

LAND DIVISION ORDINANCE

TOWNSHIP OF PINE RIVER

COUNTY OF GRATIOT, STATE OF MICHIGAN

ORDINANCE NO. 97005

Adopted: May 14, 1997

Effective: June 14, 1997

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 PINE RIVER

GRATIOT COUNTY, MICHIGAN,

ORDAINS:

SECTION I

TITLE

This ordinance shall be known and cited as the Pine River 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 by establishing reasonable standards for prior review and approval of land division within the township.

### SECTION III

#### 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 legislative body of a township board of a township.

### SECTION IV

#### 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 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 township's Subdivision Control Ordinance and the State Land Division Act.

- B. A lot in a recorded plat proposed to be divided in accordance with the township's Subdivision Control Ordinance and the State Land Division Act.
- C. An exempt split as defined in this Ordinance.

## SECTION V

### APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all 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. Proof of fee ownership of the land proposed to be divided.
- C. 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 30 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.

- D. Proof that all standards of the State Land Division Act and this Ordinance have been met. (See checklist accompanying this ordinance).
- E. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.
- F. Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- G. If transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- H. Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under Section VIII of this Ordinance, all divisions shall result in "Buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited therefrom, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and maximum allowed area coverage of buildings and structures on the site.
- I. The fee as may from time to time be established by resolution of the governing body of the township for land division reviews pursuant to this ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

## SECTION VI

### PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

- A. Upon receipt of a land division application package, the township assessor or other official designated by the

township board shall approve, approve with reasonable 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 30 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 this Ordinance requirements and the State Land Division Act, the assessor or other designee shall return the 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 or designee may, within 30 days of said decision appeal the decision to the governing board of the township or such other board or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its 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, unless 20 day written notice is waived by applicant.
- C. A decision approving a land division is effective for 180 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filled with the township assessor or other designated official accomplishing the approved land division or transfer.
- D. The township assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

## SECTION VII

### 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 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. The assessor will consult with the zoning officer to be sure all requirements are met.

- 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. 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 divided to create 4 or more parcels.
- D. 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 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 township zoning 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 minimum standards:

Where accessibility is to be provided by a proposed new dedicated public road, proof that the county road commission or Michigan Department of Transportation has approved the proposed layout and construction design of the road and of utility easements and drainage facilities connected therewith.

Where accessibility by vehicle traffic and for utilities is permitted through other than a dedicated and accepted public road or easement, such accessibility shall comply with all township, county and State regulations.

## SECTION VIII

### ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS

Notwithstanding disqualification from 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 applicable zoning ordinance or this Ordinance may be approved in any of the following circumstances:

- A. Where the applicant executes and records an affidavit or 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 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 above, the Zoning Board of Appeals has, previous to the 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, any applicable zoning ordinance, or the State Land Division Act.

## SECTION IX

### 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 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 may 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 in the Township zoning ordinance, the Township Subdivision Control Ordinance, or the Township Building Code.

**SECTION XIII**

**EFFECTIVE DATE**

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

TOWNSHIP OF Pike River  
Gary Lotgren, Clerk



Insert, here,  
municipal name,  
logo.

# Sample Land Division Application

You **MUST** answer all questions and include all attachments, or this will be returned to you. Bring or mail to:

Insert here, mailing address  
for the municipal reviewing agent.

Approval of a division of land is required before it is sold, when the new parcel is less than 40 acres and not just a property line adjustment (§102(e&f)).

In the box, below, fill in where you want this form sent, when the review is completed.

name
address
city, state, zip

This form is designed to comply with applicable local zoning, land division ordinances and §109 of the Michigan Land Division Act (formerly the subdivision control act, P.A.288 of 1967, as amended (particularly by P.A. 591 of 1996), MCL 560.101 et. seq.)

Parcel Number  
Name:  
Date:  
Number of splits allowed by Statute:  
Number of splits requested:  
Control Number

**1. LOCATION of parent parcel to be split:**

Address: \_\_\_\_\_, Road Name: \_\_\_\_\_  
Parent parcel number: \_\_\_\_\_  
Legal description of Parent Parcel (attach extra sheets if needed): \_\_\_\_\_

Township, City or Village Name: \_\_\_\_\_

**2. PROPERTY OWNER Information:**

Name: \_\_\_\_\_ Phone: ( \_\_\_\_\_ ) \_\_\_\_\_  
Address: \_\_\_\_\_ Road Name: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code \_\_\_\_\_

**3. APPLICANT information (if not the property owner):**

Contact Person's Name: \_\_\_\_\_  
Business Name: \_\_\_\_\_ Phone: ( \_\_\_\_\_ ) \_\_\_\_\_  
Address: \_\_\_\_\_ Road Name: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code \_\_\_\_\_

**4. PROPOSAL: Describe the division(s) being proposed:**

- A. Number of new Parcels \_\_\_\_\_
- B. Intended use (residential, commercial, etc.) \_\_\_\_\_
- C. The division of the parcel provides access to an existing public road by: (check one)
  - \_\_\_\_\_ Each new division has frontage on an existing public road.
  - \_\_\_\_\_ A new public road, proposed road name: \_\_\_\_\_  
(Road name can not duplicate an existing road name.)
  - \_\_\_\_\_ A new private road or easement, proposed road name: \_\_\_\_\_  
(Road name can not duplicate an existing road name.)
  - \_\_\_\_\_ A recorded easement (driveway). (Can not service more than one potential site.)

