

Ordinance # 97-1  
**Pentwater Township  
Land Division Ordinance**

**Section 1 Title, Scope, and Purpose**

- A. This ordinance shall be known and may be cited as the "Pentwater Township Land Division Ordinance." The regulations of this ordinance are adopted pursuant to the statutory authority of Act No. 288 of the Michigan Public Acts of 1967, as amended, the Land Division Act.
- B. This ordinance shall apply to all land divisions as governed by the provisions of the Land Division Act, Act 288 of the Michigan Public Acts of 1967, as amended. Approval of any land division does not constitute use approval of any such division. Such use of land shall comply with the Pentwater Township Zoning Ordinance or any other applicable ordinance or regulation.
- C. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of the Pentwater Township Zoning Ordinance or other laws or ordinances, or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the use of land and buildings, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, then the provisions of this Ordinance shall govern.
- D. The purpose of this Ordinance is to regulate the division of land within Pentwater Township to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that land be suitable for building sites and public improvements; that provisions are made for adequate drainage, ingress and egress; and to ensure that land divisions are correctly and accurately approved, recorded, and filed.

**Section 2 Definitions**

- A. The definitions of the Land Division Act of 1967, as amended, are hereby included and made a part of this Ordinance.
- B. *Attorney* means the legal counsel for Pentwater Township.
- C. *Board, or Township Board* means the Pentwater Township Board of Trustees.
- D. *Clerk* means the Pentwater Township Clerk.

- E. *Commission, or Planning Commission* means the Pentwater Township Planning Commission.
- F. *County* means Oceana County.
- G. *County Road Commission* means the Oceana County Road Commission
- H. *Engineer* means the professional consulting engineer for Pentwater Township.
- I. *Planner* means the professional consulting planner for Pentwater Township.
- J. *Township* means Pentwater Township.
- K. *Zoning Administrator* means the Zoning Administrator for Pentwater Township.
- J. *Zoning Ordinance* means the Zoning Ordinance of Pentwater Township.

**Section 3 Land Division Approvals**

**A. Applications**

1. The approvals and requirements of this Ordinance shall be satisfied prior to the issuance of a land division approval within Pentwater Township. The approvals and requirements of this Ordinance shall be satisfied prior to the recording of any land division with the County.
2. An application for land divisions shall be submitted through the Township Clerk. Each application shall be accompanied by the following, unless deemed unnecessary by the Zoning Administrator:
  - a. the payment of a fee as established by the Township Board;
  - b. an completed application form, as provided by the Township;
  - c. a complete and accurate legal description of each proposed lot or parcel created by the land division, as well as proposed easements;
  - d. a detailed written description of the development planned for such land divisions, including a description of any proposed association or other entity which shall be responsible for operation and maintenance of any private streets, open spaces or other similar uses or activities;
  - e. a graphic or written description of any previous land divisions from the parent parcel including the size, number, and date of such divisions;

- f. Evidence of approvals from the County Health Department for on-site water supply and sewage disposal for any parcel of less than one (1) acre in total area; and
- g. Ten (10) copies of a complete tentative parcel map drawn to scale, which shall be not less than 1"=20' for property totaling under three (3) acres and at least 1"=100' for those totaling three (3) acres or more. The parcel map shall be prepared by a registered engineer or land surveyor or other such person determined by the Township to be qualified to complete such parcel maps.
- h. The tentative parcel map shall include, at a minimum:
  - (1) Date, north arrow, scale, and name of the individual or firm responsible for the completion of the tentative parcel map.
  - (2) Proposed lot lines and their dimensions.
  - (3) Location and nature of proposed ingress and egress locations to any existing public or private streets.
  - (4) The location of any public or private street, driveway, lake or stream access, or utility easements to be located within any proposed lot or parcel or to benefit the same. Copies of the instruments describing and granting such easements shall be submitted with the application.
  - (5) General topographical features including contour intervals no greater than ten (10) feet.
  - (6) Any existing buildings, public or private streets, and driveways within one hundred (100) feet of all proposed property lines.
  - (7) The zoning designation of all proposed lots or parcels.
  - (8) Small scale sketch of properties and streets within one quarter (1/4) mile of the area;
  - (9) Proposed method of providing storm drainage.

