

ORDINANCE NO. 101

**LAND DIVISION ORDINANCE**

AN ORDINANCE TO REGULATE THE DIVISIONS OF PARCELS OF LAND IN LAKETOWN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN; TO PROVIDE FOR APPLICATIONS FOR THE APPROVAL OF DIVISIONS OF PARCELS OF LAND AND THE PROCEDURES TO BE FOLLOWED AND CRITERIA TO BE CONSIDERED IN ACTING UPON SUCH APPLICATIONS; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF LAKETOWN, COUNTY OF ALLEGAN, AND STATE OF MICHIGAN ORDAINS:

Section 1. Purpose. The purpose of this Ordinance is to regulate the splitting of Parcels in Laketown Township (the "Township") which are not subject to the platting process of Act No. 288 of the Public Acts of 1967, as amended (the "Land Division Act"). The reasons for this Ordinance include the following, without limitation:

- A. Monitoring the creation of new Parcels;
- B. Preventing illegal splits of Parcels;
- C. Informing and educating property owners about the types of Parcels which may be created under this Ordinance and applicable state law;
- D. Protecting innocent third parties from purchasing substandard Parcels;
- E. Preventing the creation of Parcels without adequate access; and
- F. Implementing an orderly procedure for splitting Parcels.

Section 2. Definitions.

- A. "Accessible," in reference to a Parcel, means that the Parcel meets one or both of the following requirements.
- (1) The Parcel has an area where a driveway provides or can provide vehicular access to an existing road or street and meets all applicable location standards of the Township, the Allegan County Road Commission and the state transportation department under Act No. 200 of the Public Acts of 1969, being sections 247.321 to 247.329 of the Michigan Compiled Laws.
  - (2) The Parcel is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the Township, the Allegan County Road Commission and the state transportation department under Act No. 200 of the Public Acts of 1969; or the Parcel can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.
- B. "Development Site" means any Parcel on which building development exists or which is intended for building development, other than agricultural or forestry uses as those uses are defined in Section 102(k) of the Land Division Act.
- C. "Division" means the partitioning or splitting of a Parcel or Tract of land by the proprietor thereof or by the proprietor's 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. 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 and the requirements of all applicable Township ordinances.
- D. "Exempt Split" means the partitioning or splitting of a Parcel or Tract of land by the proprietor or by the proprietor's 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. For a property transfer between two or more adjacent Parcels, if the property taken from one Parcel is added to an adjacent Parcel, any resulting Parcel shall not be considered a building site unless the Parcel conforms to the requirements of the Land Division Act and the requirements of all applicable Township ordinances.

- E. "Forty acres or the equivalent" or "40 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.
- F. "Parcel" means a continuous area or acreage of land which can be described as provided for in the Land Division Act.
- G. "Parcel Depth" means the same as "lot depth," as defined in the Zoning Ordinance.
- H. "Parcel Width" means the same as "lot width," as defined in the Zoning Ordinance.
- I. "Parent Parcel" or "Parent Tract" means a Parcel or Tract, respectively, lawfully in existence on March 31, 1997.
- J. "Tract" means two or more parcels that share a common property line and are under the same ownership.
- K. "Zoning Ordinance" means the Laketown Township Zoning Ordinance, as amended.

Section 3. Approval of Land Divisions.

- A. Divisions of land must be reviewed by and receive the prior written approval from the Township Assessor and the Zoning Administrator. The following are not subject to the requirements of this Ordinance:
  - A. A Parcel proposed to be subdivided through a recorded plat pursuant to the Land Division Act;
  - B. A lot in a recorded plat proposed to be partitioned or divided pursuant to the Land Division Act;
  - C. An Exempt Split as defined in this Ordinance.
- B. No new Parcel shall be created nor shall any new Parcel be sold or in any way developed or improved unless there has been prior written approval pursuant to Section 3.A of this Ordinance. Unless prior written approval has been granted pursuant to Section 3.A, no building, zoning or other permit or approval shall be granted with respect to a new Parcel and any such new Parcel shall not be recognized as a separate Parcel on the tax assessment roll or assigned a tax parcel identification number.
- C. To obtain approval of a Division, an application shall be filed with the Township Assessor. The application shall include all of the components specified in Section 5 of this Ordinance.

- D. The Township Assessor and the Zoning Administrator shall approve a proposed Division within the time period required by the Land Division Act (i.e. 45 days at the adoption of this Ordinance) if the criteria and requirements of the Land Division Act and this Ordinance are met. The time period for approval shall not commence until a complete signed application accompanied by all required supporting documents and required fees have been filed with the Township Assessor.
- E. The Township shall maintain a record of all approved and accomplished Divisions and transfers.

Section 4. Criteria for Land Division. A Division shall be approved if the following criteria are met.

