

**BRIDGEWATER TOWNSHIP ORDINANCE NUMBER 45
AN ORDINANCE TO REPEAL ORDINANCE NUMBER 29 AND TO ADOPT A
REVISED BRIDGEWATER TOWNSHIP LAND DIVISION ORDINANCE**

Bridgewater Township ordains.

Section One: That following ordinance be adopted for the purpose of regulating land divisions:

SECTION 1.01 - TITLE

This ordinance shall be known and cited as "The Bridgewater Township Land Division Ordinance."

SECTION 1.02 - PURPOSES

The purposes of this Ordinance are:

- To monitor, regulate and establish standards and procedures for the creation of new parcels.
- To inform and educate property owners regarding zoning ordinance standards for the size and design of property divisions.
- To prevent the creation of substandard lots.
- To ensure that new parcels have adequate access to a public road.
- To improve communication and coordination between Township and County governmental units regarding land divisions.
- To insure compliance with The Land Division Act, as amended (MCLA 560.101 et seq.).

SECTION 2.01 - DEFINITIONS

- A. ACREAGE PARCEL - Any parcel of land which is not within an approved and recorded plat or condominium development.
- B. DIVIDE OR DIVISION - The partitioning or splitting of a lot, acreage parcel or tract into two or more parcels. Division includes a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel.
- C. LOT - A measured portion of a parcel or tract of land which is described and fixed in a recorded plat.
- D. PARENT PARCEL OR PARENT TRACT - A lot, acreage parcel or tract, respectively,

lawfully in existence on March 31, 1997.

- E. PERSON - A natural person, firm, corporation, association, partnership, or combination of any of them.
- F. PLAT - The division of land as a part of an approved and recorded plat pursuant to the laws of the State of Michigan.
- G. RESULTING PARCEL - The parcel(s) which result from an approved division.
- H. REVIEWERS - The Bridgewater Township Zoning Administrator and Planning Commission Chairperson, and/or others as designated by the Township Board.
- I. TRACT - Two or more lots or acreage parcels that share a common property line and are under the same ownership.
- J. Terms not defined shall have the meaning as set forth in the Bridgewater Township Zoning Ordinance and the Land Division Act, as amended.

SECTION 3.01 - LAND DIVISION APPROVAL REQUIRED

- A. No person shall divide any lot, acreage parcel or tract except in accordance with the provisions of this ordinance, unless approved as a part of a recorded plat.
- B. Review and approval under this ordinance is not required where all resulting parcels are greater than 40 acres.

SECTION 4.01 - THE APPLICATION PROCESS

The following information must be submitted with all applications for the division of any lot or any parcel of land located in Bridgewater Township:

- A. A completed application form, as provided by the Township (Number of copies for submittal as specified in the application packet).
- B. Written verification and proof of ownership of all owners of record of the parent parcel or parent tract.
- C. A documented history of ownership of the parent parcel or parent tract to be divided as of January 1, 1997 through date of application, including any adjacent lots or acreage parcels which were under the same ownership.
- D. The parcel identification number(s) of the parent parcel or parent tract and a copy of the most recent tax bill pertaining to all the parcel(s) involved in the division.
- E. A true and accurate survey prepared by a land surveyor or engineer registered in the

State of Michigan, including both a drawing to scale and full legal description, of the parent parcel or tract. The survey shall include the following:

1. All dimensions of existing property lines and easements;
2. Location of all existing buildings, wetlands, lakes, streams, ponds, drives, public and private roads, easements, wells and septic fields, including setbacks from all property lines;
3. The size (acres) of parent parcel or tract.

The reviewers may waive the required survey where they find that the legal description and supporting drawings or plans (such as previously prepared surveys and legal descriptions for adjoining parcels) are adequate to insure the accuracy of the application materials.

