

ARTICLE: 9.0-ACREAGE PARCEL DIVISION

**ARTICLE 9.0
ACREAGE PARCEL DIVISION****Section 9.01 – Purpose**

The purpose of this Section is to protect the public health, safety and welfare of the Township by regulating and controlling the division of acreage parcels within Freedom Township: by establishing a formal procedure for governing property divisions and enhancing land records; by ensuring compliance with the Freedom Township Zoning Ordinance, including but not limited to lot dimension requirements; by ensuring compliance with the Michigan Subdivision Control Act and by establishing a mechanism for monitoring the creation of new property divisions.

Section 9.02 - Scope

This Section shall apply only to the division of acreage parcels as defined herein.

Section 9.03 - Definitions

The following definitions shall apply in the interpretation and enforcement of this Section of the Ordinance unless otherwise specifically stated:

Acreage Parcel: Any parcel of land in the Township which is not a lot or lots forming part of a subdivision regulated by the Michigan Subdivision Control Act, P.A. 288 of 1967 as amended, and which is not a site condominium or Planned Unit Development under the Freedom Township Zoning Ordinance,

Assessor: The person hired to do the Township assessing, and in charge of the assessing department, and shall not refer to the Township Supervisor, even though the Township Supervisor may be by statute charged with the responsibility for Township assessments,

Board of Appeals: The Township Zoning Board of Appeals.

Divide or Division: To separate any parcel of land into parts or parcels by virtue of change of ownership, separation on the tax rolls, or by any other means, The word division means a parcel that has been so divided.

Owner: Any person who holds legal title, and/or equitable title evidenced by a duly executed land contract signed by the owners of legal title. If more than one person holds legal and/or equitable title, all of said persons shall be deemed the owner, Wherever the word "owner" appears herein, all persons holding any legal or equitable interest shall be deemed referred to, and in the event signatures are required, all of such persons shall be deemed as being required to sign. Owner shall include ownership interests which are not recorded with the County Clerk/Register of Deeds as well as interests which are recorded,

Registered Land Surveyor or Civil Engineer: Registered Land Surveyor or Civil Engineer. A person licensed by the State of Michigan as a registered land surveyor or civil engineer at the time of his or her performance of any of the services required pursuant to this Ordinance,

Zoning Administrator: The person hired by the Township Board of Trustees to administer and enforce the provisions of the zoning Ordinance and assigned various duties pursuant to this Ordinance or other Township Ordinances.

Section 9.04 - Approval for Property Division Required

- A. Every division of an acreage parcel located in Freedom Township may be approved by the Planning Commission upon recommendation by the Zoning Administrator, No acreage parcel division shall be considered a valid division of such property under the terms of the Freedom Township Zoning Ordinance unless this approval has been obtained.

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- B. Any acreage parcel division which has not been first approved by the Planning Commission shall not be considered a valid division of such property under the terms of the Freedom Township Zoning Ordinance and shall not be placed on the Township tax rolls as a separate and individual parcel of property.
- C. The Township shall not issue building permits for any acreage parcel divided in violation of this Section of the Zoning Ordinance.

Section 9.05 - Administration and Review**A. Application**

1. **Required Application and Fee.** Application for the division of an acreage parcel located in Freedom Township shall be made by filing with the Township Clerk a fully completed application form furnished by the Township for such purpose and the required fee,
2. **Contents of Application,** The application shall contain at least the following information:
 - a) **Owners.** The name of all owners of the acreage parcel or parcels and their signatures;
 - b) **Legal Description and Survey of Existing Parcel.** A general description of the proposed parcel including all acreage contained within the parcel division.
 - c) **Tax Bill.** A copy of the most recent tax bill pertaining to the parcel;
 - d) **Restrictions.** A copy of all existing and/or proposed restrictions or covenants which apply to the land.
 - e) **Communications.** The person to whom all written or oral communications concerning the division are to be directed, with the specific designation of the person acting as the agent for all the owners.
 - f) **Statement - Building Permit.** A statement by the owner as to whether a building permit has been obtained or applied for regarding the parcel.
 - g) **Statement - Denial.** A statement by the owner as to whether an application for division of the parcel has been denied by the Township within 366 days of the date of the filing of the current application.
3. **Signature an Application.** All owners whether they own the land before or after such division. shall sign the required application form. Where a division will result in the combining of the remaining land, the owners of the land to be combined also shall sign the application form.

