

ARTICLE 19. LAND DIVISIONS

Section 19.01 Intent

It is the intent of this Article to establish an orderly procedure and standards of review for divisions of land within the Township in a manner consistent with the Comprehensive Plan, the purpose of this Zoning Ordinance, the Land Division Act (LDA), 1967 PA 288, amended by 1996 PA 591, MCL 560.101 et seq, and in a manner that insures the protection of property values and adequate vehicular access to lots.

Section 19.02 Applicability

- A.** This Article regulates the following LDA divisions or combination of these divisions of land for sale or lease, or for building site development:
1. Four (4) parcels for the first ten (10) acres or fraction of ten (10) acres in the parent parcel or tract.
 2. One (1) additional parcel, for up to a maximum of eleven (11) additional parcels, for each whole ten (10) acres in excess of the first ten (10) acres in the parent parcel or parent tract.
 3. One (1) additional parcel for each whole forty (40) acres in excess of the first one hundred and twenty (120) acres in the parent parcel or parent tract.
 4. For a parent parcel or parent tract of not less than twenty (20) acres, two bonus land splits if 60% of the parent parcel remains intact, or if because of the establishment of one (1) or more new roads, no new driveway accesses to an existing public road are created.
- B.** A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted and is not subject to the requirements of the LDA, Section 109, as amended, or comparable sections of this ordinance, if the parcel is accessible.

Section 19.03 Procedure

- A.** The applicant shall submit an application requesting to divide property. Applications for land divisions shall be filed with the Township Clerk upon forms furnished and approved by the Township Board. The filing fee shall be paid at the time of

application submittal. Said fee shall cover the cost of processing the application and no part of such fee shall be returnable to the applicant.

- B.** The Zoning Administrator and Planning Commission shall review the request in consideration of the standards of this Article, the LDA, and the standards of the zoning district of the subject site.
- C.** The Planning Commission and Township Board shall approve a proposed division within forty five (45) days after the proposed division has been filed with the assessor or other locally designated official, or within the timeframe established by the LDA as amended, if all of the following requirements are met:
 - 1. Each resulting parcel has a depth of not more than four (4) times the width.
 - 2. Each resulting parcel has a width no less than that required by the applicable zoning district established in this Ordinance.
 - 3. Each resulting parcel has an area no less than that required by the applicable zoning district established in this ordinance.
 - 4. Each resulting parcel is accessible.
 - 5. Each division meets all the requirements of the LDA, Section 108, unless it is an exempt division that creates parcels of no less than forty (40) acres or the equivalent (a quarter-quarter section containing at least thirty (30) acres, or a government lot containing at least thirty (30) acres).
 - 6. Each resulting parcel that is a development site has public water or health department approval for on-site water supply.
 - 7. Each resulting parcel that is a development site has public sewer or health department approval for on-site sewage disposal.
 - 8. There are adequate easements for public utilities from the parcel to existing public utility facilities.
 - 9. Each parcel has an adequate and accurate description.
 - 10. Each parcel is included in a scale-drawing tentative parcel map that shows the area, parcel lines, public utility easements, accessibility and other requirements.

11. Applicable deed statements are included:
 - a. All deeds for unplatted land must contain the following statement: “This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.”
 - b. A person cannot sell a parcel of unplatted land unless the deed contains a statement regarding whether the right to make further divisions exempt from the LDA’s platting requirements is being conveyed.
- D. The depth to width ratio requirements of (C)(1) do not apply to the remainder of the parent parcel or tract retained by the proprietor, or to any parcel over 10 acres.
- E. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- F. After all Township submittal requirements and review is complete, the applicant shall provide the Township Clerk with documentation of the recording of the land division by the Livingston County Register of Deeds.

Section 19.04 Submittal Requirements

Twelve (12) copies of the land division application plus attachments shall be submitted to the Township Clerk at least fourteen (14) days prior to the Planning Commission meeting at which the request is to be considered. The submittal shall include all of the following, at a minimum, plus any other information requested by the Township Board for review of the application;

- A. The names and signatures of all owners of any legal or equitable interest in the property.
- B. A legal description of each parcel into which the property is to be divided prepared by a registered land surveyor.
- C. A copy of the most recent tax bill pertaining to the land.
- D. A statement indicating any restriction or covenants which apply to or run with the land, having bearing upon the proposed division
- E. Documentation from the Livingston County Road Commission stating that the proposed lot(s) has adequate sight distance.

- F.** A survey and plan of the property to be divided, accurately drawn at a scale of not smaller than one inch equals one hundred feet (1" = 100') prepared by a registered land surveyor or civil engineer licensed to practice in the State of Michigan and showing at least:
1. All existing buildings and structures on the site, and buildings and structures located on abutting property within fifty (50) feet of the lot to be divided.
 2. Boundaries of any water body, wetland, or woodlot located on the site.
 3. Boundaries of all proposed divisions, with complete dimensions and area of each proposed resultant parcel.
 4. Proposed access to all land divisions.
 5. Proposed public utility easement locations, with dimensions.
 6. Proposed limits within which principal structure and auxiliary buildings shall be confined on such parcel, with dimensions.

(Amended _____, 2011; effective _____, 2011.)

Section 19.05 Standards for Review

In reviewing a requested land division regulated by this Section, the following shall be considered:

- A.** The land division will not increase nonconforming situations, unless a variance has been granted by the Board of Appeals.
- B.** Outstanding violations of the Conway Township Zoning Ordinance, and the potential for these violations to be remedied prior to land division.
- C.** Each parcel resulting from the proposed division shall have exclusive of any area occupied by an access easement, a net area not less than that required for a lot in the zoning district.
- D.** Within each parcel shown on the registered land survey or civil engineer drafter survey and plan of the property to be divided, there shall be delineated and fully dimensioned an area with which the principal structure shall be confined (building envelope). The building envelope shall not infringe on any lake, stream, drain, wetland or easements and shall demonstrate compatibility with existing development in the vicinity and be of sufficient size to meet minimum dimensional requirements of the zoning district.

Section 19.06 Land Division Records

- A.** Review comments from the Planning Commission meeting shall be transmitted to the petitioner and to the Township board. Each land division application submittal, Planning Commission review comments, and documentation of the recording of the land division and/or the recording of an easement maintenance agreement by the Livingston County Register of Deeds shall be filed by the Conway Township Clerk in the appropriate land division township file.
- B.** The Conway Township Clerk shall record and map all land divisions.