

**CITY OF NEW BALTIMORE  
MACOMB COUNTY, MICHIGAN  
NOTICE OF ADOPTION  
ORDINANCE NO. 243**

**AN ORDINANCE TO AMEND THE CITY OF NEW BALTIMORE CODE OF ORDINANCES, CHAPTER 60, ARTICL II – SITE PLAN REVIEW AND APPROVAL, TO ELIMINATE CITY COUNCIL REVIEW AND TO PROVIDE FOR PLANNING COMMISSION REVIEW AND APPROVAL, TO PROVIDE FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.**

**THE CITY OF NEW BALTIMORE ORDAINS:**

**Section 1.** Chapter 60, Section 60-24(d), which provides as follows:

(d) *City Council review.* Upon determination of the planning commission that a site plan is in compliance with the zoning ordinances, the plans shall be forwarded to the city council for final approval. Approval of the site plan by the city council shall satisfy the requirements of the chapter.

is hereby repealed in its entirety.

**Section 2.** Chapter 60, Section 60-24(e), is hereby amended by deleting in the last sentence “City Council” and replacing it with “Planning Commission”.

**Section 3.** Chapter 60, Section 60-24(f), is hereby amended by deleting “City Council” and replacing it with “Planning Commission or Zoning Administrator”.

**Section 4.** Chapter 60, Section 60-25(b)(2), is hereby amended by deleting “and City Council” in the first sentence.

**Section 5.** Chapter 60, Section 60-26(b)(1), is hereby amended as follows:

(1) *Master deed, restrictive covenants, and as-built survey.* The draft master deed and bylaws shall be submitted to the Planning Commission for its review. The site or survey plan shall show all common elements. Prior to the issuance of a building permit, the draft master deed and bylaws shall be approved by the Planning Commission after review by the City Attorney and prior to the issuance of a Certificate of Occupancy. The condominium development developer or proprietor shall furnish the City with the following: three copies of the master deed; three copies of all restrictive covenants; and two copies of an as-built survey. One copy of each of the above shall be provided to the City Attorney, the Building Department and the City Engineer. The as-built survey shall be reviewed by the City Engineer for compliance with City Ordinances. Fees for this review shall be established by resolution of the City Council.

**Section 6. Repealer.** All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

**Section 7. Severability.** Should any article, section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions of this Ordinance, it being the intent of the City that this Ordinance shall be fully severable.

**Section 8. Effective Date.** This Ordinance shall be published following adoption and shall be effective twenty (20) days from date of adoption.

PUBLISH: The Voice Newspaper – August 11, 2021  
Marcella Shinska, City Clerk  
City of New Baltimore