

TOWNSHIP OF HEMATITE  
IRON COUNTY, MICHIGAN

TO: The residents and property owners of the Township of Hematite, Iron County, Michigan and any other interested persons.

**PLEASE TAKE NOTICE** that at a regular meeting held on November 10<sup>TH</sup>, 1997, the Township Board adopted a Land Division Ordinance. The summary of the ordinance appears below.

**LAND DIVISION ORDINANCE**

SECTION I - TITLE. This Ordinance shall be known and cited as the "HEMATITE TOWNSHIP LAND DIVISION ORDINANCE".

SECTION II - PURPOSE. The purpose of this Ordinance is to carry out the provisions of the Land Division Act, being MCLA 560.101 et seq; MSA 26.430(101) et seq;

SECTION III - DEFINITIONS. This Section defines terms and phrases used in this Ordinance.

SECTION IV - PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS. Sets out the requirements for prior review and approval of land divisions.

SECTION V - APPLICATION FOR LAND DIVISION APPROVAL. Sets out the documents required to be filed along with the application for land division approval.

SECTION VI - PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL. Sets out the procedure to be followed when an application for land division approval has been filed, and states that the divisions must be approved or disapproved within 45 days after receipt of such application.

SECTION VII - STANDARDS FOR APPROVAL OF LAND DIVISIONS. States that a proposed land division shall be approved if all criteria in this section are met, i.e. minimum width, minimum depth, minimum area, adequate accessibility.

SECTION VIII - CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENTS. Any parcel created without compliance with this ordinance shall not be recognized on the assessment roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed.

SECTION IX - SEVERABILITY. Provides that if any portion of this Ordinance is declared invalid such invalidity shall not effect any other portion of this Ordinance.

SECTION X - REPEAL. Repeals all ordinances or parts of ordinances in conflict herewith.

SECTION XI - EFFECTIVE DATE. This Ordinance shall take effect on December 1, 1997.

STATE OF MICHIGAN  
COUNTY OF IRON  
TOWNSHIP OF HEMATITE

Adopted: November 10, 1997  
Published: November 19, 1997  
Effective: December 1, 1997

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, 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.

TOWNSHIP OF HEMATITE  
IRON COUNTY, MICHIGAN

ORDAINS:

**SECTION I**  
**TITLE**

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

**SECTION II**  
**PURPOSE**

The purpose of this Ordinance is to carry out the provisions of the Land Division Act being MCLA 560.101 et seq; MSA 26.430(101) et seq; (hereinafter the "Act"), 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 land divisions within the Township.

**SECTION III**  
**DEFINITIONS**

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

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

executors, administrators, legal representatives, 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 Act. "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 Act, or the requirements of all other applicable Township of Hematite ordinances.

- C. "Enforcing Official" - The Supervisor of the Township of Hematite, or such other official designated by the governing body.
- D. "Exempt split" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or 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.
- E. "Forty acres of the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- F. "Governing body" - the Hematite Township Board.

#### **SECTION IV PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS**

Land in the Township shall not be divided without the prior review and approval of the Township enforcing official, or other official designated by the governing body, in accordance with this Ordinance and the Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the Act.
- C. 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.
- D. The transfer of an entire parent parcel of parent tract.

#### **SECTION V APPLICATION FOR LAND DIVISION APPROVAL**

An applicant shall file all of the following with the enforcing official for review and approval of a proposed land division before making

- A. A completed application form on such form as may be approved by the governing board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- D. Proof that all standards of the Act and this Ordinance have been met.
- E. 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. A fee of \$40.00 to cover the cost of review of the application and administration of this Ordinance and the Act shall be assessed. In the event the base fee is insufficient to defer the cost of the review of the application and administration, then such reasonable additional fee as set by the enforcing official shall be paid by the applicant.

**SECTION VI  
PROCEDURE FOR REVIEW OF APPLICATIONS  
FOR LAND DIVISION APPROVAL**

- A. The enforcing official shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the Act, and shall 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 enforcing official may, within 30 days of said decision appeal the decision to the governing body which shall consider and resolve such appeal by the majority vote of said governing body 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. The enforcing official shall not be permitted to vote in such appellate hearing.
- C. The enforcing official shall maintain an official record of all approved and accomplished land divisions or transfers, and shall issue a written certificate of approval to all successful applicants. The certificate of approval shall be in a format to be recordable at the Register of Deeds Office for Iron County, Michigan.

- E. 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 certificate of approval shall include a statement to this effect.

## **SECTION VII STANDARDS FOR APPROVAL OF LAND DIVISIONS**

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

- A. All parcels created by the proposed division(s) have a minimum width of 100 feet as measured at the narrowest point within the parcel; unless otherwise provided for in any applicable zoning ordinance.
- B. All such parcels shall contain a minimum area of 20,000 square feet; unless otherwise provided for in any applicable zoning ordinance.
- C. The ratio of depth to width of any parcel of ten (10) acres or less created by the division does not exceed a four to one ratio 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.
- D. The proposed land division(s) comply with all requirements of the Ordinance and the Act.
- E. All parcels created and remaining have existing adequate accessibility, or an area available therefor, for public utilities and emergency vehicles. If an applicant is unable to reasonably provide accessibility, utility areas or emergency vehicle access, then the enforcing official may waive this standard provided such waiver appears on the certificate of approval issued by the enforcing official.

## **SECTION VIII CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT**

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 and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. 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 and of the Act.

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

**SECTION X  
REPEAL**

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

**SECTION XI  
EFFECTIVE DATE**

This Ordinance shall take effect December 1, 1997.

TOWNSHIP OF HEMATITE

By: Dawn Hanttula  
Dawn Hanttula, Its Clerk  
P.O. Box 67  
Amasa, MI 49903  
(906) 822-7831

Township Clerk during registration  
tion.

HEMATITE TOWNSHIP

By: Dawn L. Hanttula  
Dawn Hanttula  
Its Clerk  
P.O. Box 67  
Amasa, MI 49903