

STATE OF MICHIGAN COUNTY OF LENAWEЕ
RAISIN CHARTER TOWNSHIP

LAND DIVISION ORDINANCE NO: 97-100

Adopted: 11/10/97

Effective: 11/10/97

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.

RAISIN CHARTER TOWNSHIP
LENAWEЕ COUNTY, MICHIGAN,
ORDAINS:
SECTION I
TITLE

This ordinance shall be known and cited as the RAISIN CHARTER 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 divisions 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, thin, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. **“Divide” 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 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"** - 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.

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 Raisin Township Board.

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 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 Act.

SECTION V 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 form or 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 \$50.00-\$125.00 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. 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 notify the applicant of the decision, and if denied, the reasons for the 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, and any notice of approval shall include a statement to this effect.

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 depth to width ratio, and maximum lot (parcel) coverage and minimum setbacks for existing buildings/structures.
- B. The proposed land division(s) complies 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 four 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 non buildable parcels created under Section VIII of this Ordinance and parcels added to continuous 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 zoning ordinance or, in the absence thereof, as specified in subparagraph E (1) and (2) of this Ordinance.

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:

(1) A minimum road frontage of 200 feet on a public road or municipally approved private road.

(2) A minimum width of 200 feet as measured on a line parallel to the abutting road right of way and/or lake frontage.

(3) A minimum lot (parcel area of 43560 square feet. (1 Acre).

F. 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:

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

(2) 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 the following:

A. Where such private road or easement extends from a dedicated public road, or is serving or intending to serve more than one separate parcel, unit or ownership, it shall be not less than sixty (60) feet of right of way width, twenty (20) feet in improved roadbed with at least four foot shoulder width on each side and adequate drainage ditches and necessary culverts on both sides to accumulate and contain surface water from the road area. It shall further be improved with not less than two (2) inches of processed and stabilized gravel base (411 A) over six (6) inches of (22 A) laid upon a six (6) inch base of granular soil to comply with Lenawee County Road , Commission standards. The road bed shall have a minimum curve radius of Seventy Five (75) feet to meet current AASHTO standards. If the improved private roadway dead-ends, it shall have a cul-de-sac with a radius not less than seventy five (75) feet of improved roadbed for the accommodation of emergency, commercial and other vehicles.

(B) No private road or easement shall extend for more than 1.000 feet from a public road

(C) No private road shall serve more than twenty five (25) separate parcels.

SECTION VIII

**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 injunctive or other relief to prevent any violation or 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 IX
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 X
REPEAL**

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

**SECTION XI
EFFECTIVE DATE**

This ordinance shall take effect upon publication following its adoption.

TOWNSHIP OF RAISIN

(CLERK)

5525 Occidental Hwy

Tecumseh, MI 49286

517-423-3162