

Township of Stockbridge
Ingham County, Michigan

ORDINANCE TO REGULATE
DIVISION OF LAND

Ordinance # 214

Adopted by the Township Board

Effective: February 23, 2001

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Township of Stockbridge
Ingham County, Michigan

ORDINANCE TO REGULATE DIVISION OF LAND

Ordinance No. 214

An ordinance to authorize and regulate the partitioning or division of parcels of land, to establish review procedures for such action, to establish minimum standards for partitioning or dividing parcels of land, and to prescribe penalties for the violation of the provisions of this Ordinance

The Township of Stockbridge, Ingham County, Michigan Ordains:

Section 1

TITLE

This Ordinance is hereby designated and shall be referred to as the “Stockbridge Township Ordinance to Regulate the Division of Land”

Section II

PURPOSE

In the interest of protecting the public health, safety and welfare, the Stockbridge Township Board of Trustees finds that this Ordinance is necessary in order to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to regulate the division and partitioning of parcels of land within the Township so that we may prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, minimize potential boundary disputes, and to maintain orderly development of the community, by establishing reasonable standards for prior review and approval of land divisions within the Township.

Section III

SCOPE

It shall be unlawful for a person to divide or partition any lot, parcel or tract of land in a recorded plat or divide or partition any unplatted parcel or tract of land, transfer of property between adjoining parcels or tract, except in accordance with the provisions of this Ordinance, unless the division or partition is approved and a part of the recorded plat, pursuant to the Land Division Act, Michigan Public Act 288 of 1967, as amended

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Section IV

DEFINITIONS

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

Accessible: A parcel is accessible if it meets the following requirements.

The parcel has an area where a driveway provides or an existing easement provides vehicular access to an existing road or street and meets all applicable location standards of the Michigan Department of Transportation or Ingham County Road Commission pursuant to Michigan Public Act 200 of 1969, as amended and the local approved road ordinance of Stockbridge Township now as Ordinance #204.

Applicant: An individual, firm, association, partnership, corporation, or combination thereof, which holds ownership interest in land and is seeking approval for a division or partition of land in accordance with this Ordinance.

Authorized Reviewer: The Township's appointed personnel that has the authority to approve or deny a land division request.

Date of Filing: The date an application for division of land is submitted to the Township in a form that complies with all of the application requirements specified in this Ordinance.

Division: The partitioning or splitting of a parcel or tract of land for the purposes of sale, or lease of more than one (1) year, or of building development, that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements of section 108 and 109 of Public Act 288 of 1967, as amended. "Division" does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel, and a division is not subject to the platting requirements of said Public Act 288. Although a transfer of property between adjoining parcels does not count as a division, such transfers are subject to the review and approval requirements of this ordinance.

Divide or Partition: The splitting or separating of a parcel of land into parts by changing the boundaries and/or legal description, where such splitting or separating of land is not accomplished pursuant to platting procedures under the Land Division Act, Michigan Public Act 288 of 1967, as amended.

"Exempt Split" or "exempt division": The partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his / her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than forty (40) acres or the equivalent.

Land: All land areas occupied by real property.

Parcel: A measured portion of land which is described by virtue of a request to divide or partition the parcel in accordance with the provisions of this Ordinance. A parcel may be a subdivision lot, an acreage tract or acreage land.

Parent Parcel/Parent Tract: A parcel or tract of land lawfully in existence as of March 31, 1997.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Plat: A map or chart of a subdivision of land that has been approved in accordance with the land Division Act, Michigan Public Act 288 of 1967, as amended.

Private Road: A road which for ingress and egress to and from land that does not abut a public road, which such road is not dedicated for use by the public.

Public Road: A road that is dedicated for use of the public for travel and which is maintained by a public agency, such as the Township or Ingham County Road Commission.

Tract: Two (2) or more parcels that share a common property line and are under the same ownership.

