

## **Ordinance 21-7-27-2 Amending Chapter 180**

### **Chapter 180**

#### **LAND DIVISION**

**[HISTORY: Adopted by the Board of Trustees of the Township of Worth 6-18-2008 by Ord. No. 2008-2.]**

#### **GENERAL REFERENCES**

Planning Commission — See Ch. 43.  
Zoning — See Ch. 300.

#### **§ 180-1. Title and purpose.**

- A. This chapter shall be known and may be cited as the "Worth Township Land Division Ordinance."
- B. The purpose of this chapter is to carry out the provisions of the Land Division Act, Michigan Public Act 288 of 1967, as amended,<sup>1</sup> in order to prevent the creation of parcels of land which do not comply with the Act or with applicable Township ordinances; to provide for the orderly development of land and otherwise to provide for the health, safety and welfare of the residents and property owners of the Township by establishing minimum requirements for review and approval of certain land divisions within the Township.

#### **§ 180-2. Definitions.**

Certain words and phrases used in this chapter shall have the meanings stated in this section. Other words and phrases, if defined by the Act, shall have the meanings stated in the Act.<sup>2</sup>

ADMINISTRATOR — Assessor.

DIVISION — The partitioning or splitting of a parcel or tract of unplatted 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 for more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent (as defined in the Act), and that satisfies the requirements of Sections 108 and 109 of the Land Division Act.<sup>3</sup> "Division" does not include a property transfer between two or more adjacent parcels if the land taken from one parcel is added to an adjacent parcel.

EXEMPT SPLIT — The splitting of a parcel or tract of unplatted land by the proprietor thereof

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1. Editor's Note: See MCLA § 560.101 et seq.

2. Editor's Note: See MCLA § 560.102, Definitions.

3. Editor's Note: See MCLA §§ 560.108 and 560.109.

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.

PARCEL — A contiguous area of land which can be described as stated in Section 102(g) of the Land Division Act.<sup>4</sup>

PARENT PARCEL or PARENT TRACT — A parcel or tract of unplatted land, lawfully in existence on March 31, 1997.

RESULTING PARCEL(S) — One or more parcels which result from a land division.

ROAD AUTHORITY — The governmental authority having jurisdiction of a public road or public street.

TRACT — Two or more parcels that share a common property line and are under the same ownership.

SURVEY — A land survey, done by a certified surveyor, of the parcel showing all buildings and setbacks to the lot lines

#### **§ 180-3. Land divisions prohibited without approval.**

All land divisions in Worth Township are prohibited unless prior approval is obtained pursuant to the provisions of this chapter.

#### **§ 180-4. Application for land division approval.**

- A. A request for 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 owner of such land;
  - (3) Proof of all taxes, special assessments, or any other lien being paid in full;
  - (4) 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 land which is the subject of the proposed division was lawfully in existence on March 31, 1997, or that the lot or outlot is described and fixed in a recorded plat;
  - (5) A copy of each deed or other instrument of conveyance which contains the statement required by Section 109(3) of the Land Division Act<sup>5</sup> concerning the right to make further division;
  - (6) Evidence satisfactory to the administration of all prior divisions or partitions of the land which is the subject of the proposed division or partition;

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4. Editor's Note: See MCLA § 560.102(g).

5. Editor's Note: See MCLA § 560.109(3).

- (7) Three copies of a survey showing the parent parcel, parent tract or lot 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 survey including the resulting parcels shall be accurately and clearly drawn to a scale of not less than one inch equals 20 feet for parent parcels or parent tracts of less than three acres in area and to a scale of at least one inch equals 100 feet for parent parcels or parent tracts of three acres or more in area. The survey shall include:
  - (a) Date, month, arrow, scale, and the name of the person or firm responsible for the preparation of the tentative parcel map;
  - (b) An adequate and accurate of each existing buildings showing setbacks from the lot lines
  - (c) Proposed boundary lines and the dimensions of each parcel;
  - (d) An adequate and accurate legal description of each resulting parcel;
  - (e) 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 division;
  - (f) The location, dimensions and nature of proposed ingress to and egress from any existing public or private streets; and
  - (g) 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.
- (8) The requirements of Subsection A(6) shall not apply to any resulting parcel which is 40 acres or larger; however, a boundary line survey of any such parcel must be provided;
- (9) Other information reasonably required by the Administrator in order to determine whether the proposed land division qualifies for approval;
- (10) Payment of the application fee and other applicable fees and charges established by resolution of the Township Board.

