

DEERFIELD TOWNSHIP LAND DIVISION ORDINANCE

ORDINANCE NO. 113

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, the Land Division Act, and Michigan Public Act 246 of 1945 as amended, the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to proscribe penalties and enforcement remedies for the violation of this ordinance.

The Township of Deerfield in Livingston County, Michigan, Ordains:

Section 1: TITLE

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

Section 2: PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (Public Act 288 of 1967 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 Deerfield Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

Section 3: 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. *"Development Site"* - Any parcel or lot on which exists or which is intended for building development other than the following:
 - 1. Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy projects; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.
 - 2. Forestry use involving the planting, management, or harvesting of timber.
- C. *"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.
 - 1. "Divide" and "Division" shall not be interpreted to include any of the following:
 - a. 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 other applicable local ordinances.
 - b. Land proposed for development as a condominium subdivision pursuant to the Condominium Act.
 - c. Land proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
 - d. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
 - e. An exempt split as defined in this Ordinance, or other partitioning that results in parcels of 20 acres or more if each is not accessible, as defined by the State Land Division Act, and the parcel was in existence on March 31, 1997 or resulted from exempt splitting under the State Land Division Act.

- D. *“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.
- E. *“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.
- F. *“Township”* - The Township of Deerfield in Livingston County, Michigan.
- G. *“Township Board”* - The legislative body of the Township of Deerfield.
- H. Except as expressly otherwise stated in this Ordinance, the definitions of the Michigan Land Division Act, as amended, are hereby incorporated by reference and are made a part of this Ordinance

Section 4: PRIOR APPROVAL REQUIREMENT for LAND DIVISIONS

No land division shall occur in Deerfield Township, or otherwise be recorded in the office of the County Register of Deeds, without the prior review and approval of the Township Board in accordance with this Ordinance and the State Land Division Act.

Section 5: APPLICATION for LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township Clerk or other official designated by the Township Board for review and action on the proposed land division by the Planning Commission and Township Board, 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 provided by the Township Clerk.
- 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. Such written consent shall make specific reference to the parcel number or legal description to which the consent applies.
- C. Proof that all due and payable property taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- D. A clearly legible and comprehensible tentative parcel map drawn to scale, showing the following for both the parent parcel or tract which is the subject of the application and each proposed division:
 - 1. Proposed boundary lines, dimensions, and area.
 - 2. An accurate legal description.
 - 3. The location, dimensions and nature of proposed vehicular access including existing and proposed access rights-of-way and easements.
 - 4. The location, dimensions and nature of easements assuring access to utilities.
- E. Proof that all standards of this Ordinance and the State Land Division Act have been met, including Section 108 which delineates the number of permissible divisions, and evidence of review and approval of driveway and road locations by the Livingston County Road Commission or other road commission as may apply.
- F. The Township may require that the applicant provide a title search from a title insurance company if it is reasonably necessary to show that previous land divisions do not preclude a proposed land division.
- G. If transfer of division rights are proposed as part of a proposed division, detailed information about the availability of the transfer of division rights and the transfer terms.
- H. The fee as may from time to time be established by resolution of the Township Board for land division review 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 6: PROCEDURE for REVIEW of APPLICATIONS for LAND DIVISION APPROVAL

- A. Land division applications shall be available from the Township Clerk and shall be submitted to the same. Upon receipt of a land division application by the Township Clerk, the Planning Commission shall review the application and determine its conformity with this Ordinance and the State Land Division Act. After conducting a review, the Planning Commission shall make a recommendation for action on the application to the Township Board. Upon receipt of the Planning Commission's recommendation, the Township Board shall review the application and determine its conformity with this Ordinance and the State Land Division Act and shall approve, approve with conditions, or disapprove the application.
1. Any conditions placed upon an approval shall be intended to assure compliance with applicable ordinances and the protection of public health, safety and general welfare.
 2. A complete application shall include all information required by Section 5 of this Ordinance. The Township Board shall take action on a complete application within forty-five (45) days of the receipt of the complete application except in the case where the regular meeting schedule of the Planning Commission or Township Board precludes compliance with this period, in which case such application shall be acted upon within sixty (60) days. The time limitations of this section shall not apply to the following:
 - a. In the case where the applicant has requested deliberations on the application to be tabled to enable the applicant to address deficiencies or other concerns associated with the application.
 - b. In the case where the applicant is proposing divisions that are to rely on a private easement for access or other improvements that, pursuant to the Deerfield Township Zoning Ordinance, such easement or other improvements require review and/or site plan approval under the Zoning Ordinance and the requirements of the Zoning Ordinance do not permit a sufficient review within such time limitations.
 3. The Township Board shall promptly notify the applicant in writing of its decision and basis for any denial.
 4. No land division shall be approved that results in a parcel having an area, frontage, width, or depth-width ratio, contrary to the requirements of the Deerfield Township Zoning Ordinance, unless the Zoning Board of Appeals has taken official action on a variance request pursuant to the Zoning Ordinance for such departures from the normal standards of the Zoning Ordinance.
- B. Land division approvals shall be valid only for a period of 180 days from the date of approval by the Township. If the deeds or land contracts for such parcel proposed by the land division are not properly recorded and accepted by the County Register of Deeds within this time period, the land division approval shall be considered null and void and a new application must thereafter be submitted. If an amendment to the Deerfield Township Zoning Ordinance or other Township ordinance becomes effective prior to the land division being recorded and the amendment applies to any of the resulting parcels in a way which would make the proposed parcels violate the Township Zoning Ordinance or other Township ordinance, the land division approval shall be null and void even if the 180-day time limit has not expired.
- C. The Township Assessor shall maintain an official record of approved land divisions and transfers.

