

**LODI TOWNSHIP
WASHTENAW COUNTY
MICHIGAN**

Ordinance No. 2021-001

AN ORDINANCE ADOPTED PURSUANT TO PUBLIC ACT 110 OF 2006 AS AMENDED (MCL 125.3101 *et seq.*), PUBLIC ACT 246 OF 1945 AS AMENDED (MCL 41.181 *et seq.*), AND PUBLIC ACT 288 OF 1967 AS AMENDED (MCL 560.101 *et seq.*) TO SECURE THE PUBLIC SAFETY, HEALTH, AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF LODI, WASHTENAW COUNTY, MICHIGAN, TO UPDATE AND AMEND THE LODI TOWNSHIP “ACREAGE PARCEL DIVISION” ORDINANCE FOR THE PURPOSE OF REGULATING AND CONTROLLING THE DIVISION OF ACREAGE PARCELS WITHIN LODI TOWNSHIP; BY ESTABLISHING A FORMAL PROCEDURE FOR GOVERNING PROPERTY DIVISIONS AND ENHANCING LAND RECORDS; BY ENSURING COMPLIANCE WITH THE LODI TOWNSHIP ZONING ORDINANCE, INCLUDING BUT NOT LIMITED TO LOT DIMENSION REQUIREMENTS; BY ENSURING COMPLIANCE WITH THE LAND DIVISION ACT; BY ESTABLISHING A MECHANISM FOR MONITORING THE CREATION OF NEW PROPERTY DIVISIONS; AND TO PROVIDE PENALTIES AND REMEDIES FOR VIOLATIONS.

THE TOWNSHIP OF LODI, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

Section 1: Title.

This ordinance shall be known and cited as the “Acreage Parcel Division Ordinance.”

Section 2: Purpose.

The purpose of this Ordinance is to protect the public health, safety and welfare of the residents and property owners of Lodi Township by establishing a formal procedure for governing property divisions and enhancing land records; by ensuring compliance with the Lodi Township Zoning Ordinance (“Ordinance”), including but not limited to lot dimension requirements; by ensuring compliance with the Land Division Act, Public Act 288 of 1967, as amended; to minimize potential boundary disputes; to maintain orderly development of the community; and by establishing a mechanism for monitoring the creation of new property divisions.

Section 3: Definitions.

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated.

ACREAGE PARCEL: Any parcel of land in the Township which is not a lot or lots forming a subdivision regulated by the Land Division Act and which is not a site condominium or Planned Unit Development under the Lodi Township Zoning Ordinance.

ASSESSOR: The person hired to do the Township assessing and in charge of the assessing department; and shall not refer to the Township Supervisor, even though the Township Supervisor may be by statute charged with the responsibility for Township assessments.

BOARD OF APPEALS: The Township Zoning Board of Appeals.

DIVIDE OR DIVISION: The partitioning or splitting of a parcel or tract of land by the owner 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 Land Division Act. Division does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act or the requirements of an applicable local ordinance.

“EXEMPT SPLIT” or “EXEMPT DIVISION”: The partitioning or splitting of a parcel or tract of land by the owner 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. For a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this Land Division Act or the requirements of any applicable Lodi Township ordinance.

FORTY ACRES OR THE EQUIVALENT: Means 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

LAND DIVISION ACT: Public Act 288 of 1967, as amended, MCL 560.101 *et seq.*

OWNER: Any person who holds legal title, and/or equitable title evidenced by a duly executed land contract signed by the owners of legal title. If more than one person holds legal and/or equitable title, all of such persons shall be deemed the owner. Wherever the word "owner" appears herein, all persons holding any legal or equitable interest shall be deemed referred to, and in the event signatures are required, all of such persons shall be deemed as being required to sign. Owner shall include ownership interests which are not recorded with the County Clerk/Register of Deeds as well as interests which are recorded.

REGISTERED LAND SURVEYOR OR CIVIL ENGINEER: A person licensed by the State

of Michigan as a registered land surveyor or civil engineer at the time of his or her performance of any of the services required pursuant to this Ordinance.

ZONING INSPECTOR OR DESIGNATED REPRESENTATIVE: The person hired by the Township Board of Trustees to administer and enforce the provisions of the Zoning Ordinance and assigned various duties pursuant to this Ordinance or other Township Ordinances.

Section 4: Prior Approval for Acreage Parcel Divisions Required.

