



**PLAINFIELD CHARTER TOWNSHIP  
KENT COUNTY, MICHIGAN**

**Ordinance No. 2021-11**

At a regular meeting of the Township Board for Plainfield Charter Township held on November 22, 2021, beginning at 7:00 p.m., a motion was made by Township Board Member Postmus and was seconded by Township Board Member Brinkman to enact and adopt the following ordinance:

**AN ORDINANCE TO ADOPT AND ENACT A NEW  
PLAINFIELD CHARTER TOWNSHIP LAND  
DIVISION ORDINANCE.**

THE CHARTER TOWNSHIP OF PLAINFIELD (the "Township") ORDAINS:

**Section 1. Adoption and Enactment of the New Plainfield Charter Township Land Division Ordinance.**

The Plainfield Charter Township Board hereby adopts and enacts the new Plainfield Charter Township Land Division Ordinance attached as Exhibit A.

**Section 2. Repeal and Replacement.**

The former Plainfield Charter Township Land Division Ordinance that exists as of this date will be repealed and replaced by the new Plainfield Charter Township Land Division Ordinance (Exhibit A) when such new Plainfield Charter Township Land Division Ordinance becomes effective.

**Section 3.     Severability.**

Should any portion or part of the new Plainfield Charter Township Zoning Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, that shall not affect the balance of the new Land Division Ordinance and the remaining portions of the new Land Division Ordinance shall remain intact and in full force and effect.

**Section 4.     Effective Date.**

The new Plainfield Charter Township Land Division Ordinance adopted and enacted by this document shall become effective upon the expiration of seven (7) days after the publication of this document (or a summary thereof) appears in the newspaper in the manner provided by law.


The vote to approve and enact this document, the new Plainfield Charter Township Land Division Ordinance as follows:

YEAS: Brinkman, Hagedorn, Batey, Postmus, Coleman

NAYS: None

ABSENT/ABSTAIN: Morrow, Pfaff

This document and the new Plainfield Charter Township Land Division Ordinance is hereby declared adopted at the date and time specified above and in accordance to required statutory procedures.

  
Plainfield Charter Township Clerk

#### ARTICLE IV. - LAND DIVISIONS<sup>[5]</sup>

Footnotes:

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**Editor's note**— Ord. No. 773, §§ I—X, adopted October 17, 2005, amended the Code by repealing former art. IV, §§ 28-211—28-219, and adding a new art. IV. Former art. IV pertained to similar subject matter and derived from Comp. Ords. 1988, § 134.010; and Ord. No. 691, adopted June 5, 2000.

**State Law reference**— Land division act, MCL 560.101 et seq.

Sec. 28-211. – Purpose, intent and effects.

(1) The purpose of this Article is to implement the provisions of the Michigan Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act) (the “Land Division Act”), to prevent the creation or alteration of parcels of property that would not comply with applicable Township ordinances (including the Township’s Zoning Ordinance) and said act, to minimize potential boundary disputes and errors, to maintain orderly development of the community, to ensure safe and proper access and utilities to new parcels, to provide for the health, safety, and welfare of the residents and property owners of the Township, and to implement the goals and objectives of the Township’s comprehensive plan by establishing reasonable standards for prior review and approval of divisions of land, property boundary changes and access to parcels within the Township.

(2) Approval of any land division pursuant to this Article shall not provide, constitute, infer or imply use or zoning approval of any such division or resulting parcels or assure or imply buildability. Such use of land and parcels (including remnant parcels retained by the applicant or landowner) must still comply with the Township’s Zoning Ordinance and any other applicable

ordinances, codes, laws and regulations, and it remains the responsibility of the property owner to ensure all such compliance.

(3) It is not intended by this Article to repeal, abrogate, annul, or in any other way impair or interfere with any provisions of the Township's Zoning Ordinance or of any other laws, codes or ordinances or of any private restrictions placed upon property by covenant, deed, or other private agreement. However, where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the division or use of land, easements or buildings than are imposed or required by the provisions of any restrictions or any other law, code or ordinance, or any of said rules, regulations or permits, then the provisions of this Ordinance shall govern.

