

VILLAGE OF VERMONTVILLE, EATON COUNTY, MICHIGAN
CODE OF ORDINANCES

**ARTICLE THREE: LAND DIVISION AND CONDOMINIUM
SUBDIVISIONS**

The ordinances adopted by the Village of Vermontville pertaining to the division of lands within the Village and Private Roads are assembled in this Article Three: Land Divisions and Condominium Subdivisions.

CHAPTER 31 LAND DIVISIONS

- 31.1 TITLE.** This Chapter may be cited as the "Village of Vermontville Land Division Ordinance." The regulations of this Chapter are adopted pursuant to the statutory authority of Act Number 288 of the Michigan Public Acts of 1967, as amended, the Land Division Act.
- 31.2 APPLICABILITY.** This Chapter shall apply to all land divisions as governed by the provision of the Land Division Act, Act 288 of the Michigan Public Acts of 1967, as amended. Approval of any land division does not constitute use approval of any such division. Such use of land shall comply with Article Two - The Village of Vermontville Zoning Ordinance or any other applicable ordinance or regulation.
- 31.3 HIGHER STANDARDS TO APPLY.** It is not intended by the Chapter 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 Chapter imposes more stringent requirements, regulations, restrictions, or limitations upon use of the use of land and buildings, or upon safety and 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 Chapter shall govern.
- 31.4 PURPOSE.** The purpose of this Chapter is to regulate the division of land within the Village of Vermontville to promote the public health, safety, and general welfare, and to further the orderly layout and use of land, to require that land be suitable for building sites and public improvements, to ascertain that provisions are made for adequate drainage, ingress and egress, and to ensure that land divisions are correctly and accurately approved, recorded, and filed.
- 31.5 DEFINITIONS.** Definitions of words(s), terms, and phrases of this Chapter, are included and made a part of this Chapter from the Land Division Act of 1967, as amended, are as follows:
- A.. "Plat" means a map or 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 the proprietor thereof or any by his or her heirs, executors, administrators, legal representative(s) - as allowed or meeting the requirements of legal representative(s), successors, or assigns that does not result in one (1) or more parcels of less than forty (40) acres or the equivalent. For a property transfer between two (2) or more adjacent parcels, if the property taken from one (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 Chapter or the requirements of the Land Division Act of 1967.
- 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, representatives, successors, or assigns that does not result in one (1) or more parcels of less than forty (40) acres or the equivalent. For a property transfer between two (2) or more adjacent parcels, if the property taken from one (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 Chapter and the Land Division Act.
- 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 one (1) year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent and that is not exempted from the platting requirements of the Land Division Act of 1967, as amended, Sections 108 and 109. "Subdivide" or "subdivision" does not include the property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel, and any resulting parcel shall not be considered a building site unless the parcel conforms to this Chapter or the Land Division Act of 1967, or the requirements of other ordinances or the general charter of the Village.
- G. "Parcel" means a continuous area or acreage of land which can be described as provided for in the Land Division Act. That is, property description.
- H. "Tract" means two (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 one (1) or both of the following requirements:
- 1) Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of State Transportation Department and the Village of Vermontville, reference Public Act 200 of 1969, or has an area where a

- driveway can provide vehicular access to an existing road or street and meet all such applicable standards.
- 2) Is served by an existing easement that provides vehicular access to an existing road or street that meets all applicable standards of the Department of Transportation, and the Village of Vermontville, again using Public Act 200 of 1969. Or, can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet any and all location standards.
- K. "Development Site" means any parcel or lot on which exists or which is intended for the building development other than the following:
- 1) Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops, grains, feed crops, and field crops, as well as dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing of cattle, swine, sheep, and similar animals. And berries, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.
 - 2) Forestry use involving the planting, management, or harvesting of timber.
- L. "Forty Acres or the Equivalent" means forty (40) acres, a quarter-quarter section containing not less than thirty (3) acres, or a government lot containing not less than thirty (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, limited liability corporation, corporation, or any combination of them that holds an owner interest in land whether recorded or not.
- P. "Governing Body" means the Village of Vermontville Council.
- Q. "Municipality" means the Village of Vermontville.
- R. "County Plat Board" means the Register of Deeds of Eaton County, who is the chairperson by statute, the County Clerk, the Secretary by Statute.
- S. "Public Utility" means all persons, firms, corporations, copartnerships, or Village of Vermontville or other public authority providing water, sewer, steam, electricity, telephone, gas, 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 and plat which changes, the boundaries of a recorded subdivision or plat thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a plat.

