

Hartford Township, Van Buren County, Michigan
Ordinance Number 36
Land Division Ordinance

This ordinance is adopted to regulate partitioning or division of parcels or tracts of land enacted pursuant but not limited to Michigan Public Act 1967 PA 288, being the Land Division Act, ZMCL 560.101 et seq, as amended, Act 591 of 1996, as amended, and Act 246 of 1945, MCL 41.181, Township Ordinances, as amended; 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 HARTFORD, VAN BUREN COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1. Title. This ordinance shall be known and cited as the Hartford 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, MCL 560.101, et seq, 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 Hartford Township (the "Township") by establishing reasonable standards for prior review and approval of land divisions within the Township.

Section 3. Definitions.

For purposes of this ordinance, certain terms and words used herein shall have the meaning set forth herein. Additionally, where terms and words are set forth in the State Land Division Act, those terms and words shall have the definitions ascribed to them in the State Land Division Act, except as set forth within this section.

- 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 Section 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 parcels shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, this ordinance, and other applicable 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 of more parcels of less than 40 acres or the equivalent; and 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 Hartford 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 Township Assessor, or other official designated by the Township Board, 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.

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- 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 only results in parcels of 20 acres or more where each parcel is not accessible (as defined in the State Land Division Act) and either the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the State Land Division Act.

5. Application for Land Division Approval.

An applicant shall file all of the following with the Township Assessor for review and approval of a proposed land 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 is attached to, and made a part of this ordinance.
- b. Proof of fee ownership of the land proposed to be divided or written consent to the application signed by the fee owner of the land.
- c. A tentative parcel map showing the parent parcel or parent tract which is the subject of the application, and the area, parcel lines, public utility easements, and the manner of proposed access for each resulting parcel. A tentative parcel map shall include:
 - 1. Proposed boundary lines and the dimension of each parcel;
 - 2. Accurate legal description of each resulting parcel;
 - 3. The location, dimensions and nature of proposed ingress to and egress from any existing public or private road.
 - 4. The location of any public or private street, driveway or utility easement to be located within any resulting parcel.
- d. Proof that all standards of the State Land Division Act and this ordinance have been met.
- e. If requested by the Assessor, the history and specification of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided complies with Section 108 of the State Land Division Act.
- f. If transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- g. The fee may from time to time be established by resolution of the Township Board for land division reviews pursuant to this ordinance to cover the costs or review of the application and administration of this ordinance and the State Land Division Act.

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

- a. Upon receipt of a land division application package, the Assessor shall approve, approve with reasonable conditions or disapprove the land division applied for within 45 days after receipt of the application package conforming to this ordinance's requirements, and shall promptly notify the applicant of the decisions and the reasons for any denial. If the application package does not conform to the requirements of this ordinance and the State Land Division Act, the Assessor shall return the same to the applicant for completion and re-filing in accordance with this ordinance and the State Land Division Act.
- b. Any person or entity aggrieved by the decision of the Assessor may, within 30 days of said decision appeal the decision of the Township Board 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 10-day written

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notice to the applicant of the time and date of said meeting. The Township Board may affirm, modify or reverse the decision of the Assessor and its decision shall be final.

- c. A land division approval is effective for 90 days from its issuance, after which it shall be revoked unless within such period there is recorded with the County Register of Deeds office and filed with the Assessor a conveyance of the approved land division or survey evidencing the same.
- d. The Assessor shall maintain an official record of all approved and accomplished land division or transfers.

Section 7. Standards for Approval of Land Division.

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

- a. The proposed land division, including resulting parcels, comply with all requirements of the State Land Division Act and this ordinance.
- b. The ratio of depth to width of any parcel created by the division does not exceed a four to one ration. In the event that the Township Zoning Ordinance shall specify a depth to width ratio which differs from that set forth within this sub-section, the ratio contained in the Township Zoning Ordinance shall control.
- c. Each parcel created by the proposed division(s) shall have the minimum width as established by the Township's Zoning Ordinance for the zoning district in which the resulting parcel(s) is (are) located.
- d. Each parcel created by the proposed division(s) shall have the minimum area as established by the Township's Zoning Ordinance for the zoning district in which the resulting parcel(s) is (are) located.

Section 8. Limited Effect of Land Division Approval.

Approval of a land division is not a determination that the created or resulting parcels comply with other laws, ordinances of the Township or applicable regulations. 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 that effect.

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 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 10 of this ordinance, and as may otherwise be provided by law.

Section 10. Penalties and Enforcement.

Any person who violated any of the provision of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for not to exceed ninety (90) days or both such fine and imprisonment.

Any person who violates any of the provisions of this ordinance shall also be subject to civil action, legal or equitable proceedings arising from the violation.

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 ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, including Ordinance No. 9 adopted December 12, 1973, except that this ordinance shall not be construed to repeal any provision in the Township Zoning Ordinance, or the Township Building Code.

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Section 13. Effective Date. This ordinance shall take effect thirty (30) days following its publication after adoption.

A motion that said Land Division Ordinance be enacted was made by McLellan and supported by Dowd at a regular meeting of the Hartford Township Board on the 13th day of January, 2011.

Yes: Sefcik, Dowd, McLellan

No: n/a

Adopted by the Township Board of the Township of Hartford, Michigan on this 13th day of January, 2011.

Certification

I hereby certify that the foregoing is a true and complete copy of the Land Division Ordinance adopted by the Hartford Township Board at a meeting held on the 13th day of January, 2011, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meeting Act, Act No. 167 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated: January 18, 2011

Julie L. Sweet, Township Clerk

PUBLICATION

I hereby certify that a summary of the foregoing Ordinance was published in the Herald Palladium, Benton Harbor, Michigan, on the 20th day of January, 2011.

Julie L. Sweet, Township Clerk

Effective Date: February 19, 2011