

HOUSE BILL No. 4223

February 10, 2009, Introduced by Reps. Ebli, Geiss, Valentine, Donigan and Angerer and referred to the Committee on Intergovernmental and Regional Affairs.

A bill to amend 1967 PA 288, entitled
"Land division act,"
by amending sections 109 and 182 (MCL 560.109 and 560.182), section
109 as amended by 1997 PA 87.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 109. (1) A municipality shall approve or disapprove a
2 proposed division within 45 days after the filing of a complete
3 application for the proposed division with the assessor or other
4 municipally designated official. However, a municipality with a
5 population of 2,500 or less may enter into an agreement with a
6 county to transfer to the county authority to approve or disapprove
7 a division. An application is complete if it contains information
8 necessary to ascertain whether the requirements of section 108 and
9 this section are met. The assessor or other municipally designated

1 official, or the county official, having authority to approve or
2 disapprove a proposed division, shall provide the person who filed
3 the application written notice whether the application is approved
4 or disapproved and, if disapproved, all the reasons for
5 disapproval. A complete application for a proposed division shall
6 be approved if, in addition to the requirements of section 108, all
7 of the following requirements are met:

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

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

1 provides otherwise, and do not apply to the remainder of the parent
2 parcel or parent tract retained by the proprietor.

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

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

7 (e) Each resulting parcel, **INCLUDING ANY PARCEL THAT CONTAINS**
8 **A CEMETERY**, is accessible.

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

10 (g) Each resulting parcel that is a development site has
11 adequate easements for public utilities from the parcel to existing
12 public utility facilities.

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

25 (a) "Did the parent parcel or parent tract have any
26 unallocated divisions under the land division act, 1967 PA 288, MCL
27 560.101 to 560.293? If so, how many?"

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

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

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

22 (5) The governing body of a municipality or the county board
23 of commissioners of a county having authority to approve or
24 disapprove a division may adopt an ordinance setting forth the
25 standards in ~~section 109(1)(b)~~ **SUBSECTION (1) (B)**, (c), and (d). The
26 ordinance may establish a fee for reviews under this section and
27 section 108. The fee shall not exceed the reasonable costs of

1 providing the services for which the fee is charged.

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

4 Sec. 182. (1) The governing body of a municipality in which
5 the subdivision is situated may require the following as a
6 condition of approval of final plat, for all public and private
7 streets, alleys and roads in its jurisdiction:

8 (a) Conformance to the general plan, width and location
9 requirements that it may have adopted and published, and greater
10 width than shown on a county or state plan, but may not require
11 conformance to a municipal plan that conflicts with a general plan
12 adopted by the county or state for the location and width of
13 certain streets, roads, and highways.

14 (b) Proper drainage, grading, and construction of approved
15 materials of a thickness and width provided in its current
16 published construction standards.

17 (c) Installation of bridges and culverts where it ~~deems~~
18 **CONSIDERS** necessary.

19 (d) Submission of complete plans for grading, drainage, and
20 construction to be prepared and sealed by a civil engineer
21 registered in the state.

22 (e) Completion of all required improvements relative to
23 streets, alleys, and roads or a deposit by the proprietor with the
24 clerk of the municipality in the form of cash, a certified check,
25 or irrevocable bank letter of credit, whichever the proprietor
26 selects, or a surety bond acceptable to the governing body, in an
27 amount sufficient to insure completion within the time specified.

1 (2) As a condition of approval of the plat, the governing body
2 may require a deposit to be made in the same manner as provided in
3 ~~subdivision (e) of subsection (1)~~ **(1) (E)**, to insure performance of
4 any of the obligations of the proprietor to make required
5 improvements.

6 (3) The governing body shall rebate to the proprietor, as the
7 work progresses, amounts of any cash deposits equal to the ratio of
8 the work completed to the entire project.

9 (4) The governing body shall **REJECT A PLAT IN ANY OF THE**
10 **FOLLOWING CIRCUMSTANCES:**

11 (a) ~~Reject a THE~~ plat ~~which is isolated from or which isolates~~
12 other lands, **INCLUDING ANY LAND THAT CONTAINS A CEMETERY**, from
13 existing public streets, unless suitable access is provided.

14 (b) ~~Reject a THE~~ plat ~~showing~~ **SHOWS** a street or road name
15 duplicating one already in use in the municipality, except in
16 continuing a street or road.

17 (c) ~~Reject a THE~~ plat ~~showing~~ **SHOWS** the name of a new street,
18 alley, or road that is so similar to the one already in existence
19 in the municipality that permitting ~~such~~ **THAT** use in the
20 subdivision may be confusing for purposes of assessing, mail
21 delivery, and locating by the public.