

**STATE OF MICHIGAN**  
**COUNTY OF MARQUETTE, TOWNSHIP OF NEGAUNEE**  
**LAND DIVISION, SUBDIVISION AND CONDOMINIUM ORDINANCE**

**Adopted: August 8<sup>th</sup>, 2008**

**Effective: August 28<sup>th</sup>, 2008**

**ARTICLE I**  
**GENERAL PROVISIONS**

**Sec.100. Title**

This Ordinance shall be known and cited as the Negaunee Township Land Division, Subdivision and Condominium Ordinance.

**Sec. 101. Purpose**

- A. To carry out the provisions of the Land Division Act, Public Act 288 of 1967, as amended (Land Division 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; to regulate and control the division of land within the Township into plats pursuant to said Act; and to regulate preliminary and final plats and prescribe the minimum standards to be met by the subdivider.
- B. To regulate the development of land within the Township under the provisions of the Condominium Act, Public Act 59 of 1978 (Condominium Act), and set the minimum standards to be met by the developer to achieve the same land use results as if the development and improvements were being proposed in accordance with general subdivision statutes, to include all requirements of the Township Zoning Ordinance.
- C. This Ordinance provides supplementary local procedures, standards and rules for the preparation and filing of preliminary and final plats and condominium subdivisions with the Township in order to promote the public safety, health, and general welfare of the Township residents.

**Sec. 103. Authority**

This Ordinance is enacted pursuant to the authority granted by the Land Division Act; Condominium Act; Michigan Planning Enabling Act, Public Act 33 of 2008; and Public Act 246 of 1945, as amended, which authorizes Township Boards to adopt Ordinances to secure the public health, safety and general welfare of its residents.

## Sec. 104. Definitions

- A. The definitions contained in Section 102 of the Land Division Act apply to this Ordinance and terms used are consistent with such definitions.
- B. The definitions used in Sections 103 through 110 of the Condominium Act apply to this Ordinance and terms used are consistent with such definitions.
- C. The following key definitions are reiterated here for clarity, as well as the following specific definitions:
  - 1. Applicant – Shall be synonymous with the terms ‘owner’, ‘proprietor’, and ‘subdivider’ and shall refer to a natural person, firm, association, partnership, corporation, any entity or combination of any of them that holds an ownership interest in land, whether recorded or not.
  - 2. Building Site – The minimum building site shall be that which is recognized as an existing legal lot, or lots that are created by minor or standard subdivision for which an application was received by the Negaunee Township Planning Commission. Or, within a condominium development, that portion of a lot or parcel which is a two dimensional condominium unit of land (i.e. envelope, footprint), along with any and all limited or general common elements designed for the construction of a principal condominium building in addition to accessory condominium buildings. All building sites shall have access to a public or private street or road.
  - 3. Common Elements – Those portions of a condominium project other than the condominium units.
  - 4. Condominium Project – A development project consisting of not less than two condominium units established in conformance with, and pursuant to, the Condominium Act, Public Act 59 of 1978, as amended.
  - 5. Condominium Project Plan – The plan as required in this Ordinance, including but not limited to, the survey and utility plans, building site, the existing and proposed structures and improvements including their location on the land.
  - 6. Condominium Unit – That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use approved by the Michigan Department of Commerce for such projects.
  - 7. Consolidating Master Deed – The final amended master deed for a contractible condominium project, and expandable condominium project, or a condominium project containing convertible land or convertible space, which the final amended master deed fully describes the condominium project as completed.
  - 8. Contractible Condominium – A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the expressed provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

9. Divide or Division – The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his/her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act (MCLs 560.108 and 560.109). ‘Divide’ or ‘Division’ does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the Land Division Act, or the requirements of an applicable local ordinance.
10. Exempt Split or Exempt Division – The partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his/her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than forty (40) acres or the equivalent.
11. Forty acres or the equivalent – Forty (40) acres, or a quarter-quarter section containing not less than thirty (30) acres or a government lot not less than thirty (30) acres.
12. Limited Common Elements – The portion(s) of the common elements reserved in the master deed of a condominium project for the exclusive use of less than all the owners of condominium units in the project.
13. Lot – A single unit or division of land contained in a platted or condominium subdivision, whether it is numbered, lettered, or otherwise designated, which has frontage on a public or private street or road. Synonymous with ‘Condominium Unit’ where applicable.
14. Master Deed – The legal document prepared and recorded pursuant to the Condominium Act, Public Act 59 of 1978, as amended, within which are, or to which are attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project.
15. Parcel – A continuous area, tract, or acreages of land which has not been divided or subdivided (i.e. platted) pursuant to, and/or in accordance with the Land Division Act.
16. Plat – A map or chart of a subdivision of land; shall be synonymous with ‘subdivision’.
17. Setback – The minimum horizontal distance a building or structure, or any portion thereof, is required to be located from the property lines of the lot, parcel or building site boundaries, or private road easements upon which the same is situated from adjacent buildings or structures or from public or private rights-of-way.

**ARTICLE II  
LAND DIVISION**

**Sec. 200. Prior Approval Requirement for Land Division**

Land in the Township shall not be divided without the prior review and approval of the Zoning Administrator, or other official designated by the Township Board, in accordance with this ordinance and the 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 Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the Land Division Act.
- C. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of twenty (20) acres or more if each is not accessible and the parcel was in existence on March 31<sup>st</sup>, 1997, or resulted from exempt splitting under the Land Division Act.

**Sec. 201. Application for Land Approval**

An applicant shall file all of the following with the Township Zoning Administrator or other official designated by the Township Board for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one (1) year, or for building development:

- A. A completed application form or 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 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 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 division rights transfer.
- F. A fee which shall be in an amount established by resolution of the Township Board from time to time to cover the costs of review of the application and administration of this Ordinance and the Land Division Act.

