

**Rutland Charter Township
2461 Heath Road
Hastings, MI 49058
(269) 948-2194 Phone
(269) 948-4180 Fax**

APPLICATION FOR APPROVAL OF LAND DIVISION

Application # _____ Date filed _____

Base Application Fee \$ _____ (\$ _____ for proposed first division;
\$ _____ for each additional division)

Note: applicant is responsible for all “actual costs” ultimately incurred by Township with respect to the application, pursuant to Rutland Charter Township Board Resolution No. 2017-115.

Applicant Information

Name

Mailing street address

Preferred telephone number

City, State, Zip

Alternate telephone number (optional)

e-mail address (optional)

Property Owner Information (if not applicant)

Name

Mailing street address

Preferred telephone number

City, State, Zip

Alternate telephone number (optional)

e-mail address (optional)

Property Information

Total acreage of parent parcel/parent tract (3-31-1997)_____

Total acreage of all previous divisions of parent parcel/parent tract_____

Street address of subject property_____

Official identification number of parcel proposed to be divided_____

Total number of divisions/parcels now proposed_____

Additional Information required to be included with application

- A. Evidence of land title sufficient to establish the parent parcel/parent tract which is the subject of the proposed division was lawfully in existence on March 31, 1997.
- B. An adequate and accurate legal description of each parcel proposed to result from the division.
- C. A tentative parcel map, drawn to an identified scale, showing all of the following with respect to each parcel proposed to result from the division:
 - 1. Dimensions (in feet) of all lot lines.
 - 2. Area (in square feet or acreage, as most applicable).
 - 3. Parcel boundary lines.
 - 4. Public utility easements.
 - 5. Accessibility (an area where an existing easement or a driveway will provide vehicular access to an existing road or street, meeting all applicable location standards of the Barry County Road Commission or Michigan Department of Transportation, as applicable). **Attach copy of any issued driveway permit.** Include street/road names, including name of any applicable private road.

Note: if any proposed new parcel will be accessed by a private road, the private road must be approved pursuant to § 220-17-13 of Township Code before building permits/zoning compliance permits can be issued.

- 6. The location of all existing buildings and structures, and the distances (in feet) from the buildings/structures to all existing and proposed parcel boundary lines. Note: This applies to wells and septic systems, as well as buildings and other structures.

Note: if the Administrator determines any of the content required by items 1-6 above is not adequately or accurately shown on the tentative parcel map, the Administrator may require the initial filing to be supplemented with an adequate and accurate tentative parcel map, or with a survey prepared by a surveyor licensed by the State of Michigan, in the reasonable discretion of the Administrator.

7. The location and identification of any lake or other watercourse, wetland, floodplain, or county drain (to evaluate implications of any statutory or ordinance requirement on a parcel proposed for building development).
- D. Such additional information as may be reasonably required by the Administrator to make a determination on the application pursuant to the applicable requirements of the Rutland Charter Township Land Division, Combination, and Boundary Adjustment Ordinance and the Michigan Land Division Act; including, where applicable, information pertaining to a proposed transfer of division or development rights.

(check only if applicable): **THE REQUESTED LAND DIVISION IS NOT INTENDED TO CREATE A NEW SEPARATE BUILDABLE LOT.** If checked, see application form addendum.

Note: the filing of this application constitutes permission for the Administrator or the designee of same to enter the subject property without prior notice for purposes of inspection to verify the information on this application.

If this application is approved, I understand such approval is only a determination that the land division complies with the applicable requirements of the Land Division Act and Rutland Charter Township Land Division, Combination, and Boundary Adjustment Ordinance, and is not a determination that the resulting parcels comply with other applicable ordinances or regulations pertaining to the use or development of the parcels.

I also understand if an approved land division results in a parcel of less than one acre in size, or any other size, the approval of the land division is not a determination or representation with respect to the potential issuance of a building permit or applicable approvals of a water supply and sewage disposal system for any resulting parcel.

If the application is approved, I understand it is my responsibility to notify the Barry County Planning and Zoning Office for assignment of an address for each resulting new parcel; and it is also my responsibility to arrange for the appropriate deeds or other intended instruments of conveyance of property for which this application is approved.

Review and approval or disapproval of this application is dependent on the accuracy of the information provided by the applicant. An application approved based on inaccurate or false information shall be null and void. Further, any division created in noncompliance with the Ordinance shall not be recognized on

the Township real property assessment and taxation records, or zoning records, and shall be subject to such other consequences as may be provided by law.

I certify the truth and accuracy of this application, including the information stated on this application form, the tentative parcel map, and any other supplemental information submitted with respect to this application.

Date _____

Signature of applicant

FOR ADMINISTRATOR USE ONLY

Note to Administrator: check either box A or box B below, or box C if applicable.

