

# **WATERLOO TOWNSHIP LAND DIVISION/COMBINATION AND PARCEL/LOT BOUNDARY ADJUSTMENT ORDINANCE**

Waterloo Township Ordinance # 13-4-17-01

An Ordinance to regulate partitioning or division and combining of parcels or tracts of land, further the orderly layout and use of land, require approval, pursuant but not limited by the Michigan Land Division Act 288 of 1967 as amended (MCL 560.101 - 293), and to regulate and track boundary adjustments of existing parcels and lots within Waterloo Township, Jackson County Michigan. This ordinance includes two different activities: (1) land divisions which create new parcels, and (2) boundary adjustments of existing parcel/lots. They are combined in a single ordinance since they share many features in common, are procedurally very similar, and it facilitates understanding of the differences in these actions.

## **Section 1 TITLE**

This ordinance shall be known and cited as the Waterloo Township Land Division/Combination and Parcel/Lot Boundary Adjustment Ordinance.

## **Section 2 PURPOSE**

2.01. The purposes of the land divisions/combination portion of this ordinance are to implement the provisions of the Michigan Land Division Act 288 of 1967 as amended (MCL 560.101-293) formally know as the Subdivision Control Act, to minimize boundary disputes, to prevent the creation of parcels of property which do not comply with applicable township ordinances, to maintain orderly development and otherwise provide for the health, safety and welfare of residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions, and require that land divisions must be approved and recorded prior to sale of resulting parcels. Establish procedures for processing applications of adjustments of previously approved boundaries between adjacent parcel/lots including review and approval or rejection of such applications. Establish procedures for review, actions of the Township Board and set penalties for failure to comply with the provisions of the ordinance. Although the combining and altering of lots within approved plats is covered by this ordinance, the processes for reviewing proposed plats (subdivisions) are not included in this ordinance.

2.02. It is not intended by this Ordinance to repeal, abrogate, annul or in any other way impair or interfere with provisions of the Township Zoning Ordinance or of other laws or ordinances or of any private restrictions placed upon property by covenant, deed or other private agreement; provided, however that where any provisions of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon division, boundary adjustments or uses of land, easements or buildings that are imposed or required by the provisions of any restrictions or any other law or ordinance, or any said rules, regulations or permits, then the provisions of this Ordinance shall govern.

### Section 3 DEFINITIONS

“Accessible” (in reference to a parcel or lot) – Permanently enables vehicular ingress and egress that is not obstructed by any features such as waterways, drains, standing water, or topographical or other physical barriers; and meets either or both of the following:

Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road commission, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.

Is served by an existing easement that provides unobstructed vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road commission under 1969 PA 200, MCL 247.321 to 247.329, or can be served by a proposed easement that will provide unobstructed vehicular access to an existing road or street.

“Applicant” – A natural person, firm, association, partnership, corporation, trust or combination of any of these that hold an ownership interest (whether recorded or not) in land within Waterloo Township.

“Boundary adjustment” – The transfer of property from one or more parcels or lots to adjacent parcels or lots, which may or may not result in changes of the parcel sizes, but does not result in an additional parcel. The effect is that the boundary(s) between the parcels or lots is modified.

“Combination” – The merging of two or more adjacent parcels or lots into a single parcel.

"Development site" means any parcel or lot on which exists or which is intended for building development other than the following:

(i) Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

(ii) Forestry use involving the planting, management, or harvesting of timber.

“Divide or Division” - Means the partitioning or splitting of a parcel, lot or tract of land by the applicant with proprietary interest thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109 of the Michigan Land Division Act of 1968 as amended (MCL 560.108-109).

"Engineer" - a civil engineer who is a professional engineer currently licensed under Article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

“Exempt split” or “exempt division” - 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 1 or more parcels of less than 40 acres or the

equivalent. Provided that all parcels are accessible for public utilities and unobstructed vehicular travel.

