

ARTICLE 9.0 ACREAGE PARCEL DIVISION

Section 9.01 Purpose.

The purpose of this Article is to protect the public health, safety, and welfare of the Township by regulating and controlling the division, combination, and boundary adjustment of acreage parcels within the Township; establishing a formal procedure for enhancing land records and governing land divisions, combinations, and boundary adjustments; and ensuring compliance with the state Land Division Act and this Ordinance, including but not limited to lot dimension and area requirements.

Section 9.02 Scope.

The standards set forth in this Article shall be considered minimum requirements and shall apply only to the division, combination, and boundary adjustment of acreage parcels, as defined in Section 19.03 (Definitions).

Section 9.03 Approval Required.

Prior to the entry of any approved divisions, combinations or boundary adjustments on the Township records, the assignment of a tax identification number by the Township Assessor, and the issuance of any building permits or certificates of zoning compliance, division of or other alterations to acreage parcels located in the Township shall be subject to approval by the Planning Commission in accordance with the standards of this Article.

Any acreage parcel division, combination or boundary adjustment that has not been first approved by the Planning Commission shall not be considered to be valid under this Ordinance, and shall not be placed on the Township tax rolls as a separate and individual parcel of land and lot of record. The Township shall not issue building permits or certificates of zoning compliance for any acreage parcel divided or otherwise altered in violation of this Article.

Section 9.04 Application Information.

Application for the division, combination or boundary adjustment of an acreage parcel located in Freedom Township shall be made by filing with the Township Clerk at least ten (10) paper copies and at least one (1) digital copy of a complete and accurate application form with all required supporting documents, and the required review fee. The application shall include the following minimum information:

1. **Owners.** The name of all owners of the acreage parcel or parcels and their signatures.
2. **Legal description and survey.** Legal descriptions and surveys prepared by a registered land surveyor or civil engineer of the existing parcel(s), and of the proposed parcels(s) which will remain after the planned division(s), combination(s) or boundary adjustment(s). The surveys shall include the following minimum information:

- a. North arrow, date, map scale, and location map;
 - b. Existing and proposed lot lines, gross and net lot areas, and dimensions;
 - c. Existing utilities and county drains within 50 feet of the lot(s) to be split;
 - d. Location and dimensions of existing and proposed easements and rights-of-way, lot numbers, roadways, and lot icons; and
 - e. Existing structures on the proposed lot(s), with setback distances from existing and proposed lot boundaries.
3. **Tax bill.** A copy of the most recent tax bill pertaining to the parcel.
 4. **Restrictions.** A copy of all existing and/or proposed restrictions or covenants that apply to the land.
 5. **Communications.** The name, address, and contact information for the person to whom all written or oral communications concerning the division are to be directed, along with the specific designation of the person acting as the agent for all the owners and a statement by the owner verifying whether a building permit has been obtained or applied for regarding the parcel.
 6. **Signature on application.** All owners whether they own the land before or after such division or other alteration shall sign the required application form. Where the proposed change will result in the combining of the remaining land, the owners of the land to be combined also shall sign the application form.

Section 9.05 Approval Process.

Review of such applications shall be subject to the following:

A. Verification of Application Completeness.

The Township Clerk shall forward copies of the application materials to the Zoning Administrator, Township Planner, and Planning Commission. The Zoning Administrator shall review the application and advise the Planning Commission as to the completeness of the application and supporting documents. The Zoning Administrator may also request review and comment from the Township Planner.

B. Planning Commission Action.

Upon receipt of the complete and accurate application and any comments from the Zoning Administrator and/or Township Planner, the Planning Commission shall review the application materials to verify compliance with the requirements of this Article and Ordinance, including Section 9.06 (Standards for Approval).

1. The Planning Commission shall approve, approve with conditions, or deny an application for an acreage parcel division, combination or boundary adjustment under this Article within 45 calendar days following receipt of notice from the Zoning Administrator that the application is complete and accurate.

2. Planning Commission action on the application shall be recorded in the Planning Commission meeting minutes, stating the name and location of the parcel(s), land survey date(s), findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval.

C. Conditions for Approval.

In granting an application for an acreage parcel division, combination or boundary adjustment under this Article, the Planning Commission shall impose any conditions deemed necessary to achieve the objectives and standards of this Article and Ordinance, and the public health, safety, and welfare. Failure to comply with any such conditions shall be considered a violation of this Ordinance.

D. Recording of Planning Commission Action.

The Planning Commission shall advise the applicant in writing of its action on the application. A copy of the minutes of the meeting at which action was taken sent by first class mail may constitute the written notification. At least one (1) copy of the application documents shall be marked APPROVED or DENIED as appropriate, with the date that action was taken and a list of any conditions of approval, and shall be placed on file at the Township offices per State of Michigan retention guidelines.

Section 9.06 Standards for Approval.

The Planning Commission shall approve the application upon determination that the proposed acreage parcel division, combination or boundary adjustment conforms to the following standards:

1. **Zoning compliance.** No application shall be approved unless the minimum requirements of this Ordinance are met with regard to each resulting lot, including:
 - a. The application and supporting documents are complete and accurate.
 - b. All requirements of this Article have been met, and the proposed division or other alteration(s) conform to the requirements of this Article and Ordinance.
 - c. All resulting lots and existing structures on such lots conform to Zoning Ordinance standards, including Article 3.0 (Dimensional Standards).
2. **Frontage.** All resulting lots shall front upon a public road, or an approved private road pursuant to the Township's Private Road Ordinance No. 12.
3. **Access.** No parcel shall be created unless accessibility is provided by either a public road, or an approved private road pursuant to the Township's Private Road Ordinance, and constructed on a permanent unobstructed easement.
 - a. A shared driveway serving two parcels may be allowed if constructed on a permanent, unobstructed easement in accordance with the Private Road Ordinance.

- b. Parcels may only be created prior to road construction on a private road approved pursuant to the Township's Private Road Ordinance.
4. **Parcel layout.** The size, shape, and orientation of the resulting parcel(s) 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 access to remaining or abutting properties shall be taken in to consideration by the Township when reviewing a proposed parcel division.
5. **Utility easements.** No application 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.
6. **Compliance with the Land Division Act.** In no event shall approval be granted where the divisions, combinations or boundary adjustments are contrary to or in violation of the state Land Division Act.

Section 9.07 Re-Application.

No acreage parcel division, combination or boundary adjustment application denied wholly or in part by the Planning Commission shall be resubmitted for a period of 365 calendar days from the date of denial, except on grounds of new evidence or changed conditions as accepted by the Zoning Administrator.

Section 9.08 Appeal.

Administrative appeals of any Planning Commission decision on applications for an acreage parcel division, combination or boundary adjustment under this Article shall be made to the Zoning Board of Appeals in accordance with the provisions of Article 17.0 (Zoning Board of Appeals).

Section 9.09 Fees.

The fee and escrow deposit required to be paid to the Township upon submission of an application for an acreage parcel division, combination or boundary adjustment under this Article shall be established by the Township Board of Trustees per Section 1.11 (Fees and Performance Guarantees).

Section 9.10 Exclusivity.

No acreage parcel may be divided or otherwise altered in the Township except in accordance with the terms of this Article.

Section 9.11 No Effect on Dimensional Standards.

Nothing in this Article shall alter or reduce the dimensional standards required per Article 3.0 (Dimensional Standards) of this Ordinance.