

Date: \_\_\_\_\_

Application No: \_\_\_\_\_

Review Fee Deposit: \$ \_\_\_\_\_



# CITY OF NEW BALTIMORE

36535 GREEN STREET • NEW BALTIMORE, MI 48047 • (586) 725-2151 • FAX (586) 725-6927

## APPLICATION FOR LOT SPLIT OR COMBINATION

Property Owner: \_\_\_\_\_

Site Address: \_\_\_\_\_ New Baltimore, MI 48047

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Parcel Identification No.(s): \_\_\_\_\_

**ATTACH COMPLETE LEGAL DESCRIPTIONS, PROPOSED AND EXISTING.**

**ATTACH SEPARATE CERTIFIED SURVEYS, PROPOSED AND EXISTING.**

Proposed Number of Lots: \_\_\_\_\_ Zoning: \_\_\_\_\_

Drawings prepared by: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Applicant( if not legal owner): \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

If petitioner is not the owner, state basis for representative (i.e., Attorney, Representative, Option to Buy, etc.):

Any additional costs incurred by the City during the review of this application shall be born by the applicant. The undersigned authorizes any member of the Planning Commission or other representative of the City, to enter upon the described premises to visually inspect the proposed site, before and after any hearings scheduled for this application. The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

A copy of the City of New Baltimore Lot Division Ordinance is attached. Twenty (20) copies of this application and survey/plan shall be submitted to the City at least (20) city business days prior to a scheduled Planning Commission meeting together with the appropriate filling fee. The applicant is required to attend all meetings at which the proposal is discussed. **REVISED PLANS WILL NOT BE ACCEPTED AT THE MEETING**

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Legal Owner

\_\_\_\_\_  
Please print/type name below signature

\_\_\_\_\_  
Please print/type name below signature

## **Sec. 28-32. Application.**

- (a) Any owner or proprietor of land within the city desiring to partition or divide such land regulated by this article shall prepare and file a written application with the city clerk for such desired partitioning or division of land before such proposed partitioning or division of land can be considered for approval by the city council.
- (b) The written application shall include the following:
- (1) Sufficient evidence of title to the lot, outlot or other parcel of land.
  - (2) A survey sketch certified by a registered land surveyor showing the dimensions of the original or parent lot, outlot, or parcel of land to be divided and the dimensions of the lots, outlots or other parcels of land resulting from such division. The survey shall also show all existing structures and the physical features which would influence the layout and design of the proposed divisions and the location, width and purpose of easements.
  - (3) Legal descriptions certified by a registered land surveyor of the original lot, outlot or parcel of land and of the resulting lots, outlots and parcels of land to be created by the division of land.
  - (4) The survey and legal descriptions required in this subsection shall be in a form legally sufficient and acceptable for recording in the office of the county register of deeds.
  - (5) If the proposed division of land will result in lots, outlots or other parcels of land being less than the minimum area or size required by the applicable provisions of the land division act or chapter 60 pertaining to zoning, the owner or proprietor shall file with the city clerk a duly executed affidavit suitable for recording with the county register of deeds and in a form acceptable by the city, signed by all persons having a legal or equitable interest in such lots, outlots or other parcels of land acknowledging that they understand and agree that such lots, outlots or other parcels of land may not thereafter be developed for use separately, but only in conjunction with adjoining lots, outlots or other parcels of land which, when together, shall satisfy the minimum area and size requirements of the land division act and chapter 60 pertaining to zoning.
- (c) The city assessor shall review all proposed divisions of land under this article and shall submit a written review and recommendation concerning such proposed divisions of land to the planning commission and to the city council. The city assessor's written review and recommendation shall include a discussion of any violations or potential violations of the land division act, a discussion of any outstanding liens and any problems in land descriptions. The city assessor shall give and provide appropriate notice in the manner and to the extent required by Public Act No. 24 of 1983 (MCL 211.53).
- (d) The building inspector shall examine all proposed divisions of land under this article and shall submit a written review and recommendation concerning such proposed divisions of land to the planning commission and to the city council. The building inspector's written review and recommendation shall include a discussion as to whether the proposed divisions of land comply with the applicable sections of this article and a determination as to whether the resulting lots, outlots or other parcels of land are of sufficient area and size so as to be in compliance with the applicable sections of chapter 60 pertaining to zoning.
- (e) The city clerk may request the opinions of the city attorney, the city engineer and/or the city planner concerning any proposed division of land and may also seek the opinion and advice of state and/or county governmental agencies and/or departments. If the information and documentation required under this article has been received by the city clerk, the city clerk shall submit the application and other documentation to the planning commission for its review and recommendation.
- (f) The planning commission shall review and submit a written recommendation to the city council relative to all proposed divisions of land under this article. The planning commission shall make its written recommendation to the city council after receiving and reviewing the application for division of land and all documentation and written reviews pertaining thereto from the city clerk. The planning commission may, on its own, request the opinions and/or comments, written or verbal, from the city attorney, the city engineer, the city planner and/or other city officials concerning any proposed division of land. If it appears that there may be a violation of chapter 60 pertaining to zoning, a violation of the land division act, and/or a violation of this article, the planning commission shall table the request for the division of land until such time as the planning commission has sufficient information upon which to base its recommendation to the city council.
- (g) Once the planning commission has reviewed and made its written recommendation concerning a proposed division of land, the application, all pertinent documents, written reviews and comments and the written recommendation of the planning commission shall then be submitted to the city council for its review and action.