“Fee ownership” – Has title (ownership) of the property, which includes the land and any improvements to the land in perpetuity.

“Flood Plain” – Any land area susceptible to being inundated by water from source. Specifically, an area officially designated as a flood plain by the Township and under regulations and management by the Township within the Federal Emergency Management Agency’s National Flood Insurance Program.

“Forty acres or the equivalent” – Forty (40) acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

“Frontage” – Frontage is defined with examples in the Waterloo Township Zoning Ordinance Definitions as the total continuous length of the front lot line. In the case of waterfront lots, the term frontage shall also apply to the total continuous length of the rear lot line. ( Waterloo Township Zoning Ordinance Article 21, and Figure 21-2). The front lot line is that horizontal line fronting on and having access to a public road between the side lot lines. Lot lines are also defined in the Zoning Ordinance.

“Land Division Review Committee” – Administrative review committee that reviews an application for Division or Boundary adjustment prior to Township Board action. Composed of the township assessor, township zoning administrator, member of the Planning Commission (other than the Township Board member) and may have a township resident with experience in land division process nominated by the Supervisor and approved by majority vote of the Township Board.

“Lot” - A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

“Lot combination” – The combining of two or more plat lots into a single parcel.

“Lot split” – The division of a lot within a recorded plat.

“Non-buildable” - Lot that is insufficient in size, configuration or topography; or because of existing wetlands or floodplains or unusual site conditions that can not be approved for new construction under the Zoning Ordinance, other applicable ordinances, or regulations. Land that has no economic potential as a residential location.

“Nonconforming” –

Structure: A building or structure lawfully existing at the time of adoption of the township Zoning Ordinance or a subsequent amendment thereto, that does not conform to the provisions of that Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

Lot: A lot lawfully existing at the effective date of the current Zoning Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the current zoning district in which it is located.

Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of the existing Zoning Ordinance or subsequent amendment thereto, that does not conform to the regulations of the current zoning district in which it is situated.

"Parcel" - A contiguous area of land which can be described as stated in Section 102(g) of the Michigan Land Division Act of 1968 as amended as amended (MCL 560.102(g))

"Parent parcel" or "parent tract" - A parcel or tract, respectively, lawfully in existence on March 31, 1997, the effective date of the amendatory act that added this division.

"Plat" – An officially recorded map or chart of a subdivision of land.

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

"Recorded" – Having been officially recorded by the Jackson County Registrar of Deeds.

"Site plan sketch" – An accurate readable drawing adequately showing all of the existing and resulting salient features of the proposed plan so that it might be evaluated in order to determine whether it meets the provisions of this Ordinance. The drawing must be to a scale of 1 inch = 20 feet or greater, include a north arrow and the name of the preparer.

"Surveyor" - A professional surveyor currently licensed under Article 20 of the Occupational Code, 1980 PA 299, MCL 339.2001 to 339.2014.

"Survey map" – Prepared and certified by an engineer or surveyor, a survey map is an accurate, readable drawing adequate to allow the Township to determine if the proposed plan meets the requirements of this Ordinance. Specific minimal requirements are included in Sections 5 and 6.

"Subdivide" or "subdivision" - 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 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of this act by Sections 108 and 109 of the Michigan Land Division Act of 1968 as amended. The processing of plats involves numerous governmental authorities and is not included in this ordinance. Subdivision site plan review is detailed in the Zoning Ordinance in the Section on Subdivisions.

"Township" – Waterloo Township, Jackson, Michigan.

"Township Board" – Also called the Township Board of Trustees, are the township's elected officials: the Supervisor, Clerk, Treasurer, and two Trustees.

"Tract" – Two (2) or more parcels that share a common property line and are under the same ownership.

"Zoning Ordinance" – The Waterloo Township Zoning Ordinance as amended.

Except as expressly otherwise state in this Ordinance, the definitions of the Michigan Land Division Act of 1967 as amended (MCL 560), are hereby incorporated by reference and are made a part of this Ordinance.

