

ORDINANCE NO. 30

AN ORDINANCE TO ADOPT PROCEDURES FOR ALTERATIONS OF LOT LINE AND FOR SPLITTING OF LOTS WITHIN A SUBDIVISION

THE CITY OF AUGRES ORDAINS:

ARTICLE 1

A. LOT LINE ALTERATIONS AND LOT SPLITS

Definitions. Unless the context specifically indicates otherwise, the meaning of terms in this Ordinance shall be as follows:

(1) "Accessory use" shall mean a use, as defined in section 201/1502 City of AuGres Zoning Ordinance, which is naturally and normally incidental, ancillary and subordinate to the main use of the premises; such as a garage or driveway for a residence.

(2) "Lot line alteration: shall mean the change in the line between adjoining lots or parcels resulting from the conveyance by the owner(s) of one lot or parcel or a portion of that lot or parcel to the owners(s) of an adjoining lot or parcel, which alteration will permit an accessory use on the lot or parcel enlarged, both which will not permit an additional principal use without a zoning change or variance.

(3) "Lot split" shall mean the division of one platted lot or parcel into two lots or parcels, which is not a lot line alteration.

(4) "Owner(s)" shall mean the present or anticipated persons of interest in the real property.

(5) "Principal use" shall mean a use, as defined in section 201 City of AuGres Zoning Ordinance which is the primary and predominant use or intended use of the premises according to the zone district requirements.

(6) The term "subdivision" shall mean the division within one calendar year of an existing lot, tract or parcel of land, platted or unplatted, into two (2) or more lots or other division of land for the purpose, whether immediate

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or future, of transfer of ownership or building development, including all change in streets of lot lines, except those changes in lot lines and lot or parcel divisions as permitted by statute.

(7) All other terms contained in this Ordinance shall have the meanings and definitions contained in zoning ordinance for the City of AuGres.

B. Application. Before any lot line alteration or lot split is made pursuant to this Ordinance, an application therefore shall be filed with the City Manager. The application shall be in a form approved by the Planning Commission and shall, in addition to any information or materials required by the Planning Commission, include or be accompanied by the following:

1. A legal description of the lots or parcels affected and created by the lot lines alteration or lot split, which legal descriptions shall, if required by the City Manager or Planning Commission, be prepared and/or certified by a registered land surveyor.
2. The signatures by all parties of interest in the affected lots or parcels below a statement stating they are consenting to the lot line alterations or lot split.
3. Information satisfactory to the City Manager that the person(s) signing the application are all the parties of interest in the lots or parcels affected by the lot line alterations or lot split.
4. A statement by the owner(s) of the lot or parcel to which the property is to be added as a result of the lot line alteration or lot split stating the anticipated use of the property conveyed.

C. Lot Line Alteration Approval. The City Manager shall, after making a determination that all requirements of this Ordinance have been met forward an application for a lot line alteration to the Planning Commission for approval or disapproval in which case no further City approval for said lot line alteration

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shall be necessary.

D. **Lot Split Approval.** The City Manager shall, after making a determination that all requirements of the Ordinance have been met, forward an application for a lot split to the Planning Commission for its recommendation of approval or disapproval. Such recommendation shall then be forwarded to the City Council for its approval or disapproval. If the City Council approves the lot split, no further City approval shall be necessary.

E. **DISAPPROVAL.** If the Planning Commission in a proposed lot line alteration or the City Council in a proposed lot split disapproves the request, the decision shall be considered final and the applicant(s) may not reapply for lot line alteration or lot split for a period of one year after such disapproval.

F. **Tax Requirement.** No lot line alteration or lot split shall be approved pursuant to the provisions of this Ordinance if there are any due and unpaid City taxes, county taxes, school taxes, utility charges or assessments of any kind on or for any affected lot or parcel.

G. **ZONING AND USE REQUIREMENTS.** No lot line alteration or lot splits shall be approved pursuant to the provisions of the Ordinance if any zoning, use or other provision of City of Augres Zoning Ordinance would be violated as a result of the lot line alteration or lot split.

H. **Access to Public Way.** No lot line alteration or lot split shall be approved pursuant to the provisions of this Ordinance if any lot or parcel resulting from the lot line alteration or lot split will not adjoin a public street and in only exceptional circumstance to a dedicated right-of-way.

I. **Fee.** All applications for a lot line alteration or lot split pursuant to this Ordinance shall be accompanied by a non-refundable application fee of an amount established from time to time by the City Council.

J. **Violations and Penalties.** Any person who conveys property with the effect of altering a lot line or splitting a lot without first obtaining City

approval therefore pursuant to this Ordinance or other Ordinances of this City shall, upon conviction, be penalized as provided in section 2900-04 of the zoning ordinance of the City of Au Gres. In addition, no lot line alteration or lot split made without such approval shall be recognized by the City Assessor or City Treasurer.

ARTICLE II

This Ordinance shall be effective immediately upon publication in a newspaper generally circulated in the City of Au Gres.

ARTICLE III

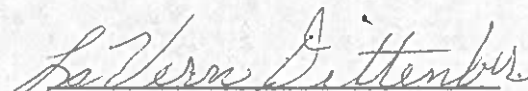
The City Clerk shall publish this ordinance in a newspaper of general circulation in the County of Arenac.

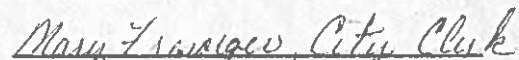
YEAS: Council members: Mayor Dittenber, Mayor Pro Tem Hodge, Hupert, Nelson

NAYS:

ABSENT: Morgan

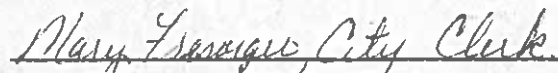
Approved this 7th day of June, 1990.


Lavern Dittenber, Mayor


Mary Fresorger, City Clerk

I, Mary Fresorger, City Clerk of the City of Au Gres, certify that the foregoing Ordinance was adopted by the City Council of the City of Au Gres at a regular meeting held on June 7th, 1990, in compliance with the requirements of 1976 PA 279, as amended.

Dated: June 8th, 1990.


Mary Fresorger, City Clerk