

PART 5 - LAND DIVISION

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PART 5

LAND DIVISION

Article 1: General Provisions

Sec. 5.1.01: Legal Basis, Purpose

The provisions of this Part are enacted 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 Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

Sec. 5.1.02: Definitions

For purposes of this Part, certain terms and words used herein shall have the meaning set forth herein. Additionally, where terms and words are set forth in the State Land Division Act, those terms and words shall have the definitions ascribed to them in the State Land Division Act, except as set forth within this Section.

- A. "Administrator" - the Zoning Administrator or his/her designee.
- B. "Assessor"- The Portland Township Assessor
- C. "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.
- D. "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" or "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 parcels shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act.
- E. "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.

- F. "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.
- G. "Governing body" - the Township Board of Portland Township, Ionia, County, Michigan.
- H. "Planning Commission"- The Portland Township Planning Commission.
- I. "Township" - the Township of Portland, Ionia County, Michigan.

Article 2: Application and Procedure

Sec. 5.2.01: Prior Approval Requirement

Land in the Township shall not be divided without the prior review and approval of the Assessor or the Township Board in accordance with this Part 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, this Code, and any applicable Portland Township ordinance.
- C. An exempt split as defined in this Part, or other partitioning or splitting that only results in parcels of 20 acres or more where each parcel is not accessible (as defined in the State Land Division Act) and either the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the State Land Division Act.

Sec. 5.2.02: Application for Land Division Approval

Proposed land divisions, for the purpose of sale, lease for more than one year, or for building development, requires an applicant to file all of the following with the Administrator for review and approval by the Assessor:

- A. A completed application form for division designated by the Administrator or Assessor.
- B. Proof of fee ownership of the land proposed to be divided or written consent to the application signed by the fee owner of the land.
- C. A tentative parcel map showing the parent parcel or parent tract which is the subject of the application, and the area, parcel lines, public utility easements, and the manner of proposed access for each resulting parcel. A tentative parcel map shall include:
 - 1. Proposed boundary lines and the dimensions of each parcel;
 - 2. An accurate legal description of each resulting parcel;
 - 3. The location, dimensions and nature of proposed ingress to and egress from any existing public or private road or easement;

4. The location of any public or private street, driveway or utility easement to be located within any resulting parcel;
 5. The location of any existing buildings or other existing land improvements on the parent parcel or parent tract.
- D. Proof that all standards of the State Land Division Act and this Part have been met.
- E. If requested by the Assessor or Administrator, the history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.
- F. If transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- G. The required fee as may from time to time be established by resolution of the Township Board 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.

Sec. 5.2.03: Procedure for Review of Applications for Land Division Approval

- A. Upon receipt of a land division application package, the Administrator or Assessor shall first determine whether the application package conforms to the requirements of this Ordinance and the State Land Division Act. If not, the Administrator or Assessor shall return the same to the applicant for completion and refile in accordance with this Ordinance and the State Land Division Act. If the application does conform the Assessor shall, within forty-five (45) days of receipt of a complete application the Assessor shall either approve or deny the application and shall promptly notify the applicant of the decision and reasons for any denial.
- B. Any person or entity aggrieved by the decision of the Assessor may, within 30 days of said decision, appeal the decision to the Township Board which shall consider and resolve such appeal by a majority vote of said Board 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. The Township Board may affirm, modify or reverse the decision of the Assessor and its decision shall be final.

- C. Approval of a land division shall be effective for 180 days from the date of approval by the Assessor or Township Board, after which it shall be revoked unless, within such period, there is recorded with the Ionia County Register of Deeds office and filed with the Administrator or Assessor a conveyance of the approved land division or survey evidencing same.
- D. The Administrator or Assessor shall maintain an official record of all approved and accomplished land divisions or transfers.

Article 3: Standards and Effectiveness

Sec. 5.3.01: Standards for Approval of Land Division

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

- A. The proposed land division, including all resulting parcels, complies with all requirements of the State Land Division Act and this Part including, but not limited to, accessibility as defined and required by Part 3, Zoning, this Code, or any other ordinances or where it is necessary for the protection of the health, safety and general welfare of the public.
- B. The ratio of depth to width of any parcel created by the division does not exceed a four (4) to one (1) ratio. A greater depth to width ratio than that required by this subsection may be permitted if the resulting parcel(s) exhibit exceptional topographic or physical conditions or would be compatible with surrounding lands. The depth to width ratio requirements of this subsection shall apply to parcels larger than 10 acres but shall not apply to the remainder of the parent parcel or parent tract retained by the proprietor. In the event that Part 3, Zoning specifies a depth to width ratio for a particular area which differs from that set forth within this sub-section, the ratio contained in Part 3, Zoning shall control.
- C. Each parcel created by the proposed division(s) shall have the minimum width as established by Part 3, Zoning, for the zoning district in which the resulting parcel(s) is (are) located.
- D. Each parcel created by the proposed division(s) shall have the minimum area as established by the Part 3, Zoning, for the zoning district in which the resulting parcel(s) is (are) located.

Sec. 5.3.02: Limited Effect of Land Division Approval

Approval of a land division is not a determination that the created or resulting parcels comply with other provisions of this code, other laws, ordinances of the Township or applicable 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, and any notice of approval shall include a statement to that effect.

Article 4: Enforcement

Sec. 5.4.01: Consequences of Noncompliance with Land Division Approval Requirement

Any parcel created contrary to any provision of this Part or the State Land Division Act shall not be eligible for any building permits or zoning approvals including, but not limited to, special 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 Part shall subject the violator to the penalties and enforcement actions set forth in Section 5.4.02 of this Part, and as may otherwise be provided by law.

Sec. 5.4.02: Penalties

Any person who violates any of the provisions of this Part shall be deemed guilty of a misdemeanor and shall be punished by a fine 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 Part shall also be subject to civil action, legal or equitable proceedings arising from the violation.