**Sec. 202. Procedure for Review of Applications for Land Division**

- A. The Planning Commission or other designee shall approve, 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 this Ordinance's requirements, and shall promptly notify the applicant of the decision and the reasons for any denial.

- B. Any person or entity aggrieved by the decision of the Planning Commission or designee may, within ten (10) days of said decision appeal the decision to the Township Board, or other such body or person designated by the Township Board, which shall consider and resolve such appeal by a majority vote of said Board or by the appellate designee at its next regular meeting or session affording sufficient time for a twenty (20) day written notice to the applicant of the time and date of said meeting and appellate hearing.
- C. The Zoning Administrator or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. 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.

### **Sec. 203. Standards for Approval of Land Divisions**

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

- A. The proposed land division(s) complies with all requirements of this Ordinance and the Land Division Act.
- B. All parcels created by the proposed division(s) shall fully comply with the Township Zoning Ordinance schedule of regulations for lot dimensions, including minimum lot size (area), minimum lot width and minimum setback requirements for existing buildings and structures or have received a variance from such requirement(s) from the Zoning Board of Appeals.
- C. The ratio of depth-to-width of any parcel created by the division does not exceed a four-to-one ratio (4:1) exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division shall be measured 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.
- D. All parcels created and remaining have existing adequate accessibility, or an area available therefore, for public utilities and emergency and other vehicles.

### **Sec. 204. Consequences of Noncompliance with Land Division Approval Requirement**

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll or assessment roll until the assessing officer refers the suspected violation or

potential non-conformity to the County Prosecuting Attorney and gives written notice to the person requesting the division, and the person suspected of the violation or potential non-conformity of such referral to the Prosecuting Attorney. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto.

### **ARTICLE III SUBDIVISION DEVELOPMENT**

#### **Sec. 300. Plat Approval Process**

##### **A. Required procedural steps**

This Ordinance provides for a proposed plat project to be reviewed by the Planning Commission and Township Board through a mandatory three-step process, as follows:

1. Preliminary plat submitted for tentative approval.
2. Preliminary plat submitted for final approval.
3. Final plat submitted for final approval.

##### **B. Optional Pre-Preliminary Plat Conference**

A potential applicant for plat review may submit a generalized conceptual sketch of a potential plat for non-binding review and comment by the Planning Commission. This optional step in the process is recommended to facilitate early contact between the owner/developer and the Township to generally discuss the conceptual layout of the development, compliance with the substantive requirements of this Ordinance and any other applicable Township ordinance, and the mandatory review process prescribed by this Ordinance. There is no application fee for this optional conference.

#### **Sec. 301. Preliminary Plat Design Standards and Specifications**

The proposed preliminary plat shall be prepared by a registered land surveyor and shall include at least the following:

##### **A. General**

1. A scale of not greater than one (1) inch equals two-hundred (200) feet, a north arrow, a general vicinity map at a scale of one (1) inch to one-thousand (1000) feet with the appropriate orientation to the proposed development showing section and quarter section lines and any general features located in the vicinity of the proposed development.
2. A title block that includes the following information:
  - a. Name of the proposed preliminary plat.

- b. Name, address and telephone number of each of the following:
    - i. Applicant
    - ii. Property owner
    - iii. Land surveyor
    - iv. Project Engineer
  - c. Location and position of the proposed preliminary plat and an appropriate legal description of the subject property.
  - d. Date the proposed preliminary plat was prepared.
  - e. The seal of the surveyor who prepared the proposed preliminary plat.
3. The topography of the area proposed to be developed with not more than four-foot contour intervals.
  4. The location of all man-made and natural features on and within 100 feet of the proposed plat, including, but not limited to, property lines of adjacent parcels, fence lines, curb cuts, streets, wetlands, watercourses, stands of trees, individual trees with a diameter at breast height (DBH) of twelve inches (12") or greater and any other significant features.
  5. If the applicant or owner of the subject property also owns or has a legal interest in the acquisition of adjoining land which may be developed in the future, the applicant shall also submit a tentative conceptual plan showing the feasibility of the development of such adjoining land in relation to the proposed development of the subject property.

## B. Roads

1. The preliminary plat shall provide the location and layout of all roads, intended road names, the width and dimension of all road right-of-ways, and whether such roads are intended to be dedicated public road or maintained as private roads.
2. All private roads serving such plat shall be constructed to at least the minimum standard required of the proposed plat and shall conform to the Township Zoning Ordinance. Roads which serve more than six (6) dwellings and/or are intended to be dedicated as public roads must be provided rights-of-way sixty-six (66) feet wide and be constructed to meet the specifications of the Marquette County Road Commission.
3. The arrangement of roads shall provide for a continuation of existing roads from adjoining areas into the new subdivision. Where the proposed continuation of a road at an intersection is not in alignment with the existing road, it shall not intersect such cross road closer than one-hundred and seventy-five (175) feet from such opposite existing road, as measured from the centerline of said roads.
4. Streets shall intersect at ninety degrees (90°) or as closely thereto as feasible, and in no case less than eighty degrees (80°).

5. The maximum length allowed for residential blocks, measured between intersections at centerlines, shall be one-thousand (1066) feet.
6. Where adjoining areas are not developed or subdivided, the arrangement of roads in the proposed subdivision may be extended to the boundary line of the tract to make provision for the future projection of roads into adjoining areas, provided that minor roads within the subdivision shall be laid out that their use by through traffic will be discouraged.

