



City of Beaverton

128 Saginaw Street PO Box 477

Beaverton, Michigan MI 48612

989.435.3511

LAND DIVISION ORDINANCE ORDINANCE 2019-5

An ordinance to regulate partitioning, division, splitting, combination, and subdivision of parcels or tracts of land, enacted, pursuant to but not limited to the Land Division Act, PA 288 of 1967, as amended, (MCL 560.101, et seq); to provide a procedure for a partition, subdivision, lot splitting, combination, or division and to prescribe penalties and enforcement remedies for the violation of this ordinance.

Section 1. Title. This ordinance shall be known as the City of Beaverton Land Division Ordinance.

Section II. Purpose. The purpose of this ordinance is to carry out the provisions of the Land Division Act, PA 288 of 1967, as amended, MCL 560.101, et seq., to prevent the creation of parcels of property which do not comply with applicable ordinances and the Act, to minimize potential boundary disputes, to maintain orderly development of the community and otherwise provide for the health, safety and welfare of the residents and property owners of the City by establishing reasonable standards for prior review and approval of certain land divisions and combinations within the City.

Section III. Definitions. The terms defined in the Land Division Act, including MCL 560.102, will have the same meaning for the terms as used in this ordinance.

Section IV. Prior Approval Requirement for Division, Subdivision, or Combination of Land. A. Land in the City may not be divided, subdivided or combined without prior review and approval of the City Manager, or other official designated by the City Council, in accordance with this ordinance and the Land Division Act. B. The City Council may attach to a request for division, subdivision or combination conditions that reasonably further this ordinance's purpose. C. All resulting parcels must meet the minimum lot size requirements as defined within the applicable zoning districts in which it is located. All resulting lots shall abut a public road or an existing deeded right-of-way. All resulting lots must conform to all other appropriate City ordinances.

Section V. Application for Division, Subdivision or Combination Approval. An applicant must file all of the following with the City Manager or other official designated by City Council for review and approval of a proposed division, subdivision or combination before dividing, subdividing or combining land either by deed, land contract or similar instrument: A. A completed application on such form as may be provided by the City. B. Proof of fee ownership of the land proposed to be divided, subdivided or combined. C. A map of the lot and approximate location of all structures (existing or proposed) showing the dimension and legal description of the entire lot and the dimensions and legal description of each lot to be split to be made. D. Proof that all standards of the Land Division Act in this ordinance have been met. E. History of any prior land division. F. If a transfer of division rights is proposed in the land transfer detailed information about the terms and availability of the proposed division rights transfer payment of a fee established by the City Council resolution to cover the cost of review of the application and administration of this ordinance. G. Any other supporting documentation, including but not limited to a certified survey, that the City Manager or other designated official may from time to time require in order to evaluate and process any application for a division, subdivision or combination request.

Section VI. Procedure for Review and Approval. A. Upon receipt of an application to divide, subdivide or combine parcels, tracts or land, and all other supporting documents, the City Manager or other official designated by the City Council shall approve, approve with reasonable conditions to assure compliance with this ordinance, or disapprove the lot division within forty-five days after receipt of the complete application package. B. Any person or entity aggrieved by the decision of the City Manager or designee may, within thirty days, appeal the decision to the City Council. Upon receiving notice of the appeal, City Council must send notice of the hearing date to the appealing party. The hearing must be scheduled at the next regularly scheduled meeting that allows for at least twenty days written notice to the appealing party. During the appeal, the City Council must consider and resolve the appeal by a majority vote. C. The City Manager or designee must maintain an official record of all approved divisions, subdivision and combinations. D. Approval of an application is not a determination that the resulting parcels comply with zoning ordinances, other ordinances or regulations. E. Approval of a land division or combination does not grant or imply approval for the use of such resulting lots or parcels. F. The City Manager and City Council, on appeal, shall disapprove any application if it would result in a "nonbuildable" lot such that the lot has insufficient size, configuration or similar characteristics that would prohibit it from being used for new construction under the zoning ordinance, other ordinances or regulations. G. The City may require such additional conditions and safeguards as are deemed necessary to ensure compliance with the requirements of this ordinance.



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Section VII: Enforcement and Penalties for Failure to comply with the Ordinance. A. Injunctive Relief. The City may seek injunctive or other relief to prevent any violation or continuation of any violation of this ordinance. B. Freeze on Permits. Any subdivision or combination of land in violation of this ordinance is ineligible for any zoning or building permit for any construction on said parcel. C. A violation of any provision of this ordinance not corrected within thirty (30) days shall hereby be declared to be a nuisance per se. D. Civil Infraction. Any person, firm or corporation who violates the provision of this ordinance is responsible for municipal civil infraction. A penalty of \$100.00 together with any costs assessed by the court shall be imposed. E. Severability. This ordinance and its various parts are severable if any portion of this ordinance is declared to be invalid and such declaration does not affect the validity of the remainder of the ordinance. F. Effective Date. This ordinance shall become effective 30 days after its publication or publication of a summary thereof in a newspaper in general circulation within the City of Beaverton.

City Council of the City of Beaverton, AUTHENTICATED: Gladwin County, Michigan By: halitun JANELLE KEEN, City Clerk Mul M. 20 RAY NĀNU, Mayor the Clerk of the City of Beaverton, Gladwin County, and I do hereby certify that this Land Division Ordinance was adopted by the City Council of the City of Beaverton at a regular meeting of the City Council held on the 2152 day 2019 at the Beaverton Area Community Center.

The vote on said Ordinance, 5 members being present and 1 members being absent, was as follows:

AYES: 5

NAYS: 7

City Clerk 1, Janelle Keen, the City Clerk of the City of Beaverton, do hereby certify that this Ordinance, or a summary of it, was published on the 241 day of Uchbein Midland Daily News, a newspaper of general circulation in the City of Beaverton, within (30) days after adoption of the Ordinance. Dated:2019 JANELLE KEEN, City Clerk