

**TOWNSHIP OF ALGANSEE
COUNTY OF BRANCH, MICHIGAN**

At a regular meeting of the Township Board of the Township of Algansee, Branch County, Michigan, held at the Township Hall, in said Township, on the 4th day of November, 2019, at 7:30 p.m.

PRESENT: Members John Shilling, Harold Sneath, Russ Jennings, Ann Strong, Anne Gary

ABSENT: Members None

The following ordinance was offered by Member, Ann Strong, and supported by Member, Harold Sneath.

The Township of Algansee ordains:

ORDINANCE NO. 802

AN ORDINANCE to regulate the division of parcels or tracts of land in order to carry out the provisions of Michigan Public Act 288 of 1967, as amended, being the Land Division Act; to establish minimum requirements and procedures for the approval of such land divisions and to prescribe penalties for the violation of this ordinance.

SECTION 1 TITLE AND PURPOSE

- 1.1 This ordinance shall be known and may be cited as the Algansee Township Land Division ordinance.
- 1.2 The purpose of this ordinance is to carry out the provisions of the Land Division Act, Michigan Public Act 288 of 1967, as amended (the "Act"), including without limitation Sections 560.101 thru 560.109 thereof, in order to prevent the creation of parcels of land which do not comply with the Act or with the applicable Township ordinances; to provide for the orderly development of land and otherwise to provide for the health, safety and welfare of the residents and property owners of the Township by establishing minimum requirements for review and approval of certain land divisions within the Township.
- 1.3 This ordinance shall not be construed to repeal, abrogate, rescind, or otherwise to impair or interfere with provisions of other ordinances of Algansee Township.

SECTION 2 DEFINITIONS

- 2.1 Certain words and phrases used in this Ordinance shall have the meanings stated in this Section. Other words and phrases, if defined by the Act shall have the meanings stated in the Act, section 560.102 Definitions.
- 2.2 "Administrator" means Algansee Township Zoning Administrator and Algansee Township Assessor.
- 2.3 "Division" or "land division" means 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 (as defined in the Act), and that satisfies the requirements of Section 108 and 109 of the Act. 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; any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of the Alganssee Township Zoning Ordinance.

- 2.4 “Exempt split” means 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. For a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of the Alganssee Township Zoning Ordinance.
- 2.5 “Parcel” means a continuous area or acreage of land which can be described as stated in Section 102(g) of the Act.
- 2.6 “Parent Parcel” or “parent tract” means a parcel or tract, respectively, lawfully in existence on March 31, 1997.
- 2.7 “Subdivide” or “subdivision” means 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 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the act by section 108 and 109. “Subdivide” or “subdivision” 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 this act or the requirements of the Alganssee Township Zoning Ordinance.
- 2.8 “Accessible”, in reference to a parcel means that the parcel meets one or both of the following requirements: 1) Has an area where a driveway provides vehicular access to an existing road or street or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards of the state transportation department or county road commission. 2) Is served by an existing easement or a proposed easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road commission.
- 2.9 “Resulting parcel(s)” means one or more parcels which result from a land division.
- 2.10 “Tract” means two or more parcels that share a common property line and are under the same ownership.
- 2.11 “Forty acres or the equivalent” means 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

SECTION 3 LAND DIVISION APPROVAL REQUIRED

- 3.1 Any partitioning or splitting of land which requires the approval of the Township in order to qualify as a land division under the Act shall satisfy the requirements of Sections 4 and 5 and other applicable provisions of this Ordinance.
- 3.2 The following shall be exempted from these land division requirements:
- a. A parcel proposed for subdivision located in a recorded plat pursuant to the State Land Division Act (These will be handled by the Alganssee Township board pursuant to the Platted Subdivision Ordinance)
 - b. 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 4 APPLICATION FOR LAND DIVISION APPROVAL

- 4.1 A proposed land division shall be filed with the Administrator and shall include the following:
- a. Per PA23 of 2019, Sec 109(1)(i)1, submit Branch County Treasurer's Tax Certification, stating all property taxes and special assessments due on this parcel or tract subject to the proposed division for the five (5) years preceding the date of the application have been paid.
 - b. A completed application, on such written form as the Township may provide, including any exhibits described therein.
 - c. Proof of ownership interest in the land which is the subject of the proposed division, or written consent to the application, signed by the owner of such land.
 - d. A parcel map drawn to scale or survey that includes: the parent parcel, proposed divisions, and remaining parent parcel; an accurate legal description of the parent parcel, each proposed division, and remaining parent parcel; boundary lines; dimensions; and the accessibility of each division for automobile traffic and public utilities.
 - e. The requirements of subparagraph (d) do not apply to any resulting parcel which is 40 acres or larger, as long as such parcel satisfies the requirements of Section 5.1(b) below.
 - f. Proof of release from Mortgage Company, PA116 (Farmland Preservation), PA260 (Qualified Ag land that continues to be Qualified Ag land), and any other interested parties that may be applicable.
 - g. Other information reasonably required by the Administrator in order to determine whether the proposed land division qualifies for approval.
 - h. Other requirements that may arise from changes to the Land Division Act (Michigan Public Act 288 of 1967, as amended).
 - i. Payment of the application fee and other applicable fees and charges established by resolution of the Township Board.
- 4.2 A proposed division shall not be considered filed with the Township, nor shall the time period stated in subsection 5.3 commence, until all the requirements for an application for land division approval have been complied with.

