

LAND DIVISION ORDINANCE NUMBER 35.0

Township Of Metamora
Lapeer County, Michigan

An ordinance to provide a procedure for the division of properties located within the Township of Metamora, Lapeer County, Michigan, and to regulate and control the division of such properties, in the interest of the public health, safety and welfare.

THE TOWNSHIP OF METAMORA ORDAINS:

SECTION 1 TITLE

This Ordinance shall be known and cited as the "Metamora Township Land Division Ordinance", and will be referred to herein as "this ordinance".

SECTION 2 PURPOSE AND AUTHORIZATION

An Ordinance adopted pursuant to, and under the provisions of Act No. 591 of the Public acts of 1996, as amended, to provide procedures and standards for the division of properties located within Metamora Township, to regulate and control, in the interest of the Public Health, Safety and Welfare, the division of properties within Metamora Township; to prescribe rules and regulations; to provide penalties for the violation of this Ordinance; and to provide for the relationship of this Ordinance to other laws and Ordinances.

SECTION 3 DEFINITIONS

- A. Acreage Parcel - Any parcel of land which is not within an approved and recorded plat or condominium development.
- B. Divide or Division - The partitioning or splitting of an acreage parcel or tract into two or more parcels for purposes of sale, lease or building development.
- C. Lot - A measured portion of a parcel or tract of land which is described and fixed in a recorded plat.
- D. Parent Parcel or Parent Tract - An acreage parcel or tract, respectively, lawfully in existence on March 31, 1997.
- E. Resulting Parcel - The acreage parcel(s) which result from an approved division.
- F. Tract - Two or more acreage parcels that share a common property line and are under the same ownership.
- G. Terms not defined shall have the meaning as set forth in the Metamora Township Zoning Ordinance and PA 591 - The Land Division Act.

SECTION 4 DIVISION OF ACREAGE PARCELS

Any acreage parcel or tract which is divided or proposed to be divided after the effective date of this Ordinance, shall be reviewed and approved in accordance with this Ordinance.

SECTION 5 APPLICATION REQUIREMENTS AND PROCEDURES

Application to divide an acreage parcel or tract shall be made on forms provided by the Township, Applications shall include the following required information and submittals.

- A. Names, addresses and phone numbers of all owners of record, including all parties to a land contract or purchase agreement, and their signatures. Separate written consent to the proposed division by fee simple owners may be accepted by the Township in lieu of signatures on the application form.
- B. The applicant's name, address, phone number and signature.
- C. The parcel identification number(s) of the parent parcel or parent tract.
- D. A true and accurate survey, including both a drawing to scale and full legal description, of the parent parcel or tract and of all parcels which would result from the proposed division of the parent parcel or tract. The survey shall include the following.
 1. All adjoining property within 100' of the parent parcel or parent tract.
 2. All dimensions of existing and proposed property lines and easements.
 3. Location of all existing buildings, wetlands, lakes, streams, ponds, drives, public and private roads, easements, wells and septic fields, including setbacks from all property lines.
 4. The size(in square feet and acres) of each resulting parcel;
 5. The proposed location and type of access to each resulting parcel. (Private roads are not permitted in Metamora Township);
 6. Setbacks from property lines to all proposed buildings, drives, easements, wells and septic systems.
- E. Written verification and proof of ownership, by Warranty

Deed, Quit Claim Deed, Land Contract, or other legal document of conveyance, which identifies the owner(s) of the parent parcel or parent tract.

- F. When required by the Land Division Act, written verification of Lapeer County Health Department approval for on-site water supply,
- G. When required by the Land Division Act, written verification of Lapeer County Health Department approval for on-site sewage disposal, including a copy of the soil percolation test(s) upon which the Health Department based its determination.
- H. A written statement, signed and attached to the application form by the applicant and all owners of record, stating whether the right to make further divisions exempt from the platting process requirements of PA 591- The Land Division Act has been transferred or otherwise conveyed.
- I. A written statement, signed and attached to the application form by the applicant and all owners of record stating that: "The deeds for all resulting parcels that are the subject of this application shall contain the following statement: 'This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act'"
- J. Additional information as required by the Township to verify application information, geographic site data or to clarify status of other governmental reviews and approvals.
- K. All applicable review fees as established by resolution of the Township Board.

SECTION 6 REVIEW PROCESS

All applications for proposed divisions of acreage parcels shall be reviewed in conformance with the following process.

- A. Preliminary Review
 - 1. The Metamora Township (Supervisor) (Zoning Administrator) and Assessor review the application and all attachments for conformance with this ordinance and applicable sections of the Zoning Ordinance, including but not limited to, minimum lot area, lot width, frontage, and lot width to depth ratio.
 - 2. If all required information has been submitted in accordance with Section 5 above, and all information and the proposed division(s) demonstrate(s) conformance with

this ordinance, the (Supervisor) (Zoning Administrator) and Assessor shall grant preliminary approval of the division(s). If the proposed application and division(s) do not comply with this ordinance, the application shall be denied or granted conditional preliminary approval. All approvals and denials shall be in writing. Conditional approvals shall include all conditions, in writing, which must be met prior to final approval.

