



**Monroe Charter Township**  
**PROPERTY DIVISION APPLICATION** (\*amended 12/2/19)  
**4925 East Dunbar Road**  
**Monroe, MI 48161**

1. Parent Parcel Property I.D. Number: 5812-\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_  
 Location of property to be split: \_\_\_\_\_
2. Name, address and phone number of owner(s) of parcel to be divided (as recorded deed indicates):

\_\_\_\_\_

\_\_\_\_\_

Phone Number (\_\_\_\_)\_\_\_\_\_ Phone Number (\_\_\_\_)\_\_\_\_\_

3. Number of new parcels proposed (including the remaining parcel) : \_\_\_\_\_
4. The division of each parcel provides access as follows:
  - a. Each new division has frontage on an existing certified road. Road name \_\_\_\_\_
  - b. A new Road Commission certified road- Proposed road name: \_\_\_\_\_  
 (as approved by Monroe County Sheriff Department's road name authority)
5. Describe or attach a legal description of proposed new road, easement or shared driveway.

\_\_\_\_\_

6. ATTACH legal survey of existing parcel.
7. ATTACH legal description (per survey) of newly created parcel(s).
8. ATTACH legal description (per survey) of remaining parcel(s) after split. *Must include complete and full description after split. Using the existing description merely excepting a parcel is not sufficient. Must include all existing structures and their setbacks from the proposed division.*
9. ATTACH legal description (per survey) of any combined parcels. *Must be complete and full description after parcels are combined. Two or more separate descriptions added together are not sufficient.*

I / we hereby request approval of Monroe Charter Township to divide and/or combine the parcel(s) as described above into \_\_\_\_\_ parcels and amend the Township Tax Roll accordingly and appropriately. I / we hereby certify as to being the legal owner(s) of the parcel(s) described; and to the best of my / our knowledge, the division of land requested conforms with the Land Division Act, Public Act No. 288 of 1967, as amended or replaced, and it is understood that approval to divide this parcel(s) does not change the obligations of present or future owners to comply with the Ordinance of Monroe Charter Township or the laws of the State of Michigan. I / we further understand and have been informed of all the provisions of the Monroe Charter Township Land Division Ordinance, including Section 16-84 which requires that this division be accomplished within sixty (60) days of date of approval by the Monroe Charter Township Supervisor and that this must be done by the filing and recording of appropriate deeds or other transfer documents with evidence of the recording submitted to the Township. I / we further understand that if the division of land requested is denied for zoning nonconformity, a variance request must be made to the Zoning Board of Appeal and approved before the division of land request is considered for approval. The application information and \$375.00 hearing fee must be received by the Zoning Officer at least 30 days before the regularly scheduled Zoning Board of Appeal Hearing in order for the request to be placed on the Zoning Board of Appeal's agenda.

**Signature of owner(s) of parcel(s) to be divided:**

\_\_\_\_\_

Printed Name \_\_\_\_\_ Printed Name \_\_\_\_\_

Date Application Submitted: \_\_\_\_/\_\_\_\_/2020

\*\*Additional information and forms can be printed from [www.monroechartertownship.org](http://www.monroechartertownship.org) \*\*

Reviews completed by:

comments

\_\_\_\_\_  
**Monroe Charter Township Zoning Officer**

\_\_\_\_\_ approved \_\_\_\_\_ not approved

\_\_\_\_\_  
**Monroe Charter Township Building Official**

\_\_\_\_\_ approved \_\_\_\_\_ not approved

\_\_\_\_\_  
**Monroe Charter Township Assessor**

\_\_\_\_\_ approved \_\_\_\_\_ not approved

\_\_\_\_\_  
**Monroe Charter Township Treasurer**

\_\_\_\_\_ approved \_\_\_\_\_ not approved

**\*Applicant must provide a certificate from Monroe County Treasurer that all property taxes and special assessments due on the parcel or tract subject to the proposed division have been paid for the 5 years preceding the date of application, pursuant to State of Michigan Public Acts of 2019, Act. No. 23.\***

