

BLAIR TOWNSHIP LAND DIVISION ORDINANCE

**TOWNSHIP OF BLAIR
COUNTY OF GRAND TRAVERSE, STATE OF MICHIGAN
ORDINANCE NO. #127-07**

Adopted: August 14, 2007

Published: August 21, 2007

Effective: September 20, 2007

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, *et seq.*) and the Township Ordinances Act, Public Act 246 of 1945, as amended, (MCL 41.181, *et seq.*), being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

**TOWNSHIP OF BLAIR
GRAND TRAVERSE COUNTY, MICHIGAN
ORDAINS:**

Section I: Title

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

Section II: Purpose

The purpose of this ordinance is to carry out the provisions of the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, *et seq.*), 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 Blair Township by establishing reasonable standards for prior review and approval of land divisions within Blair Township.

Section III: Definitions

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

- A. “Accessible” in reference to a lot or parcel means that the lot or parcel meets one (1) or both of the following requirements:
 - 1. Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the State Transportation Act 200 of the Public Acts of 1969, as amended, or has an area where a driveway can provide vehicular access to an existing road or street and can meet all such applicable location standards.
 - 2. Is served by an existing easement that provides vehicular access to an existing road or street and meets all applicable location standards of the State Transportation Department or County Road Commission under Act 200 of the Public Acts of 1969, as amended, or 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 standards.

- B. “Applicant” means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

- C. “Convey or Conveyance” means a transfer of ownership interest in real property.

- D. “Development Site” means a lot, parcel, or tracts of land on which exists or which is intended for building development other than the following:

Agricultural use involving the production of plants and animals useful to humans, feed crops, and field crops; dairy and dairy products, 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.

Forestry use involving the planting, management, or harvesting of timber.

- E. “Divide” or “Division” means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his/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 (MCL 560.108 and 560.109). “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 Land Division Act, or the requirements of other applicable local ordinances.
- F. “Exempt split” or “exempt division” means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his/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.
- G. “Forty acres or the equivalent” means 40 acres, or a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- H. “Land” means all land areas occupied by real property, except the submerged bottom lands of inland lakes, rivers, and streams.
- I. “Land Division Committee” those persons appointed by the Township to administer this Ordinance.
- J. “Lot” means a measured portion of a parcel, which is described and fixed in a recorded plat. A lot’s legal description is referred to as Lot (#) of the Plat of (Name of Plat).
- K. “Metes and Bounds” means a description of land by boundary lines with their terminal points and angles.

- L. “Owner” means a person holding any legal, equitable, option or contract interest in a lot or parcel of land.
- M. “Parcel” means a continuous area or acreage of land of any size, shape or nature, which is described by metes and bounds.
- N. “Parent parcel” means first a tract of land lawfully in existence on March 31, 1997, if one exists in connection with a proposed division, or, if one does not exist, a parcel lawfully in existence on March 31, 1997.
- O. “Plat or Recorded Plat” means a map or a chart of a subdivision of land created pursuant to the Land Division Act of 1967, being Act 288 of the Public Acts of 1967, as amended, or predecessor statutes to this act.
- P. “Property Transfer” means a transfer of property between two (2) or more adjacent lots or parcels, if the property taken from one (1) lot or parcel is added to an adjacent lot or parcel, and if all resulting lots or parcels conform to the requirements of the Land Division Act, being Act 288 of the Public Act of 1967, as amended, the Blair Township Zoning Ordinance, as amended, and this Ordinance. If the property transferred does not independently conform to the requirements of the Land Division Act, as amended, the Blair Township Zoning Ordinance and this Ordinance, then it shall not be considered a Development Site and may only be used in conjunction with the lot or parcel to which it was transferred.
- Q. “Tracts of Land” means two (2) or more parcels that share a common property line and are under the same ownership.

Section IV: Prior Approval Requirement for Land Divisions

Land in Blair Township shall not be divided without the prior review and approval of the Blair Township Land Division Committee, 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 Act.

Section V: Creation of Land Division Committee

A Land Division Committee is hereby created, which shall be the locally designated body to approve proposed divisions or property transfers under the Land Division Act, as amended. The Land Division Committee shall be composed of the Zoning Administrator, the Township Assessor, Water Coordinator, and the Township Supervisor for as long as they hold their respective offices. Any action of the Land Division Committee shall be by a majority vote of the entire membership of the committee.

Section VI: Application for Land Approval

Due to the many requirements that must be met to obtain approval to divide a lot, parcel, or tract of land, or to affect a property transfer, an applicant shall have a meeting with the Land Division Committee to discuss the application procedures prior to submitting a formal application. Upon the written request of an applicant the Land Division Committee shall schedule such a meeting within 14 days. At this meeting the applicant and the Land Division Committee shall review the proposed division or property transfer, discuss the information that must be submitted with the application, and review the standards the Land Division Committee will use to render its decision on the application. Nothing stated by the members of the Land Division Committee during this meeting shall be construed as limiting in any way the duty of the members of the Land Division Committee to independently review, consider, and decide an application based on the information actually submitted with the application.

When formal approval of a division or property transfer is desired, that Applicant shall submit an application for that approval to the Zoning Administrator on a form supplied by the township for

that purpose. Except as provided herein, the application shall include, but not be limited to the following:

- A. Proof of fee ownership of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in the property transfer.
- B. 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, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of existing structures and other land improvements, the location of existing power lines, the location and type of all easements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads or private roads meeting the requirements of the Blair Township Zoning Ordinance regulating private roads.
- C. Proof that all standards of the Land Division Act and this Ordinance have been met.
- 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. 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 Land Division Act.
- F. Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- G. A list and description of any and all easements, encroachments, roads (public or private), right-of-ways, and public utilities located on the subject property.
- H. Each new lot, parcel or tract of land greater than one acre but less than forty acres or the equivalent that will result from a division shall have a depth of not more than four times its width as measured under the requirements of the Blair Township Zoning Ordinance. Each new lot, parcel, or tract of land one acre or less in size that will result from the division shall have a depth of not more than three times its width as measured under the

requirements of the Blair Township Zoning Ordinance. This standard shall not apply to a property transfer.

