



CITY OF CHARLEVOIX

PARCEL DIVISION APPLICATION

PARCEL RECONFIGURATION APPLICATION

The applicant must complete this form and supply the necessary documentation as set forth in Chapter 154 of the City of Charlevoix Code.

1. Property Tax ID number 052- \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Address of property: \_\_\_\_\_

Current zoning: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

2. Name of Owner(s) and all persons having an interest in the land to be divided:

\_\_\_\_\_

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

Phone number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

3. History of all prior divisions of the parent parcel:

\_\_\_\_\_

\_\_\_\_\_

4. Requirements:

5. Document Checklist:

a. Application and Fee

b. Proof of Ownership (warranty deed, land contract, or title commitment)

c. Certified survey with:

Existing parcel dimensions



Proposed parcel(s) dimensions

Easement locations

Utility locations

Ingress/egress locations off public or private street

Existing structures, dimensions, and locations

Legal description before division

Legal description after division

Approval of an application for a division or reconfiguration by the Zoning Administrator shall expire and a new approval shall be required after 90 days from the date of approval unless the Applicant records in the Charlevoix County Register of Deeds Office an instrument of Conveyance documenting the division or reconfiguration and files a copy of that recorded instrument with the Zoning Administrator.

The Undersigned declares under the penalties of perjury that the foregoing application has been examined by me (us) and that the contents, therefore, are true to the best of my (our) knowledge, information and belief.

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

\_\_\_\_\_  
Signature of Owner Date \_\_\_\_\_

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APPROVAL:

\_\_\_\_\_  
Signature of Assessor Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Zoning Administrator Date \_\_\_\_\_



#### **§ 154.05 PROCEDURE FOR DIVISION OR PROPERTY TRANSFER.**

The following procedure shall be followed to divide a lot, parcel or tract of land or to effect a property transfer.

(A) The applicant shall submit an application to the Zoning Administrator on a form supplied by the city for that purpose. The application shall include, but not be limited to the following:

(1) Proof of ownership of the lot, parcel or tract of land to be divided, or of the lots or parcels involved in a property transfer, which shall include a copy of a warranty deed, land contract, title commitment or other evidence satisfactory to the Zoning Administrator;

(2) The names and addresses of all persons having an interest in the lot, parcel or tract of land to be divided, or of the lots or parcels involved in a property transfer and a statement of the type of interest each holds;

(3) The history of the prior divisions of the parent parcel from which the applicant's parcel or tract of land came and proof that the applicant holds the right to divide the parcel or tract of land proposed for division;

(4) A survey map of the land proposed to be divided or the land involved in the property transfer prepared pursuant to the survey map requirements of Public Act 132 of 1970, being M.C.L.A. §§ 54.211 to 54.213, as amended, certified by a land surveyor licensed by the state. This survey map shall depict all of the following:

(a) The dimensions of the lot, parcel or tract of land to be divided, or the lots or parcels involved in a property transfer;

(b) The dimensions of the lots, parcels or tracts of land that will result from the division or property transfer;

(c) The location of all current easements on the lot, parcel or tract of land to be divided, or on the lots or parcels involved in a property transfer;

(d) The location of all proposed utility and ingress/egress easements on the lots, parcels or tracts of land that will result from the division or property transfer;

(e) The location of all buildings and structures on the lot, parcel or tract of land to be divided, or on the lots or parcels involved in a property transfer;

(f) The distances between these buildings and structures and the original property lines of the lot, parcel or tract of land to be divided, or the lots or parcels involved in a property transfer; and

(g) The distances between these buildings and structures and the property lines of the lots, parcels or tracts of land that will result from the division or property transfer.

(5) In addition to providing the survey map, the applicant or his or her representative shall accurately stake the boundaries of the lot, parcel, or tract of land proposed to be divided or the lot or parcel involved in the property transfer and the boundaries of the lots, parcels or tracts of land that will result from the division or property transfer such that the Zoning Administrator may, by use of a tape measure and horizontal measurements, confirm that the boundaries as staked are as represented on the survey;

(6) Accurate legal descriptions of the lots, parcels or tracts of land that will result from the division or property transfer. In the event the Zoning Administrator is unable to determine whether the legal description is accurate, he or she may require the applicant to obtain at applicant's sole expense legal descriptions of the lots, parcels or tracts of land that will result from the division or property transfer certified by a registered land surveyor licensed by the state;

(7) The Applicant shall submit documentation that each such resulting lot, parcel or tract of land has or will have adequate permanent access, as defined in [Chapter 153](#) of this code of ordinances, as amended. In addition, if the lot, parcel or tract of land that will result from the division or property transfer will be a development site, then the applicant shall submit evidence establishing adequate easements for public utilities from each such resulting lot, parcel or tract of land to existing public utility facilities; and

(8) Such other documentation that the Zoning Administrator may require relating to the application to divide a lot, parcel or tract of land or to effect a property transfer.



