CHAPTER 13

LAND DIVISIONS

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, being the Land Division Act and Act 246 of 1945, as amended, being the Township general ordinance statute; to provide a procedure therefor and require Township approval for certain divisions; to repeal any Ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this Ordinance.
(Ord. No. 30 of 2002)

SECTION 13.00 – TITLE

This Chapter shall be known and cited at the Rives Township Land Division Ordinance.
(Ord. No. 30 of 2002)

SECTION 13.01 – PURPOSE

The purpose of this Chapter is to establish requirements and procedures for obtaining Township approval of land divisions in accordance with the State Land Division Act, PA 288 of 1967, as amended, formerly known as the Subdivision Control Act, herein referred to as the "Act;" to prevent the creation of parcels of property which do not comply with applicable ordinances and the Act; to minimize potential boundary disputes; to maintain orderly development of the community; and to otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable and necessary standards and requirements for prior review and approval of land divisions within the Township.

SECTION 13.02 – DEFINITIONS

Certain words and phrases used in this Chapter shall have the meanings stated in this section. Other words and phrases, if defined by the Act, shall have the meaning stated in the Act.

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. **"Parent Parcel"** means a parcel or tract lawfully in existence on March 31, 1997.

C. **"Divide"** or **"Division"** the partitioning or splitting of a parcel or tact 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. "Divide" and Division" does 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 State Land Division Act, and the requirements of other applicable local ordinances.

D. **"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.

E. **"Resulting Parcel"** means one or more parcels that result from a land division.

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. **"Governing body"** the Rives Township Board.

H. **"Accessible"** means that each parcel created or remaining adjoins an existing public or private road from which access to streets shall be obtained. The width of frontage on the public or private road shall be measured at the right-of-way line and shall be not less than the width required for the district under the terms of the Rives Township Zoning Ordinance. There must be an area where a driveway provides vehicular access to the adjoining road or street 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, being sections
247.321 to 247.329 of the Michigan Compiled Laws, and of the Township, or has an area where a driveway can provide vehicular access to the adjoining road or street that meets all such applicable location standards.

I. **"Development site"** means any parcel or lot on which exists or which is intended for building development other than the following:

(i) Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed cops, 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.

(ii) Forestry use involving the planting, management, or harvesting of timber.

SECTION 13.03 – PRIOR APPROVAL REQUIREMENT FOR LAND DIVISION

Land in the Township shall not be divided without the prior review and approval of the Township assessor, or other official designated by the governing body, in accordance with this Chapter and the State Land Division Act, as may be amended from time to time, provided that the following shall be exempted from this requirement:

A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land

Division Act and/or the Township's Subdivision Control Ordinance.

B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act and/or the Township's Subdivision Control Ordinance.

C. An exempt split as defined in this Chapter so long as all of the resulting parcels are accessible.

D. Any division or splitting of land from an inaccessible tract or parcel that results only in parcels that are 20 acres or greater in size, and either the inaccessible tract or parcel was in existence on March 31, 1997, or it was created from a previous exempt division under this subsection or section 109b of the Act.

SECTION 13.04 – APPLICATION FOR LAND DIVISION APPROVAL

Any proprietor or owner of land who proposes a division within the boundaries of Rives Township shall make or obtain a determination as to whether Township review and approval for the proposed division is required or exempt under the provisions of this Chapter and the Act. Whenever Township review and approval is required by this Chapter or the Act, the proprietor shall make application to the Township assessor or other official designated by the governing body and provide all supporting documents and information necessary for the Township to ascertain whether the requirements of this Chapter and the Act are satisfied. The Township's review and approval pursuant to this Chapter and the Act is required prior to making any division either by deed, land contract, lease for more than one year, or for building development. At a minimum, application for land division approval shall include all of the following:

A. A completed application on such form as may be approved by the Township Board.

B. A copy of the warranty deed or other proof acceptable to the Township assessor or other designated person showing that the applicant holds fee ownership of the land proposed for division.

C. Proof of the right to make the proposed division by such evidence as is acceptable to the Township assessor or other designated person and that shows the history and succession of division rights from the parent tract or parcel to the parcel or tract proposed for division. If ownership interest was obtained after March 31, 1997 from a previous division or exempt split, a copy of the deed(s) conveying ownership must specify land division rights.

