

TOWNSHIP OF ORLEANS

LAND DIVISION ORDINANCE NO. 38

Adopted: June 24, 1997

Effective: July 28, 1997

AN ORDINANCE TO REGULATE THE PARTITIONING OR DIVISION OF PARCELS OR TRACTS OF LAND, TO PROVIDE FOR ADMINISTRATIVE PROCEDURES; TO REPEAL ANY ORDINANCE OR PROVISION IN CONFLICT; AND TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR THE VIOLATION OF THIS ORDINANCE.

TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN, ORDAINS:

SECTION 1 TITLE

This Ordinance shall be known and cited as the "Orleans Township Land Division Ordinance."

SECTION 2 PURPOSE

The purpose of this Ordinance is to carry out the provisions of the Michigan Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act) (the "Land Division Act"), to prevent the creation of parcels of property which do not comply with applicable ordinances and the 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 Orleans Township.

SECTION 3 DEFINITIONS

- A. Any words or terms used in this Ordinance which are not defined in this section or other provisions of this Ordinance shall be defined according to its common or standard definition, except that those terms defined in the Land Division Act shall have the same meaning in this Ordinance.
- B. For purposes of this Ordinance certain terms and words used shall have the following meanings:
 - (1) "Applicant" means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership

interest in land whether recorded or not; a person or entity purchasing land involved in the land division; or their agents.

- (2) "Divided" or "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 representatives, successors or assigns, for the purpose of sale or lease of more than one year, or for 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 Land Division Act.
- (3) "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the proprietor, 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; 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.
- (4) "Forty acres or the equivalent" means either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- (5) "Township Assessor" means the Orleans Township Assessor and includes other persons designated by the Township Board to carry out the enforcement and administration of this Ordinance.

SECTION 4

PRIOR APPROVAL FOR LAND DIVISIONS; EXEMPTIONS

- A. Land in the Township, including land in or for a condominium or site condominium, shall not be divided without the prior review and approval of the township assessor, or other designated official, in accordance with this ordinance and the Land Division Act.
- B. The following shall be exempted from this requirement:
 1. A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act.
 2. A lot in a recorded plat proposed to be divided in accordance with the Land Division Act.
 3. An exempt split as defined in this Ordinance.

SECTION 5

APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township Assessor or other designated official 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 a form as may be provided by the Township.
- B. Identity of the person who has fee ownership of the land proposed to be divided.
- C. A survey or tentative parcel map, as follows:
 - (1) A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.
 - (2) Where the applicant is unable to provide a survey map with the application, the applicant may submit a tentative partial map for purposes of application review. The tentative parcel map must be drawn to scale and include an accurate legal description of each proposed division, showing the boundary lines, dimensions and accessibility of each division from existing or proposed public roads for automobile traffic and public utilities. A survey map must be filed with the Township Assessor by the time the division is accomplished as provided in Section 6(C) of this Ordinance.
 - (3) The Township Board may waive survey map requirements where the tentative parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory within which the proposed divisions are located. The exact legal description of all the proposed divisions, however, shall at all times be required.
- D. Proof that all standards of the Land Division Act and this Ordinance are met.
- E. The history and specifications of any previous divisions of land of which the proposed division was a part. This must be sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the Land Division Act.

- F. Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are or will be paid in full.
- G. If transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- H. Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under Section 8 of this Ordinance, all divisions shall result in buildable parcels. A buildable parcel shall contain sufficient area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited, and which has sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, and on-site sewage disposal and water well locations (where public water and sewer service is not available).
- I. An application fee, as may be established by resolution of the Township Board for land division reviews pursuant to this ordinance to cover the costs of review of the application and administration of this Ordinance and the Land Division Act.