(Ord. No. 49, § 8, 8-24-1992)

**ARTICLE II. LAND DIVISIONS**

**Sec. 28-26. Applicability.**

This article shall apply to, regulate and control the division of unplatted land not resulting in a subdivision as defined and regulated by the land division act Public Act No. 288 of 1967 (MCL 560.101 et seq.). This article shall also apply to, regulate and control the division and further division of platted land pursuant to section 263 of such act. The provisions of Public Act No. 24 of 1983 (MCL 211.53) shall also apply to any division of land under this article. The requirements of this article shall not apply, however, where two or more parcels are being combined or where there is an adjustment of a common boundary line.

(Ord. No. 49, § 2, 8-24-1992)

**Sec. 28-27. Purpose of article.**

The purpose of this article is to regulate and control the division of unplatted land not resulting in a subdivision as defined and regulated by the land division act and to regulate and control the division and further division of platted land within the city by effectuating the following:

- (1) Implementation of a prescribed and orderly procedure for land division.
- (2) Implementation of sound planning techniques and principles.
- (3) Minimizing the number of variances sought from the zoning board of appeals by innocent third parties who purchase substandard lots, outlots or parcels of land.
- (4) Ensuring that newly created lots, outlots and parcels of land are not landlocked and that lots, outlots and parcels of land without the requisite frontage on a public road are given sufficient easement width and quality to provide adequate and sufficient access to a public road.
- (5) Implementation of and adherence to the requirements of chapter 60 pertaining to zoning.
- (6) Prevention of inefficient, illegal and/or haphazard land divisions within the city.
- (7) Protection of innocent third parties from purchasing substandard lots for which a building permit will not be issued.
- (8) Monitoring the creation of new lots, outlots and parcels of land within the city.
- (9) Provide for and protect the health, safety and welfare of the public.

(Ord. No. 49, § 3, 8-24-1992)

**Sec. 28-28. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessible*, in reference to a parcel, means that the parcel meets one or both of the following requirements:

- (1) The parcel has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road commission under Public Act No. 200 of 1969 (MCL 247.321 et seq.) and of the city or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.
- (2) The parcel is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road commission under Public Act No. 200 of 1969 (MCL 247.321 et seq.) and of the city or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.

*Alley* means a public or private right-of-way shown on a plat which provides secondary access to a lot, block, or parcel of land.

*Caption* means the name by which the plat is legally and commonly known.

