

BATES TOWNSHIP LAND DIVISION ORDINANCE

ORDINANCE NUMBER 207, ADOPTED: March 11, 2009

AN ORDINANCE REGULATING THE PARTITIONING OR DIVISIONS OF PARCELS OR TRACTS OF LAND, in accordance with the provisions of the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, *et seq.*) and the Township Ordinances Act, Public Act 246 of 1945, as amended, (MCL 41.181, *et seq.*), being a Township General Ordinance to provide a procedure therefore; to repeal any conflicting ordinance or provision; and to provide penalties and enforcement remedies for the violation of this ordinance.

The Township Board of the Township of Bates, Iron County, Michigan ordains:

Section 1: Title

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

Section 2: Purpose

The purpose of this ordinance is to carry out the provisions of the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, *et seq.*), formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and this 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 3: Definitions

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

A. "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.

B. "Divide" or "Division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his/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 Land Division Act (MCLs 560.108 and 560.109). "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 Land Division Act, the requirements of the Bates Township Zoning Ordinance, or other applicable law or ordinances.

C. "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his/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.

D. "Forty acres or the equivalent" means 40 acres, or a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

Section 4: Prior Approval Requirement for Land Divisions

Land in the Township shall not be divided without the prior review and approval by the Township Assessor and the Zoning Administrator, or other official designated by the Township Board, in accordance with this ordinance, the Land Division Act, and the Township Zoning Ordinance; provided that the following shall be exempted from the assessor approval requirement:

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

B. A lot in a recorded plat proposed to be divided in accordance with the 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 Act.

Section 5: Application for Land Approval

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, lease for more than one year, or for building development:

A. A completed application form on the application form approved by the Township Board.

B. Proof of fee ownership of the land proposed to be divided.

C. A tentative survey 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 for automobile traffic and public utilities.

D. Proof that all standards of the Land Division Act and this Ordinance have been met.

E. 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.

F. A fee of \$_____ to cover the costs of review of the application and administration of this Ordinance and the Land Division Act, subject to change by action of the township Board. If the application package does not conform to this Ordinance and the Township's application form requirements, it shall be returned to the applicant for completion and re-filing in accordance with the terms of this Ordinance.

Section 6: Procedure for Review of Applications 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 Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.

B. Any person or entity aggrieved by the decision of the Assessor or designee may, within 30 days of said decision appeal the decision to the Bates Township Board, or such other body designated by the Township Board, 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/or appellant, of the time and date of said meeting and appellate hearing.

C. The Assessor or township 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 zoning requirements or other ordinances or regulations of the township.

E. The Township and its officers and employees shall not be liable for approving a land division if zoning, building or other 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.

Section 7: Standards for Approval of Land Divisions

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

A. All parcels created or remaining by the proposed division(s) must meet applicable lot, yard and area requirements of the Bates Township zoning ordinance.

B. Each resulting parcel has a depth of not more than 4 times the width, 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 ratios of depth to width do not apply to parcels larger than 10 acres. Permissible minimum widths shall be defined in the Bates Township Zoning Ordinance.

C. The proposed land division complies with all requirements of this Ordinance and the Land Division Act, the Bates Township Zoning Ordinance, and any other applicable Federal, State, County or Township ordinances or Laws.

D. All parcels created and remaining have existing adequate accessibility to a public road, or approved private road, that is available for public utilities and emergency and other vehicles.

Section 8: Consequences of Noncompliance with Land Division Approval Requirement

Any parcel created in violation of or in noncompliance with any provision of this Ordinance, shall not be eligible for any land use permits, building permits, or zoning approvals, and shall not be recognized as a land division or as a separate parcel on the Township assessment roll.

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, including actual attorney fees, to which the Township has been put in connection with the municipal civil infraction and enforcement of this ordinance.

Pursuant to Section 267 of the Land Division Act (MCL 560.267), 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 therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

Section 9: Administrative Liability

No officer, Agent or employee of Bates Township shall be personally liable for any damages that may accrue to any person as a result of any act required or permitted in the discharge of his or her duties under or in the enforcement of this Land Division Ordinance.

Section 10: Severability

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.

Section 11: Repeal

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

Section 12: Effective Date

This ordinance shall take effect upon publication following its adoption.

THIS LAND DIVISION ORDINANCE WAS ADOPTED AND APPROVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF BATES, IRON COUNTY, MICHIGAN, THIS _____TH DAY OF _____ 2009.

Grant Helgemo, Bates Township Supervisor

Barbara Moncivias, Bates Township Clerk