

## ORDINANCE NUMBER 42

LOT SPLITTING ORDINANCE

An Ordinance establishing a procedure for seeking approval for the splitting of lots and outlots within recorded plats, and establishing standards to be applied for determining whether such approval should be granted.

THE CHARTER TOWNSHIP OF CHOCOLAY ORDAINS:

SECTION 42.1 SHORT TITLE

This Ordinance shall be known and may be cited as the Lot Splitting Ordinance of the Charter Township of Chocolay.

SECTION 42.2 PURPOSE

Consistent with the provisions of Section 263 of Act No. 288, Public Acts of 1967 (the Michigan Subdivision Control Act), which empowers municipalities to enact ordinances authorizing lot splits in recorded plats, the Township Board of the Charter Township of Chocolay hereby enacts the following lot splitting ordinance, the purpose of which is to provide a procedure for seeking approval of proposed lot splits within a recorded plat, and to provide standards which will insure that such lot splits, if approved, will not adversely affect the public health, safety, and welfare.

SECTION 42.3 DEFINITIONS

- A. Lot Split - As used in this Ordinance, the term "Lot Split" shall be deemed to mean the division, partitioning, or subdividing of any lot or outlot within a recorded plat.
- B. Owner - As used in this Ordinance, the term "Owner" shall be deemed to mean all record fee owners of a parcel of property, as well as all land contract vendees and lessees of such parcel, or any portion thereof.
- C. Township - As used in the Ordinance, the term "Township" shall be deemed to mean the Charter Township of Chocolay.

SECTION 42.4 APPLICATION AND FEES

- A. All owners of a lot or outlot for which authorization for a lot split is being sought must file with the Township Zoning Administrator an Application, upon such forms as may be provided by said Zoning Administrator for that purpose.
- B. At the time of filing such Application, there shall be payment of an application fee as established by resolution of the Township Board.
- C. The Application seeking a lot split shall contain and consist of the following:
  - 1. The names and addresses of all owners of:
    - a. The parcel which is the subject of the Application; and,
    - b. All parcels which abut the parcel which is the subject of the Application.
  - 2. The legal description of the parcel which is the subject of the Application;
  - 3. The legal descriptions of the parcels which will result from the proposed lot split;

4. A site plan of the proposed lot split and the proposed new lots at a scale of not less than 1 inch = 20 feet, which site plan shall include all buildings and structures located on said property;
5. A list and description of any and all easements, encroachments, and public utilities located on said property;
6. An explanation of the reasons for and the purposes of the proposed lot split;
7. A written review and evaluation of the proposed lot split by either the Marquette County Road Commission or the Michigan Department of Transportation, if the proposed lot split abuts either a Marquette County road right-of-way or a Michigan Department of Transportation highway right-of-way, respectively, unless said Marquette Road Commission or Michigan Department of Transportation fails to provide such a written review and evaluation within thirty (30) days of being requested to do so; and,
8. Such other and additional information as may be reasonably required by the Zoning Administrator.

#### SECTION 42.5 PROCEDURE

- A. Upon receipt of a completed Application and all other documentation required by the provisions of this Ordinance, including payment of the above described fee, the Zoning Administrator shall forward the Application and all related materials to the Township Planning Commission for its review at its next regularly scheduled meeting, together with his written evaluation and recommendations for action on said Application.
- B. The Township Planning Commission shall review the Application, all related materials, and the evaluation and recommendation of the Zoning Administrator, and shall determine whether the proposed lot split appears to conform to the standards set forth in Section 42.6 of this Ordinance, and shall prepare a written report and recommendation for approval or denial of the proposed lot split, which shall be submitted to the Township Board at its next regularly scheduled meeting.
- C. At such next regularly scheduled meeting, the Township Board shall review and consider the Application and all related documentation, the recommendation of the Zoning Administrator, and the recommendation of the Township Planning Commission, and shall determine whether the proposed lot split conforms to the standards set forth in Section 42.6 of this Ordinance, and shall either:
  1. Approve the Application and proposed lot split; or,
  2. Deny the Application and proposed lot split.
- D. After reaching its decision the Township Board shall, in writing, notify the owners of its decision and its reasons for reaching that decision.

