

14.0400

**LAND DIVISION ORDINANCE
TOWNSHIP OF GRAND HAVEN, MICHIGAN
ord. no. 311 eff. March 28, 1999**

An Ordinance to regulate partitioning or division of parcels or tracts of land; 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.

THE TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN,
ORDAINS:

14.0401 Sec. 1 TITLE

This Ordinance shall be known and cited as the Grand Haven Charter Township Land Division Ordinance.

14.0402 Sec. 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) 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 Township, 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.

14.0403 Sec. 3 DEFINITIONS

For purposes of this Ordinance, certain terms and words used herein shall have the following meanings:

1. “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.

2. “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 Section 108 and 109 of the State Land Division Act. “Divided” or “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, or the requirements of other applicable local Ordinances.

3. “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 forty (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 the parcel conforms to the requirements of the State Land Division Act or the requirements of all applicable local Ordinances.
4. “Forty acres or the equivalent” – either forty (40) acres, a quarter-quarter section containing not less than thirty (30) acres, or a government lot containing not less than thirty (30) acres.
5. “Township” – the Charter Township of Grand Haven.
6. “Township Board” – the elected and acting Board of Trustees of the Charter Township of Grand Haven.

14.0404 Sec. 4 PRIOR APPROVAL REQUIREMENTS FOR LAND DIVISION

Land in the Township shall not be divided without the prior review and approval of the Township Assessor, or other official designated by the Township Board, in accordance with this Ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

1. A parcel proposed for subdivision through a recorded plat pursuant to applicable Township Ordinances and the State Land Division Act;
2. A lot in a recorded plat proposed to be divided in accordance with the Township Ordinances and the State Land Division Act;
3. An exempt split as defined in this Ordinance.

14.0405 Sec. 5 APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township Assessor, or other official designed by the Township Board 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:

1. A completed application on such form as may be provided by the Township.
2. Proof of fee ownership of the land proposed to be divided.
3. 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.
4. Proof that all standards of the State Land Division Act and this Ordinance have been met.
5. The history and specifications of any previous divisions of land of which the proposed division was a part, sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997. This requirement may be satisfied with either a detailed written description of, or a graphic depiction of, any previous divisions from the parent parcel. The information supplied must include the size, number, and date of such previous divisions.
6. If transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
7. The fee as may from time to time be established by resolution of the Township Board for land divisions pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

**14.0406 Sec. 6 PROCEDURE FOR REVIEW OF
APPLICATIONS FOR LAND DIVISION APPROVAL**

1. Upon receipt of a land division application package, the Township Clerk, or other official designated by the Township Board, shall forthwith submit the same to the Township Assessor or other designated official for decision. The Township Assessor or other designated official for decision. The Township Assessor or other designee shall approve with reasonable conditions to assure compliance with all applicable Ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within forty-five (45) days after receipt of the application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decisions 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 return the same to the applicant for completion and refilling in accordance with this Ordinance and the State Land Division Act.

2. Any person or entity aggrieved by the decision of the Assessor or designee may within thirty (30) days of said decision, appeal the decision to the Township Zoning Board of Appeals, or such other board or person designated by the Township Board. The appeal shall be considered and resolved by a majority vote of said Board or by the designee at its next regular meeting or session, provided that there is sufficient time for a twenty (20) day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting appellate hearing.
3. The Township Assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
4. Approval of a division is not a determination that the resulting parcels comply with other Ordinances or regulations.
5. 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.

**14.0407 Sec. 7 STANDARD FOR APPROVAL OF LAND
DIVISION**

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

1. All the parcels to be created by the proposed land division(s) fully comply with the applicable minimum width, depth and area requirements of the Township Zoning Ordinance.
2. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
3. All parcels created and remaining are accessible. Accessible means that one or both of the following requirements are met:
 - A. 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 Ottawa County Road Commission under Act No. 200 of the Public Acts. of 1969, as amended, and of the Township in its Zoning Ordinance, major thoroughfare plan, Road Ordinance, and this Ordinance; or the parcel has an area where a driveway can provide

vehicular access to an existing road or street and meet all such applicable location standards.

- B. The parcel is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the State Transportation Department or Ottawa County Road Commission under Act No. 200 of the Public Acts of 1969, as amended, and of the Township in its Zoning Ordinance, major thoroughfare plan, Road Ordinance and this Ordinance; or the parcel can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.

In determining the adequacy of accessibility under either of the above two options, any Township ordinance standards applicable to plats shall also apply as a minimum standard whenever a parcel or tract is proposed to be divided to create four or more parcels.

- 4. 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 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 point of the parcel most removed from the point of commencement of the measurement.

The permissible minimum width shall be as defined in the applicable Zoning Ordinance or, in the absence thereof, as specified in subparagraph (E)(1) and (2) of this Section.

- 5. In the absence of the applicable Zoning Ordinance or other Ordinances providing a different standard, all parcels created by a land division shall comply with the following minimum standards:
 - A. A minimum road frontage of one hundred feet (100') on a public road or municipally approved private road.
 - B. A minimum width of one hundred feet (100') as measured on a line parallel to the abutting road right of way and/or lake frontage and thirty-three feet (33') therefrom.
 - C. A minimum lot (parcel) area of ten thousand square feet (10,000').

shall be a civil fine of not less than two hundred fifty dollars (\$250.00) plus costs and other sanctions. In addition to such civil infraction sanctions, the Township shall have the right to seek enforcement of the requirements of this Ordinance by any other means provided by law.

14.0411 Sec. 11 SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, work, 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.

14.0412 Sec. 12 ADMINISTRATIVE LIABILITY

No Township officer, agent, employee or member of the Township Board shall be personally liable for any damage which may occur to any person or entity as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this Ordinance.

14.0413 Sec. 13 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 Township Zoning Ordinance, or the Township Building Code.

14.0414 Sec. 14 EFFECTIVE DATE

This Ordinance was approved and adopted by the Township Board on February 22, 1999. This Ordinance shall be effective on March 28, 1999.