SECTION 6

REVIEW OF APPLICATIONS FOR LAND DIVISIONS

- A. Upon receipt of a land division application, the Township Assessor shall, within 30 days, approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division, 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 requirements and the Land Division Act, the Assessor shall return the application to the applicant for completion and refile in accordance with this Ordinance and the Land Division Act.
- B. Any person or entity aggrieved by the decision of the Township Assessor may, ~~within 30 days of the decision, appeal the decision to the Township Board as provided in Section 8 of the ordinance.~~
- C. A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the Township Assessor accomplishing the approved land division or transfer. The 90 days may be extended for an additional 90 days by the Assessor or for a longer period by the Township Board where good cause is shown.
- D. The Township Assessor shall maintain an official record of all approved and accomplished land divisions or transfers.

SECTION 7

STANDARDS FOR APPROVAL OF LAND DIVISIONS

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

- A. All the parcels to be created by the proposed land division fully comply with the applicable lot, yard and area requirements of this or other township ordinances, including, but not limited to, minimum lot frontage, width, minimum road frontage, minimum lot area, minimum lot width to depth ratio, and minimum setbacks for existing buildings/structures.
- B. The proposed land division complies with all requirements of the Land Division Act.
- C. All parcels created and remaining have existing adequate accessibility, or an area available to a public road for public utilities and emergency and other vehicles not less than the requirements of the Orleans Township Residential Dwelling Ordinance, or this Ordinance.
- D. All parcels created by the land division shall comply with the following minimum standards:
 - (1) A minimum road frontage of 20 feet on a public road or township-approved private road.
 - (2) A minimum lot width of 100 feet as measured on a line parallel to the abutting road right-of-way, or edge of a private road easement or lake frontage, from the front setback line as established in the Orleans Township Residential Dwelling Ordinance. Where public sewer is available, the minimum lot width may be reduced to 75 feet. 122.5×122.5
 - (3) A minimum lot area of one (1) acre; where public sewer is available, the minimum lot width may be reduced to 15,000 square feet.
 - (4) The ratio of depth to width of any parcel created by the division is four to one; however, a five to one ratio is permitted where the parcel has exceptional topographical or physical conditions or is compatible with surrounding lands. The permissible depth of a parcel created by the 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, but shall exclude access roads, easements or non-buildable parcels created under Section 8 of this Ordinance, and other parcels within that tract of land.

- (5) Where accessibility is to be provided by a proposed new dedicated public road, proof that the Ionia County Road Commission or Michigan Department of Transportation has approved the proposed layout and construction design of the road and of the appurtenant utility easements and drainage facilities.
- (6) Where accessibility by vehicle traffic and for utilities is permitted through other than a dedicated and accepted public road or easement, such accessibility shall comply with the lot accessibility requirements of the Residential Dwelling Ordinance, including all of the following standards:
- (a) The private street easement width shall be a minimum of 33 feet if the easement serves no more than two parcels, or 66 feet if the easement serves more than two parcels.
 - (b) The layout of private streets in respect to their location, intersections, cul-de-sacs, vertical street alignment, street grades, horizontal curves, curb openings at intersecting streets, etc., shall conform to the Ionia County Road Commission standards for platted streets.
 - (c) The construction of the roadway shall conform to the Ionia County Road Commission standard for a local road.
 - (d) Culverts shall be placed at all natural drainage courses or other waterways. Ditches shall outlet into a cross culvert or drainage course. Culvert sizes and grades shall be determined using the Ionia County Road Commission storm runoff calculations formula. Materials for culverts shall also conform to their requirements.
 - (e) A document, acceptable to the Township, which provides for maintenance and repair of the private road. This document must state that it is not the responsibility of the Township to maintain or repair the private road unless the Township has the right to assess such costs against those properties benefitted, plus a 25 percent administrative fee. Further, that the Township has the right to perform such improvements in the event of a failure of those benefitted to properly perform these duties for the health, safety and general welfare of the area and Township.
 - (f) Any intersection between private and/or public roads shall contain a clear vision triangular area of not less than 20 feet along each right-of-way line as measured from the intersecting right-of-way lines.

