

**TOWNSHIP OF ALGANSEE
COUNTY OF BRANCH, MICHIGAN**

At a regular meeting of the Township Board of the Township of Algansee, Branch County, Michigan, held at the Township Hall, in said Township, on the ____ day of _____, 2005, at ____ p.m.

PRESENT: Members _____

ABSENT: Members _____

The following ordinance was offered by Member, _____, and supported by Member, _____.

The Township of Algansee ordains:

ORDINANCE NO. _____

AN ORDINANCE to regulate the division of parcels or tracts of land in order to carry out the provisions of Michigan Public Act 288 of 1967, as amended, being the Land Division Act; to establish minimum requirements and procedures for the approval of such land divisions and to prescribe penalties for the violation of this ordinance.

SECTION 1. TITLE AND PURPOSE

- 1.1 This ordinance shall be known and may be cited as the Algansee Township Land Division ordinance.
- 1.2 The purpose of this ordinance is to carry out the provisions of the Land Division Act, Michigan Public Act 288 of 1967, as amended (the "Act"), including without limitation Sections 105 and 109(5) thereof, in order to prevent the creation of parcels of land which do not comply with the Act or with applicable Township ordinances; to provide for the orderly development of land and otherwise to provide for the health, safety and welfare of the residents and property owners of the Township by establishing minimum requirements for review and approval of certain land divisions within the Township.
- 1.3 This ordinance shall not be construed to repeal, abrogate, rescind, or otherwise to impair or interfere with provisions of other ordinances of the Township.

SECTION 2. DEFINITIONS

- 2.1 Certain words and phrases used in this Ordinance shall have the meanings stated in this section. Other words and phrases, if defined by the Act shall have the meanings stated in the Act.
- 2.2 "Administrator" means Township Planning Chairperson and Township Assessor.
- 2.3 "Division" or "land division" means 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 (as defined in the Act), and that satisfies the requirements of Section 108 and 109 of the Act. Division does not include a property transfer between two or more adjacent parcels, if the land taken from one parcel is added to an adjacent parcel.

- 2.4 “Exempt split” means 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.
- 2.5 “Parcel” means a contiguous area of land which can be described as stated in Section 102(g) of the Act.
- 2.6 “Parent Parcel” or “parent tract” means a parcel or tract, respectively, lawfully in existence on March 31, 1997.
- 2.7 “Road authority” means the governmental authority having jurisdiction of a public road or public street.
- 2.8 “Resulting parcel(s)” means one or more parcels which result from a land division
- 2.9 “Tract” means two or more parcels that share a common property line and are under the same ownership.

SECTION 3 LAND DIVISION APPROVAL REQUIRED

- 3.1 Any partitioning or splitting of land which requires the approval of the Township in order to qualify as a land division under the Act shall satisfy the requirements of Sections 4 and 5 and other applicable provisions of this Ordinance.

SECTION 4 APPLICATION FOR LAND DIVISION APPROVAL

- 4.1 A proposed land division shall be filed with the Administrator and shall include the following:
 - (b) A completed application, on such written form as the Township may provide, including any exhibits described therein:
 - (b) Proof of an ownership interest in the land which is the subject of the proposed division, or written consent to the application, signed by the owner of such land.
 - (b) 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.
 - (b) The requirements of subparagraph (c) do not apply to any resulting parcel which is 40 acres or larger, as long as such parcel satisfies the requirements of Section 5.1(b) below.
 - (b) Other information reasonably required by the Administrator in order to determine whether the proposed land division qualifies for approval.
 - (b) Payment of the application fee and other applicable fees and charges established by resolution of the Township Board.

- 4.2 A proposed division shall not be considered filed with the Township, nor shall the time period stated in subsection 5.3 commence, until all the requirements for an application for land division approval have been complied with.

SECTION 5 MINIMUM REQUIREMENTS FOR APPROVAL OF LAND DIVISIONS

- 5.1 A proposed land division shall be approved by the Administrator upon satisfaction of all of the following requirements:

- (a) The application requirements of Section 4.
- (b) Each resulting parcel shall have a means of vehicular access to an existing street or road from an existing or proposed driveway or access easement. Such means of access shall comply with all applicable location standards of the governmental authority having jurisdiction of the existing street or road. If a driveway or access easement does not lawfully exist at the time a division is proposed, the applicant shall also comply with the requirements of subsection 5.2.
- (c) The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.
- (d) Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.
- (e) Each resulting parcel shall have the depth to width ratio specified by the township zoning ordinance for the zoning district(s) in which the resulting parcel is located. If the Township zoning ordinance does not specify a depth to width ratio, each resulting parcel which is 10 acres or less in area shall have a depth which is not more than four times the width of the parcel. The width and depth of the resulting parcel shall be measured in the same manner by the Township zoning ordinance for the measuring of the minimum width and maximum depth of parcels.
- (f) All resulting parcels to be created by the proposed land division(s) shall fully comply with the applicable lot area and lot width requirements of the Township zoning ordinance for the zoning district(s) in which the resulting parcels are located.

