

**Cheshire Township
630 38th Street
Allegan, MI 49010
(269) 521-3440 Phone**

**Heather Mitchell, Administrator of
Land Division, Combination, and
Boundary Line Adjustment Ordinance
(hmittchell0301@gmail.com)
(269-978-8274)**

**APPLICATION FOR APPROVAL OF LAND DIVISION
PURSUANT TO CHESHIRE TOWNSHIP LAND DIVISION,
COMBINATION, AND BOUNDARY LINE ADJUSTMENT ORDINANCE**

Application # _____ Date filed _____

Non-Refundable Application Fee: \$100.00 for first proposed division, plus \$15.00 for each additional.

Note: this application form must be filled-out completely and filed with all required attachments/information, with payment of the application fee, before the application can be processed.

Applicant Information

Name

Mailing street address

Preferred telephone number

City, State, Zip

Alternate telephone number (optional)

e-mail address

Property Owner Information (if not applicant)

Name

Mailing street address

Preferred telephone number

City, State, Zip

Alternate telephone number (optional)

e-mail address

Property Information

- Total acreage of parent parcel/parent tract (3-31-1997)_____
- Total acreage of all previous divisions of parent parcel/parent tract_____
- Street address of subject property_____
- Official identification number of parcel proposed to be divided_____
- Total number of divisions/parcels now proposed_____
- Check this box if the property is subject to a “PA 116” farmland development rights agreement, or other similar agreement or deed restrictions.

Additional Information required to be included with application

- A. Evidence of land title sufficient to establish the parent parcel/parent tract which is the subject of the proposed division was lawfully in existence on March 31, 1997.
- B. An adequate and accurate legal description of each parcel proposed to result from the division.
- C. A tentative parcel map, drawn to an identified scale, showing all of the following with respect to each parcel proposed to result from the division:
 1. Dimensions (in feet) of all parcel lines.
 2. Area (in square feet or acreage, as most applicable).
 3. Parcel boundary lines.
 4. Public utility easements.
 5. Accessibility (an area where an existing easement or a driveway will provide vehicular access to an existing road or street, meeting all applicable location standards of the Allegan County Road Commission or Michigan Department of Transportation, as applicable). **Attach copy of any issued driveway permit.** Include street/road names.

Note: if any proposed new parcel will be accessed by a private road, the private road must be lawful and approved pursuant to applicable provisions of the Cheshire Township Zoning Ordinance (such as Article XI authorizing approval of a private road within a planned unit development), and, as applicable, any ordinance pertaining to plat/condominium subdivision development, before building permits/zoning compliance permits can be issued.

6. The location of all existing buildings and structures, and the distances (in feet) from the buildings/structures to all existing and proposed parcel boundary lines. Note: This applies to wells and septic systems, as well as buildings and other structures.

Note: if the Administrator determines any of the content required by items 1-6 above is not adequately or accurately shown on the tentative parcel map, the Administrator may require the initial filing to be supplemented with an adequate and accurate tentative parcel map, or with a survey prepared by a surveyor licensed by the State of Michigan, in the reasonable discretion of the Administrator.

7. The location and identification of any lake or other watercourse, wetland, floodplain, or county drain (to evaluate implications of any statutory or ordinance requirement on a parcel proposed for building development).
- D. One of the following with respect to the status of property taxes and special assessments due on the property subject to the proposed division for the five years preceding the date of the application:
1. A certificate from the County Treasurer certifying all such property taxes and special assessments have been paid.
 2. A statement by the applicant that all such property taxes and special assessments that have not been paid have been apportioned by the Assessor as provided by MCL 211.53, and are a lien against the subject property as apportioned by the Assessor and shall be collected as required by law.
- E. Such additional information as may be reasonably required by the Administrator to make a determination on the application pursuant to the applicable requirements of the Cheshire Township Land Division, Combination, and Boundary Line Adjustment Ordinance (Ordinance No. _____, as may be amended or superseded) and the Michigan Land Division Act; including, where applicable, information pertaining to any previous divisions of the parent parcel/tract after March 31, 1997, and any previous or presently proposed transfer of division or development rights.

Note: the filing of this application constitutes permission for the Administrator or the designee of same to enter the subject property without prior notice for purposes of inspection to verify the information on this application.

If this application is approved, and the approved division is implemented, I understand such approval is only a determination that the land division complies with the applicable requirements of the Land Division Act and Cheshire Township Land Division, Combination, and Boundary Line Adjustment Ordinance, and is

not a determination that the resulting parcels comply with other applicable ordinances or regulations pertaining to the use or development of the parcels.

I also understand the approval of the land division is not a determination or representation with respect to the potential issuance of a building permit or applicable approvals of a water supply and sewage disposal system for any resulting parcel.

If the application is approved, and the approved division is implemented, I understand it is my responsibility to contact the Township Assessor or his/her designee for assignment of an address for each resulting new parcel; and it is also my responsibility to arrange for the appropriate deeds or other intended instruments of conveyance of property for which this application is approved to be executed within 90 days from the date of approval, and filed with the Township and recorded with the Allegan County Register of Deeds as required by law within 21 days after such instrument is executed.

Review and approval or disapproval of this application is dependent on the accuracy of the information provided by the applicant. An application approved based on inaccurate or false information shall be null and void. Further, any division created in noncompliance with the Ordinance shall not be recognized on the Township real property assessment and taxation records, or zoning records, and shall be subject to such other consequences as may be provided by law.

I certify the truth and accuracy of this application, including the information stated on this application form, the tentative parcel map, and any other supplemental information submitted with respect to this application.