SECTION 8

OTHER LAND DIVISIONS: APPEALS AND VARIANCES

A. The Township Assessor may approve a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of this Ordinance in any of the following circumstances:

- (1) Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the township, designating the parcel as "not buildable". Any such parcel shall also be designated as "not buildable" in the township records. The parcel is deemed to be "self-created" under subsection B(3)(a) below and shall not be permitted a variance or other relief from the applicable lot or area requirements. The parcel shall not be developed with any building or structure exceeding four feet in height.
- (2) Where, in circumstances not covered by this section, the Township Board has previously granted a variance from the lot, yard, ratio, frontage or area requirements with which the parcel failed to comply.
- (3) Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, the Residential Dwelling Ordinance, or the Land Division Act.

B. The Township Board may act upon all questions that arise in the administration of this ordinance:

- (1) It may hear and decide appeals from and review any order, requirement or determination made by an official charged with enforcement of this ordinance. An appeal may be taken by any person aggrieved by any action under this ordinance.
- (2) It may grant variances to this ordinance where the literal enforcement of its requirements would involve practical difficulties or cause undue hardship because of exceptional physical constraints or conditions of the land, building, or structure; or the use or development of the property immediately adjoining the property in question. In granting a variance, the Township Board shall ensure that the spirit of this ordinance is observed, public safety secured, and substantial justice done.
- (3) The Township Board may grant such variances only upon finding, from reasonable evidence, that the following facts and conditions exist:

- (a) That there are exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same residential area or general vicinity, and are not the result of actions of the applicant.
 - (b) That such a variance is necessary for preservation and enjoyment of a substantial property right similar to that possessed by other properties in the general vicinity. The possibility of increased financial return shall not be deemed sufficient to warrant a variance.
 - (c) That authorizing a variance will not be a substantial detriment to adjacent property and will not materially impair the intent and purpose of this ordinance or the public interest.
 - (d) That the condition or situation affecting the property is not so general or recurrent as to make reasonably practical the formulation of a general regulation.
- (4) The determination by the Township Board of any appeal or variance shall be stated in the public record. The Township Board may adopt special rules of procedure for considering variances and appeals under this ordinance, which at a minimum shall include a ten-day notice before any action is taken. This notice shall be sent to all property owners within 300 feet of the parent parcel and published in a newspaper circulating within the Township. A copy of the notice shall go to the applicant and the appellant. The notice shall give the purpose, date, and time of the Township Board meeting at which the action will be considered. The Township Board may impose conditions on the granting of a variance or an appeal to ensure that the public services and facilities will be capable of accommodating the proposed use; to protect the natural environment and conserve natural resources; to ensure compatibility with adjacent uses of land; and to promote the use of the land in a socially and economically desirable manner.

SECTION 9

NONCOMPLIANCE; PENALTIES AND VIOLATIONS; AND ENFORCEMENT ACTIONS

- A. Any parcel created in noncompliance with this Ordinance shall not be eligible for any building permits or other plan approvals, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this Ordinance shall subject the violator to other penalties and enforcement actions stated in this Section and as may otherwise be provided by law.

B. Unless specified otherwise in this Ordinance, violations of this Ordinance shall be a municipal civil infraction which is an act or omission that is prohibited, made or declared to be unlawful, or an offense by this Ordinance, but which is not a crime under this Ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs may be ordered as authorized by Act 236 of Public Act of 1961 as amended, subject to the following provisions:

- (1) Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$50.00, plus other costs, damages, expenses, and other sanctions for each infraction.
- (2) Increased civil fines may be imposed for repeat violations by a person of any requirement or provision of this Ordinance. As used in this section, "repeat offenses" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any two year period (unless some other period is specifically provided by this Ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - (a) The fine for any offense which is a first repeat offense shall be no less than \$250.00, plus costs.
 - (b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs per offense.
- (3) Failure to answer a citation or notice to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500.00, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.
- (4) Failure to comply with an order, judgment, or default in payment of a civil fine, costs, damage, or expenses so ordered may result in enforcement actions, including but not limited to imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of Act 236 of Public Acts of 1961 as amended.
- (5) A municipal civil infraction is not lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

