

Amended 1-18-05

TOWNSHIP OF EXETER
MONROE COUNTY, MICHIGAN
ORDINANCE NO. 43 - LAND DIVISION

rev. 8/17/04

An ordinance to regulate the division and partitioning of parcels of land within the Township of Exeter, Monroe County, Michigan.

THE TOWNSHIP OF EXETER ORDAINS:

SECTION 1.00 - SHORT TITLE. This ordinance shall be known and cited as the Exeter Township Land Division Ordinance, and shall be deemed sufficient in any action for enforcement of the provisions hereto to define the same by such title and reference to the number hereof.

SECTION 1.01 - PURPOSE AND SCOPE OF APPLICATION. In the interest of protecting the public health, safety and welfare of the residents of the Township of Exeter, Monroe County, Michigan, the governing body of Exeter Township finds that this Ordinance is necessary to regulate the division and partitioning of parcels of land which are otherwise not subject to platting procedures and requirements. It shall be unlawful for any person to divide or partition any lot, out-lot, or other parcel of land in a recorded plat, or to divide or partition any unplatted parcel or tract of land, except in accordance with the provisions of this Ordinance, unless the division or partition is approved and a part of a recorded plat, pursuant to the Land Division Act, Michigan Public Act 591 of 1996, as amended.

SECTION 2.00 - DEFINITIONS. Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them:

1. **ACREAGE TRACT or ACREAGE LAND:** Real property which is not located in, or a part of, a recorded plat.
2. **APPLICANT:** An individual, firm, association, partnership, corporation or combination thereof, who holds ownership interest in land and is seeking approval for a division or partition of land in accordance with this Ordinance.
3. **DIVIDE OR PARTITION:** To split or separate a parcel of land into parts by changing the boundaries and/or legal description, where such splitting or separating of land is not accomplished pursuant to platting procedures under the Land Division Act, Michigan Public Act 591 of 1996, as amended.
4. **LOT DEPTH:** Shall be measured beginning at the front lot line; front lot line begins 33' from the road centerline.
5. **LAND:** All land areas occupied by real property.
6. **LOT:** A piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by other use or activity permitted thereon, and including the open spaces and yards required under the Exeter Township Zoning Ordinance, and having its frontage on a public street or road either certified by the Monroe County Road Commission, or designated on a recorded subdivision. The words "parcel" and "lot" are used interchangeably in this Ordinance.

7. **NON-CONFORMING LOT OF RECORD:** A lot, the dimension and configuration of which are shown on a map or described by metes and bounds recorded and on file at the Monroe County Register of Deeds and lawfully in existence at the effective date of the Exeter Township Zoning Ordinance, which does not meet the minimum areas or lot dimensional requirements of the zoning district in which the lot is located.
8. **PERSON:** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity holding an ownership interest in land.
9. **PLAT:** A map or chart of a subdivision of land which has been approved in accordance with the Land Division Act, Michigan Public Act 591 of 1996, as amended.
10. **PRIVATE ROAD:** A road used for ingress and egress to and from land which does not abut onto a public road, where such land or road is not dedicated for use by the public.
11. **PUBLIC ROAD:** A road which is dedicated for use of the public for travel and accepted for maintenance by a public agency, such as Exeter Township or the Monroe County Road Commission.

SECTION 3.00 - APPLICATION REQUIREMENTS.

1. **APPLICATION FORMS AND DOCUMENTATION.** The application for division of land shall be made on the forms in the Appendix to this Ordinance, or as hereinafter amended and revised by the Township, and according to the guidelines provided by the Township. The application shall be accompanied by the required fees and information specified in this Ordinance. Final determination of the proposed land division shall be contingent upon receipt of a formal survey.
2. **INFORMATION REQUIRED.** Application shall be accompanied by the following information:
 - A. One copy of a *preliminary drawing* showing the proposed parcels that would result from the requested division of land. The drawing shall provide the dimensions of all parcels, and shall show all structures on and within fifty (50) feet of the proposed parcels.
 - B. After approval of the preliminary drawing, pursuant to Section 4(2) below, the applicant will be required to submit the following information:
 - (1) One copy of a *survey drawing* prepared and sealed by a Registered Land Surveyor at a scale of not less than one inch equals 100 feet, showing the parcels that would result from the requested division of land. The survey drawing shall provide dimensions of all parcels and shall show all structures on and within 50 feet of the proposed parcels.
 - (2) A *legal description* of metes and bounds, showing all parcels that would result from the requested division of land. The legal description shall be in a form sufficient for recording with the Monroe County Register of Deeds and shall indicate the acreage of all parcels.
 - (3) Copies of existing or proposed deed restrictions related to the proposed parcels.