- Approved:**
- Not approved:** It is deemed necessary that the final decision concerning the proposed division of land will be determined by the Monroe Charter Township Planning Commission. The application information and \$375.00 meeting fee must be received by the Zoning Officer at least two weeks before the regularly scheduled Planning Commission Meeting in order for the request to be placed on the Planning Commission's agenda.
- Not approved:** The division of land is not approved because \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Monroe Charter Township Supervisor Alan Barron**

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

**Sec. 16-29. Fees.**

The township may charge a fee for review of applications for division of land. The fee shall be established by resolution of the township board in an amount necessary to cover the cost of the review.

(Comp. Ords. 1985, § 7.01)

**Sec. 16-30. Penalties.**

(a) Any division of land in violation of any provision of this article shall not be recognized as a land division on the township tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this article.

(b) An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

(Comp. Ords. 1985, § 7.02)

**Secs. 16-31—16-55. Reserved.**

DIVISION 2. APPLICATION REQUIREMENTS

**Sec. 16-56. Application forms and documentation.**

The application for division of land shall be made on the forms and according to the guidelines provided by the township. The application shall be accompanied by the information specified in this article and by fees specified by the township board.

(Comp. Ords. 1985, § 4.01)

**Sec. 16-57. Information required.**

Applications shall be accompanied by the following information:

- (1) Except for large acreage parcels, equal to or greater than 40 acres, that can be adequately described in reference to section or quarter section lines, three copies of a drawing shall be submitted, which may be an informal scale drawing, such as a tentative parcel map referred to in section 109(1)(a) of the land division act (MCL 560.109(1)(a)), which shall include all information listed below. A tentative decision may be made based on this informal scale drawing, with final approval withheld until receipt of a formal drawing prepared by a professional land surveyor registered in the state. The final drawing shall be prepared according to the guidelines specified in section 3 of Public Act No. 132 of 1970 (MCL 54.211 et seq.), showing the parcels that

would result from the requested division of land; provided, that the parcels are drawn as large as possible within the 8½-inch × 14-inch format required by Public Act No. 132, and providing all of the following information:

- a. Dimensions of all existing and proposed parcels.
  - b. All structures on and within 50 feet of the proposed parcels.
  - c. Location of all existing and proposed public and private easements and rights-of-way.
  - d. Zoning designation and illustrated minimum setbacks on each proposed parcel and remaining parent tract in accordance with the current township Zoning Ordinance.
  - e. Location of surface water, lakes, ponds, streams, and wetlands. The initial investigation shall locate wetlands identified on the National Wetlands Inventory maps, prepared by the U.S. Department of Interior and available from the state department of natural resources. After subsequent investigation and on-site review, the township supervisor or other reviewing body may require more detailed wetlands information if deemed necessary to make a decision regarding the proposed division of land.
  - f. The means of access from each resulting parcel to an existing road or street.
- (2) A legal description of existing parcels of land involved in the proposed land division.
  - (3) Tentative approval may be granted without formal legal descriptions of all parcels that would result from the requested division of land, but legal descriptions must be received before final approval is granted. The legal descriptions shall be in a form sufficient for recording with the county register of deeds and shall indicate the acreage of all parcels.
  - (4) Copies of existing or proposed deed restrictions related to the proposed parcels.
  - (5) Sufficient information about previous land division activity to demonstrate that the parcel is eligible to be divided in the manner being proposed.
  - (6) If any portion of the land is subject to a farmland development rights agreement pursuant to Public Act No. 116 of 1974 (MCL 554.701 et seq.), the farmland and open space preservation act, then a copy of the agreement shall be provided to the township for review.
  - (7) If a transfer of division rights is proposed in the land transfer, then information about the terms and availability of the proposed division rights transfer shall be submitted. Such information shall be in a form that satisfies the written notice requirements specified in section 109(2) of the land division act (MCL 560.109(2)).
  - (8) Proof of fee ownership of the land proposed to be divided shall be submitted.