- C. Misdemeanor Violations. It shall be a misdemeanor for any person who makes a knowing false statement, representation, or certification in an application, report, record, plan, or other document filed or required to be maintained pursuant to this ordinance or other state or federal law. A misdemeanor is punishable upon conviction by a fine of not to exceed \$500.00 (plus other costs), imprisonment for a term of not to exceed 90 days, or both fine and imprisonment.
- D. Nuisance. The creation of a division of land in violation of this Ordinance, is hereby determined to be detrimental to the health, safety and general welfare of the residents, property owners, and other persons within Orleans Township, and is deemed a public nuisance. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator to restrain and prohibit the violator from continuing the violation, in addition to any other relief or penalty provided by this Ordinance or allowed by law.
- E. Continuing Offenses. Each day on which a violation of this Ordinance continues, constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense.
- F. Parties Liable. Any person who violates any of the provisions contained in this Ordinance, whether as owner, lessee, permittee, licensee, agent, servant, employee or in any other capacity shall be liable as a principle.
- G. Enforcement Actions. This ordinance shall be enforced by the Township Assessor or other persons designated by the Orleans Township Board. A municipal civil infraction action may be commenced upon the issuance of a municipal civil infractions citation directing the alleged violator to appear in court.

SECTION 10 **OTHER ORDINANCES**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed; except this Ordinance shall not be construed to repeal any provision of the Orleans Township Residential Dwelling Ordinance or of any other Township building code or ordinances.

SECTION 11 **SEVERABILITY**

This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are severable. If any part, section, paragraph, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 12 **EFFECTIVE DATE**

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

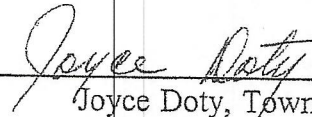
YEAS: Frederick Chapman, Joyce E. Doty, Joel Noe, Jerry Gallagher and
Herman Peterson

NAYS: None

ABSENT: None

ORDINANCE DECLARED ADOPTED.

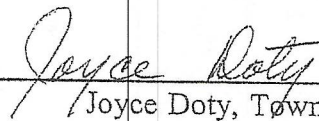
June 24, 1997


Joyce Doty, Township Clerk

CERTIFICATION

I certify that the foregoing Ordinance was adopted by the Township of Orleans in a
special session held on June 24, 1997, 1997, and that it was published in _____
Sentinel-Standard on June 28, 1997.

June 28, 1997


Joyce Doty, Township Clerk

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ORDINANCE 39

TOWNSHIP OF ORLEANS

AMENDMENTS TO ORDINANCE 38 THE LAND DIVISION ORDINANCE

Adopted: October 14, 1997

Effective: November 20, 1997

AN ORDINANCE TO AMEND ORDINANCE NO. 38, THE ORLEANS TOWNSHIP LAND DIVISION ORDINANCE, SECTIONS 3, 4, 5, 6, 7, AND 8(A), TO PROVIDE FOR ADMINISTRATIVE PROCEDURES IN THE PARTITIONING OR DIVISION OF PARCELS OR TRACTS OF LAND.

TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN, ORDAINS:

SECTION 1. PURPOSE

The purpose of this Amendatory Ordinance is to bring the Orleans Township Land Division Ordinance into compliance with recent changes of the Land Division Act as required by Public Act 591 of 1996 and Public Act 87 of 1997.

SECTION 2. AMENDMENT OF SECTION 3

Section 3, is amended to read in its entirety as follows:

- A. Any words or terms used in this Ordinance which are not defined in this section or other provisions of this Ordinance shall be defined according to its common or standard definition, except that those terms defined in the Michigan Land Division Act, being Public Act 591 of 1996 and Public Act 87 of 1997, which amended the former Subdivision Control Act (now referred to as "Land Division Act") shall have the same meaning in this Ordinance.
- B. For purposes of this Ordinance certain terms and words used shall have the following meanings:

- (1) "Applicant" means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not; a person or entity purchasing land involved in the land division; or their agents.
- (2) "Divided" or "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 representatives, successors or assigns, for the purpose of sale or lease of more than one year, or for 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 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 Land Division Act or the requirements of other applicable local ordinances.
- (3) "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the proprietor, 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.
- (4) "Forty acres or the equivalent" means either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- (5) "Township Assessor" means the Orleans Township Assessor and includes other persons designated by the Township Board to carry out the enforcement and administration of this Ordinance.

