

ORDINANCE NO. _____

FIRST RESTATED LAND DIVISION ORDINANCE

AN ORDINANCE TO REGULATE THE DIVISIONS OF PARCELS OF LAND IN ROBINSON TOWNSHIP, OTTAWA COUNTY, MICHIGAN; TO PROVIDE FOR APPLICATIONS FOR THE APPROVAL OF DIVISIONS OF PARCELS OF LAND AND THE PROCEDURES TO BE FOLLOWED AND CRITERIA TO BE CONSIDERED IN ACTING UPON SUCH APPLICATIONS; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF ROBINSON, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Purpose. The purpose of this Ordinance is to regulate the splitting of Parcels in Robinson Township (the "Township") which are not subject to the platting process of Act No. 288 of the Public Acts of 1967, as amended (the "Land Division Act"). The reasons for this Ordinance include the following, without limitation:

- A. Monitoring the creation of new Parcels;
- B. Preventing illegal splits of Parcels;
- C. Informing and educating property owners about the types of Parcels which may be created under this Ordinance and applicable state law;
- D. Protecting innocent third parties from purchasing substandard Parcels;
- E. Preventing the creation of Parcels without adequate access; and
- F. Implementing an orderly procedure for splitting Parcels.

Section 2. Definitions.

- A. "Accessible," in reference to a Parcel, means that the Parcel meets one or both of the following requirements.
 - (1) The Parcel has an area where a driveway provides or can provide vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or Ottawa County Road Commission

under Act No. 200 of the Public Acts of 1969, being sections 247.321 to 247.329 of the Michigan Compiled Laws.

- (2) The Parcel is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the Township, state transportation department or Ottawa County Road Commission under Act No. 200 of the Public Acts of 1969; or the Parcel can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.
- B. "Development Site" means any Parcel on which building development exists or which is intended for building development, other than agricultural or forestry uses as those uses are defined in Section 102(k) of the Land Division Act.
- C. "Division" means the partitioning or splitting of a Parcel or Tract of land by the proprietor thereof or by the proprietor's 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 Land Division Act. 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 Land Division Act and the requirements of all applicable Township ordinances.
- D. "Exempt Split" means the partitioning or splitting of a Parcel or Tract of land by the proprietor or by the proprietor's 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. For a property transfer between two or more adjacent Parcels, if the property taken from one Parcel is added to an adjacent Parcel, any resulting Parcel shall not be considered a building site unless the Parcel conforms to the requirements of the Land Division Act and the requirements of all applicable Township ordinances.
- E. "Forty acres or the equivalent" or "40 acres or the equivalent" means 40 acres, a greater - quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- F. "Parcel" means a continuous area or acreage of land which can be described as provided for in the Land Division Act.
- G. "Parcel Depth" means the horizontal distance measured perpendicular to the front lot line between the front lot line and the rear lot line, as such terms are defined in the Zoning Ordinance.

- H. "Parcel Width" means the horizontal distance parallel to the front lot line between opposing side lot lines, as such terms are defined in the Zoning Ordinance.
- I. "Parent Parcel" or "Parent Tract" means a Parcel or Tract, respectively, lawfully in existence on March 31, 1997.
- J. "Tract" means two or more parcels that share a common property line and are under the same ownership.
- K. "Zoning Ordinance" means the Robinson Township Zoning Ordinance, as amended.

Section 3. Approval of Land Divisions.

- A. Divisions of land must be reviewed by and receive the prior written approval from the designee of the Township Board, as designated by Township Board resolution (the "Township Board Designee"). The following are not subject to the requirements of this Ordinance:
 - (1) A Parcel proposed to be subdivided through a recorded plat pursuant to the Land Division Act and the Township Subdivision Control Ordinance, if any;
 - (2) A lot in a recorded plat proposed to be partitioned or divided pursuant to the Land Division Act and the Township Subdivision Control Ordinance, if any;
 - (3) An Exempt Split as defined in this Ordinance.
- B. No new Parcel shall be created nor shall any new Parcel be sold or in any way developed or improved unless there has been prior written approval pursuant to Section 3.A of this Ordinance. Unless prior written approval has been granted pursuant to Section 3.A, no Township building, zoning or other permit or approval shall be granted with respect to a new Parcel and any such new Parcel shall not be recognized as a separate Parcel on the tax assessment roll or assigned a tax parcel identification number.
- C. To obtain approval of a Division, an application shall be filed with the Township Board Designee. The application shall include all of the components specified in Section 5 of this Ordinance.
- D. The Township Board Designee shall approve a proposed Division within the time period required by the Land Division Act (i.e. 45 days at the adoption of this Ordinance) if the criteria and requirements of the Land Division Act and this Ordinance are met. The time period for approval shall not commence until a complete signed application accompanied by all required supporting documents has been filed with the Township Board Designee.

- E. The Township shall maintain a record of all approved and accomplished Divisions and transfers.

Section 4. Criteria for Land Division.

