



GEORGETOWN
CHARTER
TOWNSHIP

\$100

APPLICATION FOR LAND SPLIT (revised 12/13/11)

DESCRIPTION

A land split is the division of a single parcel into two or more parcels. All newly created parcels must meet the minimum standards for the applicable land use district(s) as set forth in Chapter 24 - Schedule of District Regulations.

SUBMISSION REQUIREMENTS

- COMPLETED APPLICATION WITH BOTH PROPERTY OWNERS' ORIGINAL SIGNATURES
- PROOF OF OWNERSHIP OF THE LAND PROPOSED TO BE DIVIDED
- SURVEY, SHOWING:
 - EXISTING AND PROPOSED LOT LINES AND DIMENSIONS (IN FEET)
 - AREA OF PARCELS IN SQUARE FEET AND THE NEW WIDTH TO DEPTH RATIO
 - WIDTH AND FRONTAGE OF EACH PARCEL AS DEFINED BY THE ZONING ORDINANCE
 - ALL EXISTING STRUCTURES AND THE DISTANCES FROM EXISTING AND PROPOSED LOT LINES
 - ANY PUBLIC UTILITY EASEMENTS
 - NEW LEGAL DESCRIPTIONS

Deeds will need to be registered with Ottawa County AFTER receiving Zoning and Assessing approval from the Township, but it is not necessary for submission of this application. Please call the Ottawa County Register of Deeds for more information (616)994-4510.

PROPERTY INFORMATION

OWNER:

ADDRESS:

CITY, STATE, ZIP:

PARCEL #:

PHONE #:

APPLICANT SIGNATURE

IT IS THE APPLICANT'S RESPONSIBILITY TO MEET THE REQUIREMENTS OF THE TOWNSHIP ZONING AND GENERAL ORDINANCES IN ALL RESPECTS AND TO PROVIDE THE NECESSARY INFORMATION TO THE TOWNSHIP FOR APPROVAL. COPIES OF THE ORDINANCE MAY BE OBTAINED FROM THE GEORGETOWN TOWNSHIP WEBSITE AT WWW.GEORGETOWN-MI.GOV. BY SIGNING, PERMISSION IS GRANTED FOR THE TOWNSHIP STAFF TO FORWARD THE PROPERTY LINE ADJUSTMENT INFORMATION, SPECIFICALLY THE NEW SURVEY AND NEW LEGAL DESCRIPTIONS, TO THE PROPERTY MAPPING DESCRIPTION DEPARTMENT AT OTTAWA COUNTY. ZONING AND ASSESSING APPROVAL MUST BE GRANTED BY THE TOWNSHIP PRIOR TO REGISTERING THE NEW DEEDS. I ACKNOWLEDGE THERE ARE NO REFUNDS FOR ANY REASON.

PROPERTY 1 SIGNATURE

SIGNATURE:

DATE:

FOR OFFICE USE ONLY

	CHAPTER 24					PARCEL 1					PARCEL 2				
LOT MIN. AREA															
LOT WIDTH-FRONTAGE															
W-D RATIO	1:4 (unless greater than 10 A)														
MAIN SETBACKS	CL	F	R	F/S	S	CL	F	R	F/S	S	CL	F	R	F/S	S
ACC. SETBACKS	CL	H	R	F/S	S	CL	H	R	F/S	S	CL	H	R	F/S	S
		10	5		5										

APPROVAL SIGNATURE:

DATE:

Section 3.29 Land Division Ordinance

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, et seq.) and the Township Ordinances Act, Public Act 246 of 1945, as amended, (MCL 41.181, et seq.), being the Township General Ordinance statute; 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.

(A) Title

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

(B) Purpose

The purpose of this ordinance is to carry out the provisions of the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, *et seq.*), 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.

