

**THE TOWNSHIP OF ONEKAMA**

**ORDINANCE NO. 99-05**

**MANISTEE COUNTY, MICHIGAN**

**AN ORDINANCE TO REGULATE PARTITIONING OR DIVISION OF PARCELS OR TRACTS OF LAND, ENACTED PURSUANT TO 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 CONFLICTING ORDINANCE OR PROVISION, AND TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR THE VIOLATION OF THIS ORDINANCE.**

**THE TOWNSHIP OF ONEKAMA ORDAINS:**

**SECTION I. TITLE**

This ordinance shall be known and cited as the Onekama 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**

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

1. APPLICANT is a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
2. DIVIDED or DIVISION is 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 forty (40) acres or the equivalent, and that satisfies the requirements of Section 108 and 109 of the State Land Division Act.
3. EXEMPT SPLIT or EXEMPT DIVISION is 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.
4. FORTY ACRES OR THE EQUIVALENT is either forty (40) acres, a quarter/quarter section containing not less than thirty (30) acres, or a government lot containing not less than thirty (30) acres.
5. GOVERNING BODY is the legislative body of the Township Board.

### **SECTION IV. PRIOR APPROVAL - REQUIREMENT FOR LAND DIMENSIONS**

A. 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 (the "Land Division Officer"), in accordance with this Ordinance and the State Land Division Act; provided that the following shall be exempt from this requirement:



1. A parcel proposed for subdivision through a recorded plat pursuant to the Manistee County Subdivision Control and Site Condominium Ordinance and the State Land Division Act.
2. A lot in a recorded plat proposed to be divided in accordance with the Manistee County Subdivision Control and Site Condominium Ordinance and the State Land Division Act.
3. An exempt split as defined in this Ordinance.

#### **SECTION V. APPLICATION FOR LAND DIVISION APPROVAL**

A. An applicant shall file all of the following with the Land Division Officer before making any division either by deed, land contract, lease for more than one year, or for building development:

1. A completed application in such form as may be provided by the Township.
2. Proof of fee ownership of the land proposed to be divided.
3. A tentative parcel map showing the parent parcel or parent tract which is the subject of the application and which identifies the area, parcels lines, public utility easements, accessibility and other requirements of the State Land Division Act. The parcel map must have an adequate and accurate legal description.
4. Proof that all standards of the State Land Division Act and this Ordinance have been met.
5. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish that the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.
6. If transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
7. 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 complete land division application, the Land Division Officer shall forthwith submit the same to the Township Assessor or other designated official for decision. The township assessor or other designee 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 forty-five (45) days after receipt of the application conforming to this Ordinance's requirements. The Township Assessor or other designee shall promptly notify the applicant of the decisions and the reasons for any denial. If the application does not conform to these Ordinance requirements and the State Land Division Act, the Assessor or other designee shall return the same to the applicant for completion and refiling in accordance with this Ordinance and the State Land Division Act.

B. Any person or entity aggrieved by the decision of the Land Division Officer may, within thirty (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 twenty (20) day written notice to the applicant (and appellant where other than the applicant) by ordinary mail of the time and date of said meeting and appellate hearing.

C. The township assessor designee shall maintain an official record of all approved and accomplished land divisions or transfers.

## **SECTION VII. STANDARDS FOR APPROVAL OF LAND DIVISIONS**

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

1. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and 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 building structures.



2. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
3. 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.
4. 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.
5. 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.
6. The permissible minimum width shall be as defined in the Onekama Township Permanent Zoning Ordinance.

#### **SECTION VIII. ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS**

A. Notwithstanding anything contained elsewhere in this Ordinance to the contrary, 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:

1. Where, the Zoning Board of Appeals has, previous to this Ordinance, granted a variance from the lot, yard, ratio, frontage and/or area requirements with which the parcel failed to comply.
2. 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 REQUIREMENT**

Any parcel created in noncompliance with this Ordinance or the Michigan Land Division Act 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**

The civil fines payable to the Violation Bureau upon admissions of responsibility by persons served with the municipal ordinance violations notices shall be determined pursuant to the following schedule:

1st violation within 3-year period*	\$100.00
2nd violation within 3-year period*	\$200.00
3rd violation within 3-year period*	\$300.00
4th violation within 3-year period*	\$400.00

\*determined on the basis of the date of violation(s)

In addition to the above-prescribed civil fines, costs in the amount of \$10.00 shall be assessed by the Bureau if the fine and costs are paid within ten (10) days of the date of service of the municipal ordinance violation notice. In the event that the fine and costs are not paid within ten (10) days of the date of service of the municipal ordinance violation notice, costs of \$20.00 shall be assessed by the Bureau.

**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.