- A. Every Division of an acreage parcel located in Lodi Township shall be approved by the Township Assessor. No acreage parcel division shall be considered a valid division of such property unless this prior approval has been obtained.
- B. Any acreage parcel division which has not been first approved by the Township Assessor shall not be considered a valid division of such property under the terms of the Lodi Township Zoning Ordinance and shall not be placed on the Township tax rolls as a separate and individual parcel of property.
- C. The Township shall not authorize building permits for any acreage parcel divided in violation of this Section of this Ordinance.
- D. The following are exempted from the requirement for prior approval:
 - 1. A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act.
 - 2. A lot in a recorded plat proposed to be divided in accordance with the Land Division Act.
 - 3. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997 or resulted from exempt splitting under the Land Division Act.

Section 5. Administration and Review.

A. Application.

- 1. **Required Application and Fee.** Application for the division of an acreage parcel located in Lodi Township shall be made by filing with the Township Clerk a completed application form containing all information required by this Section and the required fee.
- 2. **Contents of Application.** The application shall contain at least the following information:
 - a) **Owners.** The name of all owners of the acreage parcel or parcels and their signatures and proof of ownership.
 - b) **Legal Description and Survey of Existing Parcel.** A legal description and survey prepared by a registered land surveyor or civil engineer of the existing and adjacent parcels including owners, tax I.D., and acreage planned for division which description shall contain the acreage, all of which may be

incorporated in the survey provided pursuant to subparagraph (d) below.

- c) **Tax Bill.** A copy of the most recent tax bill pertaining to the parcel and proof that one of the following has been satisfied:
 - a. All property taxes and special assessments due on the parcel or tract subject to the proposed division for the 5 years preceding the date of the application have been paid, as established by a certificate from the county treasurer of the county in which the parcel or tract is located. If the date of the application is on or after March 1 and before the local treasurer of the local tax collecting unit in which the parcel or tract is located has made his or her return of current delinquent taxes, the county treasurer shall include with his or her certification a notation that the return of current delinquent taxes was not available for examination. The official having authority to approve or disapprove the application shall not disapprove the application because the county treasurer's certification includes such a notation. The county treasurer shall collect a fee for a certification under this subdivision in an amount equal to the fee payable under section 1(2) of 1895 PA 161, MCL 48.101, for a certificate relating to the payment of taxes under section 135 of the general property tax act, 1893 PA 206, MCL 211.135.
 - b. If property taxes or special assessments due on the parcel or tract subject to the proposed division have not been paid, the unpaid property taxes or special assessments have been apportioned by the township or city assessing officer as provided by section 53 of the general property tax act, 1893 PA 206, MCL 211.53. Any apportioned property taxes or special assessments are a lien against the parcels or tracts as apportioned by the assessing officer and shall be treated in the same manner as property taxes and special assessments of the year of the original assessment for the purpose of collection and sale for delinquent taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.
- d) **Legal Description of Planned Parcel.** A legal description and survey prepared by a registered land surveyor or civil engineer of the parcel which will remain after the planned division including but not limited to the following information:
 - a. North arrow, date, and scale.
 - b. Existing and proposed lot lines and dimensions.
 - c. Existing utilities and County drainage courses within fifty (50) feet of the lot(s) to be split.
 - d. Location and dimensions of existing and proposed easements, lot numbers, roadways and lot irons.
 - e. Existing structures on the proposed lot(s).
- e) **Restrictions.** A copy of all existing and/or proposed restrictions and covenants which apply to the land.
- f) **Agent.** The person to whom all written or oral communications concerning the division are to be directed, with the specific designation of the person

acting as the agent for all owners.

g) Statements.

- a. **Building Permit.** A statement by the owner as to whether a building permit has been obtained or applied for regarding the original parcel.
- b. **Denial.** A statement by the owner as to whether an application for division of the parcel has been denied by the Township within 365 days of the date of the filing of the current application.

h) Proofs. Proof that all standards of the Land Division Act and this Ordinance have been met.

i) Transfers of division rights. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division transfer.