**SECTION 4  
PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS/COMBINATIONS OR  
BOUNDARY ADJUSTMENTS**

Land in Waterloo Township shall not be divided or combined nor parcel boundaries modified without the prior review and approval of the Township as described in Sections 5 and 6 of this Ordinance and all other applicable Ordinances or regulations.

Any parcel or easement created in violation of or noncompliance with this Ordinance shall not be eligible for any building permits or zoning approvals such as Special Land Use approval and site plan approval. Further, no parcel, lot, or easement created in violation of this Ordinance shall be utilized for any purpose whatsoever, nor shall such land division or boundary adjustment be recognized. In addition, a violation of this Ordinance shall also subject the violator to the penalties and enforcement actions set for in Sections 5 and 6 of this Ordinance.

**SECTION 5  
LAND DIVISION**

**DETAILS OF PROCEDURES AND STANDARDS FOR DIVISION/COMBINATION OF  
PARCELS OR LOTS WITHIN WATERLOO TOWNSHIP.**

5.01. Land in the township shall not be divided or combined without the prior review by the Land Division Committee and approval of the Township Board. Review and action on any division shall be in compliance with the Michigan Land Division Act of 1968 as amended (MCL 560), the provisions of this ordinance, and the Waterloo Township Zoning Ordinance.

5.02. No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided or combined unless in conformity with the Michigan Land Division Act of 1967 (MCL 560.263) and this Ordinance.

5.03. A parcel or lot that is formed by a division or combination shall not be sold unless the division or combination is approved by the Township Board.

5.04. Land divisions exempt from this ordinance include:

- a. A parcel proposed for subdivision through the processes of platting pursuant to the Michigan Land Division Act of 1968 as amended (MCL 506.103-198);
- b. An exempt split is not subject to approval under this act so long as the resulting parcels are accessible;
- c. A lot in a recorded plat proposed to be divided in accordance with the Michigan Land Division Act 288 of 1967 as amended;
- d. Parcels of 40 acres or more that are accessible and existed on March 31, 1997 or resulted from exempt division under the Michigan Land Division Act 288 of 1967 as amended;
- e. A division creating a parcel that will be transferred to a federal, state, county or local unit of government for public purposes;
- f. Division of a parcel or lot within a recorded site condominium approved through the Michigan Condominium Act.

5.05. A resulting parcel or parcels shall not be considered a building site unless the parcel conforms to the requirements of this ordinance and all other requirements and standards in applicable Waterloo Township ordinances.

5.06. Prior to making any division either by deed, land contract, lease for more than one year, or for building development the proprietor shall file with the Township Assessor an application for the proposed Land Division. This application shall include all of the following:

- a. A completed Application for Land Division (available at the township office).
- b. Proof of fee ownership of the land included in the application (deed or equivalent).
- c. Full names and signatures of all with a proprietary interest in the parcels/lots included in the proposed division.
- d. Proof that all taxes due and payable upon the property have been paid in full.
- e. The reason(s) for the proposed divisions.
- f. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of Michigan Public Act 132 and 72 of 1970 (MCL 54 ). Some of the provisions include, but are not limited to:
  - i. Drawn to scale, at least one inch equaling 100 ft, showing location and sizes to scale of all existing or proposed structures and other improvements, septic tank and fields, well heads, driveways, streets, easements for vehicular travel, ingress and egress to public or private streets, public utility easements, ponds or lakes, streams, wetlands, flood plains, drains, as well as other unique topographic features. Includes a north arrow and the name and credentials of the preparer;
  - ii. Legal descriptions of the parent parcel and all divisions;
  - iii. Showing calculated acreages of all proposed divisions;
  - iv. Prepared and certified by a surveyor or civil engineer licensed to practice in Michigan;
  - v. Official tax ID of the parent parcel.
- g. In lieu of a survey map, and prior to filing an application, the applicant can submit a site plan sketch designated as a tentative preliminary parcel map. This site plan sketch will be reviewed by the Land Division Review Committee for conceptual purposes. The tentative preliminary parcel map will provide all of the features required in a survey map, but does not need a certified survey with placement of monuments. It does require the legal descriptions of existing parcels, and tentatively proposed boundaries and dimensions. When submitting a tentative preliminary parcel map the applicant shall waive the 45-day statutory requirement for a decision and shall include a fee for preliminary review that is set by resolution of the Township Board. The Land Division Committee's comments regarding the proposed land division are not binding upon the application or the Township.
- h. Adequate and accurate legal descriptions of the existing parcel/lot or tract and of all the parcels resulting from the proposed division.
- i. Proof that all standards of the Michigan Land Division Act and this ordinance have been met.
- j. The history and specifications of the land proposed to be divided sufficient to establish that the parcel to be divided is a parent parcel, or if not a parent parcel then it shall provide the history of the land proposed to be divided from the parent parcel to the present, establishing that there are remaining division rights (splits) available and that the parcel was transferred with adequate remaining division rights for the proposed divisions.