Section 9.06 - Standards for Approval

- A. **Zoning Compliance.** No application for the division of acreage parcels shall be approved unless the minimum requirements of this Section are met with regard to each resulting lot.
- B. **Access.** No parcel shall be created unless accessibility is provided by either a public or a private road meeting the requirements of the Freedom Township Private Road Ordinance and constructed on a permanent, unobstructed easement. All private roads shall be constructed in accordance with the Township Private Road Ordinance. A shared driveway serving two parcels may be allowed if constructed on a permanent, unobstructed easement in accordance with the Township Private Road Ordinance. Parcels may be created on a private road prior to road construction provided, however, that a Private Road Permit has been issued in accordance with the Township Private Road Ordinance.

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- C. **Parcel Layout**, The size, shape and orientation of the parcel divisions shall be appropriate for the type of development and land use planned as well as the applicable zoning district in which the parcel is located, The development, divisions and/or access to remaining or abutting properties shall be taken in to consideration by the Township when reviewing a proposed parcel division.
- D. **Utility Easements**. No application for the division of acreage parcels shall be approved without adequate provisions made for utility easements. Where such utility easements are needed, written evidence of their existence or availability shall be submitted prior to approval.
- E. **Compliance With Subdivision Control Act**, In no event shall approval be granted where the divisions are contrary to, or in violation of the Michigan Subdivision Control Act. P.A, 288 of 1967.
- F. **Legal Description of Planned Parcel**. A legal description and survey prepared by a registered land surveyor or civil engineer of the parcel which will remain after the planned division including but not limited to the following information:
- 1) North arrow, date and scale;
 - 2) Existing and proposed lot lines and dimensions;
 - 3) Existing utilities and County drainage courses within fifty (50) feet of the lot(s) to be split;
 - 4) Location and dimensions of existing and proposed easements. Lot numbers, roadways and lot icons;
 - 5) Existing structures on the proposed lot(s).

Section 9.07 - Final Approval

Prior to the entry of any approved divisions on the Township records, the assignment of a tax identification number by the Township Assessor and the issuance of a proposed building permit, the applicant shall have submitted to the Township Zoning Administrator all of the documents required according to Section 9.05(A) of this Section. The Zoning Administrator shall review the documents and advise the Planning Commission as to the completeness of the documents. Upon receipt of the Zoning Administrator's recommendation, the Planning Commission may approve a proposed division of an acreage parcel located in the Township if all of the following requirements are met:

- A. An application is made and is complete.
- B. All requirements of this Section are met.
- C. The division does not violate this Section.
- D. The division does not violate the Freedom Township Zoning Ordinance.
- E. The resulting lots or tracts front upon a public road or an approved private road pursuant to the Freedom Township Private Road Ordinance.
- F. The resulting lots or tracts do not violate the Michigan Subdivision Control Act. P.A. 288 of 1967.

Section 9.08 - Planning Commission's Decision

The Planning Commission may approve, approve with conditions, or deny an application for a proposed division after the applicant has provided all applicable information. The Planning Commission's decision, the basis for the decision, and any conditions imposed, shall be described in a written statement, which shall be made a part of the records maintained by the Planning Commission and Zoning Administrator.

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ARTICLE: 9.0 - ACREAGE PARCEL DIVISION**Section 9.09 - Conditions for Approval**

In granting an application for a proposed division, the Planning Commission shall impose any conditions deemed necessary to achieve the objectives and standards of this Section and the entire Ordinance, the standards of the Township Rural Zoning Act, and the public health, safety, and welfare of Freedom Township. Failure to comply with any such conditions shall be considered a violation of this Ordinance,

Section 9.10 - Re-Application

No application for a proposed division that has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Administrator,

Section 9.11 - Appeal

In the event an interested person is aggrieved by the decision of the Planning Commission based upon the review conducted pursuant to Section 9.07 of this Section, an appeal may be filed by the owner with the Zoning Board of Appeals pursuant to this Ordinance. All appeals must be filed within sixty (60) days of the date of a decision by the Planning Commission as further set forth in Article 14 of the Zoning Ordinance.

Section 9.12 - Fees

The fee required to be paid to the Township upon submission of an application shall be established by the Township Board of Trustees.

Section 9.13 - Exclusivity

No acreage parcel may be divided in the Township except in accordance with the terms of this Section,

Section 9.14 - No Effect on Bulk Regulations

Nothing in this Section shall alter or reduce the bulk regulation requirements contained in Article 3 of the Freedom Township Zoning Ordinance.