

**WHITEFORD TOWNSHIP  
MONROE COUNTY, MICHIGAN  
LAND DIVISION AND COMBINATION ORDINANCE  
ORDINANCE NO. 70**

An ordinance to regulate partitioning, division, splitting, combination and subdivision 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.); to provide a procedure for partition, subdivision, lot-splitting, combination and division; to repeal any ordinance or provision in conflict with this ordinance including Ordinance 42; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

THE TOWNSHIP OF WHITEFORD, MONROE COUNTY ORDAINS:

1. **Title.** This ordinance will be known as the Whiteford Township Land Division and Combination Ordinance.

2. **Purpose and Enabling.** 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., 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 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 certain land divisions and combinations within the Township.

3. **Definitions.** The terms defined in the Land Divisions Act, including MCL 560.102, will have the same meaning as used in this ordinance.

4. **Prior Approval Requirement for Division, Subdivision or Combination of Land.**

A. Land in the Township may not be divided, subdivided or combined without prior review and approval of the Township Assessor, or other official designated by the Township Board, in accordance with this ordinance and the Land Division Act.

B. The Township Board may attach to a variance conditions that reasonably further this ordinance's purposes.

5. **Application for Division, Subdivision or Combination Approval.** An applicant must file all of the following with the Township Assessor or other official designated by the Township Board for review and approval of a proposed division,

subdivision or combination before dividing, subdividing or combining land either by deed, land contract or similar instrument 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, subdivided or combined.
- C. A signed and stamped survey drawn to scale showing the approximate location of all proposed and existing structures with accurate distances of existing structures to proposed parcel lines, including an accurate survey and legal description of each proposed division or combination, and showing the existing and proposed boundary lines, approximate dimensions, and the accessibility of each division or combination for automobile traffic and public utilities.
- D. Proof that all standards of the Land Division Act and this ordinance have been met.
- E. History of any prior land division or combination.
- F. 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.
- G. Payment of a fee established by a Township Board resolution to cover the costs of review of the application and administration of this ordinance.
- H. Where accessibility is to be provided by a proposed new dedicated public road, proof that the County Road Commission or Michigan Department of Transportation has approved the proposed layout and construction design of the road and the utility easements and drainage facilities associated therewith.
- I. If either lot or parcel to be combined is encumbered by a mortgage, the applicant must obtain a letter from the mortgagee verifying that the additional property shall also be encumbered (e.g. the collateral secured by the mortgage shall be expanded to include the entire new parcel or lot).

**6. Procedure for Review of Applications.**

- A. The Township must approve or disapprove the application within 45 days after receipt of a complete application conforming to this ordinance's requirements and the Land Division Act, and must promptly notify the applicant of the decision, and if denied, the reasons for denial.
- B. Any person or entity aggrieved by the decision of the Assessor or designee may, within 30 days, appeal the decision to the Township Board. Upon receiving notice of appeal, the Township Board must send notice of the hearing date to the appealing party; the hearing must be scheduled at the next regularly-scheduled hearing that allows for at least 20 days' written notice to the appealing party. During the appeal, the Township Board must consider and resolve the appeal by a majority vote.
- C. The Assessor or designee must maintain an official record of all approved divisions, subdivisions and combinations.
- D. Approval of an application is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. Approval of a land division or combination does not grant or imply approval for the use of such resulting lots or parcels. Any lot, easement or parcel created by a land division or combination must still comply with the requirements of the zoning ordinance (including but not limited to lot area and width and road frontage) and any other applicable ordinances and regulations.
- F. The Township and its officers and employees shall not be liable for approving an application if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise. Any notice of approval must include a statement to this effect.
- G. Land division or combination approvals shall be valid only for a period of ninety (90) days from the date of approval by the Assessor. If such lots, easements or parcels proposed by the land division or combination are not properly recorded and accepted by the County Register of Deeds within this period, the land division or combination shall be considered null and void and a new application must thereafter be submitted in compliance with the

requirements of this ordinance. If an amendment to the township zoning ordinance or other ordinance becomes effective prior to the land division or combination being recorded and the amendment applies to the resulting parcels, easements or lot in a way which would cause the proposed lots, easements or parcels to violate the zoning ordinance or other ordinance, the land division or combination shall be null and void even if the 90-day time limit has not expired.

