

**ROSCOMMON TOWNSHIP
LAND DIVISION ORDINANCE
ORDINANCE NO. 50,
AS AMENDED BY ORDINANCE NO. 77**

Adopted: December 2, 1997

Amended: July 2, 2019

Effective: August 11, 2019

An Ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute to provide a procedure therefor; 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 ROSCOMMON, ROSCOMMON COUNTY, MICHIGAN, ORDAINS:

**SECTION I
TITLE**

This Ordinance shall be known and cited as the Roscommon 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 of property 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 meanings:

- 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 Sections 108 and 109 of the State Land Division Act. "Divide" or "Division" shall not include a property line adjustment.
- 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.
- 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 Roscommon Township Board.
- F. "Property Line Adjustment" - The transfer of property from one or more parcels or tract of land to adjacent parcels or tracts, which may or may not result in changes of the parcel sizes but does not result in an additional parcel. The effect is that the boundary(s) between the parcels or tracts of land is modified.

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 assessor, 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 exempted 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 lot 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.
- D. A parcel created by an exempt split is not a new parent parcel and may be further partitioned or split without being subject to the platting requirements of this Ordinance or the State Land Division Act if all of the following requirements are met:
 1. Not less than 10 years have elapsed since the parcel was recorded.
 2. The partitioning or splitting results in not more than the following number of parcels, whichever is less: (i) Two parcels for the first 10 acres or fraction thereof in the parcel plus 1 additional parcel for each whole 10 acres in excess of the first 10 acres in the parcel. (ii) Seven parcels or 10 parcels if one of the resulting parcels under this subsection comprises not less than 60% of the area of the parcel being partitioned or split.
 3. The partitioning or splitting satisfies the requirements of Section 109 of the State Land Division Act.

SECTION V
APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following on or before December 31 of the immediately preceding year with the Township assessor, 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 on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A certified survey and legal description prepared by a professional land surveyor satisfying all the requirements of Act 193 of 2018.
- 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. A fee to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act will be established by the Township by resolution.

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 denial.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said 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 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 assessor 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 DIVISIONS

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

- A. All parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of pertinent ordinances, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, and maximum lot (parcel) coverage and minimum setbacks for existing buildings/structures or have received a variance from such requirement(s) from the Zoning Board of Appeals.
- B. 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 nondevelopment 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.
- C. The proposed land division(s) comply with all requirements of this Ordinance and the State Land Division Act.
- D. All parcels created and remaining have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.
- E. A survey accurately showing the resulting parcel(s) shall be recorded with the Roscommon County Register of Deeds and a true copy thereof, showing proof of such recording, shall be filed with the Township Assessor or Zoning Administrator. Such survey shall comply with the minimum requirements of Public Act 132 of 1970, as amended.

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 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 initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance.

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 therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

SECTION IX PENALTIES AND ENFORCEMENT

Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

SECTION X
PROPERTY LINE ADJUSTMENTS

Property line adjustments are not permitted without the prior review and approval of the Township assessor, or other official designated by the governing body, in accordance in this Ordinance. An applicant seeking a property line adjustment shall comply with the following:

- A. Application. An applicant shall file all of the following with the Township assessor, or other official designated by the governing body for review and approval of a proposed property line adjustment before any such adjustment shall take place:
 - 1. A completed application form on such form as may be approved by the Township Board.
 - 2. A certified survey and legal description prepared by a professional land surveyor satisfying all the requirements of Act 193 of 2018.
 - 3. A fee to cover the costs of review of the application and administration of this Ordinance, as will be established by the Township by resolution.
- B. Review. The Township shall approve or disapprove consistent with the procedure established in Section VI.
- C. Standards for Approval. Applications for property line adjustments shall be approved by the Township if the following criteria are met:
 - 1. The adjusted parcels fully comply with the applicable lot (parcel), yard and area requirements of the pertinent ordinances, or have a received a variance from the Zoning Board of Appeals for any requirements not met.
 - 2. The property line adjustment complies with all the requirements of this Ordinance and the State Land Division Act.
- D. Consequences of Noncompliance. Any property line adjustment in violation of this Ordinance shall be subject to the consequences for noncompliance set forth in Section VIII.

SECTION XI
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.

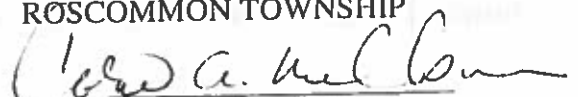
SECTION XII
REPEAL

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 XIII
EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication following its adoption.

ROSCOMMON TOWNSHIP


Carie Milburn, Township Clerk