- k. Proof that the proposed land division complies with all provisions and requirements of Section 108 "Parent parcel or parent tract; number of parcels resulting from division; limitations; requirements." of the Michigan Land Division Act of 1968 as amended (MCL 560.108).
- l. If transfers of division rights are proposed in the land division , detailed information about the terms and availability of the proposed division rights transfer.
- m. Documentation from the Jackson County Road Commission that all proposed access to streets are acceptable.
- n. Other information reasonably required by the Land Division Review Committee in order to determine whether the proposed land divisions qualify for approval.
- o. All land divisions shall be development sites, containing sufficient buildable area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited therefrom, and sufficient to comply with all required area and width requirements, setback provisions, minimum lot area, access for vehicular ingress and egress, any required off-street parking spaces and other parcel standards in the Township Zoning Ordinance and the Michigan Land Division Act of 1967 unless one or more of the divisions is declared to be used either for:
  - i. Agriculture use, or
  - ii. Forestry use

All such proposed "non-buildable" divisions shall be acknowledged by the applicant as "not buildable" under Section 6.07 of this ordinance; the reasons that they are non-buildable will be explained in the application. All such "non-buildable" divisions will be identified in the certified survey map, and all potential buyers shall be informed that they are designated as non-buildable.

**5.07. Acceptance of the survey map or final approval of the division does not constitute approval of any features on the survey map.**

5.08. The Land Division Review Committee (committee) will expeditiously review the application for completeness and compliance with the Michigan Land Division Act of 1968 as amended, this ordinance and all other applicable township ordinances. The committee will research the Township's records for comparison with the information in the application. If the application is incomplete or information does not match the Township's records; the Township will notify the applicant of the deficiencies or conflicts and advise the applicant to complete the application and/or provide additional information to substantiate the questionable information in the application to the committee. The Township Board may set a separate fee for re-review of an incomplete or questionable application. When the application is determined to be complete and discrepancies or questions on the information have been clarified; the committee will scrutinize the proposed divisions for compliance with the Michigan Land Division Act of 1968 as amended particularly the limitations and requirements in Sections 108 and 109 (MCL 560.108-109), this ordinance and any other township ordinances that might apply. The committee will prepare a report to the Township Board including a checklist of required details in the application to accompany the completed application with survey map and other submitted documents and documentation of fees paid in full. The Report will include tentative tax ID numbers for the proposed divisions.

