

ARTICLE R 16

SECTION R 16.01 FRUITLAND TOWNSHIP LAND DIVISION ORDINANCE

SECTION R 16.02 TITLE, SCOPE AND PURPOSE

- A. This Ordinance shall be known and may be cited as the “Fruitland 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 Fruitland 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 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 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, than the provisions of this Ordinance shall govern.
- D. The purpose of this Ordinance is to regulate the division of land within Fruitland 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 R 16.03 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 Fruitland Township.
- C. *Board or Township Board* means the Fruitland Township Board of Trustees.
- D. *Clerk* means the Fruitland Township Clerk.
- E. *Commission or Planning Commission* means the Fruitland Township Planning and Zoning Commission.
- F. *County* means Muskegon County.
- G. *County Road Commission* means the Muskegon County Road Commission.
- H. *Engineer* means the professional consulting engineer for Fruitland Township.
- I. *Planner* means the professional consulting planner for Fruitland Township.
- J. *Township* means Fruitland Township.
- K. *Zoning Administrator* means the Zoning Administrator for Fruitland Township.
- L. *Zoning Ordinance* means the Zoning Ordinance of Fruitland Township.

SECTION R 16.04 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 Fruitland 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. a 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;
 - 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 division;
 - f. evidence of approvals from the County Health Department for on-site water supply and sewage disposal, and
 - g. three (3) copies of a complete tentative parcel map drawn to scale which shall not be 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 or utility easements to be located within any proposed lot or parcel. 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. Applications for the land divisions shall not be accepted unless all of the required materials are submitted and are complete.
 4. The application, along with the required materials, shall be forwarded to the Zoning Administrator.
- B. Land divisions shall be reviewed and approved by Zoning Administrator. The Zoning Administrator shall review the applications and such other 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.
 - C. The approval, approval with conditions or denial of a land division application shall be accomplished within forty-five (45) days after a complete application is filed with and accepted by the Township Clerk.
 - D. 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 Fruitland Township Zoning Ordinance or any other applicable ordinances or regulations.
 - E. Land division approvals shall be valid for a period of one year from the date of approval by the zoning administrator. If such lots or parcels proposed by the land division are not properly recorded and accepted by Muskegon 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. (Effective July 28, 1999)
(Ordinance NO. 100-21)

SECTION R 16.05 LAND DIVISION REQUIREMENTS

- A. Maximum Width to Depth Ratio
 1. No lot shall be created with a lot depth that exceeds four times the lot width, except as permitted by the Township Zoning Ordinance.
- B. Access
 1. Any land division shall front upon a public street or private right-of-way or easement meeting the requirements of the Fruitland 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, Fruitland Township, State of Michigan or other authority having jurisdiction over the roadway to which access is planned.
- C. A lot or parcel created by a land division shall comply with all requirements of this Ordinance and other applicable ordinances and regulations.
- D. The Zoning Administrator may stipulate such additional conditions and safeguards deemed necessary to ensure compliance with the requirements of this Ordinance and Land Division Act. The Zoning Administrator may require the applicant to record a notice to potential purchasers that they may need additional approvals from Fruitland Township or other governmental agencies to make use of parcels created by a land division.

SECTION R 16.06 REMEDIES AND ENFORCEMENT

- A. Any person, firm or corporation who violates a provision of this ordinance or any person who knowingly or intentionally aids or abets another person in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.
- B. A violation of any provision of this ordinance is declared to be a nuisance per se. Any person who violates this ordinance shall also be subject to a civil action to invalidate land divisions or for other appropriate equitable or legal remedies, including injunctive relief.

SECTION R 16.07 ADOPTION AND EFFECTIVE DATES

This Ordinance was adopted on May 19, 1997 and shall take effect thirty (30) days after publication.

Adoption Date: May 19, 1997
Publication Date: June 2, 1997
Effective Date: July 2, 1997
Ordinance No. 100-13

Amended: April 18, 2005 to amend numbering, article and section identification
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