

STATE OF MICHIGAN
COUNTY OF BENZIE
TOWNSHIP OF COLFAX
LAND DIVISION ORDINANCE

Adopted: June 10, 2015
Effective: July 16, 2015

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant to 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 therefore; 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 COLFAX
BENZIE COUNTY, MICHIGAN

ORDAINS:

SECTION 1
TITLE

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

SECTION 2
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 Land 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 division within the Township.

SECTION 3
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 owner thereof or by the owner's 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" 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 provided the total area of such transferred property is less than 43,000 square feet; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of

the State Land Division Act, and the requirements of applicable local ordinances including the Greater Thompsonville Area Zoning Ordinance adopted by Colfax Township.

- C. EXEMPT SPLIT or EXEMPT DIVISION: the partitioning or splitting of a parcel or tract of land by the owner thereof, or by the owner's 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 Colfax Township Board of Trustees.

SECTION 4
PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the Township shall not be divided without the prior review and approval of the Township Land Division Committee, 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 for the subdivision through a recorded plat pursuant to the State Land Division Act or a Site Condominium created pursuant to the Condominium Act.
- B. A lot on a recorded plat 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 5
APPLICATION FOR LAND DIVISION APPROVAL

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 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 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.
- D. Proof that all standards of the State Land Division Act, this Ordinance and the Greater Thompsonville Area Zoning 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 governing body of the municipality for the land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

SECTION 6
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 Land Division Committee or other official designated by the governing body may, within 30 days of said decision, appeal the decision to the governing body which shall consider and resolve such appeal by a majority vote of said Board at its next regular meeting 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 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 7
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 created by the proposed division or divisions have a minimum width and area provided for in the Greater Thompsonville Area Zoning Ordinance.
- B. The ratio of depth to width of any parcel created by the division does not exceed the applicable depth to width ratio permitted for such property by the Greater Thompsonville Area Zoning Ordinance.
- C. The proposed land division or divisions 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.

SECTION 8
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 land use, zoning 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.

Approval of a division is not a determination that the resulting parcels comply with any other ordinance or regulation of Colfax Township or any statute or regulation of the State of Michigan.

SECTION 9
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 10
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 11
EFFECTIVE DATE

This Ordinance shall take effect after its adoption upon the day following publication.

TOWNSHIP OF COLFAX
BENZIE COUNTY, STATE OF MICHIGAN

/S/ DeAnn M. Mosher
DeAnn M. Mosher, Clerk
7607 Michigan Avenue
P.O. Box 68
Thompsonville, MI 49683
231-378-2144