SECTION 3. AMENDMENT OF SECTION 4

Section 4 is amended to read in its entirety as follows:

- A. Land in the Township, including land in or for a condominium or site condominium, shall not be divided without the prior review and approval of the township assessor, or other designated official, in accordance with this ordinance and the Land Division Act.
- B. The following shall be exempted from this requirement:

1. A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act.
2. A lot in a recorded plat proposed to be divided in accordance with the Land Division Act.
3. The 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 an exempt split under the Land Division Act.
4. An exempt split as defined in this Ordinance.

SECTION 4. **AMENDMENT OF SECTION 5**

Section 5 is amended to read in its entirety as follows:

An applicant shall file all of the following with the Township Assessor or other designated official 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 a form as may be provided by the Township.
- B. Identity of the person who has 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 accessibility of each division for automobile traffic and public utilities.
- D. Proof that all standards of the Land Division Act and this Ordinance are met.
- E. The history and specifications of any previous divisions of land of which the proposed division was a part. This must be sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the Land Division Act.
- F. If transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- G. An application fee, as may be established by resolution of the Township Board for land division reviews pursuant to this ordinance to cover the costs of review of the application and administration of this Ordinance and the Land Division Act.

SECTION 5.

AMENDMENT OF SECTION 6

Section 6 is amended to read in its entirety as follows:

- A. Upon receipt of a land division application, the Township Assessor shall, within 45 days, approve, approve with reasonable conditions to assure compliance with this ordinance, or disapprove the land division, 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 requirements and the Land Division Act, the Assessor shall return the application to the applicant for completion and refile in accordance with this Ordinance and the Land Division Act.
- B. Any person or entity aggrieved by the decision of the Township Assessor may, within 30 days of the decision, appeal the decision to the Township Board as provided in Section 8 of the ordinance.
- C. The approval of a land division shall not be considered complete until a document is recorded with the County Register of Deeds office and filed with the Township Assessor accomplishing the approved land division or transfer.
- D. The Township Assessor shall maintain an official record of all approved and accomplished land divisions or transfers.
- E. Approval of the Land Division is not a determination that the resulting parcels comply with other ordinances or regulations.
- F. 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 6.

AMENDMENT OF SECTION 7

Section 7 is amended to read in its entirety as follows:

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

- A. The proposed land division complies with all requirements of the Land Division Act.
- B. All parcels created and remaining have existing adequate accessibility, or other areas available for public utilities and emergency and other vehicles not less than the requirements of this Ordinance. All parcels which are intended for residential use

will also have to comply with the Orleans Township Residential Dwelling Ordinance.

C. All parcels created by the land division shall comply with the following minimum standards:

- (1) A minimum lot width of 100 feet as measured on a line parallel to the abutting road right-of-way, or edge of a private road easement or lake frontage, from the front setback line as established in the Orleans Township Residential Dwelling Ordinance; provided that a minimum of 20 feet must be on a public road or township approved private road. Where public sewer is available, the minimum lot width may be reduced to 75 feet.
- (2) A minimum lot area of one (1) acre; where public sewer is available, the minimum lot width may be reduced to 15,000 square feet.
- (3) The ratio of depth to width of any parcel created by the division is four to one; however, a five to one ratio is permitted where the parcel has exceptional topographical or physical conditions or is comparable with surrounding lands. The permissible depth of a parcel created by the 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, but shall exclude access roads, easements or non-buildable parcels created under Section 8 of this Ordinance, and other parcels within that tract of land.
- (4) Before any legally divided parcel may be used for residential or other building purposes it must also meet the requirements of other Orleans Township Ordinances and other approving authorities.

