# LAND DIVISION ORDINANCE
# KINROSS CHARTER TOWNSHIP
# CHIPPEWA COUNTY, MICHIGAN
# ORDINANCE NO. 21-A

## AMENDMENT

**Adopted:** 10·19·26
**Published:** 10·20·26
**Effective:** 10·20·26

An ordinance to amend Section VI.A.5 of the Kinross Charter Township Land Division Ordinance to establish standards for additional land divisions following the termination of a condominium project and the allocation of former condominium common elements pursuant to the Land Division Act, 1967 PA 288, as amended.

**CHARTER TOWNSHIP OF KINROSS ORDAINS:**

**SECTION I**

**AMENDMENT OF SECTION VI.A.5**

Section VI.A.5 of the Kinross Charter Township Land Division Ordinance is hereby amended to read as follows:

**5. Number of Resulting Parcels**

The proposed division, together with any previous division or divisions of the same parent parcel or parent tract, shall not result in a number of resulting parcels greater than permitted under Section 108 of the Land Division Act, MCL 560.108, except as provided below.

Pursuant to MCL 560.108(6), land included within a condominium project may be divided into a greater number of resulting parcels than otherwise authorized by Section 108 when all of the following requirements are met:

**A. Condominium termination.**

The condominium project has been lawfully terminated under the Michigan Condominium Act, 1978 PA 59, as amended, or approval of the land division is conditioned upon the recording of documents lawfully terminating the condominium project.

**B. Purpose of division.**

The additional divisions shall be limited to those necessary to:

1. Establish separate fee-simple parcels corresponding to the former condominium units; and
2. Allocate the former general common elements or limited common elements among the resulting parcels.

**C. Maximum number of parcels.**

The total number of resulting parcels authorized under this provision shall not exceed the number of condominium units legally established within the condominium project immediately before its termination.

Former general common elements or limited common elements may be allocated among the resulting parcels but shall not be used to create additional parcels exceeding the number of former condominium units.

**D. Application requirements.**

The applicant shall file all of the following with the Township assessor or other official designated by the Township Board as part of the land-division application:

1. A completed Township land-division application;
2. A copy of the recorded condominium master deed and all recorded amendments;
3. The recorded condominium termination documents or copies of the termination documents prepared for recording;
4. Evidence that the condominium termination has been properly authorized;
5. Written proof of fee ownership of the land proposed to be divided;
6. A survey prepared and sealed by a professional surveyor licensed in the State of Michigan showing the boundaries and dimensions of each proposed resulting parcel;
7. A complete legal description for each proposed resulting parcel;
8. Copies of the proposed fee-simple deeds conveying each resulting parcel, including the applicable former general common elements or limited common elements, to the proposed owner;
9. Copies of all proposed easements, access agreements, utility agreements, maintenance agreements, or other documents necessary to serve the resulting parcels;
10. Proof that all applicable requirements of the Land Division Act and this Ordinance have been met; and
11. The application fee established by resolution of the Township Board.

The application shall not be considered complete, and the statutory review period shall not begin, until all required documents and information have been submitted.

**E. Parcel requirements.**

Each resulting parcel shall comply with all applicable requirements of the Land Division Act, this Ordinance, the Township Zoning Ordinance, and other applicable laws and ordinances, including requirements concerning:

1. Minimum parcel area and width;
2. Depth-to-width ratio;
3. Vehicular access;
4. Public or private road access;
5. Utility easements; and
6. Applicable zoning requirements.

**F. Allocation of common elements.**

Each former general common element or limited common element shall be:

1. Included within the legal description of a resulting parcel;
2. Divided and allocated among two or more resulting parcels; or
3. Conveyed to and combined with an adjoining resulting parcel.

No former common element shall remain without a legally identified owner following completion of the condominium termination and land division.

**G. Conditional approval and proof of recording.**

Approval of a land division under this provision shall be conditioned upon the applicant recording the condominium termination documents, fee-simple deeds, easements, access agreements, and other documents necessary to complete the approved division.

Following conditional approval, the applicant shall provide the Township with proof that the required fee-simple deeds and other documents have been recorded.

The land division shall not be considered complete, and the Township shall not finalize the resulting parcel numbers, ownership records, assessment records, or tax-roll records, until satisfactory proof of recording has been provided.

**H. Expiration of conditional approval.**

Conditional approval shall expire if the required documents are not recorded and proof of recording is not submitted to the Township within one year after approval, unless the Township grants a written extension for good cause.

**I. Scope of approval.**

Approval of a land division under this provision does not constitute or imply zoning approval, building-site approval, or a determination that a resulting parcel is suitable for development.

Approval shall not waive any requirement imposed by the Township Zoning Ordinance, building codes, sanitation requirements, environmental regulations, private restrictions, or other applicable laws or ordinances.

**J. Ordinary land divisions unaffected.**

Except for a land division expressly approved under the terminated-condominium provisions of this subsection, all proposed land divisions shall continue to be reviewed and approved under the ordinary requirements of the Land Division Act and the remaining provisions of this Ordinance. Nothing in this subsection modifies the application, review, approval, or recording requirements applicable to an ordinary land division.

**SECTION II**

**SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is declared void or unenforceable by a court of competent jurisdiction, that decision shall not affect any other portion of this Ordinance.

**SECTION III**

**REPEAL**

All ordinances or portions of ordinances in conflict with this Ordinance are hereby repealed only to the extent of the conflict.

**CERTIFICATION**

I, the undersigned Clerk of the Charter Township of Kinross, Chippewa County, Michigan, certify that the foregoing is a true and complete copy of an ordinance adopted by the Kinross Charter Township Board at a regular or special meeting held on Oct 19, 2026, and that public notice of the meeting was given in accordance with the Michigan Open Meetings Act, 1976 PA 267, as amended.

**Township Supervisor**

**Township Clerk**

Date: 10·19·2026