

HOUSE BILL No. 4052

January 22, 2007, Introduced by Rep. Hune and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

A bill to amend 1967 PA 288, entitled
"Land division act,"
by amending section 108 (MCL 560.108), as added by 1996 PA 591.

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)~~ **EXCEPT AS OTHERWISE PROVIDED IN**
4 **THIS SECTION**, the division, together with any previous divisions of
5 the same parent parcel or parent tract, shall result in a number of
6 parcels not more than the sum of the following, as applicable:

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

9 (b) For each whole 10 acres in excess of the first 10 acres in
10 the parent parcel or parent tract, 1 additional parcel, for up to a

1 maximum of 11 additional parcels.

2 (c) For each whole 40 acres in excess of the first 120 acres
3 in the parent parcel or parent tract, 1 additional parcel.

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

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

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

15 (4) A parcel of 40 acres or more created by the division of a
16 parent parcel or parent tract shall not be counted toward the
17 number of parcels permitted under subsections (2) and (3) and is
18 not subject to section 109, if the parcel is accessible.

19 (5) A parcel or tract created by an exempt split or a division
20 is not a new parent parcel or parent tract and may be further
21 partitioned or split without being subject to the platting
22 requirements of this act if all of the following requirements are
23 met:

24 (a) Not less than 10 years have elapsed since the parcel or
25 tract was recorded.

26 (b) The partitioning or splitting results in not more than the
27 following number of parcels, whichever is less:

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

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

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

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

13 **(7) IF A PARCEL WILL REMAIN PERPETUALLY IN AN UNDEVELOPED**
14 **STATE UNDER A CONSERVATION EASEMENT, PLAT DEDICATION, RESTRICTIVE**
15 **COVENANT, OR OTHER LEGAL MEANS THAT RUN WITH THE LAND, PURSUANT TO**
16 **A ZONING ORDINANCE PROVISION ADOPTED UNDER, OR DESCRIBED IN,**
17 **SECTION 506(1) OR (4) OF THE MICHIGAN ZONING ENABLING ACT, 2006 PA**
18 **110, MCL 125.3506, THAT PARCEL SHALL NOT BE COUNTED TOWARD THE**
19 **NUMBER OF PARCELS PERMITTED UNDER SUBSECTIONS (2) AND (3).**