B. Final Approval

1. Following Preliminary Approval or Approval with Conditions, the (Supervisor) (Zoning Administrator) and Assessor shall:
 - a. Verify that all conditions of Preliminary Approval have been met.
 - b. Document that all stakes and monuments have been set in accordance with the approved survey.
 - c. Verify Planning Commission and Township Board approval of any new public road(s) proposed in conjunction with the proposed division(s)
2. The (Supervisor) (Zoning Administrator) and Assessor shall grant final approval of the proposed division(s) upon verification of the information in subsection 1 above.
3. After Final Approval, the Assessor shall process the proposed division(s), assign and issue new parcel identification number(s) and update taxation and assessment records accordingly.

SECTION 7 TIME FOR REVIEW AND APPROVAL OF DIVISION

Metamora Township shall have (45) days from the date of submittal of a complete application to finish its review of the proposed division and verify that it complies with the Michigan Land Division Act, as amended, other applicable Statutes of the State of Michigan, and all Ordinance of Metamora Township. No property division proposal presented to the township of Metamora after January 1 of any year will appear on the Township tax roll until the subsequent tax year.

SECTION 8 REVIEW STANDARDS

The following standards shall be met prior to approval of any proposed division(s):

- A. The proposed division is in compliance with PA 591- The Land Division Act, as amended;
- B. The proposed division is in compliance with the lot size, lot

parcels 10 acres or more need minimum road frontage width, but depth ratio does not apply

- area, frontage, lot width to depth ratio and other design requirements of the Metamora Township Zoning ordinance;
- (1) Ratios greater than 4/1 may be allowed in accordance with the SLDA by approval of the ZBA
- C. Adequate easements for public utilities from the parcel to existing public utility facilities are provided;
 - D. The parent parcel and resulting parcels do not include any parcels or lots within a recorded plat or a condominium development approved by the Township.
 - E. If the proposed division creates resulting parcels that are less than the minimum lot area or size required by Act 591, Michigan Public Acts of 1996, as amended, or the Metamora Township Zoning Ordinance, the applicant shall also file with the Township a duly executed affidavit, suitable in form for recording with the Lapeer County Register of Deeds, signed by all persons having a legal or equitable interest in the resultant parcel(s) stating that the resultant parcel(s) will not thereafter be developed or used separately, but only in conjunction with adjoining parcels which, when joined together, shall satisfy the minimum lot area and size requirements of Act 591 of 1996, as amended, and the Metamora Township Zoning Ordinance.
 - F. Payment of all taxes due on the parent parcel or parent tract.

SECTION 9 DIVISIONS NOT APPROVED BY TOWNSHIP

Any division, which has not been first approved by Metamora Township, shall not constitute a valid division of such property under the terms of this Ordinance. Any parcel of real property, which has not received approval by the Township pursuant to the provisions of this Ordinance or the Metamora Township Subdivision Ordinance shall not be placed on the Township tax roll as a separate and individual parcel of property.

SECTION 10 ISSUANCE OF BUILDING PERMIT

After the effective date of this Ordinance, prior to the issuance of any building permit for construction upon a resulting parcel, the person or entity applying for the building permit shall provide the following items to the Metamora Township Building Inspector:

- A. Written verification and evidence of final approval of the division of the subject property by the Metamora Township;
- B. The parcel identification (tax) number which has been assigned to the subject property.
- C. A recorded copy of the survey, with legal description and drawing of the said parcel, or parcels, of property (that is, a Warranty Deed, Quit Claim Deed, Land Contract or other

written evidence of ownership and title to the property.

- D. A recorded copy of the legal document which establishes the applicant's ownership interest in the property (that is, a Warranty Deed, Quit Claim Deed, Land Contract or other written evidence of ownership and title to the property).

SECTION 11 VIOLATIONS AND PENALTIES

A violation of any provision of this Ordinance shall constitute a misdemeanor. Any person, firm, corporation, partnership or other entity who violates, disobeys, omits, neglects or refuses to comply with a provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Hundred Dollars (\$500.00), or imprisonment in the County Jail for a period not to exceed ninety (90) days, or both such fine and imprisonment at the discretion of the Court. Each and every day, during which such violation continues, shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

In addition, the Township Board, any member thereof, or the Prosecuting Attorney for the County of Lapeer, may institute injunctive proceedings to prevent or enjoin any violation of the provisions of this Ordinance. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

SECTION 12 SEVERABILITY

This Ordinance and the various parts, sections, subsection, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional, invalid or unenforceable for any reason by a Court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof, irrespective of the fact that any one or more parts, sections, subsection, phrases, sentences or clauses be declared invalid.

