



PENINSULA TOWNSHIP ASSESSING DEPARTMENT

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PROCEDURE FOR MAKING APPLICATION FOR LAND DIVISION/LOT LINE ADJUSTMENT/COMBINATION

The purpose of this bulletin is to lend some clarity to the land division process for owners/applicants wishing to pursue land divisions and/or lot line adjustments and/or combinations. This material contains excerpts of applicable statutes and laws which govern the process. This material is not intended to serve as a comprehensive overview of statute and/or governing law nor is it intended to provide legal advice.

The Land Division Act (Act 288 of 1967) to be referred to herein as, “the Act”.

PURPOSE: To regulate the division of land; to promote the public health, safety and general welfare; to further the orderly layout and use of land; to require that land be suitable for building sites and public improvements.

The Peninsula Township Land Division Ordinance Amendment No. 1, referred to herein as “PTLDO”

PURPOSE: An ordinance to regulate the division of existing parcels of land pursuant to Act 288 of the Public Acts of 1967, as amended and Act 246 of Public Acts of 1945, as amended, to prescribe procedures therefor, and to provide penalties for violations of this ordinance.

The Peninsula Township Zoning Ordinance

PURPOSE: To protect the public health, safety, morals and general welfare of the inhabitants of the Township...to provide for the orderly development of the Township; to encourage the use of lands and resources of the Township in accordance with their character and adaptability...referred to herein as “PTZO”.

Applications for land divisions and/or combinations and/or lot line adjustments shall be processed in accordance with the Act, the PTLDO and the PTZO and shall be on a form prescribed by Peninsula Township for that intended purpose.

REQUIREMENTS

- ❑ Applicant shall demonstrate ownership of subject parcel and adjoining parcels as of 3/31/1997 to determine whether the subject parcel is a “parent parcel” or “parent tract”, as defined in ‘the Act’.
- ❑ Number of allowable divisions shall be determined under “the Act”, per 560.108
- ❑ Names & Addresses of **all** parties of interest
- ❑ **SURVEY:** A certified survey is required
Each resulting parcel shall have an adequate and accurate legal description. Survey must show gross *and* net acreages. For Great Lakes shoreline parcels, the legal boundary shall be measured to the Ordinary High Water Mark (OHWM). Survey must depict all parcel boundaries, dimensions, easements, encroachments, set-backs and ALL man-made structures (buildings, wells, drain fields, fences, driveways, etc.)
- ❑ Each resulting parcel shall have a conforming (3:1) depth to width ratio (Does not apply to: remainder; those parcels 10 Ac or more in A1 district that front a new private road; or a property transfer). The permissible depth shall be measured within parcel boundaries from abutting road ROW to the most remote boundary line point from commencement of measurement.
- ❑ Each resulting parcel shall have a conforming width (Per Zoning District: A1=330 Ft; R1A= 150 Ft; R1B=100 Ft)

- ❑ Each resulting parcel is accessible (may require preliminary road permit, Hold Harmless Agreement, Road Maintenance Agreement, Stormwater Control Permit if new road provides access to 3 or more parcels)
- ❑ Each resulting parcel that is a development site has adequate easements for public utilities
- ❑ Approval from Grand Traverse County Road Commission and/or Michigan Department of Transportation that all resulting parcels are accessible and have adequate site distance
- ❑ Parcels less than one (1) acre shall have Grand Traverse County Health Department approval for on-site suitability for well and drain field.
- ❑ A brief statement as to the purpose of the proposed division/transfer (see Land Division Application Pg 1)
- ❑ Proof of taxes paid, per Public Act 23 of 2019 (Certificate f/County Treasurer that past 5 year taxes are paid)
- ❑ Any other information deemed appropriate and/or necessary
- ❑ Deeds shall include both statements as required in section 109(3) and 109(4) of the Act
- ❑ Transfer of Division Rights
- ❑ Zoning Approval
- ❑ **Application Fee \$ 1,000—there may be supplemental billing if legal fees exceed \$1,000. Payment may be due before a decision is rendered. Make check payable to “Peninsula Township”. Mail to the Assessing Department.**
- ❑ Attorney Approval letter
- ❑ Special Assessments (Yes/No) –OR-- Special Use Permits (Yes/No)
- ❑ PDR/PA116/PA 260/Etc. Restrictions (Yes/No)

Upon receipt of a complete application, the Peninsula Township Review Committee, comprised of the Township Assessor, Planner, Zoning Administrator and legal counsel shall, within 45 days, issue an approval or denial, in writing.

If a lot, parcel or tract of land that will result from a division or property transfer does not meet the requirements of the PTZO, then the applicant may seek a variance from those zoning requirements from the Zoning Board of Appeals pursuant to the procedures as outlined in the PTLDO.

Any person aggrieved by a decision of the Review Committee may appeal that decision to the Peninsula Township Board. Any such appeal shall be filed within thirty days from the date of the decision from which the appeal is taken.

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

Any approval of an application shall expire and a new approval is required, unless the Applicant records an instrument of conveyance and a complete survey at the Grand Traverse County Register of Deeds office, within ninety (90) days.

If you would like to make application for a land division/combination/lot line adjustment, please contact the Assessing Department to begin the process.

The Land Division Application is available online at www.peninsulatownship.com : Documents/>Assessing