

**LAKE TOWNSHIP
ROSCOMMON COUNTY, MICHIGAN
LAND DIVISION ORDINANCE
ORDINANCE NO. 54**

At a special meeting of the Township Board of Lake Township, Roscommon County, Michigan, held at the Lake Township Hall on October 2, 2018 at 6:00 p.m., Township Board Member Dave Emmons moved to adopt the following ordinance, which motion was seconded by Township Board Member Roger Kohn.

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public 1967 PA 288, as amended, Act 591 of 1996, as amended, and Act 247 of 1945, as amended; 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.

THE TOWNSHIP OF LAKE ORDAINS:

SECTION I: Title. This Ordinance shall be known and cited as the Lake Township Land Division Ordinance.

SECTION II: Purpose. The purpose of this Ordinance is to carry out the provisions of the 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 III: Definitions. For purposes of this Ordinance, certain terms and words used herein shall have the meaning set forth herein. Additionally, where terms and words are set forth in the Land Division Act, those terms and words shall have the definitions ascribed to them in the Land Division Act, except as set forth within this section.

- A. “Accessible” – The lot or parcel has an area where a driveway provides or can provide vehicular access to an existing street or road and meets all applicable location standards of the Michigan Department of Transportation, Roscommon County Road Commission, and the Township.
- B. “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.
- C. “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 Land Division Act. “Divide” or “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.

- D. “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. 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, MCL 560.101, et seq., as amended, and the Township ordinances.
- E. “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.
- F. “Governing body” – the Township Board of Lake, Roscommon County, Michigan.
- G. “Parent Parcel” – a parcel of land lawfully in existence on March 31, 1997.
- H. “Township” – the Township of Lake, Roscommon County, Michigan.

SECTION IV: Prior Approval Required. Land in the Township shall not be divided without the prior review and approval of the Township Board in accordance with this Ordinance and the 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 Land Division Act.
- B. An exempt split as defined in this Ordinance, or other partitioning or splitting that only results in parcels of 20 acres or more where each parcel is not accessible (as defined in the Land Division Act) and either the parcel was in existence on March 31, 1997 or resulted from exempt splitting under the State Land Division Act.
- C. 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 Township ordinances and the Land Division Act.

SECTION V: Application for Land Division. An applicant shall file all of the following with the Township Assessor 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 form or such form as provided by the Township.
- B. Proof of fee ownership of the land proposed to be divided or written consent to the application signed by the fee owner of the land.
- C. A tentative parcel map showing the parent parcel or parent tract which is the subject of the application, and the area, parcel lines, public utility easements, and the manner of proposed access for each resulting parcel. A tentative parcel map shall include:
 - 1. Proposed boundary lines and the dimensions of each parcel;
 - 2. Accurate legal description of each resulting parcel, which may require submission at the time of the application of a survey map prepared by a land surveyor licensed in the State of Michigan;
 - 3. The location, dimensions and nature of proposed ingress to and egress from any existing public or private road. If access is by private road, written permission from the road owner to use the private road shall be submitted.
 - 4. The location of any public or private street, driveway or utility easement to be located within any resulting parcel.
- D. Proof each resulting parcel is accessible.
- E. Proof that all standards of the Land Division Act and the Lake Township Zoning Ordinance have been met.
- F. If requested by the Township Board, the history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the Land Division Act.
- G. Detailed information about the terms and availability of the proposed division rights.
- H. The fee as may from time to time be established by resolution of the Township Board for land division reviews pursuant to this ordinance to cover the costs of review of the application and administration of this Ordinance and the Land Division Act.

SECTION VI: Procedure for Application Review.

- A. Upon receipt of a land division application package, the Township Board, shall approve or disapprove the land division applied for within 45 days after receipt of the application package and shall promptly notify the applicant in writing of the decision and the reasons for any denial. If the application package does not conform to these Ordinance requirements and the Land Division Act, the Township Assessor shall return

the same to the applicant for completion and refileing in accordance with this Ordinance and the Land Division Act.

- B.** Any person or entity aggrieved by the decision of the Township Board may, appeal the decision to the circuit court pursuant to applicable law.
- C.** A land division approval is effective for 90 days from its issuance, after which it shall be revoked unless within such period there is recorded with the County Register of Deeds office and filed with the Township Clerk a conveyance of the approved land division or survey evidencing same.
- D.** The Township Clerk shall maintain an official record of all approved and accomplished land divisions or transfers.

SECTION VII: Standards for Approval of Land Decisions. A proposed land division shall be approved if the following criteria are met:

- A.** All parcels to be created by the proposed land division(s), including resulting parcels, fully comply with the applicable lot, dimension, width, yard, area, frontage and access requirements of the Township Zoning Ordinance and other applicable ordinances.
- B.** The proposed land division, including resulting parcels, comply with all requirements of the Land Division Act and this Ordinance.
- C.** The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio unless one or more of the following exceptions apply:
 - 1.** Part of the proposed parcel is within the flood plain. The portion of the parcel within the flood plain would not be counted when calculating the depth to width ratio. The portion of the parcel outside the flood plain would have to meet the maximum 4:1 depth to width ratio.
 - 2.** Special topographical conditions exist on the proposed parcel, such as ravines. (Wetlands do not qualify as an exception to the maximum 4:1 depth to width ratio.)
- D.** In the event that the Township Zoning Ordinance shall specify a depth to width ratio which differs from that set forth within this Section, the ratio contained in this Section shall control.

SECTION VIII: Effect of Land Division Approval. Approval of a land division is not a determination that the created or resulting parcels comply with other laws, ordinances of the Township or applicable 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 IX: Consequences of Noncompliance. Any parcel created in noncompliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this ordinance shall subject the violator to the penalties and enforcement actions set forth in Section X of this ordinance, and as may otherwise be provided by law.

SECTION X: Penalties and Enforcement.

A. Any person who violates any of the provisions of this Ordinance shall be deemed responsible for a municipal civil infraction of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has incurred in connection with the violation, together with all other remedies pursuant to MCL 600.8701, *et seq.* Each day a violation continues shall be deemed a separate municipal civil infraction.

B. Any person who violates any of the provisions of this Ordinance shall also be subject to civil action, legal or equitable proceedings arising from the violation. The imposition of any fine or forfeiture shall not exempt the violator from compliance with the provisions of this ordinance.

SECTION XI: 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 XII: Repeal. Ordinances 33 and 33A, and all other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision of the Township Zoning Ordinance.

SECTION XIII: Effective Date. This ordinance shall take effect 30 days following its publication after adoption.

YEAS: 3

NAYS: 1

ABSENT/ABSTAIN 1

ORDINANCE DECLARED ADOPTED

ORIGINAL SIGNATURE ON FILE.

David Emmons, Lake Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Lake Township Board at a duly scheduled and noticed meeting of that Township Board held on October 2, 2018, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Houghton Lake Resorter newspaper, a newspaper that circulates within Lake Township, on October 11, 2018.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Roscommon County Clerk on October 12, 2018.

ATTESTED:

ORIGINAL SIGNATURE ON FILE.

Tonya Clare, Lake Township Clerk