

**CHARTER TOWNSHIP OF SUPERIOR  
COUNTY OF WASHTENAW STATE OF MICHIGAN**

**LAND DIVISION ORDINANCE NO. 145**

**AS AMENDED BY ORDINANCE NO. 156**

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, being the Land Division Act and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore and require township approval for certain divisions; 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 SUPERIOR, WASHTENAW COUNTY, MICHIGAN, ORDAINS:**

**Section 145-01 - TITLE**

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

**Section 145-02 - PURPOSE**

The purpose of this Ordinance is to establish requirements and procedures for obtaining Township approval of land divisions in accordance with the State Land Division Act, PA 288 of 1967, as amended, formerly known as the Subdivision Control Act, herein referred to as the "Act;" to prevent the creation of parcels of property which do not comply with applicable Ordinances and the Act; to minimize potential boundary disputes; to maintain orderly development of the community; and to otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable and necessary standards and requirements for prior review and approval of land divisions within the Township.

**Section 145-03 - DEFINITION**

Certain words and phrases used in this Ordinance shall have the meanings stated in this section. Other words and phrases, if defined by the Act, shall have the meaning stated in the Act.

A. "Accessible", in reference to a parcel, means that the parcel meets one of the following requirements:

- (1) Has an area exclusive of utility easements for high tension wires where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road

commission under Act No. 200 of the Public Acts of 1969, being MCL 247.321 - 247.329, and of the township, or has an area exclusive of utility easements for high tension wires where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards; (Ordinance 156 – adopted 6-17-2002)

(2) Is served by an existing public or private street easement exclusive of utility easements for high tension wires that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969, and of the township, or is served by a proposed public or private street easement exclusive of utility easements for high tension wires that will provide vehicular access to an existing road or street and that will meet all such applicable location standards. Any such proposed easement shall not be located within any area that would cause or have any effect of modifying the set-backs and/or useability of an adjoining parcel unless the adjoining parcel owner gives written notarized consent. Further, any such proposed easement shall not result in the creation of any non-conforming structures or uses. (Ordinance 156 – adopted 6-17-2002)

B. "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.

C. "Development site" means any parcel or lot on which exists or which is intended for building development other than the following:

(i) Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

(ii) Forestry use involving the planting, management, or harvesting of timber.

D. "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" do 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, and the requirements of other applicable local Ordinances.

E. "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.

- F. "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.
- G. "Governing body" - the Superior Charter Township Board.

**Section 145-04 - PRIOR APPROVAL REQUIREMENT 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 Superior Charter Township Board, as well as the review of the Township Engineer and/or Planning Consultant when such review is advisable as determined by the Township, in accordance with this Ordinance and the State Land Division Act, as may be amended from time to time, 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 and/or the Township's Subdivision Control Ordinance.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act and/or the Township's Subdivision Control Ordinance.
- C. An exempt split as defined in this Ordinance so long as all of the resulting parcels are accessible.
- D. Any division or splitting of land from an inaccessible tract or parcel that results only in parcels that are 20 acres or greater in size, and either the inaccessible tract or parcel was in existence on March 31, 1997, or it was created from a previous exempt division under this subsection or section 109b of the Act.

**Section 145-05 - APPLICATION FOR LAND DIVISION APPROVAL**

Whenever Township review and approval is required by this Ordinance or the Act, the proprietor shall make application to the Township assessor or other official designated by the Superior Charter Township Board and provide all supporting documents and information necessary for the Township to ascertain whether the requirements of this Ordinance and the Act are satisfied. The Township's review and approval pursuant to this Ordinance and the Act is required prior to making any division either by deed, land contract, lease for more than one year, or for building development. At a minimum, application for land division approval shall include all of the following:

- A. A completed application on such form as may be approved by the Township Board.
- B. Proof that the applicant holds fee ownership of the land proposed for division.