SECTION 7. AMENDMENT OF SECTION 8A

Section 8, Subsection (A) is to read in its entirety as follows:

- A. The Township Assessor may approve a proposed land division which does not fully comply with the applicable lot, accessibility and area requirements of this Ordinance in any of the following circumstances:

- (1) Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the township, designating the parcel as "not buildable". Any such parcel shall also be designated as "not buildable" in the township records. The parcel is deemed to be "self-created" under subsection B(3)(a) below and shall not be permitted a variance or other relief from the applicable lot or area requirements. The parcel shall not be developed with any building or structure exceeding four feet in height.
- (2) Where, in circumstances not covered by this section, the Township Board has previously granted a variance from the lot, yard, ratio, frontage or area requirements with which the parcel failed to comply.
- (3) Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, other township ordinances, or the Land Division Act.

SECTION 8. OTHER CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed; except this Ordinance shall not be construed to repeal any provisions of the Orleans Township Residential Dwelling Ordinance or of any other Township building code or ordinances.

SECTION 9. SEVERABILITY

This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are severable. If any part, section, paragraph, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 10.

EFFECTIVE DATE

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

This Ordinance was offered by Member Joyce E. Doty, seconded by Member


Jerry Gallagher, the vote for the Ordinance was as follows:

YEAS: Frederick Chapman, Joyce E. Doty, Joel Noe, Jerry Gallagher and
Herman Peterson

NAYS: None

ABSENT:


ORDINANCE DECLARED ADOPTED.



Joyce Doty, Township Clerk

CERTIFICATION

I certify that the foregoing Ordinance was adopted by the Township of Orleans in a regular session held on October 14, 1997, and that it was published in Ionia Sentinel-Standard on October 22, 1997.



Joyce Doty, Township Clerk

Orleans Township Ordinance No. 52

**AN ORDINANCE TO PERMIT THE DIVISION
OF LAND LOCATED WITHIN A PLAT UPON
APPLICATION TO, AND APPROVAL BY, THE
ORLEANS TOWNSHIP BOARD AND TO
PROVIDE SANCTIONS FOR THE VIOLATION
HEREOF**

**THE TOWNSHIP OF ORLEANS, COUNTY OF IONIA, MICHIGAN
ORDAINS:**

Section 1. Title. This Ordinance shall be known and cited as the "Orleans Township Division of Land within Recorded Plats" Ordinance.

Section 2. Purpose. The purpose of this Ordinance is to provide for the public health, safety and welfare of the residents of the Township of Orleans to ensure that parcels located within platted lands maintain a reasonable size and area so as to avoid overcrowding of residents, while permitting owners of parcels in platted subdivisions to divide such parcels with approval by the Township Board. This Ordinance is adopted pursuant to Section 263 of Act 288 of the Public Acts of 1967, as amended, being MCLA 560.101 *et seq.*

Section 3. Definitions. As used in this Ordinance, the following words and terms shall have the meaning set forth in this section. Any word or term used in this Ordinance that is not defined in this section or the Act shall be considered to be defined in accordance with its common or standard definition.

(A) "Act" means Act 288 of the Public Acts of 1967, as amended, commonly referred to as the "Land Division Act," being MCLA 560.101 *et seq.*

(B) "Applicant" means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in the land, whether recorded or not, or a person or entity purchasing the land, or their agents.

(C) "Divide" or "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 representatives, successors or assigns for the purpose of sale or lease of more than one year, or for 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 Act.

(D) "Parcel" means a continuous area or acreage of land which can be described as required by the Act.

(E) "Plat" means a map or chart of a subdivision of land that complies with the requirements of the Act.

(F) "Township" means Orleans Township, Ionia County, Michigan.

(G) "Township Assessor" means the Orleans Township Assessor and includes other persons designated by the Township Board to carry out the enforcement and administration of this Ordinance.