- A. No Division shall be approved which is contrary to, or in violation of, the Land Division Act or this Ordinance.
- B. Each resulting Parcel which is not larger than 10 acres shall have a ratio of Parcel Depth to Parcel Width which does not exceed four to one. This requirement shall not apply to the remainder of the Parent Parcel. Further, this requirement may be relaxed and a greater ratio allowed by the Township based upon a consideration of the following factors:
 - (1) The topographical conditions of the Parcel;
 - (2) The physical conditions of the Parcel; and
 - (3) The compatibility of the Parcel with surrounding land.
- C. Each resulting Parcel shall meet the minimum width, depth, and area requirements of the Zoning Ordinance, except where resultant abutting Parcels under the same ownership are combined to more nearly meet, meet, or exceed the Zoning Ordinance requirements.
- D. Each resulting Parcel shall be Accessible.
- E. Each resulting Parcel that is a Development Site shall have adequate easements for public utilities from the Parcel to existing public utility facilities.
- F. Each resulting Parcel shall have an adequate and accurate legal description and be included in a tentative Parcel map showing area, Parcel lines, public utility easements, accessibility, and other requirements of the Land Division Act. The tentative Parcel map shall be a scale drawing showing the approximate dimensions of the Parcels.

Section 5. Application Requirements. Each application for a Division must contain the following information.

- A. A completed application form on such form as may be approved from time to time by the Township Board.
- B. Proof of all fee ownership interests in the land proposed to be divided.

- C. An application fee in an amount set from time to time by Township Board resolution to cover the costs of reviewing the application and administering this Ordinance and the Land Division Act.
- D. 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.
- E. Proof that all standards of the Land Division Act and this Ordinance have been met (including proof that the Parcel was lawfully in existence on March 31, 1997, as well as the number, size and date of Divisions after March 31, 1997).

Section 6. Appeal of Denial. If the Township Board Designee denies the requested Division, the applicant(s) may appeal that denial to the Township Board. Any such appeal must be filed in writing with the Township Clerk within 30 days of the denial. The Township Board shall consider and decide the appeal within 30 days after the filing of the appeal with the Township Clerk.

Section 7. Limitation on Approval. Approval of a Division is not a determination that the resulting Parcels comply with other ordinances or 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.

Section 8. Penalty.

- A. Any person who shall divide a Parcel in violation of this Ordinance or sell or attempt to sell a Division of a Parcel in violation of this Ordinance shall be responsible for a municipal civil infraction, subject to enforcement procedures as set forth in the municipal civil infraction ordinance adopted by the Township, and subject to a fine of \$50.00, plus costs and other sanctions, for each infraction. Each day during which any violation continues after due notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeat violations; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any 12 month period and for which a person admits responsibility or is determined to be responsible. An increased civil fine for repeat violations shall be as follows:
 - (1) The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions;
 - (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.00, plus costs and other sanctions.

The Township Assessor, Township Zoning Administrator, members of the Ottawa County Sheriff's Department assigned to the Township, members of any law enforcement agency whose services are contracted for by the Township, and any other individuals who may from time to time be appointed by resolution of the

Township Board, are hereby designated as the authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in Court) or municipal civil infractions notices (directing alleged violators to appear at the Robinson Township Municipal Ordinance Violations Bureau).

- B. Pursuant to MCL 211.53(3); MSA 7.97, the Township Assessor shall notify the owner of any Parcel which violates or is suspected of violating the Land Division Act. The Township Assessor shall also notify the Ottawa County Prosecuting Attorney and the Michigan Department of Commerce.

Section 9. Severability. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 10. Administrative Liability. No Township officer, agent, employee or member of the Township Board shall be personally liable for any damage which may occur to any person or entity as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this Ordinance.

Section 11. Repeal. All Ordinances, parts of Ordinances or amendments thereto, any of which are in conflict with the provisions of this Ordinance, are repealed to the extent of such conflict.

Section 12. Effective Date. This Ordinance was approved and adopted by the Township Board of Robinson, Ottawa County, Michigan on _____, 1998, and it is ordered to take effect on the 31st day after publication in the *Grand Haven Tribune*, a newspaper having general circulation in the Township, pursuant to the provisions of Act No. 191 of the Public Acts of 1939, as amended.

Raymond Masko
Township Supervisor

Jackie Frye
Township Clerk

CERTIFICATE

I, Jackie Frye, the Clerk for the Township of Robinson, Ottawa County, Michigan, do hereby certify that the foregoing Robinson Township First Restated Land Division Ordinance was adopted at a regular meeting of the Township Board held on _____, 1998. The following members of the Township Board were present at that meeting: _____

_____.

The following members of the Township Board were absent: _____

_____. The Ordinance was adopted

by the Township Board with members of the Board _____

_____ voting in favor and members of the Board

_____ voting in opposition. The Ordinance was

published in the *Grand Haven Tribune* on _____, 1998.

Jackie Frye, Clerk
Robinson Township

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