

Ordinance No. 1985-1
Ely Township Subdivision Control Ordinance

An Ordinance regulating the subdivision of land in the General Law Township of Ely, requiring and regulating the preparation and presentation of preliminary and final plats for such purpose; establishing minimum subdivision standards; providing for minimum improvements to be made or guaranteed to be made by the subdivider; setting forth the procedures to be followed by the Township Board in applying these rules, regulations and standards; and prescribing penalties for the violation of its provisions:

The General Law Township of Ely Ordains:

Article 1. General Provisions.

Short Title: This Ordinance shall be known and may be cited as the “Ely Township Subdivision Ordinance.”

Purpose: The purpose of this Ordinance is to regulate and control the subdivision of land within the General Law Township of Ely, in order to promote the safety, public health and general welfare of the community. These regulations are specifically designed to:

- a. Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies.
- b. Achieve individual property lots of maximum utility and livability.
- c. Insure adequate provisions for water, drainage, sanitary facilities, and other health requirements.

Legal Basis: This Ordinance is enacted pursuant to the statutory authority granted by the Subdivision Control Act of 1967, Act 288, P.A. 1967, as amended; Act 191, P.A. 1939 providing for publication of ordinances; Act 246, P.A. 1945, as amended, authorizing Township Boards to adopt ordinances and regulations to secure the public health, safety and general welfare.

Scope: This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except for the further dividing of lots. Nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants running with the land to which the Township is a party.

Administration: The approval provisions of this Ordinance shall be administered by the Township Board in accordance with Act 288, P.A. 1967, as amended.

Schedule of Fees: The schedule of fees for review of plats shall be as follows: \$40 + \$10 per lot.

Article 2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated. The word “shall” is always mandatory and not merely directory.

Alley: A public or private right-of-way shown on a plat which provides secondary access to a lot, block, or parcel of land.

Dedication: The intentional appropriation of land by owner to public use.

Improvements: Any structure incident to servicing or furnishing facilities for a subdivision.

Lot: A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

A. Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

B. Lot Width: The horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.

Outlot: When included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

Parcel or Tract: A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act, Act 288, P.A. 1967, as amended.

Article 3. Platting Procedure and Data Required.

Preliminary Plats: Preliminary plats shall be submitted and filed for final approval under Sections 112 to 120 of the Subdivision Control Act. The fee provided for in this Ordinance for review of plats shall be deposited with the township clerk at the time of filing.

Actions: Township Board

1) The Township Board shall consider the preliminary plat at its next meeting, but no later than 20 days after receipt.

2) The Township Board shall within 20 days either reject the preliminary plat and give reasons, or set forth in writing the conditions for granting approval.

Conditions and Duration of Approval:

Conditions:

1) Approval of a preliminary plat shall not constitute approval of the final plat, but rather than final plat approval shall be conditioned on all requirements being met.

2) The Township Board may extend the one-year period if applied for and granted in writing but only concerning its own requirements.

Final Plats:

Requirements:

General:

- 1) Final plats shall be prepared and submitted as provided for in the Subdivision Control Act.
- 2) A written application for approval and the recording fee shall accompany all final plats.
- 3) The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to the date of the proprietor's certificate, or a policy of the title insurance currently in force.
- 4) The Township may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

Actions:

- 1) The Township Board shall review the final plat at its next regular meeting, or at a meeting to be called within 20 days of receipt of the plat.
- 2) The Township Board shall approve the plat, or disapprove it. If disapproved, the Township Board shall give the subdivider its reasons in writing and rebate the recording fee and whatever portion of the review fee is provided for this Ordinance.
- 3) The Township Board shall instruct the Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection and to sign the municipal certificate on the approved plat in behalf of the Township Board.

Article 4. Lots – Requirements For.

Lot Size: The lot width, depth, and area shall not be less than the particular district requirements of the county zoning ordinance.

Lot Lines: Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.

Width Related to Length: Narrow deep lots shall be avoided. The depth of a lot generally should not exceed 2 ½ times the width as measured the building line.

Corner Lots: Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets.

Uninhabitable Areas: Lands subject to flooding or otherwise deemed by the Township Board to be uninhabitable shall not be platted for residential purposes, or for uses that may in the judgement

of the Township Board increase the danger to health, life or property or increase the flood hazard. Such land within a subdivision may be set aside for other uses, such as parks or other open space.

Lot Frontage: All lots shall front upon a street or road. Exceptions may be permitted for lots on lakes, rivers or streams. The front line shall be the street or road unless otherwise shown on the plat.

Lot Division: The division of a lot in a recorded plat is prohibited, unless approved following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in area than permitted by the township or county zoning ordinance. No building permit shall be issued, or any building construction commenced, unless the division has been approved by the Township Board and the suitability commenced, unless the division has been approved by the County or District Health Department. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit.

Article 5. Penalties for Failure to Comply with this Ordinance.

Penalties: Penalties for failure to comply with the provisions of this Ordinance shall be as follows: Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements 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 \$100 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. The land owner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance of the Subdivision Control Act.

Article 6. Amendments.

Procedures: The Township Board may, from time to time, amend, supplement or repeal the regulations and provisions of this Ordinance, as provided by law.

Article 7. Miscellaneous Provisions.

Validity: Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Effective Date: This Ordinance shall take effect in the Township after adoption by the Township Board, publication within 10 days after adoption, entry in the Township Ordinance Book and certification by the clerk as to the date of adoption, vote and publication, within 7 days of publication. The effective date shall be 30 days after date of publication.

Date of Public Hearing: November 21, 1985

Adoption by Township Board: December 19, 1985

Final Publication Date: December 26, 1985

Effective Date: January 26, 1986

Elise Petro
Ely Township Clerk