

Riley Township
St. Clair County, Michigan
Ordinance #39-97 Land Division

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 and 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 the ordinance.

THE TOWNSHIP OF RILEY ORDAINS THAT:

Section 1: Title

This ordinance shall be known and cited as the Riley Township Land Division Ordinance.

Section 2: 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 ordinance 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 with the township.

Section 3: Definitions

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

- A. 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.
- 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 forty (40) acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" and "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 forty (40) acres or the equivalent.

- D. Forty (40) acres or the equivalent: either forty (40) acres, a quarter section containing not less than thirty (30) acres, or a government lot containing not less than thirty (30) acres.
- E. Governing body: the Riley Township Board.

Section 4: 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 the 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 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 twenty (20) acres or more if each is not accessible and that parcel was in existence on March 31, 1997 or resulted from exempt splitting under the State Act.

Section 5: Application for Land Division Approval

An applicant shall file all 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 on 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. Map should include any existing improvements and show the distance from proposed new property lines. NOTE: Final approval will require a certified survey to include existing improvements i.e. buildings, ponds, and so forth with distances from the new lot lines.
- 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. There will be a fee in an amount established by resolution of the township board to cover the costs of review of the application and administration of this ordinance and the State Land Division Act.

Section 6: Procedure for review of applications for Land Division Approval

- A. The township shall approve or disapprove the land division applied for within 45d 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 denial.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within thirty (30) days of said division appeal the decision to the governing body of the township or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said board or by the appellate designee at its next regular meeting or session affording sufficient time for a twenty (20) days written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellant hearing.
- C. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. 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 7: Standards for Approval of Land Divisions

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

- A. All parcels created by the proposed division(s) have a minimum width of two hundred (200') feet as measured at the road frontage unless otherwise provided for in an applicable zoning ordinance.
- B. All such parcels shall contain a minimum area of two (2) acres unless otherwise provide for in an applicable zoning ordinance.
- C. The ratio of depth to width of any parcel created by the division does not exceed a fourteen to one (14:1) ratio exclusive of access roads, easements, or non-development sites. The 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.
- D. The proposed land division(s) comply with all requirements of this ordinance and the State Land Division Act.
- E. All parcels crated and reaming have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.

Section 8: Consequences of Non-Compliance 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 there on 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 9: Violations and Penalties

A violation of any provision of this ordinance and/or code by any person or entity shall constitute a misdemeanor. Any person or entity who violates a provision of this ordinance and code shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than the sum of five hundred (\$500) dollars, or imprisonment in the County Jail for a period not to exceed ninety (90) days, or both such fine and imprisonment at the discretion of the court. Each and every day, during which such violation continues, shall be deemed a separate offense.

In addition, injunctive proceedings may also be instituted to prevent or enjoin any violation of the provision of this ordinance and code.

Section 10: 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 11: Repeal

All previous Land Division ordinances affecting un-platted land division 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 12: Effective Date

This ordinance shall take effect upon publication following its adoption.

Adoption: December 5, 1997
Effective: December 10, 1997

Linda Waddy, Township Clerk
Township of Riley