(Ord. No. 773, § I, 10-17-2005)

Sec. 28-212. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* or *person* means a natural person, firm, association, partnership, limited liability company, trust, corporation, or combination of any of them, or other legal entity that holds an ownership interest in land, whether recorded or not.

*Accessible* in reference to a parcel or lot, means that the parcel or lot meets all of the following requirements: Has an area where a driveway provides vehicular access to an existing improved public or lawful private road or street and meets all applicable location standards of the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969, being sections 247.321 to 247.329 of the Michigan Compiled Laws, and of the Township, or has an area where a driveway can provide vehicular access to an existing improved

public road or street or lawful private road or street and meets all such applicable location standards. Every lot and parcel shall have frontage on a fully improved public road or lawful private road equal to or greater than the minimum lot width and lot frontage requirements of the Township's Zoning Ordinance.

*Buildable* means (i) having sufficient upland area outside of regulated wetlands, wetland/watercourse setbacks, steep slopes, floodplains and protected woodlands for the construction and use of a building to meet minimum structure setbacks, floor area, parking, sewage disposal, and use requirements, unless, prior to submitting the land division request, the appropriate use permit is obtained allowing construction within the regulated wetland, wetland watercourse setbacks, floodplains or protected woodlands; (ii) having sufficient upland area for the construction and use of a building to meet minimum parcel size and setback requirements under the Township's Zoning Ordinance; and (iii) the lot or parcel complies with all applicable area, width, frontage, size and other dimensional requirements of the Township's Zoning Ordinance.

*Building envelope* means a defined area determined by applicable zoning requirements, setbacks and buildable area.

*Boundary change* means the addition, adjustment or reconfiguration of a parcel, tract of land, or any part of the foregoing with an existing parcel, tract of land or any part of such area of land. This includes any change to or attention of any boundary line of a lot or parcel.

*Divide or division* means the partitioning or splitting of a parcel, lot or tract of land by the proprietor thereof or by his or hers heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of a building development that results in one or more parcels or the equivalent or any other reason, and that

satisfies the requirements of sections 108 and 109 of the Land Division Act. *Divide* and *division* also includes a property transfer between two or more adjacent parcels. *Divide* and *division* shall also include the creation, expansion or extension of any private road or street easement or right-of-way or the equivalent.

*Governing body* means the Township Board.

*Land division officer* means that person designated by the Township Board to administer this Article and that person's designee.

*Lot* means a measured portion of a parcel or tract of land, which is described or fixed in a recorded plat. *Lot* shall also mean any lot or property located within a recorded plat or subdivision.

*Parcel* means a parcel or piece of land, exclusive of any road or street right-of-way or easement, separated from other parcels by a legal description. The word “parcel” shall also include “plot.” *Parcel* is different than a Lot, as a lot is property located within a recorded plat or subdivision.

*Parent parcel* or *parent tract* means a parcel or tract, respectively, lawfully in existence on March 31, 1997.

*Tract* means two or more parcels that share a common property line and are under the same ownership.

For purposes of Sections 105(b) and 109(1)(d) of the Land Division Act, the word “area” shall mean any dimensional, size or space requirement of the Township’s Zoning Ordinance, as amended, including, but not limited to lot size; road frontage; low width; lot width-to-depth limitations; private road and easement regulations; and similar requirements.

For purposes of Sections 105(b) and 109(1)(c) of the Land Division Act, the word “width” shall be as defined in the Township’s Zoning Ordinance, as amended, and shall also include any road, private road, and/or street frontage requirements of that Zoning Ordinance.

(Ord. No. 773, § II, 10-17-2005)

Sec. 28-213. - Request for division or boundary change exemptions.