Such information will be placed on file and made available in the event of public inquiry. Enforcement of deed restrictions is not the obligation of Exeter Township under this Ordinance.

- (4) If any portion of the land has been part of a previous application for division of land, then the applicant shall submit the date(s) of such application(s) and action taken.
- (5) The Township Supervisor or the Supervisor's designee, may require additional information deemed necessary to make the determination required by this Ordinance.

SECTION 4.00 - APPROVAL PROCEDURES.

1. **SUBMISSION TO TOWNSHIP ASSESSOR.** All applications for division of land shall be submitted, together with the required information, to the Township Assessor.
2. **REVIEW BY STAFF.** Within 30 days of receipt of the application for land division, the Township Assessor, Treasurer and Supervisor shall review the preliminary drawing to determine whether it is in substantial compliance with this Ordinance.
3. **FINAL DECISION.** Within 30 days of receipt of the formal metes and bounds survey, the Township Supervisor shall approve or deny the proposed land division. If approved, the applicant shall record the survey with the Monroe County Register of Deeds. Failure to record is a violation of this Ordinance.

SECTION 5.00 - STANDARDS FOR GRANTING APPROVAL. The following standards shall be used as the basis upon which applications for division of land are approved:

1. **COMPLIANCE WITH STATE LAW.** An application for division of land shall not be approved unless it is in compliance with the Land Division Act, Michigan Public Act 591 of 1996, as amended.
2. **ZONING COMPLIANCE.** All parcels created as a result of land division shall comply with the minimum lot dimension requirements of the current Exeter Township Zoning Ordinance, including minimum lot area, lot depth and lot width. If any parcel of land created as a result of the division of land does not comply with the requirements of the Zoning Ordinance, said parcel shall not be eligible for a building permit.
3. **DEPTH TO WIDTH RATIO.** For parcels 10 acres or less, the depth shall not exceed four (4) times the width. The depth of a parcel shall be measured from the front lot line, pursuant to Section 2(4) above. In the case of a proposed division abutting a natural feature such as a creek, or in any other instance where adhering to the exact width-depth ratio would result in a small, inaccessible piece(s) of land, the supervisor may allow a variance to width depth ratio in the interest of best land use.
4. **CONSENT OF TITLE HOLDER.** No division of land shall be approved without the consent of the record title holder of the subject property. If record title holder is different than applicant, both signatures shall be required on the application.

5. All parcels created as a result of land division shall have access to a public or private road.
6. PRIVATE ROAD ACCESS. Where an existing private road provides access to a proposed division, the applicant shall provide a form of easement showing access to the property. Such easement shall be in a form acceptable for recording at the Monroe County Register of Deeds and shall be executed by all then existing land owners abutting the private road.

SECTION 6 - PENALTY PROVISION. Any person, firm or corporation, or anyone acting on behalf of person, persons, firm or corporation, who shall violate any of this provisions of this Ordinance, or who fails to comply with any regulatory measures or conditions adopted pursuant hereto, shall upon conviction thereof be subject to a fine of five hundred dollars (\$500) and the cost of prosecution, or, in default of the payment thereof, by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment, in the discretion of the Court. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7 - REPEAL, SEVERABILITY AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared by any Court to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so invalidated.

SECTION 8 - EFFECTIVE DATE. This Ordinance shall become effective upon publication in the Monroe Evening News, a newspaper of general circulation within the Township of Exeter, Monroe County, Michigan, within thirty (30) days after passage.

Billie Lott Date 8-17-04
Billie Lott
Exeter Township Deputy Clerk

Cheryl Baltrip Date 8-17-04
Cheryl Baltrip
Exeter Township Supervisor