

CHAPTER 1224
Division of Land

EDITOR'S NOTE: Resolution 2000-114, passed October 9, 2000, authorized an agreement with Huron County for the provision of specific services to the Village for compliance with the Subdivision Control Act of 1967, as amended, and the Land Division Act of 1997.

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CROSS REFERENCES

Planning Commission - see P. & Z. Ch. 1220
Zoning Code - see P. & Z. Chs. 1260 et seq.
Filling of land - see P. & Z. 1286.21
Nonconforming uses of land - see P. & Z. 1288.02

1224.01 SHORT TITLE.

This chapter shall be known and may be cited as the Caseville Village Land Division Ordinance.
(Ord. 99-2. Passed 2-8-99.)

1224.02 PURPOSE.

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

(Ord. 99-2. Passed 2-8-99.)

1224.03 DEFINITIONS.

As used in this chapter:

- (a) "Administrator" means the Village Planning Commission.
- (b) "Applicant" means a natural person, firm, association, partnership, corporation, or combination of any of them, that holds an ownership interest in land, whether recorded or not.
- (c) "Divide" or "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 a sale or lease of more than one year, or of building development that results in one or more parcels of less than forty acres or the equivalent, and that satisfies the requirements of Section 108 and 109 of the State Land Division Act. "Divide" and "division" do not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, and no resulting parcel shall be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, or the requirements of other applicable local/zoning ordinances.
- (d) "Exempt split" or "exempt 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, that does not result in one or more parcels of less than forty acres or the equivalent.
- (e) "Forty acres or the equivalent" means either forty acres, a quarter-quarter section containing not less than thirty acres, or a government lot containing not less than thirty acres.
- (f) "Governing body" means the Caseville Village Council.
- (g) "Parcel" means a contiguous area of land which can be described as stated in Section 102(g) of the Act.
- (h) "Parent parcel" or "parent tract" means a parcel or tract, respectively, lawfully in existence on March 31, 1997.
- (i) "Road authority" means the governmental authority having jurisdiction over a public road or public street.
- (j) "Resulting parcel(s)" means one or more parcels which result from a land division.
- (k) "Tract" means two or more parcels that share a common property line and are under the same ownership.
(Ord. 99-2. Passed 2-8-99.)

1224.04 PRIOR APPROVAL REQUIRED; EXCEPTIONS.

Land in the Village shall not be divided without the prior review and approval of the Zoning Administrator and Planning Commission, or other official designated by the governing body, in accordance with this chapter and the State Land Division Act, provided that the following shall be exempt from this requirement:

- (a) A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- (b) A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- (c) An exempt split as defined in this chapter, or other partitioning or splitting that results in parcels of twenty acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the Act.

Any other partitioning or splitting of land which requires the approval of the Village in order to qualify as a land division under the Act shall satisfy the requirements of Sections 1224.05 and 1224.07, and other applicable provisions of this chapter.

(Ord. 99-2. Passed 2-8-99; Ord. 2004-03. Passed 7-12-04.)

1224.05 APPLICATION FOR APPROVAL.

An applicant shall file all of the following with the Zoning Administrator and Planning Commission for review and approval of a proposed land division before making any divisions either by deed, land contract, lease for more than one year, or for building development:

- (a) A completed application form on such form as may be approved by the Planning Commission or the Village Council.
- (b) Proof of ownership of the land proposed to be divided.
- (c) A tentative parcel map drawn to scale, including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- (d) Proof that all standards of the State Land Division Act and this chapter have been met.
- (e) If a transfer or division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights or transfer.
- (f) A fee to cover the costs of review of the application and administration of this chapter and the State Land Division Act, which fee shall be established under separate action by the Village Council and may be revised from time to time as determined by the Village Council and as recommended by the Village Planning Commission.

(Ord. 99-2. Passed 2-8-99; Ord. 2004-03. Passed 7-12-04.)

1224.06 APPLICATION REVIEW; APPEALS.

(a) The Village Planning Commission shall approve or disapprove the land division applied for within forty-five days after the receipt of a completed application conforming to the requirements of this chapter and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.

(b) Any person or entity aggrieved by a decision of the Planning Commission may, within thirty days of said decision, appeal the decision to the Village Council or such other body or person designated by the Village Council which shall consider and resolve such appeal by a majority vote of Council or by the appellate designee at its next regular meeting or session affording sufficient time for a twenty-day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

(c) The Assessor or his or her designee shall maintain an official record of all approved and accomplished land divisions or transfers.

(d) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

(e) The Village and its officers and employees shall not be liable for approving a land division if the building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.
(Ord. 99-2. Passed 2-8-99.)

1224.07 STANDARDS FOR APPROVAL.

A proposed land division reviewed by the Village Planning Commission shall be approved if the following criteria are met:

- (a) Each parcel created by the proposed division(s) shall be in compliance with applicable standards contained in the Zoning Ordinance of the Village of Caseville (width, area, accessibility).
- (b) Each resulting parcel shall have a means of vehicular access to an existing street or road from an existing or proposed driveway or access easement. Such means of access shall comply with all applicable location standards of the governmental authority having jurisdiction over the existing street or road. If a driveway or access easement does not lawfully exist at the time a division is proposed, the applicant shall also comply with the following requirement(s):

- (1) If a driveway is proposed as a means of access, each resulting parcel shall have an area where a driveway will lawfully provide vehicular access in compliance with applicable Village ordinances.
 - (2) If an easement is proposed as a means of access, the proposed easement shall be in writing and signed by the owner of the parcel(s) within which the easement is to be located. Such easement shall provide a lawful means of access over and across such parcel(s), in compliance with applicable Village ordinances.
 - (3) If a new public street or road is proposed as a means of access, the applicant shall provide proof that the road authority having jurisdiction has approved the proposed layout and construction design of the street or road and of utility easements and drainage facilities associated therewith.
- (c) The proposed division, together with any previous divisions(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.
 - (d) Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.
 - (e) Each resulting parcel which is ten acres or less in area shall have a depth which is not more than four times the width of the parcel. If the width of the parcel is irregular, the average width of the parcel shall be calculated and used for purposes of this provision. This depth to width ratio shall not apply to the remainder of the parent parcel or parent tract retained by the applicant. All resulting parcels to be created by the proposed land division(s) shall fully comply with the applicable lot area and lot width requirements of the Village Zoning Ordinance for the zoning district(s) in which the resulting parcels are located.
(Ord. 99-2. Passed 2-8-99.)

1224.08 NONCOMPLIANCE WITH APPROVAL REQUIREMENTS.

Any division of land in violation of any provision of this chapter shall not be recognized as a land division on the Village tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The Village shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this chapter. An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damage sustained by the purchaser, recoverable in an action at law.

(Ord. 99-2. Passed 2-8-99.)

1224.09 APPLICATION TO ZONING AND BUILDING CODES.

This chapter shall not be construed to repeal any provision in any applicable zoning ordinances, building codes or other ordinances of the Village, which shall remain in full force and effect notwithstanding any land division approval hereunder. (Ord. 99-2. Passed 2-8-99.)

1224.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)