

STATE OF MICHIGAN
COUNTY OF LIVINGSTON
TOWNSHIP OF MARION
LAND DIVISION ORDINANCE NO. G-11-97

An ordinance to regulate the partitioning or divisions 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 herewith prescribe penalties and enforcement remedies for the violation of this ordinance.

Section 1: Title. The ordinance shall be known and cited as the Marion Township Land Division Ordinance.

Section II: Intent and Purpose. The purpose of this ordinance is to carry out the provision 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 that do not comply with the State Land Division Act, to minimize potential boundary line 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 Marion Township.

Section III: Definitions. For the purpose of this ordinance, certain terms and words shall have the following meaning:

Accessibility: in reference to a parcel, means the parcel 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 department or county road commission under Act No. 200 of the Public Acts of 1969, being sections 247.321 to 247.329 of the Michigan Compiled Laws, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.

Applicant or Proprietor: A natural person, firm, association, partnership, corporation, or a combination of any of them that holds an ownership interest in land whether recorded or not.

Act: Michigan Public Act 288 of 1967, as amended by Public Act 591 of 1996 and as amended by Public Act 87 of 1997, also known as the State Land Division Act.

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

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, successor, 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 Act. 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 Act or the requirements of this ordinance.

Exempt splits or exempt divisions: 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. For a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless that parcel conforms to the requirements of the Act and this ordinance.

Forty acres or the equivalent: Forty acres, a quarter-quarter section containing not less than 30 acres or a government lot containing not less than 30 acres.

Governing body: The Marion Township Board.

Parent parcel or parent tract: A parcel or tract, respectively, lawfully in existence on the effective date of the amendatory act, March 31, 1997.

Parcel: A continuous area or acreage of land that can be described as provided for in the Act.

Tract: Two 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 Marion Township shall not be divided without the prior review and approval of the Marion Township Assessor, or other official designated by the Marion Township Board in accordance with this ordinance and the Land Division Act, provided that the following shall be exempt from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Marion Township Subdivision Control Ordinance and the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the Marion Township Subdivision Control Ordinance and the State Land Division Act.
- C. An exempt split as defined in this ordinance.
- D. An exempt split or other partitioning or splitting of a parcel or tract that only results in parcels of 20 acres or more in size is not subject to the approval under the Land Division Act and this ordinance if the parcel or tract is not accessible and one of the following applies:
 1. The parent parcel or tract was in existence on March 31, 1997.
 2. The parent parcel or tract results from an exempt split or other partitioning or splitting under this section.

- E. Property transferred between two or more adjacent unplatted parcels, if the parcel taken from one parcel is added to the adjacent parcel.

Section V: Application for Land Division Approval. The Marion Township Assessor shall provide an applicant with an application form. At a minimum, the applicant shall file all of the following with the Marion Township Assessor, or other official designated by the Marion Township Board, in accordance with this ordinance and the Land Division Act for review and approval of a proposed land division before making any divisions either by deed, land contract, lease for more than one year, or for building development:

- A. Completed application form as provided by the township.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map shall be a scale drawing showing the approximate dimensions of the parcels. The tentative parcel map must show the area, width of parcel, width to depth ratio, parcel lines, public utility easements, and accessibility for each division proposed.
- D. Adequate and accurate legal description of each proposed division.
- E. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish that the parcel or tract to be divided was lawfully in existence as of March 31, 1997, the effective date of the Land Division Act. Such history and specifications shall describe the parent parcel or tract of which the parcel or tract to be divided was a part as that parent parcel or tract existed on March 31, 1997. Such history and specifications shall also identify both the owner of the parent parcel or tract on March 31, 1997, and the owners on March 31, 1997, of parcels sharing a common property line with a parent parcel or tract on March 31, 1997. The history and specifications must give sufficient information to show that each division meets all of the requirements of Section 108 of the State Land Division Act.
- F. Each resulting parcel that is a developmental site has adequate easement for public utilities from the parcel to existing public utility facilities.
- G. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transferred.
- H. The fee as may from time to time be established by resolution of the Marion Township Board for review of land division applications pursuant to this ordinance to cover the cost of review of the application and the administration of this ordinance and the Land Division Act.