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Section V

PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land located within the Stockbridge Township boundaries shall not be divided without the prior review and approval of the Township Supervisor, (or other official designated by the Stockbridge 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. 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 VI

APPLICATION FOR LAND DIVISION APPROVAL

An applicant is required to submit all of the following with the Township Supervisor, (or other official designated by the Stockbridge Township Board) for review and approval of a proposed land division prior to making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed Land Division application form, (form shall be approved by the Stockbridge Township Board)
- B. Proof of fee ownership of the Parent Parcel/Tract of land proposed to be divided. (Title search may be required).
- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- D. A registered land surveyor prepared survey and separate description with easements of each parcel after approval of the "tentative parcel map". This will insure compliance and catch the otherwise undetectable overlaps and encroachments.
- E. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- F. 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 shall be submitted.
- G. A fee, as established by the Stockbridge Township Board, to cover the cost of review of the application and administration of this Ordinance and the State Land Division Act.
- H. If any portion of the land is subject to a farmland development rights agreement pursuant to Michigan Public Act 116 of 1974, as amended, The Farmland and Open Space Preservation Act, the a copy of the agreement shall be provided to the Township for review
- I. A legal description of existing Parent parcel of land involved in the proposed land division as of March 31, 1997.
- J. Sufficient information about previous land division activity to demonstrate that the parcel is eligible to be divided in the manner being proposed.
- K. The Township Supervisor, (or other official designated by the Stockbridge Township Board) may require additional information deemed necessary to determine compliance with the State Land Division Act.

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Section VII

REVIEW PROCEDURE FOR PROPOSED LAND DIVISION

- A. All applications for division of land shall be submitted, together with the required information, to the Township Supervisor, (or Township approved designee).
- B. The Township Supervisor, (or Township approved designee) shall review the application for completeness of data and to determine whether it is in compliance with this Ordinance and the Township's Zoning Ordinance. If deemed necessary during the course of his/her review, the Township Supervisor (or Township approved designee) may submit the application to other Township staff, consultants, or county officials for review and recommendation.
- C. After a thorough review, the Township Supervisor, (or Township approved designee) shall approve or disapprove the land division request within forty five (45) days after receipt of a completed application conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, if denied, the reason for denial.
- D. Township Supervisor, (or Township approved designee) shall report all approved land division to the Township Board of Trustees and the Township assessor.
- E. The Township Supervisor, (or approved designee) shall maintain an official record of all approved and accomplished land divisions or transfers.
- F. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- G. 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 VIII

STANDARDS FOR GRANTING APPROVAL

The standards in this section have been adopted to provide a uniform basis for decisions required by this Ordinance, and to allow land division where it would protect public health, safety and welfare. An application for division of land shall not be approved unless it is in compliance with the State Land Division Act, Michigan Public Act 288 of 1967, as amended.

- 1. Division of the Parent Parcel or Parent Tract: The number of parcels created shall not exceed the amount specified by Section 108 of Michigan Public Act 288 of 1967, as amended Accordingly, a proposed division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following.
 - a. For the first ten (10) acres or fraction thereof in the parent parcel or parent tract: four (4) parcels.
 - b. For each whole ten (10) acres in excess of the first ten (10) acres in the parent parcel or parent tract: One (1) additional parcel, for up to a maximum of eleven (11) additional parcels.
 - c. For each whole Forty (40) acres in excess of the first on hundred twenty (120) acres in the parent parcel or parent tract: One (1) additional parcel
 - d. If the parent parcel or parent tract is twenty (20) acres or greater, the division may result in a total of two (2) additional Parcels, Provided that on or both of the following conditions exist:
 - (i) Because of the establishment of one (1) or more new roads, no new driveway access to an existing public road is required or created for any of the resulting parcels.
 - (ii) One of the resulting parcels comprise not less that sixty percent (60%) of the area of the parent parcel or parent tract.
 - e. A parcel of forty (40) acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted.

ORDINANCE TO REGULATE THE DIVISION LAND

Section VIII “Continued”

2. Zoning Requirements: All parcels as result of division of land shall comply with all applicable zoning requirements, including minimum lot size, lot width, public road frontage, and parking requirements etc. . . . as established by the zoning district unless otherwise provided for in an applicable zoning ordinance. All proposed land division(s) must comply with all requirements of this Ordinance and the State Land Division Act.

3. Additional Future Division. A parcel or tract created by an exempt split (as defined in Public Act 288 of 1967, as amended) or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject the platting requirements of Public Act 288 of 1967, as amended, if all of the following requirements are met:
 - a. Not less than ten (10) years have elapsed since the parcel or tract was recorded.
 - b. The partitioning or splitting results in not more than the following number of parcels, which ever is less:
 - (i) Two (2) parcels for the first ten (10) acres or fraction there of in the parcel or tract, plus one (1) additional parcel for each whole ten (10) acres in excess of the first ten (10) acres in the parcel or tract.
 - (ii) A total of seven (7) parcels, except that a total of ten (10) parcels may result if one of the resulting parcels under this subsection 2 comprises not less than sixty percent (60%) of the area of the parcel or tract being partitioned or split

4. Depth-to-Width Ratio: All parcels created as a result of division of land shall have a maximum depth-to-width ratio of 4 to 1, except where it is demonstrated that a deeper lot will protect natural resources, such as woodlands, wetlands, or wildlife habitat etc. . . . (This exception will require recommendation from the planning commission to the Zoning Board of Appeals. The Zoning Board of Appeals will then submit an approval or denial (of the proposed exception) to the Township Supervisor.

