

SUBDIVISION LOT SPLITTING ORDINANCE
Number 19

An Ordinance establishing the right, rules and regulations regarding the splitting of lots within recorded plats.

THE TOWNSHIP OF LAKE ORDAINS:

Section 1. Title:

This Ordinance shall be known as the Lake Township Subdivision Lot Splitting Ordinance.

Section 2. Purpose:

The purpose of this ordinance is to enable the subdivision lot owners in Lake Township to split their lots, as there is a legitimate question of law as to whether subdivision lots can be split without a township ordinance. This ordinance shall promote the public health, safety and general welfare by regulating the splitting of subdivision lots so that the resulting partial lot owners and neighboring lot owners shall not be adversely affected by undersized parcels of land or illegal lot splits.

Section 3. Definitions:

- A. Lot – As used in this Ordinance, the term lot shall include each individual lot, outlot and any other distinct parcel of land within a subdivision.
- B. Lot Split – This term shall mean the division, partitioning or subdividing of any lot within a recorded plat that is not accomplished through a circuit court action under MCLA 560.221 through 560.229.
- C. Resulting Lot – This term shall apply to one of the allowable four (4) parts which a lot can be divided.

Section 4. Rules Regarding Lot Division:

The splitting of a lot in a recorded plat is prohibited unless approved in the manner required by this Ordinance in complete accordance with the following rules and regulations:

- A. No lot in a recorded plat shall be divided into more than four (4) parts.
- B. Unless municipal water and sewer serves a lot, no resulting lot shall be less the 65 feet wide at the front line or less than 12,000 square feet in area.
- C. All resulting lots shall abut a public road or an existing private road on a recorded plat map.
- D. In the event that one or more of the four (4) possible resulting lots would be an addition to an adjoining subdivision lot, without creating a new building site, the width and area requirements of subparagraph B do not have to be met. The resulting parcel cannot be split off from the adjoining lot as an independent building site.

Section 5. Prior Approval for Lot Splits:

Lots in the Township shall not be split without prior review and approval by the Township Assessor, or other official designated by the Township Board, in accordance with this ordinance. Exempt from the requirements of this ordinance are lots split through a circuit court action under M.C.L.A. 560.221 through 560.229.

Section 6. Application for Lot Splits:

An applicant shall file with the Township Assessor or other official designated by the Township Board all of the following for review and approval of a proposed lot split before any split can be made:

- A. A completed application on such form as may be provided by the Township
- B. Proof of fee ownership of the land to be divided.
- C. A map of the lot and approximately location of all structures proposed to be divided showing the dimensions and legal description of the entire lot and each split to be made.
- D. Proof that all requirements of Section 4 of this Ordinance have been met.
- E. History of any prior lot splits regarding this lot.
- F. The fee as may from time to time be established by resolution of the Township Board.

Section 7. Procedure for Review and Approval:

- A. Upon receipt of a Lot Splitting Application and all other supporting documents, the Township Assessor, or other official designated by the Township Board, shall approve, approve with reasonable conditions to assure compliance with this Ordinance, or disapprove the lot split within forty-five (45) days after receipt of the complete application package. The applicant shall be sent notice of the decision in writing within the forty-five (45) days and, if disapproved, the reasons for the denial. If the application package does not conform to the Ordinance requirements, the application may be returned to the applicant for refileing.
- B. Any applicant aggrieved by the decision of the Assessor, or designee, may, within thirty (30) days of said decision, appeal the decision to the Township Board. The Township Board shall consider and resolve the appeal by majority vote at the next regular meeting, which is held at least thirty (30) days after receipt of the Appeal. Written notice of the hearing date shall be sent to the applicant and assessor or other official designated by the Township Board at least twenty (20) days before the time and date of the meeting by the Township Clerk.
- C. A fee for the appeal may from time to time be established by resolution of the Township Board and must be paid at the time of the appeal. If not paid, the appeal will not be heard.
- D. The Township Assessor, or other official designated by the Township Board, shall maintain an official record of all Lot Splitting applications and decisions.

Section 8. Enforcement and Penalties for Failure to Comply with this Ordinance:

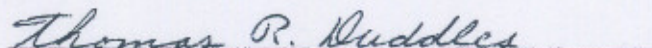
- A. The Township assessor or other designated official shall inform the Grantors and Grantees of any such violation of this ordinance and these parties shall take immediate steps to correct the matter.
- B. In the event that the violation of this Ordinance is not corrected within thirty (30) days after written notice is mailed or personally delivered, the violation may be punished as a municipal civil infraction.
- C. Any person violating the foregoing rule shall be liable for a fine up to and not more than \$500.00 under a Municipal Civil Infraction as defined by statute and with the procedures established under Lake Township Ordinance NO. 15. For each day this ordinance is violated, the offender shall be deemed to have committed a separate offense.
- D. Violations of the foregoing rule shall be enforced by the township supervisor.
- E. In addition to any municipal civil infraction, any person who violates the foregoing rule shall be liable civilly and the rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Section 9. Validity:

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any other part thereof.

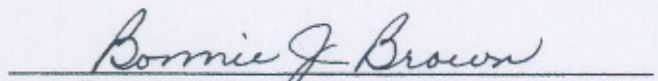
Section 10. Effective Date:

This ordinance is enacted by the Lake Township Board on the 13th day of September, 2001, and shall take effect thirty (30) days after publication.



Thomas R. Duddles,
Lake Township Supervisor

Bonnie J. Brown, Lake Township Clerk, certifies that this Ordinance was adopted by the Lake Township Board on September 13, 2001.



Bonnie J. Brown
Lake Township Clerk

**LAKE TOWNSHIP
MISSAUKEE COUNTY, MICHIGAN
ORDINANCE NO. 19-A**

An ordinance to amend the township Subdivision Lot Splitting Ordinance.

THE TOWNSHIP OF LAKE, MISSAUKEE COUNTY ORDAINS:


Section 1: The Lake Township Subdivision Lot Splitting Ordinance (Ordinance No. 19) is amended to add to Section 7 new Subsections E and F, which read:

E. The Township Board may, upon application from the party seeking the division or combination, permit the division or combination of a lot or parcel that would not otherwise comply with this Section. Before granting a variance, the Board must find:

1. Absent a variance, strict application of this Section would cause undue hardship to the applicant.
2. The undue hardship results from characteristics of or conditions on the land that make compliance with this Section impractical. Examples of such conditions include unusual dimensions of the lot or neighboring lots, topography, road access, soil conditions, wetlands, flood plains, water bodies, or similar unusual conditions.
3. The variance would not conflict with other federal, state, county, or municipal ordinances or regulations.
4. The variance would not substantially impair the public good and this ordinance's purpose.


F. The Township Board may attach to a variance conditions that reasonably further this ordinance's purpose.

Section 2. Effective Date. This ordinance shall take effect 30 days after publication.



Thomas R. Duddles,
Lake Township Supervisor

Kay Ouwinga, Lake Township Clerk, certifies that this Ordinance was adopted by the Lake Township board on March 26, 2008.



Kay Ouwinga
Lake Township Clerk