

SENATE BILL No. 342

April 27, 2017, Introduced by Senators PROOS, BRANDENBURG, BOOHER, HANSEN and ROBERTSON and referred to the Committee on Local Government.

A bill to amend 1967 PA 288, entitled
"Land division act,"
by amending section 109 (MCL 560.109), as amended by 2012 PA 525.

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
10 official, or the county official, having authority to approve or
11 disapprove a proposed division, shall provide the person who filed

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

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

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

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

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

5 (e) Each resulting parcel is accessible.

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

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

10 (h) The division does not isolate a cemetery so that it does
11 not meet the requirements of either section 102(j) (i) or (ii).

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

22 (a) "Did the parent parcel or parent tract have any
23 unallocated divisions under the land division act, 1967 PA 288, MCL
24 560.101 to 560.293?" ~~If so, how many?"~~

25 (b) "Were any unallocated divisions transferred to the newly
26 created parcel? If so, **STATE WHETHER ALL WERE TRANSFERRED OR, IF**
27 **NOT**, how many?"

(3) A person shall not sell a parcel of unplatted land unless the deed contains a statement as to whether the right to make further divisions exempt from the platting requirements of this act under this section and section 108 is proposed to be conveyed. The statement shall be in substantially the following form: "The grantor grants to the grantee the right to make [insert **"ZERO", A number, OR "ALL"**] division(s) under section 108 of the land division act, ~~Act No. 288 of the Public Acts of 1967.~~ **1967 PA 288, MCL 560.108.**". In the absence of a statement conforming to the requirements of this subsection, the right to make divisions under section 108(2), (3), and (4) stays with the remainder of the parent tract or parent parcel retained by the grantor.

(4) All deeds for parcels of unplatted land within ~~the~~ **THIS** state of Michigan after the effective date of this act ~~EXECUTED~~ **AFTER MARCH 31, 1997** shall contain the following statement: "This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.".

(5) The governing body of a municipality or the county board of commissioners of a county having authority to approve or disapprove a division may adopt an ordinance setting forth the standards authorized in subsection (1)(b), (c), and (d). The ordinance may establish a fee for reviews under this section and section 108. The fee shall not exceed the reasonable costs of providing the services for which the fee is charged.

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

3 Enacting section 1. This amendatory act takes effect 90 days
4 after the date it is enacted into law.