- V. "Surveyor" means a professional surveyor licensed under Article 20 of the Occupational Code, Act 299 of the Public Acts of 1980 339.2001 to 339.2014 of the Michigan compiled laws.
 - W. "Engineer" means a civil engineer who is a professional licensed under Article 20 of the Occupational Code, Act 299 of the Public Acts of Michigan, 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 9 of the Public Acts of 1964, being 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
 - AA "Health Department" means the Department of Environmental Quality, a City or Village Health Department, Eaton County Health Department, or a District Health Department whichever has jurisdiction.
 - BB "Public Sewer" means the Village of Vermontville sanitary sewer system.
 - CC "Public Water" means the Village of Vermontville water distribution system for drinking water and household/business uses.
 - 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 a 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 or area.
- 31.6 APPLICATIONS.** An application for land divisions shall be submitted through the Village Clerk and copies given to all elected officials of the Village of Vermontville. Each application shall be accompanied by the following:
- A. A fee set by resolution by the Village Council.
 - B. A completed application form as provided by the Village of Vermontville.
 - C. A complete and accurate legal description of each proposed lot or parcel, created by the land division.
 - D. A detailed written description of the development planned for such land divisions, including a description of any proposed association or entity which shall be responsible for operation and maintenance of any private streets, open spaces or other similar uses or activities.
 - E. A graphic or written description of any previous land division from the parent parcel, including the size, number, and date of such divisions.

- F. Evidence of approvals from the Village of Vermontville Department of Public Works, and/or the Eaton County Health Department as well as any requirements from the Department of Environmental Quality.
- G. Three (3) copies of a complete tentative map drawn to scale, which shall not be less than one (1) inch = twenty feet for property totaling under three (3) acres, and at least one (1) inch - one hundred (100) feet for those totaling three (3) acres or more. The parcel map shall be prepared by a registered engineer or land surveyor.
- H. The tentative parcel map shall include, at a minimum:
- 1) Date, north arrow, scale, and name of the individual or firm responsible for the completion of the tentative parcel map.
 - 2) Proposed lines and their dimensions.
 - 3) Location and nature of proposed ingress and egress locations to any existing public or private streets.
 - 4) The location of any public or private street, driveway, or utility easements to be located within any proposed lot or parcel. Copies of the instruments describing and granting such easements shall be submitted with the application.
 - 5) General topographical features including contour intervals no greater than ten (10) feet.
 - 6) Any existing building, public or private streets, and driveways within one hundred (100) feet of all proposed property lines.
 - 7) Any applicable zoning descriptions of all proposed lots or parcels.
 - 8) A small scale sketch of properties and streets within one quarter (1/4) mile of the area.
 - 9) Proposed method of handling storm water drainage.
- I. A current paid tax receipt for all property taxes shall accompany an application for a land division.
- J. Land divisions shall be reviewed by the Village Planning Commission which shall submit its recommendation to the Village Council. Land Divisions shall be approved by the Village of Vermontville Council. The Village Council shall review the application and such other information available, including recommendations or reports from the respective committees of the Village of Vermontville, any consulting planner, the village attorney(s), engineers, the Department of Public Works, or other parties, including comments and concerns of the affected residents and those not directly affected, or other parties, and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which should be imposed. All applications for land divisions shall not be accepted unless all of the aforementioned requests for materials are submitted and complete, and the application is submitted, along with all required materials, to the Village of Vermontville.

- K. The approval, approval with conditions, or denial of a land division shall be accomplished within thirty (30) days after the filing of a completed, accepted application by the Village Clerk.
- L. Approval of a land division does not grant approval for the use of such divided lot or parcel. Any lot or parcel proposed for division must comply with the requirements of the Village of Vermontville's Zoning and/or Land Use Ordinances or any other applicable ordinances or regulations.
- M. Land division approvals shall be valid for a period of ninety (90) days from the date of approval by the Village of Vermontville Council. If such lots or parcels proposed by the land division not properly recorded and accepted by the Eaton County Register of Deeds within this period, the land division approval shall be considered null and void and a new application shall be submitted in compliance with the requirements of this Chapter.

31.7 LAND DIVISION REQUIREMENTS

A. Maximum Width to Depth Ratio

- 1) No lot or parcel shall be created the depth of which exceeds four (4) times its width.
- 2) The width to depth ratio requirements of this section shall not apply to lots or parcels that have more than one-half (1/2) of their street frontage on a cul-de-sac. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard set back and shall not be diminished throughout the remainder of the lot. Such lots shall have a minimum of forty (40) feet width at the front property line.
- 3) For corner lots, the depth shall be measured along the longest front line which is parallel or generally parallel to the public or private street right-of-way or easement. The width of the corner lot shall be the front line which parallels, or generally parallels, the public street or private right-of-way or easement and is the shorter of the two front lot lines. Where such lot lines are of equal length, the Village of Vermontville shall determine the measurement of the lot width to depth for purposes of this section.
- 4) The Village of Vermontville Council may permit the division of a lot or parcel which does not comply with the above provisions provided that the following finds are made:
 - a) That the greater width to depth ratio is necessitated by conditions of the land which make compliance with this section impractical. Such conditions may include topography, road access, soil conditions, wetlands, floodplains, water bodies, or other similar unique condition.
 - b) That the division and use of such lot or parcel will not conflict with other federal, state, county, or Village of Vermontville ordinances or regulations, unless an appropriate variance or approval was granted as required or permitted by such ordinances or regulations.

5. All land divisions or lot splits, not mentioned in the circumstances above, shall have frontage requirements that comply as referred to in Article II Zoning Ordinance in District Standard Regulations.

