

ORDINANCE #600
PLATTED LOT SPLIT ORDINANCE
An Ordinance establishing the right, rules and regulations regarding the splitting of lots within recorded plats.

THE CITY OF MARQUETTE ORDAINS:

Section 1. Title:

This Ordinance shall be known as the City of Marquette Platted Lot Split Ordinance.

Section 2. Purpose:

The purpose of this ordinance is to enable the subdivision lot owners in the City of Marquette to split their lots, as there is a legitimate question of law as to whether subdivision lots can be split without a city ordinance. This ordinance shall promote the public health, safety and general welfare by regulating the splitting of subdivision lots so that the resulting partial lot owners and neighboring lot owners shall not be adversely affected by undersized parcels of land or illegal lot splits.

Section 3. Definitions:

- A. Lot- As used in this Ordinance, the term lot shall include each individual lot, outlot, and any other distinct parcel of land within a subdivision.
- B. Lot Split- This term shall mean the division, partitioning or subdividing of any lot within a recorded plat that is not accomplished through a circuit court action under MCLA 560.221 through 560.229.
- C. Resulting Lot- This term shall apply to one of the allowable four (4) parts which a lot can be divided.

Section 4. Rules Regarding Lot Division:

The splitting of a lot in a recorded plat is prohibited unless approved in the manner required by this Ordinance in complete accordance with the following rules and regulations:

- A. No lot in a recorded plat shall be divided into more than four (4) parts.
- B. Unless municipal water and sewer serves a lot, no resulting lot shall be less than those dimensions prescribed in the City of Marquette Zoning Ordinance.
- C. All resulting lots shall abut a public road or an existing private road on a recorded plat map.
- D. In the event that one or more of the four (4) possible resulting lots would be an addition to an adjoining subdivision lot, without creating a new building site, the width and area requirements of subparagraph B do not have to be met. The resulting parcel cannot be split off from adjoining lot as an independent building site.

Section 5. Prior Approval for Lot Splits:

Lots in the City shall not be split without prior review and approval by the City Assessor, or other official designated by the City Commission, upon consultation with the Zoning Administrator, in accordance with this ordinance. Exempt from the requirements of this ordinance are lots split through a circuit court action under M.C.L.A 560.221 through 560.229.

Section 6. Application for Lot Splits:

An applicant shall file with the City Assessor, or other official designated by the City Commission, all of the following for review and approval of a proposed lot split before any split can be made:

- A. A completed application on such form as may be provided by the City.
- B. Proof of fee ownership of the land to be divided.
- C. A map of the lot, including the approximate location of all existing structures, indicating the dimensions and legal description of the entire lot and each split to be made.
- D. Proof that all requirements of Section 4 of this Ordinance have been met.
- E. History of any prior lot splits regarding this lot.
- F. The fee as may from time to time be established by resolution of the City Commission.

Section 7. Procedure for Review and Approval:

- A. Upon receipt of a Lot Splitting Application and all other supporting documents, the City Assessor, or other official designated by the City Commission, upon consultation with the Zoning Administrator, shall approve, approve with reasonable conditions to assure compliance with this Ordinance, or disapprove the lot split within forty-five (45) days after receipt of the complete application package. The applicant shall be sent notice of the decision in writing within the forty-five (45) days and, if disapproved, the reasons for the denial. If the application package does not conform to the Ordinance requirements, the application may be returned to the applicant for refileing.
- B. Any applicant aggrieved by the decision of the Assessor, or designee, may, within thirty (30) days of said decision, appeal the decision to the City Commission. The City Commission shall consider and resolve the appeal by majority vote at the next regular meeting, which is held at least thirty (30) days after receipt of the Appeal. Written notice of the hearing date shall be sent to the applicant and assessor or other official designated by the City Commission at least twenty (20) days before the time and date of the meeting by the City Clerk.
- C. A fee for the appeal may from time to time be established by resolution of the City Commission and must be paid at the time of the appeal. If not paid, the appeal will not be heard.
- D. The City Assessor, or other official designated by the City Commission, shall maintain an official record of all Lot Splitting applications and decisions.

Section 8. Enforcement and Penalties for Failure to Comply with this Ordinance.

- A. The City Assessor or other designated official shall inform the Grantors and Grantees of any such violation of this ordinance and these parties shall take immediate steps to correct the matter.
- B. In the event that the violation of this Ordinance is not corrected within thirty (30) days after written notice is mailed or personally delivered, the violation may be punished as a municipal civil infraction.
- C. Any person violating the foregoing rule shall be liable as a Civil Infraction as set by Section 30, Article II of the Code of Ordinances, City of Marquette, Michigan, as defined by statute and with the procedures established therein. For each day this ordinance is violated, the offender shall be deemed to have committed a separate offense.

D. In addition to any municipal civil infraction, any person who violates the foregoing rule shall be liable civilly and the rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Section 9. 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 other part thereof.

Section 10. Effective Date:

This ordinance is enacted by the Marquette City Commission on the 25th day of March, 2013. This ordinance shall take effect ten days after adoption but not before publication.

Johnny DePetro, Mayor, City of Marquette

David J. Bleau
Clerk, City of Marquette

Adopted: _____

Published: _____