#### C. Lots

1. Lots shall have such minimum width, depth and area as required by the Township Zoning Ordinance for the applicable zoning district, exclusive of access roads, easements or non-development sites.
2. Corner lots generally shall have sufficient extra width to permit appropriate building setback from both streets.
3. Outlots shall be of a size, extent and location that will not impair the intent of the Land Division Act, or any applicable ordinance regulations for land development.
4. All lots intended for residential use within a subdivision must be provided the minimum street frontage required by the zoning district in which the plat is situated. Land designated as open space, parks, or conservation areas need not have street frontage, however public areas without street frontage shall have easements for public access.
5. Lots extending through the block and having frontage on two streets shall be prohibited.

#### D. Grading and Surface Drainage

1. Grading and clearing of the right-of-way will be the minimum required to provide adequate drainage and safety. All surface waters shall be adequately drained within a plat by a separate system of drainage structures.
2. Stormwater disposal methods proposed for the subdivision must be adequate to insure each building site and roadway will not be flooded and that all necessary easements for stormwater facilities can feasibly be dedicated to the public for such purposes.
3. In order to minimize off-site stormwater discharges, eliminate overland non-point source flows, filter pollutants, and infiltrate runoff into groundwater, natural drainage features or engineered bioswales and contours shall be used to manage stormwater.
4. Planting preference should be given to native plant species for stormwater management facilities for the reason that they are well adapted to local on-site soil conditions and require little or no additional amendments.
5. The determination of proper and adequate drainage shall be left to the Township Board, upon recommendation of a Township Engineer, or Planning Commission, or, when the Planning



Commission deems it advisable, by a consulting engineer hired by the Township to make such determination at the expense of the proprietor.

E. Water Supply and Sanitary Sewers

1. Connection to water supply main and/or sanitary sewer shall be required by the Township Board if it determines that said main and/or sewer are reasonably available to the proposed subdivision.
2. In areas where public water supply is available, all proposed subdivisions shall have a central water system designed and constructed in accordance with the design and construction standards adopted by Negaunee Township.
3. Where public water supply is not available or accessible, individual wells or private community supply systems shall be constructed in accordance with the rules and specifications of the Marquette County Health Department.
4. Where a public sewage collection system is not available or accessible, individual or private septic systems shall be constructed in accordance with the rules and specifications of the Marquette County Health Department.

F. Underground Utilities

Unless exceptions have been granted by the Township Board, upon recommendation of the Township Engineer or Planning Commission, the proprietor shall arrange for all distribution lines for electricity, telephone, television, or similar services distributed by wire or cable to be placed entirely underground throughout the residential subdivision area. Electrical distribution lines shall be defined in accordance with the rules and regulations of the Michigan Public Service Commission. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor, or within dedicated public ways. All such facilities shall be constructed in accordance with standards approved by the Michigan Public Service Commission. Private easements for underground utilities shall be shown on the preliminary plat.

G. Street Lighting

Street lighting may be required by the Township Board when recommended by a Township Engineer or Planning Commission for reasons of public health, safety and welfare.

H. Pedestrian Traffic

Pedestrian paths or sidewalks may be required by the Township Board when recommended by a Township Engineer or Planning Commission for reasons of public health, safety or welfare.

**Sec. 302. Conditions for Tentative Approval of Preliminary Plat**

- A. Privately-held reserve strips controlling access to streets shall be prohibited.

- B. Existing natural features which add value to residential development, that enhance the attractiveness of the community, such as streams, water courses, wetlands, wooded areas, historic spots, and similar irreplaceable assets, shall be preserved insofar as possible in the design of the subdivision.
- C. Wetlands, lands subject to flooding, or otherwise determined by the Planning Commission or Township Board to be uninhabitable shall not be platted for residential, commercial, or industrial purposes. Such lands within a subdivision may be set aside for other purposes, such as parks and/or open space.

**Sec. 303. Submission Requirements and Processing Procedures for Tentative Approval of Preliminary Plats**

- A. An applicant shall submit 10 copies of the preliminary plat, the required application and fee, and all supporting materials to the Township Clerk. The preliminary plat shall be prepared in accordance with Section 111 of the Land Division Act and the additional requirements put forth in Section 301 of this Ordinance.
- B. Upon receiving an administratively complete application for a preliminary plat, the Township Clerk shall immediately refer one (1) copy of the preliminary plat to the Township Zoning Administrator and five (5) copies to the Planning Commission.
- C. Within sixty-three (63) days of filing, the Planning Commission and Zoning Administrator shall jointly review the preliminary plat and provide written recommendation to the Township Board whether the preliminary plat should be tentatively approved or rejected.
- D. Within ninety (90) days of filing, the Township Board shall:
  - 1. Tentatively approve the preliminary plat and note the approval on a copy of the preliminary plat;
  - 2. Tentatively approve it subject to conditions and note the approval and conditions on a copy of the preliminary plat: or,
  - 3. Reject the preliminary plat and set forth in writing the reasons for rejection based on compliance with applicable laws, regulations and ordinances.

**Sec. 304. Granting and Duration of Tentative Approval of Preliminary Plats**

- A. If the Township Board determines, based on recommendations of the Planning Commission or Township Engineer that the proposed preliminary plat complies with all applicable ordinances and statutes and the provisions set forth above, it shall grant tentative approval of the preliminary plat.
- B. This tentative approval shall confer upon the proprietor for a period of one (1) year from the date of approval, lot size, lot orientation and street layout of the then-current plat regulations. Such tentative approval may be extended at the discretion of the Township Board upon request of the applicant prior to expiration of the one (1) year period.

