

TOWNSHIP OF INLAND
COUNTY OF BENZIE, STATE OF MICHIGAN

ORDINANCE NO: 2008-10-02

ADOPTED 10-13-08 - EFFECTIVE 11-20-08

Amended 08-29-2016 – Effective 09/14/2016

An ordinance to regulate portioning or division of parcels or tracts of land, enacted pursuant to, but not limited to, the Land Division Act, being 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 INLAND, BENZIE COUNTY, MICHIGAN ORDAINS:

SECTION I

TITLE

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

SECTION II

PURPOSE

The purpose of this ordinance is to carry out the provisions of the Land Division Act, being Public Act 288 of 1967, as amended, formerly known as the Subdivision Control Act (MCL 560.101 et seq.) to prevent the creation of parcels of property which do not comply with the 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 the purpose 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 Section 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 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, or the requirements of other applicable local ordinances.
- 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; provided all resulting parcels are accessible for vehicle travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access, and meets all applicable location standards of the state transportation department or county road commission under Act 200 of the Public Acts of 1969, being sections 247.321 to 247.320 of the Michigan Compiled Laws, and the Township.
- 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 Inland 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 Zoning Administrator, 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 exempt from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Township's Subdivision Control Ordinance and 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 of a parcel that only results in parcels of 20 acres or more in size if each is not accessible and the parcel was in existence on March 31, 1997 or resulted from exempt splitting under the State Land Division Act.

SECTION V

APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township Zoning Administrator, 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 or such form as may be approved by the Township Board.
- B. Satisfactory proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an adequate and accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, all site improvements and the accessibility of each division for automobile traffic and public utilities.
- D. Proof that all standards of the State Land Division Act, the Inland Township Zoning Ordinance, and this Ordinance have been met.
- E. 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.
- F. A fee of \$100 per application and \$10.00 for each additional split related to the parent parcel will be charged to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

The amount of fees for lot splits may from time to time be revised by a majority vote of the Inland Township Board.

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 the denial.

- B. Any person or entity aggrieved by the decision of the Zoning Administrator or designee may, within 30 days of such decision appeal the decision to the governing body of the Township or such other body or person designated by the governing body which shall consider and resolve such appeal by majority vote of said Board or by the appellate 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. The Zoning Administrator 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.
- E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities, or otherwise, and any notice of approval shall include a statement to this effect.
- F. A decision approving a land division is effective for ninety (90) days, after which it shall be considered revoked unless within such period a document is recorded with the Register of Deeds office and filed with the Township Clerk, accomplishing the approved land division transfer.

SECTION VII

STANDARDS FOR APPROVAL OF LAND DIVISIONS

- A. All parcels created by the proposed divisions shall have a minimum width per zoning ordinance requirements.
- B. All such parcels shall contain a minimum area as per zoning ordinance requirements.
- C. The ratio of depth to width on any parcel of ten acres or less created by the division does not exceed a four to one ratio 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.
- D. The proposed land division(s) comply with all requirements of this Ordinance and the State Land Division Act.
- E. All parcels should be provided with a satisfactory means of access to a public road or a private road.
- F. All parcels created and remaining have existing adequate accessibility or an area

available therefore, for public utilities and emergency and other vehicles.

- G. Lot splits shall not preclude the feasible and efficient development, division or access for the remaining or abutting lands affected by the proposed split.

SECTION VIII

CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Any division of land in violation of any provision in this Ordinance shall not be recognized as a land division on the Township tax roll or assessment roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The Township shall further have the authority to institute injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance.

Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and all be punished by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment in the county jail not to exceed ninety (90) days or by both such fine and imprisonment. Further, any person who violates the provisions of this Ordinance and sells a resulting parcel of land is responsible for the payment of a civil fine of not more than One Thousand (\$1,000.00) Dollars for each parcel sold.

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 thereof, together with any damages sustained by the purchaser, recoverable in an action of law.

SECTION IX

SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, 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 previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed. However, this Ordinance shall not be construed to repeal any provision in which applicable Zoning Ordinances, Building Codes or other ordinances of the Township, which shall remain in full force and effect notwithstanding any land division approval hereunder.

SECTION XI

EFFECTIVE DATE

This Ordinance shall take effect upon publication following adoption.

TOWNSHIP OF INLAND

Clerk Linda M. Wilson

AMENDED August 29, 2014