- 5.2 If a means of vehicular access to a resulting parcel does not lawfully exist at the time a land division is applied for the proposed division shall not be approved unless the following requirements are satisfied:

- (a) If a driveway is proposed as a means of access, each resulting parcel shall have an area where a driveway will lawfully provide vehicular access in compliance with applicable Township ordinances.
- (b) If an easement is proposed as a means of access, the proposed easement shall be in writing and signed by the owner of the parcel(s) within which the easement is to be located. Such easement shall provide a lawful means of access over and across such parcel(s) in compliance with applicable Township ordinances.
- (c) If a new public road or street is proposed as a means of access, the applicant shall provide proof that the road authority having jurisdiction has approved the proposed layout and construction design of the road or street and utility easements and drainage facilities associated therewith.

- 5.3 The Administrator shall approve or disapprove a proposed land division within 45 days after the complete filing of the proposed division with the Administrator, and shall provide the applicant with written notice of such approval or disapproval. If disapproved, the Administrator shall provide the applicant with a description of the reasons for disapproval. Any notice of approval for a resulting parcel of less than one acre in size shall contain a statement that the Township is not liable if a building permit is not issued for the parcel for the reason that 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 105(g) of the Act.
- 5.4 An applicant aggrieved by the decision of the Administrator may, within 30 days of the decision, file a written appeal of the decision to the Township Board, which shall consider and decide the appeal by a majority vote of the members present and voting at a public meeting. At least 10 days' written notice of the date, time and place of the meeting at which the appeal is to be considered shall be given to the applicant by regular, first-class mail, directed to the applicant's address as shown in the application or in the written appeal. The Township Board may affirm or reverse the decision of the Administrator, in whole or in part, and its decision shall be final.

SECTION 6 APPROVAL OF LAND DIVISIONS

- 6.1 The Administrator shall maintain a record of all land divisions approved by the Township.
- 6.2 A decision approving a land division shall be effective for not more than 180 days after approval by the Administrator or, if appealed, by the Township Board, unless either of the following requirements is satisfied within such 180-day period:
- (a) A deed or other recordable instrument of conveyance, accurately describing the resulting parcel(s) other than the remainder of the parent parcel or parent tract retained by the applicant, shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator, or
 - (b) A survey accurately showing the resulting parcel(s) shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator. Such survey shall comply with the minimum requirements of Public Act 132 of 1970, as amended.

If neither paragraph (a) nor paragraph (b) is satisfied, such land division shall, without further action on the part of the Township, be deemed revoked and of no further effect after the 180th day following such approval by the Administrator or, is appealed, by the Township Board.

- 6.3 All deeds and other recordable instruments of conveyance and all surveys in compliance with Section 5.1 shall be reviewed by the Administrator in order to determine their conformity with the approved tentative parcel map. The Administrator shall mark the date of approval of the proposed land division on all deeds, other recordable instruments of conveyance and surveys which are in conformity with the approved tentative parcel map and which otherwise comply with the requirements of this ordinance. Such

documents shall be maintained by the Administrator in the Township record of the approve land division.

6.4 The approval of a land division shall not, of itself, constitute an approval or permit required under other applicable Township ordinances. An approval of a division is not a determination that the resulting parcels comply with other Township ordinances or regulations.

6.5 Any parcel created inconsistent with or in violation of this ordinance, where approval hereunder is required, shall not be eligible for issuance of building permits, zoning ordinance approvals or other land use or building approvals under other Township ordinances, nor shall any such parcel be established as a separate parcel on the tax assessment roll.

SECTION 7 PENALTIES AND OTHER REMEDIES

Anyone violating any provision of this Ordinance (Algansee Township Land Division Ordinance) is responsible for a municipal civil infraction, subject to the payment of a civil fine of not less than \$50, plus costs and other sanctions, for each infraction. A second infraction within six months shall subject the violator to payment of a civil fine of not less than \$100, plus costs and other sanctions. A third, or more, infraction within six months of the previous infraction, shall be subject to a fine of not less than \$250, plus costs and other sanctions.

SECTION 8 SEVERABILITY

The provisions of this ordinance are severable and if any provision or other part hereof is determined to be invalid or unenforceable by any court of competent jurisdiction, such determination shall not effect the remaining provisions or other parts of this ordinance.

SECTION 9 EFFECTIVE DATE

This ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES; MEMBERS: _____

NAYS; MEMBERS: _____

ORDINANCE DECLARED ADOPTED _____

ORDINANCE EFFECTIVE _____

Township Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF BRANCH)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Algansee at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Township Clerk