### **Sec. 305. Submission Requirements and Processing Procedures for Final Approval of Preliminary Plats**

- A. A preliminary plat must be tentatively approved or approved subject to conditions, as required by statute if necessary, by the following authorities prior to final approval by the Township Board:
  - 1. Marquette County Health Department
  - 2. Marquette County Road Commission
  - 3. Marquette County Drain Commissioner
  - 4. Michigan Department of Transportation
  - 5. Michigan Department of Environmental Quality
- B. After necessary approvals by the authorities outlined above have been received, the applicant shall submit a complete application and application fee for final preliminary plat approval, ten (10) copies of the tentatively approved preliminary plat and all supporting materials to the Township Clerk. The Township Clerk shall immediately notify the Zoning Administrator and Chairperson of the Planning Commission for further review or recommendation.
- C. The proposed preliminary plat submitted for final approval shall be prepared by a registered land surveyor and shall include the following:
  - 1. Detailed working drawings showing grades, drainage structures, and proposed utilities within and adjoining the plat;
  - 2. Detailed construction plans for streets, pedestrian sidewalks/walkways and bicycle paths/lanes within and adjoining the plat;
  - 3. Documentation of consultation with the agencies responsible for all public utilities which will be servicing the plat, including the manner of resolving any conflicts in location between public utility facilities and other improvements; and,
  - 4. To the extent private water supply or private sewage disposal systems are proposed for the plat or any development in the project, a letter from the Marquette County Health Department shall be provided stating that the proposed systems are acceptable and approvable.
- D. The Township Board shall review the preliminary plat submitted for final approval at its next regular meeting, or within twenty (20) days from the date of submission, and grant final approval if all conditions specified by the Board for tentative approval of the preliminary plat have been met and the preliminary plat complies with all applicable laws, regulations and ordinances.

### **Sec. 306. Granting and Duration of Final Approval of Preliminary Plats**

- A. If the Township Board determines, based upon recommendations of the Township Planning Commission, that the preliminary plat has received the required statutory approval of other

governmental agencies and complies with the requirements of Section 202 of this Ordinance and applicable portions of the Land Division Act, the Township Board shall grant final approval of the preliminary plat.

- B. The Township Clerk shall notify the proprietor of approval or rejection according to the requirements of Section 120 of the Land Division Act.
- C. Final approval shall confer upon the proprietor for a period of two (2) years from date of approval the conditional right that the general terms and conditions under which the approval was granted will not be changed. This two (2) year period may be extended at the discretion of the Township Board upon application of the proprietor.

### **Sec. 307. Submission Requirements and Processing Procedures for Approval of Plats**

- A. The applicant for approval of a final plat shall submit one true copy of the proposed final plat, all supporting materials, application and application fee for final plat approval and the filing and recording fee as prescribed by Section 241 of the Land Division Act, to the Township Clerk. The Township Clerk shall immediately notify the Zoning Administrator, Chairperson of the Planning Commission and Township Engineer of the receipt of such plat.
- B. A final plat shall not be accepted for review after the date of expiration of the preliminary plat approval.
- C. The proposed final plat shall be prepared by a registered land surveyor and, along with supporting materials, shall include the following:
  - 1. A sworn certificate of the surveyor who made the plat stating all of the following on the final plat:
    - a. The copy is a true copy of the final plat;
    - b. The final plat is subject to the approval of each of the governmental officers and agencies whose approval is required under Sections 162-169 of the Land Division Act, with a list of those officers and agencies; and,
    - c. The date of the certificate.
  - 2. All items required by the Township Board and other governmental agencies pursuant to the approval of the preliminary plat.
  - 3. An abstract of title or a title insurance policy showing the proprietor holds merchantable title to all land included within the plat as required by Section 245 of the Land Division Act.
  - 4. A fee for each new lot created will be established by resolution of the Township Board, from time to time, to cover the cost of review of the application and administration of this Ordinance and the Land Division Act.
  - 5. Such other information as the Township Board may require to reasonably insure the completion of any unfinished public improvements.

- D. Upon receiving an administratively complete application for a final plat the Township Clerk shall submit same to the Township Board for review and approval consideration at its next regular meeting, or at a special meeting, within 20 days after the date of receiving the administratively complete final plat submission, pursuant to the approval standards in Section 208 of this Ordinance.
- E. The Township Board shall instruct the Township Clerk to record all Township Board proceedings on the final plat on the minutes of the meeting, which shall be open for inspection, and to send a copy of the minutes to the county plat board.
- F. If the Township Board approves the final plat, it shall instruct the Township Clerk to notify the proprietor of the Township Board's approval and to certify the Township Board's approval, showing the date of the Township Board's approval, the approval of the Health Department, when required, and the date of Health Department approval as shown on the approved preliminary plat. Upon approval of a final plat, the Township Clerk shall also send the filing and recording fee and State plat review fee with the final plat to the Clerk of the County Plat Board.
- G. If the Township Board rejects the final plat, it shall instruct the Clerk to give the reasons in writing as set forth in the minutes of the meeting, and to return the unapproved final plat to the proprietor.

**Sec. 308. Approval Standards for Final Plat**

- A. The Township Board shall approve a final plat if it conforms to all of the applicable provisions of the Land Division Act, and this Ordinance, including but not limited to the requirements listed in Article V of this Ordinance.
- B. The Zoning Administrator will have the property inspected to determine the status of completion or installation of all required roads, streets, bridges, waterways, utilities, public improvements, etc. Work that is found to be incomplete shall be completed by the proprietor.

**Sec. 309. Granting Approval and Effect of Final Plat**

Approval of a final plat by the Township Board, and by all other governmental officers and agencies whose approval is required, and the recording of the approved final plat as required by the Land Division Act, confers approval of the plat to facilitate the construction thereof and the sale and development of lots therein in accordance with the approved final plat and all applicable laws, regulations and ordinances.

**Sec. 310. Division of Lots in Approved Plat**

- A. The following actions are prohibited:
  1. The division or partitioning of a lot in a recorded plat without prior approval of the Township Board as required by this Ordinance.
  2. The commencing of construction on, or the application for a building permit for such construction, on any portion of a lot in a plat that was divided without prior approval of the Township Board as required by this Ordinance.

