

STATE OF MICHIGAN
COUNTY OF ALLEGAN
TOWNSHIP OF CASCO
ORDINANCE NO. ~~209444~~

LAND DIVISION ORDINANCE

Adopted: 6/9/1987

Effective: Thirty (30) Days Following Publication

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant 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; to provide penalties for violations; and to repeal any ordinance in conflict herewith.

TOWNSHIP OF CASCO
ALLEGAN COUNTY, MICHIGAN,

ORDAINS:

SECTION I

TITLE

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

SECTION II

PURPOSE

The purpose of this ordinance is to carry out provisions of the State Land Division Act (1967 PA 288, as amended, parts of which were 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. "Act" - the State Land Division Act.
- B. "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.
- C. "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 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. Exempt splits are not subject to approval under this ordinance so long as the resulting parcels are accessible, as defined in the Act.
- 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. "Governing body" - the Casco 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. However, the following shall not be subject to this requirement:

- A. Subdivision of a parcel or tract of land that is not exempted from platting by Sections 108 and 109 of 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.

SECTION V

APPLICATION FOR LAND DIVISION APPROVAL

Before making any division either by deed, land contract, lease for more than one year, or for building development, an applicant shall file all of the following with the Township Assessor or other official designated by the Township Board for review and approval of a proposed land division:

- A. A completed application form on such form as may be provided by the Township.
- B. Proof of fee ownership of the land proposed to be divided.
- C. An adequate and accurate legal description, consisting of 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 all existing structures and other land improvements, the accessibility of the parcels for vehicular traffic and existing and proposed public utility easements.
- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. The history and specifications of the land proposed to be divided sufficient to establish that land to be divided may be divided as proposed in compliance with the State Land Division Act.
- F. If transfer of the right to make divisions exempt from platting is proposed, detailed information about the terms and availability of the proposed division rights transfer.
- G. Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under Section VIII 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, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), required road frontage, and maximum allowed area coverage of buildings and structures on the site.

- H. The 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.

SECTION VI

PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

- A. The assessor or other designee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 30 days after receipt of the application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decision and the reasons for any denial. If the application package does not conform to this Ordinance's requirements and the State Land Division Act, the assessor or other designee shall deny approval and shall return the same to the applicant for completion and refiling in accordance with this Ordinance and the State Land Division Act.
- 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 Township Board or such other board or person designated by the Township Board 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. A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the Township Clerk or other designated official accomplishing the approved land division or transfer.
- D. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

SECTION VII

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 by the proposed land division(s) fully comply with the applicable lot (parcel), yard, frontage and area requirements of the Casco Township Zoning Ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot depth to width ratio, and maximum lot (parcel) coverage and minimum set-backs for existing buildings/ structures.
- B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
- C. All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of the Casco Township Zoning Ordinance and this Ordinance. In determining adequacy of accessibility, any ordinance standards applicable to plats shall also apply as a minimum standard whenever a parcel or tract is proposed to be divided to create 4 or more parcels.
- D. The ratio of depth to width of any parcel of 10 acres or less 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 of this Ordinance and parcels added to contiguous parcels that result in all involved parcels complying with said ratio.

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 Township zoning ordinance.

- E. Permanent monuments are placed at each corner of each parcel created (in a form and of a material approved by the assessor or other designee), and an affidavit is filed with the Township clerk attesting to the placement within 90 days of the date of the decision approving a land division.

SECTION VIII

ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS

Notwithstanding the provisions of Section VII of this ordinance, a division which creates a parcel which satisfies all of the requirements of Section VII except that it does not satisfy one or more of the standards of Subsection A of Section VII, shall be approved on the condition that the applicant must file a document with the Register of Deeds before

the approval becomes effective, clearly identifying the parcel as "not buildable" and "not a development site."

SECTION IX

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 approvals, such as conditional land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll.

SECTION X

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 of 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 ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

SECTION XI

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 XII

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 Casco Township Zoning Ordinance or the Building Code.

SECTION XIII

EFFECTIVE DATE

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

**CASCO TOWNSHIP
Allan Overhiser, Clerk
Casco Township
7104 107th Avenue
South Haven, MI 49090
(616) 637-4441**