SECTION 13 RELATIONSHIP TO OTHER LAWS AND ORDINANCES

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by governmental authority through legislation, rule or regulation, the more restrictive regulations or those which impose the higher standards shall govern.

SECTION 14 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following the publication hereof as provided by law.

SECTION 15 ADOPTION

This Ordinance was adopted by the Metamora Township Board at a regular meeting thereof held on August 11, 1997.

Marilyn Taylor
Marilyn Taylor, Clerk
Township of Metamora

Publication Date: August 20, 1997
Effective Date: Sept. 20, 1997

ATTACHMENTS- Land Division Application

The Township cannot take action on an incomplete application. Please indicate attachments included with this application.

- A) Survey of proposed divisions and remainder parcel, sealed by professional surveyor. Survey must show:
- 1) Current boundaries of parent parcel, parent tract or qualified non-parent parcel
 - 2) Proposed divisions with dimensions;
 - 3) Existing and proposed road or easement rights-of-way
 - 4) Location of existing public utilities and easements as needed to access utilities.
 - 5) Existing improvements (buildings, wells, septic, driveways, ponds, etc.)
- B) A soil evaluation or septic system permit from the Health Dept. for each proposed parcel;*
- C) An evaluation or well permit from the Health Dept. for each proposed parcel;*
- D) Indication of approval or driveway permit from MDOT or Road Commission for each proposed parcel fronting on a state or county road;*
- E) Copy of any transferred division rights for each proposed parcel.
- F) Proof of payment to clerk of \$50 per proposed parcel;
- G) Other (please list) _____

* Township may grant conditional approval before these items are provided, but approval will be revoked if all required materials are not provided within 90 days of conditional approval. Parcels will not be placed on the tax roll or allowed building permits until final approval is obtained.

AFFIDAVIT

I agree the statements made above are true, and if found not to be true any approval will be void. I understand that this is only a parcel division which conveys only certain rights under the township land division and zoning ordinances and the state Land Division Act and does not include any representation or conveyance of rights in any other statute, building code zoning ordinance, deed restrictions or other property rights.

I understand that approval of this application does not guarantee suitability of any division of land for any specific purpose.

I understand that this application will not be complete until any required variances from zoning ordinances are obtained and a copy of the decision made part of this application. Even after approval of these divisions as presented, deeds, land contracts, leases or surveys representing the approved divisions must be recorded with the Register of Deeds to preclude the possibility of needing to reapply after future changes in local ordinance or state law.

I understand that conditional approval will be revoked if all required materials for final approval are not submitted within ninety (90) days of conditional approval. I understand that if this proposed division plan is denied I may reapply with modifications to my original plan without additional township fee, for six months after my original application date.

Applicant Signature:	Date:
----------------------	-------

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN
STATE OF MICHIGAN
COUNTY OF LAPEER

}
}
SS

METAMORA TOWNSHIP

LAND DIVISION ORDINANCE #35.

SUMMARY

An Ordinance to provide a procedure for the division of properties located within the Township of Metamora, Lapeer County, Michigan, and to regulate and control the division of such properties, in the interest of the public health, safety and welfare.

THE TOWNSHIP OF METAMORA ORDINANCES:

- Section 1. Title
- Section 2. Purpose and Authorization
- Section 3. Definitions
- Section 4. Division of Acreage Parcels
- Section 5. Application requirements and procedures.
- Section 6. Review Process.
- Section 7. Time for Review & Approval of Division.
- Section 8. Review Standards.
- Section 9. Divisions not approved by Township
- Section 10. Issuance of Building Permit
- Section 11. Violations and Penalties
- Section 12. Severability
- Section 13. Relationship to other laws and ordinances.
- Section 14. Effective Date
- Section 15. Adoption

This Ordinance was adopted by the Metamora Township Board at a regular meeting thereof held on August 11, 1997.

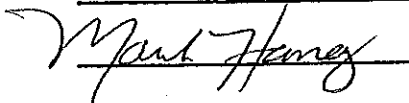
Full text of the Land Division Ordinance may be reviewed at the Township Hall during regular business hours.

Marilyn Taylor, Clerk

34-1

Mark Haney, being first duly sworn, says that (s) he is
the Editor of THE COUNTY PRESS, a
newspaper published in the English language for the dissemination of
local or transmitted news and intelligence of a general character and
legal news, which is a duly qualified paper, and that annexed hereto is a
copy of a certain order taken from said newspaper, in which the order
was published

August 20, 1997



Subscribed and sworn to before me this 20th
day of August, 19 97


Notary Public, Lapeer County, Michigan

NANCY C. BLACK
Notary Public, Lapeer Co., MI
My Comm. Expires Dec. 26, 2001

My commission expires _____