- (9) The zoning enforcement officer, assessor or planning commission may require additional information deemed necessary to determine compliance with the standards in division 4 of this article.

(Comp. Ords. 1985, § 4.02)

**Secs. 16-58—16-80. Reserved.**

### DIVISION 3. REVIEW PROCEDURE

**Sec. 16-81. Submittal to township community development director.**

All applications for division of land shall be submitted, together with the required information, to the zoning enforcement official, or his designated representative.

(Comp. Ords. 1985, § 5.01)

**Sec. 16-82. Optional review by township planning consultant.**

The township zoning enforcement official may request the township planning consultant to review the application for completeness of data and to determine whether it is in compliance with this article and the township Zoning Ordinance. If deemed necessary during the course of his review and if authorized by the township zoning enforcement official, the township planning consultant may submit the application to other township staff, consultants, or county officials for review and recommendation. The township planning consultant shall prepare and submit a written status report to the township zoning enforcement official within ten working days of receipt of the application.

(Comp. Ords. 1985, § 5.02)

**Sec. 16-83. Decision by the township planning commission.**

Upon review of the proposed division of land, and after consideration of the comments, if any, submitted by the township staff, consultants, and county officials, the township planning commission shall make a final decision concerning the proposed division based on the standards set forth in this article. The decision of the township planning commission shall be made within 45 days after the date of filing the application. The township planning commission shall direct the designated representative or other responsible person to indicate approved land divisions on the township base map. The township supervisor or other designated township official shall provide written notice whether the land division application is approved or disapproved and if disapproved, the reasons for disapproval.

(Comp. Ords. 1985, § 5.03)

**Sec. 16-84. Recording deeds.**

Within 60 days after approval of any division of land, the appropriate deeds and other transfer documents shall be recorded with the county register of deeds, based on the descriptions and surveys set forth in the approved application, including a legal description for the balance of the parent parcel. The recording of such deeds and transfer documents shall be

the responsibility of the applicant, but evidence of the recording shall be submitted to the township. The deeds for all parcels of unplatted land shall meet the requirements of section 109, subsections (3) and (4) of the land division act (MCL 560.109(3), (4)). Evidence of compliance with these requirements (e.g., copies of recorded deeds) shall be submitted to the township.

(Comp. Ords. 1985, § 5.04; Ord. No. 99-111-A, § 1, 7-20-1999)

**Sec. 16-85. Appeals.**

An appeal may be taken to the zoning board of appeals by any person aggrieved by a decision by the township planning commission or other body charged with enforcement of this article. In ruling on an appeal related to this article, the zoning board of appeals shall follow the general guidelines for appeals as set forth in the adopted township Zoning Ordinance. Nothing in this article shall prevent an applicant from seeking a variance from zoning requirements prior to submitting an application for division of land pursuant to this article. (Comp. Ords. 1985, § 5.05)

**Sec. 16-86. Application for site plan approval or a building permit.**

Following final approval of a division of land in accordance with this article, the property owner may apply for site plan review or a building permit, as applicable, to allow development in accordance with the Zoning Ordinance. Building permits shall not be issued for illegal division of land or parcels without direct access to a certified public road. Notwithstanding this provision, nothing in this article is intended to prevent issuance of building permits or development on legal nonconforming lots of record, subject to compliance with Zoning Ordinance requirements.

(Comp. Ords. 1985, § 5.06; Ord. No. 99-111-A, § 2, 7-20-1999)

**Sec. 16-87. Issuance of building permit not certain.**

Approval of a division of land is not a determination that the resulting parcels comply with other ordinances and regulations. The township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, inadequate sewage disposal facilities, or other reasons. Any notice of approval of a division shall include a statement to this effect.

