

**ARTICLE 20
LAND DIVISIONS**

Sec. 20.01 STATEMENT OF PURPOSE

This Article is intended to establish an orderly procedure and standards of review for divisions of land within the Township in a manner consistent with: the Master Plan, the purpose of this Zoning Ordinance, the protection of property values, the need to insure adequate vehicular access to lots and as a means to promote compliance with the Michigan Land Division Act, Michigan Public Act 288 of 1967, as amended, and the Genoa Township Subdivision Control Ordinance.

Sec. 20.02 APPLICABILITY

This Article regulates divisions of land for sale or lease of more than one (1) year, or for building site development, as follows:

20.02.01 Number of Splits. An application for division of land shall not be approved unless it is in compliance with Section 108 of the Michigan Land Division Act, Michigan Public Act 288 of 1967, as amended. Accordingly, a parcel that is not part of a subdivision plat may be divided as follows:

- (a) For a parcel, the division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following, as applicable:
 - (1) For the first ten (10) acres or portion thereof in the parent parcel or parent tract, four (4) parcels.
 - (2) For each whole ten (10) acres in excess of the first ten (10) acres in the parent parcel or parent tract, one (1) additional parcel, for up to a maximum of eleven (11) additional parcels.
 - (3) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, one (1) additional parcel.
- (b) For a parent parcel or parent tract of not less than twenty (20) acres, the division may result in a total of two (2) parcels in addition to those permitted by subsection (a) above if one or both of the following apply:
 - 1. Because of the establishment of one or more new roads, no new driveways to an existing public road for any of the resulting parcels under subsection (a) of this subsection are created or required.
 - 2. One of the resulting parcel(s) under subsections (a) and this subsection comprises not less than 60% of the area of the parent parcel or parent tract.
- (c) 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 under Subsections (a) and (b) and is not subject to the approval requirements of this ordinance, if the parcel is accessible.

- (d) A parcel or tract created by an exempt split or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of the Land Division Act, Michigan Public Act 288 of 1967, as amended, if all of the following requirements are met:
 - (1) Not less than ten (10) years have elapsed since the parcel or tract was recorded.
 - (2) The partitioning or splitting does not result in more than the following number of parcels, whichever is less.
 - a. Two (2) parcels for the first ten (10) acres or fraction thereof in the parcel or tract plus one additional parcel for each whole ten (10) acres in excess of the first ten (10) acres in the parcel or tract.
 - b. Seven (7) parcels or ten (10) parcels if one of the resulting parcels under this subsection comprise not less than sixty percent (60%) of the area of the parcel or tract being partitioned or split.
 - (3) The partitioning or splitting satisfies the requirements of this ordinance and the Michigan Land Division Act
- (e) A parcel or tract created under the provisions of Subsection (c) above may not be further partitioned or split without being subject to the platting requirements of this act, except in accordance with the provisions of Subsection (d).

20.02.02 **Divisions within Subdivisions.** A lot within a recorded subdivision plat may be divided into not more than four (4) parcels.

20.02.03 **Approval Under Other Ordinances.** Approval shall not be required under this article where the division of land is proposed under one of the following methods:

- (a) A parcel is proposed to be subdivided as a plat under the Land Division Act, Michigan Public Act 288 of 1967, as amended, and the Township Subdivision Control Ordinance.
- (b) A site condominium is established on a parcel subject to the Michigan Condominium Act, Michigan Public Act 59 of 1978, as amended and section 12.07 of this ordinance.
- (c) An exempt split where all resulting parcels are at least forty (40) acres in area or result in a quarter-quarter section that is approximately forty (40) acres in area.

Sec. 20.03 **PROCEDURE**

20.03.01 **Application.** The applicant shall submit an application requesting to divide property including the information listed below.

20.03.02 **Review.** The Zoning Administrator shall review the request in consideration of the standards of this Article, standards of the zoning district of the subject site and the Genoa Township Subdivision Ordinance. The Zoning Administrator shall not take action if any variances are needed until a decision has been made by the Board of Appeals. The land division

application shall be approved within forty-five (45) days of a complete application being submitted.

