GLEN ARBOR TOWNSHIP
LEGAL NOTICE

ORDINANCE NO. 1 – 1998

GLEN ARBOR TOWNSHIP LAND DIVISION ORDINANCE

Adopted August 18, 1998

Effective August 26, 1998

Amended September 17, 2002

Amended July 17, 2007

Amended January 18, 2022

Amended September 15, 2026

An ordinance to regulate partitioning or division of parcels or tracts of land, and to provide for the review and approval of lot splits within recorded plats pursuant to section 263 of the land division act, 1967 PA 288, MCL 560.263, and of boundary adjustments, pursuant to Act 246 of the Public Acts of 1945, as amended, being the Township General Ordinance statute; to provide a procedure to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

THE TOWNSHIP OF GLEN ARBOR, LEELANAU COUNTY, MICHIGAN, ORDAINS:

SECTION I: TITLE

This ordinance shall be known and cited as the Glen Arbor Township Land Division Ordinance.

SECTION II: PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said 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 Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

SECTION III: DEFINITIONS

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

A. "Applicant" - A natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land which has been recorded with the Register of Deeds in Leelanau County, M.

B. "Divide" or "Division" - The partitioning or splitting of a parcel or tract of land by the proprietor thereof

or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one 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 State Land Division Act, or the requirements of other applicable local Township or zoning ordinances.

C. "Exempt split" or "exempt division" - The partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.

D. "Governing body" - The Glen Arbor Township Board.

E. "Lot Split" - The partitioning of a lot, outlot, or other parcel of land within a recorded plat.

F. "Recorded Plat" - A plat of a subdivision recorded with the Leelanau County Register of Deeds pursuant to the State Land Division Act or any predecessor statute.

G. "Boundary Adjustment" - A property transfer between two or more adjacent parcels or lots, whether or not within a recorded plat, where property is taken from one parcel or lot and added to an adjacent parcel or lot and no new parcel or lot is created. A boundary adjustment is not a division and does not count against the number of divisions available to a parent parcel under the State Land Division Act, but shall be subject to review and approval under Section IV of this ordinance.

SECTION IV: PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the Township shall not be divided, and no lot split shall be made, and no boundary adjustment shall be effected, without the prior review and approval of the Township Assessor and Zoning Administrator, in accordance with this ordinance and the State Land Division Act.

SECTION V: APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township Zoning Administrator or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease, or for building development:

A. A completed application on such form as may be approved by the Township Board. All of the following attachments MUST be included. Letter each attachment as shown:

1. A survey completed by a professional surveyor of the proposed division(s) of the parent parcel including legal descriptions. The survey or drawing must show all of the following:
   a. current boundaries (as of March 31, 1997), and
   b. all previous division(s), and
   c. the proposed division(s), and
   d. dimensions of the proposed divisions, and
   e. existing and proposed road/easement right-of way(s), and
   f. easements for public utilities from each parcel that is a development site to existing public utility facilities, and
   g. any existing improvements (buildings, wells, septic systems, driveways, etc.)
   h. any of the features checked in question number 6 of the application.

2. A well and septic system permit for each proposed parcel prepared by the Benzie-Leelanau District Health Department.

3. An indication of approval for each proposed parcel prepared by the Leelanau County Soil Erosion office.

4. An indication of approval, or permit from the Leelanau County Road Commission, or the Michigan Department of Transportation that a proposed easement provides vehicular access to an existing road or street that meets applicable location standards.

5. A copy of any reserved division rights (sec. 109(2) of the State Land Division Act) in the parent parcel.

B. Proof of fee ownership of the land proposed to be divided.

C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.

D. Proof that all standards of the State Land Division Act and this Ordinance have been met.

E. If a transfer of division rights is proposed with the land division, complete and provide a copy of Michigan Department of Treasury form 3278, detailing information about the terms and availability of the proposed division rights transfer.

F. A fee, in an amount determined by the Township Board, shall be charged to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

SECTION VI: PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

A. The Township shall approve or disapprove the land division within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.

B. Any person or entity aggrieved by the decision of the Assessor and the Zoning Administrator, may, within 60 days of said decision, appeal the decision to the Glen Arbor Zoning Board of Appeals.

C. The Assessor shall record all approved and accomplished land divisions or transfers and make required changes in the assessment roll. All historical documents regarding same shall be retained by the Clerk according to record retention policies.