- F. A scale drawing of the parent parcel or tract as it will appear following the proposed division, including the following information:
1. North arrow, date and scale.
 2. Existing and proposed lot lines and dimensions.
 3. Existing utilities and County drainage courses within the proposed lot lines.
 4. Location and dimensions of existing and proposed easements, roads and lot irons.
 5. Existing structures on the parent parcel or tract, including whether they are to remain, and their relationship to the proposed resulting parcels.
 6. All required front, rear and side yard setbacks resulting from the requested division, and setbacks from property lines to all proposed buildings, drives, easements, wells and septic systems.
 7. The proposed location and type of access to each resulting parcel. (Where a private road is proposed, conformance with the Bridgewater Township Private Road Ordinance is required).
 8. Total acreage for each resulting parcel (gross and net).
- G. If any resulting parcel, in whole or part, is being combined with other land, the land being combined shall be included on the scale drawing required above. Upon preliminary approval of the proposed division, said combined parcels shall be placed under one legal description and a copy of the description shall be provided with all other documents required for final approval.
- H. A written statement, signed and attached to the application form by the applicant and all owners of record, stating that: *“The transfer or conveyance of the right to make further division(s) exempt from the platting process requirements of the Land Division Act shall be recorded with the deed.”*
- I. A written statement, signed and attached to the application form by the applicant and all owners of record, stating that: *“The deeds for all resulting parcels that are the subject of*

this application shall contain the following statement: *‘This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right To Farm Act’*”.

- J. Written verification of approval by the Washtenaw County Road Commission for any public road proposed to be constructed to provide access to any of the resulting parcels created by the proposed land division.
- K. Written verification of approval by the Washtenaw County Road Commission for the design of the intersection of any proposed private road with any public Road.
- L. Written verification of approval by the Washtenaw County Road Commission for the design of the intersection of any proposed driveway with any public Road, or other evidence demonstrating that the access meets the standards of Act 200 of the Public Acts of 1969.
- M. Additional information as required by the Township to verify application information, geographic site data or to clarify status of other governmental reviews and approvals.
- N. All applicable review fees as established by resolution of the Township Board.

SECTION 4.02 - SIGNATURE REQUIREMENTS

All owners of record and all persons owning legal or equitable interest in the parent parcel or tract shall sign the application for land division. Written verification and proof of ownership shall be by warranty deed, quit claim deed (accompanied by the underlying warranty deed), land contract, or other legal document of conveyance, which identifies the owner(s) of the parent parcel or parent tract.

SECTION 5.01 - REVIEW, APPROVAL AND APPEALS PROCESS

All applications for proposed land divisions shall be reviewed in conformance with the following process:

A. Optional Pre-application Conceptual Review

The applicant is encouraged to submit a conceptual sketch plan, drawn to scale, to the Township Zoning Administrator or designee for a pre-application conceptual review (Number of copies for submittal as specified in the application packet).

The purpose of the pre-application conceptual review is to provide general feedback to the applicant regarding overall feasibility of the proposed divisions, required application submittals and review procedures. Pre-application conceptual review is optional and is intended to provide informal discussion only which does not obligate the applicant or Township to any specific design or concept.

B. Application For Land Division

All applications for land divisions shall be submitted to the Bridgewater Township Zoning Administrator or designee along with the required review fee.

C. Review Process

1. Preliminary Review

- a. The reviewers, and if requested by the reviewers, the Township planning consultant, shall review the application and submitted information within forty five (45) days of the filing of a complete application. Approval or denial shall be made in writing and shall be based on whether the proposed division complies with the standards of Section 5.02 of this ordinance. If the application and submitted information does not comply with the informational and submittal requirements in Sections 4.01 and 4.02 of this ordinance, notification of deficiencies in the application shall be made in writing.
- b. The reviewers shall review the application and all attachments for conformance with this ordinance and applicable sections of the Zoning Ordinance, including but not limited to, minimum lot area, lot width, frontage, and lot width to depth ratio.
- c. If all required information has been submitted in accordance with Sections 4.01, 4.02, and 5.02 of this ordinance, and the proposed division(s) demonstrate(s) conformance with this ordinance, the reviewers shall grant preliminary approval of the division(s). If the proposed application and division(s) do not comply with this ordinance, the application shall be denied or granted conditional preliminary

approval. All approvals and denials shall be in writing and shall include reason(s) for approval or denial. Conditional approvals shall include all conditions, in writing, which must be met prior to final approval.