#### SECTION 42.6 STANDARDS

In reviewing an Application for a lot split, the Zoning Administrator, the Planning Commission and the Township Board shall consider and make specific findings of conformity and/or nonconformity with the following described standards:

- A. If the result of the proposed lot split would be the creation of a new building site:

1. The proposed lot split shall be consistent with the Township Comprehensive Plan and any land use plans and subdivision regulations adopted by the Township Board, and shall not be detrimental to the health, safety, and welfare of the public;
  2. The lots resulting from the proposed lot split shall contain the minimum lot widths and lot area of the requirements of the zoning district in which said lots are located;
  3. The proposed lot split shall not place any existing structures in nonconformity with those provisions of the Township Zoning Ordinance applicable to the zoning district in which said proposed lots are located, including but not limited to setback requirements.
  4. The proposed lots shall be approved by the County Health Department for installation of septic systems and private wells, unless public sewer and water are available to said proposed lots, in which case they shall be approved by the township for connection thereto.
  5. The proposed lots shall abut a public road or an approved private road in accordance with Section 402 of the Township Zoning Ordinance.
- B. If the result of the proposed lot split would be the addition of land area to an adjoining parcel, without creating a new building site:
1. The proposed lot split shall be consistent with the Township Comprehensive Plan and any land use plans and subdivision regulations adopted by the Township Board, and shall not be detrimental to the health, safety, and welfare of the public;
  2. The proposed lot split shall not result in the creation of a lot which does not meet minimum lot widths and lot area requirements of the zoning district in which said lots are located.
  3. The proposed lot split shall not place any existing structures in nonconformity with the provisions of the Township Zoning Ordinance applicable to the zoning district in which said proposed lots are located, including but not limited to setback requirements.
  4. The proposed lot split shall not landlock any other parcel of property.

#### SECTION 42.7 NOTIFICATION

The owners, residents, and managers of property abutting or within three hundred (300) feet of a parcel which is the subject of an Application for a lot split shall be provided with written notice, by first class mail or personal service not less than five (5) days prior to the meeting of the Township Planning Commission at which such Application shall be considered, of the fact that the Planning Commission shall be considering such Application at said meeting, and the recipients of such notice together with any other members of the public, shall be permitted to provide comment and input to the Planning Commission regarding said Application during the course of such meeting.

SECTION 42.8 SEVERABILITY

The several sections of this Ordinance shall be deemed severable and should any section, clause, or provision thereof be deemed unconstitutional or contrary to the laws of the State of Michigan and therefore voided by any court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole, or any part of the Ordinance other than the part or section so declared unconstitutional or invalid.

SECTION 42.9 EFFECTIVE DATE

This Ordinance shall become effective and be in full force and effect on the date following its final passage by the Township Board.

DATED: January 7, 1985

*Helen St. Aubin*

Helen St. Aubin, Clerk  
Charter Township of Chocolay

ATTESTED:

*Ivan Fende*

Ivan Fende, Supervisor  
Charter Township of Chocolay

AYES: I. Fende, H. St. Aubin, J. Greenberg, J. Wietek, M. Summers,  
T. Thomas, L. Sherbinow

NAYES: None

Published in the "Mining Journal"

1. December 26, 1984.
2. February 12, 1985.

AMENDMENT TO  
ORDINANCE NUMBER 42,  
CHARTER TOWNSHIP OF CHOCOLAY,  
MARQUETTE COUNTY, MICHIGAN  
LOT SPLITTING ORDINANCE

The Board of the Charter Township of Chocolay, Marquette County, Michigan,

ORDAINS:

That Ordinance Number 42 of the Charter Township of Chocolay, Marquette County, Michigan, entitled "Lot Splitting Ordinance", as adopted on January 7, 1985, shall be, and the same hereby is, amended as follows:

REPEALER

The following described Sections of Ordinance Number 42 of the Charter Township of Chocolay, Marquette County, Michigan, entitled "Lot Splitting Ordinance", adopted January 7, 1985, and any other Ordinance, Resolution, Order, or parts thereof in conflict with the provisions of this Amendment, are, to the extent of such conflict, hereby repealed:

Section 42.4.A.;

Section 42.4.C.8.;

Section 42.5, including subparagraphs A. through D. thereof; and,

Section 42.6, except for subparagraphs A. and B., and the various subparts thereof, which shall remain unchanged.

This repeal shall be effective as of the effective date of the following amendments.

AMENDMENTS

Section 42.4.A. of Ordinance Number 42 of the Charter Township of Chocolay, Marquette County, Michigan, entitled "Lot Splitting Ordinance" adopted January 7, 1985, shall be, and the same hereby is, amended to read as follows:

"A. All owners of a lot or outlot for which authorization for a lot split is being sought must file with the Township Planning Director and Application, upon such forms as may be provided by the Planning Director for that purpose."

\*\*\*\*\*

Section 42.4.C.8. of Ordinance Number 42 of the Charter Township of Chocolay, Marquette County, Michigan, entitled "Lot Splitting Ordinance" adopted January 7, 1985, shall be, and the same hereby is, amended to read as follows:

"8. Such other and additional information as may be reasonably required by the Planning Director."

\*\*\*\*\*

Planning Director shall forward the Application and all related materials to the Township Zoning Administrator for evaluation and recommendation relative to the zoning issues presented by said Application. The Zoning Administrator shall have five (5) business days following receipt of the Application and related materials within which to provide a written evaluation and recommendation to the Planning Director.

B. Following receipt of the written evaluation and recommendation of the Zoning Administrator, the Planning Director shall forward the Application and all related

materials, including the written evaluations and recommendations of the Zoning Administrator and the Planning Director, to the Township Planning Commission for its review at its next regularly scheduled meeting.

C. The Township Planning Commission shall review the Application, all related materials, and the evaluation and recommendations of the Planning Director and of the Zoning Administrator, and shall determine whether the proposed lot split appears to conform to the standards set forth in Section 42.6 of this Ordinance, and shall prepare a written report and recommendation for approval or denial of the proposed lot split, which shall be submitted to the Township Board at its next regularly scheduled meeting.

D. At such next regularly scheduled meeting, the Township Board shall review and consider the Application and all related documentation, including the recommendations of the Zoning Administrator and the Planning Director, as well as the recommendation of the Township Planning Commission, and shall determine whether the proposed lot split conforms to the standards set forth in Section 42.6 of this Ordinance, and shall either:

1. Approve the Application and proposed lot split; or,
2. Deny the Application and proposed lot split.

E. After reaching its decision the Township Board shall, in writing, notify the owners of its decision and its reasons for reaching that decision."

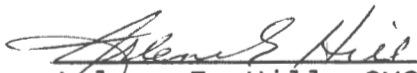
\*\*\*\*\*

Section 42.6 of Ordinance Number 42 of the Charter Township of Chocolay, Marquette County, Michigan, entitled "Lot Splitting Ordinance" adopted January 7, 1985, with the exception of subparagraphs A. and B., and the various subparts thereof, which shall remain unchanged, shall be, and the same hereby is, amended to read as follows:


SECTION 42.6 STANDARDS

In reviewing an Application for a lot split, the Planning Director, the Zoning Administrator, the Planning Commission, and the Township Board shall consider and make specific findings of conformity and/or nonconformity with the following described standards:"

DATED: August 20, 1991.

  
Arlene E. Hill, CMC  
Clerk Charter Township of Chocolay

ATTESTED:

  
Ivan Fende, Supervisor  
Charter Township of Chocolay

AYES: 7            NAYS: 0

Published in the Mining Journal:

1. August 15, 1991
2. September 24, 1991