

202.000 LAND DIVISION ORDINANCE

Ord. No. 1997-8 as amended

Adopted: May 28, 1997

An Ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

The Charter Township of Union, Isabella County, Michigan, ordains:

202.001 Title.

Sec. I. This ordinance shall be known and cited as the Charter Township of Union Land Division Ordinance.

202.002 Purpose.

Sec. II. The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control 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 township by establishing reasonable standards for prior review and approval of land divisions within the township, including the division of lots within a platted subdivision.

(Ord. No. 1997-10, 7-9-97)

202.003 Definitions.

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

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "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 State Land Division Act.
- C. "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; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.
- D. "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.

(Ord. No. 2018-06, § III, 11-28-18)

202.004 Prior approval requirement for land divisions.

Sec. IV. Land in the Charter Township of Union, including lots in platted subdivisions, shall be divided in accordance with this ordinance and the State Land Division Act:

- 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 Ordinance.

(Ord. No. 1997-10, 7-9-97; Ord. No. 2018-06, § IV, 11-28-18)

202.005 Application for land division approval.

Sec. V. An applicant shall file all the following with the Township Assessor for review by the assessor and zoning official 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. A completed application form on such form as may be provided by the Township.
- B. Proof of fee ownership of the land proposed to be divided.
- [C.] A tentative parcel map of the land proposed to be divided, drawn to scale, including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and accessibility from existing or proposed public roads for automobile and public utilities.
- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. The history and specifications of the land sufficient to establish that the proposed division complies with Section 108 of the State Land Division Act.
- F. If transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- G. Unless a division creates a parcel which is acknowledged and declared to be "not a development site", all divisions shall result in "buildable" parcels with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, approved on-site sewage disposal and water well locations (where public water and sewer service is not available) access to existing public utilities and public roads, and maximum allowed area coverage of buildings and structures on the site. Declared agricultural land and land for forestry use shall not be subject to the foregoing as "development sites" as provided in the State Land Division Act at Section 102.
- H. The fee as may from time to time be established by resolution of the Township Board of Trustees for land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.
- I. A copy of any and all subdivision deed restrictions, if applicable.

(Ord. No. 1997-10, 7-9-97; Ord. No. 2018-06, § V, 11-28-18)

202.006 Procedure for review of applications for land division approval.

Sec. VI.

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- A. Upon receipt of the land division application package, the Township Assessor shall review the application for compliance with the provisions of this Ordinance and the State of Michigan Land Division Act, and shall submit them forthwith to the Township Zoning Official, who shall likewise review the package for compliance with the Township's Zoning Ordinance. These two officials shall approve or disapprove the proposed division within 45 days after the application has been filed. The Township assessor shall promptly notify the applicant of the decision and reason for denial if denied. If the application package does not conform to this Ordinance[s] requirements and the State Land Division Act, the assessor shall return the same to the applicant for completion and refiling in accordance with this Ordinance and the State Land Division Act.
 - B. Any person or entity aggrieved by the decision of the Township assessor and zoning official may, within 30 days of said decision appeal the decision to the Zoning Board of Appeals which shall 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.
 - C. A decision approving a land division is effective for 60 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and a recorded copy is filed with the Township Assessor accomplishing the approved land division or transfer.
 - D. The assessor shall maintain an official record of all approved and accomplished land divisions or transfers.

(Ord. No. 2018-06, § VI, 11-28-18)

202.007 Standards for approval of land divisions.

Sec. VII. A proposed land division shall be approved if the following criteria are met:

- A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the applicable zoning ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot width to depth ratio, and maximum lot (parcel) coverage and minimum set-backs for existing buildings/structures, or have received a variance from such requirements from the Zoning Board of Appeals.
- B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
- C. All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of all applicable ordinances.
- D. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-development sites. The permissible depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

The width of a parcel shall be measured at the abutting road right-of-way line, or as otherwise provided in any applicable ordinance.

- E. No lot in a recorded plat shall be divided into more than four parts, and the resulting lots shall not be less in area than permitted by the township Zoning Ordinance, or by subdivision deed restrictions.

202.008 Consequences of noncompliance with land division approval requirement.

Sec. VIII. 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 or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this ordinance shall subject the violator to the penalties and enforcement actions set forth in Section IX [202.009] of this ordinance, and as may otherwise be provided by law.

202.009 Penalties and enforcement.

Sec. IX.

- [A.] Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.
- [B.] Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

202.010 Severability.

Sec. X. 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.

202.011 Repeal.

Sec. XI. 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 Township Zoning Ordinance, the Township Subdivision Control Ordinance, or the Township Building Code.

202.012 Effective date.

Sec. XII. This ordinance shall take effect seven days following its publication after adoption.