

# **TOWNSHIP OF WELLS**

Tuscola County, Michigan

## **LAND DIVISION ORDINANCE**

NO. 2022-02

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; regulate the combining of parcels and boundary line adjustments; 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.

THE TOWNSHIP OF WELLS ORDAINS:

### **SECTION I: 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 local 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, boundary line adjustments and parcel combining within the Township.

### **SECTION II: 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 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" 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 State Land Division Act, or the requirements of other applicable local ordinances.
- 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. Boundary Line Adjustments (BLA) – to make (minor) changes to existing property lines between two or more adjacent parcels.

- F. Parcel Combining- two or more adjacent parcels of land combined into one larger parcel.
- G. Governing body - the Wells Township Board.

### SECTION III: PRIOR APPROVAL REQUIREMENT

Land in the Township shall not be divided, combined, or have any boundary line adjusted 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 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 40 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 IV: 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 land division, BLA, and/or parcel combining before making any changes either by deed, land contract, lease for more than one year, or for building development:

- A. A **FULLY** completed application on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be changed.
- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, BLA, or parcel combining, and showing the boundary lines, approximate dimensions, public utility easements, all existing buildings, structures, ponds, driveways and the accessibility of each division for automobile traffic and public utilities.
- 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 be set by resolution by the governing body to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

## SECTION V: PROCEDURE FOR REVIEW OF APPLICATIONS

- A. The Township shall approve or disapprove the land division, BLA or parcel combining 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 application is not a determination that the resulting parcels comply with other local ordinances or regulations.
- E. The Township and its officers and employees shall not be liable for approving a land division, BLA or parcel combining 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 VI: STANDARDS FOR APPROVAL

A proposed land division, BLA or parcel combining reviewable by the Township shall be approved if the following criteria are met:

- A. Complies with the minimum lot width and lot area requirements of the Township Zoning Ordinance for each resulting parcel.
- B. Compliance with a depth to width ratio of not more than 4 to 1 of the Township Zoning Ordinance for each resulting parcel exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division, BLA, or combining 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 changes comply with all requirements of this Ordinance and the State Land Division Act.
- D. All parcels created and remaining have existing adequate road accessibility, or an area available therefor, for public utilities and emergency and other vehicles.

## SECTION VII: CONSEQUENCES OF NONCOMPLIANCE

Any division of land, BLA or parcel combining in violation of any provision of this Ordinance shall not be recognized as such 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, BLA or parcel combining shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

In addition, any person, firm or corporation who violates any of the provisions of this ordinance is responsible for a civil infraction, subject to payment of a civil fine of not less than Two Hundred-Fifty (\$250) plus costs and other sanctions, for each infraction. Repeat offenses under this ordinance shall be subject to increased fines as provided for in the Wells Township Civil Infraction Ordinance.

## SECTION VIII: 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 IX: REPEAL

Land Division Ordinances #18 adopted on April 9, 1998 is 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 X: ENACTMENT AND EFFECTIVE DATE

This Ordinance was adopted by the Wells Township Board at a meeting duly held on the 10<sup>th</sup> day of March, 2022 and was published in the Tuscola County Advertiser on the 16<sup>th</sup> day of March, 2022 and shall become effective 30 days after said publication.

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Bonnie Hergenreder, Clerk

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Karen Varney, Supervisor