Date _____

Signature of applicant

(check only if applicable): **THE REQUESTED LAND DIVISION IS NOT INTENDED TO CREATE A NEW SEPARATE BUILDABLE PARCEL.** If checked, see application form addendum.

FOR ADMINISTRATOR AND TOWNSHIP OFFICE USE ONLY

I have reviewed this application and informed the Administrator of any zoning-related issues.

Date: _____

Zoning Administrator

I have reviewed this application and informed the Administrator of any noted concerns:

Date: _____

Supervisor

Note to Administrator: check either box A or box B below, or box C if applicable.

- A. The application is approved, as I have determined all the following requirements are met:
1. The applicant has filed a complete application pursuant to the requirements of Section 5 of the Land Division, Combination, and Boundary Line Adjustment Ordinance.
 2. The total number of parcels proposed to be created does not exceed the number allowed pursuant to Section 108 of the Land Division Act (MCL 560.108) and otherwise complies with same.
 3. The width of each resulting parcel complies with the applicable minimum parcel (lot) width requirements of the Zoning Ordinance.
 4. The area of each resulting parcel complies with the applicable minimum parcel (lot) area requirements of the Zoning Ordinance.
 5. The depth of each resulting parcel not larger than 10 acres in area is not more than four times its width (not applicable to the remainder of a parent parcel or parent tract retained by the proprietor); or I have exercised my reasonable discretion to allow a greater depth-to-width ratio pursuant to Section 7.A.5. of this Ordinance due to exceptional topographic or other physical conditions with respect to the subject property and compatibility with surrounding lands.
 6. Each resulting parcel that is a development site has adequate easements for public utilities from the parcel to existing public utility facilities.
 7. Each resulting parcel is accessible.
 8. Property taxes and special assessments due on the subject property for the five years preceding the date of the application have been certified by the County Treasurer to be paid; or if not paid have been apportioned by the Assessor for payment as provided by MCL 211.53.
 9. Each resulting parcel complies with all other applicable requirements of the Land Division Act.

- B. The application is disapproved, for one or more of the following reasons, as indicated:
1. The application does not meet the following requirement(s) specified above for approval (indicate as applicable from items A.1-9):
 2. Approval of the application would create or cause a violation of another ordinance or law (unless the application was submitted for approval of a division to create one or more parcels not intended to be buildable and the application is approvable pursuant to Section 7.C of the Land Division, Combination, and Boundary Line Adjustment Ordinance).
- C. The application was submitted for approval of a division to create one or more parcels not intended to be buildable, and the application is approved pursuant to Section 7.C of the Land Division, Combination, and Boundary Line Adjustment Ordinance; provided the resulting parcels are hereby explicitly designated as “**not buildable**”, and such parcels shall also have this designation in the assessing and zoning records of the Township. **See Addendum.**
- The application was submitted for approval of a division to create one or more parcels not intended to be buildable, and the application is disapproved, because the application does not meet one or more of the requirements, circumstances, and conditions for approval as specified in Section 7.C of the Land Division, Combination, and Boundary Line Adjustment Ordinance (indicate as applicable from items 1-5 on the Addendum):

Date: _____

Administrator

**ADDENDUM TO LAND DIVISION APPLICATION FORM FOR APPLICATIONS
REQUESTING APPROVAL TO CREATE ONE OR MORE PARCELS NOT INTENDED
TO BE BUILDABLE**

Section 7.C of the Land Division, Combination, and Boundary Line Adjustment Ordinance authorizes the Administrator to approve an application for a proposed land division where the width and/or area and/or depth-to-width of each resulting parcel does not comply with the applicable minimum width/area/depth-to-width requirements, if all of the following requirements, circumstances and conditions are met:

1. The application includes the explicit statement of the applicant that “the requested land division is not intended to create a new separate buildable parcel”.
2. The Administrator determines all of the requirements for land division approval specified in Section 7.A of the Land Division, Combination, and Boundary Line Adjustment Ordinance are met, other than Section 7.A.3 and/or 4 and/or 5.
3. The Administrator determines, after consultation with the Zoning Administrator, that the requested division will not cause any remaining portion of the property associated with the proposed land division which is already developed, or intended for development and previously approved, to violate any provision of the Zoning Ordinance concerning minimum frontage/width, minimum area, minimum building/structure setbacks, or maximum coverage requirements in effect at the time of such application.
4. The Administrator explicitly designates the resulting parcel(s) as “not buildable” in the approval determination on the application, and assures this same designation in the assessing and zoning records of the Township.
5. The approval determination is subject to the condition that before the approval becomes effective the applicant shall file with the Administrator a copy of a document (on a form either prepared or approved by the Township) as recorded with the Allegan County Clerk/Register of Deeds explicitly and conspicuously identifying the parcel(s) as “not buildable” and “not a development site”, and “not subject to a request by the applicant or any successor owner to render the property buildable by variance relief granted by the Zoning Board of Appeals under any applicable Zoning Ordinance”.

Note: a parcel designated as “not buildable” pursuant to this provision shall itself be subject to further division to create a parcel(s) intended for building development only to the extent all the following requirements are met:

1. The applicant has retained the right to make such division(s) or is otherwise the lawful transferee of such division rights under the Land Division Act.
2. Any resulting parcel created by such division and intended for development complies with the applicable minimum parcel (lot) width and area requirements of a Zoning Ordinance for a buildable parcel, and can otherwise be lawfully developed under the Zoning Ordinance.
3. The division is otherwise approvable pursuant to this Ordinance and the Land Division Act.

FOR ADMINISTRATOR USE ONLY

A copy of the recorded document required by item 5 on the preceding page, and compliant with the requirements of that provision, was filed with my office on the following date:_____.

Date:_____

Administrator