(C) Definitions

For purposes of this ordinance, certain terms and words used herein shall have the following meaning:

- (1) "Applicant" means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- (2) "Divide" or "Division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his/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 Land Division Act (MCLs 560.108 and 560.109). "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 Land Division Act, or the requirements of other applicable local ordinances.
- (3) "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his/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.
- (4) "Forty acres or the equivalent" means 40 acres, or a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

(D) Prior Approval Requirement for Land Divisions

Land in the Township shall not be divided or have property line adjustments without the prior review and approval of the Township Zoning Administrator, or designee, in accordance with this ordinance and the Land Division Act; provided that the following shall be exempted from this requirement:

- (1) A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act.
- (2) A lot in a recorded plat proposed to be divided in accordance with the Land Division Act.
- (3) An exempt split as defined in this 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 Act.

(E) Application for Land Approval

An applicant shall file all of the following with the Township Zoning Administrator or designee for review and approval of a proposed land division or property line adjustment before making any division either by deed, land contract, lease for more than one year, or for building development:

- (1) A completed application form with signatures of all property owners involved.
- (2) Proof of ownership of the land proposed to be divided or property lines adjusted.
- (3) A parcel map as surveyed and prepared by a licensed professional surveyor drawn to scale including the following:
 - a. an accurate legal description of each proposed and remaining parcels,
 - b. the existing and proposed boundary lines,
 - c. dimensions in feet of all proposed property lines,
 - d. dimensions in feet from all structures to all property lines,
 - e. the area in square feet of each proposed and remaining parcel,
 - f. the width in feet of the proposed and remaining parcels measured at the points as defined in the Georgetown Township Zoning Ordinance,
 - g. the frontage in feet of each proposed and remaining parcel on a public or private street,
 - h. the width to depth ratio in feet of each proposed and remaining parcel measured as defined in the Land Division Act, and
 - i. public utilities easements.
- (4) Proof that all standards of the Land Division Act and this Ordinance have been met.
- (5) 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.
- (6) A fee as adopted by the Township Board to cover the costs of review of the application and administration of this Ordinance and the Land Division Act.

(F) Procedure for Review of Applications for Land Division Approval

- (1) The Township shall approve or disapprove the land division or property line adjustment application within 45 days after receipt of a complete application

- conforming to this Ordinance's requirements and the Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- (2) Any person or entity aggrieved by the decision of the Zoning Administrator or designee may, within 30 days of said decision appeal the decision to the Georgetown Township Board or such other body or person designated by the Township Board 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.
 - (3) The Zoning Administrator or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
 - (4) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
 - (5) 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 otherwise, and any notice of approval shall include a statement to this effect.

(G) Standards for Approval of Land Divisions

A proposed land division or property line adjustment reviewable by the Township shall be approved if the following criteria are met:

- (1) All parcels created by the proposed division(s) or adjustment(s) have a minimum width as stipulated in Chapter 24 in the Georgetown Township Zoning Ordinance for the district in which it is located, to be measured as provided for in the applicable zoning ordinance.
- (2) All such parcels shall contain a minimum area as stipulated in Chapter 24 in the Georgetown Township Zoning Ordinance for the district in which it is located, to be measured as provided for in the applicable zoning ordinance.
- (3) The ratio of depth to width of any parcel created by the division or adjustment does not exceed a four to one ratio (for all parcels including those parcels larger than 10 acres) exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land 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.
- (4) The proposed land division(s) or adjustment(s) comply with all requirements of this Ordinance, the Georgetown Township Zoning Ordinance and the Land Division Act.
- (5) All parcels created and remaining have existing adequate accessibility, or an area available therefore, for public utilities and emergency and other vehicles.

(H) Consequences of Noncompliance with Land Division Approval Requirement

- (1) 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 or assessment roll until the assessing officer refers the suspected violation or potential non-conformity to the

county prosecuting attorney and gives written notice to the person requesting the division, and the person suspected of the violation or potential non-conformity of such referral to the prosecuting attorney. 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 division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto.

- (2) In addition any person, firm or corporation 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 which shall be punishable by a civil fine established by the court with additional costs that may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.
- (3) Pursuant to Section 267 of the Land Division Act (MCL 560.267), an 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.