5. Taxes and Assessment Liens: Any due or unpaid taxes or special assessments upon the property shall be paid before the division of land is given final approval.

6. Consent of the Title Holder: No division of land shall be approved without the written consent of the title or deed holder of the subject parcel.

7. Easements: Approval of a proposed division of land shall be subject to the dedication of adequate accessibility, or an area available therefore, for public utilities and emergency and other vehicles. Along with provisions (if deemed necessary) for bicycle/non-motorized vehicle paths, sidewalks, or other necessary public facilities required.

8. Recording of Deeds: Deeds to all parcels created and all remaining parcels must be recorded with the Register of Deeds within Ninety (90) days of approval date or all divisions created will become null and void.

Section IX

FEES

1. Fees: The Township may charge a fee for review of application for division of land, The fee shall be established by resolution of the Township Board in an amount necessary to cover the cost of the review and administration cost.

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Section X

CONSEQUENCE OF NONCOMPLIANCE

- 1. 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 as assessment roll until the assessing officer refers the suspected violation or potential non-conformity to the county prosecuting attorney and gives written notice to the person requesting the division, and the person suspected of the violation or potential non-conformity of such referral to the prosecuting attorney. The Township shall further have the authority to initiate injunctive or the relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto.
- 2. In addition any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine of not more than \$500.00 along with cost which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall cost of neither less than \$9.00 nor more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions a judicial orders as are authorized under Michigan Law. Each day a violation of this Ordinance continues to exist beyond the warning constitutes a separate violation.
- 3. Pursuant to Section 267 of the Land Division Act, an unlawful division or split shall also be void able at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

Section XI

SEVERABILITY

- 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 XII

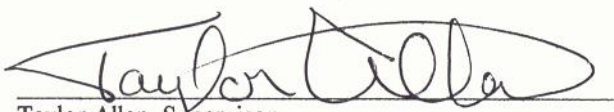
REPEAL

- 1. All Previous land Division Ordinances affecting unplatted land division in conflict with this Ordinance are hereby repealed; however, this Ordinance shall no 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.

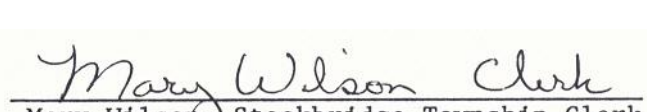
Section XIII

EFFECTIVE DATE

Motion to approve having been made by Mary Curtis, and seconded by Mary Wilson, this ordinance was made and passed by the Board of Trustees of Stockbridge Township on the 15th day of January, 2001. This Ordinance shall take effect on the, 23 day of February , 2001 thirty (30) days following publication in a newspaper of general circulation within Stockbridge Township, as required by law.



Taylor Allen, Supervisor



Mary Wilson, Stockbridge Township Clerk

Notice of Ordinance Adoption

PLEASE TAKE NOTICE that the above Ordinance was adopted by the Stockbridge Township Board on January 15, 2001 at the regular meeting.

The above is the full text of the Ordinance.

The effective date is February 23, 2001.

The ordinance was published in the Town Crier on January 23, 2001.

A copy of the Ordinance may be purchased or inspected at the Stockbridge Township Hall.



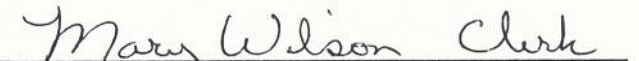
MARY WILSON, clerk

Dated January 15, 2001

State of Michigan)
County of Ingham)^{SS}

I, Mary Wilson, Stockbridge Township Clerk, do Hereby certify that the within Ordinance was adopted by the Stockbridge Township Board at a regular meeting held on 20th day of August, 2001 by the following roll call vote:

Ayes - 5- Allen, Clear, Curtis, M Wilson & R Wilson
Nays - 0
Absent-0-



Mary Wilson, Stockbridge Township Clerk