

Township of Escanaba
PLATTED LOT SPLIT ORDINANCE
Adopted: September 12, 2022
Ordinance #9-22B

An ordinance to regulate the splitting of platted lots in Escanaba Township, Delta County, Michigan; to prescribe procedures to be followed by the township in applying regulations and standards associated with lot split applications; to prescribe procedures to be followed by an applicant in the preparation and presentation of application materials associated with lot split requests; and to prescribe sanctions for the violation of the provisions of this ordinance.

Title

This ordinance shall be known as the Escanaba Township Platted Lot Split Ordinance.

Purpose

The purpose of this ordinance is to promote the public safety, health and general welfare by facilitating the proper review and orderly layout and development of building sites created by splitting of lots previously platted under the Michigan Land Division Act (formerly Subdivision Control Act), Public Act 288 of 1967, as amended, (MCL 560.101, *et seq.*), to create one or more additional platted lots there from or to allow the split lot to be combined with existing platted lots to create a larger parcel; pursuant to the Land Division Act and the Township Ordinances Act, Public Act 246 of 1945, as amended (MCL 41.181, *et seq.*).

Definitions

For the purposes of this ordinance, the following words shall have the following meanings:

- A. Applicant: The person or entity holding an ownership interest in the lot proposed to be split.
- B. Split/Splitting: To divide or partition an existing platted lot or otherwise modify the boundaries of such lot.

Lot Split Authority and Approval Criteria

After a plat has been fully approved and recorded, the Escanaba Township Board may approve the partitioning or division of a lot therein in the following circumstances:

- A. **No Intent to Create a Separate Buildable Lot:** When the application states that the sole purpose of the requested split is to add land to adjoining existing lots or parcels and not to create a new separate buildable lot, the Township Board may approve the application if the requested division will not cause any remaining portion of the original lot which is developed or intended for development to violate any provision of this Ordinance, or the provisions of such zoning ordinance as may be in effect at the time of such applications concerning minimum lot frontage, lot width, minimum lot area, and minimum setbacks.
- B. **Intent to Create New Buildable Lot:** In situations not within the scope of the subsection (A) above, the Township Board may approve one or more splits of a lot upon determining that the following criteria are satisfied:
 1. All of the resulting lots comply with the applicable requirements of this Ordinance, such zoning ordinance as may be in effect at the time of said application with respect to minimum lot frontage lot width, lot area, and setbacks,(or that the resulting lots comply with the applicable requirements of a zoning variance granted as to a particular lot or group of lots by the Township Zoning Board of Appeals) and all other applicable ordinances and the Land Division Act including the number, area and width limitations of Sections 186 and 263 of such Act; If approval of such a platted lot split is based on a variance granted by the Escanaba Township Zoning Board of Appeals, the Township shall indicate the date on which the variance was granted and the applicant shall attach a copy of the minutes to the application for platted lot split. No variance that may be granted by the Escanaba Township Zoning Board of Appeals pursuant to the Escanaba Township Zoning Ordinance in

association with a proposed lot split such as a setback or lot width variance, shall be interpreted as an approval of a platted lot split application. Such approval is reserved to the Escanaba Township Board.

2. Access to such lots complies with the zoning ordinance as may be in effect at the time of such application and any other applicable ordinance.
3. The resulting lots will each have access to public and/or private water utility and sanitary sewer utility services.
4. The proposed split and likely development that will result will not cause an unreasonable alteration in the essential character of the area or otherwise be detrimental to any adjoining property.
5. The proposed division will not for any other reason be contrary to the public health, safety, or general welfare.

Platted Lot Split Application Procedures

- A. A request for platted lot split approval shall be initiated by filing an application with the Township Assessor setting forth the purpose of the proposed split. The application form shall be accompanied by a survey showing the original lot and all lots proposed to result from the requested split, including all dimensions thereof and the legal descriptions therefore, and a survey or other scaled drawing identifying property lines and existing buildings on all lots adjacent to the lot to be split including any lots and buildings on the opposite side of the road. A minimum of eight (8) copies of the applications shall be submitted by the applicant.
 1. In the event the applicant is not the sole owner of the subject lot, the application shall not be approved until all owners have concurred with the filing of said application by signing said application or otherwise giving evidence of their approval.
- B. Upon receiving an administratively complete application, the Assessor shall submit copies to the Township Board, and any other Township consultant deemed necessary by the Assessor, to review the application.

C. The Township Board shall review the application and any comments received by the Township Board from the Assessor or the Township's consultants, and grant application approval, denial, or approval with conditions. The Township Board's Decision shall be based on the approval criteria section. The Township Board shall take action on the application within sixty (60) Days of receipt of a complete application.

1. The Township Board may, at its discretion, conduct a public hearing on a lot split application. In such case, a minimum of fifteen (15) days notice shall be provided by first class mail to all owners of land within three hundred (300) feet of the boundaries of the lot to be split. Notice shall be considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.

Prohibited Actions

A. The following actions are prohibited:

1. The splitting of a lot in a recorded plat without prior approval of the Township Board as required by this Ordinance. Any resulting parcels shall be a nuisance and shall not be deemed valid parcels by the Township for any purpose.
2. The commencing of construction on, or the application for a building permit for such construction, on any portion of a lot in a plat that was split without prior approval of the Township Board as required by this Ordinance.
3. The submission of any document for recording involving the splitting of a lot in a recorded plat without prior approval of such splitting by the Township Board as required by this Ordinance and such split will be deemed invalid by the Township for any purpose.

Application Fees

The fee for consideration of a lot division application pursuant to this Ordinance shall be established by resolution of the Township Board and

may from time to time be revised by the Township Board as deemed necessary.

Violations and Sanctions

A. Violations as Municipal Civil Infractions: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with an approved application, shall constitute a municipal civil infraction. Any person firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	Minimum	Maximum
	Fine	Fine
1st Offense within 3-year period*	\$75.00	\$500.00
2nd Offense within 3-year period*	\$150.00	\$500.00
3rd Offense within 3-year period*	\$325.00	\$500.00
4th or more Offense within 3-year period*	\$500.00	\$500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay cost which may include all expenses, direct and indirect, to which the Township of Escanaba has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. In addition, the Township of Escanaba shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. The Township may also take any action necessary to correct any official record to reflect the accurate boundaries of a parcel of property and charge such actual costs to the original parcel as permitted by law. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

B. Remedies: The Township Board may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. The Township Attorney may initiate prosecution proceedings. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Board may initiate injunctive action in Circuit Court or any such other remedy provided by Law.

Severability

Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction such declaration shall not be deemed to affect the validity of any other part or portion of this Ordinance.

Repeal

This Ordinance is intended to repeal any existing Township Ordinance regulating the division of lots in recorded plats which conflict with this Ordinance, but only to the extent to give this ordinance full force and effect. This Ordinance shall not be construed to repeal a provision of any ordinance regulating the division of land outside of platted subdivisions, or any other ordinance.

Effective Date

This Ordinance shall take effect 30 days after publication of a summary thereof as required by law.



Theresa Chenier Escanaba Township Clerk