SECTION 5 MINIMUM REQUIREMENTS FOR APPROVAL OF LAND DIVISIONS

- 5.1 A proposed land division shall be approved by the Administrator upon satisfaction of all of the following requirements:
- a. The application meets all requirements of Section 4.
 - b. Each resulting parcel shall have a means of vehicular access to an existing street or road from an existing or proposed driveway or access easement. Such means of access shall comply with all applicable location standards of the governmental authority having jurisdiction of the existing street or road. If a driveway or access easement does not lawfully exist at the time a division is proposed, the applicant shall also comply with the requirements of subsection 5.2.
 - c. The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.
 - d. Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.
 - e. Each resulting parcel shall have the depth to width ratio specified by the township zoning ordinance for the zoning district(s) in which the resulting parcel is located. If the Township zoning ordinance does not specify a depth to width ratio, each resulting parcel which is 10 acres or less in area shall have a depth which is not more than four times the width of the parcel. The width and depth of the resulting parcel shall be measured in the same manner by the Township zoning ordinance for the measuring of the minimum width and maximum depth of parcels.
 - f. All resulting parcels to be created by the proposed land division(s) shall fully comply with the applicable lot area and lot width requirements of the Township zoning ordinance for the zoning district(s) in which the resulting parcels are located.
- 5.2 If a means of vehicular access to a resulting parcel does not lawfully exist at the time a land division is applied for the proposed division shall not be approved unless the following requirements are satisfied:
- a. If a driveway is proposed as a means of access, each resulting parcel shall have an area where a driveway will lawfully provide vehicular access in compliance with applicable Township ordinances.
 - b. If an easement is proposed as a means of access, the proposed easement shall be in writing and signed by the owner of the parcel(s) within which the easement is to be located. Such easement shall provide a lawful means of access over and across such parcel(s) in compliance with applicable Township ordinances.
 - c. If a new public road or street is proposed as a means of access, the applicant shall provide proof that the road authority having jurisdiction has approved the proposed layout and construction design of the road or street and utility easements and drainage facilities associated therewith.
- 5.3 The Administrator shall approve or disapprove a proposed land division within 45 days after the complete filing of the proposed division with the Administrator, and shall provide the applicant with written notice of such approval or disapproval. If disapproved, the Administrator shall provide the applicant with a description of the reasons for disapproval. Any notice of approval for a resulting parcel of less than one acre in size shall contain a statement that the Township is not liable if a building permit is not issued for the parcel for the reason that the parcel fails to satisfy the requirements of Section

109a of the Act, including approval of on-site water supply and on-site sewage disposal under the standards set forth in Section 105(g) of the Act.

- 5.4 An applicant aggrieved by the decision of the Administrator may, within 30 days of the decision, file a written appeal of the decision to the Township Board, which shall consider and decide the appeal by a majority vote of the members present and voting at a public meeting. At least 15 days' written notice of the date, time and place of the meeting at which the appeal is to be considered shall be given to the applicant by regular, first-class mail, directed to the applicant's address as shown in the application or in the written appeal. The Township Board may affirm or reverse the decision of the Administrator, in whole or in part, and its decision shall be final.

SECTION 6 APPROVAL OF LAND DIVISIONS

- 6.1 The Administrator shall maintain a record of all land divisions approved by the Township.
- 6.2 A decision approving a land division shall be effective for not more than 180 days after approval by the Administrator or, if appealed, by the Township Board, unless either of the following requirements is satisfied within such 180-day period:
- a. A deed or other recordable instrument of conveyance, accurately describing the resulting parcel(s) other than the remainder of the parent parcel or parent tract retained by the applicant, shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator, or
 - b. A survey accurately showing the resulting parcel(s) shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator. Such survey shall comply with the minimum requirements of Public Act 132 of 1970, as amended.

If neither paragraph (a) nor paragraph (b) is satisfied, such land division shall, without further action on the part of the Township, be deemed revoked and of no further effect after the 180th day following such approval by the Administrator or, is appealed, by the Township Board.

- 6.3 All deeds and other recordable instruments of conveyance and all surveys in compliance with Section 5.1 shall be reviewed by the Administrator in order to determine their conformity with the approved tentative parcel map. The Administrator shall mark the date of approval of the proposed land division on all deeds, other recordable instruments of conveyance and surveys which are in conformity with the approved tentative parcel map and which otherwise comply with the requirements of this ordinance. Such documents shall be maintained by the Administrator in the Township record of the approved land divisions.
- 6.4 The approval of a land division shall not, of itself, constitute an approval or permit required under other applicable Township ordinances. An approval of a division is not a determination that the resulting parcels comply with other Township ordinances or regulations.

6.5 Any parcel created inconsistent with or in violation of this ordinance, where approval hereunder is required, shall not be eligible for issuance of building permits, zoning ordinance approvals or other land use or building approvals under other Township ordinances, nor shall any such parcel be established as a separate parcel on the tax assessment roll.

SECTION 7 PENALTIES AND OTHER REMEDIES

7.1 Anyone violating any provision of the Alganssee Township Land Division Ordinance is responsible for a municipal civil infraction, subject to the payment of a civil fine of not less than \$50, plus costs and other sanctions, for each infraction. A second infraction within six months shall subject the violator to payment of a civil fine of not less than \$100, plus costs and other sanctions. A third, or more, infraction within six months of the previous infraction shall be subject to a fine of not less than \$250, plus costs and other sanctions.

SECTION 8 SEVERABILITY

8.1 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 9 REPEAL

9.1 All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, more specifically Ordinance #801, except that this ordinance shall not be construed to repeal any provision in the Alganssee Township Zoning Ordinance or County Building Codes.

SECTION 10 EFFECTIVE DATE

This ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES; MEMBERS: Shilling, Sneath, Jennings, Strong, Gary

NAYS; MEMBERS: None

ORDINANCE DECLARED ADOPTED November 4, 2019

ORDINANCE EFFECTIVE _____

Alganssee Township Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF BRANCH)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Alganssee at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Alganssee Township Clerk