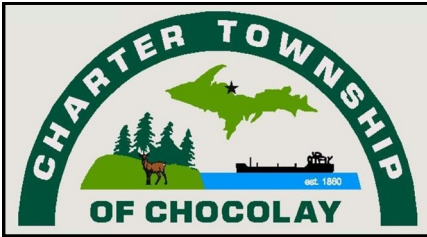


# Land Division Application



## Chocolay Charter Township Assessing Office

5010 US 41 South  
Marquette, MI 49855  
Phone: 906-249-1448 Fax 906-249-1313

#LD- \_\_\_\_\_ - \_\_\_\_\_

**Fee \$75.00**

Date Paid: \_\_\_\_\_

Receipt # \_\_\_\_\_

The purpose of this ordinance is to carry out the provisions of the State Land Division Act 1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Charter Township of Chocolay.

### Owner Information

Owner Name: \_\_\_\_\_  
Owner Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

### Agent Information

Agent Name: \_\_\_\_\_  
Agent Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

### APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township assessor or other official designated by the governing body for review and approval of a proposed land division before making any division by deed, land contract, mortgage, 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 or survey drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines of the parent parcel, the proposed boundary lines, existing building setbacks, 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, this Ordinance and the Township Zoning 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 division rights transfer.

**Acknowledgement by Applicant:** Approval of a division is required before any division is created, sold, transferred or entered into public records. Approval of a division IS NOT a determination that the resulting parcels comply with other ordinances or regulations of the Township or State of Michigan. The Township, its officers, employees, and agents are not liable if a building permit is not issued for the reasons set forth in Section 109a of the Land Division Act.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_



# Land Division Application Approval Standards

#LD- \_\_\_\_\_ - \_\_\_\_\_

## STANDARDS FOR APPROVAL OF LAND DIVISIONS

1. A proposed land division reviewable by the Township shall be approved if the following criteria are met:
2. All parcels created by the proposed division(s) have a minimum width as provided for in an applicable zoning ordinance.
3. All such parcels shall contain a minimum area as provided for in an applicable zoning ordinance.
4. The ratio of depth to width of any parcel created by the division shall not exceed a four to one ratio exclusive of access roads, easements, or non-development sites. The depth of a parcel, tract, or lot created by a land division shall be measured within its boundaries from the abutting road right-of-way to the most remote boundary line point removed from the point of commencement of the measurement. The width of the any parcel, tract, or lot shall be measured as provided for and defined under the Township Zoning Ordinance except, in cases of irregular boundaries, that is, those proposed to be created that have no roughly parallel four-sided boundaries, three sides, or more than four sides, width may be measured as an average perpendicular to the depth line.
5. The proposed land division(s) comply with all requirements of this Ordinance, the Township Zoning Ordinance and the State Land Division Act.
6. All parcels created and remaining have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.
7. Lake Superior/M-28/Lakewood Lane depth to width ratio exemption. Lots with Lake Superior frontage, on M-28, and Lakewood Lane are exempt from the 4 to 1 depth to width ratio due to the existing development pattern and physical location of M-28 and Lakewood Lane, which has led to unusually deep lots.

### Variations:

1. The Zoning Board of Appeals shall have the power and duty to authorize upon appeal in specific cases a variance from the literal enforcement of the provisions of the 4 to 1 depth to width ratio, where compliance would result in unnecessary hardship or practical difficulty owing to special conditions.
2. The Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.
3. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.
4. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
5. The site exhibits unique topographic or physical conditions, which justify the granting of the variance.



# Land Division Application Approval Procedure

#LD- \_\_\_\_\_ - \_\_\_\_\_

## PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

The Township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.

Any aggrieved party may, within 30 days of said decision, appeal the decision to the Township Planning Commission or such other body (Zoning Board of Appeals) or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Commission or by the appellate designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellate where other than the applicant) of the time and date of said meeting and appellate hearing. The appeal procedure shall be in accordance with the following:

An application for Land Division Appeal shall be submitted to the Township no later than 20 days prior to the next scheduled Zoning Board of Appeals meeting. The Township will ensure that the requirements of section VI (B)(2) of the ordinance have been met before forwarding the application to the Zoning Board of Appeals.

