

OLIVE TOWNSHIP    ORD # 4  
CLINTON COUNTY, MICHIGAN

PREAMBLE

AN ORDINANCE TO REGULATE PARTITIONING OR DIVISION OF PARCELS OR TRACTS OF LAND, ENACTED PURSUANT, BUT NOT LIMITED TO, THE LAND DIVISION ACT, MICHIGAN PUBLIC ACT 288 OF 1967, AS AMENDED, BY CREATING MINIMUM STANDARDS AND PROCEDURES FOR APPROVAL OF SUCH LAND DIVISIONS, AND ACT 246 OF 1945, AS AMENDED, BEING THE TOWNSHIP GENERAL ORDINANCE STATUTE; TO PROVIDE A PROCEDURE THEREFOR; TO REPEAL ANY ORDINANCE OR PROVISION THEREOF IN CONFLICT HEREWITH; TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

THE TOWNSHIP OF OLIVE, CLINTON COUNTY, MICHIGAN, ORDAINS:

**Section 1. Title.** This Ordinance shall be known and cited as the Olive Township Land Division Ordinance.

**Section 2. 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) (the "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 to 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 3. Definitions.** For purposes of this Ordinance, certain terms and words used herein shall have the following meaning:

- A. "Administrator" shall mean the Olive Township Assessor or such other person as may be designated as the "administrator" by the Township Board.
- B. "Applicant" shall mean 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. "Divide" or "Division" or "Land Division" shall mean 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 (1) year, or of building development that results in one or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements of Sections 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, this Ordinance and other applicable Ordinances.
- D. "Exempt split" or "Exempt division" shall mean 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" shall mean either forty (40) acres, a quarter-quarter section containing less than thirty (30) acres, or a government lot containing not less than 30 acres.
- F. "Governing body" shall mean the Olive Township Board.
- G. "Parcel" shall mean a contiguous area of land which can be described as stated in Section 102(g) of the Act.
- H. "Parent parcel" or "parent tract" shall mean a parcel or tract, respectively, lawfully in existence on March 31, 1997.
- I. "Road authority" shall mean the governmental authority having jurisdiction over a public road or public street.
- J. "Resulting parcel" or "resulting parcels" shall mean one or more parcels which result from an authorized land division.
- K. "Tract" shall mean two or more parcels that share a common property line and are under the same ownership.

**Section 4. Prior Approval Requirement For Land Division.** Land in the Township shall not be divided without the prior review and approval of the

Administrator, in accordance with this Ordinance and the State Land Division Act; provided, however, 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 results in parcels of twenty acres or more if each is not accessible and the parcel was in existence on March 31, 1997 or resulted from an exempt split pursuant to the Act.

**Section 5. Application For Land Division Approval.**

- A. A proposed land division shall be filed with the Administrator and shall include the following:
  - 1. A completed application, on such written form as the Township may provide, including any exhibits described therein.
  - 2. Proof of an ownership interest in the land which is the subject of the proposed division, or written consent to the application, signed by the fee owner of such land.
  - 3. A land title search, abstract of title, or other evidence of land title acceptable to the Administrator which is sufficient to establish that the parent parcel or parent tract of the land which is the subject of the proposed division was lawfully in existence on March 31; 1997.
  - 4. A copy of each deed or other instrument of conveyance which contains the statement required by Section 109(3) of the Act concerning the right to make further divisions.
  - 5. Three (3) copies of 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. The tentative parcel map, including the resulting parcels, shall be accurately and clearly drawn to a scale of not less than one inch = 200 feet for parent parcels or parent tracts of three acres or more in area. A tentative parcel map shall include:

- a. Date, north arrow, scale, and the name of the person or firm responsible for the preparation of the tentative parcel map;
  - b. Proposed boundary lines and the dimensions of each parcel;
  - c. An adequate and accurate legal description of each resulting parcel;
  - d. A drawing or written description of all previous land divisions from the same parent parcel or parent tract identifying the number, area and date of such divisions;
  - e. The location, dimensions and nature of proposed ingress to and egress from any existing public or private streets; and
  - f. The location of any public or private street, driveway or utility easement to be located within any resulting parcel. Copies of the instruments describing and granting such easements shall be submitted with the application.
6. The requirements of subparagraph (5) do not apply to any resulting parcel which is 40 acres or larger, as long as such parcel satisfies the requirements of Section 6.A.2 below,
7. Other information reasonably required by the Administrator in order to determine whether the proposed land division qualifies for approval.
8. Payment of the application fee and other applicable fees and charges established from time to time by resolution of the Township Board.
- B. A proposed division shall not be considered filed with the Township, nor shall the time period stated in subsection 6C commence, until all of the requirements for an application for land division approval have been complied with.

**Section 6. Minimum Requirements For Approval Of Land Divisions.**

- A. A proposed land division shall be approved by the Administrator upon satisfaction of all of the following requirements:
1. The application requirements of Section 5.
  2. Each resulting parcel shall have a means of vehicular access to an existing street or road from an existing or proposed driveway or access

easement. Such means of access shall comply with all applicable location standards of the governmental authority having jurisdiction of the existing street or road. If a driveway or access easement does not lawfully exist at the time a division is proposed, the applicant shall also comply with the requirements of subsection 6B.

3. The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.
  4. Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.
  5. Each resulting parcel shall have the depth to width ratio specified by applicable County of Clinton ordinances or ordinances of the Township of Olive hereafter adopted, regulating the size of the parcel or regulations pertaining to the zoning district(s) in which the resulting parcel is located.
  6. All resulting parcels to be created by the proposed land division(s) and the remaining parent parcel shall fully comply with applicable lot area and lot width requirements of such Township ordinance(s) applicable to all such parcels.
- B. If a means of vehicular access to a resulting parcel does not lawfully exist at the time a land division is applied for, the proposed division shall not be approved unless the following requirements are satisfied:
1. If a driveway is proposed as a means of access, each resulting parcel shall have an area where a driveway will lawfully provide vehicular access in compliance with applicable Township ordinances.
  2. If an easement is proposed as a means of access, the proposed easement shall be in writing and signed by the owner of the parcel(s) within which the easement is to be located. Such easement shall provide a lawful means of access over and across such parcel(s), in compliance with applicable Township ordinances. The Administrator may require that all such easements be in recordable form and recorded with the Register of Deeds within the time required by Section 7B.
  3. If a new public street is proposed as a means of access, the applicant shall provide proof that the road authority having jurisdiction has

approved the propose layout and construction design of the street and of utility easements and drainage facilities associated therewith.

- C. The Administrator shall approve or disapprove a proposed land division within 45 days after the complete filing of the proposed division with the Administrator, and shall provide the applicant with written notice of such approval or disapproval. If disapproved, the Administrator shall provide the applicant with a description of the reasons for disapproval. Any notice of approval for a resulting parcel of less than one acre in size shall contain a statement that the Township is not liable if a building permit is not issued for the parcel for the reason that the parcel fails to satisfy the requirements of Section 109a of the Act, including approval of on-site water supply and on-site sewage disposal under the standards set forth in Section 105(g) of the Act.
- D. An applicant aggrieved by the decision of the Administrator may, within 30 days of the decision, file a written appeal of the decision to the Governing Body, which shall consider and decide the appeal by a majority vote of the members present and voting at a public meeting. At least 10 days' written notice of the date, time and place of the meeting at which the appeal is to be considered shall be given to the applicant by regular, first-class mail, directed to the applicant's address as shown in the application or in the written appeal. The Governing Body may affirm or reverse the decision of the Administrator, in whole or in part, and its decision shall be final.