Land in the Township shall not be divided, property boundaries shall not be reconfigured or changed and no private road or street right-of-way or easement (or access easement) shall be created, extended, altered or expanded without the prior review and express approval of the land division officer, in accordance with this Article and the Land Division Act. The following shall be exempted from this requirement:

- (1) A parcel proposed for subdivision through a recorded plat pursuant to the Township’s subdivision control regulations as specified in the subdivision ordinance and the Land Division Act.
- (2) A lot in a recorded plat proposed to be divided or altered in accordance with the Township’s subdivision control regulations as specified in the subdivision ordinance and the Land Division Act.
- (3) A parcel proposed to be developed as a site condominium in accordance with the Township’s site condominium regulations as specified in the site condominium ordinance and the State Condominium Act.
- (4) A site condominium unit in an approved site condominium proposed to be divided or altered in accordance with the Township’s site condominium regulations as specified in the site condominium ordinance and the State Condominium Act.

- (5) An internal boundary change within a record plat proposed to be changed in accordance with the Township's subdivision control ordinance and the Land Division Act, and which does not change the exterior boundaries of the plat.
- (6) An internal boundary change within an approved site condominium proposed to be changed in accordance with the site condominium ordinance and the State Condominium Act, and which does not change the exterior boundaries of the site condominium project.

(Ord. No. 773, § III, 10-17-2005)

Sec. 28-214. - Requirements for submission of an application for division, boundary changes, and private roads.

An applicant shall file all of the following with the land division officer for review and approval of a proposed land division, property boundary change or any private road or street right-of-way or easement creation, extension or alteration before making any such division, property boundary change or private road or street right-of-way or easement creation, extension or alteration by deed, land contract, agreement, lease for more than one year, or otherwise:

- (1) A complete application form signed by all persons who have any legal or equitable interest in the parent parcel(s) or properties involved on such form as may be provided by the Township. In cases where a parcel is to be combined with an adjoining parcel, all persons having an interest in such adjoining parcels shall also sign the application.
- (2) Proof of fee ownership of the land proposed to be divided or boundary changed.
- (3) A survey map of the land proposed to be divided or a boundary change or a private road or street creation or change, prepared pursuant to the survey map requirements of



1970 public act 132, as amended, (MCL 54.211 et seq.) by a land surveyor or civil engineer licensed by the state, and showing:

- a. A dated survey with north arrow, scale, and the name of the individual or firm responsible for the completion of the survey.
- b. The survey shall include existing and proposed boundary lines and their dimensions (and also all existing and proposed parcels, including remnant parcels) before and after the proposed split or boundary change. The survey shall also include building envelopes.
- c. The location of any public or private street, driveway, or any easements located or to be located within or adjacent to any proposed parcel. Where applicable, copies of the instruments describing and granting such easements and/or maintenance agreements shall be submitted to the Township with the application.
- d. When applicable, general topographical features including contour intervals no greater than five feet and including a delineation of any wetlands or floodplains.

In lieu of such survey map, at the applicant's option, the applicant for land divisions or boundary changes or a private road or street creation or change may request a waiver of the 45-day statutory requirement for a decision on the application until such survey map and legal description are filed with the Township, and may submit a tentative preliminary parcel map drawn to scale of not less than 1" = 40', including an accurate legal description of each proposed division or boundary change or private road or street creation or change, and showing the boundary lines, dimensions, and the accessibility of each division or boundary change from existing or proposed public roads for vehicular traffic and public utilities and any private road or street easement or right-of-way, for

preliminary review, approval, or denial by the land division officer, prior to a final application under this section.

The land division officer may temporarily waive the survey map requirement where the foregoing tentative parcel map is deemed by the land division officer to contain adequate information to tentatively approve a proposed land division or boundary change or private road or street creation or change considering the size, simple nature of the divisions or boundary changes, and the undeveloped character of the territory within which the proposed divisions or boundary changes are located. An accurate legal description of all the proposed divisions or boundary changes and any private road or street easement or right-of-way, however, shall at all times be required.

Before final land division approval is given by the Township, the applicant shall submit the full and detailed survey map mentioned above for final review and approval by the land division officer.