Section VI: Procedure for Review of Application for Land Division Approval

- A. Upon receipt of a completed land division application, the Marion Township Assessor, or other official designated by the Marion Township Board in accordance with this ordinance and the Land Division Act, shall approve or disapprove the proposed land division within 45 days after receipt of the completed application and shall promptly notify the applicant in writing of the decision and all reasons for any denial.

1. An application is complete if it contains the information necessary to ascertain whether the requirements of Sections 108 and 109 of the Land Division Act are complied with.
- B. A notice of approval of a proposed division resulting in any parcels of less than one acre in size shall include the following statement: "Marion Township and its officers and employees are not liable if a land use permit and/or building permit are not issued for a resulting parcel because the parcel is less than one acre in size, lacks either public water and sewers or health department approval for on-site water supply and on-site sewage disposal."
- C. A notice of approval of a proposed division shall include the following language:

The approval of this division is not a determination that the resulting parcel complies with the Marion Township Zoning Ordinance or other general township ordinances. The township and the officials and employees shall not be liable for approving a land division if a land use permit and/or building permit for construction on a parcel are subsequently denied because of inadequate water supply, sewage disposal facility, failure to meet township zoning ordinances and general ordinances, or otherwise, and any notice of approval shall include a statement to this effect.
- D. The assessor or his or her designee shall maintain an official record of all approved and accomplished land divisions and/or transfers along with records of all disapproved divisions.
- E. No land division approval will be final until the property taxes for the parent parcel and/or any resulting land divisions have been paid in full.

Section VII: Standards for Approval of Land Division. A proposed land division shall be approved if the proposed land division complies with all of the requirements of the State Land Division Act and the criteria of this ordinance as set forth below.

- A. All parcels to be created by the proposed land division shall fully comply with the minimum width and area requirements of the Marion Township Zoning Ordinance and other township general ordinances and/or variances granted by the Marion Township Zoning Board of Appeals to the applicant for the land that is proposed to be divided.
- B. Each resulting parcel shall have a depth of not more than four times the width. The depth to width ratio does not apply to the remainder of the parent parcel or tract retained by the proprietor.
- C. All parcels to be created by the proposed land division are accessible except as to the following:
 1. An exempt split or other partitioning or splitting of a parcel or tract that only results in parcels of 20 acres or more in size is not subject to approval under this ordinance if the parcel or tract is not accessible and one of the following applies:
 - a) The parcel or tract was in existence on March 31, 1997.
 - b) The parcel or tract results from an exempt split or other partition or splitting under Section 109 of the Land Division Act.

- D. All parcels to be created by the proposed division and which meet the definition of a developmental site have adequate easements for public utilities from the parcel to existing public utilities facilities.
- E. The number of parcels to be created by the division does not exceed the number of parcels allowed by Section 108 of the Land Division Act.

Section VIII: Penalties and Remedies

- 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 rolls and no construction thereon which requires the prior issuance of a land use permit by the township shall be allowed. 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 unlawful division or split shall be voidable at the option of the purchasers pursuant to the Land Division Act and shall subject the seller to the forfeiture of all considerations received or pledged therefore, together with any damages sustained by the purchaser recoverable in an action at law under the State Land Division Act.

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 that 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 not be construed to repeal any provision in the Marion Township Zoning Ordinance or the Marion Township Subdivision Control Ordinance.

Section XI: Effective Date. This ordinance shall become effective thirty (30) days after publication in the Fowlerville News & Views. This ordinance was adopted this 24th day of October 2019 by the Marion Township Board at a meeting duly scheduled for the conduct of township business.

The Marion Township Land Division Ordinance No. G-11-97 can be purchased, examined, or inspected at the Marion Township Hall, 2877 W. Coon Lake Rd., Howell MI 48843 Monday through Thursday between the hours of 9 am and 5 pm.

Motioned by Les Andersen, supported by Duane Stokes. Roll call vote: Stokes, Durbin, Hanvey, Lloyd, Beal—yes; Lowe—no.

Tammy L. Beal
Marion Township Clerk

Date adopted by township board:	October 24, 2019
Date published by newspaper:	November 3, 2019
Name of newspaper:	Fowlerville News & Views
Effective date:	November 24, 2019

Date filed with Livingston County Clerk: November 26, 2019
Date recorded in township's ordinance book: November 26, 2019