3. The submission of any document for recording involving the division or partitioning of a lot in a recorded plat without prior approval of such division or partitioning by the Township Board as required by this Ordinance.

**B. Lot Division Authority**

1. No Intent to Create Separate Buildable Lot

When the application states that the sole purpose of the requested division is to add land to adjoining existing lots or parcels and not to create a new separate buildable lot, the Township Board may approve the application if the requested division will not cause any remaining portion of the original lot which is developed or intended for development to violate any provision of this Ordinance, or the provisions the Township Zoning Ordinance as may be in effect at the time of such application concerning minimum lot width, minimum lot area and minimum setbacks.

2. Intent to Create a New Buildable Lot

In situations not within the scope of the preceding paragraph, the Township Board may approve the division of a lot into not more than four(4) parts upon determining that the following criteria are satisfied:

- a. All of the resulting lots comply with the applicable requirements of this Ordinance and the Township Zoning Ordinance with respect to minimum lot width, minimum lot area and minimum setbacks;
- b. The resulting lots will each have direct access to a street as required by this Ordinance;
- c. The resulting lots will each have access to public and/or private utility services;
- d. All such resulting lots conform in all respects to all applicable ordinances and the Land Division Act;
- e. The proposed division will not cause an unreasonable detriment to any adjoining property; and
- f. The proposed division will not for any other reason be contrary to the public health, safety, or general welfare of Township residents.

**ARTICLE IV  
CONDOMINIUM DEVELOPMENT**

**Sec. 400. Preliminary Condominium Project Plan Design Standards and Specifications**

The proposed preliminary condominium project plan shall be prepared by a registered civil engineer and shall include at least the following:

## A. General

1. A scale of not greater than one (1) inch equals two-hundred (200) feet, a north arrow, a general vicinity map at a scale of one (1) inch to one-thousand (1000) feet with the appropriate orientation to the proposed development showing section and quarter section lines and any general features located in the vicinity of the proposed development.
2. A title block that includes the following information:
  - a. Name of the proposed condominium project.
  - b. Name, address and telephone number of each of the following:
    - i. Applicant
    - ii. Property owner
    - iii. Land surveyor
    - iv. Project Engineer
  - c. Location and position of the proposed condominium project and an appropriate legal description which adequately describes the building sites comprising the project.
  - d. Date the proposed preliminary condominium project plan was prepared.
3. The topography of the area proposed to be developed with not more than four-foot contour intervals.
4. The location of all man-made and natural features on and within 100 feet of the proposed condominium project, including, but not limited to, property lines of adjacent parcels, fence lines, curb cuts, streets, wetlands, watercourses, stands of trees, individual trees with a diameter at breast height (DBH) of twelve inches (12") or greater and any other significant features.
5. If the applicant or owner of the subject property also owns or has a legal interest in the acquisition of adjoining land which may be developed in the future, the applicant shall also submit a tentative conceptual plan showing the feasibility of the development of such adjoining land in relation to the proposed development of the subject property.
6. The names and addresses of the proprietors and the ownership interest of each in the land included in the proposed condominium project, including a legal opinion showing the legal and equitable owners of the land to be developed, plus all grants, reservations, deed restrictions and easements of record which condition the use of the property.

## B. Roads

1. The preliminary condominium project plan shall provide the location and layout of all roads, intended road names, the width and dimension of all road rights-of-way, and whether such roads are intended to be dedicated public roads or maintained as private roads.

2. All private roads serving such condominium project shall be constructed to at least the minimum standard required of the proposed condominium project and shall conform to the Township Zoning Ordinance. Roads which serve more than six (6) single-family dwellings and/or are intended to be dedicated as public roads must be provided rights-of-way sixty-six (66) feet wide and be constructed to meet the specifications of the Marquette County Road Commission.
3. The arrangement of roads shall provide for a continuation of existing roads from adjoining areas into the new condominium project. Where the proposed continuation of a road at an intersection is not in alignment with the existing road, it shall not intersect such cross road closer than one-hundred and seventy-five (175) feet from such opposite existing road, as measured from the centerline of said roads.
4. Streets shall intersect at ninety (90) degrees or as closely thereto as feasible, and in no case less than eighty (80) degrees.
5. The maximum length allowed for residential blocks, measured between intersections at centerlines, shall be one-thousand (1000) feet.
6. Where adjoining areas are not developed or subdivided, the arrangement of roads in the proposed condominium project may be extended to the boundary line of the tract to make provision for the future projection of roads into adjoining areas, provided that minor roads within the condominium project shall be laid out that their use by through traffic will be discouraged.

#### C. Building Sites

1. Building sites shall have such minimum width, depth and area as required for lots by the Township Zoning Ordinance for the applicable zoning district, exclusive of access roads, easements or non-development sites.
2. Building sites located on corners generally shall have sufficient extra width to permit appropriate building setback from both streets.
3. Outlots shall be of a size, extent and location that will not impair the intent of the Land Division Act, or any applicable ordinance regulations for land development.
4. All building sites intended for residential use within a condominium project must be provided the minimum street frontage required by the zoning district in which the condominium project is situated. Land designated as open space, parks, or conservation areas need not have street frontage, however public areas without street frontage shall have easements for public access.
5. Building sites extending through the block and having frontage on two streets shall be prohibited.

#### D. Grading and Surface Drainage

1. Grading and clearing of the right-of-way will be the minimum required to provide adequate drainage and safety. All surface waters shall be adequately drained within a condominium project by a separate system of drainage structures.