- G. Within ten (10) days of the date the applicant receives the recorded deed, land contract, memorandum of land contract, easement agreement or similar document back from the County Register of Deeds, the applicant shall provide the township with copies thereof.
- H. The township may require such additional conditions and safeguards as are deemed necessary to ensure compliance with the requirements of this ordinance.
- J. The Assessor shall disapprove any application if it would result in a “non-buildable” lot, such that the lot has insufficient size, configuration or similar characteristics that would prohibit it being used for new construction under the zoning ordinance, other ordinances or regulations.
- K. Any new lot or parcel that becomes part of a special assessment district due to a division, subdivision or combination shall be subject to the rules and regulations governing the special assessment district including the requirement to pay all fees, expenses and a capital recovery fee set forth in the township resolutions.

**8. Consequences of Noncompliance with Approval Requirement.**

- B. Injunctive Relief. The Township may seek injunctive or other relief to prevent any violation or continuance of any violation of this ordinance.
- C. Freeze on Permits. Any division, subdivision or combination of land in violation of this ordinance is ineligible for any zoning or building permit for any construction on it.
- D. Civil Infraction. Any person, firm or corporation who violates any of the provisions of this ordinance is responsible for a municipal civil

infraction pursuant to the Township's Municipal Civil Infraction Ordinance.

- F. Other Remedies. Nothing in this Section prevents the Township from taking additional lawful action necessary to restrain or prevent any violation of this ordinance or the Michigan Land Division Act. Instead, a violator of this ordinance may also be subject to such additional sanctions and judicial orders as are authorized under Michigan law.

9. **Severability.** This ordinance and its various parts are severable. If any portion of this ordinance is declared to be invalid, such declaration does not affect the validity of the remainder of the ordinance.

10. **Repeal.** All previous land division ordinances affecting land divisions and subdivisions in conflict with this ordinance, including Ordinance 42, are repealed. This ordinance may not, however, be construed to repeal any provision in any applicable zoning ordinance, building codes, or other ordinances of the Township that remain in effect notwithstanding any approval under this ordinance.

11. **Effective Date.** This Ordinance shall become effective thirty (30) days after its publication, or publication of a summary thereof, in a newspaper in general circulation within Whiteford Township.

THE TOWNSHIP BOARD OF THE  
TOWNSHIP OF WHITEFORD, COUNTY  
OF MONROE, STATE OF MICHIGAN

AUTHENTICATED:

By: \_\_\_\_\_  
Angela Christensen,  
Whiteford Township Clerk

By: \_\_\_\_\_  
Walter Ruhl,  
Whiteford Township Supervisor

I, Angela Christensen, do hereby certify that I am the duly elected and acting Clerk of the township of Whiteford, and I do hereby certify that this Ordinance was adopted by the Township Board of the township of Whiteford, County of Monroe, State of Michigan, at a regular meeting of the Township Board held at the Whiteford Township Hall, 8000 Yankee Road, Suite 100, Ottawa Lake, Michigan 49267, on the 15<sup>th</sup> day of November, 2016.

The vote on said Ordinance, \_\_\_5\_\_\_ members being present and \_\_\_0\_\_\_ members being absent, was as follows:

AYES: Sahloff, Hill, Heidelberg, Christensen, Ruhl

NAYS: None

I, Angela Christensen, the Township Clerk of the Township of Whiteford, do hereby certify that this Ordinance, or a summary of it, was published on the 25th day of November, 2016 in the Monroe Evening News, located in the City of Monroe, Monroe County, Michigan, a newspaper of general circulation in the Township of Whiteford, within thirty (30) days after adoption of the Ordinance.

Dated: November 26, 2016

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Angela Christensen,  
Whiteford Township Clerk

ADOPTED: November 15, 2016

PUBLISHED: November 25, 2016

EFFECTIVE: December 25, 2016