

HOUSE BILL No. 4945

June 15, 2005, Introduced by Reps. Hune and Gosselin and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

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**
4 **IN THIS SECTION**, the division, together with any previous divisions
5 of the same parent parcel or parent tract, shall result in a number
6 of 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

1 the parent parcel or parent tract, 1 additional parcel, for up to a
2 maximum of 11 additional parcels.

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

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

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

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

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

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

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

27 (b) The partitioning or splitting results in not more than the

1 following number of parcels, whichever is less:

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

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

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

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

14 (7) IF A PARCEL WILL REMAIN PERPETUALLY IN AN UNDEVELOPED
15 STATE UNDER A CONSERVATION EASEMENT, PLAT DEDICATION, RESTRICTIVE
16 COVENANT, OR OTHER LEGAL MEANS THAT RUN WITH THE LAND, PURSUANT TO
17 A ZONING ORDINANCE PROVISION ADOPTED UNDER, OR DESCRIBED IN,
18 SECTION 16H(1) OR (4) OF THE COUNTY ZONING ACT, 1943 PA 183, MCL
19 125.216H, SECTION 16H(1) OR (4) OF THE TOWNSHIP ZONING ACT, 1943 PA
20 184, MCL 125.286H, OR SECTION 4F(1) OR (4) OF THE CITY AND VILLAGE
21 ZONING ACT, 1921 PA 207, MCL 125.584F, THAT PARCEL SHALL NOT BE
22 COUNTED TOWARD THE NUMBER OF PARCELS PERMITTED UNDER SUBSECTIONS
23 (2) AND (3).