

Chapter 34

SUBDIVISIONS AND OTHER DIVISIONS OF LAND*

* **Cross References:** Buildings and building regulations, ch. 10; streets, sidewalks and other public places, ch. 30; utilities, ch. 42; zoning, ch. 46.

State Law References: Land Division Act, MCL 560.101 et seq.

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Sec. 34-1. Purpose of chapter.

The purpose of this chapter is to carry out the provisions of the Land Division Act (MCL 560.101 et seq.), to prevent the creation of parcels of property which do not comply with applicable ordinances and the Land Division 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.

(Ord. No. 36, § II, 10-2-2000)

Sec. 34-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land, whether recorded or not.

Divide and *division* mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his 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 (MCL 560.108, 560.109). The terms "divide" and "division" do not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act (MCL 560.101 et seq.), this chapter, and other applicable ordinances.

Exempt split and *exempt division* mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his 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.

Forty acres or the equivalent means 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. 36, § III, 10-2-2000)

Cross References: Definitions generally, § 1-2.

State Law References: Similar provisions, MCL 560.102.

Sec. 34-3. Approval required; exemptions.

Land in the township shall not be divided without the prior review and approval of the township assessor, or other official designated by the township board, in accordance with this chapter and the Land Division Act (MCL 560.101 et seq.); provided that the following shall be exempted from this requirement:

(1) A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act (MCL 560.101 et seq.).

(2) A lot in a recorded plat proposed to be divided in accordance with the Land Division Act (MCL 560.101 et seq.).

(3) An exempt split as defined in this chapter.

(Ord. No. 36, § IV, 10-2-2000)

Sec. 34-4. Application for approval.

(a) *Contents.* An applicant shall file all of the following with the township assessor or other official designated by the township board for review and approval of a proposed land division before making any division either by deed, land contract, or lease for more than one year, or for building development:

(1) A completed application on such form as may be approved by the township board.

(2) Proof of fee ownership of the land proposed to be divided.

(3) A tentative parcel map, drawn to scale, including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities.

(4) Proof that all standards of the Land Division Act (MCL 560.101 et seq.) and this chapter have been met.

(5) The history and specifications of the land proposed to be divided sufficient to establish that the proposed division complies with section 108 of the Land Division Act (MCL 560.108).

(6) If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.

(b) *Parcel requirements.* 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 this subsection as "development sites" as provided in section 102 of the Land Division Act (MCL 560.102).

(c) *Fee.* The applicant shall pay a fee as may from time to time be established by resolution of the township board for land division reviews pursuant to this chapter to cover the costs of review of the application and administration of this chapter and the Land Division Act (MCL 560.101 et seq.).
(Ord. No. 36, § V, 10-2-2000)

Sec. 34-5. Approval procedure; appeals; records.

(a) The assessor or other designee shall approve, approve with reasonable conditions to ensure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 30 days after receipt of the application package conforming to the requirements of this chapter, and shall promptly notify the applicant of the decision and the reasons for any denial. If the application package does not conform to the requirements of this chapter and the Land Division Act (MCL 560.101 et seq.), the assessor or other designee shall return the application package to the applicant for completion and refiling in accordance with this chapter and the Land Division Act (MCL 560.101 et seq.).

(b) Any person aggrieved by the decision of the assessor or designee may, within 30 days of such decision, appeal the decision to the township board or such other body or person designated by the township board, which shall consider and resolve such appeal by a majority vote of the board or by the designee at its next regular meeting or session affording sufficient time for a 20-day written notice to the applicant (and the appellant where other than the applicant) of the time and date of the meeting and appellate hearing.

(c) The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

(Ord. No. 36, § VI, 10-2-2000)

State Law References: Plat approval, MCL 560.105 et seq.

Sec. 34-6. Standards for approval.

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

- (1) All the parcels to be created by the proposed land division fully comply with the applicable lot (parcel), yard and area requirements of pertinent ordinances, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, and maximum lot (parcel) coverage and minimum setbacks for existing buildings/structures, or have received a variance from such requirements from the zoning board of appeals.
- (2) The proposed land division complies with all requirements of the Land Division Act (MCL 560.101 et seq.) and this chapter.
- (3) 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.

- (4) 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 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 or right-of-way line, or as otherwise provided in any applicable ordinances.

(Ord. No. 36, § VII, 10-2-2000)

Sec. 34-7. Violations.

Any parcel created in noncompliance with this chapter shall not be eligible for any building permits, or zoning approvals, such as conditional 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 chapter shall be a misdemeanor.

(Ord. No. 36, § VIII, 10-2-2000)