

HOUSE BILL No. 4683

May 18, 1999, Introduced by Reps. Koetje, Toy, Tabor, Vear, Pappageorge and Bovin and referred to the Committee on Family and Civil Law.

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 written notice
2 whether the application is approved or disapproved and, if disap-
3 proved, all the reasons for disapproval. A complete application
4 for a proposed division shall be approved if, in addition to the
5 requirements of section 108, all of the following requirements
6 are met:

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

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

1 remainder of the parent parcel or parent tract retained by the
2 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 is accessible.

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

10 (g) Each resulting parcel that is a development site has
11 adequate easements for public utilities from the parcel to exist-
12 ing 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
15 be transferred, but only from a parent parcel or parent tract to
16 a parcel created from that parent parcel or parent tract. A pro-
17 prietor 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 prop-
20 erty is located on the form prescribed by the state tax commis-
21 sion under section 27a of the general property tax act, 1893 PA
22 206, MCL 211.27a. The state tax commission shall revise the form
23 to include substantially the following questions in the mandatory
24 information portion of the form:

25 (a) "Did the parent parcel or parent tract have any unallo-
26 cated 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
4 unless the deed contains a statement as to whether the right to
5 make further divisions exempt from the platting requirements of
6 this act under this section and section 108 is proposed to be
7 conveyed. The statement shall be in substantially the following
8 form: "The grantor grants to the grantee the right to make
9 [insert number] division(s) under section 108 of the land divi-
10 sion act, Act No. 288 of the Public Acts of 1967." In the
11 absence of a statement conforming to the requirements of this
12 subsection, the right to make divisions under section 108(2),
13 (3), and (4) stays with the remainder of the parent tract or
14 parent parcel retained by the grantor. THIS SUBSECTION DOES NOT
15 APPLY TO THE TRANSFER OF A DEED UPON COMPLETION OF THE TERMS OF A
16 LAND CONTRACT OR OTHER WRITTEN AGREEMENT OF CONVEYANCE ENTERED
17 INTO PRIOR TO MARCH 31, 1997.

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), (c), and (d). The ordinance may
2 establish a fee for reviews under this section and section 108.
3 The fee shall not exceed the reasonable costs of providing the
4 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.