

ORDINANCE # 240-06-11

AN ORDINANCE OF THE VILLAGE OF BANCROFT, MICHIGAN TO AMEND THE VILLAGE LAND DIVISION ORDINANCE.

THE VILLAGE OF BANCROFT ORDAINS:

Section 1.

The Village of Bancroft Land Division Ordinance is amended as follows.

The Section 4 - Prior Approval Requirement for Land Divisions is amended to read:

Land in the Village of Bancroft shall not be divided without the prior review and approval of the Village of Bancroft Assessor, or other official designated by the Village Council in accordance with this ordinance and the Land Division Act; provided that the following shall be exempted from this requirement if they do not result in creating parcels that are in violation of the Village Zoning Ordinance:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Subdivision Control Act and the Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the Subdivision Control Act and the Land Division Act.
- C. An exempt split as defined in this ordinance.
- D. An exempt split or partitioning or splitting of a parcel or tract which results in parcels of twenty (20) acres or more in size if the parent parcel or tract is not accessible and one of the following:
 - 1. The parent parcel or tract was in existence on March 31, 1997.
 - 2. The parent parcel or tract resulted from an exempt split or other partitioning or splitting of an inaccessible parcel or tract pursuant to the Land Division Act.
- E. Property transfers between two or more adjacent unplatted parcels, if the property taken from one parcel is added to an adjacent parcel.

The Section 6 - Procedure for Review of Applications for Land Division Approval, Subsection A is amended to read:

- A. Upon receipt of a completed land division application package, the Village shall review the application in the follow steps:
 - 1. The Village Zoning Administrator shall review the application for compliance with the minimum lot width, and lot area requirements of the parcel under the Village Zoning Ordinance and also for compliance with the maximum lot depth to width ratio established by this ordinance. If the application does not comply, it shall be returned to the applicant with an explanation of the

applications deficiencies.

2. If the Zoning Administrator finds that the application complies the application shall then be forwarded to the Village DPW Superintendent to determine accessibility of the parcel. If the application does not comply with the Village or MDOT accessibility requirements, it shall be returned to the applicant with an explanation of the applications deficiencies.
3. If the DPW Superintendent finds that the application complies the application shall then be forwarded to the Bancroft Village Assessor to determine compliance with the number of splits allowed for the parcel under Section 109 of the Land Division Act and to review the legal description to ensure that it is adequate and accurate. If the application does not comply, it shall be returned to the applicant with an explanation of the applications deficiencies.
4. After the Village Assessor makes his/her determination, he/she shall promptly notify the applicant, in writing, of the decision and all reasons for any denial

The Section 6 - Procedure for Review of Applications for Land Division Approval, Subsection D is amended to read:

- D. Any person or entity aggrieved by the decision of the Village of Bancroft regarding a land division request may, within 30 days of said decision, appeal the decision to the Village Council which shall hold a hearing to consider and resolve such appeal by a majority vote of said Council at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

The Section 8 - Allowance for Approval of Other Land Divisions Subsection A is amended to read:

- A. Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the Village of Bancroft, designating the parcel as "not buildable". Any such parcel shall also be designated as "not buildable" in the Village of Bancroft records, and shall not thereafter be the subject of a request to the Village Zoning Board of Appeals for variance relief from the applicable width and/or area requirements, and shall not be developed with any building or above ground structure exceeding one (1) foot in height. The division may not create a parent parcel that violates the Village Zoning Ordinance.

Section 2. Severability:

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

Section 3. Repeal:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed except that this ordinance shall not be construed to repeal any provision in the Village of Bancroft Zoning Ordinance, the Land Division Act, or the Michigan Building Code.

Section 4. Effective Date:

This Ordinance shall take effect twenty (20) days after its publication, as set forth hereafter.

Date of Adoption: March 9-2011
Date of Publication: March 18-2011
Effective Date: Apr 7-2011

STATE OF MICHIGAN)

ss

COUNTY OF SHIAWASSEE)

I, the undersigned, and duly qualified and acting City Clerk of the Village of Bancroft, Shiawassee County, Michigan, DO HEREBY CERTIFY that the foregoing was introduced at a regular meeting of the Bancroft Village Council on the 9 day of Mar, 2011 and was duly adopted.



Shana Post

201 E. Exchange Street
Owosso, Michigan 48867
Phone (989) 725-5136 • Fax (989) 725-6376

Richard E. Campbell, Chairman
Thomas E. Campbell, President & Publisher

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C. An exempt split as defined in this ordinance.

D An exempt split or partitioning or splitting of a parcel or tract which results in parcels of twenty (20) acres or more in size if the parent parcel or tract is not accessible and one of the following:

1. The parent parcel or tract was in existence on March 31, 1997.
2. The parent parcel or tract resulted from an exempt split or other partitioning or splitting of an inaccessible parcel or tract pursuant to the Land Division Act.

