

COVERT TOWNSHIP
VAN BUREN COUNTY, MICHIGAN
ORDINANCE NO. 87
ADOPTED: JANUARY 10, 2017
EFFECTIVE: FEBRUARY 18, 2017

An ordinance to regulate the splitting of platted lots in Covert Township, Van Buren 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.

THE TOWNSHIP OF COVERT
VAN BUREN COUNTY, MICHIGAN

ORDAINS:

SECTION I
TITLE

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

SECTION II
PURPOSE AND ENABLING AUTHORITY

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 therefrom or to allow the split lot to be combined with existing platted lots and non-platted land 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.*).

SECTION III
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 IV
LOT SPLIT AUTHORITY AND APPROVAL CRITERIA

The Covert Township Land Division Official may approve the partitioning or division of a previously platted lot in an approved and recorded subdivision or plat 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 Land Division Official 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 Land Division Official 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; 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. If approval of such a platted lot split is based on a variance granted by the Covert Township Zoning Board of Appeals, the Applicant 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.

2. Variance/Zoning Board of Appeals: No variance that has been granted by the Covert Township Zoning Board of Appeals pursuant to the Covert 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 Covert Land Division Official. If a land division application is intended to create a new buildable lot and such building envelope or proposed structure requires a variance, the applicant shall first go to the Zoning Board of Appeals for variance approval prior to making the platted lot split application.
3. 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.
4. The resulting lots will each have access to public and/or private utility services.
5. 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.
6. The proposed division will not for any other reason be contrary to the public health, safety, or general welfare.

SECTION V **PLATTED LOT SPLIT APPLICATION PROCEDURES**

- A. The applicant shall initiate a platted lot split approval request by filing an application with the Township's Land Division Official 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 the location of existing buildings, to proposed and existing lines, on all lots adjacent to the lot to be split including any lots and buildings on the opposite side of the road at the discretion of the Land Division Official.
 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.

2. If the Zoning Board of Appeals has acted on an application for variance or interpretation as to the particular lot contained in the application, the applicant shall provide a copy of the minutes of the ZBA meeting and the ZBA decision form, if any, to the Land Division Official with the application packet.
- B. The Land Division Official shall review the application and shall act on the application within forty five (45) days of receipt of a complete application.
 - C. The Land Division Official's decision shall be based on the approval criteria of Section IV of this Ordinance. The Land Division Official has the authority to grant the application for platted lot split, to deny the application, to grant the application with conditions, or to request further information from designated persons.

SECTION VI **PROHIBITED ACTIONS**

- A. The following actions are prohibited:
 1. The splitting of a lot in a recorded plat without prior approval of the Township's Land Division Official 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's Land Division Official 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's Land Division Official as required by this Ordinance.

SECTION VII **APPLICATION FEES**

The fee for consideration of a lot division application pursuant to this Ordinance shall be established by motion by the Township Board and may from time to time be revised by the Township Board as deemed necessary.

SECTION VIII
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:

	<u>Minimum</u> Fine	<u>Maximum</u> 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 costs which may include all expenses, direct and indirect, to which the Township of Covert 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 Covert 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. 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 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.

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February 7, 2017

Dawyi Cook, Clerk
Covert Township
P. O. Box 35
Covert, MI 49043-0035

RE: Ordinance No. 87

Dear Dawyi:

I am enclosing a Notice of Ordinance Adoption and the original of Ordinance No. 87 as adopted at the Township Board meeting held on January 10, 2017. We have arranged for the Notice of Ordinance Adoption to be published in the Herald Palladium on Thursday, January 19, 2017.

I am also enclosing a partially completed Clerk's Certificate for the Ordinance to be completed and filed at the appropriate time in the official ordinance book along with the other materials pertinent to this matter. We have published a date of adoption correction along with the new ordinances adopted February 7, 2017.

Should you have any questions in this regard, please do not hesitate to contact me.

Very truly yours,

**BAUCKHAM, SPARKS, THALL,
SEEBER & KAUFMAN, P.C.**


Roxanne C. Seeber

RCS/ser
Enclosure

**TOWNSHIP OF COVERT
VAN BUREN COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF COVERT, VAN BUREN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following is a summary of Ordinance No. 87, which was adopted by the Covert Township Board at a regular meeting held on January 10, 2017.

SECTION I TITLE. This ordinance shall be known as the Covert Township Platted Lot Split Ordinance.

SECTION II PURPOSE AND ENABLING AUTHORITY. The purpose of the ordinance is to facilitate the proper splitting of lots that have been previously platted under the applicable Michigan Statutes.

SECTION III DEFINITIONS. Sets forth definitions for the words “Applicant” and “Split/Splitting” as utilized in the Ordinance.

SECTION IV LOT SPLIT AUTHORITY AND APPROVAL CRITERIA. Sets forth criteria under which the Covert Township Board may approve the partitioning or division of a lot within a previously recorded plat, depending on whether there is a desire to create a separate building lot. Indicates that the grant of a variance to permit construction by the Township ZBA does not confer the ability to split a platted lot.

SECTION V PLATTED LOT SPLIT APPLICATION PROCEDURES. Establishes procedures for the application and processing of a platted lot split. Provides reviewing procedures and possible outcomes by the Township Board.

SECTION VI PROHIBITED ACTIONS. Prohibits the splitting of a lot in a recorded plat without prior approval of the Township Board; the commencing of construction on, or the application for a building permit for such construction, on any platted lot proposed to be split; and the recording of any document related to a platted lot split without prior approval of the Board.

SECTION VII APPLICATION FEES. The Township Board will establish a fee for a platted lot split application.

SECTION VIII VIOLATIONS AND SANCTIONS. Violation of the Ordinance constitutes a municipal civil infraction, punishable by a fine of up to \$500.00 and court orders requiring compliance therewith. The Township Board is permitted to seek additional civil remedies for violation of the Ordinance.

SECTION IX SEVERABILITY. The provisions of the Ordinance are severable.

SECTION X REPEAL. Repeals inconsistent ordinances and ordinance provisions.

SECTION XI EFFECTIVE DATE. This Ordinance shall take effect 30 days following the publication of this summary.

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance has been posted in the Office of the Covert Township Clerk at the address set forth below; on the Covert Township website at www.coverttownship.com; and that a copy of the Ordinance may be purchased or inspected at the office of the Covert Township Clerk during regular business hours of regular working days (Mondays through Fridays) following the date of this publication.

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