

**RAY TOWNSHIP  
MACOMB COUNTY, MICHIGAN  
ORDINANCE NO. 61-A  
AMENDMENT TO SUBDIVISION CONTROL ORDINANCE**

**AN ORDINANCE** amending the Ray Township Subdivision Control Ordinance, being Ordinance No. 61, to repeal the current regulations for the division of land and adopt regulations for the division of land, partitioning and splitting of land exempt from platting in accordance with the Land Division Act, MCL 560.101 et. seq., setting forth submittal requirements, procedures for dividing, partitioning or splitting of land, providing that each resulting parcel have a minimum width, road frontage and area not less than that required by the Township Zoning Ordinance; providing that each resulting parcel of 10 acres or less have a depth of not more than four times the width of the parcel; providing for review fees; providing a variance procedure; providing a penalty for the violation thereof, and repealing all ordinances and/or resolutions in conflict therewith.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF RAY, COUNTY OF  
MACOMB, MICHIGAN, ORDAINS:**

**SECTION 1. AMENDMENTS**

Article VI (Land Division) shall be repealed and the following substituted therefor:

**ARTICLE VI - DIVISION, PARTITIONING AND SPLITTING  
OF LAND EXEMPT FROM PLATTING**

It shall be unlawful for a proprietor to further divide any lot, tract, parcel, parent parcel or other parcel of land not resulting in a subdivision, except in accordance with the provisions of this Article. Authority to enact this Article is found in the Land Division Act MCL 560.101 et. seq. (formerly known as the Subdivision Control Act).

1. Conformance. Lots, outlots, tracts, parcels, parent parcels, or parent tracts of land may be partitioned, divided or split in accordance with the provisions of

Sections 108 and 109 of the Land Division Act; the provisions of this Article adopted to administer and enforce the Land Division Act, and conformance with Township ordinances, codes, provisions, standards, rules and regulations, etc., which regulate and control the division and/or development of land. No lot shall be split within a subdivision that results in the creation of a lot that is out of character with the size and shape of existing lots within such subdivision.

2. Ordinance Compliance. A division shall not result in a parcel which is determined to be in violation of the Township's Ordinances. All divisions must result in parcels containing sufficient "buildable" area outside unbuildable wetlands, flood plains and other areas where buildings and other improvements are prohibited therefrom. However, approval of a division does not guarantee that the resultant parcels are buildable.
3. Taxes/Assessments. Any due or unpaid tax(es) or special assessment(s) properly due and owing according to the records of the Township Treasurer upon the property shall be paid prior to the division, partitioning or splitting of the land, lot or outlot.
4. Submittal Requirements. An applicant shall file all of the following, or documentation establishing all the following, for review and approval of a proposed land division:
  - a. An application for a division, partition or split regulated by this Article shall be submitted to the Township Assessor on the form(s) provided by the Assessing Department.
  - b. A Survey in accordance with the requirements of the Corner Recordation Act, MCL 54.201 et. seq., as amended, showing area, parcel lines, legal descriptions, public utilities, easements, encroachments, bearings and dimensions, structures and accessibility of each resulting parcel, signed and sealed by a registered engineer or land surveyor;
  - c. Each resulting parcel(s) of ten (10) acres or less, shall have a depth of not more than four (4) times the width. A parcel in excess of ten (10) acres shall comply with the frontage requirements of the Township Zoning Ordinance.
  - d. Each resulting parcel has a minimum width as required by the Township Zoning Ordinance. Minimum width shall equal the Township Zoning Ordinance requirements for public road frontage.

- e. Each resulting parcel has a minimum area not less than that required by the Township Zoning Ordinance.
- f. Each resulting parcel that is a development site has adequate easements for public utilities from the parcel to existing public utility facilities. All Applicants shall provide a letter from DTE setting forth easement availability.
- g. Documentation establishing drive location approval issued by the Macomb County Department of Roads.
- h. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the Land Division Act.
- i. Compliance with all other applicable Township ordinances, codes, provisions, standards, rules and regulations, etc., which regulate and control the division and/or development of land.

5. Procedures for dividing, partitioning, or splitting of land.

- a. The completed Land Division Application and all required supporting documentation and information must be filed with the Township Assessor for review and approval.
- b. The Township Assessor shall not approve an application for a land division unless the application is completed in its entirety and is accompanied by the required documentation and fees. An application which is not complete will be rejected.
- c. The Assessor shall transmit the completed land division application to the Township planner, for review and confirmation of compliance with Zoning Ordinance provisions.
- d. The Assessor shall either approve or reject the application for Land Division within forty-five (45) days after a complete application has been filed with the Assessor.
- e. The forty-five (45) day review period will begin on the date the application is filed with the Assessor. An application is complete if it contains information necessary to ascertain whether the requirements of Sections

108 and 109 of the Land Division Act, this Article, and other applicable Township Ordinances, etc., are met.