- I. Unless a division creates a parcel which is acknowledged and declared to be “not buildable” under Section IX of this Ordinance, all divisions shall result in “buildable” parcels containing sufficient “buildable” area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited therefrom, and with sufficient area to comply with: a) all required setback provisions of the Blair Township Zoning Ordinance; b) minimum floor area provisions of the Blair Township Zoning Ordinance; c) off-street parking space provisions of the Blair Township Zoning Ordinance ; d) maximum allowed area coverage of buildings and structures on the site as provided in the Blair Township Zoning Ordinance; and e) area for sewage disposal and water supply pursuant to the rules of the Department of Environmental Quality or County Health Department relating to suitability of groundwater for on-site water supply for subdivisions or development sites not served by public water or to suitability of soils for subdivisions or development sites not served by public sewers.
- J. Such other documentation that Blair Township may/shall require relating to the application, including but not limited to Health Department approval, Soil Erosion approval, Road Commission approval, Fire Department approval (4 lots or more), Water and/or Sewer approval (if applicable), any other Federal, State, County and Township Ordinances and laws.
- K. The fee may, from time to time, be established by resolution of the Blair Township Board of Trustees for land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the Land Division Act.

Section VII: Procedure for Review of Applications for Land Division Approval

- A. Upon receipt of a land division application package, the Zoning Administrator shall forthwith submit the same to the Land Division Committee for decision. The Blair Township Land Division Committee shall approve, approve with conditions or deny the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance’s requirements, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial. If the application package does not

conform to this Ordinance's requirements the Land Division Committee shall return the same to the applicant for completion and re-filing in accordance with the terms of this Ordinance.

- B. Any person or entity aggrieved by the decision of the Blair Township Land Division Committee may within 30 days of said decision appeal the decision to the Blair Township Zoning Board of Appeals which shall consider and resolve such appeal by a majority vote of the Board at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant and/or appellant of the time and date of said meeting and appellate hearing.
- C. A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document creating such land division is recorded with the Grand Traverse County Register of Deeds office and filed with the Blair Township Zoning Administrator.
- D. The Land Division Committee shall maintain an official record of all approved and accomplished land divisions or transfers.
- E. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations

Section VIII: Standards for Approval of Land Divisions

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

- A. All the parcels to be created or remaining by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the Blair Township Zoning Ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, and maximum lot (parcel) coverage and minimum setbacks for existing buildings/structures.
- B. The proposed land division(s) comply with all requirements of the Land Division Act, this Ordinance, Blair Township Zoning Ordinance, and any other applicable Federal, State, County and Township ordinances.

- C. All parcels created and remaining have existing adequate accessibility to a public road, or Blair Township approved private road, for public utilities and emergency and other vehicles and not less than the requirements of the Blair Township Zoning Ordinance or this Ordinance.
- D. If accessibility is by a private road or easement, a document acceptable to Blair Township shall be recorded with the County Register of Deeds and filed with the Assessor providing road maintenance.
- E. The ratio of depth to width of any parcel created by the division does not exceed a three to one ratio or four to one ratio, where applicable, exclusive of access roads, easements, or non-buildable parcels created under Section IX of this Ordinance.

The permissible 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.

The permissible minimum width shall be as defined in the Blair Township Zoning Ordinance.

Section IX: Allowance for Approval of Other Land Divisions

Notwithstanding disqualification from approval pursuant to this Ordinance, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of the applicable zoning ordinance or this Ordinance, may be approved in any of the following circumstances:

- A. Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to Blair Township, designating the parcel as “not buildable”. Any such parcel shall also be designated as “not buildable” in Blair Township records, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements, and shall not be developed with any building or above ground structure.

- B. Where, in circumstances not covered by paragraph A. above, the Zoning Board of Appeals has, previous to this Ordinance granted a variance from the lot, yard, ratio, frontage and/or area requirements with which the parcel failed to comply.

- C. Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, the Blair Township Zoning Ordinance, or Land Division Act.

Section X: Consequences of Noncompliance with Land Division Approval Requirement

Any parcel created in noncompliance with this Ordinance shall not be eligible for any land use permits, building permits, or zoning approvals, such as 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 Ordinance shall subject the violator to the penalties and enforcement actions set forth in Section XI of this Ordinance, and as may otherwise be provided by law.

Section XI: Penalties and Enforcement

Any person, firm, or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, MCL 600.101 *et. seq.*, which shall be punishable by a civil fine of not more than \$500.00. Each day this Ordinance is violated shall be considered a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

Pursuant to Section 267 of the Land Division Act (MCL 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 therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

Section XII: Administrative Liability

No officer, agent or employee of Blair Township shall render himself or herself personally liable for any damages that may accrue to any person as a result of any act required or permitted in the discharge of his or her duties under or in the enforcement of this Land Division Ordinance.

Section XIII: 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 XIV: Repeal

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, the Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinance, Building Codes or other ordinances of Blair Township that shall remain in full force and effect notwithstanding any land division approval hereunder.

Section XV: Effective Date

This Ordinance shall take effect 30 days following its publication after adoption. Adopted by the Blair Township Board: (Published:)