



**RESOLUTION #190807**  
**TYRONE TOWNSHIP, LIVINGSTON COUNTY**

**LAND DIVISION ORDINANCE NO. 50**

An ordinance to regulate partitioning or division of real property inclusive of parcels, platted lots, condominium units, or tracts of land, as permitted by law, enacted pursuant but not limited to the State Land Division Act, being Michigan Public Act 288 of 1967, as amended, the Condominium Act, being Michigan Public Act 59 of 1978, as amended, Michigan Public Act 591 of 1996, as amended, and Michigan Public Act 246 of 1945, as amended; 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.

**ARTICLE 1. TITLE**

This Ordinance shall be known and cited as the “Tyrone Township Land Division Ordinance.”

**ARTICLE 2. PURPOSE**

The purpose of this Ordinance is to carry out the provisions of the Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to provide for and maintain an orderly development of the Township, and to ensure the health, safety, and welfare of the residents and property owners when dividing property or realigning property lines within Tyrone Township.

**ARTICLE 3. APPLICABILITY**

This Ordinance applies to all divisions of lands or property, inclusive of platted lots and condominium units, located within the Township, including boundary realignments. For parcels that are to be platted, the Land Division Act, 1967 P.A. 1967, as amended, the non-conflicting portions of this Ordinance and all the requirements of the Tyrone Township Subdivision Ordinance, as amended, shall apply. Parcels in condominiums are subject to the Condominium Act, 1978 P.A. 59, as amended, Township Condominium regulations within the Zoning Ordinance. Parcels that are developed along a private road or shared driveway shall also be subject to the appropriate provisions of the Tyrone Township Zoning Ordinance.

**ARTICLE 4. DEFINITIONS**

For purposes of this Ordinance, certain terms and words used herein shall have the meaning set forth herein. Additionally, where terms and words are set forth in the Land Division Act, those terms and words shall have the meaning ascribed to them in the Land Division Act, except as set forth within this section, and when terms are defined in the Tyrone Township Zoning Ordinance, those terms and words shall have the meaning

ascribed to them in that ordinance. The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated. The word "shall" is always mandatory and not merely directory.

- A. **ASSESSOR**- shall mean the Tyrone Township Assessor.
- B. **APPLICANT** - shall mean any person, firm, association, partnership, corporation, legal entity, or combination of any of them, which holds the fee title and equitable interest in the land whether or not of record, who seek approval to take any action pursuant to this ordinance.
- C. **AGENT** - shall mean a designated representative of the applicant authorized to act on their behalf during the duration of a land division or boundary realignment application, review, and approval processes.
- D. **BOUNDARY REALIGNMENT**- shall mean a formal action to relocate the property line between two (2) or more parcels that does not result in the creation of additional parcel(s).
- E. **COMPLETE APPLICATION**- see the requirements listed in Article 6 – Procedure for Complete Boundary Realignment Applications and Complete Land Division Applications.
- F. **DIVIDE or DIVISION** – shall mean 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, 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 Section 108 and 109 of the Land Division Act. "Divide" or "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 parcels shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act, this Ordinance, and any other applicable ordinances.
- G. **EXEMPT SPLIT or EXEMPT DIVISION** – shall mean 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.
- H. **GOVERNING BODY** – shall mean the Township Board of Tyrone Township, Livingston County, Michigan.
- I. **LAND DIVISION ACT**- shall refer to the State of Michigan Public Act 288 of 1967 as amended [MCL 560.101 to 560.293].

