

## Section 1 - Title, Scope and Purpose

- A. This ordinance shall be known and may be cited as the "Grant Township Land Division Ordinance". The regulations of this Ordinance are adopted pursuant to the statutory authority of Act No. 288 of the Michigan Public Acts of 1967, as amended, the Land Division Act. Michigan Land Division Act, Public Act 591 of 1996, MCL 560.101.
- B. This ordinance shall apply to all land divisions as governed by the provisions of the Land Division Act, Act 288 of the Michigan Public Acts of 1967, Michigan Land Division Act, Public Act 591 of 1996, MCL 560.101 as amended. Approval of any land division does not constitute use approval of any such division. Such use of land shall comply with all Grant Township Ordinances of Record, any other restrictions of record, or any other applicable ordinance or regulation.
- C. It is not intended by this Ordinance to repeal, abrogate, annul or in any other way impair or interfere with existing Grant Township Ordinances of Record, or any other laws or ordinances, or of any private restrictions placed upon property by covenant, deed or other private agreement, provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the use of land, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits or easements, then the provisions of the Ordinance shall govern.
- D. The purpose of this Ordinance is to regulate the division of land within Grant Township: to promote the public health, safety and general welfare: to further the orderly layout and use of: to require that land be suitable for building sites and public improvements: that provisions are made for adequate drainage, ingress and egress and to ensure that land divisions are correctly and accurately approved, recorded and filed.

## Section 2 – Definitions

- A. The definitions of the Land Division Act of 1967, as amended, Michigan Land Division Act, Public Act 591 of 1996 are hereby included and made a part of this Ordinance.
- B. Applicant means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in the subject land whether recorded or not.
- C. Assessor, means the Grant Township Assessor.
- D. Attorney, means the Grant Township Attorney.
- E. Board, or Township Board, means the Grant Township Board.
- F. Clerk, means the Grant Township Clerk.
- G. County, means Clare County
- H. County Road Commission, means the Clare County Road Commission.
- I. Development Site means any parcel on which exists or which is intended for building development.
- J. Divide or Division, means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or hers heirs, executors, administrators,

legal representatives, successors or assigns, for the purposes 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 State Land Division Act. Divide and Divisions 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, this ordinance and other applicable ordinances or adopted codes.

- K. Engineer, means the professional consulting engineer for Grant Township.
- L. Exempt Split or Exempt Division means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representative, 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 vehicular 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.
- M. Forty Acres or the equivalent means, 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- N. Governing Body, means the Grant Township Board.
- O. Official means any individual (s), company, corporation or other entity appointed by the Grant Township Board to administer this ordinance.
- P. Township, means Grant Township, Clare County, Michigan.

### Section 3 Land Division Approvals

The approvals and requirements of this Ordinance shall be satisfied prior to the issuance of a land division approval within Grant Township. The approvals and requirements of this ordinance shall be satisfied prior to the recording of any land division with the County.

### Section 4 Application

1. An application for land divisions shall be submitted through the Township Assessor or other official designated by the Governing Body. Each application shall be accompanied by the following, provided, however, the Assessor or other official may waive certain of the following provisions if he/she deems the information to be unnecessary in meeting the requirements of this Ordinance.
  - A. A completed application form or form as approved by the Township Board.
  - B. A payment of a fee as established by the Township Board.
  - C. Proof of fee ownership of the land proposed to be divided.
  - D. A complete and accurate legal description of each proposed parcel created by the land division, as well as proposed easements including all existing legal easements.
  - E. A title search supplied by the landowner for prior split.
  - F. A detailed written description of the development planned for such land divisions, including a description of any proposed association of other entity which shall be responsible for operation and maintenance of any private streets, open spaces or other similar uses or activities.