B. Standards for Approval.

1. **Zoning Compliance.** No application for the division of acreage parcels shall be approved unless the requirements of this Ordinance and the applicable zoning district are met with regard to each resulting parcel.
2. **Access.** No parcel shall be created unless accessibility is provided by either a public road meeting the requirements of the Washtenaw County Road Commission, or a private road meeting the requirements of the Lodi Township Zoning Ordinance Private Road Regulations. A shared driveway serving two parcels may be allowed if constructed on an unobstructed easement with a recorded written legal agreement, and approved by the Lodi Township Board. Parcels may not be created on a private road prior to road construction and no zoning compliance permit for a building shall be issued for any lot with its access from a private road unless the private road is completed, including that all road signs, stop signs, and other traffic control devices have been installed and a certificate of completion has been issued by the Township Clerk, except that the zoning compliance permit for a building can be issued prior to all road signs, stop signs, and other traffic control devices being upon the recommendation of the Township Engineer or other designated Township representative. All parcels created and remaining shall have existing adequate accessibility for emergency and other vehicles.
3. **Parcel Layout.** The size, shape and orientation of the parcel divisions 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, including that each parcel created and remaining have a minimum road frontage equal to the minimum required lot width for the applicable Zoning District. The development, divisions and/or access to remaining or abutting properties shall be taken into consideration by the Township when reviewing a proposed parcel division.
4. **Utility Easements.** No application for the division of acreage parcels 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.

- 5. Compliance with Land Division Act.** In no event shall approval be granted where the divisions are contrary to, or in violation of the Land Division Act.
- C. Final Approval.** Prior to the entry of any approved divisions on the Township's records and the assignment of a tax identification number by the Township Assessor and the issuance of a proposed building permit, the applicant shall have submitted to the Township Assessor all of the documents required according to this Section and, based upon all conditions being met, the Township Assessor shall have approved a proposed division of an acreage parcel located in the Township.
- D. Township Assessor's Decision.**
1. The Township Assessor shall approve, approve with conditions, or deny an application for a proposed division within 45 days after the filing of a completed application conforming to the requirements of this Ordinance and the Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
 2. The Assessor's decision, the basis for the decision, and any conditions imposed, shall be described in a written statement, which shall be made a part of the records maintained by the Township Assessor.
 3. The approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. Liability.** The Township and all associated, affiliated, allied or subsidiary entities, or commissions, officers, agents, representatives, consultants, contractors, and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.
- F. Conditions for Approval.** Before granting a tax I. D. number for a proposed division, the Township Assessor shall ensure that the requirements of this Ordinance are met.
- G. Re-Application.** No application for a proposed division that has been denied wholly or in part by the Township Assessor shall be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions.
- H. Appeal.** In the event an interested person is aggrieved by the decision of the Township Assessor based upon the review conducted pursuant to this Ordinance, an appeal may be filed by the owner to the Lodi Township Zoning Board of Appeals pursuant to this Ordinance and the procedures and rules for Administrative Appeals to the Zoning Board of Appeals set forth in Article 59 of the Lodi Township Zoning Ordinance.
- I. Fees.** The fee required to be paid to the Township upon submission of an application shall be established by the Township Board of Trustees.
- J. Exclusivity.** No acreage parcel may be divided in the Township except in accordance with the terms of this Ordinance.

- K. **No Effect on Bulk Regulations.** Nothing in this Ordinance shall alter or reduce the bulk regulation requirements contained in Section 55.07 of the Lodi Township Zoning Ordinance.

Section 6: Consequence of Noncompliance with Land Division Approval Requirement.

- A. Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township Tax roll or assessment roll until assessing officer refers the suspected violation or potential non-conformity to the county prosecuting attorney and gives written notice to the person requesting the division, and the person suspected of the violation or potential non-conformity of such referral to the prosecuting attorney. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto.
- B. In addition, any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. Costs of not more than \$500.00 shall be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.
- C. Pursuant to MCL 560.267 of the Land Division Act, an unlawful division or split shall be 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: Severability

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 8: Repeal

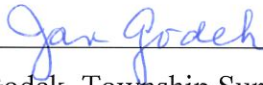
All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 9: Savings Clause.


The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 10: Effective Date

This Ordinance shall be published once in a newspaper having general circulation in Lodi Township and shall take effect 30 days after the first publication as required by law following adoption by the Township Board.




Jan Godek, Township Supervisor



Christina Smith, Township Clerk

Clerk's Certification

I, Christina Smith, Clerk for Lodi Township, Washtenaw County, Michigan, hereby certify that the foregoing is a true and correct copy of Ordinance No. 2021-001 of Lodi Township, adopted by resolution at a meeting of the Township Board of Trustees held on September 7, 2021, and the whole thereof now in my custody.



Christina Smith, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Lodi Township Hall, 3755 Pleasant Lake Road, Ann Arbor, Michigan 48103. The office hours are 8:30 a.m. until noon Monday through Friday.

Adopted: 9/7/2021

Published: 9/15/2021

Effective: 10/15/2021