

REPUBLIC TOWNSHIP, COUNTY OF MARQUETTE, MICHIGAN
LAND DIVISION ORDINANCE

ORDINANCE NO. 2017-31

ADOPTED 3-23-2017

EFFECTIVE 30 DAYS FOLLOWING PUBLICATION

An ordinance to regulate partitioning or division of parcels or tracts of land enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended; being the Township General Ordinance statute; 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 Republic, Marquette County, Michigan hereby ordains:

Section 1: Title

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

Section 2: Purpose

The purpose of this ordinance is to carry out the provisions of the State 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 division within the Township.

Section 3: Definitions

For the purpose 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 of them that holds an ownership interest in land whether recorded or not.
- B. "Divide" 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 State 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 State 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; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.

- D. "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.
- E. "Governing Body" – The Republic Township Board.

Section 4: Prior Approval Requirement for Land Divisions

Land in the Township shall not be divided without the prior review and approval of the official designated by the governing body, in accordance with this ordinance and the State 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 State Land Division Act
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act
- C. An exempt split as defined in the 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 State Land Division Act.

Section 5: Application for Land Division Approval

An applicant shall file all of the following with the official designated by the governing body for review and approval of a proposed land division before making an division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be approved by the Township Board and Title Insurance may be required.
- 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 State Land Division Act and this Ordinance have been met.
- E. If a transfer of division rights is proposed in the land transfer, detailed information about eh terms and availability of the proposed division rights transfer.
- F. The fee as is from time to time established by resolution of the governing body of the Township for land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this ordinance and the State Land Division Act.
- G. If requested by the Zoning Administrator or Assessor, the history and any specifications or any previous divisions of land of which the proposed division was a part sufficient to establish that the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the Michigan Land Division Act.

Section 6: Procedure for Review of Applications for Land Division Approval

- A. The Township Assessor shall review the proposed land division and 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 State Land Division Act and shall promptly notify the applicant of the decision and if denied the reason or denial.
- B. Any person or entity aggrieved by the decision of the Assessor, may, within 30 days of said decision appeal the decision to the governing body of the Township or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellate where other than the applicant) of the time and date of said meeting and appellate hearing.
 - C. A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds Office and filed with the Township Clerk or other designated official accomplishing the approved land division or transfer.
 - D. The Township Assessor shall maintain an official record of all approved and accomplished land divisions or transfers.
 - E. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
 - F. 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, and any notice of approval shall include a statement to this effect.

Section 7: Standards for Approval of Land Divisions

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

- A. All parcels created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the pertinent Zoning Ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) coverage and minimum set-backs for existing buildings/structures.
- B. The proposed land division(s) complies with all requirements of the State Land Division Act and this Ordinance.
- C. All parcels created and remaining have existing adequate accessibility, or an area available therefore, to a public road for public utilities and emergency and other vehicles not less than the requirements for all applicable ordinances.
- D. 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-buildable parcels created under Section 8 of this Ordinance. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right of way to the most remote boundary line point of the parcel shall be measured at the abutting road or right of way line, or as otherwise provided in any applicable ordinances.
- E. The proposed land division(s) shall comply with all requirements of this Ordinance and the Michigan Land Division Act.
- F. All parcels created and remaining have existing adequate accessibility, or an area available therefore, for public utilities and emergency and other vehicles.

Section 8: Allowance for Approval of Other Land Divisions

Notwithstanding the provisions of Section 7 of this Ordinance, a division which creates a parcel that satisfies all of the requirements of Section 7, except that it does not satisfy one or more of the standards of Subsections A and D of Section 7, shall be approved if the applicant executes and records an affidavit or deed restriction with the County Register of Deeds clearly designating the parcel as "Not a Development Site, as defined under 1967 PA 288, as amended". Any parcel so designated shall not thereafter be used as a development site as defined under 1967 PA 288, as amended.

Section 9: Consequences of Noncompliance with Land Division Approval Requirement

Any parcel created in noncompliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, such as conditional land use approval or site plan approval, and shall not be recognized as a separate parcel of 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.

Pursuant to Section 267 of the Land Division Act, an unlawful division or split shall also be voidable at the option of the purchaser and subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

Section 10: Penalties and Enforcement

Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail not to exceed 90 days or by both such fine and imprisonment.

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 or portion thereof.

Section 12: Repeal

All previous Land Division Ordinance affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

Section 13: Effective Date

This Ordinance shall take effect upon publication following its adoption.

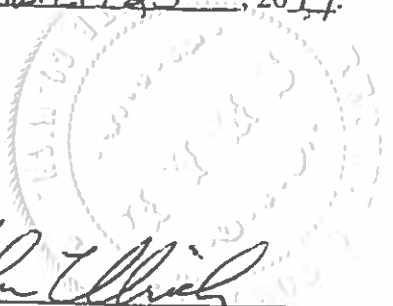
The Township Board shall establish a schedule of fees and a collection procedure for land division reviews as required by this Ordinance. The schedule of fees shall be posted in the

Township Hall and may be altered or amended only by the Township Board. An application shall not be approved unless or until such time as the application fees have been paid to the Township.

Deilyn Brancheau
Republic Township Clerk

Passed and Readopted by the Township of Republic, County of Marquette, Michigan, on
March 23, 2017.

(SEAL)



John Ulrich
Township Supervisor, Republic Township

ATTEST:

Raivlyn Brancheau
Republic Township Clerk

YEAS: 5

NAYS: 0



I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Republic, County of Marquette, Michigan at a regular Township Board Meeting, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being ACT 267, Public Acts of Michigan, 1976 and that the minutes of said meeting were kept and will be or have been made available as required by said ACT.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township of Republic and such recording has been authenticated by the signatures of the Township Supervisor and the Township Clerk.

Raivlyn Brancheau
Republic Township Clerk