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(B) The application shall be accompanied by an application fee as established and set forth in a city fee schedule. This fee schedule shall also establish “after the fact” fees that must be paid when an otherwise lawful division or property transfer occurs, but without first complying with the procedural requirements of this chapter. This “after the fact”

(C) Within 45 days after receiving the information required in division (A) above, the Zoning Administrator shall decide whether to approve or disapprove the proposed division or property transfer. If the Applicant fails to provide all the information required by this chapter, then the application shall be deemed incomplete and may be denied on that basis. The Zoning Administrator’s decision to approve the division or property transfer shall be made pursuant to the standards contained in § [154.06](#) of this chapter. The Zoning Administrator may grant conditional approval of an application, subject to the applicant obtaining any necessary variances from the Zoning Board of Appeals pursuant to § [154.08](#) of this chapter. If the Zoning Administrator fails to grant approval of a proposed division or property transfer, written reasons for his or her decision shall be given to the applicant. The applicant shall then have the option of resubmitting information for approval to the Zoning Administrator or appealing the Zoning Administrator’s decision to the Zoning Board of Appeals pursuant to § [154.09](#) of this chapter.

(D) Upon approval of a proposed division or property transfer, the Zoning Administrator shall send a letter indicating such approval to the applicant with a copy to the county’s Equalization Department. This letter shall contain the following statement: “Pursuant to Section 109a of the Land Division Act, as amended, the City of Charlevoix, its officers and employees are not liable if a building permit is not issued for a parcel less than one (1) acre in size that resulted from an approved division under the City of Charlevoix Parcel Division Ordinance.” A copy of this letter shall be retained by the Zoning Administrator in his or her official records.

(E) Because zoning requirements may change over time, any approval of an application for a division or property transfer by the Zoning Administrator under division (C) above shall expire and a new approval required after 90 days from the date of the approval, unless the applicant records in the county’s Register of Deeds Office an instrument(s) of conveyance documenting the division or property transfer and files a copy of that recorded instrument(s) with the Zoning Administrator.

(Prior Code, § 5.305) (Ord. 680, passed 11-18-2002)

**§ 154.06 STANDARDS FOR APPROVAL OF DIVISIONS OR PROPERTY TRANSFERS.**

An application to divide a lot, parcel or tract of land, or to effect a property transfer shall be granted when all of the following standards are met.

(A) The proposed division or property transfer shall comply with all requirements of the Land Division Act of 1967, being Public Act 288 of 1967, as amended, being M.C.L.A. §§ 560.101 through 560.293.

(B) The lots, parcels or tracts of land that will result from the division or property transfer shall comply with all requirements of [Chapter 153](#) of this code of ordinances, as amended, including, but not limited to, the requirements relating to area and width for the newly created lots, parcels or tracts of land, the requirements relating to lake and/or street frontages, and the requirements relating to setbacks if the newly created lots, parcels or tracts of land have buildings or structures on them.

(C) Each lot, parcel or tract of land that will result from the division or property transfer shall have an adequate and accurate legal description.

(D) Each new lot, parcel or tract of land that will result from the division shall have a depth of not more than four times its width as measured under the requirements of [Chapter 153](#) of this code of ordinances. This standard shall not apply to a property transfer.

(E) If a lot, parcel or tract of land that will result from the division or property transfer will be a development site, then each such resulting lot, parcel or tract of land shall have adequate easements for public utilities from each such resulting lot, parcel or tract of land to existing public utility facilities.

(F) Each lot, parcel or tract of land that will result from the division or property transfer shall be accessible.

(G) The owner of the parcel or tract of land shall possess the right to divide the parcel or tract of land. This standard shall not apply to a property transfer.

(H) The property lines of the lots, parcels or tracts of land that will result from the division or property transfer shall be consistent and in harmony with the property lines of the lot, parcel or tract of land to be



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divided, or the lots or parcels involved in a property transfer, and/or the property lines of adjacent lots, parcels or tracts of land.