

200.000 LOT DIVISION IN RECORDED PLATS ORDINANCE

Ord. No. 1991-11

Adopted: June 26, 1991

An Ordinance to Regulate the Division of Lots in Recorded Plats in the Charter Township of Union, Isabella County, Michigan; to Regulate the Division of Lots in Recorded Plats, to Set Forth a Procedure for Township Board Approval of Such Lot Divisions, and to Prescribe Penalties for the Violation of the Provisions of this Ordinance.

THE CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN ORDAINS:

200.001 Title.

Sec. I. This Ordinance shall be known as the "Lot Division In Recorded Plats Ordinance."

200.002 Purpose.

Sec. II. The purpose of this Ordinance is to regulate and control the division of lots in recorded plats within the Charter Township of Union in order to promote the public safety, health, and general welfare.

200.003 Authority.

Sec. III. This Ordinance is enacted pursuant to the authority granted by the Subdivision Control Act of 1967, Act 288 of the Public Acts of 1967, as amended, Section 263 and Act 246 Public Acts of 1945, as amended, which authorizes Township boards to adopt ordinances to secure the public health, safety, and general welfare.

200.004 Lot division in recorded plats.

Sec. IV.

- A. The division of a lot in a recorded plat is prohibited, unless approved following application to the Charter Township of Union Board (hereinafter "Township Board"). The application shall be filed with the Charter Township of Union Zoning Official (hereinafter "Zoning Official") and shall state the reasons for the proposed division. The Zoning Official shall refer the application to the Charter Township of Union Planning Commission (hereinafter "Planning Commission") for a recommendation to the Township Board. The Planning Commission shall then forward their recommendations to the Township Board which shall decide whether to accept or reject the Planning Commission's recommendation. No lot in a recorded plat shall be divided into more than four parts and the resulting lots shall be not less in area than 65 feet wide at the front line or less than 12,000 square feet in area unless the Township Zoning Ordinance allows for lots of a lesser size and sewer and water are available to the lot. No building permit shall be issued, or any building construction commenced, unless the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the County or District Health Department. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form and shall contain a drawing showing the dimensions and description of each part of the lot as proposed for dividing.

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- B. Approval of the division of a lot in a recorded plat shall be contingent on an agreement in writing by the applicant that any sales contract, deed or any other document presented for recording at the office of the County Register of Deeds shall be accompanied by a copy of the written approval of the Township Board and a copy of the drawing of the lot as approved for dividing.

200.005 Enforcement and penalties for failure to comply with this Ordinance.

Sec. V. Any person who shall violate any of the terms of this Ordinance shall, upon conviction in a court of competent jurisdiction, be guilty of a misdemeanor and be subject to a fine of not more than \$500.00 or to imprisonment for a period of not more than 90 days, or both, plus costs of prosecution. Nothing contained in this Ordinance shall prevent the Township Board, public official, or private citizen from taking lawful action as is necessary to restrain or prevent any violation of this Ordinance or the Michigan Subdivision Control Act.

200.006, 200.007 [Reserved.]

200.008 Severability.

Sec. VIII. The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

200.009 Effective date.

Sec. IX. This Ordinance will take effect 30 days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.