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A. Upon receipt of a completed land division application package, the Village shall review the application in the follow steps:

1. The Village Zoning Administrator shall review the application for compliance with the minimum lot width, and lot area requirements of the parcel under the Village Zoning Ordinance and also for compliance with the maximum lot depth to width ratio established by this ordinance. If the application does not comply, it shall be returned to the applicant with an explanation of the applications deficiencies.
2. If the Zoning Administrator finds that the application complies the application shall then be forwarded to the Village DPW Superintendent to determine accessibility of the parcel. If the application does not comply with the Village or MDOT accessibility requirements, it shall be returned to the applicant with an explanation of the applications deficiencies.
3. If the DPW Superintendent finds that the application complies the application shall then be forwarded to the Bancroft Village Assessor to determine compliance with the number of splits allowed for the parcel under Section 109 of the Land Division Act and to review the legal description to ensure that it is adequate and accurate. If the application does not comply, it shall be returned to the applicant with an explanation of the applications deficiencies.

4. After the Village Assessor makes his/her determination, he/she shall promptly notify the applicant, in writing, of the decision and all reasons for any denial.

The Section 6 - Procedure for Review of Applications for Land Division Approval, Subsection D is amended to read:

D. Any person or entity aggrieved by the decision of the Village of Bancroft regarding a land division request may, within 30 days of said decision, appeal the decision to the Village Council which shall hold a hearing to consider and resolve such appeal by a majority vote of said Council at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

The Section 8 - Allowance for Approval of Other Land Divisions Subsection A is amended to read:

A. Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the Village of Bancroft, designating the parcel as "not buildable". Any such parcel shall also be designated as "not buildable" in the Village of Bancroft records, and shall not thereafter be the subject of a request to the Village Zoning Board of Appeals for variance relief from the applicable width and/or area requirements, and shall not be developed with any building or above ground structure exceeding one (1) foot in height. The division may not create a parent parcel that violates the Village Zoning Ordinance.

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

4 All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed
5 except that this ordinance shall not be construed to repeal any provision in the Village of
6 Bancroft Zoning Ordinance, the Land Division Act, or the Michigan Building Code.

This Ordinance shall take effect twenty (20) days after its publication, as set forth hereafter.

Publish: March 18, 2011

Submitted By Shana Post Clerk

of the **Ordinance #240-06-11 - Village of**

MICHIGAN)
) ss **Thomas E. Campbell**
Iawassee)

first duly sworn, says that he is the Publisher of **THE S**, a newspaper published in the English language for the circulation of local or transmitted news and intelligence of character and legal news, which is a duly qualified person, that annexed hereto is a copy of a certain order of the newspaper, in which the order was published once, and the insertion of said Notice was on the 18th day of 1911.

SIGNED:

[illegible]

Subscribed and sworn to before me
this 18th day of March, A.D., 2011

Anita M Pasik

Anita M. Pasik, Notary Public
Shiawassee County, Michigan

My Commission expires: December 01, 2012

ORDINANCE # 240-06

AN ORDINANCE OF THE VILLAGE OF BANCROFT, MICHIGAN KNOWN
AS:

LAND DIVISION ORDINANCE.

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to the Land Division Act, Michigan Public Act 288 of 1967, as amended, to provide a procedure therefore; to repeal any ordinance or provision in conflict with this ordinance; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

THE VILLAGE OF BANCROFT ORDAINS:

Section 1. Title.

This ordinance shall be known and cited as the Village of Bancroft Land Division Ordinance.

Section 2. Purpose

The purpose of this ordinance is to carry out the provisions of the Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property that do not comply with this ordinance and said Act, to minimize potential boundary disputes, to further the orderly development of the community and layout and use of land, to require that land be suitable for building sites, to provide for proper ingress and egress to lots, and to otherwise provide for the health, safety and welfare of the residents and property owners of the Village of Bancroft by establishing reasonable standards for prior review and approval of land divisions within the Village of Bancroft.

Section 3. Definitions:

For purposes of this ordinance, certain terms and words used herein shall have the following meaning:

- A. ***Accessible:*** In reference to a parcel, means that the parcel meets one 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 the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969, being sections 247.321 to 247.329 of the Michigan Compiled Laws, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards; or (2) is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state

transportation department or county road commission under Act No 200 of the Public Acts 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 all such applicable location standards.