- A. The Division must comply with the Land Division Act and this Ordinance.
- B. Each resulting Parcel shall have a ratio of Parcel Depth to Parcel Width which does not exceed four to one. This requirement shall not apply to the remainder of the Parent Parcel, nor shall it apply to a Parcel larger than 10 acres. Further, the requirement may be relaxed and a greater ratio allowed by the Township based upon a consideration of the following factors:
  - (1) The topographical conditions of the Parcel;
  - (2) The physical conditions of the Parcel; and
  - (3) The compatibility of the Parcel with surrounding land.
- C. Each resulting Parcel shall meet the minimum width and area requirements of the Zoning Ordinance, except where resultant abutting Parcels under the same ownership are combined to more nearly meet, meet, or exceed the requirements of the Zoning Ordinance.
- D. Each resulting Parcel shall be Accessible.
- E. Each resulting Parcel that is a Development Site shall have adequate easements for public utilities from the Parcel to existing public utility facilities.
- F. Each resulting Parcel shall have an adequate and accurate legal description and be included in a tentative Parcel map showing area, Parcel lines, public utility easements, accessibility, and other requirements of the Land Division Act. The tentative Parcel map shall be a scale drawing showing the approximate dimensions of the Parcels.

Section 5. Application Requirements. Each application for a Division must contain the following information.

- A. A completed application form on such form as may be approved from time to time by the Township Board.
- B. Proof of all fee ownership interests in the land proposed to be divided.
- C. An application fee in an amount set from time to time by Township Board resolution to cover the costs of reviewing the application and administering this Ordinance and the Land Division Act.
- D. 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.
- E. Proof that all standards of the Land Division Act and this Ordinance have been met (including proof that the Parcel was lawfully in existence on March 31, 1997, as well as the number, size and date of Divisions after March 31, 1997).

Section 6. Appeal of Denial. If the Township Assessor or the Zoning Administrator denies the requested Division, the applicant(s) may appeal that denial to the Township Board. Any such appeal must be filed in writing with the Township Clerk within 30 days of the denial. The Township Board shall consider and decide the appeal within 30 days after the filing of the appeal with the Township Clerk.

Section 7. Limitation on Approval. 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 otherwise.

Section 8. Penalties. Any person who shall violate a provision of this Ordinance or shall fail to comply with any of its requirements shall be responsible for a municipal civil infraction subject to enforcement procedures as set forth in the Municipal Civil Infractions Ordinance adopted by the Township, and subject to a fine of \$50.00 plus costs and other sanctions for each infraction. Each day during which any violation continues after notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeat violations of this Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any 12 month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be as follows:

- A. The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions; and

- B. The fine for any offense which is a second repeat offense or any subsequent repeat offense, shall be \$500.00, plus costs and other sanctions.

Any Allegan County Deputy Sheriff assigned to the Township pursuant to an agreement between the Township and Allegan County and the Allegan County Sheriff, as well as the Township Manager, are hereby designated as the authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in Court) or municipal civil infraction notices (directing alleged violators to appear at the Laketown Township Municipal Ordinance Violations Bureau).

Section 9. Notification of Violation. Pursuant to MCL 211.53(3); MSA 7.97, the Township Assessor shall notify the owner of any Parcel which violates or is suspected of violating the Land Division Act. The Township Assessor shall also notify the Allegan County Prosecuting Attorney and the Michigan Department of Commerce.

Section 10. Severability. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 11. Administrative Liability. No Township officer, agent, employee or member of the Township Board shall be personally liable for any damage which may occur to any person or entity as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this Ordinance.

Section 12. Repeal. All Ordinances, parts of Ordinances or amendments thereto, any of which are in conflict with the provisions of this Ordinance, are repealed to the extent of such conflict.

Section 13. Effective Date. This Ordinance was approved and adopted by the Township Board on \_\_\_\_\_, 1998. This Ordinance shall take effect 30 days after publication in a newspaper circulating within the Township.

\_\_\_\_\_  
Township Supervisor

\_\_\_\_\_  
Township Clerk

**CERTIFICATE**

I, Robert Jaskulski, the Clerk for the Township of Laketown, Allegan County, Michigan, do hereby certify that the foregoing Laketown Township Land Division Ordinance was adopted at a regular meeting of the Township Board held on \_\_\_\_\_, 1998. The following members of the Township Board were present at that meeting: \_\_\_\_\_

\_\_\_\_\_.

The following members of the Township Board were absent: \_\_\_\_\_

\_\_\_\_\_. The Ordinance was adopted by the Township Board with members of the Board \_\_\_\_\_

\_\_\_\_\_ voting in favor and members of the Board \_\_\_\_\_

\_\_\_\_\_ voting in opposition. Notice of Adoption and Posting of the Ordinance was published in the *Holland Sentinel* on \_\_\_\_\_, 1998.

\_\_\_\_\_  
Robert Jaskulski, Clerk  
Laketown Township

9727208.59