

**ARTICLE 34**  
**Land Division, Combination or Reconfiguration**

**§ 170-34.1. Intent**

This article is intended to establish a procedure and review standards for the division and combination of land in a manner consistent with the Township Master Plan and the purposes of this chapter, to protect property values and to ensure safe and adequate vehicular access to individual lots.

**§ 170-34.2. Applicability**

This article regulates divisions of land and combination of lots. The following shall be exempted from the requirements of this section:

- A. A parcel proposed for subdivision through a recorded plat pursuant to Chapter 152, Subdivision Control, and the Land Division Act, PA 288, 1967, as amended (MCL 560.101 et seq.).
- B. A split that results in all parcels that are 40 acres or more in size, provided such parcels meet the accessibility requirement of § 170-34.5D.
- C. A parcel proposed as a site condominium pursuant to this chapter and the Michigan Condominium Act (MCL 559.101 et seq.).

**§ 170-34.3. Submittal Requirements**

- A. A PA 132 boundary survey of the subject property drawn at a scale of at least one inch equals 100 feet (1" = 100') and prepared by a registered land surveyor or civil engineer licensed in the State of Michigan. The survey shall include the information listed in Subsection E below.
- B. Documentation from the Wayne County Department of Environment on the suitability of land for installation of a septic tank and individual well if public utilities are not available. Locations must be shown on the land division plan.
- C. The survey shall contain the following information:
  - (1) A location map, at an appropriate scale, illustrating the subject lot(s) in relationship to surrounding parcels and street system.

- (2) Name and address of the property owner, and applicant, if not the property owner.
  - (3) Name, address and professional seal of the registered land surveyor or engineer who prepared the plan and easement information.
  - (4) A legal description of the existing lot and each resultant lot.
  - (5) Land area of existing and resultant lot(s) including, and exclusive of, public rights-of-way or easements.
  - (6) A drawing that clearly identifies existing and proposed lots, including net and gross area dimensions, lot width, setbacks and width to depth ratio.
  - (7) Existing buildings including setbacks, size and whether the structure is to be retained or removed.
  - (8) Documentation that resulting lots have a net area equal to or greater than the median net area of all lots within 500 feet of the subject parent parcel as required by § 170-34.5C(5)(b).
  - (9) Approximate location of possible MDEQ regulated wetlands.
  - (10) Type, location and dimensions of all existing and proposed easements, including reference to the Liber and Page number for recorded easements, the legal description and explanation of the purpose for which the easement is, or was, created.
  - (11) Existing access points within 150 feet of the subject parcel, adjacent to or across the street.
  - (12) Documentation of adequate sight distance at access points.
  - (13) Design information for private roads, in accordance with Article 28, Private Roads.
- D. If applicable, variances shall be obtained prior to approving a land division application.
- E. Applications for land divisions are reviewed and approved administratively by township staff for compliance with the requirements contained in this Article. The township shall approve or deny the application within forty five (45) days of a complete submittal.

- F. If a private road or shared driveway is required to provide access to any of the proposed lots, a private road or shared driveway must be approved in accordance with Article 28, Private Roads, prior to submitting an application for a land division. Private roads require approval by the township board.
- G. The applicant is responsible for recording applicable easements and the new deed with the Wayne County Register of Deeds.
- H. Building permits shall not be issued until the township receives recorded copies of the easements and new deed, as applicable.
- I. Compliance with the Article 23, Tree and Woodlands Replacement, is required as part of the building permit review and inspection process.
- J. Approval of a land division under this article and the land division act is not a confirmation that resulting parcels comply with the Township, county, and state ordinances or regulations. The burden to assure all residential lots are buildable under said regulations is the obligation of the applicant and shall not be used as the basis for seeking a variance.
- K. Once lots are combined, or a structure is built on more than one lot, the lot shall be considered a single lot of record and future partitioning of the lot shall require approval under the requirements of this article.

**§ 170-34.5. Review standards**

- A. The land division or combination shall not create a nonconforming situation and when possible, shall eliminate any existing nonconforming situations or reduce the degree of nonconformity.
- B. The application must comply with Section 108 of the Michigan Land Division Act, Michigan Public Act 288 of 1967, as amended (MCL 560.108). Accordingly, the following conditions apply.
  - (1) The division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following, as applicable.
    - a) For the first ten (10) acres or portion thereof in the parent parcel or parent tract, four (4) parcels.

