

35.

STATE OF MICHIGAN
COUNTY OF MACKINAC
BOIS BLANC TOWNSHIP

ORDINANCE 35

Adopted: May 15, 1997

Amended: September 21, 1999

LAND DIVISION ORDINANCE

An Ordinance to regulate partitioning or division of parcels or tracts of land, enacted present but not limited to Michigan Public Act 288 of 1967 (Appendix E) as amended, and Act 246 of 1945 (Appendix F) being the Township General Ordinance stature; to provide procedure therefore: to repeal any Ordinance or provisions thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this Ordinance.

TOWNSHIP OF BOIS BLANC
MACKINAC COUNTY, MICHIGAN
ORDAINS:

SECTION I
TITLE

This Ordinance shall be know and cited as the Bois Blanc 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 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 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 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.
- c. “Exempt split” or “exempt division” – the portioning 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 of 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. “Township Board” – The legislative body of Bois Blanc Township.

SECTION IV
PRIOR APPROVAL REQUIREMENTS OF LAND DIVISION

Land in the Township shall not be divided without the prior review and approval of the Township Supervisor, 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 excepted 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 the following with the Township Supervisor or other official designated by the Township Board for review 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 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. The fee as may from time to time be established by resolution of the Township Board for land division reviews pursuant to this Ordinance to cover the costs of this review and the application and administration of this Ordinance and the State 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 reason for the denial.
- b. Any person or entity aggrieved by the decision of the supervisor or designee may, within 30 days of said decision appeal the decision to the Township Board or such other body or person designated by the Township Board which shall consider and resolve such appeal by a 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 supervisor 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.

SECTION VII
STANDARDS FOR APPROVAL OF LAND DIVISION

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

- a. All parcels to be related by the proposed land division(s) fully comply with all applicable requirements of the Township Zoning

Ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot width to depth ration, and maximum lot (parcel) coverage, and minimum setbacks for existing building and structures.

- b. The proposed land division(s) complies with all requirements of the State Land Division Act and this Ordinance.
- c. 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.

SECTION VIII CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll until the assessing officer refers the suspected violation or potential non-conformity to the county prosecuting attorney and gives written notice to the person requesting the division, and the person suspected of the violation or potential non-conformity of such referral to the prosecuting attorney. 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. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto.

In addition, any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.

Pursuant to Section 267 of the Land Division Act, 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 therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

SECTION IX
SEVERABILITY

The provisions of this ordinance are hereby declared to be several 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 of 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 any 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 amended ordinance shall take effect upon publication following its adoption.

CERTIFICATE

I, Clover J. Schlund, Bois Blanc Township Clerk, do hereby certify that the foregoing amended Bois Blanc Township Ordinance No. 35 was adopted by the Bois Blanc Township board at a special meeting held on September 21, 1999, and that the following is a record of the vote of the members of said Township board on said amended Ordinance.

AYES: Cheryl Stevenson, Gary Wagner, Lani White, Clover Schlund, William Wescott.

NAYS: None