

**SUMMARY OF
CLEARWATER TOWNSHIP
Ordinance No. 27**

The following ordinance was adopted at a regular meeting of the Clearwater Township Board on November 20, 2013.

THE TOWNSHIP OF CLEARWATER ORDAINS:

Section 1. Title.

This section specifies the title of the Ordinance as the Clearwater Township Parcel Division Ordinance.

Section 2. Purpose.

This section specifies the purpose of the Ordinance.

Section 3. Definitions.

This section defines the following terms: Accessible, Applicant, Convey, Development site, Divide or Division, Exempt split, Forty (40) acres or the equivalent, Land, Lot, Owner, Parcel, Parent parcel, Person, Plat or Recorded plat, Property transfer, Township Assessor, Tract of land, and Zoning Board of Appeals.

Section 4. Approval of Land Divisions or Property Transfers Required; Establishment of Exempt Splits.

This section provides that the owner of a lot, parcel, or tract of land cannot divide or effect a property transfer (unless a specific exception applies) except as provided in the Ordinance; provides that the owner of a lot, parcel, or tract of land claiming an exempt split must provide to the Assessor a survey or other clear evidence establishing the exempt nature of the split and must provide evidence that each resulting lot, parcel, or tract of land is accessible (subject to an appeal to the ZBA); and provides an exempt split when the resulting parcels are 20 acres or more, the parcel is not accessible, and was in existence on March 31, 1997.

Section 5. Procedure for Division or Property Transfer.

This section specifies the procedures to divide a lot, parcel or tract of land or to effect a property transfer; the information that must be submitted to the Assessor with the application; the required fee that must be paid, including an "after the fact" fee when a conveyance is discovered that did not obtain the required approval before the division or property transfer was completed; the authority of the Assessor to deny an application if not all required information is provided, the requirement that the Assessor make his or her decision concerning the proposed division or property transfer within 45 days after receiving a complete application, the requirement that the Assessor document his or her decision, with any conditions, in writing, the ability following a denial by the Assessor to submit additional information to the Assessor or the right to appeal that decision to the ZBA, and a provision that states any approval shall not be considered a determination of compliance with any other township ordinance or regulation; the requirement that the Assessor send notice of any approval to specified officials; and the requirement that within ninety (90) days of the approval of a division or property transfer the

applicant record in the Register of Deed's office an instrument of conveyance and file a copy with the Assessor.

Section 6. Standards for Approval of Divisions or Property Transfers.

This section specifies the standards for approval of a division or property transfer, including compliance with the state land division act; compliance with the township zoning ordinance; the requirement that the resulting lots, parcels, or tract of land have an adequate and accurate legal description; the requirement that except for the remainder of the parent parcel or parent tract of land retained by the owner, that the lots, parcels, or tract of land resulting from a division, including those greater than 10 acres, meet a depth-to-width ratio of 4:1; the requirement that any development site have adequate easements for public utilities; the requirement that any land that does not independently meet the requirements of the state land division act or the township zoning ordinance cannot be an independent development site; the requirement that the resulting lots, parcels, or tract of land be accessible; and the requirement that the owner possess the legal right to divide the parcel or tract of land.

Section 7. Land Configuration Variances.

This section specifies the procedures for obtaining a zoning variance or a variance from the depth-to-width requirement of the ordinance from the ZBA.

Section 8. Appeals to the Zoning Board of Appeals.

This section provides that a person aggrieved by a decision of the Assessor may appeal that decision to the ZBA pursuant to procedures specified in the section.

Section 9. Violations and Penalties.

This section provides that a violation of the ordinance is a municipal civil infraction and imposes a fine up to \$500.00, provides that each day the ordinance is violated is a separate violation, and permits the township to take action to abate any nuisance.

Section 10. Enforcement Officer.

This section authorizes the Assessor and other officials designated by the Township Board to issue municipal civil infraction citations to alleged violators.

Section 11. Nuisance Per Se

This section provides that a violation of the ordinance is a nuisance per se.

Section 12. Separate Court Action.

This section authorizes the township to initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of the ordinance.

Section 13. Validity.

This section declares that the ordinance provisions are severable and can be applied separately in the event a provision is found to be invalid.

Section 14. Effective Date.

This section provides that the ordinance becomes effective thirty (30) days after being published in a local newspaper.

Larry Niederstadt, Township Supervisor

Julie Vance, Township Clerk_

NOTICE: Please take note that a true copy of the ordinance can be inspected or obtained at the office of the Clearwater Township Clerk.

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