

**TOWNSHIP OF EDENVILLE**  
**COUNTY OF MIDLAND STATE OF MICHIGAN**

**ORDINANCE NO. 178**

**LAND DIVISION ORDINANCE**

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public 1967 PA 288, as amended, Act 591 of 1996, as amended, and Act 247 of 1945, 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.

**TOWNSHIP OF EDENVILLE**

**MIDLAND COUNTY, MICHIGAN,  
ORDAINS:**

**SECTION I**

**TITLE**

This ordinance shall be known and cited as the Edenville 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 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. “Administrator” – that person designated by resolution of the Township Board to administer this ordinance.
- B. “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.
- C. “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. “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.
- D. “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.
- E. “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.
- F. “Governing body” – the Township Board of Edenville, Township, Midland County, Michigan.
- G. “Parent Parcel” – a parcel of land lawfully in existence on March 31, 1997.
- H. “Township” – the Township of Edenville, Midland County, Michigan.

## **SECTION IV**

### **PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS**

Land in the Township shall not be divided without the prior review and approval of the Administrator, 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.
- B. 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 assessable (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.

## **SECTION V**

### **APPLICATION FOR LAND DIVISION APPROVAL**

An applicant shall file all of the following with the Administrator 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 form or such form as provided by the Township.
- B. Proof of fee ownership of the land proposed to be divided or written consent to 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 dimensions 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. If access is by private road, written permission from the road owner to use the private road shall be submitted.

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 the Edenville Township Zoning Ordinance have been met.
- E. If requested by the Administrator, 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. Detailed information about the terms and availability of the proposed division rights.
- G. The fee as 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 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 Administrator shall approve or disapprove the land division applied for within 45 days after receipt of the application package and shall promptly notify the applicant in writing of the decision and the reasons for any denial. If the application package does not conform to these Ordinance requirements and the State Land Division Act, the Administrator 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 or designee 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 its next regular meeting or session affording sufficient time for a 10-day written notice to the applicant of the time and date of said meeting. The Township Board may affirm, modify or reverse the decision of the Administrator 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 Administrator a conveyance of the approved land division or survey evidencing same.

- D. The Township Clerk shall maintain an official record of all approved and accomplished land divisions or transfers.

## **SECTION VII**

### **STANDARDS FOR APPROVAL OF LAND DECISIONS**

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

- A. All parcels to be created by the proposed land division(s), including resulting parcels, fully comply with the applicable lot, dimension, width, yard, area, frontage and access requirements of the Township zoning and other applicable ordinances.
- B. The proposed land division, including resulting parcels, comply with all requirements of the State Land Division Act and this Ordinance.
- C. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio unless one or more of the following exceptions apply:
  - 1. Part of the proposed parcel is within the flood plain. The portion of the parcel within the flood plain would not be counted when calculating the depth to width ratio. The portion of the parcel outside the flood plain would have to meet the maximum 4:1 depth to width ratio.
  - 2. Special topographical conditions exist on the proposed parcel, such as ravines. (Wetlands do not qualify as an exception to the maximum 4:1 depth to width ratio.)
- D. In the event that the Township zoning ordinance shall specify a depth to width ratio which differs from that set forth within this Section, the ratio contained in this Section shall control.

## **SECTION VIII**

### **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 IX**

### **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 X of this ordinance, and as may otherwise be provided by law.

## **SECTION X**

### **PENALTIES AND ENFORCEMENT**

A. Any person who violates any of the provisions of this ordinance shall be deemed responsible for a municipal civil infraction of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has incurred in connection with the violation, together with all other remedies pursuant to MCL 600.8701, *et seq.* Each day a violation continues shall be deemed a separate municipal civil infraction.

B. 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. The imposition of any fine or forfeiture shall not exempt the violator from compliance with the provisions of this ordinance.

## **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**

Land Division Ordinance No. 149 and all other 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 of the Township Zoning Ordinance or the Township Building Code.

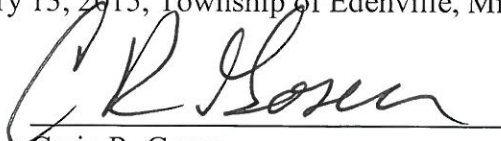
**SECTION XIII**

**EFFECTIVE DATE**

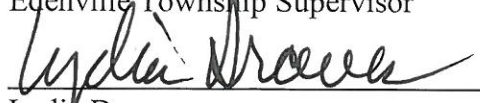
This ordinance shall take effect 30 days following its publication after adoption.

Adopted by the Township Board on January 13, 2015, Township of Edenville, Midland County, Michigan.

Date: January 13, 2015



Craig R. Gosen  
Edenville Township Supervisor



Lydia Draves  
Edenville Township Clerk

**CERTIFICATION**

The above Ordinance No. 178 was adopted at a meeting of the Edenville Township Board on the 13th day of January, 2015, and published in the Midland Daily News, a newspaper of general circulation in the Township of Edenville on the 25<sup>th</sup> day of January, 2015.



Lydia Draves  
Edenville Township Clerk