(Comp. Ords. 1985, § 5.07)

**Secs. 16-88—16-110. Reserved.**

## DIVISION 4. STANDARDS FOR GRANTING APPROVAL

**Sec. 16-111. General requirements, compliance with state law.**

An application for division of land shall not be approved unless it is in compliance with the land division act, Public Act No. 288 of 1967, as amended or replaced. Accordingly, the following conditions apply:

- (1) *Division of the parent parcel or parent tract.* The number of parcels created shall not exceed the amount specified by section 108 of the land division act (MCL 560.108). Accordingly, a proposed division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following:
  - a. For the first ten acres or fraction thereof in the parent parcel or parent tract: four parcels.
  - b. For each whole ten acres in excess of the first ten acres in the parent parcel or parent tract: one additional parcel, for up to a maximum of 11 additional parcels.
  - c. For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract: one additional parcel.
  - d. If the parent parcel or parent tract is 20 acres or greater, the division may result in a total of two additional parcels, provided that one or both of the following conditions exist:
    1. Because of the establishment of one or more new roads, no new driveway access to an existing public road is required or created for any of the resulting parcels.
    2. One of the resulting parcels comprises not less than 60 percent of the area of the parent parcel or parent tract.
  - e. A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted.
- (2) *Additional future division.* A parcel or tract created by an exempt split, as defined in the land division act or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of the land division act, if all of the following requirements are met:
  - a. Not less than ten years have elapsed since the parcel or tract was recorded.
  - b. The partitioning or splitting results in not more than the following number of parcels, whichever is less:
    1. Two parcels for the first ten acres or fraction thereof in the parcel or tract, plus one additional parcel for each whole ten acres in excess of the first ten acres in the parcel or tract.

2. A total of seven parcels, except that a total of ten parcels may result if one of the resulting parcels under this subsection (2) comprises not less than 60 percent of the area of the parcel or tract being partitioned or split.
  - (3) *Division of land in a recorded plat.* Division of lots in a recorded plat are regulated by article IV of this chapter.
  - (4) *Depth-to-width ratio.* Lot depths of parcels in all districts created as a result of division of land shall be no greater than four times the lot width. The township may permit lots with proportions that vary from these standards where such action would reduce existing nonconformance with these standards.
- (Comp. Ords. 1985, § 6.01; Ord. No. 99-111-A, § 3, 7-20-1999)

**Sec. 16-112. Zoning requirements.**

- (a) All parcels created as a result of division of land shall comply with all applicable zoning requirements, including minimum lot size, lot width, and parking requirements. Each parcel created as a result of division of land shall be accessible, as defined in section 16-28 of this chapter. No parcel that is smaller in area than currently required by the Zoning Ordinance shall be further divided.
  - (b) Notwithstanding these requirements, land division proposals may be approved in the following circumstances:
    - (1) Where the proposed division of land would reduce the degree of existing nonconformity with zoning standards.
    - (2) Where the division of land is proposed with the intention of immediately combining portions of the original parcel with additional land for the purposes of creating a new parcel or parcels, provided that the new parcel or parcels are in compliance with zoning requirements or reduce the degree of nonconformity with zoning requirements.
    - (3) In instances where the division of land results in a parcel having more than one zoning district designation on a proposed lot, the most restrictive zoning requirements including minimum lot size and lot width shall apply.
  - (c) In each of these cases, the division shall be permitted only if the property owner records an affidavit or deed restriction with the county register of deeds which describes the property and the circumstances and conditions of approval. The affidavit or deed restriction shall be reviewed by the township zoning enforcement official prior to recording, who may in turn seek input from the township attorney, assessor, engineer, and planning consultant, and the property owner shall provide a copy of the recorded affidavit or deed restriction to the township.
  - (d) An application for division of land in a commercial or industrial district shall not be approved if the division would result in a loss of parking so that an existing use or uses would no longer comply with the minimum parking requirements and development on a resulting parcel or parcels would be unable to comply with minimum parking requirements.
- (Comp. Ords. 1985, § 6.02; Ord. No. 99-111-A, § 4, 7-20-1999)