

LAND DIVISION ORDINANCE

TOWNSHIP OF WAKEFIELD

COUNTY OF GOGEBIC, STATE OF MICHIGAN

Adopted: 8-3-10

Effective: 10-1-10

LAND DIVISION ORDINANCE

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant to but not limited to the Land Division Act, Michigan Public Act 288 of 1967, as amended, and the Township General Ordinance Statute, Michigan Public Act 246 of 1945, as amended, to provide a procedure therefore; to repeal any ordinance or provision in conflict with this ordinance; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

TOWNSHIP OF WAKEFIELD

GOGEBIC COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

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

SECTION II

PURPOSE

The purpose of this ordinance is to carry out the provisions of the Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property that do not comply with this ordinance and said Act, to minimize potential boundary disputes, to further the orderly development of

the community and layout and use of land, and to otherwise provide for the health, safety and welfare of the residents and property owners of Wakefield Township establishing reasonable standards for prior review and approval of land divisions within Wakefield Township.

SECTION III

DEFINITIONS

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

A. "Applicant" or "Proprietor" - 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. "Divided" 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 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.

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.

D. "Parcel" - a continuous area or acreage of land which can be described as provided for in the Land Division Act.

E. "Tract" - two or more parcels that share a common property line and are under the same ownership.

F. "Parcel parent" or "Parent tract" - a parcel or tract, respectively, lawfully in existence on March 31, 1997.

G. "Governing body" - the Wakefield Township Board.

H. "Forty acres or the equivalent" - either 40 acres, a quarter - quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

SECTION IV

PRIOR APPROVAL REQUIREMENT FOR LAND DIVISION

Land in Wakefield Township shall not be divided without the prior review and approval of the Wakefield Township Supervisor, or his/her official designee in accordance with this ordinance and the 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 Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the 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 Land Division Act.

SECTION V

APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Wakefield Township Assessor, or his/her official designee 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 on a form as provided by the Wakefield Township Supervisor.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A parcel map drawn to a scale of not less than 1" = 200' including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, and compliance with the requirements of this ordinance and the Land Division

Act. An accurate legal description of all proposed divisions shall at all times be required.

If the Wakefield Township Supervisor, or his/her official designee, finds the parcel map to inadequately provide information about the size, simple nature of the divisions or the undeveloped character of the territory in which the proposed divisions are located, the Wakefield Township Supervisor, or his/her official designee, may require a survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan.

- D. Proof that proposed new roads, public or private, and easements have been approved by the County Road Commission or MDOT.
- E. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish that the parcel or tract to be divided was lawfully in existence as of March 31, 1997. Such history and specifications shall describe the parent parcel or tract of which the parcel or tract to be divided was a part as that parent parcel or tract existed on March 31, 1997. Such history and specifications shall also identify both the owner of the parent parcel or tract on March 31, 1997, and the owners, on March 31, 1997, of parcels sharing common property lines with the parent parcel or tract on March 31, 1997.
- F. If a transfer of division rights is proposed, detailed information about the terms and availability of the proposed division rights transfer.
- G. Proof that all standards of the Land Division Act and this Ordinance have been met.
- H. The fee that may from time to time be established by resolution of the governing body to cover the costs of review of the application and administration of this Ordinance and the Land Division Act.

SECTION VI

PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

- A. Upon receipt of a completed land division application package, the Wakefield Township Supervisor or his/her official designee, shall approve, or disapprove the proposed land division within 45 days after receipt of the completed application package conforming to this Ordinance's

requirements, and shall promptly notify the applicant of the decision and, if denied, the reasons for any denial.

Any applicant aggrieved by the Wakefield Township Supervisor's, or his/her official designee's decision may, within 30 days of said decision, appeal the decision to the governing body, which shall consider and resolve such dispute by a majority vote at its next regular meeting or session affording sufficient time for a 10 day written notice to the applicant of the time and date of said meeting and appellate hearing.

- B. The Wakefield Township Clerk or other designated official shall maintain an official record of all approved and accomplished land divisions or transfers.
- C. APPROVAL OF A DIVISION IS NOT A DETERMINATION THAT THE RESULTING PARCELS COMPLY WITH OTHER ORDINANCES OR REGULATIONS OR THAT SAME RESULTED IN "BUILDABLE PARCELS".
- D. 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, violation of the Wakefield Township Zoning Ordinance, or otherwise, any notice of approval shall include a statement to this effect.

SECTION VII

STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division shall be approved if the proposed land division complies with all requirements of the Land Division Act and the criteria of this Ordinance, as set forth below.

- A. The maximum ratio shall be a depth of not more than four times the width. This 4 to 1 maximum depth to width ratio applies to all parcels regardless of size, with the exception of the remainder of the parent parcel or parent tract retained by the proprietor.
- B. The minimum permissible width shall be defined in the Wakefield Township Zoning Ordinance.
- C. All such parcels shall contain a minimum area provided for in the Wakefield Township's Zoning Ordinance.

- D. The proposed land division(s) must comply with all requirements of this Ordinance and the Land Division Act.
- E. All parcels created and remaining shall have existing adequate accessibility, or an area available therefore, for public utilities and emergency and other vehicles.
- F. Where accessibility is to be provided by a proposed new dedicated public or private road, proof that the County Road Commission or Michigan Department of Transportation (MDOT) has approved the proposed layout and construction design of the road and of utility easements and drainage facilities connected therewith.

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 appeals, such as special land use approval and site plan approval. In addition, any non-compliant land division shall not be recognized on the Township tax roll as a land division. 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. Violation of this Ordinance shall subject the violator to the penalties and enforcement actions set forth in Section IX of this Ordinance, and as provided by the Land Division Act and other applicable laws.

SECTION IX

PENALTIES AND ENFORCEMENT

Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, as set forth in the Land Division Act. Said misdemeanor shall be punishable by a fine of not more than \$1,000 or imprisonment for not to exceed 180 days or both. For each subsequent offense, the person shall be punished by a fine of not more than \$1,000 or imprisonment for not to exceed one year, or both.

Any person who violates any of the provisions of this Ordinance shall also be subject to 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, work, 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 XI

REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Wakefield Township Zoning Ordinance or the Michigan Building Code, which shall remain in full force and effect notwithstanding any land division approval hereunder.

SECTION XII

EFFECTIVE DATE

This ordinance shall take effect 30 days following its publication after adoption.

TOWNSHIP OF WAKEFIELD

Clerk