*County plat board* means the register of deeds, who shall act as chairperson; the county clerk, who shall act as secretary; and the county treasurer. If the offices of county clerk and register of deeds have been combined, the chairperson of the board of supervisors shall be a member of the plat board and shall act as chairperson. In a county where a board of auditors is authorized by law, such board may elect to serve on the county plat board by adopting a resolution so ordering. A copy of the recorded resolution shall be sent to the state treasurer.

*Development site* means any parcel or lot on which exists or which is intended for building development other than the following:

- (1) Agricultural use involving the production of plants and animals useful to humans, including the following:
  - a. Forages and sod crops;
  - b. Grains, feed crops, and field crops;
  - c. Dairy and dairy products;
  - d. Poultry and poultry products;
  - e. Livestock, including breeding and grazing of cattle, swine, and similar animals;
  - f. Berries;
  - g. Herbs;
  - h. Flowers;
  - i. Seeds;
  - j. Grasses;
  - k. Nursery stock;
  - l. Fruits;
  - m. Vegetables;
  - n. Christmas trees; and
  - o. Other similar uses and activities.
- (2) Forestry use involving the planting, management, or harvesting of timber.

*Division* means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his 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 40 acres or the equivalent and that satisfies the requirements of sections 108 and 109 of the land division act (MCL 560.108, 560.109). The term "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 requirements of the land division act or the requirements of an applicable local ordinance.

*Engineer* means a civil engineer who is a professional engineer licensed under article 20 of the occupational code, Public Act No. 299 of 1980 (MCL 339.2001 et seq.).

*Exempt split* means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns that does not result in one or more parcels of less than 40 acres or the equivalent. For a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the land division act or the requirements of an applicable local ordinance.

*Floodplain* means that area of land adjoining the channel of a river, stream, watercourse, lake, or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

*Forty acres or the equivalent* means 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

*Government survey* means the land surveyed, subdivided and monumented by the United States public land survey.

*Health department* means the department of environmental quality, a city health department, a county health department, or a district health department, whichever has jurisdiction.

*Land* means all land areas occupied by real property.

*Land division act* means Public Act No. 288 of 1967 (MCL 560.101 et seq.).

*Lot* means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

*Michigan coordinate system* means the system defined in Public Act No. 9 of 1964 (MCL 54.231 et seq.).

*Outlot*, when included within the boundary of a recorded plat, means a lot set aside for purposes other than a development site, park, or other land dedicated to public use or reserved to private use.

*Parcel* means a continuous area or acreage of land which can be described as provided for in the land division act.

*Parent parcel* and *parent tract* mean a parcel or tract, respectively, lawfully in existence on March 31, 1997.

*Plat* means a map or chart of a subdivision of land.

*Preliminary plat* means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

*Proprietor* means a person who holds an ownership interest in land, whether recorded or not.

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*Public sewer* means a sewerage system as defined in section 4101 of part 41 (sewerage systems) of the natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.4101 et seq.).

*Public utility* means all persons or municipal or other public authority providing gas, electricity, water, steam, telephone, sewer, or other services of a similar nature.

*Public water* means a system of pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes, and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water to the public for household or drinking purposes.

*Replat* means the process of changing or the map or plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

*Subdivide* and *subdivision* mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his 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 40 acres or the equivalent and that is not exempted from the platting requirements of the land division act, by sections 108 and 109 of the land division act (MCL 560.108, 560.109). The term "subdivide" or "subdivision" 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 requirements of the land division act or the requirements of an applicable local ordinance.

*Surveyor* means a professional surveyor licensed under article 20 of the occupational code, Public Act No. 299 of 1980 (MCL 339.2001 et seq.).

*Topographical map* means a map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

*Tract* means two or more parcels that share a common property line and are under the same ownership. (Ord. No. 49, § 4, 8-24-1992; Ord. No. 84, § 1, 7-12-1999)

**Cross references:** Definitions generally, § 1-2.

**Sec. 28-29. Council approval required.**

No person or proprietor shall divide or attempt to divide any lot, outlot or parcel of land within the city regulated by this article without the prior approval of the city council. No building permit shall be issued with respect to any lot, outlot or parcel of land regulated by this article which is not in compliance with the requirements of this article and the requirements of the laws of the state.