- 20.03.03 **Approval.** The Zoning Administrator may approve the land division if all the standards of Sec. 20.05 "Standards for Review" are met. If the land division involves a private road, the request and site plan for the private road shall be submitted to the Planning Commission for review and approval. If the land division includes private roads, the Township Attorney and Engineer shall review any easements, private road maintenance agreements and related documents.
- 20.03.04 **Recording.** If the land division is approved, the applicant shall provide the Zoning Administrator with documentation of the recording the land division by the Livingston County Register of Deeds.

Sec. 20.04 **SUBMITTAL REQUIREMENTS**

If the land division can be approved by the Zoning Administrator, as outlined above, four (4) copies of a site plan shall be submitted. If the land division requires private road review by the Planning Commission, the applicant shall submit a site plan to the Zoning Administrator in accordance with the review schedule and procedures adopted by the Planning Commission. The submittal shall include all of the following:

- 20.04.01 **Owner.** The name and signatures of all owners of any legal or equitable interest in the property(ies), and their signatures.
- 20.04.02 **Survey.** A legal description of each parcel into which the property is to be divided prepared by a Registered Land Surveyor.
- 20.04.03 **Taxes.** A copy of the most recent tax bill pertaining to the land.
- 20.04.04 **Deed Restrictions.** A statement indicating any restrictions or covenants which apply to or run with the land, having bearing upon the proposed division.
- 20.04.05 **Access.** Documentation from the Livingston County Road Commission stating the proposed lot(s) has adequate sight distance.
- 20.04.06 **Septic and Well.** Documentation from the Livingston County Health Department on the suitability of the lot(s) to accommodate safe installation of a septic tank, reserve area and individual well if public utilities are not available. Locations must be shown on the site plan.
- 20.04.07 **Easement Rights.** For easements providing access for public utilities or services, an accurate legal description, prepared by a Registered Land Surveyor or Civil Engineer, shall be provided that includes recitation of the purpose of the easement, with grant to the Township, its successors and assigns, in perpetuity, of the right to occupy and use such easement for installation, maintenance and operation of public utilities.
- 20.04.08 **Survey.** 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:

- (a) Topography at two (2) foot contour intervals extending to the opposite right-of-way line of any abutting street or highway and extending at least twenty-five (25) feet onto all abutting property.
- (b) 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.
- (c) For non-single family lots, existing access points within 150 feet of the lot frontage, including access points on the opposite side of the street.
- (d) Boundaries of any water body or wetland, all woodlots which will not be disturbed by building construction and trees with a caliper of eight (8) inches or more which may be disturbed indicating size and species. Boundaries of any wetland which may be regulated by the Michigan Department of Natural Resources shall be illustrated, with supporting documentation by a qualified wetland consultant.
- (e) Boundaries of all proposed divisions, with complete dimensions and area of each proposed resultant parcel.
- (f) Proposed easements locations, with dimensions.
- (g) Proposed limits within which principal structure and auxiliary buildings shall be confined on such parcel, with dimensions.

Sec. 20.05 **STANDARDS FOR REVIEW**

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

- 20.05.01 **Net area and width:** The minimum lot frontage, width and lot area of each parcel resulting from the proposed land division shall be at least the minimum required for a lot in the zoning district. The easement area required for a private road may not be included in calculation for minimum lot width and area.
- 20.05.02 **Depth to Width Ratio:** The ratio of the depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads or easements.
- 20.05.03 **Accessibility:** The lot shall be accessible by means of having frontage on a public road or a private road, or shared driveway easement meeting the requirements of Article 15. In addition, the lot width shall be adequate to meet sight distance standards of the applicable road agency, and the Township access spacing standards.
- 20.05.04 **Building envelope:** Within each parcel shown on such site plan, there shall be delineated and fully dimensioned an area within which the principal structure shall be confined (building envelope). The building envelope shall not infringe on any lake, stream, drain, wetland or easements; shall demonstrate compatibility with existing development in the vicinity; and shall be of sufficient size to meet minimum setbacks from lot lines, wetlands and water bodies.
- 20.05.05 **Elimination of Nonconforming Situations:** The land division or combination shall not create and shall attempt to eliminate any nonconforming situation, such as a nonconforming accessory building or a nonconforming setback, to the degree deemed practical by the Zoning Board of Appeals.