- J. LAND DIVISION COMMITTEE-** shall mean the Township Assessor, Supervisor, Zoning Administrator and/or other official(s) designated by the Township Board to review land division and boundary realignment applications in accordance with the standards and requirements of this Ordinance, all applicable Township ordinances, and all applicable requirements set forth by the State of Michigan, Livingston County, and/or other agencies/entities having jurisdiction.
- K. LETTER OF AUTHORIZATION-** shall mean a document prepared by the applicant authorizing an agent to act on their behalf during the duration of a specific land division or boundary realignment application, review, and approval processes.
- L. PLANNING COMMISSION-** shall mean the Tyrone Township Planning Commission.
- M. PLAT-** shall mean a map, drawing, chart, and/or survey approved for the division of land pursuant to the Land Division Act of 1967, as amended.
- N. SUPERVISOR-** shall mean the Tyrone Township Supervisor.
- O. TOWNSHIP –** shall mean the Township of Tyrone, Livingston County, Michigan.
- P. ZONING ADMINISTRATOR –** shall mean the official of Tyrone Township or authorized representative charged with the responsibility of administering this ordinance.
- Q. ZONING ORDINANCE –** shall mean the Tyrone Township Zoning Ordinance.

**ARTICLE 5. EXEMPTION DIVISIONS**

**Sec 1. ELIGIBILITY**

Land in the Township shall not be divided without the prior review and approval of the Township Land Division Committee, in accordance with this Ordinance and the Land Division Act; provided that the following shall be exempted from this requirement.

- A.** A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act.
- B.** A lot in a recorded plat proposed to be divided in accordance with the Land Division Act and any applicable Tyrone Township ordinance(s).
- C.** An Exempt Split.

## **ARTICLE 6. PROCEDURE**

### **Sec 1. FILING**

- A. The applicant shall be the owner/title holder of the property and/or an authorized representative (agent) and shall state the type of property ownership (fee simple, mortgage, or land contract). If the applicant assigns an agent, a letter of authorization shall be submitted to the Land Division Committee prior to/concurrently with the submission of an application.
- B. The applicant shall provide documentation to verify the property configuration and legal description(s) as of March 31<sup>st</sup>, 1997 and any information on subsequent divisions that have occurred since that time (if applicable), as determined by the Land Division Committee.
- C. The applicant shall submit the number of complete and accurate applications together with all related information required by this ordinance as well as any other information required by the Land Division Committee to the Zoning Administrator with the appropriate fees and charges as established by the Township Board. It is encouraged that an electronic/digital copy of all application documents be provided with the complete application.

### **Sec. 2. BOUNDARY REALIGNMENT APPLICATION REQUIREMENTS**

The Land Division Committee, at its sole discretion, may provide a preliminary review of a potential boundary realignment based upon a scaled site drawing of the proposed realignment. The information required to be submitted for a preliminary review is listed in Section 4.A (below). For a final review of a boundary realignment, a complete application shall be submitted that is substantially accurate and contains all of the information required for preliminary review as well as items 1 through 4 listed in Section 4.B (below) for final review. Some items required above for preliminary or final review may not be applicable, as determined by the Land Division Committee.

### **Sec. 3. BOUNDARY REALIGNMENT REQUIREMENTS**

In no case shall any provision of this ordinance, other applicable Tyrone Township ordinances nor the laws of the State of Michigan, be violated. Where more than one regulation applies to the same aspect, the most restrictive shall be enforced.

- A. The plan for the boundary realignment shall follow the requirements of Act 288 of 1967, as amended (MCLA 560.101, et seq.) and the Tyrone Township Zoning Ordinance, as amended. The Land Division Committee shall review the plan for compliance with:
  - 1. The Schedule of Regulations for existing and newly created parcels in the Zoning Ordinance.

2. The minimum width and the maximum depth to width ratio of 4:1, as defined by the Zoning Ordinance. (For example, 200 ft. wide and not more than 800 ft. long.). Notwithstanding, a depth to width ratio greater than 4:1 may be permitted if the resulting parcel(s) exhibits exceptional topographic or physical conditions such as wetlands, woodlands, and/or steep slopes, or is consistent with the land development pattern of the surrounding area, or other extraordinary circumstances exist, in the determination of the Township Board upon recommendation by the Planning Commission. Further, the maximum 4:1 depth to width ratio shall not apply to parcels larger than 10 acres, nor shall it apply to the remainder of the parent parcel or parent tract retained by the proprietor. In the event the Township Zoning Ordinance specifies a depth to width ratio for a particular area which differs from that set forth within this subsection, the ratio contained in the Zoning Ordinance shall control.
- B. If the request is made by an agent for an owner, a letter of authorization shall be included in the application.
- C. Boundary Realignments shall follow the approval procedures as described below for land divisions in Article 7.

