

TOWNSHIP OF LAKE  
COUNTY OF MISSAUKEE  
MICHIGAN

At a regular meeting of the Township Board of the Township of Lake, Missaukee County, Michigan, held at the Township Hall, in said Township, on the 12th day of November, 1997, at 7:00 p.m.

PRESENT: Members: Thomas R. Duddles, Jan DelBello, Bonnie J. Brown, Edward Olson, and Allen Krafve.

ABSENT: Members: None.

The following ordinance was offered by Member Olson and supported by Member Brown.

The Township of Lake ordains:

ORDINANCE NO. 14

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, SCOPE, AND PURPOSE

- A. This ordinance shall be known and may be cited as the "Lake Township Land Division Ordinance." The regulations of this ordinance are adopted pursuant to the statutory authority of Act No. 288 of the Michigan Public Acts of 1967, as amended, the Land Division Act.
- B. This ordinance shall apply to all land divisions which require township approval as governed by the provisions of the Land Division Act, Act 288 of the Michigan Public Acts of 1967, as amended. Approval of any land division does not constitute use or building approval of any such division.
- C. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of any other laws or ordinances of Lake Township.
- D. The purpose of this Ordinance is to carry out the provisions of the Land Division Act, Act 288 of the Michigan Public Acts of 1967, as amended; to promote the public health, safety, and general welfare; to further the orderly development of land; and to ensure that land divisions are correctly and accurately approved, recorded, and filed.

Section 2. DEFINITIONS

- A. The definitions of the Land Division Act of 1967, as amended, are hereby included and made a part of this Ordinance.
- B. **Applicant** means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership in the subject land whether recorded or not.
- C. **Assessor** means the Lake Township Assessor.
- D. **Divide or 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 purposes 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 State Land Division Act. 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.
- E. **Exempt Split or Exempt 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 representative, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible.
- F. **Governing Body** means the Lake Township Board.
- G. **Official** means any individual(s), company, corporation, or other entity appointed by the Township Board to administer this Ordinance.

Section 3. LAND DIVISION APPROVALS

The approvals and requirements of this Ordinance shall be satisfied prior to the issuance of a land division approval within Lake Township. The approvals and requirements of this Ordinance shall be satisfied prior to the recording of any land division with the County.

Section 4. APPLICATION FOR LAND DIVISION APPROVAL

- A. An application for land divisions shall be submitted through the Township Assessor or other official designated by the Governing Body. Each application shall be accompanied by the following, provided, however, the Assessor or other official may waive certain of the following provisions if he/she deems the information to be unnecessary in meeting the requirements of this Ordinance:
  - 1. a completed application form on such form as approved by the Township Board plus any exhibits described therein;
  - 2. a payment of a fee as established by the Township Board;

3. proof of fee ownership of the land proposed to be divided;
4. a complete and accurate legal description of the parent parcel or tract from which the proposed lots or parcels will be created, as well as existing easements and a statement of the total acreage involved;
5. a complete and accurate legal description of each proposed lot or parcel created by the land division, as well as proposed easements;
6. a land title search, abstract of title, or other evidence of land title acceptable to the Township Assessor or other official designated by the Governing Body which is sufficient to establish the parent parcel or tract as of March 31, 1997, and any divisions or transfers from that parent parcel or tract since March 31, 1997;
7. applicant must show for each resulting parcel that is a development site that it has adequate easements for public utilities from the resulting parcel to existing public utility facilities;
8. a copy of each deed or other instrument of conveyance which is a transfer from the parent parcel or tract since March 31, 1997, including but not limited to the transfer of a division rights;
9. two (2) copies of a complete tentative parcel map drawn to scale, which shall be not less than 1"=20' for property totaling under three (3) acres and not greater than 1"=200' for those totaling three (3) acres or more. The parcel map must be clear and readable or it can be rejected by the Township Assessor or other official designated by the Governing Body;
10. The tentative parcel map shall include, at a minimum:
  - a. Date, north arrow, scale, and name, address, and telephone number of the individual or firm responsible for the completion of the tentative parcel map.
  - b. Drawing must have the parent parcel or tract which is subject of the application as well as all new or previous land divisions or conveyances since March 31, 1997, from the same parent parcel or tract.
  - c. Proposed lot lines and dimensions of each parcel.
  - d. Location and nature of proposed ingress and egress locations to any existing public or private streets.
  - e. The location of any public or private streets, driveway, or utility easements to be located within any proposed lot or parcel or to benefit the same. Copies of the instruments describing and granting such easements shall be submitted with the application.
11. Other information reasonably required by the Township Assessor in order to determine whether the proposed land division qualifies for approval.