Section 4. Division of Platted Parcel Permitted. A parcel located in a recorded plat may be divided in accordance with this Ordinance. Prior to dividing a parcel in a recorded plat, the owner of such a parcel shall submit an application seeking approval of the division from the Township Assessor. All applications shall comply with the requirements of Section 5 of this Ordinance and shall be reviewed in accordance with Section 6 of this Ordinance.

Section 5. Application Required; Contents of Application.

(A) Prior to the division of a parcel within a platted subdivision, a person seeking to divide such a parcel (the "Applicant") shall complete and file an application, on a form as to be provided by the Township, with the Township Assessor. Upon receipt of the application, the Township Assessor shall review the application to ensure that the application is complete and complies with the requirements of this Ordinance.

(B) The applicant shall provide the following materials and information in addition to the application form:

(1) an application review fee, as established by resolution of the Township Board, which fee may be changed from year-to-year;

(2) a survey or tentative parcel map as follows:

(a) A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing

structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

(b) Where the applicant is unable to provide a survey map with the application, the applicant may submit a tentative parcel map for purposes of application review. The tentative parcel map must be drawn to scale and include an accurate legal description of each proposed division, showing the boundary lines, dimensions and accessibility of each division from existing or proposed public roads for automobile traffic and public utilities. A survey map must be filed with the Township Assessor by the time the division is accomplished as provided in Section 6(C) of this Ordinance.

(c) The Township Board may waive survey map requirements where the tentative parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory within which the proposed divisions are located. The exact legal description of all the proposed divisions, however, shall at all times be required.

(3) Proof that the standards of this Ordinance are satisfied.

(4) Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under Section 6(B) of this Ordinance, all divisions shall result in buildable parcels. A buildable parcel shall contain sufficient area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited, and which has sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, and on-site sewage disposal and water well locations (where public water and sewer service is not available).

Section 6. Review and Approval of Application.

(A) The Township Assessor shall, within 30 days of receipt of the application, review and approve the application for the division of the platted parcel, if the Township Assessor determines that the applicant has satisfied the requirements of this Ordinance. Specifically, the Township Assessor shall determine if the applicant has met the following:

(1) All of the parcels created as a result of the division of the platted parcel fully comply with the applicable lot, yard and area requirements of this or other Township ordinances including, but not limited to, minimum lot frontage, width, minimum road

frontage, minimum lot area, minimum lot width to depth ratio, and minimum setbacks for existing buildings or structures.

(2) All of the parcels created and remaining have existing adequate accessibility, or an area available to a public road for public utilities and emergency and other vehicles not less than the requirements of the Orleans Township Residential Dwelling Ordinance, or this Ordinance.

(3) All of the parcels created by the land division shall comply with the following minimum standards:

a. A minimum road frontage of 20 feet on a public road or township approved private road.

b. A minimum lot width of 100 feet as measured on a line parallel to the abutting road right-of-way, or edge of private road easement or lake frontage, from the front setback line as established in the Orleans Township Residential Dwelling Ordinance. Where public sewer is available, the minimum lot width may be reduced to 75 feet.

c. A minimum lot area of one (1) acre; where public sewer is available, the minimum lot width may be reduced to 15,000 square feet.

d. The ratio of depth to width of any parcel created by the division is four to one; however, a five to one ratio is permitted where the parcel has exceptional topographical or physical conditions or is compatible with surrounding lands. The permissible depth of a parcel created by the 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, but shall exclude access roads, easements or non-buildable parcels created under Section 8 of this Ordinance, and other parcels within that tract of land.

(B) The Township Assessor may approve a division of a parcel within a platted subdivision even if the resulting parcel does not satisfy the requirements of Section 6(A)(1)-(3) of this Ordinance and is deemed "not buildable" if the resulting parcel is to be combined with an existing adjacent parcel and if the applicant certifies in the application that the resulting parcel(s) will not be used as building sites.