

**LAND DIVISION ORDINANCE  
CHARTER TOWNSHIP OF MONITOR  
BAY COUNTY, MICHIGAN**

**ORDINANCE NO. 50**

**ADOPTED: 01-28-2002  
EFFECTIVE: 03-04-2002**

An ordinance to regulate division or partitioning of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, (Michigan Land Division Act) and Act 246 of 1945, as amended, (Township General Ordinance Act); 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.

**TOWNSHIP OF MONITOR, BAY COUNTY, MICHIGAN, ORDAINS:**

**SECTION I – TITLE**

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

**SECTION II – PURPOSE**

The purpose of this Ordinance is to carry out the provisions of the Michigan Land Division Act (1966 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 III – 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 thereof that holds an ownership interest in land whether recorded or not.
- B. “Divided” 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 Sections 108 and 109 of the Michigan Land Division Act. “Divide” and “Division” does not include a property transfer between two or more adjacent parcels, if the property taken from 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 Michigan 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, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.

#### **SECTION IV – PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS**

Land in the Township shall not be divided without the prior review and approval of the Township in accordance with this Ordinance and the Michigan 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 Michigan Land Division Act.
- B. A lot in a recorded plat proposed to be further divided in accordance with the Michigan Land Division Act and Township Ordinance No. 45, the Subdivision Control Ordinance.
- 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 Michigan Act.

#### **SECTION V – APPLICATION FOR LAND DIVISION APPROVAL**

An applicant shall file all of the following with the Township Assessor. The Assessor shall forward all information to the Township Planner 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 on such form as may be provided by the Township.
- B. Proof of fee ownership of the land proposed to be divided.
- C. 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 for automobile traffic and public utilities.
- D. Proof that all standards of the Michigan Land Division Act and this Ordinance have been met.
- E. Detailed information about the terms and availability of the proposed division rights transfer if a transfer of division rights is proposed in the land transfer.

- F. A fee to cover the costs of review of the application and administration of this Ordinance and the Michigan Land Division Act. The amount of such fee shall be established by resolution of the Township Board.

**SECTION VI – PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL**

- A. The Township Planner 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 Michigan 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 Township Planner may, within 30 days of the 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 said Board, or by the appellate designee, at its next regular meeting or session. Such meeting or session shall be scheduled to afford sufficient time for a written notice to be sent to the applicant (and appellant where other than the applicant) not less than 20 days prior to the meeting. The notice shall show the time, date and place of the meeting and appellate hearing.
- C. The Township Assessor under the direction of the Clerk, shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a division is not determination that the resulting parcels comply with other ordinances or regulations.
- E. The Township and the Township’s officers, employees and consultants shall not be liable for damages resulting from approval of a land division of building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities, Zoning Ordinance requirements and violations of other ordinances or any other reason, and any notice of approval shall include a statement to this effect.

**SECTION VII – STANDARDS FOR APPROVAL OF LAND DIVISIONS**

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

- A. All parcels created by the proposed division(s) have a minimum width as specified by the Monitor Township Zoning Ordinance for the zoning district in which the subject property is located, as amended from time to time.
- B. All such parcels shall contain a minimum area as specified by the Monitor Township Zoning Ordinance for the zoning district in which the property is located, as amended from time to time.

- C. For parcels greater than one acre in area, 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. For parcels equal to or less than one acre in area, the ratio of depth to width of any parcel created by the division does not exceed a three 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 as described in the Zoning Ordinance.

The width to depth ratio requirement may be appealed in accordance with the procedure described in VI. B in the following circumstances:

1. Unusual shape or configuration or excessive depth of the parent parcel.
  2. Narrow or other unusual configuration of the parent parcel.
  3. Existing building placement or site improvements will not accommodate the required width to depth ratio.
  4. Unusual topographic, wetlands, geologic, or other natural features make the required width to depth ratio impractical.
  5. Any other feature(s) determined to be appropriate for consideration by the Township's representatives.
- D. The proposed land division(s) comply with all requirements of this Ordinance, the Zoning Ordinance and the Michigan Land Division Act.
- E. All parcels created and remaining have existing adequate accessibility or an area available therefor, for public utilities and emergency and other vehicles.

### **SECTION VIII – CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISIONS APPROVAL REQUIREMENT**

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division of the Township tax roll and no construction thereon which requires the prior issuance of a 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 IX – 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 X – REPEAL**

This Ordinance shall not be construed to repeal any provision in the Zoning Ordinances or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

**SECTION XI – EFFECTIVE DATE**

This Ordinance shall be published in a newspaper of general circulation within the Township of Monitor, Bay County, Michigan and shall take effect the 31<sup>st</sup> day after publication.

**THE CHARTER TOWNSHIP OF MONITOR**

Date of 1<sup>st</sup> reading:  
January 14, 2002

BY: \_\_\_\_\_  
MARVIN E. NEUMEYER, Supervisor

Date of 2<sup>nd</sup> reading:  
January 28, 2002

BY: \_\_\_\_\_  
CINDY L. KOWALSKI, Clerk