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LAND DIVISION ORDINANCE

TOWNSHIP OF BANGOR

COUNTY OF VAN BUREN, STATE OF MICHIGAN

ORDINANCE NO. 20

LAND DIVISION ORDINANCE

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.

TOWNSHIP OF BANGOR

VAN BUREN COUNTY, MICHIGAN,

ORDAINS:

SECTION I

TITLE

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

SECTION II

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 of Bangor by establishing reasonable standards for prior review and approval of land divisions within the township.

SECTION III

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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 of them 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 State Land Division Act.
- 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 township board

SECTION IV

PRIOR APPROVAL REQUIREMENT FOR LAND

Land in the township shall not be divided without the prior review and approval of the township assessor, or other 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 Land Division Act.

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- C. An exempt split as defined in this Ordinance.

SECTION V

APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the township Assessor or other official designated by the governing body 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 form on such form as may be provided by the township.
- B. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

In lieu of such survey map, at the applicant's option, the applicant may waive the 45 day statutory requirement for a decision on the application until such survey map and legal description are filed with the township, and submit a tentative preliminary parcel map drawn to scale of not less than that provided for on the application form including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the locally designated official prior to a final application under Section V.

The governing body of the township or its designated agent delegated such authority by the governing body, may waive the survey map requirement where the foregoing tentative parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory within which the proposed divisions are located. An accurate legal description of all the proposed divisions, however, shall at all times be required.

- C. Proof that all due and payable taxes or installments of special assessments

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- E. The township, its officers, and Administrator shall not be liable for approving a land division if building permits for construction on parcels are subsequently denied because of inadequate water supply, sewage disposal facilities, not meeting minimum zoning requirement or otherwise, and any notice of approval shall include a statement to this effect.

SECTION VII

STANDARDS FOR APPROVAL OF LAND DIVISION

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

- A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the applicable zoning ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot width to depth ratio, and maximum lot (parcel) coverage and minimum set-backs for existing buildings/ structures.
- B. The proposed land division(s) comply 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 therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of the applicable zoning ordinance, major thoroughfare plan, road ordinance or this Ordinance.
- D. The ratio of depth to width of any parcel under 10 acres created by the division does not exceed a four to one ratio exclusive of access roads, easements, or nonbuildable parcels created under Section VIII of this Ordinance and parcels added to contiguous parcels that result in all involved parcels complying with said ratio.

The permissible 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 from the point of commencement of the measurement.

The permissible minimum width shall be as defined in the applicable zoning ordinance or, in the absence thereof, as specified in subparagraph E(1) and (2) of this Ordinance.
- E. In the absence of applicable zoning or other ordinances providing a different standard, all parcels created by a land division shall comply with the following

1 minimum standards:

- 2
- 3 (1) Accessibility to a public roadway shall be a minimum of 66 feet
- 4 wide and the location of intersection to the public roadway shall
- 5 be approved by the County Road Commission or MDOT.
- 6
- 7 (2) A minimum width of 100 feet as measured on a line at the front
- 8 building line.
- 9
- 10 (3) A minimum lot (parcel) area of 43,560 square feet.
- 11
- 12 (4) The ratio of depth to length, width, and minimum lot (parcel)
- 13 area may be granted a variance by a majority vote of the
- 14 governing body of the township if all of the following apply:
- 15
- 16 a. each resulting parcel has frontage on a lake.
- 17
- 18 b. each resulting parcel will be compatible with surrounding
- 19 lands, with respect to width and depth.
- 20
- 21 c. each resulting parcel of less than 43,560 square feet has
- 22 an approved well and septic permit.
- 23
- 24
- 25

26 **SECTION VIII**

27

28 **ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS**

29

30 Notwithstanding disqualification from approval pursuant to this ordinance, a

31 proposed land division which does not fully comply with the applicable lot, yard, accessibility

32 and area requirements of the applicable zoning ordinance or this Ordinance may be approved

33 in any of the following circumstances:

34

- 35 A. Where the applicant executes and records an affidavit or deed restriction with
- 36 the County Register of Deeds, in a form acceptable to the township, designating
- 37 the parcel as not buildable. Any such parcel shall also be designated as not
- 38 buildable in the township records, and shall not thereafter be the subject of a
- 39 request for variance relief from the applicable lot and/or area requirements, and
- 40 shall not be developed with any structure.
- 41
- 42 B. Where the proposed land division involves only the minor adjustment of a
- 43 common boundary line or involves a conveyance between adjoining
- 44 properties which does not result in either parcel violating this Ordinance, any
- 45 applicable zoning ordinance, or the State Land Division Act.

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SECTION IX

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 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

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 for not to exceed 90 days or by both such fine and imprisonment.

Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

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

All 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 Bangor Township Building Codes.

SECTION XIII

EFFECTIVE DATE

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This ordinance shall take effect 30 days following its publication after adoption.

Motion by: David Houdek

Second by: Linda Poland

Aye: Dennis Hessey, Linda Poland, David Houdek, Robert Kuehnle, and James Karr

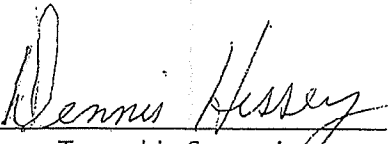
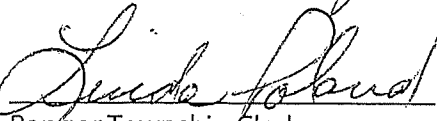
Nay:

Supervisor declares motion carried: yes

Date adopted: May 13, 2003

Date published: May 25, 2003

Date effective: June 24, 2003

 Bangor Township Supervisor	<u>5-13-03</u> Date
 Bangor Township Clerk	<u>6-24-03</u> Date