D. The Township and its officers and employees of record 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. Approval of a land division or boundary adjustment under this section does not grant approval for any specific uses of a parcel of property.

E. Approval of a division is not a determination that the resulting parcels comply with other Township ordinances or regulations.

F. A decision approving a land division is effective for 90 days after which it shall be considered revoked unless within such a period of time a document is recorded with the County Register of Deeds office and filed with the Township Assessor, accomplishing the approved land division or transfer.

SECTION VII: STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division shall be approved if the requirements stated in the current Glen Arbor Township zoning ordinance are met:

A. The ratio of depth to width of any parcel created by the division shall not exceed a 4 to 1 width to depth ratio, exclusive of access roads and easements.

B. The proposed land division(s) comply with all requirements of all Township Ordinances and the State Land Division Act.

C. All parcels created and remaining shall have existing, adequate accessibility, or an area available therefore, for public utilities and emergency and other vehicles as required by applicable Township Ordinances.

SECTION VII - A: LOT SPLITS WITHIN RECORDED PLATS AND BOUNDARY ADJUSTMENTS

A. Lot splits and boundary adjustments shall be processed in the same manner, and shall be subject to the same application requirements, review procedures, standards, and conditions, as a land division application under Sections V, VI, and VII of this Ordinance, except as provided in subsection F.

B. No lot, outlot, or other parcel of land within a recorded plat shall be partitioned or divided into more than four (4) parts, consistent with section 263 of the State Land Division Act, MCL 560.263.

C. Each lot resulting from a lot split shall meet the minimum lot size and lot width requirements of the Glen Arbor Township Zoning Ordinance for the district in which it is located. Any lot not served by public sewer and public water systems shall not be partitioned or divided if the resulting lots would be less than the minimum width and area provided for in the State Land Division Act.

D. A lot resulting from a lot split approved under this section shall not be further partitioned or divided if the total number of parts resulting from the original lot would exceed four (4).

E. For any lot abutting a lake, stream, or other waterbody, the minimum lot width of each resulting lot shall also be provided as straight-line width measured at the ordinary high water mark.

F. For a boundary adjustment, the standards of Sections VII and VII-A shall be applied to each parcel or lot as it exists after the adjustment, and not to the portion transferred. The portion transferred shall not be considered a separate parcel or lot or an independent building site. Approval shall be conditioned on the transferred portion being conveyed to the owner of the adjacent parcel or lot, or combined with the applicant's own adjacent parcel or lot, in the same transaction, so that no part stands as a separate parcel of record at any time. No parcel or lot shall be reduced by a boundary adjustment below the minimum lot size or lot width required by the Glen Arbor Township Zoning Ordinance for the district in which it is located.

SECTION VIII: CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Any division of land, lot split, or boundary adjustment in violation of any provision of this ordinance will be posted as an illegal division in the tax description and will not be recognized as an official land division on the Township tax roll or assessment roll. The Assessor/Township may refer the suspected violation or penitential non-conformity to the county prosecuting attorney and the Subdivision Control Agency, 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, lot split, or boundary adjustment in violation of this Ordinance shall further

not be eligible for any land use or building permit for any construction or improvement thereof.

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. In no case, however, shall costs of neither less than $9.00 nor more than $500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law and Glen Arbor Zoning Ordinance version 4.8 section 15.2 - penalties.

Pursuant to Section 267 of the land Division Act, an unlawful division or split shall also be invalid at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action by law.

SECTION IX: 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 X: REPEAL

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; this Ordinance applies to platted and unplatted land alike; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes, or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

SECTION XI: EFFECTIVE DATE
This ordinance shall take effect upon publication following its adoption.

Adoption of the foregoing amended ordinance was moved D. Lewis and supported by P. Laureto.

Voting for: J. DePuy, B. Hawley, P. Laureto, D. Lewis and T. Laureto; Voting against: none

The amended ordinance was declared adopted.

Thomas S. Laureto
Township Supervisor

Date of publication of Notice of Adoption: 9/24/2026

Effective date: 9/24/2026

CERTIFICATION

The above is a true copy of amended ordinance No. 1-1998 which was duly adopted by the Glen Arbor Township Board of Trustees at a regularly scheduled meeting held on September 15, 2026.

Pamela J. Laureto
Township Clerk