5.09. Within 45 days of receiving a **completed** application with all required documentation (Michigan Land Division Act of 1968 as amended (MCL 560.109) the Township Board will review the application and the report from the Land Division Review Committee and vote to

approve or deny the application for land division. In making their decision the Township Board shall consider compliance with the applicable provisions of the Michigan Land Division Act 1968 as amended, this ordinance and other township ordinances and policies. Some of the standards that must be met for approval include but are not limited to include:

- a. None of the resulting parcels/lots have a depth greater than 4 times the parcel's width;
- b. All parcels meet the minimum lot width/frontage, and minimum acreage required for the zoning district.
- c. If any parcel/lot borders on a lake, the lake frontage must meet the minimum required by the Township Zoning Ordinance;
- d. Each parcel/lot is accessible.
- e. If the land division involves the use or creation of a private road, approval of the private road must be obtained from the Township in accordance with the Township Zoning Ordinance.
- f. All indebtedness to the Township by the owners of the original parcel shall be paid in full to the Township.
- g. The division does not isolate a cemetery so that it does not have access to a public road.

The action of the Board will be recorded in the minutes of the meeting. The applicant will be promptly notified in writing of the decision. If the application is approved the township's assessor, the Jackson County Office of Equalization and other agencies or officials with jurisdiction, will be notified. If the action is to deny any or all of the application, the reasons for the denial will be provided in writing, and will be included in the notification to the applicant.

5.10. If the application is based on a site plan sketch approval shall be contingent on submission of a Certified Survey Map prepared by the applicant showing the approved divisions. A copy of the Certified Survey Map must be submitted to the township Assessor within 60 days of the approval. The Assessor will determine if the submitted Certified Survey Map is fully consistent with the land division plan used by the Township Board in their contingent approval. **Failure to provide a Certified Survey Map acceptable by the Township Assessor will void the contingent approval.**

5.11. Approval of a land division shall include the assignment of individual tax IDs for each resulting parcel/lots. The resulting legal descriptions will be utilized by the Township Assessor.

5.12. Any approval of a land division must be contingent on: Proof that the land division plan has been recorded with the Jackson Country Registrar of Deeds prior to any sale of any resulting parcel. Such recording shall include the Certified Survey Map and documentation of the Township Board's actions.

5.13. **If the contingent approval of a land division is not a matter of record within one year of action of the Township Board, the approval will expire and newly assigned tax IDs will be voided reverting to the pre-approval tax IDs.**

5.14. The Township Board shall establish by resolution fees for submission and review of Land Division Applications. Such fees shall be adjusted as necessary to cover the costs of review of the application, consideration by the Township Board and cost of administration of this Ordinance.



**5.15. Approval of land divisions is not a determination or implication that a resulting parcel is buildable. All provisions of Township ordinances and building requirements must be satisfied prior to approval of any development. Nor does approval determine that adequate water and septic/ sewer capacity is available.**

5.16. No person shall sell any parcel or lot if it abuts a street or road which has not been accepted as public unless the seller first informs the purchaser in writing on a separate instrument to be attached to the instrument conveying any interest in such parcel or lot of the fact that the street or road is private and is not required to be maintained by the Jackson County Road Commission. In addition, any contract or agreement of sale entered into in violation of this ordinance shall be voidable at the option of the purchaser (Michigan Land Division Act 1968 as amended, MCL 506.261).

5.17. No person shall sell any parcel or lot in any agricultural zoning district unless the sales agreement contains the notice: "This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odor and other associated conditions may be used and are protected by the Michigan Right to Farm Act".

5.18. Penalties:

- a. Any person who violates section 108, 109, 109b, or the exempt split provision of section 103(1) of the Michigan Land Division Act of 1967 as amended or provisions of this ordinance and sells a resulting parcel of land is responsible for the payment of a civil fine of not more than \$1,000.00 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, 1961 PA 236, MCL 600.101 to 600.9948.
- b. Any person who violates any provision of the Michigan Land Division Act of 1967 as amended other than section 108, 109, 109b, or the exempt split provision of section 103(1) or provisions of this ordinance is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

5.19. Any sale of lands subdivided or otherwise partitioned or split in violation of the Michigan Land Division Act of 1967 or this ordinance is voidable at the option of the purchaser, and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

