

CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. C-789

LAND DIVISION ORDINANCE AMENDMENT

An Ordinance to amend Chapter 21 of the Code of Ordinances titled Subdivision and Land Division, to amend Article V, Division of Land in a Recorded Plat, Sections 21-86 to 21-105; to repeal Article VI, Division of Unplatted Land, Sections 21-106 to 21-150; and to adopt regulations in compliance with the Land Division Act, MCL 560.101 et seq.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Chapter 21, Article V, Sections 21-86 to 21-105 of the Code of Ordinances is hereby amended to read as follows:

ARTICLE V. LAND DIVISION

Sec. 21-86. Purpose.

The purpose of this Article is to carry out the provisions of the Land Division Act, MCL 560.101 et seq. to ensure compliance with applicable Township ordinances and the Land Division Act, MCL 560.101 et seq.; to minimize potential boundary disputes; maintain orderly development of the Township; and 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.

Sec. 21-87. Definitions.

For purposes of this Article, the terms and words used herein shall have the following meanings:

Applicant means a natural person, firm, association, partnership, corporation, or combination thereof that holds an ownership interest in land whether recorded or not, and may include multiple owners.

Adjoining means the lot or parcel adjacent to another parcel.

Buildable means a parcel has sufficient area outside of the required open space areas such as a regulated wetland, watercourse, floodplain, protected woodland area, structural setback area, and that has sufficient area to meet the minimum lot area, depth, width, and parcel size requirements of the Zoning Ordinance.

Combination or transfer means a transfer of land between two (2) or more adjacent parcels if a parcel or a part of a parcel is added to the adjacent parcel and the resulting land area shall be considered to be a single parcel for tax assessment and all other Township purposes; however,

any resulting parcel shall not be considered a buildable site unless the parcel conforms to the requirements of all applicable statutes and ordinances.

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 for more than one (1) year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act, MCL 560.101 et seq. However, any resulting parcel shall not be considered a buildable site unless the parcel conforms to the requirements of the Land Division Act and all applicable statutes and ordinances.

Exempt split or exempt 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 that does not result in one (1) or more parcels of less than forty (40) acres or the equivalent.

Forty (40) acres or the equivalent means forty (40) acres, a quarter-quarter section containing not less than thirty (30) acres, or a government lot containing not less than thirty (30) acres.

Governing body means the Township Board.

Lot means a lot or outlot in a recorded plat.

Lot area means the area of a lot as defined in the zoning ordinance.

Lot depth means the depth of a lot as defined in the zoning ordinance.

Lot width means the width of a lot as defined in the zoning ordinance.

Parcel means a continuous area or acreage of land including lots.

Recorded plat means land which has been subdivided pursuant to the Land Division Act, MCL 560.101 et seq., as amended, or any predecessor statute.

Sec. 21-88. Prior approval required for division or combination and transfer of land.

Land in the Township shall not be divided or transferred and combined without the prior review and approval of the Township Assessor in accordance with this Article and the Land Division Act, MCL 560.101 et seq.

Sec. 21-89. Combinations and transfer of adjoining land.

All procedures and requirements applicable to the division of land shall also apply to combinations and transfers of adjoining parcels, or part of a parcel. Land combinations and transfers shall follow the same procedures as set forth herein for the approval of a division of land.

Sec. 21-90. Application for division of land.

Before making any division or transfer of land either by deed, land contract, lease for more than one (1) year, or for building development, an applicant shall file a complete application with the Township Assessor for review and approval of a proposed land division that conforms with the following requirements:

1. *Completed Form.* A completed application form that includes all required information and documents listed on the form, and signed by all persons who have a legal or equitable interest in the parcel. For a transfer of property to an adjoining parcel, the application shall also be signed by all persons having an interest in such adjoining parcel.
2. *Proof of ownership.* Proof of ownership of the land proposed to be divided, including a title commitment covering all of the land included in the land division or combination.
3. *Parent parcel.* A statement as to whether the land proposed to be divided is a parent parcel, or if not a parent parcel, the applicant shall provide the history of the land proposed to be divided from the parent parcel to present, including all leases, land contracts and conveyances.
4. *Survey.* A survey, signed and sealed by a registered land surveyor with a scaled drawing for the proposed division(s) including an accurate legal description of each proposed resulting parcel, and showing the boundary lines, dimensions, easement locations, wetland, woodland, and preservation setback areas, and the accessibility of each proposed resulting parcel for automobile traffic and public utilities.
5. *Compliance with standards.* Proof that all standards of the Land Division Act, MCL 560.101 et seq., and this Article have been met.
6. *Division rights.* 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.
7. *Fee.* The fee established by resolution of the Township Board to cover the costs of review of the application and administration of this Article and the Land Division Act, MCL 560.101 et seq.

