

## Village of Lake Isabella Codified Ordinances

### Article VI – General Nuisance Regulations

#### **Chapter 636 – Land Division Regulation**

Last Amended by Ordinance 2017-04 on August 15, 2017

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#### **636.01 Purpose**

The purpose of this chapter is to regulate the partitioning, splitting, division and combining of land within the Village of Lake Isabella in order to promote the public health, safety, and general welfare. It is also intended to further the orderly layout and use of land, and to require that land be suitable for building sites and public improvements. Also, to ensure that provisions are made for adequate drainage, ingress and egress, and to ensure that all land divisions are correctly and accurately approved, recorded and filed.

All of which shall be done in accordance with the Michigan Land Division Act (PA 288 of 1967 as amended) and the ordinances of the Village of Lake Isabella.

#### **636.03 Definitions**

As used in this chapter the following words shall be defines as such:

1. Accessible: Shall mean that every new parcel created either through division, splitting or by combination shall have ingress/egress availability on at least one (1) recorded road either public or private. For the purposes of this code a private road must be approved by the Village Planning Commission or Village Council and shall be built to the standards of the Village street system.
2. Applicant: Shall mean the owner(s), or their legal representatives, of any land requesting the change of boundaries as outlined within this code and allowed under the Michigan Land Division Act (Public Act 288 of 1967 as amended).

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3. **Combine:** Shall mean the process and action of combining properties of common ownership into one (1) or more properties.
4. **Divide:** Shall mean the partitioning or splitting of a parcel or tract of land by the recorded owner(s) thereof including legal representatives of the owner(s).
5. **Exempt Split:** Shall mean the partitioning or splitting of a parcel or tract of land by the owner(s) thereof, including legal representatives of the owner(s) that does not result in one (1) or more parcels less than forty (40) acres in size, or; a property transfer between two (2) or more adjacent parcels as allowed under the codified ordinances of the Village of Lake Isabella and the Michigan Land Division Act (Public Act 288 of 1967 as amended).
6. **Lot:** Shall mean a tract of land measured per the descriptions and/or map in a recorded plat.
7. **Lot Split:** Shall mean the process and action of changing the boundaries of property within a recorded plat. This may include the splitting of one (1) lot into the boundaries of two adjoining lots.
8. **Parcel:** Shall mean a piece of legally created land.
9. **Parent Parcel:** Shall mean a recorded tract of land which can legally described with certainty and is capable of being surveyed. Under the amendments to Public Act 288 of 1967, any parcel legally existing on March 31st, 1997 became a parent parcel.
10. **Plat:** Shall mean the subdivision of land with a recorded map done in accordance with the platting requirements contained in Michigan Law, mainly Public Act 288 of 1967 as amended.
11. **Record or Recorded:** Shall mean a document, including but not limited to, a deed, map, plat, survey, contract, site plan, and other such similar documents that has been recorded by “Page and liber” with the Isabella County Register of Deeds.

### **636.05 Application Requirements**

All applications shall contain the following information:

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1. Complete name, current mailing address and phone number of the owner(s) of the property seeking changes to its boundary.
2. A completed professional survey of the land(s) proposed to be divided, split or combined.
3. Complete legal descriptions of all land(s) proposed to be divided, split or combined.
4. The Tax ID/parcel numbers of all parcels proposed to be split, divided, or combined.
5. A map, to scale of the original parent parcel of the land(s) proposed to be divided, along with any splits or divisions from that original parent parcel. If any land is proposed to be combined with land from an adjacent parent parcel, maps of both parent parcels shall be required.
6. All maps and surveys will be drawn to a scale not greater than 1” for every 20’ for proposed parcels equal to or less than 3 acres in size, and 1’ for every 100’ for all proposed parcels greater than 3 acres in size.
7. All maps and surveys shall contain the date of creation of the document, the scale, north arrow.
8. At least one map showing all existing structures, property boundaries, drives, and easements within 200 feet of the properties proposed to be divided. This may be done on the map showing the original parent parcel.
9. If any new public or private road(s) are to be created for ingress and egress to any proposed split, documents shall be provided showing the material composition of such roads and methods for handling drainage. All proposed roads shall meet the street specifications of the Village of Lake Isabella.
10. If there are any remaining splits of the parent parcel remaining, the exact number of those splits and who retains the rights of those splits.
11. The required affidavit has been completed in full.

**636.07 Application Review Standards**

All applications shall be reviewed on the following criteria:

1. The proposed splits/divisions are in conformity to the zoning code of the Village of Lake Isabella.
2. All taxes and liens have been paid in full.
3. There are no outstanding zoning violations of the property.
4. Proper ingress and egress has been provided for either by public or private roads.
5. There are splits of the property remaining that are sufficient for the application.

**636.09 Land Division Regulations**

Except for exempt splits, the following regulations shall be in place:

1. No lands within the Village limits shall be divided or combined without the prior review and approval of the Village of Lake Isabella. Unless otherwise designated by resolution, the recognized municipal official with the authority to approve the division or combination of lands shall be the Lake Isabella Zoning Administrator who shall only approve the division or combination of lands in accordance to the codified ordinances of the Village of Lake Isabella and the Michigan Land Division Act (Public Act 288 of 1967 as amended).
2. No division, split or other changing of boundaries shall be approved or recognized by the Village of Lake Isabella unless all real property taxes (Village, Township, and County) have been paid in full.
3. No division, split, or other changing of boundaries shall be approved or recognized by the Village of Lake Isabella unless all public liens and special assessments (Village, Township, and County) have been paid in full.
4. No division, split, or other changing of boundaries shall be approved or recognized by the Village of Lake Isabella on property where there are any outstanding violations or unpaid civil infraction tickets issued.

5. All new parcels and/or lots shall have access for ingress and egress to either a public right-of-way or private sixty-six-foot-wide (66') easement of record. If the new road or easement is intended for ingress/egress of five or more new parcels, it shall be paved, by the owner(s) of the property requesting the split/division. All new and proposed roads shall be built to the specifications of the Village of Lake Isabella street standards and shall be named in accordance with the adopted naming policy of the Village of Lake Isabella.
6. All new parcels and/or lots shall comply to the zoning code of the Village, including, but not limited to the size and dimension requirements of the code for the zoning district that the proposed split is located in, no proposed division or split shall be approved, accepted, or recognized by the Village which would create a non-conformity to the zoning code.
7. Prior to any zoning permit being issued by the Village on any newly split or divided parcel, a copy of the recorded deed of such property shall be submitted to the Village in order to verify that the proper legal description has been applied to the property.
8. All letters of approval by the Village shall contain the following statement:  
“Approval of such division does not guarantee the ability to obtain permits necessary for the construction of a structure, and the Village is not liable or responsible if such property fails to obtain a permit of any nature, including those related to onsite wells and septic systems.”
9. Upon the approval of any split or division the Village Manager shall also include in the official notice of approval the street addresses of the new parcels.

**636.11 Fees and Costs**

The Village Council shall establish fees to cover the costs associated with the application, review and approval process for land divisions, splitting and combinations by resolution, and may, from time to time as needed or desired, amend the fees charged for such work by resolution.

**636.13 Violations**

Any person, firm, corporation, trust, partnership, or other legal entity which violates or refuses to comply with any provision of this chapter shall be responsible

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for a municipal civil infraction and shall be subject to fines, costs, and other relief as provided for in Chapter 222 of the codified ordinances of the Village of Lake Isabella.