

TOWNSHIP OF HOUGHTON

COUNTY OF KEWEENAW

Ordinance No. 1

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND IN THE TOWNSHIP OF HOUGHTON, 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 TOWNSHIP OF HOUGHTON ORDAINS:

ARTICLE I - GENERAL PROVISIONS

SHORT TITLE: This Ordinance shall be known and may be cited as the "Houghton Township Subdivision Ordinance."

PURPOSE: The purpose of this Ordinance is to regulate and control the subdivision of land within the Township of Houghton, 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.

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, or other private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of this Township, the provisions of this Ordinance shall control.

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:

1. Cost of Special Meetings: \$120.00
2. If Township Board deems it advisable to hire a consultant, the proprietor will bear this expense. An estimate of the cost shall be paid at the time of review and any remaining cost shall be paid by the proprietor.
3. The proprietor shall reimburse the Township for advertising and related expenses and other out-of-pocket expenses incurred by the Township which are related to the plat before final approval of the plat by the Township.

ARTICLE II - 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 the 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 III - PLATTING PRODEDURE 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 its 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 that final plat approval shall be conditioned on all requirements being met.

DURATION:

- (1) Approval of the preliminary plat by the Township Board shall be for a period of one year from the date of its approval after approval by the other required authorities.

- (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 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:

Township Board:

- (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 in 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 IV - LOTS--Requirements for

**LOT SIZE:** The lot width, depth, and area shall not be less than the particular district requirements of the township or county zoning ordinance. If such provisions are not in effect when this ordinance becomes effective, no lot shall be less than 190 feet wide, and less than 25,000 square feet in area.

**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 two and one half (2½) times the width as measured at 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 judgment 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 applications 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 of the land for building sites 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 form.

ARTICLE V - PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE

PENALTIES: Penalties for failure to comply with the provisions of this Ordinance shall be as follow: 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 one hundred dollars (\$100) or imprisoned for not more than thirty (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 or of the Subdivision Control Act.

ARTICLE VI - AMENDMENTS

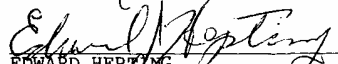
PROCEDURES: The Township Board may, from time to time, amend, supplement, or repeal the regulations and provisions of this Ordinance, as provided by law.


ARTICLE VII - 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 ten (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 seven (7) days of publication. The effective date shall be thirty (30) days after date of publication.

Passed and adopted by the TOWNSHIP OF HOUGHTON, County of Keweenaw, Michigan on March 3', 1990, and approved by me on March 3', 1990.


  
EDWARD HEPTING  
Houghton Township Supervisor

Attest:   
CAROL JONES  
Township Clerk

Yeas: 5  
Nays: 0  
Absent: 0

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Houghton, County of Keweenaw, Michigan (the "Township") at a regular meeting held on March 31, 1990, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Township's Supervisor and Clerk.

  
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CAROL JONES  
Township Clerk