

CALVIN TOWNSHIP

CASS COUNTY, MICHIGAN

ORDINANCE NO. 18-09

LAND DIVISION ORDINANCE

Adopted: March 13, 2018

Effective: April 23, 2018

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: and to repeal any ordinance or provision thereof in conflict herewith.

**THE TOWNSHIP OF CALVIN
CASS COUNTY, MICHIGAN**

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as the Calvin 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. "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 Section 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 and the requirements of 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 40 acres or the equivalent.
- D. "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.
- E. "Governing body" - the Calvin Township Board.

SECTION IV

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 this 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 a 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 only results in parcels of 20 acres or more if each is not accessible and the parcel either was in existence on March 31, 1997, or resulted from an exempt splitting under the State Land Division Act.

SECTION V

APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of 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 for each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- 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. 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. The Township assessor or other designee shall approve or disapprove the land division applied for within 45 days after receipt of the application package 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 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 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.
- D. Approval of a land 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 VII

STANDARDS FOR APPROVAL OF LAND DIVISION

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 as specified in the Calvin Township Zoning Ordinance.
- B. All such parcels shall have a minimum area as specified in the Calvin Township Zoning Ordinance.
- C. 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-buildable parcels created under Section VIII under this Ordinance. 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, or as otherwise provided in the Calvin Township Zoning Ordinance. The width of a parcel shall be measured at the abutting road or right-of-way line or as otherwise provided in the Calvin Township Zoning Ordinance. For purposes of approvals granted under this Ordinance only, the depth to width ratio requirements of this subdivision do not apply to the remainder of the parent parcel or parent tract retained by the proprietor.
- D. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
- E. All parcels created and remaining are accessible as defined by the State Land Division Act.
- F. All parcels shall meet the Calvin Township Zoning Ordinance and any other applicable federal, state and/or local regulations.

**SECTION VII CONSEQUENCES OF
NONCOMPLIANCE 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 or assessment roll until the assessing officer refers the suspected violation or potential non-conformity to the county prosecuting attorney and gives written notice of such referral to the person requesting the division and the person suspected of the violation or potential non-conformity. In addition, the assessing officer shall give written notice of the suspected violation or potential non-conformity to the Department of Consumer and Industry Services. 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. Any division of land in violation of this ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto.

In addition, any person, firm or corporation who violates any provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, which shall be punishable by a civil fine of not more than \$500, along with costs that *may* include all expenses, direct and indirect, that the township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500 be ordered. A violator of this ordinance shall also be subject to additional sanctions and judicial orders as authorized under Michigan law.

Pursuant to Section 267 of the Land Division Act (IMCL 560.267), 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 of law.

SECTION IX

SEVERABILITY

Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any other part thereof other than the parts so declared to be invalid.

SECTION X

REPEAL

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. Any proceedings pending, including prosecutions for violations, under any previous ordinance provision being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous Ordinance provisions.

SECTION XI

EFFECTIVE DATE

This ordinance shall take effect thirty (30) days following publication after adoption.

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