## **SECTION 6**

### **DETAILS OF PROCEDURES AND STANDARDS FOR BOUNDARY ADJUSTMENTS OF PARCELS OR LOTS WITHIN WATERLOO TOWNSHIP.**

The boundaries between parcels or lots in the township shall not be modified without submission of an application to the township for boundary adjustment, the prior review by the Land Division Review Committee and approval of the Township Board. Review and action on any boundary adjustment shall be in compliance with the provisions of this ordinance and the Waterloo Township Zoning Ordinance and all other applicable Ordinances or Resolutions. If the boundary adjustments result in any additional parcels or lots, it is a land division not a boundary adjustment and shall follow the provisions of Section 5 of this Ordinance and the Michigan Land Division Act 1967 as amended.

6.01. There can be no transfer of land between two or more adjacent parcels or lots unless the boundary adjustments have been approved by the Township Board.

6.02. All resulting parcels or lots must remain in conformance with the Michigan Land Division Act of 1968 as amended, the Zoning Ordinance, and applicable ordinance provisions.

6.03. The result of the boundary adjustment shall not cause any parcel/lot, land use, or existing structure to become non-conforming with the applicable township Zoning Districts, uses or structural requirements in the township Zoning Ordinance, and all other ordinances and resolutions.

6.04. Boundary adjustments are not permitted when any of the parcels/lots, existing structures or uses are illegal or nonconforming, unless the result of the boundary adjustment enables that parcel/lot to become conforming. If the noncompliant parcel/lot requires a Special Land Use Permit, the approval of the boundary adjustment that results in a parcel/lot, land use, structure or special land use becoming potentially compliant with applicable ordinances or resolutions does not in of itself approve the Special Use. To obtain a Special Use Permit the provisions and processes of the township Zoning Ordinance must be followed.

6.05. If any land included in the application has or requires a Special Land Use Permit, the proposed adjustments shall not conflict with the provisions of that permit.

6.06. When one or more of the parcels is larger than the minimum lot size in the Zoning District, the same number of parcels shall be as large or larger than the minimum lot size in the District after the boundary adjustment.

6.07. Prior to making any boundary adjustment either by deed, land contract, lease for more than one year, or for building development all proprietors shall file with the Township Assessor an application for the proposed Boundary Adjustment. This application shall include all of the following:

- a. A fully completed Application for Boundary Adjustment (form is available at the township office).
- b. Proof of fee ownership of all land included in the application.
- c. Full names and signatures of all those with a proprietary interest in all of the parcels/lots participating in the boundary adjustment.
- d. Proof that all taxes due and payable upon each of the properties have been paid in full.
- e. A statement explaining the reason for the boundary adjustment.
- f. A survey map of the total land of all parcels/lots included in the boundary adjustment, prepared pursuant to the survey map requirements of Michigan Public Act 132 and 72 of 1970 (MCL 54 ). Some of the provisions include, but are not limited to:
  1. Drawn to scale, at least one inch equaling 100 ft, showing location and sizes to scale of all existing or proposed structures and other improvements, septic tank and fields, well heads, driveways, streets, easements for vehicular travel, ingress and egress to public or private streets, public utility easements, ponds or lakes, streams, wetlands, flood plains, drains, as well as other unique topographic features.
  2. Legal description including areas in acres and official tax IDs for all parcels/lots included in the boundary adjustment.
  3. Existing and resulting setback distances for each structure on all of the parcels/lots.
  4. Legal descriptions of the resulting parcels/lots.
  5. Accurate acreages of the resulting parcels/lots.

