

STATE OF MICHIGAN
COUNTY OF Pleasantview TOWNSHIP OF Emmet
LAND DIVISION ORDINANCE NO. 97-2
Adopted: 6-19-97, Effective: 8-15-97

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, 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 this ordinance.

TOWNSHIP OF Pleasantview, Emmet COUNTY, MICHIGAN,

ORDAINS:
SECTION I
TITLE

This ordinance shall be known and cited as the Pleasantview 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 municipality 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 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 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, this ordinance, and other applicable 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 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.

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 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 designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

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

SECTION VII
STANDARDS FOR APPROVAL OF LAND DIVISIONS

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

A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of pertinent Ordinances, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, and maximum lot (parcel) coverage and minimum set-backs for existing buildings/ structures or have received a variance from such requirement(s) from the appropriate Zoning Board of Appeals.

B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.

C. 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 all applicable ordinances.

D. 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 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. The width of a parcel shall be measured at the abutting road or right of way line, or as otherwise provided in any applicable ordinances.

SECTION VIII
**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 conditional 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 IX of this ordinance, and as may otherwise be provided by law.

SECTION IX
PENALTIES AND ENFORCEMENT

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

SECTION X
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.

SUMMARY

(suitable for newspaper publishing if you do not publish entire text)

MTA's Basic Model Land Division Ordinance - "Summary" Simplified Version - 5-16-97 12 Sections

*Published
5/16/97*

TOWNSHIP OF Pleasantview
Emmet COUNTY, MICHIGAN

NOTICE OF ORDINANCE ADOPTION

To: The residents and property owners of the Township of Pleasantview Emmet County, Michigan and any other interested persons.

PLEASE TAKE NOTICE that at a regular meeting held on June 19, 19 97 the Township Board adopted Ordinance No. 97-2. The summary of the ordinance appears below.

LAND DIVISION ORDINANCE NO. 97-2

SECTION I - TITLE. This Ordinance shall be known and cited as the "Pleasantview 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.

SECTION III - DEFINITIONS. This Section defines terms and phrases used in this Ordinance.

SECTION IV - PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS. Sets out the requirements for prior review and approval of all land divisions by the assessor or other designated official.

SECTION V - APPLICATION FOR LAND DIVISION APPROVAL. Sets out the documents required to be filed along with the application for land division approval.

SECTION VI - PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL. Sets out the procedure to be followed by the clerk or other designated official when an application for land division approval has been filed, and states that the divisions must be approved or disapproved within 30 days after receipt of such application.

SECTION VII - STANDARDS FOR APPROVAL OF LAND DIVISIONS. States that a proposed land division shall be approved if all criteria in this section are met, i.e. minimum parcel, yard and area requirements; complies with the requirements of the State Land Division Act and this Ordinance; all parcels have existing adequate accessibility; the depth to width ratio of any parcel does not exceed four to one; complies with minimum width and area standards set forth in this Ordinance; and complies with accessibility standards set forth in this Ordinance.

SECTION VIII - CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENTS. States that any parcel created without compliance with this Ordinance shall not be issued building permits, 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 of the Township.

SECTION IX - PENALTIES AND ENFORCEMENT. Penalties for noncompliance with the Ordinance are a fine of not more than \$500 or imprisonment in the county jail for not to exceed 90 days, or both.

SECTION X - SEVERABILITY. Provides that if any portion of this Ordinance is declared invalid such invalidity shall not effect any other portion of this Ordinance.

SECTION XI - REPEAL. Repeals all ordinances or parts of ordinances in conflict herewith.

SECTION XII - EFFECTIVE DATE. This Ordinance shall take effect 30 days following its publication after adoption.

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance will available for inspection and may be purchased at the office of the Township Clerk during regular business hours of regular business days from the date of this publication.

Pleasantview TOWNSHIP
Debra Doma, Clerk
(Address) 2982 S. Pleasantview Road
(Phone Number) Harbor Springs, MI. 49741
616-526-8140