**Section 7. Approval of Land Divisions; Recording; Revocation.**

- A. The Administrator shall maintain a record of all land divisions approved by the Township.
- B. A decision approving a land division shall be effective for not more than 180 days after such approval by the Administrator or, if appealed, by the Governing Body, unless either of the following requirements is satisfied within such 180-day period:
  - 1. A deed or other recordable instrument of conveyance, accurately describing the resulting parcel(s) other than the remainder of the parent parcel or parent tract by the applicant, shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator; or
  - 2. A survey accurately showing the resulting parcel(s) shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator. Such survey shall comply with the minimum requirements of Public Act 132 of 1970, as amended.

If neither paragraph (1) nor paragraph (2) is satisfied, such land division approval shall, without further action on the part of the Township, be deemed revoked and of no further effect after the 180<sup>th</sup> day following such approval by the Administrator or, if appealed, by the governing body.

- C. All deeds and other recordable instruments of conveyance and all surveys submitted in compliance with Section 5A shall be reviewed by the Administrator in order to determine their conformity with the approved tentative parcel map. The Administrator shall mark the date of approval of the proposed land division on all deeds, other recordable instruments of conveyance and surveys which are in conformity with the approved tentative parcel map and which otherwise comply with the requirements of this ordinance. Such documents shall be maintained by the Administrator in the Township record of the approved land division.
- D. The approval of a land division shall not, of itself, constitute an approval or permit required under other applicable Township ordinances. Approval of a division is not a determination that the resulting parcels comply with other Township ordinances or regulations.
- E. Any parcel created which is inconsistent with, or in violation of, this Ordinance, where approval hereunder is required, shall not be eligible for issuance of building permits, zoning ordinance approvals or other land use or building approvals under other Township ordinances; nor shall any such parcel be established as a separate parcel on the tax assessment roll.

**Section 8. 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 and area requirements of pertinent Ordinances, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, and maximum lot (parcel) coverage and minimum set-backs for existing buildings/structures or have received a variance from such requirement(s) from the appropriate Zoning Board of Appeals.
- B. The proposed land division(s) comply(ies) 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 all applicable Ordinances.

- D. The ratio of depth to width of any parcel created by the division does not exceed the minimum ratio established by the applicable Zoning Ordinance, exclusive of access roads, easements, or non-development sites. 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. The width of a parcel shall be measured at the abutting road or right-of-way line, or as otherwise provided in any applicable Ordinances.

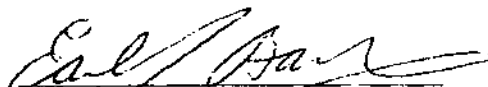
**Section 9. Penalties And Other Remedies.** A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than Five Hundred Dollars (\$500.00) for the first offense and not more than One Thousand Dollars (\$1,000.00) for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, expenses and other remedies provided by law, including injunctive relief to prevent violation or continued violation of this Ordinance. For the purpose of this section, a subsequent offense means a violation of this Ordinance committed by the same person or party within one (1) year after a previous violation of the same provision of this Ordinance for which such person or party admitted responsibility or was determined by law to be responsible.

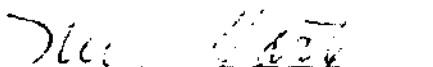
**Section 10. Severability.** The provisions of this Ordinance are severable and if any provision or other part hereof is determined to be invalid or unenforceable by any court of competent jurisdiction such determination shall not affect the remaining provisions or other parts of this Ordinance.

**Section 11. 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 applicable Zoning Ordinance, Subdivision Control or similar Ordinance, or Building Codes.

**Section 12. Effective Date.** This Ordinance shall become effective thirty (30) days after its publication or thirty (30) days after the publication of a summary of its provision in a local newspaper of general circulation.

**OLIVE TOWNSHIP**

By:   
Earl T. Barks, Supervisor

By:   
Neil Harte, Clerk



I, Neil Harte, Clerk of the Township of Olive, hereby certify that the foregoing Ordinance was adopted on the 22<sup>nd</sup> day of Dec, 1997 and published on the 27<sup>th</sup> day of Dec, 1997.

Neil Harte  
Neil Harte, Clerk