer licensed by the State of Michigan and shall include the following requirements:

(a) Dated, north arrow, scale, and name of the individual or firm responsible for the completion of the tentative new parcel map;

(b) Proposed lot lines and their dimensions;

(c) Location and nature of proposed ingress and egress locations to any existing public streets;

(d) The location of any public or private street, driveway, or any easements located or to be located within any proposed lot or parcel. Copies of the instruments describing and granting such easements shall be submitted with the application;

(e) General topographical features including contour intervals no greater than ten feet and including a delineation of any wetland or floodplain areas;

(f) The location of any existing buildings, structures, public or private streets, and driveways within 50 feet of all proposed property lines; and

(g) The zoning classification of all proposed lots or parcels.

(2) In lieu of such new parcel map, and prior to submitting a formal application, the applicant may submit a tentative preliminary new parcel map to be reviewed, for conceptual purposes, by the village Zoning Administrator. The tentative preliminary new parcel map shall be drawn to a scale of not less than that provided for in the application form, and shall include an accurate legal description for each proposed division, and shall show the boundary lines, dimensions, and accessibility of each proposed division from existing or proposed public roads and public utilities. When submitting a tentative preliminary new parcel map, the applicant shall waive the time limit requirements for a decision and shall include a fee that is set by resolution of the Village Council. The Zoning Administrator's recommendations regarding the feasibility of the proposed lot division(s) is not binding upon the Planning Commission or Village Council. The Zoning Administrator may waive the new parcel map requirement where the foregoing tentative preliminary new parcel map is deemed to contain adequate information to approve a proposed land division. However, an accurate legal description of all proposed divisions prepared by a registered land surveyor or civil engineer licensed shall at all times be required.

(I) Any time limits for approval shall not commence until all of the requirements for an application have been completed and received by the Zoning Administrator.

(Ord. 31, passed 11-11-1985; Ord. 142, passed 2-12-2018)

§ 150.03 PROCEDURE FOR REVIEW OF APPLICATION FOR LOT DIVISION APPROVAL.

(A) Upon receipt of a completed land division application package for review, the Zoning Administrator shall forward the materials to the Planning Commission, which shall set a public hearing on the application, and thereafter shall vote on the matter and report its recommendations to the Village Council.

(B) Upon receipt of the Planning Commission's recommendation, Village Council shall consider the request, may within its discretion elect to hold an additional public hearing, and shall vote on the final decision of the village on the application.

(C) The Zoning Administrator, Planning Commission, Village President, or Village Council may, if deemed appropriate and necessary, request a review and report on the application by the Village Planner, Village Engineer, Village Attorney, Village Treasurer, Village DPW Director, Township Assessor, County Building Department, County Drain Commissioner, and/or other consultants or officials.

(Ord. 31, passed 11-11-1985; Ord. 142, passed 2-12-2018)

§ 150.04 STANDARDS FOR APPROVAL OF LAND DIVISION.

A proposed lot division shall be approved only if all of the following criteria are met.

(A) All of the parcels to be created by the proposed lot division must fully comply with the applicable lot (parcel) width, access, setback, and area requirements of the Village Zoning Ordinance, other applicable village ordinances, and any deed restrictions concerning the number, size, or location of structures allowed on the parcel.

(B) The proposed division complies with all requirements of the Land Division Act and the Village Zoning Ordinance.

(C) All parcels created and remaining have existing adequate accessibility as defined in the Michigan Land Division Act and Village Zoning Ordinance, or have an area available to provide such accessibility to a public road for public utilities and emergency and other vehicles, not less than the requirements of the applicable village ordinances and technical standards.

(D) There is adequate storm drainage and public utilities to serve the parcels created by the division, as determined by the Village Engineer, or as a condition of approval of the division, suitable easements are provided to allow the extension of adequate storm drainage and public utilities in the future. Unless a lot division creates a parcel which is acknowledged and declared to be "not buildable" under § 150.05, all divisions shall result in "buildable" parcels and must each have separate public water and sewer service with separate connections available as required by this code; or, if public water and/or sewer service is not available, the applicant shall provide a letter from the Livingston County Health Department that states an on-site septic system, a well, or both where both would be required, can be installed on the each parcel in accordance with the legally required standards if needed.

(E) All taxes and special assessments on the properties sought to be divided or combined have been paid.

(F) The ratio of depth to width of any parcel created by a land division (including a remnant parcel) shall not exceed 4:1 unless otherwise provided by the Village Zoning Ordinance.

(G) The proposed division shall not cause any existing building or structure to become nonconforming.

(H) The proposed division would not result in a parcel containing more than one zoning classification, unless the village has determined that multiple zoning classifications on a resultant parcel promotes orderly and harmonious development between adjacent parcels, such as creating a desirable transitional buffer between adjacent parcels of different zoning classifications.

(I) Approval of a proposed division of land shall be subject to the dedication of any easements necessary for current or future public roads, public utilities, bicycle/nonmotorized vehicle paths, sidewalks, or other necessary required public facilities.

(J) If the land division involves the use of a new curb cut to a public street or road, the applicant must submit evidence of review and approval of the curb cut location by the Village Public Works Department.

(K) The village may require such additional conditions and safeguards as are deemed necessary to ensure compliance with the requirements of this subchapter.

(Ord. 142, passed 2-12-2018)

§ 150.05 ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS/TRANSFERS.

Notwithstanding disqualification from approval pursuant to this subchapter, a proposed lot division which does not fully comply with the applicable lot, setback, accessibility, and area requirements of the Village Zoning Ordinance or this chapter may be approved where the applicant executes and records a permanent deed restriction with the Livingston County Register of Deeds, in a form acceptable to the village, designating the parcel as "not buildable" and also not usable for anything other than passive uses, which restrictions shall be enforceable by the village. Any such parcel shall also be designated as "not buildable" in the village records, and shall not thereafter be the subject of a request to the Zoning Board

of Appeals for variance relief from the applicable lot and/or area requirements, and shall not be used except for passive uses.

(Ord. 142, passed 2-12-2018)

§ 150.06 CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENTS.

(A) Any division of land in violation of any provisions of this subchapter shall not be recognized as a lot division on the assessment roll and no construction thereon shall be permitted which requires the issuance of a land use, construction, or building permit; and the land shall not be eligible for zoning approvals, such as conditional land use approval or site plan approval. The village shall have the authority to initiate injunctive or other relief to prevent any violation or continuance of violation of this subchapter.

(B) An unlawful division or attempted division shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged to be paid, together with any damages sustained by the purchaser, recoverable in an action at law.

(C) Any person, firm, corporation, trust, partnership, or other legal entity which violates or refuses to comply with any provision of this subchapter or knowingly provides false information on an application for approval of a lot division shall be subject to the municipal civil infraction provisions of § 131.99 of this code.

(D) In addition to the penalties prescribed by § 131.99 of this code, any person who violates any of the provisions of this subchapter shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

(Ord. 142, passed 2-12-2018)