- G. A graphic or written description of any previous land divisions from the parent parcel including the size, number and date of such divisions occurring since March 31, 1997.
- H. Information including recommendations or reports from the Township Attorney, official, engineer, or other party and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which should be imposed.
- I. The approval, approval with conditions, or denial of a land division shall be accomplished within 45 days after the filing of a completed, accepted application by the assessor or other official unless waived by the applicant or if the requirement for a survey is waived by the assessor or designated official.
- J. Any person or entity aggrieved by the decision of the assessor or designated official may, within 30 days of said decision appeal 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 a majority vote of said board or by the written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- K. The tentative parcel map shall include, at a minimum:
1. Date, north arrow, scale and name, address, and telephone number of the individual or firm responsible for the completion Of the tentative parcel map.
  2. Seal and signature of the registered engineer or land surveyor, responsible for completion of the tentative parcel map.
  3. Proposed parcel lines and their dimensions.
  4. The location of any public or private streets, driveway, lake or stream access, or utility easements to be located within any proposed parcel or to benefit the same. Copies of the instruments describing and granting such easements shall be submitted with the application. Also include a description of who shall maintain the roads if applicable.
  5. Location and nature of proposed ingress and egress locations to any existing or public or private streets.
  6. General topographical features including slopes more than twenty five percent (1:4 pitch or steeper).
  7. Any existing buildings, public or private streets and driveways within one hundred feet of all proposed property lines.
- L. A certificate of paid taxes for the preceding 5 years from the Clare County Treasurer as required by PA 23 of 2019.
2. The Grant Township Board hereby requires the applicant to reimburse the Township for fees and costs incurred in reviewing the proposed land division application. The land Division Permit shall not be issued until all such fees and reimbursements have been paid in full. The Township Board by resolution shall establish a fee schedule for these costs.
  3. Applications for land divisions shall not be accepted for review purposes until all of the required materials have been submitted a and are fully complete.
  4. The application, along with the required materials shall be forwarded to the assessor or other official for review and approval.
  5. Land divisions shall be reviewed and approved by the assessor or other official. The assessor or other official shall review the application and such other available information including recommendations or reports from the township attorney, official,

engineer, or other party shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which should be imposed.

6. The approval, approval with conditions, or denial of a land division shall be accomplished within 45 days after the filing of a completed, accepted application by the assessor or other official unless waived by the applicant or if the requirement for a survey is waived by the assessor or designated official.

7. Any person or entity aggrieved by the decision of the assessor or designated official may, within 30 days of said decision appeal 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 a majority vote of said board or by the designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (an appellate where other than the applicant) of the time and date of said meeting and appellate hearing

#### Section 5 Use Approval Not Conveyed

Approval of land division does not grant approval for the use of such division. All uses shall comply with Grant Township Ordinances and Codes as adopted and of record, Laws of the County of Clare, and State of Michigan.

#### Section 6 Requirement for Recording with County Register of Deeds

Land division approvals shall be valid for a period of ninety days (90) from the date of approval. If such parcels proposed by the land division are not properly recorded and accepted by the County Register of Deeds within this period the land division approval shall be considered null and void and a new application shall be submitted in compliance with the requirements of this ordinance.

#### Section 7 Land Division Permit

Township approval of a land division shall be evidenced by a written approval in the form of a Land Division Permit.

#### Section 8 Land Division Requirements

All parcels created must comply with the provisions of PA 591 of 1996, MCL 560.101, Michigan Land Division Act. Any parcel created in non compliance with this ordinance shall not be eligible for any building permits and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this ordinance shall subject the violator to the penalties and enforcement actions set forth in Section 9 of this ordinance, and as may otherwise be provided by law.

#### Section 9 Remedies and Enforcement

A. A violation of any provisions of this ordinance is hereby declared to be a nuisance, per se. A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for the first offense and not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law. Any person or entity that violates this ordinance shall also be subject to civil action seeking invalidation of the land division and appropriate injunctive or other relief.

B. For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjusted to be responsible; provided however, that offenses committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

#### Section 10 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 said part or portion thereof.

#### Section 11 Repeal

All ordinances of parts of ordinances as adopted by Grant Township in conflict with this ordinance are hereby repealed, except that this ordinance shall not be construed to repeal any provisions of the Uniform Building Codes as Adopted by Grant Township.

#### Section 13 Effective Date

This ordinance shall take effect 30 days following its publication after adoption. Ordinance was published on October 22, 2004.