#### **Sec 4. LAND DIVISION APPLICATION REQUIREMENTS**

The Land Division Committee, at its sole discretion, may provide a preliminary review of a potential land division based upon a scaled site drawing. However, a boundary survey prepared by a professional surveyor licensed by the State of Michigan is required for a complete application and final review. A complete application shall be substantially accurate and contain all of the items required below, unless specifically exempted by the Land Division Committee.

- A. **Preliminary Review Requirements.** Prior to submitting a complete application and beginning final review, an applicant may elect to submit an application for preliminary review by the Land Division Committee. To undergo preliminary review, the following items must be submitted:
1. **Proof of Ownership.** Proof of ownership of the subject property, proof that tax payments are current, and the original survey and legal description, if available.
  2. **Site Drawing.** Scaled site drawing of the proposed land division showing existing and proposed boundary alignments.
  3. **Date, North Arrow and Scale.** The drawing shall include the name of the preparer, the date of the drawing, and a north arrow. The scale shall be not less than one-inch equals twenty feet (1" = 20') for property under three (3) acres, and at least one-inch equals one hundred feet (1" = 100') for

sites three (3) acres or more. For sites greater than three (3) acres, site plan details at a scale of not less than one-inch equals twenty feet (1" = 20') may be required.

4. **Legal Description.** Each proposed parcel and the remainder parcel shall have a separate legal description. This shall also include appropriate descriptions for dedicated open space locations and descriptions of private road, shared driveway, access easements, and public utility easements located within parcels. All private road or shared driveway easements should include a public utility easement reference. If deemed necessary, the Land Division Committee may request electronic/digital file(s) containing legal description data.
5. **Property Lines.** All existing and proposed property lines are to be shown and properly dimensioned including building setback lines that define potential building envelopes.
6. **Existing Structures and Easements.** The location of all existing structures, utility, or access easements on the property and within fifty (50) feet of the property boundary lines on adjacent property shall be shown.
7. **Wetlands and Natural Features.** If wetland conditions are known or suspected to exist within dedicated open space or building envelopes, a determination shall be made of the location and limits of such wetlands. Other significant natural features worthy of preservation should be referenced on the site drawing.
8. **Open Space.** All dedicated open space areas, if any exist, shall be clearly identified and dimensioned on the site drawings.
9. **Proposed Access.** The location and dimensions of all existing and proposed roads, shared private driveways, and access easements shall be shown.
10. **Data on Abutting Roads, Etc.** The pavement width and right-of-way width of all existing or proposed abutting private or public roads or shared driveways shall be located on the site drawing.
11. **Easements.** The location of all existing and proposed utility easements, shared private driveway easements, private road easements, private/public access easements, and public rights-of-way should be dimensioned and labeled. Detailed drawings of access easements may be required for a complete application at the discretion of the Land Division Committee.

12. **Drainage.** The location and size of all existing and proposed surface water drainage features including public and private drainage easements.
  13. **Contour Intervals.** Topographic contours shall be shown on the most recent aerial photo available at not more than five (5) foot intervals, referenced to U.S.G.S datum including the U.S.G.S benchmark.
  14. **Documents.** Copies of any required Federal, County, or State agency reviews shall be provided. If applicable, deed restrictions or maintenance agreements for shared driveways or roads shall be provided.
- B. Complete Application Requirements.** To be considered a complete application and to begin the review process, the applicant must submit all of the items listed above plus the following:
1. **Survey.** A boundary survey with legal description(s) for all parcel(s), (including the existing parcel remainder), easement(s) and open space(s). If deemed necessary, the Land Division Committee may request electronic/digital file(s) containing legal description data.
  2. **Licensed Professional Seal Required.** Surveys shall contain the physical or electronic seal and signature, in accordance with Michigan P.A. 178 of 2013, as amended, of a Professional Engineer or Surveyor licensed by the State of Michigan and in good standing.
  3. **Other Approvals.** All other County, State or Agency approvals required for the proposed land division shall be obtained and evidence of such approval submitted with the application for review.
  4. **Proof of Tax Payment.** Proof that all property taxes and assessments have been paid in full.
  5. **Recordable Agreements.** All required documents and agreements shall be prepared and submitted in final recordable form. If determined by the Land Division Committee that the proposed division requires additional review, the application may be reviewed by the Planning Commission and/or Township Planner during a regular meeting. Additional fee(s) may be imposed if additional review is required, as determined by the Township Board.

