

TOWNSHIP OF AUGUSTA
COUNTY OF WASHTENAW
LAND DIVISION ORDINANCE
ORDINANCE NO. 2026-02

Adopted: June 23, 2026

Effective: July 5, 2026

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, being the Land Division Act and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore and require township approval for certain divisions; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

AUGUSTA TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
ORDAINS:

SECTION I

This ordinance shall be known and cited as the Augusta Township Land Division Ordinance.

SECTION II
PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act. PA 288 of 1967, as amended, formerly known as the Subdivision Control Act, herein referred to as the "Act;" to prevent the creation of parcels of property which do not comply with applicable ordinances and the Act; to minimize potential boundary disputes; to maintain orderly development of the Augusta Township community; and to otherwise provide for the health, safety and welfare of the residents and property owners of Augusta Township by establishing reasonable standards and requirements for prior review and approval of land divisions within Augusta Township.

SECTION III
DEFINITIONS

For purposes of this ordinance certain terms and words used herein shall have the meanings stated in this section. Other words and phrases, if defined by the Act, shall have the meaning stated in the Act.

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Parent Parcel" - means a parcel or tract lawfully in existence on March 31, 1997.
- C. "Divided" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in

one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, and the requirements of other applicable local ordinances.

- D. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.
- E. "Resulting Parcel" - means one or more parcels that result from a land division.
- F. "Forty acres or equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- G. "Governing body" - the Augusta Township Board of Trustees.
- H. "Accessible" in reference to a parcel, means that the parcel meets one or both of the following requirements:
 - i. Has an area where a driveway provides vehicular access to an existing 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 road or street and meet all such applicable location standards.
 - ii. Is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969 and of the township, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.
- I. "Development site" means any parcel or lot on which exists or which is intended for building development other than the following:
 - i. Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, arid field crops; dairy and dairy products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits, vegetables; Christmas trees; and other similar uses and activities.
 - ii. Forestry use involving the planting, management, or harvesting of timber.
- J. "Tract" means 2 or more parcels that share a common property line and are under the same ownership.

- K. "Lot" means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.
- L. "Outlot" when included within the boundary of a recorded plat, means a lot set aside for purposes other than a development site, park, or other land dedicated to public use or reserved to private use.
- M. "Public utility" means all persons, firms, corporations, co-partnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, sewer, or other services of a similar nature.
- N. "Parcel" means a continuous area or acreage of land which can be described as provided for in the act.
- O. "Plat" means a map or chart of a subdivision of land.
- P. "Land" means all land areas occupied by real property.
- Q. "Subdivide" or "subdivision" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of this act by sections 108 and 109. "Subdivide" or "subdivision" does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.
- R. "Surveyor" means a professional surveyor licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.
- S. "Proprietor" means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

SECTION IV

PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

No tract, parcel, outlot, or lot in Augusta Township shall be divided without the prior review and approval of the official designated by the Township Board, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Augusta Township Zoning Ordinance and the State Land Division Act
- B. A parcel proposed for subdivision through a recorded site condominium pursuant to the Augusta Township Zoning Ordinance and the State Condominium Act.
- C. An exempt split as defined in this Ordinance.
- D. Any division or splitting of land from an inaccessible tract or parcel that results only in parcels that are 20 acres or greater in size, and either the inaccessible tract or parcel was in existence on March 31, 1997, or it was created from a previous exempt division under this subsection or section 109b of the Act.

SECTION V
APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Augusta Township Zoning Administrator or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. Establish the fee ownership of the land proposed to be divided.
- B. Establish by documentation the right to make the proposed division that shows the history and succession of division rights from the parent tract or parent parcel proposed for division. If the ownership interest was obtained after March 31, 1997, a copy of the deed(s) establishing land division rights.
- C. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and each parcel proposed to be created, the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.
- D. For each resulting parcel that is a development site, adequate easements for public utilities from the parcel to existing public utilities must be established.
- E. Proof that all standards of the State Land Division Act, this Ordinance and all applicable Augusta Township Ordinances have been met.
- F. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed transfer of division rights. A proprietor transferring the right to make future divisions exempt from platting under this Ordinance or the Act shall give written notice to the Township Assessor within 45 days of the transfer on the form prescribed by the state tax commission under section 27a of the general property tax, Public Act 206 of 1893, MCL 211.27a.
- G. A current Washtenaw County Land Division Tax Certification.
- H. The fee as may from time to time be established by resolution of the Township Board for land division reviews pursuant to this ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

SECTION VI
PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

- A. Upon receipt of a land division application package, the Township Zoning Administrator or other official designated by the Township Board shall forthwith submit the same to the designated official for decision. The designee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 45 days after receipt of the application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decisions and the reasons for any denial. If the application package does not conform to this Ordinance requirements and the State Land Division Act, the assessor or other designee shall return the same to the applicant for completion and refiling in accordance with this Ordinance and the State Land Division Act.