Sec. 21-91. Complete application required.

An application shall not be complete unless all information is included and all documentation is attached as listed on the application form. An application submitted that is determined to not be complete, shall be returned to the applicant marked "incomplete."

Sec. 21-92. Standards for approval.

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

1. *Parcel compliance.* All the parcels to be created by the proposed land division fully comply with the lot, yard, and area requirements of applicable ordinances, including but not limited to minimum lot frontage, width, minimum road frontage, minimum lot area, and maximum lot coverage, and minimum setbacks for existing buildings and structures or have received a variance from such requirements from the zoning board of appeals.
2. *Statutory compliance.* The proposed land divisions comply with all requirements of the Land Division Act, MCL 560.101 et seq., and this Article.
3. *Accessibility.* All parcels created and remaining have existing adequate accessibility, or an area available for accessibility, to a public road for public utilities and emergency and other vehicles.
4. *Depth to width ratio.* The ratio of depth to width of any parcel created by the division does not exceed a 4:1 ratio exclusive of access roads, easements or non-developable sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the front property line to the rear property line measured along the median between the side lot lines. The width of a parcel shall be measured as provided by the applicable zoning ordinance provision.

Sec. 21-93. Approval procedure.

- (a) The Assessor shall approve or disapprove the land division within forty-five (45) days after receipt of a complete application and shall promptly notify the applicant, in writing, of the decision and, if denied, the reasons for denial.
- (b) The Assessor shall maintain an official record of all approved and accomplished land divisions, combinations, or land transfers.
- (c) Approval of a division is not a determination that any of the resulting parcels comply with other applicable ordinances or regulations.
- (d) 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 any other applicable regulation or requirement.

Section 21-94. Assessment roll records.

Upon approval, the Assessor shall record the approved land division upon the Township assessment roll and thereafter the divided portions of the parcel shall be considered to be separate parcels for tax assessment and all other Township purposes. If a combination or transfer of adjoining property is approved, the resulting land area shall be considered to be a single parcel for tax assessment and other Township purposes. Approval of a land division or land transfer does not signify that the resulting parcel complies with applicable requirements to be a buildable site.

Sec. 21-95. Recording of land division or combination.

The approval shall be prepared in a recordable form, recorded with the Oakland County Register of Deeds, and a copy shall be provided to the applicant.

Sec. 21-96. Consequences of noncompliance.

Any parcel or lot created by deed, land contract, lease for greater than one (1) year, or other conveyance which has not been approved for land division shall be considered in noncompliance with this Article, and shall not be eligible for any building permit, or approval required under the zoning ordinance, and shall not be recognized as a separate parcel on the assessment roll. In addition, enforcement action may be brought by the Township as provided by law, including the Land Division Act, MCL 560.101 et seq.

Sec. 21-97 to 21-105. Reserved.

Section 2 of Ordinance

Chapter 21, Article VI, titled Division of Unplatted Land, comprising sections 21-106 to 21-150 is hereby repealed in its entirety.

Section 3 of Ordinance

Should any section, subdivision, sentence, clause, or phrase of this Ordinance, be declared by the Courts to be invalid, it shall not affect the validity of the remainder of the Ordinance or any part other than the part invalidated. It is further declared that such provisions would have been adopted independently of the provision found to be invalid. Should any procedural aspect of this Article be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this article.

Section 4 of Ordinance

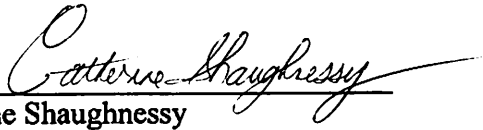
This Ordinance shall take effect immediately upon publication.

CERTIFICATION

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Catherine Shaughnessy, the duly qualified Clerk for the Charter Township of West Bloomfield, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Township Board for the Charter Township of West Bloomfield at a meeting held on the 10th day of March, 2014. The original is on file in the Office of the Township Clerk.

I affix my official signature/seal this 10th day of March, 2014.

By: 
Catherine Shaughnessy
Township Clerk

INTRODUCED: February 18, 2014
ADOPTED: March 10, 2014
EFFECTIVE: March 19, 2014
PUBLISHED: March 19, 2014