2. Stormwater disposal methods proposed for the condominium project must be adequate to insure each building site and roadway will not be flooded and that all necessary easements for stormwater facilities can feasibly be dedicated to the public for such purposes.
3. In order to minimize off-site stormwater discharges, eliminate overland non-point source flows, filter pollutants, and infiltrate runoff into groundwater, natural drainage features or engineered bioswales and contours shall be used to manage stormwater.
4. Planting preference should be given to native plant species for stormwater management facilities for the reason that they are well adapted to local on-site soil conditions and require little or no additional amendments.
5. The determination of proper and adequate drainage shall be left to the Township Board, upon recommendation of a Township Engineer, or Planning Commission, or, when the Planning Commission deems it advisable, by a consulting engineer hired by the Township to make such determination at the expense of the proprietor.

#### E. Water Supply and Sanitary Sewers

1. Connection to water supply main and/or sanitary sewer shall be required by the Township Board if it determines that said main and/or sewer are reasonably available to the proposed condominium project.
2. In areas where public water supply is available, all proposed condominium projects shall have a central water system designed and constructed in accordance with the design and construction standards adopted by Negaunee Township.
3. Where public water supply is not available or accessible, individual wells or private community supply systems shall be constructed in accordance with the rules and specifications of the Marquette County Health Department.
4. Where a public sewage collection system is not available or accessible, individual or private septic systems shall be constructed in accordance with the rules and specifications of the Marquette County Health Department.

#### F. Underground Utilities

Unless exceptions have been granted by the Township Board, upon recommendation of the Township Engineer or Planning Commission, the proprietor shall arrange for all distribution lines for electricity, telephone, television, or similar services distributed by wire or cable to be placed entirely underground throughout the residential condominium project area. Electrical distribution lines shall be defined in accordance with the rules and regulations of the Michigan Public Service Commission. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor, or within dedicated public ways. All such facilities shall be constructed in accordance with standards approved by the Michigan Public Service Commission. Private easements for underground utilities shall be shown on the preliminary condominium project plan.

#### G. Street Lighting

Street lighting may be required by the Township Board when recommended by a Township Engineer or Planning Commission for reasons of public health, safety and welfare.

#### H. Pedestrian Traffic

Pedestrian paths or sidewalks may be required by the Township Board when recommended by a Township Engineer or Planning Commission for reasons of public health, safety or welfare.

### **Sec. 401. Conditions for Tentative Approval of Preliminary Condominium Project Plan**

- A. Privately-held reserve strips controlling access to streets shall be prohibited.
- B. Existing natural features which add value to residential development, that enhance the attractiveness of the community, such as streams, water courses, wetlands, wooded areas, historic spots, and similar irreplaceable assets, shall be preserved insofar as possible in the design of the condominium project.
- C. Wetlands, lands subject to flooding, or otherwise determined by the Planning Commission or Township Board to be uninhabitable shall not be developed for residential, commercial, or industrial purposes. Such lands within a condominium project may be set aside for other purposes, such as parks and/or open space.

### **Sec. 402. Submission Requirements and Processing Procedures for Tentative Approval of Preliminary Condominium Project Plans**

- A. An applicant shall submit 10 copies of the proposed preliminary condominium project plan, the required application and fee, and all supporting materials to the Township Clerk. The preliminary condominium project plan shall be prepared in accordance with the requirements put forth in Section 400 of this Ordinance.
- B. Upon receiving an administratively complete application for tentative approval of a preliminary condominium project plan, the Township Clerk shall immediately refer one (1) copy of the condominium project plan to the Township Zoning Administrator and five (5) copies to the Planning Commission.
- C. Within sixty-three (63) days of filing, the Planning Commission and Zoning Administrator shall jointly review the preliminary condominium project plan and provide written recommendation to the Township Board whether the preliminary condominium project plan should be tentatively approved or rejected.
- D. Within ninety (90) days of filing, the Township Board shall:
  - 1. Tentatively approve the preliminary condominium project plan and note the approval on a copy of the condominium project plan;

2. Tentatively approve it subject to conditions and note the approval and conditions on a copy of the condominium project plan; or,
3. Reject the preliminary condominium project plan and set forth in writing the reasons for rejection based on compliance with applicable laws, regulations and ordinances.

#### **Sec. 403. Granting and Duration of Tentative Approval of Preliminary Condominium Project Plans**

- A. If the Township Board determines, based on recommendations of the Planning Commission or Township Engineer that the proposed preliminary condominium project plan complies with all applicable ordinances and statutes and the provisions set forth above, it shall grant tentative approval of the preliminary condominium project plan.
- B. This tentative approval shall confer upon the proprietor for a period of one (1) year from the date of approval, lot size, lot orientation and street layout of the then-current plat regulations. Such tentative approval may be extended at the discretion of the Township Board upon request of the applicant prior to expiration of the one (1) year period.

#### **Sec. 404. Submission Requirements and Processing Procedures for Final Approval of Preliminary Condominium Project Plans**

- A. A preliminary condominium project plan must be tentatively approved or approved subject to conditions by the following authorities prior to final approval by the Township Board:
  1. Marquette County Health Department
  2. Marquette County Road Commission
  3. Marquette County Drain Commissioner
  4. Michigan Department of Transportation
  5. Michigan Department of Environmental Quality
- B. After necessary approvals by the authorities outlined above have been received, the applicant shall submit a complete application and application fee for final preliminary condominium project plan approval, ten (10) copies of the tentatively approved condominium project plan and all supporting materials to the Township Clerk. The Township Clerk shall immediately notify the Zoning Administrator and Chairperson of the Planning Commission for further review or recommendation.
- C. The proposed preliminary condominium project plan submitted for final approval shall be prepared by a registered civil engineer and shall include the following:
  1. Detailed working drawings showing grades, drainage structures, and proposed utilities within and adjoining the condominium project;

2. Detailed construction plans for streets, pedestrian sidewalks/walkways and bicycle paths/lanes within and adjoining the condominium project;
  3. Documentation of consultation with the agencies responsible for all public utilities which will be servicing the condominium project, including the manner of resolving any conflicts in location between public utility facilities and other improvements; and,
  4. To the extent private water supply or private sewage disposal systems are proposed for the condominium project or any development in the project, a letter from the Marquette County Health Department shall be provided stating that the proposed systems are acceptable and approvable.
- D. The Township Board shall review the preliminary condominium project plan submitted for final approval at its next regular meeting, or within twenty (20) days from the date of submission, and grant final approval if all conditions specified by the Board for tentative approval of the preliminary condominium project plan have been met and the condominium project complies with all applicable laws, regulations and ordinances.