- B. Any person or entity may apply to the Augusta Township Zoning Board of Appeals for a dimensional variance related to a land division for requirements contained in the Augusta Township Zoning Ordinance. The Zoning Board of Appeals shall review, consider, and decide such application in accordance with the procedures, standards, and requirements set forth in the Augusta Township Zoning Ordinance. In no instance shall the Zoning Board of Appeals hear requests that are specific only to the Michigan Land Division Act.
- C. A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the Township Zoning Administrator or other designated official accomplishing the approved land division or transfer.
- D. The land division designee shall maintain an official record of all approved and accomplished land divisions or transfers.

SECTION VII

STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division shall be approved if the following criteria are met:

- A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the Township Zoning Ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot width to depth ratio, and maximum lot (parcel) coverage and minimum setbacks for existing buildings/structures.
- B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
- C. All parcels created and remaining have existing adequate accessibility, or an area available to a public road for public utilities and emergency and other vehicles not less than the requirements of the Township Zoning Ordinance, or this Ordinance.
- D. Where accessibility is to be provided by a proposed new dedicated public road, proof that the Washtenaw County Road Commission or Michigan Department of Transportation has approved the proposed layout and construction design of the road and of utility easements and drainage facilities connected therewith.
- E. Where accessibility by vehicle traffic and for utilities is permitted through other than a dedicated and accepted public road or easement, such accessibility shall comply with the Augusta Township Private Road Ordinance (Article 10).

SECTION VIII

CONSEQUENCES ON NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Any parcel created in noncompliance with this ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this ordinance shall subject the violator to the penalties and enforcement actions set forth in Section X of this ordinance, and as may otherwise be provided by law.

SECTION IX
PENALTIES AND ENFORCEMENT

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a civil infraction and shall be punished by a fine of not more than \$2,500.00 for residential properties, and \$5,000.00 for non-residential properties. Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

SECTION X
SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION XI
REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Augusta Township Zoning Ordinance.

SECTION XII
EFFECTIVE DATE

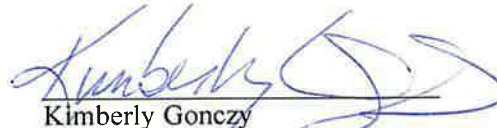
This Ordinance shall be published in the manner as required by law. Except as otherwise provided by law, this Ordinance shall be effective 7 days after final publication.

This Ordinance was duly adopted by the Charter Township of Augusta Board at its regular meeting held on the 23 day June 2026 and was ordered given publication in the manner required by law.



Todd Waller,

Charter Township of Augusta Supervisor



Kimberly Gonczy

Charter Township of Augusta Clerk

Dated: June 25, 2026

Dated: June 25, 2026

First Reading: May 30, 2026
First Publication: June 7, 2026
Adoption: June 23, 2026
Final Publication: June 28, 2026
Effective Date: July 5, 2026
(7 Days after publication of Notice of Adoption)

CLERK'S CERTIFICATE

I, Kimberly Gonczy, Clerk of the Charter Township of Augusta, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of Augusta Charter Township Ordinance No. 2026-02, which was duly adopted by the Township Board of Augusta Charter Township at a Regular Meeting of said Board, held on June 23, 2026, after said Ordinance had previously been introduced at a Regular Meeting of the Board held on May 26, 2026, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member Gonczy moved for adoption of said Ordinance, and that Member Waller supported said motion.

I further certify that the following Members voted for adoption of said Ordinance: Adams, Burek, Gipfert, Gonczy, Green, Prain, Waller, and that the following Members voted against adoption of said Ordinance: None, and that the following Members were absent or abstained from voting on the adoption of said Ordinance: None.

I further certify that after its passage the Ordinance was filed in the office of the Clerk and a Notice of Ordinance Adoption was published along with the full text of the Ordinance or a summary of the regulatory effect of the Ordinance within 15 days of adoption on June 28, 2026, in accordance with Section 401 of PA 110 of 2006, as amended.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Clerk.



Kimberly Gonczy

Charter Township of Augusta Clerk Dated: June 23, 2026