- (4) Proof that all standards of the Land Division Act, this Article, the Township's Zoning Ordinance, and other applicable ordinances and laws have been met. The applicant shall also provide to the Township a signed statement that, to the best of the applicant's knowledge, all standards of the State Land Division Act, Township's Zoning Ordinance and this Article have been met and that everything in the application and supporting materials is true and accurate.
- (5) The history and specifications of any previous division(s) and boundary change of land of which the proposed division or boundary change was a part sufficient to establish that the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the Land Division Act.

- (6) Proof that all due and payable taxes, installments or special assessments pertaining to the land proposed to be divided or the parcel that is the subject of a boundary change are paid in full.
- (7) If a transfer of division rights is proposed in the land transfer, a completed notice to the assessor of transfer of the right to make a division of land must be completed and submitted to the Township.
- (8) Unless a division or boundary change creates a parcel which is acknowledged and declared to be "not buildable" under section 28-217 of this Article, all divisions and boundary changes and any private road or street easement or right-of-way shall result in "buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, flood plains, steep slopes and other areas where buildings or structures are prohibited therefrom, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and maximum allowed area coverage of buildings and structures on the site.
- (9) Provide the location of wetlands, floodplains, soils and steep slopes that will not sustain on-site septic systems.
- (10) The applicant shall provide documentation from the county health department that the building sites are approved for on-site wells.
- (11) The applicant shall provide documentation from the county health department that the building sites are approved for septic systems.
- (12) A driveway permit from the county road commission. This is also required for new or extended private roads and new private driveways. A driveway permit is not required

for a driveway coming off an existing lawful private road. When applicable, an address permit shall be obtained from the county road commission.

- (13) The payment of the fee as may from time to time be established by resolution of the Township Board for land division and boundary change reviews pursuant to this Article to cover the costs of review of the application and administration of this Article and the Land Division Act. There likely will be separate and additional fees for the creation, alteration or change of any private road or street right-of-way or easement. In addition, if a proposal land division will reasonably require that the land division officer consult with the Township's attorney, engineer or outside planner, the Township may require, in addition to the fixed fees, that the applicant deposit a monetary escrow amount or amounts with the Township to cover any such attorney, engineer or planner fees incurred by the Township in the review of the land division, boundary change or private road or street review and approval process.

- (14) The applicant shall provide to the Township such other additional information and materials as the land division officer deems reasonably necessary.

(Ord. No. 773, § IV, 10-17-2005)

Sec. 28-215. - Procedure for review of applications for land division, boundary change and private road or street approval.

- (a) Upon receipt of a fully completed application package by the Township, the land division officer shall:

- (1) Approve;

- (2) Approve with reasonable conditions to assure compliance with all applicable ordinances (including the Township's Zoning Ordinance), the Land Division Act and the protection of public health, safety, and general welfare; or
  - (3) Disapprove the land division applied for within 45 days after receipt of the complete application package conforming to this Article's requirements and shall promptly notify the applicant of the decision(s) and the reason(s) for any denial. If the application package does not conform to this Article's requirements or Land Division Act, the land division officer shall return the same to the applicant for completion and re-filing in accordance with this Article and the Land Division Act, in which case the 45-day period shall not commence until the fully completed application is received back by the Township.
- (b) Any person aggrieved by any decision of the land division officer may, within 30 days of said decision, appeal, in writing, the decision to the Township Board or such other board or person designated by the Township Board which shall consider and resolve such appeal by a majority vote of said board or by the designee at its next regular meeting or session affording sufficient time for a 15-day prior written notice to the applicant of the time and date of said meeting and appellate hearing. A fee as may from time to time be established by resolution of the Township Board shall accompany the request for an appeal. In addition, the Township may, in addition to the fixed fee for an appeal, require that the applicant submit to the Township escrow monies to cover any consultation by the Township or its officials with the Township's attorney, engineer or outside planner pursuant to any such appeal. The monies deposited into escrow with the Township may be utilized by the Township to pay for the Township's experts utilized pursuant to the appeal.