- d. When preliminary approval has been granted, the applicant shall be notified by the reviewers in writing to obtain a true and accurate survey of the resulting parcels, prepared by a surveyor or civil engineer registered in the State of Michigan. The survey shall include resulting parcel designations and shall include the gross and net acreage of each resulting parcel. The reviewers may waive the required survey where they find that the legal description and supporting drawings or plans (such as previously prepared surveys and legal descriptions for adjoining parcels) are adequate to insure the accuracy of the application materials and to determine whether the proposed division(s) meet the applicable sections of the Zoning Ordinance.

2. Final Review

- a. Following Preliminary Approval or Approval with Conditions, the reviewers shall:
 1. Verify that all conditions of Preliminary Approval have been met;
 2. Verify Planning Commission and Township Board approval of any private road(s) proposed in conjunction with the proposed division(s).
 3. Verify that proposed property boundaries match those shown on the final survey and legal description(s), unless survey requirement has been waived by the reviewers.
- b. The reviewers shall grant final approval of the proposed division(s) upon verification of the information in subsection (a) above and shall sign and date an approval form, all survey drawings and descriptions. All approvals shall be in writing and shall include the following disclosures:
 1. “Approval of a division(s) is not a determination that the resulting parcels comply with other ordinances, regulations, or building permit requirements.”
 2. “Where an approved division results in a parcel less than one (1) acre, Bridgewater Township, its officers, consultants and employees are not liable if a building permit is not issued for the parcel for the reasons set forth in Section 109A of PA 87 of

1997.”

- c. After Final Approval by the reviewers:
 - 1. The reviewers shall send a copy of the final approval and all supporting documentation to the applicant, Township Assessor and Township Clerk.
 - 2. The applicant shall then obtain new parcel identification numbers from the Washtenaw County Equalization office;
 - 3. The Assessor, upon receipt of the final approval from the reviewers and new parcel identification numbers from the Equalization Department, shall process the proposed division(s) and update taxation and assessment records accordingly.

D. Appeals

- 1. Appeals to standards and procedures of the Zoning Ordinance shall be made to the Bridgewater Township Zoning Board of Appeals in accordance with the requirements, standards and procedures of the Zoning Ordinance.
- 2. Appeals to the provisions of this ordinance, or to the denial of a proposed land division based on the provisions of this ordinance, shall be made to the Bridgewater Township Zoning Board of Appeals. Appeals to the provisions of this ordinance shall be limited to circumstances where it is alleged that the application for land division was improperly denied due to procedural error or incorrect application of standards for approval. In its review of the merits of an appeal, the Zoning Board of Appeals shall review the application, record of review comments, and the procedures followed to determine:
 - a. Application and review procedures as outlined in Sections 4.01, 4.02, 5.01 and 5.02 were followed correctly.
 - b. Standards for review and approval as outlined in Section 5.02 were applied correctly.

SECTION 5.02 - REVIEW STANDARDS

The following standards shall be met prior to approval of any proposed division(s):

- A. The proposed division is in compliance with the Land Division Act, as amended;
- B. The proposed division is in compliance with the lot size, lot area, frontage, lot width to

depth ratio and other design requirements of the Bridgewater Township Zoning ordinance, or is in compliance with the provisions of Section 5.02F below;