- b) For each whole ten (10) acres in excess of the first ten (10) acres in the parent parcel or parent tract, one (1) additional parcel, for up to a maximum of 11 additional parcels.
  - c) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, one (1) additional parcel.
- (2) For a parent parcel or parent tract greater than 20 acres, the division may result in a total of two (2) parcels, in addition to those permitted by subsection one (1) above, if one or both of the following conditions apply.
- a) No new driveways are required to an existing public road for any of the resulting parcels under Subsection B(1) of this section.
  - b) One (1) of the resulting parcel(s) under subsection B(1) and this subsection comprise more than 60% of the area of the parent parcel or parent tract.
- (3) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall be considered “exempt” and shall not be counted toward the number of parcels permitted under Subsections B(1) and (2) and is not subject to the approval requirements of this chapter, if the parcel is accessible.
- (4) A parcel or tract created by an exempt split or a division is not a new parent parcel or parent tract and may be further split without being subject to the platting requirements of this chapter if all of the following requirements are met:
- a) Not less than ten (10) years have elapsed since the parcel or tract was recorded.
  - b) The splitting does not result in more than the following number of parcels, whichever is less.
    - I. Two (2) parcels for the first ten (10) acres or fraction thereof in the parcel or tract plus one (1) additional parcel for each whole ten (10) acres in excess of the first ten (10) acres in the parcel or tract.
    - II. Seven (7) parcels; or ten (10) parcels if one of the resulting parcels under this subsection comprise not less than 60% of the area of the parcel or tract being partitioned or split.
  - c) The splitting satisfies the requirements of C below (resulting lots).

- (5) A parcel or tract created under the provisions of subsection four (4) above may not be further split without being subject to the platting requirements of this chapter, except in accordance with the provisions of Subsection B(4) above.
- (6) A lot, outlot or other parcel of land in a recorded plat shall not be partitioned or divided into more than four (4) parts under the provisions of this Chapter. A division to a subdivision lot that creates more than four (4) parts shall require approval as a subdivision plat under Chapter 152, Subdivision Control.

C. Resulting lots

- (1) The depth to width ratio of parcels that are ten (10) acres in size or less shall not exceed 3:1, except where such action would reduce an existing nonconformity.
- (2) Each parcel shall provide the minimum lot width as required by Article 18, Schedule of Regulations, exclusive of any access easement.
- (3) Parcels located at the end of a private access easement shall provide a 40' setback from all property lines, as required by Figure 28.1, Article 28 Private Roads.
- (4) Parcels shall resemble rectangles. Irregular shaped parcels may be permitted if the boundaries are dictated by site conditions. Irregularly shaped parcels may not be permitted solely for the purpose of meeting parcel area requirements.
- (5) Each resulting parcel located within a single family zoning district shall meet the following area standards:
  - (a) Contain a net area required for the zoning district in which it is located, exclusive of any area occupied by a public street right-of-way or an access easement.
  - (b) The net area of each parcel shall not be less than the median net area of other lots within 500 feet of the parent parcel, measured from any point along a lot line and located within the same zoning district. Public land used for recreation or institutional purposes shall not be included in the median lot area calculation. If the median net area is more than twice the minimum lot area required for the district in which the subject parcel(s) is located, then the required lot area shall be twice the area required for the district. If there are condominiums within the 500 foot area, the calculation for net area shall be calculated as the gross land area in the condominium project divided by the number of units in that project. This standard is intended to ensure harmony with the surrounding land development pattern, permit good transition between zoning districts and

respect the reasonable expectation of nearby land owners that future lot areas will be harmonious with the established pattern.

- (6) For a resulting parcel(s) located within any zoning district other than single family residential, a conceptual plan must be provided which demonstrates that the resultant parcel(s) can support a functionally usable building envelope and a project that complies with minimum zoning standards for setbacks, parking, greenbelts, buffer zones, stormwater regulations and site access.

D. Accessibility

- (1) All resultant lots shall have frontage along a public street, private road or shared driveway. Private roads and shared driveways shall comply with the provisions of Article 28, Private Roads.
- (2) Where a new private road or shared driveway easement are required to serve the proposed lots, the private road or shared driveway must first be approved in accordance with Article 28, Private Roads. Where a private road is proposed to serve the newly created lots, the roadway must be constructed in accordance with Article 28 or a performance guarantee must be posted with the Township in order for the lots to be considered “accessible.”
- (3) New access points shall meet the spacing and alignment standards of Article 27, Access Management, or a shared access system shall be provided.
- (4) Documentation shall be provided that minimum stopping and intersection sight distances meet the design criteria of the 1984 American Association of State Highway and Transportation Officials (AASHTO) Manual, "A Policy on Geometric Design of Highways and Streets."

- E. Approval of a proposed land division shall be subject to the dedication of any easements necessary for roads, public utilities, non-motorized paths or other required public facilities. An accurate legal description shall be provided for all easements, prepared by a registered land surveyor or civil engineer, that includes recitation of the purpose of the easement, with grant to the Township, its successors and assigns, in perpetuity, of the right to occupy and use such easement for installation, maintenance and operation of public utilities.