

**ORDINANCE NO. 115**  
**Deerfield Township, Livingston County, Michigan**  
**Platted Lot Split Ordinance**

An ordinance to regulate the splitting of platted lots in Deerfield Township, Livingston County, Michigan; to prescribe procedures to be followed by the township in applying regulations and standards associated with lot split applications; 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.

THE TOWNSHIP OF DEERFIELD, LIVINGSTON COUNTY, MICHIGAN, ORDAINS:

**Section 1: Title**

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

**Section 2: Purpose and Enabling**

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, pursuant to the Land Division Act and the Township Ordinances Act, Public Act 246 of 1945, as amended (MCL 41.181, *et seq.*).

**Section 3: 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.

**Section 4: Lot Split Authority and Approval Criteria.** After a plat has been fully approved and recorded, the Deerfield 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 application 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, 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.
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 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.

**C. Variance/Zoning Board of Appeals.** No variance that may be granted by the Deerfield Township Zoning Board of Appeals pursuant to the Deerfield 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. In the event of a variance request to the Zoning Board of Appeals regarding lot area, lot width, setback or other standard within the jurisdiction of the Zoning Board of Appeals, the final decision to grant approval of a platted lot split application is reserved exclusively to the Deerfield Township Board.

## **Section 5: Platted Lot Split Application Procedures**

**A.** A request for platted lot split approval shall be initiated by filing an application with the Township Clerk 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 identify property lines and buildings of all lots adjacent to the lot to be split including any lots and buildings on the opposite side of the road. A minimum of fifteen (15) copies of the application 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 Township Clerk shall submit copies to the Planning Commission and Township Board, and to any other persons selected by the Planning Commission or Township Board to review the application.

**C.** Upon receiving an administratively complete application, the Planning Commission shall review the application and recommend to the Township Board approval, denial, or approval with conditions. The Planning Commission's recommendation shall be based on the approval criteria of Section 4. The Planning Commission shall make such recommendation to the Township Board within sixty (60) days of receipt of the complete application.

**D.** Upon receiving the Planning Commission's recommendation, the Township Board shall review the application and Planning Commission's recommendation and grant application approval, denial, or approval with conditions. The Township Board's decision shall be based on the approval criteria of Section 4. The Township Board shall take action on the application within sixty (60) days of receipt of the Planning Commission's recommendation.

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.

## **Section 6: 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.
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.

## **Section 7: Application Fees**

The fee for consideration of a lot division application pursuant to this Ordinance shall be \$800.00. Upon adoption of this ordinance, the Township Board may periodically change the amount of such fee by motion or resolution.

## **Section 8: Violations; Sanctions**

**A. Violations as Misdemeanors:** 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 misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500) or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

**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 both 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.

C. Nothing herein shall prevent the Township Board or a private citizen from taking such additional lawful action as is necessary to restrain or prevent any violation of this Ordinance or the Michigan Land Division Act.

**Section 9: Severability**

This Ordinance and its various parts are hereby declared to be severable. If any portion of this Ordinance is declared to be invalid such declaration shall not affect the validity of the remainder of the Ordinance.

**Section 10: Repeal**

This Ordinance is intended to repeal any existing Township ordinance regulating the division of lots in recorded plats which conflict with this Ordinance. 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.

**Section 11: Effective Date**

This Ordinance shall take effect thirty (30) days after publication as required by law.