6. All Land division or lot splits must contain a minimum square feet as required in Article II Zoning Ordinance, District Standards.

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B. Access

1) Any land division shall front upon a public street or private road right-of-way easement meeting the requirements of the Village of Vermontville standards or those acceptable by the State of Michigan.

2) Any points of ingress or egress to a lot or parcel created by land division must meet the location and design standards of the Village of Vermontville or those having authority and jurisdiction over the roadway to which access is planned. The Village of Vermontville requires special assessments to all lots for any "new" roads constructed if the Village of Vermontville is asked to create new roads or is given right-of-way(s) for new roads, according to Village of Vermontville ordinances or regulations.

C. A lot or parcel created by a land division shall comply with all the requirements of this and other applicable ordinances and regulations.

D. The Village of Vermontville may stipulate such additional conditions and safeguards deemed necessary to ensure compliance with the requirements of this Chapter.

31.8 This Chapter shall include an application form and the schedule of exempt properties/parcels.

31.9 **PENALTIES.** A violation of this Chapter is hereby declared to be a nuisance, per se. A violation of this Chapter is a municipal civil infraction, with a first offense fine of five hundred (\$500) dollars, and one thousand (\$1,000) for subsequent violations, which is a violation within twelve (12) months of the initial violation where the person violating this Chapter admitted responsibility or was adjudicated to be responsible, provided however, that offenses committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense, shall be considered separate first offenses. Each day during which any violation continues shall be deemed a separate first offense.

31.10 **CONDOMINIUM SUBDIVISIONS.**

A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership that is not subject to the platting provisions of the Land Division Act, Public Act 288 of 1967, as amended.

B. A site condominium unit shall be treated as a separate lot or parcel and may have buildings constructed on it and uses conducted within it as allowed in its zoning district provided the unit meets the Development Requirements for the zoning district in which it is located.

C. Site Plan Approval. Site Condominium projects shall be subject to the following requirements.

1) Preliminary Site Plan

- a) A preliminary site plan shall be reviewed and approved by the Planning Commission and Village Council in accordance with Article Two, the Village of Vermontville Zoning Ordinance. All provisions of said Zoning Ordinance shall apply to site condominium projects.
- b) Approval of a preliminary site plan shall for a period of two (2) years confer upon the proprietor approval of lot sizes, lot orientations, and street layouts.
- c) Three (3) separate one (1) year extensions may be granted by the Village Council if applied for in writing prior to the date of expiration of approval of the preliminary site plan.
- d) After a period of two (2) years from approval, unless extensions as provided for in this Section have been granted, the preliminary site plan approval shall become null and void if substantial construction has not commenced and proceeded in a meaningful manner.

2) Final Site Plan

- a) A final site plan for the site condominium project must be approved by the Village Council prior to the issuance of any building permit for any structures on the proposed site, unless they already exist.
- b) At its regular meeting or at a meeting called within 20 days of the date of submission, the Village Council shall examine the final plan for general compliance with this Ordinance. The proprietor or his designated representative may request an extension of the 20 day time limit, which the Village Council may grant at its discretion.
- c) To receive final approval for the site condominium project, the owner shall submit ten (10) copies of the plan to the Village Engineer who shall place the final plan on the agenda of the Village Council, said plan to contain the information required by this Ordinance. Copies of the final plan shall be distributed to the appropriate Village departments for their review and comment to the Village Council.

3) Building Permit. Prior to the issuance of a building permit for any building in the proposed site condominium project, the following items must be fulfilled, unless waived by the appropriate Village department. The Village Council may consider the issuance of building permits prior to the approval of the Final Site Plan in exceptional or unusual circumstances beyond the ability of the applicant to control.

- a) Proposed Master Deed.
- b) Articles of incorporation for the condominium association.

- c) Improvement plan approval.
- d) Block grading, floodway, soil erosion approval.
- e) Basement elevation and building restriction approval.
- f) Construction of hydrant water, adequate fire access, stormwater detention, floodways, and soil erosion controls.
- g) Monuments shall be set at all boundary corners and deflection points and at all street right-of-way intersection corner and deflection points. Lot irons shall be set at all condominium site corners and deflection points of condominium site lines. The Village Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year from the date of approval by the Village Council, on condition that the developer deposit with the Village Clerk cash, a certified check, or an irrevocable bank letter of credit running to the Village, whichever the developer selects, in an amount as determined from time to time by resolution of the City Commission. The deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Village Council shall promptly engage a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plan, at the developer's expense. All rights of-way and utility easements shall be described separately from individual condominium sites and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan.

D. Design Requirements. The design of site C Condominium projects shall be subject to the following requirements.

- 1) The rights-of-way and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities.
- 2) The developer shall dedicate to the Village all easements for utilities. Water, sewer and electrical easements may be placed within streets, subject to the approval of the Village Engineer and the standards of the Village.
- 3) All streets proposed for any site condominium shall be developed within the minimum design, construction, inspection, approval, and maintenance requirements of this Ordinance, and the Subdivision Control Ordinance (Chapter 32 of the Village of Vermontville Code of Ordinances).