- (c) A decision approving a land division or boundary change is effective for 90 days, after which time it shall be considered revoked unless within such time period the deed, land contract or land contract memorandum accomplishing the approved land division or boundary change is recorded with the county register of deeds and a recorded copy thereof is filed with the Township.
- (d) The land division officer shall maintain an official record of all approved and completed land divisions and boundary changes.
- (e) If an amendment to the Township's Zoning Ordinance or other Township ordinance becomes effective prior to the land division being recorded and the amendment applies to any of the resulting parcels or easements in a way which would make the proposed easements or parcels violate the Township's Zoning Ordinance or other Township ordinance, the land division approval shall be null and void even if the 90-day time limit has not expired.
- (f) If the land division involves the use or creation of a private road, approval of the private road must be obtained from the Township in accordance with the Township's Zoning Ordinance prior to the approval of the land division. Additionally, the applicant must submit to the Township evidence of review and approval of the private road location and entry by the Kent County Road Commission.
- (g) The Township and its officers, officials, and employees shall not be liable for approving a land division if one or more of the resulting parcels proves unbuildable or unusable or if building permits or construction on any of the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities, or any other reason. Any notice of land division approval may include a statement to this effect.

(Ord. No. 773, § V, 10-17-2005)

Sec. 28-216. - Standards for approval of land divisions.

A proposed land division or boundary change shall be approved if all of the following criteria and standards are met:

- (1) All parcels to be created by the proposed land division (including any remnant parcel or parcel retained by the applicant or landowner) or boundary change fully comply with the applicable lot, yard, dimension, frontage, and area requirements of the Township's Zoning Ordinance, including, but not limited to, minimum lot size, minimum water frontage (where applicable), minimum width, minimum road frontage, minimum lot area, maximum lot width-to-depth ratio, maximum lot coverage and minimum set-backs for buildings/structures.
- (2) The proposed land division complies with all of the requirements of the Land Division Act and this Article.
- (3) The ratio of depth-to-width of any parcel created by the division or boundary change does not exceed a four-to-one ratio exclusive of public or private roads, access easements, or non-buildable parcels created under section 28-217 of this Article and parcels added to contiguous parcels that result in all involved parcels complying with said ratio. The permissible depth of a parcel created by land division or boundary change shall be measured within the boundaries of each parcel from the abutting road right-of-way or easement to the most remote boundary line point of the parcel from the point of commencement of the measurement. The permissible minimum width shall be as defined in the Township's Zoning Ordinance.

Upon application to the Township Board, the Township Board may, in its sole discretion, grant a greater depth-to-width ratio based on the following factors:

- a. Exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands.
- b. Whether a greater depth-to-width ratio will detrimentally affect adjacent property and materially impair the intent and purpose of this article.
- c. Whether the request for greater depth-to-width ratio is self-created.
- d. Whether an alternative exist which meets this Article's requirements.
- e. The Township Board may impose reasonable conditions to any variation from the depth-to-width ratio requirements, including the requirement that the applicant permanently preserve in an undeveloped state that portion of a parcel exceeding the lot length times the width requirement.

The land division officer may deny a requested land division or boundary line adjustment if it would result in one or more parcels that would be irregularly shaped, cause some portions of any resulting parcel to be effectively inaccessible or result in an inefficient or unreasonable use of land. When deciding whether a proposed land division should be denied on such basis, the land division officer shall consider the following standards:

- i. Whether one or more resulting parcels would be unreasonable or irregularly sloped.
- ii. Whether one or more resulting parcels would be inconsistent with the intent and goals of this Article or the Township's Zoning Ordinance.
- iii. Whether the shape of one or more resulting parcels would make it difficult to site a new building on the parcel, make it difficult for a new building to meet all



setback requirements or otherwise make the proposed uses of the parcel more difficult or inefficient.

