

ORDINANCE NO. 8-300

AN ORDINANCE REGULATING LOT SPLITS

THE CITY OF ISHPEMING ORDAINS:

Section 8-301.

- a) A lot or parcel in a subdivision with respect to which there is a plat of record in the office of the Marquette County Register of Deeds may be reduced in area by way of a split, partition, or division, into not more than four (4) parcels, but only if each of the following conditions are satisfied:
 - i) Some portion of the lot as split or divided is conveyed to the owner of a lot or parcel which abuts the lot being split, which conveyance shall be contemporaneously made with and as a part of the split; and
 - ii) The instrument of conveyance expressly recites that all City setback requirements shall apply after the split to all portions of the lot which is split; and
 - iii) The instrument of conveyance expressly recites that the portion of the lot which is conveyed to an abutting landowner may not thereafter be severed from the abutting lot; and
 - iv) If the lot or parcel proposed to be reduced in area or dimension, or split, has no existing house or dwelling thereon, or if any separate lot proposed to be created by the split has no house or dwelling thereon, then such lot or parcel shall not be reduced in area or dimension, or split or partitioned, unless each part thereof after the proposed split meets the minimum lot requirements under the City Zoning Ordinance.
- b) Notwithstanding the provisions of Section 8-301(a) above, any lot or parcel in a recorded plat not served by public water and public sewer shall not be further partitioned or divided if the resulting lots, outlots or other parcels are less than the minimum width and area required under the Land Division Act, being Act 288, P.A., 1967, as amended, M.S.A. Section 26.430 (101) et. seq.

Section 8-302.

- a) The Board of Zoning Appeals, for purposes of granting the approval referred to in Section 8-301, shall have original jurisdiction, and any person requesting such approval shall make written application therefor to the Board of Zoning Appeals. Such application shall be on a form prescribed by the Board of Zoning Appeals, but such application shall include, as a minimum, the names of all owners of the lot or parcel, the purpose for which the application is made, and such application shall have attached thereto a survey prepared by a registered land surveyor showing the proposed division or split and including the legal descriptions of the overall parcel and the legal descriptions of each and every separate lot proposed to be created by the division or split. The Board of Zoning Appeals shall process said application according to the provisions of Section 8-303 of this Ordinance, and may grant the request after notice and a public hearing.
- b) Upon receipt of an application requesting reduction in lot or parcel size or lot splitting, the Board of Zoning Appeals shall give notice thereof to the City Manager.

- c) The Board of Zoning Appeals, in making a decision upon every such application, shall follow and shall be bound by the standards set forth in Section 8-303 of this Ordinance.

Section 8-303.

- a) The Board of Zoning Appeals shall fix a reasonable time for the hearing of the application and shall give written notice thereof within the time limits and according to the procedure prescribed in Section 30.5 of the Zoning Ordinance to the parties, and to all owners of record and tenants of property within three hundred (300) feet of the premises in question, such notice to be delivered personally, or by mail addressed to the respective owners or tenants at the address given in the last assessment roll. At the hearing, any party may appear in person or by agent or by attorney. The Board of Zoning Appeals shall grant the application or shall deny the application, in writing, within ten (10) days after the conclusion of the hearing, and shall promptly mail a copy of the decision to the person making the application, or to the attorney for said applicant, by Certified Mail - Return Receipt Requested.
- b) The decision of the Board of Zoning Appeals shall be final, and there shall be no administrative review or appeal therefrom. An applicant aggrieved by the decision of the Board of Zoning Appeals may appeal to the Marquette County Circuit Court, within twenty (20) days after the date of entry of the decision of the Board of Zoning Appeals.

Section 8-304. Anything to the contrary herein notwithstanding, the provisions of this ordinance shall not apply to any lot split, partition, lot, or parcel division, or conveyance wherein the City of Ishpeming is the grantor or seller.

Section 8-305. This ordinance shall be effective upon legal publication.

Adopted: February 8, 1984
Amended: June 13, 1990
Amended: October 12, 1998
Amended: January 12, 2000