- C. Proof of the right to make the proposed division by such evidence as is acceptable to the Township assessor or other designated person and that- shows the history and succession of division rights from the parent tract or parcel to the parcel or tract proposed for division. If ownership interest was obtained after March 31, 1997 from a previous division or exempt split, a copy of the deed(s) conveying ownership must specify land division rights.
- D. A tentative parcel map drawn to a minimum scale of one (1) inch equals fifty (50) feet and showing all of the following:
  - 1. total area of parent parcel;
  - 2. area, dimensions and boundary lines of each resulting parcel;
  - 3. legal description for each resulting parcel;
  - 4. proposed use of each resulting parcel;
  - 5. location of proposed development sites';
  - 6. existing and proposed public utility easements;
  - 7. existing structures and other improvements on the land proposed for division and at least 100 feet beyond its boundaries (Ordinance 156 – adopted 6-17-2002); and
  - 8. accessibility of each resulting parcel for automobile traffic and public utilities.
- E. For each resulting parcel that is a development site, adequate easements for public utilities from the parcel to existing public utilities must be established.
- F. Proof that all other standards of the state Land Division Act and this Ordinance have been met.
- G. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed transfer of division rights. A proprietor transferring the right to make future divisions exempt from platting under this Ordinance or the Act shall give written notice to the Township Assessor within 45 days of the transfer on the form prescribed by the state tax commission under section 27a of the general property tax, Public Act 206 of 1893, MCL 211. 27a.
- H. Evidence that there are no unpaid taxes or special assessments upon the property.
- I. All applicable fees as may from time to time be established by resolution of the Township Board for 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 145-06 - PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL**

- A. The Township Assessor or other designee shall approve or disapprove the land division applied for within forty five (45) days after receipt of a complete application conforming to the requirements of this Ordinance and the state Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial in writing.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within thirty (30) days of said decision, appeal the decision in writing to the Township Board or such other body or person designated by the Superior Charter Township Board which shall consider and resolve such appeal by a majority vote of said Board or by the appellate designee within thirty (30) days of the filing of the appeal. The applicant shall receive no less than seven (7) days notice of the meeting date at which the appeal will be heard.
- C. Any decision approving a land division shall expire and be considered revoked after 90 days from the approval date unless within such period the deeds or documents accomplishing the approved division or transfer of property to any and all persons or entities other than the applicant are recorded with the county Register of Deeds office and filed with the Township Clerk or other designated official accomplishing the approved land division or transfer.
- D. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers. The official record shall also be filed with the Township Clerk.
- E. Approved land division shall be reorganized by the assessor and placed on the assessed roll in the year immediately following the year of approval. Splits occurring prior to the first (1st) Monday in March may, with written request, be placed on the ensuing assessment role in the year approved.
- F. The Charter Township of Superior shall submit an approved land division to Washtenaw County Equalization for parcel identification number(s) and verification of –legal description(s). Any approved land division that is returned from Equalization without assigned parcel identification number(s) and properly verified legal description(s) shall be null and void. The applicant shall be notified of a voided land division under this subsection within seven (7) days of the return date.

**Section 145-07 - 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(s) have a minimum width and a minimum area as required by the Charter Township of Superior Zoning Ordinance. The lot area used to satisfy the minimum lot width and area requirements shall not include the area in existing or future road rights-of-way.

B. All such parcels shall be in compliance with all applicable provisions of the Charter Township of Superior Zoning Ordinance, Subdivision Ordinance, and other Township Ordinances.

C. All parcels created and remaining have existing adequate accessibility, or an area available therefore, to a public or private road for public utilities and emergency and other vehicles not less than the requirements of the applicable zoning ordinance, major thoroughfare plan, road ordinance or this Ordinance.

D. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio. The depth of a parcel created by the division 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. This subsection does not apply to any resulting parcel greater than 10 acres, nor does it apply to any remainder of the parent parcel or tract retained by the applicant.

E. The minimum width required for approval of a proposed division shall be measured horizontally across the front building line of a resulting parcel or as otherwise required by the Charter Township of Superior Zoning Ordinance and shall not include any area in existing or future road rights-of-way. The minimum area of any resulting parcel shall not include any area within existing or future road rights-of-way.

F. The proposed land division(s) comply with all requirements of this Ordinance and the State Land Division Act.

**Section 145-08 - CONSEQUENCES OF COMPLIANCE AND 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 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.

Any unlawful division or split 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.

Approval of a division is not a determination that the resulting parcels comply with other Ordinances or regulations. 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 other reasons, and any notice of approval shall include a statement to this effect. In addition, no building permit, certificate of zoning compliance, certificate of occupancy, or other use permit shall be issued for any resulting parcel from an approved division unless all applicable provisions of the Charter Township of Superior Zoning ordinance, Subdivision Control ordinance, and other applicable Township Ordinances are fully complied with.

**Section 145-09 - PENALTIES**

In addition to the remedies stated in Section 8 of this Ordinance and the Act, a person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

**Section 145-10 - 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 145-11 - 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 145-12 – EFFECTIVE DATE**

This Ordinance shall take effect upon February 17, 1999