## **Sec. 5. LAND DIVISION APPROVAL REQUIREMENTS**

In no case shall any provision of this Ordinance, other applicable Tyrone Township ordinances nor the laws of the State of Michigan be violated. Where more than one regulation applies to the same aspect, the most restrictive shall be enforced.

- A. Plan for Dividing Land.** The Plan for dividing land shall follow the requirements of and the Land Division Act, this ordinance, and the Zoning Ordinance, as amended. The Land Division Committee shall review the plan for compliance with:
1. Authorization to view property.
  2. Proof of tax status.
  3. Adequate and accurate legal description(s).
  4. Schedule of Regulations on existing and newly created parcels (Zoning Ordinance).
  5. Boundary survey with dimensions, including lot width and gross and net parcel area.
  6. Minimum width and the maximum depth to width ratio of 4:1, as defined by the Zoning Ordinance. (For example, 200 ft. wide and not more than 800 ft. long.). Notwithstanding, a depth to width ratio greater than 4:1 may be permitted if the resulting parcel(s) exhibits exceptional topographic or physical conditions such as wetlands, woodlands, and/or steep slopes, or is consistent with the land development pattern of the surrounding area, or other extraordinary circumstances exist, in the determination of the Township Board upon recommendation by the Planning Commission. Further, the maximum 4:1 depth to width ratio shall not apply to parcels larger than 10 acres, nor shall it apply to the remainder of the parent parcel or parent tract retained by the proprietor. In the event the Zoning Ordinance specifies a depth to width ratio for a particular area which differs from that set forth within this subsection, the ratio contained in the Zoning Ordinance shall control.
  7. Indication of significant natural features or topography.
  8. Proof of access.
  9. Public, private, and shared driveway access requirements, if applicable.
  10. Open space requirements, if applicable.
- B. Subject Regulations.** The plan for dividing land shall be subject to the regulations stated in the Land Division Act.
- C. Roads or Driveways.** If the land split includes the establishment of a public road, private road, shared private driveway, or new single use driveway, approval by



the Township is contingent on the approval of the Livingston County Road Commission (LCRC) for access to a public roadway. Approval of the access location will be required as part of a complete application. As this may prolong the review process, it is recommended that applications requiring this approval waive the 45-day approval deadline as required in Article 7, Section 1 of this Ordinance so as to avoid the application being rejected as incomplete.

- D. Proposed Access Review.** For land divisions requiring approval of a private road or shared private driveway, the applicant must submit an application for Planning Commission review. The private road/shared private driveway approval shall be obtained prior to final review and approval of the land division application.
- E. Agent for the Owner.** If the request is made by an agent for the owner, a letter of authorization shall be submitted to the Land Division Committee.
- F. Register of Deeds.** Upon approval of the division, the signed and sealed survey shall be stamped by the Township Clerk as approved by Tyrone Township and recorded with the legal descriptions and recordable documents at the Livingston County Register of Deeds office in accordance with the procedures provided in Article Seven.

