



Village of Breedsville

82 E Main St. PO Box 152
Breedsville, MI 49027
(269) 427-9029

ORDINANCE 2023-06

LAND DIVISION ORDINANCE.

THE VILLAGE OF BREEDSVILLE, COUNTY OF VAN BUREN, STATE OF MICHIGAN, HEREBY ORDAINS:

SECTION 1. SCOPE AND PURPOSE:

This ordinance shall apply to all land divisions as governed by the provisions of the Land Division Act, P.A. 591 of 1996, which became effective as of March 31, 1997. Approval of any land division does not constitute the use approval of any such division. Such use of land shall comply with the Village Zoning Ordinance or any other applicable ordinance or regulation.

It is not the intent of this ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances, or of any private restrictions placed upon property by covenant, deed, or other private agreement. Provided, however, that where any provision of this ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the use of land and buildings, or upon safety or sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, then the provisions of this ordinance shall govern.

The purpose of this ordinance is to regulate the division of land within the Village (through PA 591 and local zoning) to promote public health, safety, and general welfare to further the orderly layout and use of land; and to ensure that land divisions are correctly and accurately approved, recorded, end filed.

SECTION 2. LAND DIVISION CONDITIONS AND APPROVAL:

Any person who desires to split an existing parcel of land within the Village must first obtain an application form as provided by the Village. Before the Village will recognize any newly created parcels a land division application must be accurately completed by the property owner (or agent), all application fees paid, all necessary attachments included, the signature of the property owner requesting the split, and two approval signatures from the Village Land Division Review Panel. The review panel is comprised of the Village President, Village Zoning Administrator, and the Village Assessor.

Each application shall be accompanied by the following unless deemed unnecessary by the review panel:

1. The payment of a fee as established from time to time by the Village Council.
2. A completed application as provided by the Village, including all required attachments.
3. A complete and accurate legal description for the existing parent parcel and each proposed lot or parcel created by the land division including the remaining parent tract.
4. A written or graphic description of any previous land divisions involving the current parent tract that have occurred since March 31, 1997, under PA 591.
5. A complete tentative parcel map is drawn to one of the following scales: 1"=20', 1"=50', 1"=100', 1"=200', 1"=400', or 1"=1000. The scale used should best illustrate the proposed division(s) and existing improvements. The parcel map shall be prepared by a registered engineer, land surveyor, or persons found qualified by the Land Division Review Panel to accurately complete the aforementioned map.
6. The tentative parcel map shall include at a minimum:
 - a. Date, north arrow scale, and name of the individual or firm preparing the map.
 - b. Proposed lot lines and their dimensions.
 - c. The location of any public or private streets.
 - d. The location of any existing improvements (buildings, wells, septic syst etc.)
 - e. Current boundaries as of March 31, 1997.
 - f. Any previous divisions made after March 31, 1997.
7. Copies of the unrecorded deeds showing ownership transfer of the children's parcels. (The unrecorded deeds are required within one (1) year of preliminary approval before final approval is granted)

Application for land division shall not be accepted unless all of the required materials are submitted and are complete. The application, along with all required attachments, shall be forwarded to the Village. The application shall be reviewed by the Village Land Division Review Panel. The Review Panel shall approve, approve with conditions, or deny the division request. The Review Panel shall include the basis for any denial or conditions.

The approval, approval with conditions, or denial of a land division shall be accomplished by the Review Panel within forty-five (45) days of filing a properly completed application.

The fee for land division is non-refundable due to the denial of preliminary or final approval by the Village Review Panel.

Approval of a land division does not grant approval for the use of such a divided lot or parcel. Any lot or parcel proposed for division must comply with the requirements of the Zoning Ordinance or any other applicable ordinances or regulations.

Preliminary land division approval shall be valid for one (1) year after the preliminary approval date by the Review Panel. If the proposed divisions are not properly transferred by deed within one (1) year of preliminary approval of the divisions are to be considered null and void and final approval shall not be granted. If this circumstance occurs, a new application shall be submitted in compliance with the requirements of this ordinance.

Splits deemed exempt by the Land Division Act will still be required to follow the same application and fee process as standard splits. The number of exempt divisions, however, will not count against the number of divisions granted by the Land Division Act for that parcel.

All parcels created under the land division process, except the remaining parent tract and parcels greater than ten (10) acres in size, shall adhere to the suggested state 1 to 4 depth-to-width ratios unless local zoning deems otherwise. All parcels shall adhere to local zoning requirements.

CERTIFICATION

I further certify that Trustee: L. Weniger moved for adoption of said Ordinance No. 2023-06 and that Trustee: T. Weniger seconded said motion.

I further certify that the following Trustees: L. Weniger, T. Weniger, P. Cooley, and President S. Rogusta Voted for adoption of said Ordinance No. 2023-06 and that the following Trustees: No Trustees voted against such Ordinance. Absent: W. Yeager

I further certify that said Ordinance No 2023-06 has been recorded in the Ordinance Book of the Village of Breedsville and that such recording has been authenticated by the signatures of the Village President and Village Clerk

I do hereby certify that a synopsis of this Ordinance No. 2023-06, in accordance with statutory requirements, was published on the 27th day of January 2023 in the Van Buren Reminder, a copy of which is attached hereto.

I do hereby certify that a synopsis of this Ordinance No. 2023-64, in accordance with statutory requirements, was published on 27 day of January 2023 in the Van Buren Reminder, a copy of which is attached hereto.

Steven Rogusta
President

Linda Norton
Village of Breedsville, Clerk

ATTEST:

Linda Norton
Village of Breedsville, Clerk

