

HOUSE BILL No. 6414

September 24, 2002, Introduced by Rep. Kolb and referred to the Committee on Land Use and Environment.

A bill to amend 1967 PA 288, entitled
"Land division act,"
by amending sections 108 and 109 (MCL 560.108 and 560.109), section 108 as added by 1996 PA 591 and section 109 as amended by 1997 PA 87.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 108. (1) A division is not subject to the platting
2 requirements of this act.

3 (2) Subject to subsection (3), the division, together with
4 any previous divisions of the same parent parcel or parent tract,
5 shall result in a number of parcels not more than the sum of the
6 following, as applicable:

7 (a) For the first 10 acres or fraction thereof in the parent
8 parcel or parent tract, 4 parcels.

(b) For each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract, 1 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, 1 additional parcel.

(3) For a parent parcel or parent tract of not less than 20 acres, the division may result in a total of 2 parcels in addition to those permitted by subsection (2) if 1 or both of the following apply:

(a) Because of the establishment of 1 or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2) or this subsection are created or required.

(b) One of the resulting parcels under subsection (2) and this subsection comprises not less than 60% of the area of the parent parcel or parent tract.

(4) 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 under subsections (2) and (3) and is not subject to section 109, if the parcel is accessible.

~~(5) A parcel or tract created by an exempt split 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 this act if all of the following requirements are met:~~

~~(a) Not less than 10 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:~~

~~(i) Two parcels for the first 10 acres or fraction thereof in the parcel or tract plus 1 additional parcel for each whole 10 acres in excess of the first 10 acres in the parcel or tract.~~

~~(ii) Seven parcels or 10 parcels if one of the resulting parcels under this subsection comprises not less than 60% of the area of the parcel or tract being partitioned or split.~~

~~(c) The partitioning or splitting satisfies the requirements of section 109.~~

~~(6) A parcel or tract created under the provisions of subsection (5) may not be further partitioned or split without being subject to the platting requirements of this act, except in accordance with the provisions of subsection (5).~~

Sec. 109. (1) A municipality shall approve or disapprove a proposed division within 45 days after the filing of a complete application for the proposed division with the assessor or other municipally designated official. However, a municipality with a population of 2,500 or less may enter into an agreement with a county to transfer to the county authority to approve or disapprove a division. An application is complete if it contains information necessary to ascertain whether the requirements of section 108 and this section are met. The assessor or other municipally designated official, or the county official, having authority to approve or disapprove a proposed division, shall provide the person who filed the application written notice whether the application is approved or disapproved and, if

1 disapproved, all the reasons for disapproval. A complete
2 application for a proposed division shall be approved if, in
3 addition to the requirements of section 108, all of the following
4 requirements are met:

5 (a) Each resulting parcel has an adequate and accurate legal
6 description and is included in a tentative parcel map showing
7 area, parcel lines, public utility easements, accessibility, and
8 other requirements of this section and section 108. The tenta-
9 tive parcel map shall be a scale drawing showing the approximate
10 dimensions of the parcels.

11 (b) Each resulting parcel has a depth of not more than 4
12 times the width or, if an ordinance referred to in subsection (5)
13 requires a smaller depth to width ratio, a depth to width ratio
14 as required by the ordinance. The municipality or county having
15 authority to review proposed divisions may allow a greater depth
16 to width ratio than that otherwise required by this subdivision
17 or an ordinance referred to in subsection (5). The greater depth
18 to width ratio shall be based on standards set forth in the ordi-
19 nance referred to in subsection (5). The standards may include,
20 but are not required to include and need not be limited to,
21 exceptional topographic or physical conditions with respect to
22 the parcel and compatibility with surrounding lands. The depth
23 to width ratio requirements of this subdivision do not apply to a
24 parcel larger than 10 acres, unless an ordinance referred to in
25 subsection (5) provides otherwise, and do not apply to the
26 remainder of the parent parcel or parent tract retained by the
27 proprietor.

1 (c) Each resulting parcel has a width not less than that
2 required by an ordinance referred to in subsection (5).

3 (d) Each resulting parcel has an area not less than that
4 required by an ordinance referred to in subsection (5).

5 (e) Each resulting parcel is accessible.

6 (f) The division meets all of the requirements of section
7 108.

8 (g) Each resulting parcel that is a development site has
9 adequate easements for public utilities from the parcel to exist-
10 ing public utility facilities.

11 (2) The right to make divisions exempt from the platting
12 requirements of this act under section 108 and this section can
13 be transferred, but only from a parent parcel or parent tract to
14 a parcel created from that parent parcel or parent tract. A pro-
15 prietor transferring the right to make a division pursuant to
16 this subsection shall within 45 days give written notice of the
17 transfer to the assessor of the city or township where the prop-
18 erty is located on the form prescribed by the state tax commis-
19 sion under section 27a of the general property tax act, 1893 PA
20 206, MCL 211.27a. The state tax commission shall revise the form
21 to include substantially the following questions in the mandatory
22 information portion of the form:

23 (a) "Did the parent parcel or parent tract have any unallo-
24 cated divisions under the land division act, 1967 PA 288, MCL
25 560.101 to 560.293? If so, how many?"

26 (b) "Were any unallocated divisions transferred to the newly
27 created parcel? If so, how many?"

1 (3) A person shall not sell a parcel of unplatted land
2 unless the deed contains a statement as to whether the right to
3 make further divisions exempt from the platting requirements of
4 this act under this section and section 108 is proposed to be
5 conveyed. The statement shall be in substantially the following
6 form: "The grantor grants to the grantee the right to make
7 [insert number] division(s) under section 108 of the land divi-
8 sion act, Act No. 288 of the Public Acts of 1967." In the
9 absence of a statement conforming to the requirements of this
10 subsection, the right to make divisions under section ~~108(2),~~
11 ~~(3), and (4)~~ 108 stays with the remainder of the parent tract or
12 parent parcel retained by the grantor.

13 (4) All deeds for parcels of unplatted land within the state
14 of Michigan after the effective date of this act shall contain
15 the following statement: "This property may be located within
16 the vicinity of farm land or a farm operation. Generally
17 accepted agricultural and management practices which may generate
18 noise, dust, odors, and other associated conditions may be used
19 and are protected by the Michigan right to farm act.".

20 (5) The governing body of a municipality or the county board
21 of commissioners of a county having authority to approve or dis-
22 approve a division may adopt an ordinance setting forth the stan-
23 dards in ~~section 109(1)(b)~~ SUBSECTION (1)(B), (c), and (d).
24 The ordinance may establish a fee for reviews under this section
25 and section 108. The fee shall not exceed the reasonable costs
26 of providing the services for which the fee is charged.

- 1 (6) Approval of a division is not a determination that the
- 2 resulting parcels comply with other ordinances or regulations.