

AMENDMENT TO TOWNSHIP OF ELY, MARQUETTE COUNTY, MICHIGAN
LAND DIVISION ORDINANCE 1997-2

The Board of Ely Township, Marquette County, Michigan ORDAINS: “That Sections 4 and 6 of the Ordinance entitled Ely Township Land Division Ordinance No. 1997-2 as adopted on May 13, 1007, amended May 21, 2003, amended January 18, 2012, shall be, and the same is hereby amended.

REPEALER

Section 4 entitled “Prior Approval Requirement for Land Divisions and Parcel Enlargements”, Section 5 entitled “Application for Land Division and Parcel Enlargements Approval”, Section 6 entitled “Procedure for Review of Application for Land Division and Parcel Enlargement Approval”, and Section 7 entitled “Standards for Approval of Land Divisions and Parcel Enlargement” of the Ely Township Land Division Ordinance No. 1997-2, adopted May 13, 1997, amended May 21, 2003, amended January 18, 2012, and any other Ordinance, Resolution, Order or other parts hereof in conflict with the provisions of these amendments are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following amendment.

AMENDMENT

Section 4. Prior Approval Requirement for Land Divisions

Land in the Township shall not be divided without the prior review and approval of the Ely Township Land Division Officer, in accordance with this Ordinance and the State Land Division Act, provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- C. An exempt split as defined in this Ordinance, or other partitioning or splitting those results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997 or resulted from exempt splitting under the State Act.

Section 5. Application for Land Division Approval

An applicant shall file all of the following with the Land Division Officer for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, or parcel enlargement, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed rights transfer.
- F. The fee as may from time to time be established by Resolution of the governing body or the Township for land division and parcel enlargement reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

Section 6. Procedure for Review of Applications for Land Division Approval

- A. After all application requirements have been fully satisfied, the Land Division Officer shall approve, with reasonable conditions to assure compliance with applicable Ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within forty-five (45) days. After receipt of the application package conforming to all of the requirements of this Ordinance, the Land Division Officer shall promptly notify the applicant of the decision and the reasons for any denial. If the application package does not conform to this Ordinance's requirements and the State Land Division Act, the Ely Township Land Division Officer shall return the same to the applicant for completion and refile in accordance with this Ordinance and the State Land Division Act.
- B. Approval of a parcel division is not a determination that the resulting parcel(s) comply with any other ordinances or regulations. Parcel division approval is not a determination that adequate facilities are available for public water and/or sewer, not a determination that any parcel which results from the division will satisfy any applicable standards for on-site water supply and/or on-site sewage disposal.
- C. A building permit may not be issued for any parcel division of less than one acre in size until and unless the parcel has complied with all of the following:
 - a. Public water, or County or District Health Department approval for the suitability of an on-site water supply system based upon the Health Department standards for lots/parcels.
 - b. Public sewer, or County or District Health Department approval for an on-site sewage disposal system based upon the Health Department standards for lots/parcels.

- D. When the land owner has created a parcel(s) from the parent parcel or parent tract and transferred the right to make a further decision(s) to the owner of the created parcel, such land division(s) shall not become effective until a complete and certified "Notice to Assessor of Transfer of the Right to Make a Division of Land" form (provided by the Township) has been filed with the Ely Township Assessor within forty-five (45) days of the date of delivery of the deed by the parcel enlargement owner of the parent parcel or parent tract of land.
- E. The Land Division Officer shall maintain an official record of all approved land divisions and transfers of land division rights.
- F. The Township and its agents, officers, and employees shall not be held liable for approving a land division or parcel enlargement, if building permits for construction on the parcel(s) are subsequently denied because of the inability of a parcel to be serviced by a public water supply or sanitary sewer, nor due to the inability of a parcel to receive approval for an on-site water or sewage disposal system.
- G. Any person or entity aggrieved by the decision of the Land Division Officer may, within thirty (30) days of said decision, appeal the decision to the Ely Township Board which shall consider and resolve such appeal by a majority vote of said Board at its next regular meeting or session affording sufficient time for a twenty (20) day written notice to said applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

Section 7. Standards for Approval of Land Divisions and Parcel Enlargements

A proposed land division reviewable by the Land Division Officer shall be approved if the following criteria are met:

- A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the Ely Township Zoning Ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, and maximum lot (parcel) coverage and minimum set-backs for existing buildings/structures or have received a variance from such requirement(s) from the Ely Township Zoning Board of Appeals.
- B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
- C. All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of all applicable ordinances.
- D. The ration of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-development site created under Section 8 of this Ordinance. The depth of a parcel created by a land division shall be measure within the boundaries of each parcel from the abutting

road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The width of a parcel shall be measured at the abutting road or right-of-way line, or as otherwise provided in any applicable ordinances.

This Amendment shall be published once in the Marquette Mining Journal, a newspaper of general circulation in Ely Township, within thirty (30) days of its adoption, and shall become effective thirty (30) days following such publication.

Adopted by the Township Board of the Township of Ely on the sixteenth day of September, 2020.

Kim D. Wing, Clerk

September 16, 2020

I, Kim D. Wing, Clerk of Ely Township, certify that the above Amendment to the Land Division Ordinance motion was made by Wing and supported by Schuhknecht. Roll Call vote:

Ayes: Wing, Schuhknecht, Hosang, Gischia, Laakso

Nays: None

Supervisor Laakso declared this Amendment approved and adopted.