#### **Sec. 6. FUTURE DIVISION RIGHTS**

- A.** The right to make future land divisions exempt from platting requirements may be transferred from a parent parcel or tract to a parcel created from the parent parcel or tract.
- B.** A proprietor transferring the right to make a division shall within 45 days give written notice of the transfer to the Township Assessor on a form prescribed by the State Tax Commission under Section 27.c of the General Property Tax Act (1893 PA 206).
- C.** All deeds must indicate whether the right to make further land division(s) is conveyed. The statement shall be in substantially the following form: "The grantor grants to the grantee the right to make [insert whole number, "all", or "zero"] division(s) under Section 108 of the land division Act, Act Number 288 of the Public Acts of 1967, as amended." If no statement is provided, the right to make future remaining divisions stays with the parent parcel.

#### **Sec. 7. ACCESS**

All parcels created through the procedures of this Ordinance shall abut a public road, approved private road, approved shared driveway, or approved access easement for the required distance according to the Zoning Ordinance Schedule of Regulations.

## **Sec. 8. FINANCIAL GUARANTEE REQUIREMENT**

If the application requires modification to the property to meet Federal, State, County, and/or Township requirements such as, but not limited to, drainage easements or driveway access, a financial guarantee may be required by the Township to ensure conformity.

## **ARTICLE 7. APPROVAL**

### **Sec. 1. TOWNSHIP REVIEW**

- A. Upon receipt of a complete application, as described herein, the Township shall, within forty-five (45) days, conduct a final review of a complete land division application and approve, approve with conditions, or disapprove the land division, except if conditions exist where additional information is required by the Township and/or any other governmental or legal agency or entity. In such cases, the conditions shall be resolved before the application can be considered complete.
- B. The applicant shall have the option to waive the 45-day requirement, in which case the application will be approved in an efficient manner.
- C. The Land Division Committee shall review the application materials and make a decision based on the standards contained herein of whether to approve, approve with conditions, or deny the requested land division.

### **Sec. 2. LAND USE AND BUILDING PERMITS**

- A. Approval of a land division by the Township does not assure that any ensuing split shall be acceptable as a building site under other regulations or codes of the Township or any other governmental unit.
- B. Tyrone Township and its employees shall not be liable if a land use permit and/or building permit is not issued for a parcel created through this process.

### **Sec. 3. RECORDING**

- A. After Township approval of a land division, the applicant or applicant's agent shall provide a survey of the approved division and any related agreements or deed restrictions in recordable form to the Livingston County Register of Deeds within 90 days, as noted in the paragraph below. At least one (1) survey in recordable format including a licensed surveyor's seal and original signature shall be provided to the Land Division Committee prior to recording. The applicant or authorized agent shall also provide at least two (2) copies of the approved survey and any other required agreements or deed restrictions to the Land Division Committee to be retained in the Township records.

1. Following receipt of an approval letter from the Land Division Committee, the survey and documents stamped "Approved" and signed by the Township Clerk, shall be recorded and stamped by the Register of Deeds before the 90-day approval period has expired.
  2. No land divisions shall be recorded by the County unless they have been approved by the Township and bear the approval stamp and signature of the Township Clerk.
  3. The Township Assessor will issue Property Identification Numbers upon receipt of the properly stamped legal descriptions, drawings, and documents properly stamped and recorded by the Register of Deeds before the 90-day approval period has expired.
- B.** The land division is completed after the survey and any other required agreements or deed restrictions are recorded and the Township Assessor issues property identification numbers and enters the legal description and the identification numbers into the Township records.

## **ARTICLE 8. VIOLATIONS**

### **Sec.1. DUTY TO REPORT REGISTERED LAND DIVISIONS AND BOUNDARY REALIGNMENTS**

- A.** If the approved division is not recorded with the County Register of Deeds within 90 days, the approval is revoked and the application is considered void. A new application must be filed in order to restart the process.
- B.** If a Land Division or Boundary Realignment has been recorded by the County prior to being approved by the Township or if a drawing was recorded that differs from the approved drawing bearing the stamp of the Township, the division shall be considered illegal and so labeled in the Township records.

