

**LYON TOWNSHIP**  
**ROSCOMMON COUNTY, MICHIGAN**

**ORDINANCE NUMBER 42**

**ADOPTED: October 20, 1997**

**ELECTIVE: October 26, 1997**

**LAND DIVISION**

An ordinance to secure the public health, safety, and welfare of the residents and property owners of Lyon Township, Roscommon County, Michigan and prescribe the sanctions for violation of the ordinance.

**PURPOSE AND INTENT**

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 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 within the Township.

**TOWNSHIP OF LYON**  
**ROSCOMMON COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**TITLE**

This ordinance shall be known and cited as Lyon Township Land Division

**SECTION 2**

**DEFINITIONS**

The following terms used in this ordinance are as follows:

- A. Applicant** a natural person, firm association, partnership, corporation of any of them that holds an ownership interest in and whether recorded or not.
- B. 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 of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Section 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 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** means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or his or hers heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres of the equivalent..

**D. Forty acres or the equivalent** means either/or 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

## **SECTION 3**

### **REGULATIONS**

#### **PRIOR APPROVAL REQUIREMENTS FOR LAND DIVISIONS**

Land in the Township shall not be divided 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; 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 the 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.

#### **APPLICATION FOR LAND DIVISION APPROVAL**

An application 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 parcels for vehicular traffic and utilities from existing public roads.
- 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 proposed division rights transfer.
- f. The payment of any fee established by the Township to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.
- g. Proof that tax is paid on the parent parcel or parent tract.

#### **PROCEDURE FOR REVIEW OF APPLICATION FOR LAND DIVISION APPROVAL**

- a. The Township assessor 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 reason 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 Township Board which shall consider and resolve such

appeal by a majority vote of said Board at its next regular meeting or session affording sufficient time for a 20 date 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 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 noncompliance with any other ordinance or statute, and any notice of approval shall include a statement to this effect.

**STANDARDS FOR APPROVAL OF LAND DIVISIONS**

A proposed land division reviewable by the Township assessor shall be approved if the following criteria are met:

a. All parcels created by the proposed division(s) meet the minimum width requirements of the Lyon Township Zoning Ordinance for the particular zoning district in which the property is located.

b. All such parcels contain the minimum square feet or acreage required in the particular zoning district in which the property is located under the Lyon Township Zoning Ordinance.

c. All parcels created contain by the proposed division meet the four-to-one depth-to width ratio required by H.C.L. 500,109(1) (B) except for parcels with frontage on Higgins Lake which shall be exempt from this requirement.

d. The proposed land division(s) complies with all requirements of this ordinance and the State Land Division Act.

e. All parcels created and remaining have existing adequate accessibility, or an area available therefore, for public utilities and emergency and other vehicles.

**SECTION 4**

**VIOLATIONS AND PENALTIES**

Any person who violates any of the provisions of this ordinance shall be deemed to be responsible for a Municipal Civil Infraction as defined by Michigan statute, punishable by a civil fine determined in accordance with the schedule:

	<u>Minimum Fine</u>
1 <sup>st</sup> offense within a 3-year period*	\$ 50.00
2 <sup>nd</sup> offense within a 3-year period*	\$125.00
3 <sup>rd</sup> offense within a 3-year period*	\$250.00
4 <sup>th</sup> or subsequent offense in a three-year period*	\$400.00

\*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lyon Township has been put in connection with the Municipal Civic Infraction.

In addition, any violation of this ordinance is hereby declared to be a public nuisance per se which may be abated in Circuit Court in lieu of or in addition to other civil infractions.

Each day that a violation exists shall constitute a separate offense for enforcement purposes.

## **SECTION 5**

### **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 6**

### **REPEAL**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

## **SECTION 7**

### **EFFECTIVE DATE**

This ordinance shall take effect 30-days after publication as required by law.