



# SHERMAN TOWNSHIP

8872 Second Street  
Lake Linden, Michigan 49945-9228  
Phone: 906-296-1211 • Fax: 906-2896-1211  
E-mail: shermantwp@pasty.net



---

## Subdivision Control Ordinance No. 12-01

Revision 1.0

Drafted: April 16, 2012

Adopted: June 14, 2012

Effective: July 1, 2012

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, *et seq.*) and the Township Ordinances Act, Public Act 246 of 1945, as amended, (MCL 41.181, *et seq.*), being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

### Section I: Title

This ordinance shall be known and cited as the Township Land Division Ordinance.

### Section II: Purpose

The purpose of this ordinance is to carry out the provisions of the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, *et seq.*), formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

### Section III: Definitions

For purposes of this ordinance, certain terms and words used herein shall have the following meaning:

- A. "Applicant" means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divide" or "Division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his/her 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 (MCLs 560.108 and 560.109). "Divide" and "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 other applicable local ordinances.
- C. "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his/her 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.
- D. "Forty acres or the equivalent" means 40 acres, or a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

#### **Section IV: Prior Approval Requirement for Land Divisions**

Land in the Township shall not be divided without the prior review and approval of the Township Assessor, or other official designated by the Township Board, in accordance with this ordinance and the Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the Land Division Act.
- C. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the Act.

#### **Section V: Application for Land Division Approval**

An applicant shall file the land division application with the Township Assessor or other official designated by the Township Board for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development. The application shall include the following:

- A. Proof of free ownership of the land proposed to be divided.
- B. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- C. Proof that all standards of the Land Division Act, Keweenaw County Zoning and Planning Ordinances, and this Ordinance have been met.
- D. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- E. Fee required for compensation of costs for reviewing the application, administration of this Ordinance and the Land Division Act, and future assessment fees associated with the new parcel. The Township Board shall establish by resolution the fee amount. No permit or certificate shall be issued unless such fees have been paid in full.

#### **Section VI: Procedure for Review of Applications for Land Division Approval**

- A. The Township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- B. Any person or entity aggrieved by the decision of the Assessor or designee may, within 30 days of said decision appeal the decision to the Township Board of the Township or such other body or person designated by the Township Board which shall consider and resolve such appeal by a majority vote of said Board or by the appellate designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. The Assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. 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, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

**Section VII: Standards for Approval of Land Divisions**

A proposed land division reviewable by the Township shall be approved if the following criteria are met:

A. All proposed land division(s) comply with all requirements of this Ordinance, all local and applicable zoning and planning regulations, and statutory requirements of the Land Division Act.

B. All parcels created and remaining have existing adequate accessibility, or an area available therefore, for public utilities and emergency and other vehicles.

**Section VIII: Consequences of Noncompliance with Land Division Approval Requirement**

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll or assessment roll until the assessing officer refers the suspected violation or potential non-conformity to the county prosecuting attorney and gives written notice to the person requesting the division, and the person suspected of the violation or potential non-conformity of such referral to the prosecuting attorney. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto.

In addition any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.

Pursuant to Section 267 of the Land Division Act (MCL 560.267), 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 therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

**Section IX: Severability**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

**Section X: Repeal**

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the County and Township that shall remain in full force and effect notwithstanding any land division approval hereunder.

**Section XI: Effective Date**

This ordinance shall take effect upon publication following its adoption.

---

---

On June 14, 2012 the Sherman Township Board of Trustees approved the Subdivision Control Ordinance No. 12-01:

---

Robin Middlemis-Brown  
Township Supervisor  
Sherman Township Board

---

Adeline Schmidt  
Township Clerk  
Sherman Township Board



# SHERMAN TOWNSHIP

8872 Second Street  
Lake Linden, Michigan 49945-9228  
Phone: 906-296-1211 • Fax: 906-2896-1211  
E-mail: shermantwp@pasty.net



## TOWNSHIP PARCEL DIVISION APPLICATION

- Please answer all questions and include all attachments; bring or mail to Sherman Township office.
- Approval of a division of land is required before it is sold, when a new parcel is less than 40 acres and not just a property line adjustment (Section 102 of the Michigan Land Division Act)
- Form complies with Sec. 108 and 109 of the Michigan Land Division Act (formerly the subdivision control act P.A.288 of 1967 as amended particularly by P.A 591 of 1996 and PA 87 of 1997, MCL 560.101 et.seq.)
- Approval of land division is not a determination that the resulting parcels comply with other ordinances or regulations.

