

BUTMAN TOWNSHIP
LAND DIVISION ORDINANCE
GLADWIN COUNTY, MICHIGAN

ORDIANCNE NO 27

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 or 1967, as amended; Act 591 of 1996, as amended and Act 246 of 1945, as amended, being the Township General Ordinance statue; 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....

BUTMAN TOWNHIP, GLADWIN COUNTY, MICHIGAN, HEREBY ORDAINS;

SECTION 1 TITLE

This ordinance shall be known and cited as the Butman 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 and Act 591 PA 1996, as amended) to prevent the division 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 Butman Township by establishing standards for review and approval If land divisions within the township.

SECTION 3. 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 "Divisions" – the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representative, 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 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 representative 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 of a government lot containing not less than 30 acres.
- E. "Governing body" – the legislative body of the Township

SECTION 4. PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the municipality shall not be divided without the prior review and approval of the assessor 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 this Ordinance.

SECTION 5. APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the assessor 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 a building development.

- A. A completed application on such form as established by the Township.
- B. Proof of ownership of the land proposed to be divided.
- C. A survey map or other map drawn to scale of the land proposed to be divided showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s) and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.
- D. In addition to the map requirements I item C and following is required:
 - 1. Minimum map size of 8 ½ X 14.
 - 2. All dimensions must be in feet and decimals thereof.
 - 3. Scale to be of largest size possible to fit minimum size map or larger size map to clearly show all required information.
 - 4. Show all existing public Right of Ways with the names and widths of said ROWS.
 - 5. Show existing easements for utilities, ingress/egress, private road, etc. with proposed widths.
 - 6. Show all proposed public ROWs and/or easements with widths.
 - 7. Show all proposed other easements, ingress/egress/ private road, etc. with widths and identify proposed use.
 - 8. North arrow and scale of drawing.
 - 9. Name and address of professional surveyor, if applicable.
 - 10. Name and address of applicant
 - 11. Legal description of parent parcel/tract or, if a redivision per Sec. 108 (5), existing parcel/tract.
 - 12. Show existing improvements (buildings, well, septic system and driveways).
 - 13. Show zoning designation.
- E. Documentation that the requirements of the State Land Division Act and this Ordinance have been met.

- F. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish and parcel/tract to be divided was lawfully in existence as of the effective date of the State Land Division Act or that the parcel/tract of land to be re-divided complies with Sec. 108(5).
- G. Detailed information about the terms availability and transfer of division rights.
- H. A fee of \$15.00 to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act. This fee is subject to change upon resolution by the Township Board.

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 responsible conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, 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 decision and the reasons for any denial. If the application package does not conform to this Ordinance requirements and the State Land Division Act, the assessor shall return same to the applicant for completion and refilling 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 to the Township Board which shall consider and resolve such appeal by a majority vote of said Board at it's next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. The assessor shall maintain an official record of all approved and accomplished land divisions.

SECTION 7 STANDARDS FOR APPROVAL OF LAND DIVISIONS

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 Gladwin County 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 accessibility, or an area available therefore, to a public road or recorded easement for public utilities and emergency and other vehicles and less than the requirements of this applicable zoning ordinance, major thoroughfare plan, road ordinance of this Ordinance. In determining adequacy of accessibility, any ordinance standards applicable to plats shall also apply as a minimum standard whenever a parcel or tract is proposed to be served by a public road created by a land division.
- D. The ratio of depth to width of any parcel created by the division does not exceed a four to one ration exclusive of access roads, easements of non-buildable parcels created under Sec 8 of this Ordinance and parcels added to contiguous parcels that result in all involved parcels complying with aid 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 defined in the applicable zoning ordinance.

- E. In absence of applicable zoning or other ordinances providing a different standard, all parcels created by a land division shall comply with the following minimum standards.
 - 1. Where accessibility is to be provided by a proposed new dedicated public road, proof that the Road commission has approved the proposed layout and construction design of the

road and utility easement and drainage facilities connected therewith and has agreed to accept the proposed road into the public road system.

- F. Any intersection between private and public roads shall contain a clear vision triangular area of not less than twenty feet along each right of way line as measured from the intersecting right of way lines.

SECTION 8 ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS

Notwithstanding disqualification for approval pursuant to this Ordinance, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of the Gladwin County Zoning Ordinance of this Ordinance may be approved in any of the following circumstances:

- A. Where the applicant executes and records an affidavit of deed restriction with the County Register of Deeds, in a form acceptable to the Township, designating the parcel as "not buildable". Any such parcel shall also be designated as "not buildable" in the Township records and shall not thereafter be the subject of a request to the Gladwin County Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements and shall not be developed with any building or above ground structure exceeding four feet in height.
- B. Where, in circumstances not covered by paragraph A, the Gladwin county Zoning Board of Appeals has, previous to this Ordinance, granted a variance from the lot, yard, ratio, frontage and/or area requirements with which the parcel failed to comply.
- C. Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, the Gladwin County Zoning Ordinance of the State Land Division Act.

SECTION 9 CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENTS

Any parcel created in noncompliance with this Ordinance shall not be eligible for any building permits, zoning approvals, special land use or site plan approval. In addition, violation of this Ordinance shall subject the violator to the penalties and enforcement actions set for in Sec. 10 of this Ordinance and as may otherwise be provided by 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 for not more than 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 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 reasons 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, except that this Ordinance shall not be construed to repeal any provision in this Gladwin County Zoning Ordinance of the Gladwin County Building Code.

SECTION 13 EFFECTIVE DATE

This Ordinance shall take effect 30 days following it's publication after adoption.

At the Butman Township Board meeting on July 8, 2004, the foregoing BUTMAN TOWNSHIP LAND DIVISION ORDINANCE #27, as revised, was offered by Board Member Joyce, Seconded by Board Member Wolski. By roll call vote, the following voted "ay": Pearce, Joyce, Fornwall, Wolski, Haight: "nay": None; absent: None.

The Supervisor declared Ordinance #27 adopted.

Don Joyce, Township Clerk

CERTIFICATE

I, Paul D Joyce, the duly elected and acting Clerk of Butman Township, hereby certify that the foregoing ordinance, Butman Township Land Division Ordinance #27, was adopted by the Township Board of said Township at the regular meeting of said Board held on July 8, 2004, at which meeting a quorum was present, by a roll call vote of said members as hereinbefore set forth.

This Ordinance was file with the Gladwin County Clerk on July 13, 2004 and was published in the Gladwin County Record on July 21, 2004.

Paul D Joyce, Township Clerk