- iv. Whether an inefficient land configuration will occur.
- v. Whether some of the land would be practically unusable.
- vi. Whether some of the land would be effectively inaccessible or wasted.
- vii. Whether difficult new legal descriptions would result.

(4) All parcels created by a land division or modified by a boundary change shall have a minimum road frontage of at least 66 feet or the required width or frontage in the zoning district involved (whichever is greater) on an improved public road or lawful approved private road. A parcel fronting on the curve radius of a cul-de-sac may have a reduced frontage of 45 feet if allowed by the Township's Zoning Ordinance.

(5) Where it is deemed to be in the health, safety and general welfare of the public, the Township may require:

- a. Utility easements in accordance with but not wholly subject to the Township master plan; and/or
- b. Each resulting parcel that is a development site shall have adequate easements for pathways, trails and sidewalks, as well as easements for public utilities from the parcel to existing public utility facilities.

(6) Compliance with all applicable Township ordinances and codes, including, but not limited to, the Township's Zoning Ordinance.

(7) Approval of a division, a boundary change or private road or street creation or change is not a determination that the resulting parcels comply with Township ordinances and regulations.

(Ord. No. 773, § VI, 10-17-2005)

Sec. 28-217. - Allowance for approval of other land divisions or boundary changes.

Notwithstanding disqualification from approval pursuant to this Article, a proposed land division or boundary change that does not fully comply with the applicable lot, yard, and/or accessibility, dimensional and/or area requirements of the Township's Zoning Ordinance or this Article may be approved at the discretion of the land division officer in compliance with the following:

- (1) Each such resulting parcel shall be used for only one or more of the following purposes and uses:
  - (i) Agricultural uses involving the production of plants and/or animals.
  - (ii) Forestry use involving the planting, management or harvesting of timber.
  - (iii) Open space and buffer areas.
  - (iv) Hunting.
- (2) The applicant must execute and record a permanent deed restriction or other document approved by the Township with the county register of deeds, in a form acceptable to the Township, designating the parcel(s) as "not buildable." Any such parcel(s) shall also be designated as "not buildable" in the Township's records, shall not thereafter be the subject of a request to the zoning board of appeals for a variance or other relief from the applicable lot and/or other requirements, and shall not be developed with any building or structure (i.e., no building or structure shall be built or maintained thereon).

(3) Where a parcel is legally non-conforming, and the proposed division or boundary change does not increase the non-conforming aspect of the parcel.

(4) Where the proposed boundary change involves only the minor adjustment of a common boundary line solely for purposes of straightening or correcting said boundary line, so long as no parcel is not made less conforming.

(Ord. No. 773, § VII, 10-17-2005)

Sec. 28-218. - Consequences of noncompliance with a land division or property boundary change approval requirement.

Any parcel or easement created or altered in violation with this Article (including the failure to obtain land division approval from the Township) shall not be eligible for any building permit or zoning permit or approval such as (but not limited to) special land use approval or site plan approval and shall not be recognized as a separate parcel on the assessment roll. In addition, a violation of this Article shall subject the violator to the additional penalties and enforcement actions set forth in section 28-219 of this Article, and as may otherwise be provided by law and this code.

(Ord. No. 773, § VIII, 10-17-2005)

Sec. 28-219. - Penalties and enforcement.

Any person who violates or refuses to comply with any provision of this Article shall be responsible for a municipal civil infraction and subject to a fine plus any costs, damages, expenses, and other sanctions as authorized under chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws. Each day that a violation occurs or continues shall constitute a separate offense and shall make the violator liable for the imposition of an additional fine for each day. The rights and remedies provided for in this Article and elsewhere

in this code are cumulative and in addition to any other remedies provided by law including, but not limited to, invalidation of the land division or boundary change, denial of permits and appropriate injunctive relief. A violation of this Article is also a nuisance *per se*.

(Ord. No. 773, § IX, 10-17-2005)

Secs. 28-220—28-250. - Reserved.