### 1. LOCATION PARCEL TO BE DIVIDED:

Address: \_\_\_\_\_  
 Parcel Identification Number: \_\_\_\_\_  
 Parcel Legal Description (describe or attach) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### 2. PROPERTY OWNER INFORMATION:

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone (\_\_\_\_) \_\_\_\_\_

### 3. PROPOSED DIVISION(S) TO INCLUDE THE FOLLOWING:

- A. Number of new Parcels \_\_\_\_\_
- B. Intended use (residential, commercial, etc.) \_\_\_\_\_
- C. Each proposed parcel, has a depth to width ratio of 4 to 1 or \_\_\_\_ to \_\_\_\_ as provided by ordinance.
- D. Each parcel has a width of \_\_\_\_\_ (not less than required by ordinance)
- E. Each parcel has an area of \_\_\_\_\_ (not less than required by ordinance)
- F. The division of each parcel provides access as follows: (check one)
- \_\_\_ Each new division has frontage on an existing public road. Road name \_\_\_\_\_
- \_\_\_ A new public road, proposed road name: \_\_\_\_\_
- \_\_\_ A new private road, proposed road name: \_\_\_\_\_
- G. Describe or attach a legal description of proposed new road, easement or shared driveway. \_\_\_\_\_
- \_\_\_\_\_
- H. Describe or attach a legal description for each proposed new parcel. \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**4. FUTURE DIVISIONS** being transferred from the parcel to be divided to another parcel.

Indicate number transferred \_\_\_\_\_ (See section 109 of the Michigan Land Division Act)

**5. DEVELOPMENT SITE LIMITS** (Check each which represent a condition, which exists on the parcel to be divided:

- \_\_\_\_\_ waterfront property (river, lake, pond etc.)
- \_\_\_\_\_ includes wetlands
- \_\_\_\_\_ is within a flood plain
- \_\_\_\_\_ includes a beach
- \_\_\_\_\_ is on muck soils or soils known to have severe limitations for on site sewage system

**6. ATTACHMENTS** - All the following attachments must be included. Letter each attachment as shown:

A. A scale drawing for the proposed division(s) of the parcel to be divided showing:

- (1) current boundaries (as of March 31, 1997);
- (2) all previous divisions made after March 31, 1997 (indicate when made or none);
- (3) the proposed division(s);
- (4) dimensions of the proposed divisions,;
- (5) existing and proposed road/easement right-of-way(s);
- (6) easements for public utilities from each parcel that is a development site to existing public utility facilities;
- (7) any existing improvements (buildings, wells, septic system, driveways, etc.); and
- (8) any of the features checked in question number 5.

B. Indication of approval, or permit from the appropriate county road commission, Michigan Department of Transportation or respective city/village street administrator, that a proposed easement provides vehicular access to an existing road or street meets applicable location standards.

C. A copy of any reserved division rights in parcel to be divided. (See Section 109 of the Michigan Land Division Act)

D. A fee of \$ \_\_\_\_\_

**7. IMPROVEMENTS** - Describe any existing improvements (buildings, well, septic, etc., which are on the parcel to be divided (or indicate none)

**8. ACKNOWLEDGMENT-**

The undersigned acknowledges that any approval of the within application is not a determination that the resulting parcels complies with other applicable ordinances, rules or regulations which may control the use or development of the parcels. It is also understood that ordinances, laws and regulations are subject to change and that any approved parcel division is subject to such changes that may occur before the recording of the division or the development of the parcels.

Property Owner's Signature \_\_\_\_\_ Date: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Reviewer's action: Total Fee \$ \_\_\_\_\_ Check # \_\_\_\_\_

Reviewer's Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Application Completed: Date \_\_\_\_\_ Approval: Date \_\_\_\_\_

Denial Date: \_\_\_\_\_ Reasons for denial \_\_\_\_\_