- f. The Assessor shall provide the person who filed a land division application with written notice whether the application is approved or disapproved and if disapproved, the reasons for disapproval.
- g. If there is compliance with the Land Division Act, this Article, and other applicable Township ordinances, codes, provisions, standards, rules and regulations, the Assessor shall approve the division, partition or split, and forward to the County Land File Department for assignment of the new parcel identification number(s) and verification of the legal description(s).
- h. If a parcel resulting from a division is approved by the Assessor and is less than one (1) acre in size, the notice of approval shall contain a statement as follows:

“A division resulting in a parcel of less than one (1) acre in size shall not be issued a building permit for the parcel unless the parcel has all of the following:

  - 1. Public water or city, county, or district health department approval for the suitability of an on-site water supply under the same standards as set forth for lots under Rules described in Section 105(g) of the Land Division Act, as well as approval from the Township Engineer.
  - 2. Public sewer or city, county, or district health department approval for on-site sewage disposal under the health department standards as set forth for lots under Rules described in Section 105(g) of the Land Division Act, as well as approval from the Township Engineer.”

6. Review Fees. Fees and related expenses for examination and inspection of divisions of land exempt from platting shall be paid to the Township by the applicant. Such fees shall include the Township fee; the Planner's fee; the Engineer's fee; and, the Township Attorney's fee will be based upon their arrangement with the Township in effect at that time. The legal fees shall be over and above the other charges listed

7. Variance

- a. The Township Planning Commission may grant a variance from the provisions of this Article on a finding that undue hardship or practical difficulty will result from strict compliance with specific provisions or requirements of the Article or that

application of such requirement is impracticable. The Township Planning Commission shall only grant variances that it deems necessary to or desirable for the public interest. In making its findings, as required in this section, the Township Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Township Planning Commission finds that:

1. There are such special circumstances or conditions affecting the property that the strict application of the provisions of this Article would clearly be impracticable or unreasonable. In such cases, the subdivider shall identify for the Township Planning Commission, in writing, the specific provision or requirement involved in the variance request. Further, the subdivider shall clearly present to the Township Planning Commission, in writing, the special circumstances or conditions affecting the property that render compliance with this Article to be impracticable or unreasonable.
  2. The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
  3. The variance will not violate the provisions of the Land Division Act.
  4. The variance will not have the effect of nullifying the interest and purpose of this Article, the Master Plan of the Township or the comprehensive development plan of the Township.
- b. The Township Planning Commission shall record its findings and actions in the meeting minutes. The Township Planning Commission shall either approve or deny the variance request based on the criteria outlined above and shall clearly indicate, on the record, its reasons for approving or denying all variance requests.

## **SECTION 2. PENALTIES**

Any person who violates the provisions of this Ordinance shall upon conviction thereof, be guilty of a misdemeanor and subject to a penalty not to exceed five hundred dollars (\$500) or imprisonment in the Macomb County Jail for a period not to exceed

ninety (90) days, or both such fines and imprisonment.

### **SECTION 3. REPEAL OF CONFLICTING PROVISIONS**

All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

### **SECTION 4. SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

### **SECTION 5. PUBLICATION**

A true copy of this Ordinance or a summary thereof shall be published in a newspaper of general circulation in the Township of Ray.

### **SECTION 6. EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after the publication of a true copy or summary thereof as provided in Section 5.

### **CERTIFICATE OF TOWNSHIP CLERK**

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance Amendment duly adopted by the Township Board of the Township of Ray, Macomb County, Michigan, at a meeting held on the 20<sup>th</sup> day of May, 2025.

I hereby further certify that the following Township Board members were present at the meeting: Eric Crump, Lori Lascoe, Betsy Bart, Betty Grader, and Joe Jarzyna, following Township Board Members were absent: None.

I further certify that Member Jarzyna moved for the adoption of the Ordinance, and that motion was supported by Member Crump.

I further certify that the following Township Board Members voted for the adoption of the Ordinance: Jarzyna, Crump, Bart, Grader, Lascoe and that the following Township Board members voted against adoption of the Ordinance: None.

---

---

Lori R. Lascoe, Clerk  
Township of Ray

## **CERTIFICATE OF PUBLICATION**

I, the undersigned Township Clerk of the Township of Ray, do hereby certify that on May 28th, 2025, a Summary of the Ordinance Amendment adopted was duly published in a newspaper having general circulation within the Township.

---

Lori R. Lascoe, Clerk  
Township