- C. Where a private road is proposed, said road is in conformance with the Bridgewater Township Private Road Ordinance and has been approved by the Township Board after recommendation by the Planning Commission;
- D. Adequate easements for public utilities from the parcel to existing public utility facilities are provided;
- E. The parent parcel or tract and resulting parcels do not include any parcels or lots within a condominium development approved by the Township;
- F. If the proposed division creates resulting parcels that are less than the minimum lot area or size required by the Land Division Act, as amended, or the Bridgewater Township Zoning Ordinance, the applicant shall also file with the Township a duly executed affidavit, suitable in form for recording with the Washtenaw County Register of Deeds, signed by all persons having a legal or equitable interest in the resultant parcel(s), stating that the resultant parcel(s) is not buildable and will not thereafter be developed or used separately, but only in conjunction with adjoining parcels which, when joined together, shall satisfy the minimum lot area and size requirements of the Land Division Act, as amended, and the Bridgewater Township Zoning Ordinance;
- G. Receipt of a written statement, signed and attached to the application form by the applicant and all owners of record, stating that: *“The transfer or conveyance of the right to make further division(s) exempt from the platting process requirements of the Land Division Act shall be recorded with the deed.”*
- H. Proof of approval by the Washtenaw County Road Commission for any public road proposed to be constructed to provide access to any of the resulting parcels created by the proposed land division;
- I. Proof of approval by the Washtenaw County Road Commission for the design of the intersection of any proposed private road or driveway with any public road;

SECTION 5.03 - TIME FOR REVIEW AND APPROVAL OF DIVISION

Bridgewater Township shall have forty five (45) days from the date of filing of a complete application to complete its review of the proposed division to verify that it complies with this ordinance. Where a private road is proposed in conjunction with any proposed division, review and approval of said road in conformance with the Bridgewater Township Private Road Ordinance shall occur concurrently with application for land division. An application for land division which includes a proposed private road shall not be granted final approval until approval of the private road in conformance with the Bridgewater Township Private Road Ordinance.

SECTION 5.04 - DIVISIONS NOT APPROVED BY TOWNSHIP

Any division after the effective date of this ordinance which has not been approved by Bridgewater Township shall not constitute a valid division of such property under the terms of this Ordinance. Any parcel of real property, which has not received approval by the Township pursuant to the provisions of this Ordinance or the Bridgewater Township Subdivision Ordinance shall not be assessed on the Township tax rolls as a separate and individual parcel of property.

SECTION 5.05 - *RESERVED FOR FUTURE USE*

SECTION 5.06 - APPLICATIONS INVOLVING PRIVATE ROADS

An application for approval of a division(s) that involves the construction of a private road must comply with the following requirements before the division(s) will be approved:

- A. The proposed division(s) and the plans for the private road must first be submitted to the Bridgewater Township Planning Commission for their review and recommendation to the Township Board.
- B. The Township Board must grant approval of the private road in accordance with the Bridgewater Township Private Road Ordinance before the Township will approve the division(s) and add them to the assessment roll.

SECTION 6.01 - FILING OF DEEDS AND TRANSFER DOCUMENTS

- A. The deeds or other transfer documents of approved land divisions shall be recorded with the Washtenaw County Register of Deeds. Approval of a land division shall remain effective only if the deeds or other transfer documents are recorded with the Washtenaw County Register of Deeds within one (1) year of the date of approval. The reviewers may provide an extension for good cause following a written request for same from the applicant.
- B. The filing of such deeds or transfer documents shall be the responsibility of the parties involved.
- C. Property tax identification numbers will be provided by the Washtenaw County Equalization Department with proof of compliance with this ordinance.
- D. Property addresses may be obtained from the Bridgewater Township Zoning Administrator after obtaining a property tax identification number from the Washtenaw County Equalization Department.

SECTION 7.01 - PENALTY

- A. No permit shall be issued for construction on any property with boundaries

established by a land division that violates this ordinance.

- B. Any parcel of real property, created after the effective date of this ordinance, which has not received approval by the Township pursuant to the provisions of this Ordinance or the Bridgewater Township Subdivision Ordinance shall not be assessed on the Township tax rolls as a separate and individual parcel of property.

SECTION 8.01 - FEES

The Bridgewater Township Board shall establish by resolution application and review fees to cover the cost of reviewing and approving land divisions within Bridgewater Township.

SECTION 9.01 - VALIDITY AND SEVERABILITY

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, use, building or structure, such ruling shall not affect the application of said provision to any particular land, parcel, lot, use, building or structure not specifically included in said ruling.

Section two: That ordinance number 29 is repealed and is replaced by the above language.

Section three: That this ordinance shall take effect upon publication.