Section 7: STANDARDS for APPROVAL of LAND DIVISIONS

A proposed land division shall be approved if the application is complete and the following criteria are met:

- A. Each parcel to be created by the proposed land division(s) shall comply with the applicable lot (parcel) width and area requirements of the Zoning District in which the resulting parcels are to be located, pursuant to the Deerfield Township Zoning Ordinance. The lot width and area of a proposed division shall be calculated according to the applicable definitions of the Zoning Ordinance.
- B. The depth of each proposed division shall not exceed four (4) times the division's width. The depth and width of a proposed division shall be calculated according to the applicable definitions of the Zoning Ordinance.
- C. Each parcel to be created by the proposed land division(s) which is to be a development site, as defined by this Ordinance, has adequate easements for public utilities from the parcel to existing public utility facilities.
- D. Each parcel to be created by the proposed land division(s) which is to be a development site, as defined by this Ordinance, is provided adequate accessibility for vehicles including emergency vehicles.
- E. No land division shall be approved until all property taxes due and owing on the parcel to be divided, and all special assessments and charges in lieu of special assessments due and owing against such parcel, have been paid in full to the Township.
- F. The proposed land division(s) shall comply with all requirements of this Ordinance and the State Land Division Act including Section 108 which delineates, in part, the number of permissible divisions.

Section 8: LIMITED EFFECT of LAND DIVISION APPROVAL

Approval of a land division pursuant to this Ordinance is not a determination that the created or resulting parcels comply with other laws and ordinances of the Township, or applicable county, state, or federal regulations. Approval of a land division pursuant to this Ordinance shall not provide, constitute, infer or imply use or zoning approval of any such division or resulting parcels or assure or imply development feasibility. Such use of land must still comply with the Deerfield Township Zoning Ordinance and any other applicable ordinances, laws or regulations, and it remains the responsibility of the property owner to ensure such compliance. The Township and its officers and employees shall not be liable for approving a land division if land use, zoning or building permits for use of or construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities, access, or otherwise, and any notice of approval shall include a statement to that effect.

Section 9: CONSEQUENCES of NONCOMPLIANCE with LAND DIVISION APPROVAL REQUIREMENT

A. 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 nonconformity to the county prosecuting attorney and gives written notice to the person requesting the division, and the person suspected of the violation or potential nonconformity of such referral to the prosecuting attorney. 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.

B. Any parcel created in noncompliance with this Ordinance shall not be eligible for any land use permit or building permit approvals, including special land use approval or plot plan/site plan approval under the Deerfield Township Zoning Ordinance, and shall not be recognized as a land division or separate parcel on the Township tax assessment roll. In addition, violation of this ordinance shall subject the violator to the penalties and enforcement actions set forth in Section 10 of this Ordinance, and as may otherwise be provided by law.

Section 10: 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 not more then \$500.00 or by imprisonment not to exceed ninety (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 civil action, legal or equitable proceedings arising from the violation. Further, the Township shall be entitled to recover all costs of prosecution with respect to such violation.

Section 11: 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.

Section 12: 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 of the Deerfield Township Zoning Ordinance.

Section 13: EFFECTIVE DATE

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

CLERK’S CERTIFICATION

I, Nancy Laier, the duly elected, qualified and acting Clerk of the Township of Deerfield, Livingston County, Michigan, hereby certify that the foregoing Ordinance No. 113 was adopted at a regular meeting of the Township Board, held at 4492 Center Road, Linden, Michigan on the 11th day of May, 2006 at which a quorum was present and voted.

I further certify that Mattioli moved the adoption of the ordinance, supported by Taylor, and that the vote on the said proposed ordinance was as follows:

Yeas: 3 Nays: 0

Nancy Laier, Deerfield Township Clerk Date