- A. The application is approved, as I have determined all the following requirements are met:
1. The applicant has filed a complete application pursuant to the requirements of Section 5 of the Land Division, Combination, and Boundary Adjustment Ordinance (Township Code § 200-5).
 2. The total number of parcels proposed to be created does not exceed the number allowed pursuant to Section 108 of the Land Division Act (MCL 560.108) and otherwise complies with same.
 3. The width of each resulting parcel complies with the applicable minimum parcel (lot) width requirements of the Township Zoning Ordinance.
 4. The area of each resulting parcel complies with the applicable minimum parcel (lot) area requirements of the Township Zoning Ordinance.
 5. The depth of each resulting parcel is not more than four times its width; provided that this requirement does not apply to the remainder of a parent parcel or parent tract retained by the proprietor.
 6. Each resulting parcel that is a development site has adequate easements for public utilities from the parcel to existing public utility facilities.
 7. Each resulting parcel is accessible.
 8. The division does not isolate a cemetery so that it is not accessible.
 9. Each resulting parcel complies with all other applicable requirements of the Land Division Act.

- B. The application is disapproved, for one or more of the following reasons, as indicated:
1. The application does not meet the following requirement(s) specified above for approval (indicate as applicable from items A.1-9):

 2. Approval of the application would create or cause a violation of another ordinance or law (unless the application was submitted for approval of a division to create one or more parcels not intended to be buildable and the application is approvable pursuant to Section 7.C of the Land Division, Combination, and Boundary Adjustment Ordinance (Township Code § 200-7.C).
- C. The application was submitted for approval of a division to create one or more parcels not intended to be buildable, and the application is approved pursuant to Section 7.C of the Land Division, Combination, and Boundary Adjustment Ordinance (Township Code § 200-7.C); provided the resulting parcels are hereby explicitly designated as “**not buildable**”, and such parcels shall also have this designation in the assessing and zoning records of the Township. See Addendum.
- The application was submitted for approval of a division to create one or more parcels not intended to be buildable, and the application is disapproved, because the application does not meet one or more of the requirements, circumstances, and conditions for approval as specified in Section 7.C of the Land Division, Combination, and Boundary Adjustment Ordinance (indicate as applicable from items 1-5 on the Addendum):

Date: _____

Administrator

**ADDENDUM TO LAND DIVISION APPLICATION FORM FOR APPLICATIONS
REQUESTING APPROVAL TO CREATE ONE OR MORE PARCELS NOT INTENDED
TO BE BUILDABLE**

Section 7.C of the Land Division, Combination, and Boundary Adjustment Ordinance (§ 200-7 of the Township Code) authorizes the Administrator to approve an application for a proposed land division where the width and/or area and/or depth-to-width of each resulting parcel does not comply with the applicable minimum width/area/depth-to-width requirements, if all of the following requirements, circumstances and conditions are met:

1. The application includes the explicit statement of the applicant that “the requested land division is not intended to create a new separate buildable lot”.
2. The Administrator determines all of the requirements for land division approval specified in Section 7.A of the Land Division, Combination, and Boundary Adjustment Ordinance are met, other than Section 7.A.3 and/or 4 and/or 5 (Township Code § 200-7.A).
3. The Administrator determines, after consultation with the Zoning Administrator, that the requested division will not cause any remaining portion of the property associated with the proposed land division which is already developed, or intended for development and previously approved, to violate any provision of the Zoning Ordinance concerning minimum lot frontage/width, minimum lot area, minimum building/structure setbacks, or maximum lot coverage requirements in effect at the time of such application.
4. The Administrator explicitly designates the resulting parcel(s) as “not buildable” in the approval determination on the application, and assures this same designation in the assessing and zoning records of the Township.
5. The approval determination is subject to the condition that before the approval becomes effective the applicant shall file with the Administrator a copy of a document (on a form either prepared or approved by the Township) as recorded with the Barry County Clerk/Register of Deeds explicitly and conspicuously identifying the parcel(s) as “not buildable” and “not a development site”, and “not subject to a request by the applicant or any successor owner to render the property buildable by variance relief granted by the Rutland Charter Township Zoning Board of Appeals”.

Note: a parcel designated as “not buildable” pursuant to this provision shall itself be subject to further division to create a parcel(s) intended for building development only to the extent all the following requirements are met:

1. The applicant has retained the right to make such division(s) or is otherwise the lawful transferee of such division rights under the Land Division Act.
2. Any resulting parcel created by such division and intended for development complies with the applicable minimum parcel (lot) width and area requirements of the Zoning Ordinance for a buildable lot, and can otherwise be lawfully developed under the Zoning Ordinance.
3. The division is otherwise approvable pursuant to this Ordinance and the Land Division Act.

FOR ADMINISTRATOR USE ONLY

A copy of the recorded document required by item 5 on the preceding page, and compliant with the requirements of that provision, was filed with my office on the following date: _____.

Date: _____

Administrator