- B. ***Applicant or Proprietor:*** 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. ***Development Site:*** Any parcel or lot on which exists or which is intended for 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; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; 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
- D. ***Divided or Division:*** 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 year, or of building development, that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act.
- E. ***Exempt Split or Exempt Division:*** 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 40 acres or the equivalent.
- F. ***Forty Acres or the Equivalent:*** Either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- G. ***Parcel:*** A continuous area or acreage of land which can be described as provided for in the Land Division Act.
- H. ***Parent Parcel or Parent Tract:*** A parcel or tract, respectively, lawfully in existence on March 31, 1997.
- I. ***Tract:*** Two or more parcels that share a common property line and are under the same ownership.

Section 4. Prior Approval Requirement for Land Divisions

Land in the Village of Bancroft shall not be divided without the prior review and approval of the

Village of Bancroft Assessor, or other official designated by the Village Council in accordance with this ordinance and the Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Subdivision Control Act and the Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the Subdivision Control Act and the Land Division Act.
- C. An exempt split as defined in this ordinance.
- D. An exempt split or partitioning or splitting of a parcel or tract which results in parcels of twenty (20) acres or more in size if the parent parcel or tract is not accessible and one of the following:
 - 1. The parent parcel or tract was in existence on march 31, 1997.
 - 2. The parent parcel or tract resulted from an exempt split or other partitioning or splitting of an inaccessible parcel or tract pursuant to the Land Division Act.
- E. Property transfers between two or more adjacent unplatted parcels, if the property taken from one parcel is added to an adjacent parcel.

Section 5. Application for Land Division Approval:

The Village of Bancroft shall provide an applicant with an application form. At a minimum, an applicant shall file all of the following with the Village of Bancroft in accordance with this ordinance and the Land Division Act, for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development.

- A. Proof of fee ownership of the land proposed to be divided.
- B. Adequate and accurate legal descriptions of each resulting parcel.
- C. A tentative parcel map (which shall show the approximate dimensions of the resulting parcels) of the land proposed to be divided. The tentative parcel map must show the following for the parent parcel and the proposed resulting parcels: area, parcel lines, public utility easements, accessibility, and compliance with the requirements of this ordinance and the Land Division Act.
- D. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish that the parcel or tract to be divided was lawfully in existence as of March 31, 1997, the effective date of the Land Division Act. Such history

and specifications shall describe the parent parcel or tract of which the parcel or tract to be divided was a part as that parent parcel or tract existed on March 31, 1997. Such history and specifications shall also identify both the owner of the parent parcel or tract on March 31, 1997 and the owners, on March 31, 1997, of parcels sharing a common property line with the parent parcel or tract on March 31, 1997.

- E. Proof that each resulting parcel is accessible.
- F. For resulting parcels meeting the definition of “development site”, proof that such parcels have adequate easements for public utilities from the parcel to existing public utility facilities.
- G. Proof that all standards of the Land Division Act and this ordinance have been met.
- H. The fee as may from time to time be established by resolution of the Village Council for review of land division applications pursuant to this ordinance to cover the costs of review of the application and administration of this ordinance and the Land Division Act.

Section 6. Procedure for Review of Applications for Land Division Approval:

- A. Upon receipt of a completed land division application package, the Village shall review the application in the follow steps:
 - 1. The Village Zoning Administrator shall review the application for compliance with the minimum lot width, and lot area requirements of the parcel under the Village Zoning Ordinance and also for compliance with the maximum lot depth to width ratio established by this ordinance. If the application does not comply, it shall be returned to the applicant with an explanation of the applications deficiencies.
 - 2. If the Zoning Administrator finds that the application complies the application shall then be forwarded to the Village DPW Superintendent to determine accessibility of the parcel. If the application does not comply with the Village or MDOT accessibility requirements, it shall be returned to the applicant with an explanation of the applications deficiencies.
 - 3. If the DPW Superintendent finds that the application complies the application shall then be forwarded to the Bancroft Village Assessor to determine compliance with the number of splits allowed for the parcel under Section 109 of the Land Division Act and to review the legal description to ensure that it is adequate and accurate. If the application does not comply, it shall be returned to the applicant with an explanation of the applications deficiencies.
 - 4. If the Village Assessor finds that the application complies, the Assessor shall promptly notify the applicant, in writing, of the decision and all reasons for any

denial.

