

Land use; land division; certain contiguous parcels under same ownership; exclude from definition of parent tract.

LAND USE: Land division

A bill to amend 1967 PA 288, entitled  
"Land division act,"  
by amending section 102 (MCL 560.102), as amended by 1996  
PA 591.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 102. As used in this act:
- 2       (a) "Plat" means a map or chart of a subdivision of land.
- 3       (b) "Land" means all land areas occupied by real property.
- 4       (c) "Preliminary plat" means a map showing the salient fea-
- 5       tures of a proposed subdivision submitted to an approving author-
- 6       ity for purposes of preliminary consideration.
- 7       (d) "Division" means the partitioning or splitting of a
- 8       parcel or tract of land by the proprietor thereof or by his or
- 9       her heirs, executors, administrators, legal representatives,
- 10      successors, or assigns for the purpose of sale, or lease of more

1 than 1 year, or of building development that results in 1 or more  
2 parcels of less than 40 acres or the equivalent, and that satis-  
3 fies the requirements of sections 108 and 109. Division does not  
4 include a property transfer between 2 or more adjacent parcels,  
5 if the property taken from 1 parcel is added to an adjacent  
6 parcel; and any resulting parcel shall not be considered a build-  
7 ing site unless the parcel conforms to the requirements of this  
8 act or the requirements of an applicable local ordinance.

9 (e) "Exempt split" means the partitioning or splitting of a  
10 parcel or tract of land by the proprietor thereof or by his or  
11 her heirs, executors, administrators, legal representatives, suc-  
12 cessors, or assigns that does not result in 1 or more parcels of  
13 less than 40 acres or the equivalent. For a property transfer  
14 between 2 or more adjacent parcels, if the property taken from 1  
15 parcel is added to an adjacent parcel, any resulting parcel shall  
16 not be considered a building site unless the parcel conforms to  
17 the requirements of this act or the requirements of an applicable  
18 local ordinance.

19 (f) "Subdivide" or "subdivision" means the partitioning or  
20 splitting of a parcel or tract of land by the proprietor thereof  
21 or by his or her heirs, executors, administrators, legal repre-  
22 sentatives, successors, or assigns for the purpose of sale, or  
23 lease of more than 1 year, or of building development that  
24 results in 1 or more parcels of less than 40 acres or the equiva-  
25 lent, and that is not exempted from the platting requirements of  
26 this act by sections 108 and 109. "Subdivide" or "subdivision"  
27 does not include a property transfer between 2 or more adjacent

1 parcels, if the property taken from 1 parcel is added to an  
2 adjacent parcel; and any resulting parcel shall not be considered  
3 a building site unless the parcel conforms to the requirements of  
4 this act or the requirements of an applicable local ordinance.

5 (g) "Parcel" means a continuous area or acreage of land  
6 which can be described as provided for in this act.

7 (h) "Tract" means 2 or more parcels that share a common  
8 property line and are under the same ownership. HOWEVER, 2 OR  
9 MORE PARCELS THAT SHARE A COMMON BOUNDARY LINE AND ARE UNDER THE  
10 SAME OWNERSHIP ARE NOT A TRACT IF THE PARCELS ARE OWNED BY AN  
11 INDIVIDUAL WHO ACQUIRED THE PARCELS BEFORE 1955 WITH HIS OR HER  
12 SPOUSE.

13 (i) "Parent parcel" or "parent tract" means a parcel or  
14 tract, respectively, lawfully in existence on ~~the effective date~~  
15 ~~of the amendatory act that added this subdivision~~ MARCH 31,  
16 1997.

17 (j) "Accessible", in reference to a parcel, means that the  
18 parcel meets 1 or both of the following requirements:

19 (i) Has an area where a driveway provides vehicular access  
20 to an existing road or street and meets all applicable location  
21 standards of the state transportation department or county road  
22 commission under ~~Act No. 200 of the Public Acts of 1969, being~~  
23 ~~sections 247.321 to 247.329 of the Michigan Compiled Laws~~ 1969  
24 PA 200, MCL 247.321 TO 247.329, and of the city or village, or  
25 has an area where a driveway can provide vehicular access to an  
26 existing road or street and meet all such applicable location  
27 standards.

(ii) Is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road commission under ~~Act No. 200 of the Public Acts of 1969~~ 1969 PA 200, MCL 247.321 TO 247.329, and of the city or village, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.