6. Prepared and certified by a surveyor or civil engineer currently licensed to practice in Michigan.
- g. In lieu of a survey map, and prior to filing an application, the applicant can submit a site plan sketch designated as a tentative preliminary parcel map. This site plan sketch will be reviewed by the Land Division Review Committee for conceptual purposes. The tentative preliminary parcel map will provide all of the features required in a survey map, but does not need a certified survey with placement of monuments. This site sketch will show the location of all existing survey monuments for the existing boundaries. It does require the legal descriptions of existing parcels, and the tentatively proposed boundaries and dimensions. When submitting a tentative preliminary parcel map the applicant shall include a fee that is set by resolution of the Township Board. The Land Division Review Committee's comments regarding the proposed boundary adjustment are not binding upon the application or the Township.
- h. Accurate legal descriptions of the existing parcels/lots or tracts and of all the parcels resulting from the proposed boundary adjustment.
- i. If any of the land has been approved for a Special Land Use under the township Zoning ordinance, all provisions of that approval must be provided and shown on the survey map or survey sketch submitted.
- j. Documentation from the Jackson County Road Commission that all proposed modifications to the boundaries that affect access to streets are acceptable.
- k. Proof that all standards of the Michigan Land Division Act and this ordinance have been met by all of the parcels/lots after the boundaries are adjusted.
- l. Other information reasonably required by the Land Division Review Committee in order to determine whether the proposed boundary adjustments qualify for approval.
- m. If transfers of division rights are proposed in the land transfers, detailed information about the terms and availability of the proposed division rights transfer.
- n. All parcels/lots resulting from the boundary adjustment shall be development sites, containing sufficient buildable area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited therefrom, and sufficient to comply with all required area and width requirements, setback provisions, minimum lot area, access for vehicular ingress and egress and other parcel standards in the Township Zoning Ordinance and the Michigan Land Division Act of 1967 unless one or more of the divisions is declared to be used either for:
  - i Agriculture use, or
  - ii Forestry use

All such resulting "non-buildable" parcels/lots shall be acknowledged by the applicant as "non buildable" in the application for boundary adjustment. The reasons that they are non-buildable will be explained in the application. All such "non-buildable" divisions will be identified in the Certified Survey Map, and **all potential buyers shall be informed that they are designated as non-buildable.**

6.08. Acceptance of the survey map or final approval of the boundary adjustment does not constitute approval of any features on the survey map.

6.09. The Land Division Review Committee (committee) will expeditiously review the application for completeness and compliance with this Ordinance, the Township Zoning Ordinance and all other applicable township ordinances. The committee will research the township's record for comparison with the information in the application. If the application is incomplete or information does not match the township's records, then the township will notify the applicants of the deficiencies or conflicts and advise the applicants to complete the application and/or provide additional information to substantiate the questionable information in the application and resubmit the application. The Township Board may set a separate fee for re-review of an incomplete or questionable application. When the application is determined to

be complete and discrepancies or questions on the information have been clarified, the committee will scrutinize the proposed boundary adjustments for compliance with the Michigan Land Division Act of 1967 particularly the limitations and requirements in Sections 108 and 109 (MCL 560.108-109), this Ordinance and any other township ordinances that might apply. The committee will prepare a report to the Township Board including a checklist of required details in the application to accompany the completed application with survey map or site sketch and other submitted documents and documentation of fees paid in full. The Report will include tax ID numbers for the parcels/lots with adjusted boundaries.

6.10. Upon receiving a **completed** application with all required documentation from the committee the Township Board will review the application and the Report from the Land Division Review Committee and vote to approve or deny the boundary adjustments. In making their decision the Township Board shall consider compliance with the applicable provisions of the Michigan Land Division Act 1968 as amended, this Ordinance and other township ordinances and policies. Some of the standards that must be met for approval include but are not limited to include:

- a. The effect of the boundary adjustment;
- b. None of the resulting parcels/lots have a depth greater than 4 times the parcel's width;
- c. All parcels meet the minimum lot width/frontage, and minimum acreage required for the applicable Zoning District;
- d. If any parcel/lot borders on a lake, the lake frontage must meet the minimum required by the Township Zoning Ordinance;
- e. Each resulting parcel/lot is accessible;
- f. Each resulting parcel that is a development site is accessible for public utility service through a recorded easement, right-of-way or other means from an existing public utility facility;
- g. Effect of the proposed adjustments on any existing permits.