4A. Write here, or attach, a legal description of the proposed new road, easement or shared driveway (attach extra sheets if needed): \_\_\_\_\_

4B. Write here, or attach, a legal description for each proposed new parcel (attach extra sheets if needed): \_\_\_\_\_

5A. FUTURE DIVISIONS that might be allowed but not included in this application? \_\_\_\_\_

5B. The number of future divisions being transferred from the parent parcel to another parcel? \_\_\_\_\_

Identify the other parcel: \_\_\_\_\_  
(See section 109(2) of the Statute. Make sure your deed includes both statements as required in section 109(3) and 109(4) of the Statute.)

6. DEVELOPMENT SITE LIMITS Check each that represents a condition which exists on the parent parcel. Any part of the parcel:

- \_\_\_\_\_ is in a DNR-designated critical sand dune area.
- \_\_\_\_\_ is riparian or littoral (it is a river or lake front parcel).
- \_\_\_\_\_ is affected by a Lake Michigan High Risk Erosion setback.
- \_\_\_\_\_ includes a wetland.
- \_\_\_\_\_ includes a beach.
- \_\_\_\_\_ is within a flood plain.
- \_\_\_\_\_ includes slopes more than twenty five percent (a 1:4 pitch or 14° angle) or steeper.
- \_\_\_\_\_ is on muck soils or soils known to have severe limitations for on site sewage systems.
- \_\_\_\_\_ is known or suspected to have an abandoned well, underground storage tank or contaminated soils.

7. ATTACHMENTS (all attachments must be included). Letter each attachment as shown here.

\_\_\_ A. 1. A survey, sealed by a professional surveyor at a scale of \_\_\_\_\_ (insert scale), of proposed division(s) of parent parcel;

OR 2. A map/drawing drawn to scale of \_\_\_\_\_ (insert scale), of proposed division(s) of parent parcel and the 30 day time limit is waived: Signature: \_\_\_\_\_

The survey or map must show:

- (1) current boundaries (as of March 31, 1997), and
- (2) all previous divisions made after March 31, 1997 (indicate when made or none), and
- (3) the proposed division(s), and
- (4) dimensions of the proposed divisions, and
- (5) existing and proposed road/easement rights-of-way, and
- (6) easements for public utilities from each parcel to existing public utility facilities, and
- (7) any existing improvements (buildings, wells, septic system, driveways, etc.)
- (8) any of the features checked in question number 6.

\_\_\_ B. A soil evaluation or septic system permit for each proposed parcel prepared by the Health Department, or each proposed parcel is serviced by a public sewer system.

\_\_\_ C. An evaluation/indication of approval will occur, or a well permit for potable water for each proposed parcel prepared by the Health Department, or each proposed parcel is serviced by a public water system.

\_\_\_ D. Indication of approval, or permit from County Road Commission, MDOT, or respective city/village street administrator, for each proposed new road, easement or shared driveway.

\_\_\_ E. A copy of any transferred division rights (§109(4) of the Act) in the parent parcel.

\_\_\_ F. A fee of \$ \_ \_ . \_ \_ .

\_\_\_ G. Other (please list) \_\_\_\_\_

8. IMPROVEMENTS Describe any existing improvements (buildings, well, septic, etc.) which are on the parent parcel, or indicate none (attach extra sheets if needed): \_\_\_\_\_

9. AFFIDAVIT and permission for municipal, county and state officials to enter the property for inspections:

I agree the statements made above are true, and if found not to be true this application and any approval will be void. Further, I agree to comply with the conditions and regulations provided with this parent parcel division. Further, I agree to give permission for officials of the municipality, county and the State of Michigan to enter the property where this parcel division is proposed for purposes of inspection to verify that the information on the application is correct at a time mutually agreed with the applicant. Finally, I understand this is only a parcel division which conveys only certain rights under the applicable local land division ordinance, the local zoning ordinance, and the State Land Division Act (formerly the Subdivision Control Act, P.A.288 of 1967, as amended (particularly by P.A. 591 of 1996), MCL 560.101 et. seq.), and does not include any representation or conveyance of rights in any other statute, building code, zoning ordinance, deed restriction or other property rights.

Finally even if this division is approved, I understand zoning, local ordinances and State Acts change from time to time, and if changed the divisions made here must comply with the new requirements (apply for division approval again) unless deeds, land contracts, leases or surveys representing the approved divisions are recorded with the Register of Deeds or the division is built upon before the changes to laws are made.