- B. The Township hereby requires the applicant to reimburse the Assessor or other designated official for fees and costs incurred in reviewing the proposed land division application. The Land Division Permit shall not be issued until all such fees and reimbursements have been paid in full.
- C. Applications for land divisions shall not be accepted for review purposes until all of the required materials have been submitted and are fully complete.
- D. The application, along with the required materials, shall be forwarded to the Township Assessor or other designated official for review.
- E. The Township Assessor or other designated official shall review the application and such other available information and shall approve, approve with conditions, or deny the request in writing. If disapproved, the Township Assessor shall provide the applicant with a description of the reasons of disapproval. Any notice of approval for a resulting parcel of less than one (1) 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 109(a) 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.
- F. The approval, approval with conditions, or denial of a land division shall be accomplished within forty-five (45) days after the filing of a completed, accepted application by the Township Assessor or other designated official unless waived by the applicant.
- G. Any person or entity aggrieved by the decision of the Township Assessor or other designated official may, within thirty (30) days of said decision appeal to the governing body of the Township 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 twenty (20) day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

**Section 5. USE APPROVAL NOT CONVEYED**

Approval of a land division does not grant approval for the use of such divided lot or parcel. Any lot or parcel proposed for division must comply with the requirements of any other Lake Township applicable ordinances or regulations.

**Section 6. REQUIREMENTS FOR RECORDING WITH COUNTY REGISTER OF DEEDS**

Land division approvals shall be valid for a period of one hundred eighty (180) days from the date of approval. If such lots or parcels proposed by the land division are not properly recorded and accepted by the County Register of Deeds within this period the land division approval shall be considered null and void and a new application shall be submitted in compliance with the requirements of this Ordinance.

Section 7. LAND DIVISION PERMIT

Township approval of a land division shall be evidenced by a written approval in the form of a Land Division Permit.

Section 8. MINIMUM REQUIREMENTS FOR APPROVAL OF LAND DIVISION

- A. A proposed land division shall be approved by the Township Assessor upon satisfaction of all of the following requirements:
1. The application requirements of Section 4.
  2. 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 B.
  3. The proposed division, together with any previous division(s) of the same parent parcel of parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.
  4. All parcels shall be development sites except for agricultural and forestry (as defined in the Act) and shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.
  5. Each resulting parcel shall have a depth which is not more than four times the width of the parcel. If the width of the parcel is irregular, the average width of the parcel shall be calculated and used for purposes of this provision. This depth to width ratio shall not apply to the remainder of the parent parcel or tract retained by the applicant. A land division may be approved which does not comply with this provision if a greater width to depth ratio is necessitated by conditions of the land which make compliance impractical. Such conditions may include topography, road access, soil conditions, wetlands, flood plains, water bodies, corner lots, frontage on cul-de-sacs or other similar conditions.
- B. 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:
1. 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 standards of the governmental authority having jurisdiction.

2. 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 standards of the governmental authority having jurisdiction. Such easements shall be in recordable form and must be recorded at the same time as the division conveyance.
3. If a new public 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 street and of utility easements and drainage facilities associated therewith.

Section 9. CONSEQUENCES OF NON COMPLIANCE

- A. Any parcel created in noncompliance with this Ordinance shall not be eligible for any building permits 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 10 of this Ordinance, and as may otherwise be provided by law.
- B. 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 10. REMEDIES AND ENFORCEMENT

- A. A violation of any provision of this Ordinance is hereby declared to be a nuisance, per se. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than five hundred dollars (\$500.00), in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. Any person or entity who violates this Ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.
- B. After every civil infraction ticket or civil infraction notice is issued, a person who violates this Ordinance shall have thirty (30) days in which to correct the violation(s). If a violation continues to exist after this thirty (30) day period, it shall be considered a separate offense and may be charged again.

Section 11. 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 of portion thereof.

Section 12. REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 13. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following its publication after adoption.

Thomas R. Duddles  
Thomas R. Duddles, Supervisor

I, Bonnie J. Brown, Lake Township Clerk, certify that this Ordinance was adopted by the Lake Township Board on November 12, 1997, and published on November 21, 1997.

Bonnie J. Brown  
Bonnie J. Brown, Clerk