- B. A complete application for land division approval shall be approved, approved with reasonable conditions to assure compliance with this ordinance and the Land Division Act, or disapproved within 45 days after receipt of the completed application package. If the application package does not conform to the requirements of this ordinance and the Land Division Act, the Village of Bancroft shall return the application to the applicant for completion and refilling in accordance with the requirements of this ordinance and the Land Division Act.
- C. A notice of approval of a proposed division resulting in any parcels of less than one acre in size shall include the following statement: "The Village of Bancroft and its officers and employees are not liable if a building permit is not issued for a resulting parcel because the parcel is less than one acre in size and lacks either public water and sewer or health department approval for on-site water supply and on-site sewage disposal".
- D. A notice of approval of a proposed division shall include the following language: "The approval of this division is not a determination that the resulting parcels comply with other ordinances or regulations".
- E. Any person or entity aggrieved by the decision of the Village of Bancroft regarding a land division request may, within 30 days of said decision, appeal the decision to the Village Council which shall hold a hearing to consider and resolve such appeal by a majority vote of said Board at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- F. A decision approving a land division is effective for 1 year, after which it shall be considered revoked unless within such period a document is recorded with the Shiawassee County Register of Deeds Office and filed with the Village Clerk or other designated official accomplishing the approved land division or transfer.
- G. The Village Clerk shall maintain an official record of all approved and accomplished land divisions or transfers.

Section 7. Standards for Approval of Land Divisions:

A proposed land division shall be approved if the proposed land division complies with all requirements of the Land Division Act and the criteria of this ordinance, as set forth below:

- A. All parcels to be created by the proposed land division fully comply with the minimum width and area requirements of the Village of Bancroft Zoning Ordinance.
- B. All parcels to be created by the proposed land division are accessible according to the

standards of the Shiawassee County Road Commissioner or the Village of Bancroft, whichever is applicable.

- C. The ratio of depth of width of any parcel to be created by the proposed division does not exceed a four to one (4:1) ratio. For purposes of this subsection, depth and width shall be as defined in the Village of Bancroft Zoning Ordinance. The 4 to 1 maximum depth to width ratio applies to all parcels regardless of size, with the exception of the remainder of the parent parcel or parent tract retained by the proprietor. Nevertheless, the Bancroft Village Council may allow a depth to width ratio of grater than 4 to 1 if failure to allow a greater depth to width ratio would result in practical difficulty or unnecessary hardship. Such practical difficulty or unnecessary hardship may consist of, but is not limited to, exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands.
- D. All parcels to be created by the proposed division and which meet the definition of “development site” have adequate easements for public utilities from the parcel to existing public utility facilities.
- E. The number of parcels to be created by division does not exceed the number of parcels allowed by Section 108 of the Land Division Act.

Section 8. Allowance for Approval of Other Land Divisions:

Notwithstanding disqualification from approval pursuant to this ordinance, a proposed land division that does not comply with the minimum width and area requirements (but not including depth to width ratio requirements) of the Village of Bancroft Zoning Ordinance or this ordinance may be approved in any of the following circumstances:

- A. Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the Village of Bancroft, designating the parcel as “not buildable”. Any such parcel shall also be designated as “not buildable” in the Village of Bancroft records, and shall not thereafter be the subject of a request to the Village Zoning Board of Appeals for variance relief from the applicable width and/or area requirements, and shall not be developed with any building or above ground structure exceeding one (1) foot in height.
- B. Where, in circumstances not covered by Paragraph A above, the Village Zoning Board of Appeals has granted a variance from the width and/or area requirements with which the parcel failed to comply.

Section 9. Consequences of Noncompliance with Land Division Approval Requirement:

Any parcel created in noncompliance with this ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval and site plan approval. In addition, violation of this ordinance shall subject the violator to the penalties and enforcement actions set forh

in Section 10 of this ordinance, and as may otherwise be provided by law.

Section 10. Penalties and Enforcement:

Any person who violates any of the provisions of this ordinance and who sells a resulting parcel of land is responsible for the payment of civil fine of not more than \$1,000 for each parcel sold. A default in the payment of a civil fine or costs ordered under this Section or an installment of the fine or costs may be remedied by any means authorized under the Revised Judicature Act of 1961 Public Act 236, being Sections 600.101 to 600.9948 of the Michigan Compiled Laws.

Section 11. Severability:

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

Section 12. Repeal:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed except that this ordinance shall not be construed to repeal any provision in the Village of Bancroft Zoning Ordinance, the Land Division Act, or the Michigan Building Code.

Section 13. Effective Date:

This Ordinance shall take effect twenty (20) days after its publication, as set forth hereafter.

Date of Adoption: March 8, 2006

Date of Publication: March 22nd, 2006

Effective Date: April 11th 2006

By: Tanya Buckelew
Tanya Buckelew, Village President

By: Shana Post
Shana Post, Village Clerk

STATE OF MICHIGAN)
 ss
COUNTY OF SHIAWASSEE)

I, the undersigned, and duly qualified and acting City Clerk of the Village of Bancroft, Shiawassee County, Michigan, DO HEREBY CERTIFY that the foregoing was introduced at a regular meeting of the Bancroft Village Council on the 8th day of March, 2006. and was duly adopted..



Shana Post, Bancroft Village Clerk