

LOT PARTITION
Ordinance No. 688
Adopted: August 20, 2007

An ordinance to regulate partition of lots in platted subdivisions; to establish a procedure for reviewing and acting upon lot splitting requests; to establish administrative fees for consideration of lot splitting applications; to establish penalties for the violation of the ordinance; and to repeal Ordinance No. 475.

THE CHARTER TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN
ORDAINS:

SECTION 1. Conformity with ordinance provisions.

No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the provisions of this Ordinance.

SECTION 2. Approval, disapproval; Planning Commission.

The Fenton Township Planning Commission, after consideration of the recommendations of the advisory authorities hereafter identified, may approve or disapprove any proposed partition. The Township Planning Commission shall either approve, approve with conditions or deny each application. The Planning Commission may also approve or deny an application as it may be modified by the applicant.

SECTION 3. Division limit.

No lot, outlot or other parcel of land in a recorded plat shall be divided into more than four (4) parts.

SECTION 4. Application procedure.

The following procedure shall be followed by a party making application to partition a lot, outlot or other parcel of land in a plat:

- (a) Ten (10) copies of an application for the proposed partition shall be submitted to the Township Clerk at least 30 days prior to any meeting of the Fenton Township Planning Commission which may be required. Application shall be on a form provided by the Township Clerk.
- (b) The application shall be accompanied by a sealed drawing of the proposed partition prepared by a registered civil engineer or registered surveyor. The drawing shall contain the information relating to the physical characteristics of the land and surrounding areas including driveways, fences, septic systems and wells on the subject property and all buildings on the property and within 100' of the subject parcel; the adjacent rights-of-way and public utilities; the existing plat lot lines and zoning classifications; and such other pertinent information as the Planning Commission shall from time to time request.

SECTION 5. Fees.

An application for a partition shall be accompanied by a fee, the amount of which shall be established from time to time by the Fenton Township Board by resolution.

SECTION 6. Notarized consent from deed holder.

Each applicant who is not the deed holder of record of the parcel of land to be partitioned shall submit with the application a notarized statement signed by each deed holder of record, giving consent to the proposed partition.

SECTION 7. Referral to other commissions, agencies.

Applications proposing partitions shall be referred by the Township Planning Commission, (if deemed necessary, because of the particular circumstances of the land or surrounding land) the Genesee County Road Commission, the Genesee County Drain Commissioner, and to the Genesee County Health Department. .

SECTION 8. Review by Planning Commission.

The Township Planning Commission shall review all proposed partitions referred to them and determine if all proposed sites will comply with the Fenton Township Zoning Ordinances and all applicable administrative rules and regulations.

SECTION 9. Notification; published notice.

The Township Clerk shall notify all residents and property owners of the Township Planning Commission public hearing on the application for partition. The notice will comply with the requirements for notices for Special Use Permits outlined in Section 9.05 of the Township Zoning Ordinance.

SECTION 10. Standards for Approval In considering the approval of a proposed lot partition, the Planning Commission shall base the decision on the following standards: The proposed lots shall comply with the township zoning ordinance requirements for lots including density of dwelling units, minimum lot size standards and must be able to meet all of the setback requirements of the ordinance. If a proposed lot partition is denied due to non-compliance with these standards, the applicant may then request a variance from the ZBA in order to comply with the zoning ordinance.

- (a) A platted lot may be split into two non-conforming parcels for the purpose of adding to adjacent tax parcels.
- (b) The proposed lots shall be accessible as determined by the Genesee County Road Commission when the lot is adjacent to a public road, or by the Planning Commission when adjacent to a private road.
- (c) The proposed partition shall not have a negative drainage impact on adjacent properties.
- (d) The proposed partition shall not exceed the capacity of public infrastructure to service the area.
- (e) The proposed partition shall be consistent with the public health, safety and welfare of the community.
- (f) A platted lot may not be divided into more than four (4) parts, per the Land Division Act.

SECTION 11. Time Limit on Approval.

Following approval of a lot split, the applicant must record the division with the County Register of Deeds and apply to the Township Assessor for separate tax ID numbers for each parcel where the lot partition resulted in new tax parcels. Failure to do so within one year of lot split approval shall result in expiration of the approval.

SECTION 12. Severability.

This ordinance and its various sections, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

SECTION 13. Conflicting Ordinances.

All ordinances and provisions of ordinances of the Charter Township of Fenton in conflict herewith, including Ordinance No. 475, are hereby repealed.

SECTION 14. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

SECTION 15. Publication; effective date.

This ordinance shall be published by the Township Clerk as required by law and shall take effect 30 days after publication.

Enacted at a regular meeting of the Fenton Township Board held on the 20th day of August 2007.

Bonnie K. Mathis, Supervisor

Robert E. Krug, Clerk