

LAND DIVISION ORDINANCE

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.

This ordinance shall be known and cited as the Lynn Township Land Division Ordinance.

THE TOWNSHIP OF LYNN ORDAINS:

SECTION I. PURPOSE

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.

SECTION II. DEFINITIONS

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. "Divide" 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 Section 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 or the requirements of other applicable local ordinances.
- 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, successor or assign, that does not result in one or more parcels of less than 40 acres or the equivalent.
- 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.
- E. "Governing Body" – the Lynn Township Board.

SECTION III. PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

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 Ordinance and the State 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 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, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997 or resulted from exempt splitting under the State Act.

SECTION IV. APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township Assessor or other official designated by the governing body 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. Four (4) copies of the completed application form.
- B. Four (4) copies of a survey of the proposed division prepared by a Registered Surveyor in the State of Michigan, except that, in cases where all the parcels to be created are greater than ten (15) acres each, a tentative parcel map drawn to scale may be submitted in lieu of a survey. The survey or tentative parcel map shall contain the following information:
 - 1. Name and address of the applicant and surveyor (if applicable),
 - 2. The date of the survey or date that the tentative parcel map was prepared, north arrow and scale;
 - 3. Boundary lines and acreage of the parcel or parcels to be divided, including boundary lines and acreage of entire parent parcel;
 - 4. Names of all streets, rights-of-way and roadway widths of all existing and proposed streets within the parcel or parcels proposed to be divided;
 - 5. All existing structures (including theft distance from existing and proposed property lines sufficient to demonstrate compliance with zoning setback requirement(s) and physical features which would influence the layout and design of the proposed division;
 - 6. The location, width and purpose of any and all easements.
- C. Proof of fee ownership of the land proposed to be divided.
- D. An accurate legal description of each proposed division.
- E. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- 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. A reasonable fee, as may be established from time to time by resolution of the Township Board, to cover the costs of review of the application and administration of the Ordinance and the State Land Division Act.

SECTION V. PROCEDURE FOR REVIEW OF APPLICATION FOR LAND DIVISION APPROVAL

- A. The Township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for the denial.
- B. Any person or entity aggrieved by the decision of the assessor designee may, within 30 days of said decision appeal the decision to the Township Board or such other board or person designated by the Township Board which shall consider and resolve such appeal by a majority vote of said 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 appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. The Township Assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction of the parcels are subsequently denied because of inadequate water

supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement of this effect.

SECTION VI. 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 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 ordinances, 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.
- B. All 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 the applicable Zoning Ordinance, major thoroughfare plan, mad ordinance or this Ordinance.
- D. The ratio of depth to width of any parcel created by the division shall not exceed a four to one ratio exclusive of access roads or easements. The ratio does not apply to parcels larger than 40 acres and does not apply to remaining of the parent tract retained by the proprietor.

SECTION VII. CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township Tax roll or Assessment roll and no construction thereon which require the prior issuance of a construction or building permit shall be allowed. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance.

An 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.

SECTION VIII. SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion thereof, other than the part declared void or inoperable.

SECTION IX. REPEAL

All Ordinances in conflict herewith are hereby repealed; however, this ordinance shall not be construed to repeal any provision in an 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 X. EFFECTIVE DATE

This ordinance shall become effective upon publication after adoption.

SECTION XI. INSPECTION OF ORDINANCE

A copy of this Ordinance may be inspected or purchased at the Township Clerk's office, 7280 Cade Road, Imlay City, MI 48444, during regular posted office hours.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance Number 31, duly adopted by the Township Board of the Township of Lynn, St. Clair County, Michigan, at a regular meeting held on the 9th day of January, 2002, at which all members were present except Kalbfleisch and Tonkman, and that said meeting was conducted and public notice of said meeting was give pursuant to and in full compliance with the Open Meetings Act, Being Act 267, Public Acts of Michigan, 1976, and that minutes of said meeting were kept and have been or will be made available as required by said Act.

I further certify that Member Mandeville moved adoption of said Ordinance and that member Delia supported said motion.

I further certify that the following Members voted for adoption of said Ordinance: Mandeville, Delia, Ferrett, and that the following Members voted against adoption of said Ordinance: None

I further certify that the following events and dates occurred in the adoption of this Ordinance.

Date Adopted: 01/09/02
Date Published after Adoption: 01/30/02
Effective Date: 02/16/02

Clerk