Property identification numbers shall not be issued by the Township Assessor, and the Assessor shall instruct the Livingston County Register of Deeds to label the parcel as 'ILLEGAL' in their records. Even if recorded by the County Register of Deeds, a land division that does not bear the stamp of the Township shall not be considered valid and shall not be issued a valid property identification number.

- C.** The Township Assessor and/or Zoning Administrator shall be responsible for monitoring the time schedule and notifying applicants of any violations.

### **Sec. 2. NOTICE TO CORRECT VIOLATION**

Upon receipt of information of a possible violation of this ordinance, it shall be the duty of the Assessor to ascertain whether or not there is probable cause to believe there exists

a violation of this ordinance. If it is determined that there is probable cause to believe a violation does exist, the Assessor shall cause notice to be sent by certified mail to the owner of the parcel not divided in accordance with the terms of this ordinance and his grantor if a conveyance of the subject parcel of land was made after the effective date hereof, requesting that they take action to correct the violation.

### **Sec. 3. DUTY TO CORRECT VIOLATION**

Within thirty (30) days of the date of mailing of the notice above referred to, the applicant shall:

- A. Correct the violation
- B. Request a hearing before the Township Board to determine whether a violation of the ordinance has occurred, or
- C. Make application for Land Division Committee approval of an amended land division or boundary realignment.

The respondent shall be subject to the sanctions of Article 9 (below) if they have not complied with one of the remedies provided above, notwithstanding the Township Board power to require the applicant to comply with the requirements of this ordinance.

## **ARTICLE 9. ENFORCEMENT AND PENALTIES**

### **Sec. 1. ENFORCEMENT**

No land use permits shall be issued to an applicant by the Zoning Administrator for the use of any parcel of land that has resulted from a division of land without the applicant having first obtained the approvals required by the Zoning Ordinance and/or this Ordinance.

### **Sec. 2. PENALTIES**

- A. Pursuant to MCL 560.264, any person who violates these requirements and sells a resulting parcel of land is responsible for the payment of a civil fine of not more than \$1,000.00 to the Township for each parcel sold. A default in the payment of a civil fine or costs ordered under this subsection or an installment of the fine or costs may be remedied by any means authorized under the revised judicature act of 1961, PA 236, MCL 600.101 to 600.9948.
- B. The Township shall instruct the Assessor to treat the application as an illegal division as provided in Article 7 (17.271), Section 1, Paragraph B of this Ordinance.

**Sec. 3. SALES VOIDABLE**

Pursuant to MCL 560.267, any sale of lands partitioned in violation of this ordinance is 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.

**ARTICLE 10. MISCELLANEOUS PROVISIONS**

**Sec. 1. FEES**

The Township Board may charge a fee for consideration of the application made pursuant to this ordinance and the fee shall be established, or from time to time modified, by resolution of the Township Board.

**Sec. 2. SEVERABILITY**

This ordinance and each of the various parts, subsections, sentences, phrases and clauses hereof are hereby declared to be severable. If any part, section subsection, sentence phrase, or clause is determined to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.

**Sec. 3. EFFECTIVE DATE**

The provisions of this ordinance shall be effective thirty (30) days from and after the date of its publication, as required by law.

**Sec. 4. REPEAL OF PRIOR VERSION OF THE LAND DIVISION ORDINANCE**

All existing ordinance provisions addressing land divisions inconsistent with this ordinance are repealed.

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**RESOLVED BY:** Trustee Schultz  
**SUPPORTED BY:** Clerk Husted

**VOTE:** Pedersen, yes; Schulze, yes; Schultz, yes; Eden, yes; Cunningham, yes; Husted, yes; Walker, absent.

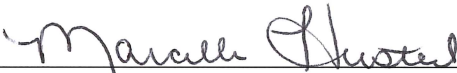
**ADOPTION DATE:** August 20, 2019

**PUBLICATION DATE:** August 25, 2019

**EFFECTIVE DATE:** September 24, 2019

**CERTIFICATION OF THE CLERK**

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on August 20, 2019, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

  
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Marcella Husted  
Tyrone Township Clerk