(Ord. No. 49, § 5, 8-24-1992)

**Sec. 28-30. Requirements.**

No division of land shall be permitted or approved by the city council unless each of the resulting parts into which such land, lot, outlot or other parcel is to be divided meets the following requirements:

(1) All city ordinance requirements, including the provisions and requirements of chapter 60 pertaining to zoning, shall be complied with by the resulting lots, outlots and parcels.

(2) Any required roadways or streets shall be completed to the city's specifications and accepted as public roads by the city.

(3) No private road shall be created as a result of the land division.

(4) Any special assessment and delinquent taxes owing with respect to the land shall be paid in full prior to the division.

(5) A lot, outlot or other parcel of land created pursuant to this article shall not exceed a ratio of one foot in width to four feet in depth. The width shall be measured at the setback line.

(6) Rights-of-way shall be provided for and reserved as established and required in article III of this chapter pertaining to subdivision control.

(Ord. No. 49, § 6, 8-24-1992)

**Sec. 28-31. Division in recorded plat.**

No lot, outlot or other parcel of land in a recorded plat shall be partitioned or divided into more than four parts; however, any lot, outlot or other parcel of land not served by public sewer and public water systems shall not be further partitioned or divided if the resulting lots, outlots or other parcels are less than the minimum width and area provided for in the land division act. No building permit shall be issued and no building construction shall be commenced until the division of land has been approved by the city council and the provisions and requirements of this article have been fully complied with by the owner or proprietor of the land.

(Ord. No. 49, § 7, 8-24-1992)

**State law references:** Further partition of a division of property, MCL 560.263.

**Sec. 28-33. City council review and action.**

The division or partitioning of any lot, outlot or other parcel of land regulated by this article shall require the approval of the city council before such division or partitioning shall be valid and effective. The city council shall approve or disapprove a proposed division within 45 days after the filing of a complete application for the proposed division with the assessor. In reviewing an application for the division or partitioning of land under this article, the city council shall examine and review the findings and recommendation of the planning commission, all relevant documentation pertaining to such application, including the written reviews and recommendations of the city assessor, the building inspector, and the reviews and opinions, if applicable, of the city attorney, the city engineer, the city planner and state and county governmental agencies and/or departments. The city council shall determine whether the proposed division of land complies with the requirements of this article, the requirements of chapter 60 pertaining to zoning and the requirements of the land division act. The city council shall not approve any division of land which is not in conformity and compliance with this article, chapter 60 and the land division act.

(Ord. No. 49, § 9, 8-24-1992)

**Sec. 28-34. Survey required.**

If, in the opinion of the city, an accurate description of the land to be divided and/or of the lots, outlots or other parcels of land resulting therefrom has not been received by the city or if there is a dispute over property lines or ownership, the city may require an applicant to undertake and provide to the city a survey and staking of the subject land and the proposed resulting lots, outlots or other parcels of land under the seal of a registered land surveyor.

(Ord. No. 49, § 10, 8-24-1992)

**Sec. 28-35. Fees.**

Fees for processing an application for the division of land within the city may be established by the city council and shall be in an amount sufficient to defray the administrative, legal, engineering and planning expenses incurred in processing such applications.

(Ord. No. 49, § 11, 8-24-1992)

**Sec. 28-36. Violations; penalties.**

(a) A division of land in violation of this article is hereby declared to be a nuisance per se and shall be subject to abatement by a court of competent jurisdiction.

(b) Any violation of this article is hereby declared to be a misdemeanor, and any person who shall be convicted of violating any of the sections of this article shall, upon such conviction, be punished as provided in section 1-7.

(Ord. No. 49, § 12, 8-24-1992)

Secs. 28-37--28-65. Reserved.