D. A tentative parcel map drawn to a minimum scale of 1 inch per 100 feet and showing all of the following:

1. Total area of parent parcel.

2. Area, dimensions, legal descriptions and boundary lines of each resulting parcel;

3. Proposed use of each resulting parcel;

4. Location of proposed public development sites;

5. Existing and proposed public utility easements;

6. Existing structures and other improvements; and

7. Accessibility of each resulting parcel for automobile traffic and public utilities.

E. For each resulting parcel that is a development site, adequate easements for public utilities from the parcel to existing public utilities must be established.

F. Proof that all other standards of the State Land Division Act and this Chapter have been met.

G. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed transfer of division rights. A proprietor transferring the right to make future divisions exempt from platting under this Chapter or the Act shall give written notice to the Township Assessor within 45 days of the transfer on the form prescribed by the state tax commission under section 27a of the general property tax, Public Act 206 of 1893, MCL 211.27a.

H. Evidence that there are no unpaid taxes or special assessments upon the property.

I. All applicable fees 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 State Land Division Act.

SECTION 13.05 – PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

A. The Township Assessor or other designee shall approve or disapprove the land division applied for within forty-five (45) days after receipt of a complete application conforming to the requirements of this Chapter and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial in writing. Any notice of approval for a resulting parcel of less than one acre shall contain a statement that the Township is not liable if a building permit cannot be issued for the parcel because the parcel fails to satisfy the requirements of Section 109a of the Act, including approval of on- site water supply and on-site sewage disposal under the standards set forth in Section 104(g) of the Act.

B. Any person or entity aggrieved by the decision of the assessor or designee may, within thirty (30) days of said decision, appeal the decision in writing to the Township Board or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the appellate designee withing thirty (30) days of the filing of the appeal. The applicant shall receive no less than seven (7) days notice of the meeting date at which the appeal will be heard.

C. The assessor or designee shall maintain an official record of all approved and

accomplished land divisions or transfers. The official record shall also be filed with the Township Clerk.

D. Approved land division shall be reorganized by the assessor and placed on the assessed roll in the year immediately following the year of approval. Splits occurring prior to the first (1st) Monday in March may, with written request, be placed on the ensuing assessment roll in the year approved.

SECTION 13.06 – STANDARDS FOR APPROVAL OF LAND DIVISIONS

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

A. All parcels created by the proposed division(s) have a minimum width and a minimum area as required by the Rives Township Zoning Ordinance for the zoning district in which the parcel is located. The lot area used to satisfy the minimum lot width and area requirements shall not include the area in existing or future road rights-of-way.

B. All parcels created and remaining have existing adequate accessibility as defined in this Chapter, or an area available therefor, to an existing public or private road for public utilities and emergency and other vehicles not less than the requirements of the applicable zoning ordinance, major thoroughfare plan, the Township's private road ordinance and this Chapter.

C. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio. The depth of a parcel created by the 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.

D. The proposed land division(s) comply with all requirements of this Chapter and the State Land Division Act.

SECTION 13.07 – CONSEQUENCES OF COMPLIANCE AND NON COMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Any division of land in violation of any provision of this Chapter shall not be recognized as a land division on the Township tax roll or assessment roll until the assessing officer refers the suspected violation or potential non-conformity to the County Prosecuting Attorney and gives written notice to the person requesting the division, and the person suspected of the violation or potential non-conformity of such referral to the Prosecuting Attorney. Any division of land in violation of this Chapter shall not be eligible for any zoning or building permit for any construction or improvement thereto. The Township shall have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Chapter. Any unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

Approval of a division is not a determination that the resulting parcels comply with other

ordinances or regulations. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or other reasons, and any notice of approval shall include a statement to this effect. In addition, not building permit, certificate of zoning compliance, certificate of occupancy, or other use permit shall be issued for any resulting parcel from an approved division unless all applicable provisions of the Rives Township Zoning Ordinance, Subdivision Control Ordinance, and other applicable Township ordinances are fully complied with.

SECTION 13.08 – PENALTIES

Any person who violates any of the provisions of this Chapter 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.

Any person who violates any of the provisions of this Chapter shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

SECTION 13.09 – SEVERABILITY

The provisions of this Chapter 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 Chapter other than said part or portion thereof.

SECTION 13.10 – REPEAL.

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Chapter are hereby repealed, however, this Chapter shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

SECTION 13.11 – ADOPTION HISTORY

The provisions stated in this Chapter were first made effective by the adoption of Ordinance No. 30 on April 2, 2002.