- 3. The Township may require the applicant to reimburse the Township for fees and costs incurred by the Township in reviewing the proposed land division. The Land Division Permit shall not be issued until all such fees and reimbursements have been paid to the Township in full.
- 4. Applications for land divisions shall not be accepted unless all of the required materials are submitted and are complete.
- 5. The application, along with the required materials shall be forwarded to the Planning Commission.

C. Land divisions shall be reviewed and approved by the Planning Commission. The Commission shall review the application and such other available information available including recommendations or reports from the Township planner, attorney, engineer, or other party, and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which should be imposed.

- D. The approval, approval with conditions, or denial of a land division shall be accomplished within forty-five (45) days after the filing of a completed, accepted application by the Township Clerk.
- E. Approval of a land division does not grant approval for the use of such divided lot or parcel. Any lot or parcel proposed for division must comply with the requirements of the Pentwater Township Zoning Ordinance or any other applicable ordinances or regulations.
- F. Land division approvals shall be valid for a period of ninety (90) days from the date of approval by Commission. If such lots or parcels proposed by the land division are not properly recorded and accepted by the County Register of Deeds within this period the land division approval shall be considered null and void and a new application shall be submitted in compliance with the requirements of this ordinance.
- G. If an amendment to the Zoning Ordinance becomes effective prior to the land division being recorded and the amendment applies to any of the resulting parcels or lots in a way which would make the proposed lots or parcels violate the Zoning Ordinance, the land division approval shall be null and void even if the ninety (90) day time limit has not expired.
- H. Township approval of a land division shall be evidenced by a written approval in the form of a Land Division Permit.

**Section 4 Land Division Requirements**

- A. **Maximum Width to Depth Ratio**
  - 1. No lot or parcel shall be created the depth of which exceeds four (4) times its width, exclusive of access easements, or private or public street rights-of-way.
  - 2. The width to depth ratio requirements of this Section shall not apply to lots or parcels that have more than one-half (1/2) of their street frontage on a cul-de-sac. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the remainder of the lot. Such lots shall have a minimum lot width of forty (40) feet at the front property line.
  - 3. For corner lots, the depth of the lot shall be measured along the longest front lot line which is parallel or generally parallel to the public or private street right-of-way or easement. The width of the corner lot shall be that front lot line which parallel or generally parallel to the public or private street right-of-way or easement and is the shorter of the two front lot lines. Where such lots lines are of equal length, the Zoning Administrator shall determine the measurement of lot width to depth for purposes of this Section.

4. The Planning Commission may permit the division of a lot or parcel which does not comply with this provision provided that the following findings are made:
  - a. That the greater width to depth ratio is necessitated by conditions of the land which make compliance with this Section impractical. Such conditions may include topography, road access, soil conditions, wetlands, floodplains, or water bodies, or other similar condition.
  - b. That the division and use of such lot or parcel will not conflict with other federal, state, county, or Township ordinances or regulations, unless an appropriate variance or approval is granted as required or permitted by such ordinances or regulations.

**B. Access**

1. Any land division shall front upon a public street or private road right-of-way or easement meeting the requirements of the Pentwater Township Zoning Ordinance for the minimum lot width required by the zone district in which the lot or parcel is located.
2. Any proposed points of ingress or egress to a lot or parcel created by the land division must meet the location and design standards of the County Road Commission, Pentwater Township, State of Michigan, or other authority having jurisdiction.
3. No private access easement or land division involving a private road or access to a lake or stream shall be approved until and unless the applicant has submitted the maintenance agreement and/or private road easement to the Township for its approval. Any easement approval by the Township pursuant to a land division approval shall be properly recorded with the County Register of Deeds concurrently with the land division.

C. A lot or parcel created by a land division shall comply with all requirements of this ordinance and all other applicable ordinances and regulations.

D. The Planning Commission may stipulate such additional conditions and safeguards deemed necessary to ensure compliance with the requirements of this ordinance.

**Section 6 Remedies and Enforcement**

A. A violation of any provision of this Ordinance is hereby declared to be a nuisance, per se. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for the first offense and not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1000.00) for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law.