6.11. If the proposed adjustment involves the transfer of a structure from one parcel to another such transfer shall be documented prior to approval and the parcel that will acquire the structure must receive land use approval for the structure and the structure must comply with Township Ordinances and requirements.

6.12. The Board shall not take action on a portion of the proposed boundary adjustments. If such partial adjustments are contemplated, a new modified application must be submitted to the Township.

6.13. The action of the Township Board will be recorded in the minutes of the meeting. The applicant will be promptly notified in writing of the decision. If the application is approved the township's assessor, the Jackson County Office of Equalization and other agencies or officials with jurisdiction, will be notified. If the action is to deny the proposed boundary adjustments proposed in the application, the reasons for the denial will be provided in writing, and will be included in the notification to the applicant.

6.14. Any approval of a boundary adjustment must be contingent on:

- a. A certificate from a title company stating that all outstanding liens have been reconciled with the adjusted property boundaries.
- b. Proof that the plan has been recorded with the Jackson Country Registrar of Deeds prior to any sale of any resulting parcel. Such recording shall include the Certified Survey Map and documentation of the Township Board's actions.

- c. If the boundary adjustment involves the use, creation or modification of a private road, approval of the private road must be obtained from the Township in accordance with the Township Zoning Ordinance prior to approval of the application.
- d. All property tax indebtedness of the owners of the parcels participating in the boundary adjustment shall be paid in full to the Township.

6.17. If the application is based on a site plan sketch, approval shall be contingent on submission of a Certified Survey Map prepared by the applicant showing the approved boundary adjustments. A copy of the Certified Survey Map must be submitted to the township Assessor within 60 days of the approval. The Assessor will determine if the submitted Certified Survey Map is fully consistent with the plan used by the Township Board in their contingent approval. **Failure to provide a Certified Survey Map acceptable by the Township Assessor will void the contingent approval.**

6.16. If the contingent approval of a boundary adjustment is not a matter of record within six months after action of the Township Board, the approval will expire.

6.17. Final approval of a boundary adjustment shall include the assignment of individual tax IDs for each modified parcel/lots. And the resulting legal descriptions will be utilized by the Township Assessor.

6.18. The Township Board shall establish by resolution fees for submission and review of Boundary Adjustment Applications. Such fees shall be adjusted as necessary to cover the costs of review of the application, consideration by the Township Board and cost of administration of this Ordinance.

**6.19. Approval of boundary adjustments is not a determination or implication that any resulting parcels are buildable. All provisions of township ordinances and building requirements must be satisfied prior to approval of any development. Nor does approval determine that adequate water and septic/sewer capacity is available on the resulting parcels/lots.**

6.20. Any sale of lands resulting from a boundary adjustment inconsistent with or 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 therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

## SECTION 7

### APPEAL OF DECISIONS

An appeal on application decisions for Land Divisions/Combinations and Boundary Adjustments under this Ordinance shall not be appealable to the Waterloo Zoning Board of Appeals. An appeal on such application decisions may be taken to the Circuit Court.

## Section 8

### SEVERABILITY

The provisions of this Ordinance are severable and if any provision or part hereof is determined invalid or unenforceable for any reason by any court of competent jurisdiction, such determination shall not affect the remaining provisions or other parts of this Ordinance.

**SECTION 9**

**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 or alter any provisions in the Zoning Ordinance, the Building Codes or other township Ordinances which shall remain in full force and effect notwithstanding any land division or boundary adjustment approval hereunder.

**SECTION 10**

**EFFECTIVE DATE**

This Ordinance became effective: April 17, 2013

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Waterloo Township Clerk

I hereby certify that the above Ordinance was adopted by the Waterloo Township Board at a regular meeting on April 17, 2013.