

HOUSE BILL No. 5676

February 19, 2002, Introduced by Reps. Howell, Jelinek and Birkholz and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1967 PA 288, entitled
"Land division act,"
by amending section 109 (MCL 560.109), 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 disap-
7 prove a division. An application is complete if it contains
8 information necessary to ascertain whether the requirements of
9 section 108 and this section are met. The assessor or other
10 municipally designated official, or the county official, having
11 authority to approve or disapprove a proposed division, shall

1 provide the person who filed the application WITH A SIGNED AND
2 DATED written notice IDENTIFYING THE PROPOSED DIVISION AND
3 STATING whether the application is approved or disapproved and,
4 if disapproved, all the reasons for disapproval. A REGISTER OF
5 DEEDS SHALL NOT ACCEPT FOR RECORDING AN INSTRUMENT MAKING A DIVI-
6 SION UNLESS SUCH A NOTICE OF APPROVAL OF THE PROPOSED DIVISION IS
7 RECORDED WITH THE INSTRUMENT. A complete application for a pro-
8 posed division shall be approved if, in addition to the require-
9 ments of section 108, all of the following requirements are met:

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

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

1 to width ratio requirements of this subdivision do not apply to a
2 parcel larger than 10 acres, unless an ordinance referred to in
3 subsection (5) provides otherwise, and do not apply to the
4 remainder of the parent parcel or parent tract retained by the
5 proprietor.

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

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

10 (e) Each resulting parcel is accessible.

11 (f) The division meets all of the requirements of section
12 108.

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

16 (2) The right to make divisions exempt from the platting
17 requirements of this act under section 108 and this section can
18 be transferred, but only from a parent parcel or parent tract to
19 a parcel created from that parent parcel or parent tract. A pro-
20 prietor transferring the right to make a division pursuant to
21 this subsection shall within 45 days give written notice of the
22 transfer to the assessor of the city or township where the prop-
23 erty is located on the form prescribed by the state tax commis-
24 sion under section 27a of the general property tax act, 1893 PA
25 206, MCL 211.27a. The state tax commission shall revise the form
26 to include substantially the following questions in the mandatory
27 information portion of the form:

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

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

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

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

25 (5) The governing body of a municipality or the county board
26 of commissioners of a county having authority to approve or
27 disapprove a division may adopt an ordinance setting forth the

1 standards in ~~section 109(1)(b)~~ SUBSECTION (1)(B), (c), and
2 (d). The ordinance may establish a fee for reviews under this
3 section and section 108. The fee shall not exceed the reasonable
4 costs of providing the services for which the fee is charged.

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