(k) "Development site" means any parcel or lot on which exists or which is intended for building development other than the following:

(i) Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

(ii) Forestry use involving the planting, management, or harvesting of timber.

(l) "Forty acres or the equivalent" means 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

(m) "Lot" means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

(n) "Outlot", when included within the boundary of a recorded plat, means a lot set aside for purposes other than a

1 development site, park, or other land dedicated to public use or  
2 reserved to private use.

3 (o) "Proprietor" means a natural person, firm, association,  
4 partnership, corporation, or combination of any of them that  
5 holds an ownership interest in land whether recorded or not.

6 (p) "Governing body" means the legislative body of a city or  
7 village or the township board of a township.

8 (q) "Municipality" means a township, city, or village.

9 (r) "County plat board" means the register of deeds, who  
10 shall act as chairperson, the county clerk, who shall act as sec-  
11 retary, and the county treasurer. If the offices of county clerk  
12 and register of deeds have been combined, the chairperson of the  
13 COUNTY board of ~~supervisors~~ COMMISSIONERS shall be a member of  
14 the plat board and shall act as chairperson. In a county where a  
15 board of auditors is authorized by law such board may elect to  
16 serve on the county plat board by adopting a resolution so  
17 ordering. A copy of the recorded resolution shall be sent to the  
18 state treasurer.

19 (s) "Public utility" means all persons, firms, corporations,  
20 copartnerships, or municipal or other public authority providing  
21 gas, electricity, water, steam, telephone, sewer, or other serv-  
22 ices of a similar nature.

23 (t) "Caption" means the name by which the plat is legally  
24 and commonly known.

25 (u) "Replat" means the process of changing, or the map or  
26 plat which changes, the boundaries of a recorded subdivision plat  
27 or part thereof. The legal dividing of an outlot within a

1 recorded subdivision plat without changing the exterior  
2 boundaries of the outlot is not a replat.

3 (v) "Surveyor" means a professional surveyor licensed under  
4 article 20 of the occupational code, ~~Act No. 299 of the Public~~  
5 ~~Acts of 1980, being sections 339.2001 to 339.2014 of the Michigan~~  
6 ~~Compiled Laws~~ 1980 PA 299, MCL 339.2001 TO 339.2014.

7 (w) "Engineer" means a civil engineer who is a professional  
8 engineer licensed under article 20 of the occupational code, ~~Act~~  
9 ~~No. 299 of the Public Acts of 1980, being sections 339.2001 to~~  
10 ~~339.2014 of the Michigan Compiled Laws~~ 1980 PA 299, MCL 339.2001  
11 TO 339.2014.

12 (x) "Government survey" means the land surveyed, subdivided  
13 and monumented by the United States public land survey.

14 (y) "Michigan coordinate system" means the system defined in  
15 ~~Act No. 9 of the Public Acts of 1964, being sections 54.231 to~~  
16 ~~54.239 of the Michigan Compiled Laws~~ 1964 PA 9, MCL 54.231 TO  
17 54.239.

18 (z) "Alley" means a public or private right of way shown on  
19 a plat which provides secondary access to a lot, block, or parcel  
20 of land.

21 (aa) "Health department" means the department of environmen-  
22 tal quality, a city health department, a county health depart-  
23 ment, or a district health department, whichever has  
24 jurisdiction.

25 (bb) "Public sewer" means a sewerage system as defined in  
26 section 4101 ~~of part 41 (sewerage systems)~~ of the natural  
27 resources and environmental protection act, ~~Act No. 451 of the~~

1 ~~Public Acts of 1994, being section 324.4101 of the Michigan~~  
2 ~~Compiled Laws~~ 1994 PA 451, MCL 324.4101.

3 (cc) "Public water" means a system of pipes and structures  
4 through which water is obtained and distributed to the public,  
5 including wells and well structures, intakes, and cribs, pumping  
6 stations, treatment plants, reservoirs, storage tanks and appur-  
7 tenances, collectively or severally, actually used or intended  
8 for use for the purpose of furnishing water to the public for  
9 household or drinking purposes.

10 (dd) "Topographical map" means a map showing existing physi-  
11 cal characteristics, with contour lines at sufficient intervals  
12 to permit determination of proposed grades and drainage.

13 (ee) "Flood plain" means that area of land adjoining the  
14 channel of a river, stream, water course, lake, or other similar  
15 body of water which will be inundated by a flood which can rea-  
16 sonably be expected for that region.