

## **Springvale Township Land Division Ordinance**

An Ordinance to regulate Reconfiguration and partitioning or Division of parcels or tracts of land, enacted pursuant but not limited to the **Land Division Act, Michigan Public Act 288 or 1967**, as amended, and the Township General Ordinance Statute, Michigan Public Act 246 of 1945, as amended: To provide a procedure therefore; to repeal any ordinance for policy in conflict with this Ordinance; and to prescribe penalties and enforcement remedies for the violation of this Ordinance.

### **The Township of Springvale, Emmet County Ordains:**

#### **Section I**

##### **Title**

This Ordinance shall be known and cited as the **Springvale 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 that do not comply with applicable Ordinances and said Act, to minimize potential boundary disputes, to further the orderly development of the community and layout and use of land, to require that land be suitable for building sites, to provide for proper ingress and egress to lots, and to otherwise provide for the health, safety and welfare of the resident and property owners of Springvale Township by establishing reasonable standards for prior review and approval of land division within Springvale Township.

#### **Section III**

##### **Definitions**

For the purpose of this Ordinance, certain terms and words used herein shall have the following meaning:

A. “Accessible” -- in reference to a parcel, means that the parcel meets 1 or both of the following requirements:

- (i) Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road commission under 1969 PA 200, MCL 247.321 to 247.329, and of the city or village, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.
- (ii) Is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road commission under 1969 PA 200, MCL 247.321 to 247.329, and of the city or village, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.

- B. "Applicant" -- a Proprietor or their authorized agent.
- 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 result in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Section 108 and 109 or 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 less than 40 acres or the equivalent.
- E. "Parcel" -- a continues area or acreage of land which can be described as provided for in the Land Division Act.
- F. "Reconfigured" or "Reconfiguration" -- any change in parcel(s) or tract shape or size which does not result in a change in the number of parcels.
- G. "Tract" -- two or more parcels that share a common property line and are under the same ownership.
- H. "Parent parcel" or "Parent Tract" -- a parcel or tract, respectively, lawfully in existence on March 31, I 997.
- I. Proprietor" -- a natural person, firm, association, partnership, corporation, or combination of any of them that holds any ownership interest in land whether recorded or not.
- J. "Development Site" -- any parcel or lot on which exist or which is intended for building development other than the following:
- (i) Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.
  - (ii) forestry uses involving the planting, management of harvesting of timber.
- K. "Forty acres or the equivalent" -- either 40 acres, a quarter-quarter section containing not less than 30 acres or a government lot containing no less than 30 acres.
- L. "Public utility" -- all persons, firms, corporations, copartnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, sewer, or other services of a similar nature.

## **Section IV**

### **Prior approval requirement for Divisions and Reconfigurations**

Land in Springvale Township shall not be Divided or Reconfigured without the prior review and approval of the Springvale Township Assessor. Approval shall be received before making any Division or Reconfiguration either by deed, land contract, or lease for more than one year 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 is not subject to approval so long as the resulting parcels are accessible.

C. A Division of a parcel or tract that is not accessible if it only results in parcels of 20 acres or more in size and all the following criteria are a met:

(1) The parcel or tract is not accessible and 1 of the following applies:

(a) The parcel or tract was in existence on March 31, 1997.

(b) The parcel or tract resulted from an exempt split or other partitioning or splitting under this section.

(2) the proprietor provides the following written statement to the purchaser before closing: "This parcel is not accessible as defined in the land division act, 1967 PA 288, MCL 560.101 to 560.293."

When a Division is exempt from approval as provided above, an Applicant shall provide notice of the Division and the applicable exemption to the Springvale Township Assessor.

## **Section V**

### **Criteria and Documents Required for Approval**

An Applicant shall file all of the following with the Springvale Township Assessor for review and approval of a proposed Division or Reconfiguration.

A A completed application on a form as provided by the Springvale Township Assessor.

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, the location of all existing structures and other land improvements, accessibility of the parcels for vehicular traffic and utilities from existing public road and compliance with this Ordinance and the Land Division Act.

If the parent parcel has not been surveyed as defined in Part B of Section V, the Applicant may submit a parcel map drawn to scale of not less than 1" = 60' including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities and

compliance with the requirements of this Ordinance and the Land Division Act, for approval and/or denial by the Springvale Township Assessor.

C. Proof that proposed new roads, public or private and easements have been approved by the Emmet County Road Commission or MDOT.

D. Proof that the resulting parcels meet Emmet County Road Commission's criteria for accessibility.

E. For resulting parcels meeting the definition of development site, proof that adequate easements exist for public utilities from each parcel to existing or proposed public utility facilities that are intended to serve the parcel.

F. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish that the parcel or tract to be divided was lawfully in existence as of March 31, 1997, the effective date of the Land Division Act. Such history and specifications shall describe the parent parcel or tract of which the parcel or tract to be divided was a part as that parent parcel or tract existed on March 31, 1997. Such history and specifications shall also identify both the owner of the parent parcel or tract as of March 31, 1997 and the owners, on March 31, 1997, of parcels sharing a common property line with the parent parcel or tract on March 31, 1997.

G. A certificate from the Emmet County Treasurer establishing that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.

H. If a transfer of division rights is proposed, detailed information about the terms and availability of the proposed division rights transfer.

I. Proof that all proposed parcels meet all standards of the Land Division Act, this Ordinance, and local zoning.

## **Section VI**

### **Procedure for Review and Approval of Applications for Land Division**

A. The Springvale Township Assessor shall approve, approve with reasonable conditions to assure compliance with applicable Ordinances and the protection of public health, safety and welfare, or disapprove a proposed Division or Reconfiguration within **45** days after receipt of the completed application conforming to this Ordinance's requirements and all required documents listed in Section V, and shall promptly notify the Applicant of the decision and the reason for any denial.

If the application does not conform to the requirements of this Ordinance and the Land Division Act, the Springvale Township Assessor may return the application to the Applicant for completion and refilling in accordance with the requirements of this Ordinance and the Land Division Act.

If required supporting documents are missing, the Springvale Township Assessor shall notify the Applicant and provide a list of which documents are missing.

B. An approved Division or Reconfiguration is complete when a document is recorded with the Emmet County Register of Deeds Office accomplishing the approved change.

C. A decision approving a Land Division is effective for 360 days, after which it shall be considered revoked unless it is completed in accordance with subsection B.

D. The Springvale Township Assessor shall maintain an official record of all approved and completed land Divisions.

## **Section VII**

### **Consequences of Noncompliance with Land Division Approval Requirements**

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 and site plan approval. In addition, violation of this Ordinance shall subject the violator to the penalties and enforcement actions set forth in Springvale Township's Civil Infraction Ordinance, and as may otherwise be provided by law. The township assessor will not change the assessment roll to reflect Divisions or Reconfigurations which do not comply with this ordinance.

## **Section VIII**

### **Severable**

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 IX**

### **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 in the Emmet County Zoning Ordinances or the Michigan Building Code.

## **Section X**

### **Effective Date**

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

## **Township of Springvale**

\_\_\_\_\_, Clerk

\_\_\_\_\_, Date Adopted