**Sec. 405. Granting and Duration of Final Approval of Preliminary Condominium Project Plans**

- A. If the Township Board determines, based upon recommendations of the Township Planning Commission, that the preliminary condominium project plan has received the approval of other governmental agencies and complies with the requirements of Section 400 of this Ordinance, the Township Board shall grant final approval of the preliminary condominium project plan.
- B. The Township Clerk shall notify the proprietor of approval or rejection in writing, and if rejected to provide the reasons.
- C. Final approval shall confer upon the proprietor for a period of two (2) years from date of approval the conditional right that the general terms and conditions under which the approval was granted will not be changed. This two (2) year period may be extended at the discretion of the Township Board upon application of the proprietor.

**Sec. 406. Submission Requirements and Processing Procedures for Approval of Condominium Project Plans**

- A. The applicant for approval of a final condominium project plan shall submit one true copy of the proposed final plan, all supporting materials, application and application fee for final condominium project plan approval and the filing and recording fee as prescribed by the Township Board. The Township Clerk shall immediately notify the Zoning Administrator, Chairperson of the Planning Commission and Township Engineer of the receipt of such plan.
- B. A final condominium project plan shall not be accepted for review after the date of expiration of the preliminary condominium project plan approval.
- C. The proposed final condominium project plan shall be prepared by a registered civil engineer and, along with supporting materials, shall include the following:

1. A sworn certificate of the engineer who made the plan stating all of the following on the final condominium project plan:
    - a. The copy is a true copy of the final condominium project plan;
    - b. The final condominium project plan is subject to the approval of each of the governmental officers and agencies listed in Section 405(A), with a list of those officers and agencies; and,
    - c. The date of the certificate.
  2. All items required by the Township Board and other governmental agencies pursuant to the approval of the preliminary condominium project plan.
  3. An abstract of title or a title insurance policy showing the proprietor holds merchantable title to all land included within the condominium project plan.
  4. A fee for each new lot created will be established by resolution of the Township Board, from time to time, to cover the cost of review of the application and administration of this Ordinance and the Condominium Act.
  5. Such other information as the Township Board may require to reasonably insure the completion of any unfinished public improvements.
- D. Upon receiving an administratively complete application for a final condominium project plan the Township Clerk shall submit same to the Township Board for review and approval consideration at its next regular meeting, or at a special meeting, within 20 days after the date of receiving the administratively complete final condominium project plan submission, pursuant to the approval standards in Section 408 of this Ordinance.
- E. The Township Board shall instruct the Township Clerk to record all Township Board proceedings on the final condominium project plan on the minutes of the meeting, which shall be open for inspection, and to send a copy of the minutes to the county planning commission.
- F. If the Township Board approves the final condominium project plan, it shall instruct the Township Clerk to notify the proprietor of the Township Board's approval and to certify the Township Board's approval, showing the date of the Township Board's approval, the approval of the Health Department, when required, and the date of Health Department approval as shown on the approved preliminary condominium project plat.
- G. If the Township Board rejects the final condominium project plan, it shall instruct the Clerk to give the reasons in writing as set forth in the minutes of the meeting, and to return the unapproved final plan to the proprietor.

**Sec. 407. Approval Standards for Final Condominium Project Plan**

- A. The Township Board shall approve a final condominium project plan if it conforms to all of the applicable provisions of the requirements listed in Article IV of this Ordinance.

- B. The Zoning Administrator will have the property inspected to determine the status of completion or installation of all required roads, streets, bridges, waterways, utilities, public improvements, etc. Work that is found to be incomplete shall be completed by the proprietor.

**Sec. 408. Granting Approval and Effect of Final Condominium Project Plan**

Approval of a final condominium project plan by the Township Board, and by all other governmental officers and agencies, confers approval of the plan to facilitate the construction thereof and the sale and development of condominium units therein in accordance with the approved final condominium project plan and all applicable laws, regulations and ordinances.

**ARTICLE V  
REVIEW AND FINAL APPROVAL BY TOWNSHIP BOARD OF SUBDIVISION OR CONDOMINIUM  
DEVELOPMENT**

**Sec. 500. Review Assistance**

In reviewing a proposed subdivision plat or condominium project plan for final approval the Township Board shall seek the advice and assistance of the Zoning Administrator, the Planning Commission, the Township Attorney, and/or a registered civil engineer or other professionals or inspectors as it deems appropriate.

**Sec. 501. Conditions for Final Approval**

In reviewing a proposed final subdivision plat or condominium project plan, the Township Board shall determine that the following requirements are met:

- A. All monuments required to be placed in the plat or condominium project have been placed, or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors.
- B. All roads, bridges and culverts have been completed and installed or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors.
- C. If the plat or condominium project has any waterways or lagoons, or similar features, that all such waterways, etc. shall be completed or installed or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors.
- D. If any floodplains are involved in the proposed plat or condominium project, then such floodplain shall be restricted as provided by this Ordinance and the Condominium Act, and such restrictions shall be submitted to the Township Board for review and approval prior to recording, and thereafter shall be recorded with the Marquette County Register of Deeds as part of the Plat or Master Deed of contemporaneously with the recording of the Master Deed.