B. A proposed division or partition shall not be considered filed with the Township nor shall the time period stated in § 180-5C commence until all the requirements for an application for land division or partition approval have been satisfactorily completed.

**§ 180-5. 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 § 180-4;
  - (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 B;

- (3) In the case of a land division, 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.<sup>6</sup>
  - (4) Each resulting parcel that is a development site (as defined in the Land Division Act<sup>7</sup>) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities;
  - (5) Each resulting parcel which is 10 acres or less in size shall have a depth which is not more than four times the width of the parcel. If the width and depth of the parcel is irregular, the average width of the parcel shall be calculated and used for purposes of this provision. This depth-to-width ratio shall not apply to the remainder of the parent parcel or parent tract retained by the applicant. The width and depth of the resulting parcel shall be measured in the same manner provided by Chapter 300, Zoning, for the measuring of the minimum width and maximum depth of parcels;
  - (6) Each resulting parcel meets the area, length, width, depth and frontage requirements established Chapter 300, Zoning, as it now exists and may be amended from time to time;
- B. If a means of vehicular access to a resulting parcel does not lawfully exist at the time the 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 the 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 accessed over and across such parcel(s) in compliance with applicable Township ordinances;
  - (3) If a new public or private street is proposed as a means of access, the applicant shall provide proof that the road authority and Township Board having jurisdiction has approved the proposed 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.

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6. Editor's Note: See MCLA § 560.108.

7. Editor's Note: See MCLA § 560.101 et seq.

Any notice of approval for a resulting parcel of a land division less than one acre in size shall contain a statement that the requirements of Section 109(a) of the Act,<sup>8</sup> including approval of on-site water supply and on-site sewage disposal under the standards set forth in Section 105(g) of the Land Division Act.<sup>9</sup>

- 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 Township Board which shall consider and decide the appeal by a majority vote of the members present and voting at the 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 Township Board may affirm or reverse the decision of the Administrator, in whole or in part, and its decision shall be final.

**§ 180-6. Requirements for approved applications.**

- 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 Township Board unless either of the following requirements is satisfied within such one-hundred-eighty-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 retained by the applicant, shall be recorded with the County Register of Deeds and a true copy thereof showing proof of such records 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.<sup>10</sup>
- C. If neither Subsection B(1) nor (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 180th day following such approval by the Administrator or, if appealed, by the Township Board.
- D. All deeds and other recordable instruments of conveyance and all surveys submitted in compliance with § 180-5A shall be reviewed by the Administrator prior to recording 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 chapter. Such documents shall be maintained by the Administrator in the Township records

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8. Editor's Note: See MCLA § 560.109(a).

9. Editor's Note: See MCLA § 560.105(g).

10. Editor's Note: See MCLA § 54.211 et seq.

of the approved land division.

- E. The approval of a land division shall not, of itself, constitute an approval or permit required under other applicable Township ordinances. Approval of a land division is not a determination that the resulting parcels comply with other Township ordinances or regulations.
- F. Any parcel which is created and which does not fully comply with the provisions of this chapter shall not be eligible for issuance of building permits or other approvals under other Township ordinances, nor shall any such parcel be established as a separate parcel on the tax assessment roll.

**§ 180-7. Violations and penalties; other remedies.**

A violation of this chapter is a municipal civil infraction for which the fine shall be not more than \$500 for the first offense and not more than \$1,000 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. For the purpose of this section, a subsequent offense means a violation of this chapter committed by the same person or party within one year after a previous violation of the same provision of this chapter for which such person or party admitted responsibility or was determined by law to be responsible.