

**TOWNSHIP OF SUMMIT
COUNTY OF MASON, STATE OF MICHIGAN**

ORDINANCE NO. 10
Adopted: 04-25-2006
Effective: 04-25-2006

LAND DIVISION ORDINANCE

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, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore, 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 SUMMIT
MASON COUNTY, MICHIGAN**

ORDAINS:

SECTION I: TITLE

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

SECTION II: 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), 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.

SECTION III: 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. "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.
- C. "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.*
- D. "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.
- E. "Governing body"-the Summit 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; 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.
- 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 State Act.

SECTION V: APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the township Assessor or other official designated by the governing body for review and approval of a proposed land division 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 may be provided by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. If transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- F. A fee of **\$100** per division and **\$50** for each subsequent division made at the same time, 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 Township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- 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 governing board of the township or such other board or person designated by the governing body 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 (an appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

SECTION VII: STANDARDS FOR APPROVAL OF LAND DIVISIONS

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

- A. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
- B. All parcels created and remaining have existing adequate accessibility, or an area available therefore, to a public road for public utilities and emergency and other vehicles not less than the requirements of all applicable ordinances.
- C. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-development sites. The assessor or other designee shall have authority to allow a greater depth to width ratio based on exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands.

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.

SECTION VIII: 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 IX: 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 X: REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall no be construed to repeal any provision in the applicable Zoning Ordinance or Building Codes.

SECTION XI: EFFECTIVE DATE

This ordinance shall take effect upon publication following its adoption.

TOWNSHIP OF SUMMIT

Mary Ackert Clerk
Mary Ackert
4560 W Anthony Road (address)
Ludington, MI 49431 (city, state, zip)
(231) 845-6304 (telephone)

Affidavit of Publication

STATE OF MICHIGAN

§§

County of Mason

Alan H. Nichols being first duly sworn, says that he is the business manager of the Ludington Daily News, a daily newspaper printed and circulated in said county of Mason, and that annexed hereto is a copy of a certain order taken from said newspaper, in which the order was published on the following dates, to wit:

April 28, 2006



(Business Manager)

Subscribed and sworn to before me this

28th day of April A.D. 2006



Michelle J. Piotrowski

Print name

Notary Public for Mason County, acting in
Mason County

Commission Expires: 12-18-2012

SUMMIT TOWNSHIP

NOTICE OF ADOPTION OF ORDINANCE NO. 10

Land Division Ordinance

Ordinance No. 10, 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, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore, to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance was adopted by the Summit Township board on April 25, 2006.

The complete text of the ordinance is available at the Township Clerk's office at 4560 W. Anthony Road, Ludington, MI 49431. (231)845-6304.

Mary Acker, Summit Township Clerk