- E. All utilities servicing the plat or condominium project have been installed and water and sanitary sewer mains, if applicable, have been stubbed to the lot line or building site line or a cash or equivalent deposit has been made with the Township Board of sufficient amount to insure completion thereof within the time specified and a Deposit Agreement executed by the proprietors.
- F. All underground utility installations, including lines for street lighting systems if used, which traverse privately-owned property, shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded as part of the Plat or Master Deed as private easements for public utilities or easements proved by separate instrument. Easements provided for utilities, either across lots or centered on rear side lot lines, shall be at least twelve (12) feet wide, usually having six (6) feet dedicated from each adjoining lot or parcel except that side lot easements three (3) feet wide may be granted for street lighting dropouts. These easements shall be direct and continuous from block to block or neighborhood, where applicable.
- H. All public improvements, such as fire hydrants, sidewalks, street lights, parks, which may have been required by the Township Board, have been completed, installed, reviewed and approved by the Zoning Administrator or a designated engineer, or a cash or equivalent deposit has been made with the Township sufficient in amount to insure completion with the time specified, and a Deposit Agreement has been executed by the proprietors.
- I. The proposed final plat or condominium project complies with all applicable State statutes and Township Ordinances and has received the required statutory approval of all other governmental agencies.
- J. That the Plat or Master Deed is executed by all required owners and recorded with the Marquette County Register of Deeds and filed with the Township Clerk before issuance of any building permits.

**ARTICLE VI  
COMPLETION OF PUBLIC IMPROVEMENTS**

**Sec. 600. Alternate Performance Guarantee Agreement**

The construction of all public improvements shall be completed by the applicant and approved by the Township Board prior to final plat or condominium project plan approval. In the alternative, as to those requirements which are over and beyond the requirements of any other approving agency or any agency responsible for the administration, operation and maintenance of the applicable public improvements, the Township Board may in its discretion require the applicant to guarantee completion of such required improvements as provided in this Article. In such instances the Township and the applicant shall enter into a written agreement specifying in detail the nature of the required improvements, the time in which these improvements are to be completed, provisions for verifying and inspecting the construction of such improvements to determine their conformity to the approved plans and specifications, and the nature of the financial guarantee of performance which is to be provided for each improvement.

### **Sec. 601. Acceptable Types of Performance Guarantees**

Where the Township Board agrees to accept performance guarantees for the completion of public improvements subsequent to final plat or condominium project plan approval, the Township Board may require one or more of the following types of guarantees:

- A. Performance or surety bond; or
- B. Cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit.

### **Sec. 602. Remuneration from Performance Guarantee Instrument**

The performance guarantee agreement may provide for progressive remuneration from the applicable financial instruments upon certification by the Township Engineer or other designee that the specific required public improvement has been satisfactorily completed.

### **Sec. 603. Penalty for Failure to Complete Improvements**

If the applicant fails to complete a required public improvement within a period of time specified in the performance guarantee agreement, the Township Board may, at its option, proceed to have the public improvement completed. In such event the Township shall be reimbursed for all costs associated with the completion of the improvement from the performance guarantee instrument provided for that improvement. The applicant shall be liable to the Township for any amount of such costs exceeding the funds available from the pertinent instrument.

## **ARTICLE VII VARIANCE PROCEDURES AND AMENDMENTS TO PLANS**

### **Sec. 700. Variance Authority and Procedure**

The Township Board may grant variances/waivers from the design and approval requirements of this Ordinance when the Township Board determines that the following standards are satisfied in the circumstances of each specific case:

- A. Strict compliance with the Ordinance requirement would result in a practical difficulty or unnecessary hardship because of the particular physical surroundings, shape, or topographical conditions of the tract of property involved, as distinguished from a mere inconvenience or economic hardship;
- B. The variance may be granted without detriment to the public safety, health or general welfare to Township residents or damage to other property;
- C. The Ordinance requirement at issue is not applicable to the specific situation at issue or the purpose is applicable but may be served even if a variance is granted;



- D. The conditions upon which the request for variance is based are unique to the subject property and not applicable generally to property outside of the proposed plat or condominium project plan;
- E. Approval of a variance will not in any manner result in a violation of any ordinance or any other requirement of law; and
- F. The conditions providing support for the variance were not created by the applicant or the applicant's predecessors in title.

**Sec. 701. Amendment of Approved Plat or Condominium Project Plans**

Any amendment or modification of an approved final plat or condominium project plan shall be submitted for review and approval consideration pursuant to Articles III and IV of this Ordinance.

**ARTICLE VIII  
VIOLATIONS, ENFORCEMENT AND PENALTIES**

**Sec. 800. Infractions and Fines**

- A. Any person, firm, corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and shall pay a fine of not more than five-hundred dollars (\$500.00).
- B. If a determination of responsibility is made by the Court, the Court may impose costs as provided for by law in addition to the fines called for above.
- C. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

**Sec. 801. Separate Offense**

Every day that a violation is permitted to exist shall constitute a separate offense. The imposition of any fine shall not exempt the offender from compliance with provisions of this Ordinance.

**ARTICLE IX  
SEVERABILITY**

Sections of this Ordinance shall be deemed to be severable and should any article, section, paragraph or provisions hereof be declared by the Courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

**ARTICLE X  
REPEALER**

This Ordinance supersedes and replaces the Negaunee Township Ordinances for Land Division, Number 17-A, and Subdivisions, Number 17, which are hereby repealed.

**ARTICLE XI  
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon publication.