

ORDINANCE NO. 1-1998

AN ORDINANCE TO REGULATE THE DIVISION OF PARCELS OR TRACTS OF LAND PURSUANT TO, BUT NOT LIMITED TO MICHIGAN PUBLIC ACT 288 OF 1967, AS AMENDED; TO PROVIDE PROCEDURES FOR APPLYING FOR APPROVAL OF PROPOSED DIVISION OF PARCELS OR TRACTS OF LAND; TO PROVIDE STANDARDS FOR REVIEW OF APPLICATIONS AND FOR DETERMINING WHETHER APPROVAL OF PROPOSED DIVISIONS SHOULD BE GRANTED; TO PROVIDE FOR CONSEQUENCES OF NON-COMPLIANCE WITH PROVISIONS OF THIS ORDINANCE.

THE TOWNSHIP OF AMBOY, HILLSDALE COUNTY, MICHIGAN ORDAINS:

Section 1: TITLE

This ordinance shall be known and cited as the Amboy 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 purposes of this ordinance certain terms and words used herein shall have the following meaning:

- (a) "Applicant" means a natural person, firm, association, partnership, corporation, or combination of any of them which holds an ownership interest in land, whether recorded or not.
- (b) "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, personal representatives, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or a 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; 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" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, personal representatives, legal representatives, successors or assigns that does not result in one or more parcels of less than 40 acres or the equivalent.
- (d) "Forty acres or the equivalent" means 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" means the Amboy Township Board.
- (f) "Accessible" is assigned the same definition as is found in the definition section of Michigan Public Act 288 of 1967, as amended.

Section 4: PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the Township of Amboy 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 exempt 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 this 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 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 on such form as may be approved by the Township Board.
- (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 the terms and availability of the proposed division rights transfer.
- (f) A fee of \$35.00 to cover the cost of review of the application and administration of this ordinance and the State Land Division Act where only one split is requested. If an application requests more than one split, the fee for each additional split requested shall be \$15.00.

Section 6: PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

- (a) The Township 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, in writing, notify the applicant of the decision, and if denied, the reasons for denial.
- (b) The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- (c) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- (d) 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. 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 division (s) have a minimum width of 105 feet as measured at the road frontage unless otherwise provided for in an applicable zoning ordinance.
- (b) All such parcels shall contain a minimum area of 1 acres unless otherwise provided for in an applicable zoning ordinance.
- (c) 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-development sites. 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 from the point of commencement of the measurement.
- (d) The proposed land divisions(s) comply with all requirements of this ordinance and the State Land Division Act.
- (e) All parcels created and remaining have existing adequate accessibility, or an area available therefore, for public utilities and emergency and other vehicles.

Section 8: CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Any division of land in violation of any provision of this ordinance shall not be recognized as a land division on the Township tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed.

The Township shall further have the authority to initiate actions for injunctive or other relief to prevent any violation or the continuance of any violation of this ordinance.

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 9: 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 other portion of this ordinance.

Section 10: ORDINANCES IN CONFLICT

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.

Section 11: PUBLICATION

This ordinance shall be published, in full or a summary thereof, once in a newspaper of general circulation within Amboy Township, Hillsdale County, Michigan, within thirty (30) days after its adoption, and shall be recorded in the Book of Ordinances of Amboy Township. Such recording shall be authenticated by the Amboy Township Clerk. An attested copy of this ordinance shall be filed with the Clerk of Hillsdale County, Michigan.

Section 12: EFFECTIVE DATE

This ordinance shall become effective the day following the date upon which it is published in the manner set forth in Section 11 above.

PASSED AND ADOPTED by the Township of Amboy, Hillsdale County, Michigan on the 11th day of February, 1998.

Claire E. Leininger
Township Supervisor

YEAS: Joe St. John, Claire Leininger, Gregory
Clevenger, Roger Pitts, Bernadine Schaedler

NAYS; none

ABSENT none

Bernadine Schaedler
Township Clerk