

**OTSEGO LAKE TOWNSHIP
COUNTY OF OTSEGO**

**TOWNSHIP NO.97-2
ORDINANCE REGARDING FURTHER DIVISION**

Adopted: 10-30-97

Effective: 11-7-97

AN ORDINANCE to regulate the partitioning or dividing of an existing lot, outlot or other parcel of land in a recorded plat, pursuant to Michigan Public Act 288 of 1967 as amended, and Act 246 of 1945, as amended, being the Township General Ordinance Statute; and to provide a procedue therefore.

THE TOWNSHIP OF OTSEGO LAKE ORDAINS:

Section 1: TITLE: This ordinance shall be known and cited as the Otsego Lake Township Ordinance Regarding Further Division.

Section 2: PURPOSE: The purpose of this ordinance is to carry out the provisions of Sections 263 of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), and to provide for the partitioning or dividing of any lot, outlot or other parcel of land in a recorded plat.

Section 3: APPLICATION FOR PARTITION OR DIVISION: An applicant shall file with the municipal clerk, or other official designated by the governing body for review and approval, a request to partition or divide a lot, outlot or other parcel of land in a recorded plat.

- A. The application shall be on such form as may be provided by the municipality or in the absence of an approved form shall be in such form as may reasonably inform the municipality of the requested action. The applicant may be a natural person, firm, association, partnership, corporation, municipal corporation (including the municipality) or combination of any of them that holds an ownership interest in land, whether recorded or not.
- B. The applicant shall submit with the application a copy of a recorded survey, plat, or other map showing the location and dimensions of the existing street, alley, or other public land for which municipal action is sought.
- C. The applicant shall submit such fee as may from time to time be established by resolution of the governing body of the municipality pursuant to this ordinance to cover the costs of review of the application and administration of this ordinance.

Section 4: STANDARDS FOR APPROVAL: A proposed partition or division of an existing lot, outlot, or other parcel of land in a recorded plat shall be approved if the following criteria are met:

- A. The governing body of the municipality shall consider the application at a regular or special meeting, provided that notice of said meeting is provided in accordance with notice requirements.
- B. If the governing body of the municipality approves the partition or division of the lot, outlot, or other parcel of land in a recorded plat, a resolution shall be adopted.
- C. All parcels created by the partition or division of a lot, outlot, or other parcel of land in a recorded plat shall:
 - 1. Be added to and become a part of an existing lot, outlot, or other parcel of land in the recorded plat immediately adjoining the lot, outlot, or other parcel to be partitioned or divided; or
 - 2. Create a lot, outlot or other parcel of land which is not in violation of any then existing zoning ordinances for the County of Otsego, or ordinances of the municipality, including lot size, width, depth or accessibility.
- D. A lot, outlot or other parcel of land shall not be further partitioned or divided, if the partitioning or dividing shall result in more than four parts.
- E. Any lot, outlot or other parcel to be divided not served by public sewer and public water systems shall not be further partitioned or divided if the resulting lots, outlots or other parcels are less than the minimum width and area provided for in the State Land Division Act.

Section 5: RECORDING: Immediately following the adoption of a resolution or ordinance partitioning or dividing a lot, outlot, or other parcel of land in a recorded plat, the governing body shall cause a resolution to be recorded with the Register of Deeds for Otsego County.

Section 6: SEVERABILITY: The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

Section 7: REPEAL: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this ordinance shall not be construed to repeal any provision in any other ordinance of the municipality.

Section 8: EFFECTIVE DATE: This ordinance shall take effect on November 7, 1997.

Township of Otsego Lake
Lorraine Markovich, Clerk