Property Owner's Signature \_\_\_\_\_ Date: \_\_\_\_\_

DO NOT WRITE BELOW THIS LINE:

Reviewer's action: \_\_\_\_\_ TOTAL \$ \_ , \_ \_ \_ . \_ \_ \_ Receipt # \_ \_ \_ \_ \_

\_\_\_ Approved: Conditions, if any: \_\_\_\_\_

\_\_\_ Denied: Reasons (cite §): \_\_\_\_\_

Signature and date: \_\_\_\_\_

MINUTES OF THE PINE RIVER TOWNSHIP BOARD  
REGULAR MONTHLY MEETING  
MAY 14 1997

1. The regular monthly meeting of Pine River Township Board was called to order at 7:00 pm by supervisor Elnora VanderVeen at the Township Hall.
2. The board and guests gave pledge to the flag.
3. Present for Roll Call: Lofgren, Smith, Linn, VanderVeen, Loper.
4. Approve the agenda. VanderVeen requested two changes to the agenda. First to remove Item 8B ( General Fund Budget Report) and under Item 9D to move forward to the time when Mike Pung arrived. Motion by Smith second by Lofgren to approve the agenda with the two changes listed above. 5 yeas- 0 nays.
5. Minutes from the April 9th 1997 meeting approved as submitted.
6. Brief Public Comment. NONE.
7. Motion by Loper to approve the paying of the bills as presented. second by Smith. Roll Call: Linn-yes, VanderVeen- yes, Smith-yes, Loper- yes, Lofgren- yes. All 5 yes.
8. A. Treasurers report. Treasurers report was filed.  
B. Zoning & Blight Officer.
  1. Advised Roseland to have property at m-46 and Luce Road rezoned.
  2. Decker wants to rezone the yellow house on Alger Road that burned.
  3. Arby's is being sold.
  4. Property owner at 3762 W Lincoln Road is requesting a variance in the back corner to put up a building.
9. A. Alma Sewer- Mike Pung. There will be 42 houses at the new subdivision. Mike is requesting that the Township add 630 feet to the sewer to take care of the new subdivision. Approximate cost will be \$26.00 per foot plus manholes. Mike will be doing the engineering for the sewer. He is also requesting that the Township initiate a letter to the city of Alma asking to amend the service area to take care of this project. Motion by Loper, second by smith to initiate the above. Roll Call: Linn-yes, VanderVeen-yes, Loper-yes, Smith-yes, Lofgren-yes. 5 yes- 0 no's.  
B. Copier. After presenting information and bids to the board Smith made a motion to have the Township purchase a zerox copier model 5312, Linn made second. Roll Call: VanderVeen-yes, Smith-yes, Loper-yes, Lofgren-yes, Linn-yes. 5 yeah-0 nays.

C. Land Division Act and Ordinance. Smith made motion to pass the Land Division Act Ordinance, second by Loper. 5 yeahs-0 nays. #97005

D. There was a motion by Linn, second by Lofgren to pass a resolution to approve a \$15.00 processing fee and give it to the assessor for his researching and filing of paperwork on any Land Division. Roll Call: Smith-yes, VanderVeen-yes, Linn-yes, Loper-yes, Lofgren-yes. 5 yeah- 0 nays. #97006

E. Nothing to report on St. Louis sewer. Tim is to talk to some Grafton Road residents to question if any sump pumps have been hooked into the sewer system. The above was put to the board as a motion from Loper, second by Lofgren. 5 yeahs 0- nays.

10. A. Street Lighting at ride share parking at the corner of m-46 and Business 27. Motion by Smith to table, second by Loper until we receive further information from the state. 5 yeah- 0 nays.

B. Winans Road Bridge. Gratiot County Road Commission is asking that Pine River Township pass a resolution to have Gratiot County Road Commission seek critical bridge funds to reconstruct the bridge over County Drain #96. ( 21,250.00 would be the Townships Portion. Smith made a motion to pass a resolution to show Township interest in accomplishing the above. Second by Loper Roll Call: Linn-yes, Lofgren-yes, Smith-yes, Loper-yes, VanderVeen. 5 yeahs- 0 nays.

C. Grounds keeper and Sexton. After advertising for a grounds keeper/ sexton we have 5 resume's. After reviewing the resume's Smith made a motion, 2 nd by Lofgren to give the contract to David Dickman's brother Joseph Dickman. 5 yeahs 0 nays.

D. Land Split- Floyd McConkie. Floyd is requesting a Land Division act at 3716 W. Jefferson at the request of his financial institution. Lofgren made a motion to do so, Linn second. 5 yeahs- 0 nays.

11. Extended Public Comment.

1. Victor Finch- voicing his protest concerning the blight clean-up of his property.

2. <sup>George</sup>~~Lawrence~~ Davidson wanted to know why this situation with Victor Finch was not finalized and expressed his concern that the courts had to get involved.

12. Announcements.

1. Township Audit will begin May 19, 1997.

2. School elections are June 19, 1997.

3. Gratiot County Planning Commission has a meeting Tuesday  
May 20 th, 7:30 pm at the County Courthouse in Ithaca.

13. Motion by Linn, second by Loper to adjourn the meeting. 5  
yeah- 0 nays.



Gary Lofgren  
Clerk