An application for **Land Division Appeal** shall consist of the following:

1. A completed Land Division Appeal Application;
2. Payment of a fee in accordance with a fee schedule as determined by a resolution of the Township Board;
3. Other materials as may be required by this section, the Township, or the Zoning Board of Appeals.
4. At a regularly scheduled meeting, the Zoning Board of Appeals shall review the appeal application, review the recommendations of the Township, and accept public comment from any individuals wishing to speak to the Zoning Board of Appeals regarding the Land Division Appeal. If the Zoning Board of Appeals finds that relevant additional information may be required in order to render a decision, they may table the appeal until additional information is provided. If the Zoning Board of Appeals finds that they have sufficient information, then the Zoning Board of Appeals shall render a decision which shall be recorded in writing
5. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
6. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
7. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

### Office Use Only

Date completed application received: \_\_\_\_\_ Received by: \_\_\_\_\_



# Land Division Splits Allowed

#LD- \_\_\_\_\_ - \_\_\_\_\_

Parent Parcel/Tract Size (acres)	Allowable Divi- sions	With Bonus Parcels- establishment of road or 1 parcel is not less than 60% of parent
2 or more parcels that share a common property line and were under the same ownership as of March 31, 1997		
10	4	N/A
20	5	7
30	6	8
40	7	9
50	8	10
60	9	11
70	10	12
80	11	13
90	11	13
100	11	13
110	11	13
120	11	13
130	11	13
140	12	14
180	13	15
Parcel of 40 acres or more created	Shall not be counted against total divisions	Example. Parent is 50 acres- One parcel 40 acres + 8 splits allowed
Additional splits allowed af- ter initial parent has used all allowable splits	Only after 10 years have ex- pired	<b><i>All parcels created using land division MUST conform to zoning requirements.</i></b>



# Land Division Administrator Decision

#LD- \_\_\_\_\_ - \_\_\_\_\_

This letter is to inform you that the parcels, as described on the attached legal description, located in the \_\_\_\_\_ has been ( \_\_\_\_\_ **Approved** / \_\_\_\_\_ **Denied** ) and ( \_\_\_\_\_ **does** / \_\_\_\_\_ **does not**) comply with the requirements of the Michigan Land Division Act 288 of 1967 as amended. (if denied see reasons for denial on attached page (s).)

**Parent Tract Parcels (52-02-** \_\_\_\_\_ **-** \_\_\_\_\_ **-** \_\_\_\_\_ **;** \_\_\_\_\_ **-** \_\_\_\_\_ **-** \_\_\_\_\_ **;** \_\_\_\_\_ **-** \_\_\_\_\_ **-** \_\_\_\_\_ **;**  
 \_\_\_\_\_ **-** \_\_\_\_\_ **-** \_\_\_\_\_ **;** \_\_\_\_\_ **-** \_\_\_\_\_ **-** \_\_\_\_\_ **;** \_\_\_\_\_ **-** \_\_\_\_\_ **-** \_\_\_\_\_ **;** \_\_\_\_\_ **-** \_\_\_\_\_ **-** \_\_\_\_\_ **;**

Parent Tract Acreage (by year)	Allowable divisions	Used divisions	Year divisions requested	Remaining divisions	W/ Bonus parcels

*For a parent parcel or parent tract of not less than 20 acres, the division may result in a total of two parcels in addition to those permitted by subsection (2) if one or both of the following apply: Because of the establishment of 1 or more new roads, no new driveway access to an existing public road for any of the resulting parcels under subsection (2) or this subsection are created or required one of the resulting parcels under subsection (2) and this subsection comprises not less than 60% of the area of the parent parcel or parent tract. (MCL 560.108 (3) a,b)*

An approval for a parcel division is made in accordance to MCL 560.108,109 and conveys only certain rights under the State Land Division Act, thus does not excuse you from complying with any other provisions of this act, or other statues, building codes, zoning ordinances, deed restrictions or other property rights. Finally, an Approval does not convey any vested rights for the parcel (s) if there are changes in any State, County or Township ordinances or regulations, and if changed, the parcels must comply with the new requirements, unless the deeds representing the approved divisions are recorded with the Marquette County Register of Deeds prior to the effective date of any applicable regulations.

**SEC 109 (6) APPROVAL OF A LAND DIVISION IS NOT A DETERMINATION THAT THE RESULTING PARCELS COMPLY WITH OTHER STATE, COUNTY OR TOWNSHIP ORDINANCES, OR REGULATIONS.**

<b>OFFICE USE ONLY</b>	
Date: _____	
_____ <b>Approved</b> / _____ <b>Denied</b>	(if denied) Date of next Zoning Board of Appeal meeting: _____
Land Division Administrator	Date issued to Applicant: _____



**Land Division Administrator  
Decision**

#LD- \_\_\_\_\_ - \_\_\_\_\_

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**DENIAL OF LAND DIVISION**

*The application for land division has not met the requirements for approval as stated below:*

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*Section 8 CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL-* Any division of land in violation of any provision of this Ordinance shall be referred to the County Prosecuting Attorney, plat section Department of Commerce and the person suspected of the violation will be given written notice of such violation.

Any division of land in violation of the ordinance shall not be eligible for any zoning or building permit for any construction or improvements.

An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law

**OFFICE USE ONLY**

Date of appeal to Zoning Board of Appeals: \_\_\_\_\_

Date of hearing: \_\_\_\_\_

ZBA Appeal application number: # ZB \_\_\_\_\_ - \_\_\_\_\_