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BILL ANALYSIS



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Senate Bill 112 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Leon Stille
Committee: Local, Urban and State Affairs

Date Completed: 6-20-96

CONTENT

The bill would amend the Subdivision Control Act, which the bill would rename the “Land Division Act”, to do the following:

- Specify that a division of a parcel or tract would be exempt from the Act’s platting requirements if the division satisfied the bill’s requirements.
- Specify that an exempt division, together with any previous division of the same parent parcel or parent tract, could result in a number of parcels that did not exceed the following: two parcels for the first 10 acres or fraction of 10 acres in the parent parcel or parent tract; one additional parcel for up to a maximum of seven additional parcels, for each whole 10 acres in excess of the first 10 acres; and one additional parcel for each 40 acres in excess of the first 80 acres in the parent parcel or parent tract.
- Provide that an exempt division of 40 acres or more would not count toward the number or size restrictions, or be subject to the requirements for municipal approval, if there were approved access to the parcel.
- Permit an exempt division to result in additional parcels if certain conditions were met, including the use of new public roads and shared access highways to reduce driveway accesses to an existing public road.
- Require a municipality to approve a proposed exempt division if it met certain requirements, including depth to width ratios, local health department approval for public utilities if a parcel were a development site, and approved access.
- Prohibit the sale of a parcel of unplatted land unless the deed contained a statement as to whether the right to make further exempt divisions was proposed to be conveyed.

Platting Requirements Exemption

A division of a parcel or tract would be exempt from the platting requirements of the Act if the division satisfied the bill’s requirements. An exempt division, together with any previous divisions of the same parent parcel or parent tract, could result in two parcels for the first 10 acres or fraction of that in the parent parcel or tract; one additional parcel and up to a maximum of seven additional parcels for each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract; and, one additional parcel for each whole 40 acres in excess of the first 80 acres in the parent parcel or parent tract. An exempt division could result in up to two parcels in addition to those allowed above, if one or more new public roads or shared access driveways, or both, were used

to reduce the number of driveway accesses to an existing public road to less than one for each additional parcel allowed under this provision.

Currently, “subdivision” means the partitioning or dividing of a parcel or tract of land by the proprietor or his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development that creates five or more parcels of land each of which is not more than 10 acres; or five or more parcels of land each of which is not more than 10 acres in area created by successive divisions within a 10-year period.

The bill, instead, would define “division” as the partitioning or splitting of a parcel or tract of land by the proprietor or his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development that resulted in one or more parcels of less than 40 acres or the equivalent. As currently provided, the term would not include a property transfer between two or more adjacent parcels, if the property taken from one parcel were added to an adjacent parcel; and any resulting parcel would not be considered a building site unless the parcel conformed to the Act’s requirements or the requirements of an applicable local ordinance. Under the bill, “subdivision” would mean a division that did not meet the bill’s requirements for an exemption from the platting requirements of the Act. “Tract” would mean two or more parcels that shared a common property line and were under the same ownership.

A parcel of at least 40 acres could not be counted toward the number of permitted parcels and would not be subject to the bill’s municipal approval requirements if there were approved access to the parcel. A parcel that resulted from a property transfer between two or more adjacent parcels, if the property taken from one parcel were added to an adjacent parcel for nondevelopment purposes, would not be counted toward the permitted additional parcels in areas where new public roads or shared access highways reduced the number of driveway accesses and would not be subject to provisions concerning parcels of at least 40 acres in size. (“Approved access” would mean a road that afforded access to a parcel and that was approved as meeting construction standards under Public Act 200 of 1969, which regulates driveways, banners, events, and parades on and over highways, or a municipal or county ordinance adopted to carry out the Land Division Act. In the absence of otherwise applicable requirements under Public Act 200 or a local ordinance, approved access would mean a 66-foot right-of-way, by easement or dedication, for road and public utility use, with at least 20 feet in width cleared, grubbed (cleared of roots and stumps), and graded and passable by emergency vehicles.)

Municipality Approval

Within 30 days after the filing of a proposed division, a municipality would have to approve an exempt division if all of the following requirements were met:

- An adequate and accurate legal description and a tentative parcel map showing area, lot lines, public utility easements, access, and other requirements of this provision and provisions concerning parcel size and number for an exemption from platting requirements. The tentative parcel map would have to be a scale drawing showing the approximate dimensions of each parcel.
- A depth to width ratio of not more than 4:1, or a smaller depth to width ratio as required by a zoning or land division ordinance. Based on standards set forth in a municipal or county ordinance, a municipality could allow a greater depth to width ratio than otherwise required by this provision or a provision of a municipal or county ordinance. The standards could include, but would not have to include and would not be limited to, exceptional topographic

or physical conditions with respect to the parcel and compatibility with surrounding lands. These depth to width ratio requirements would not apply to the parcel, if any, larger than 2.5 acres unless a municipal or county ordinance provided otherwise.

- A width not less than that required by a municipal or county ordinance.
- An area not less than that required by a municipal or county ordinance.
- If a resulting parcel were a development site, public water or health department approval for on-site water supply; public sewer or city, county, or district health department approval for on-site sewage disposal; and, adequate easements for public utilities from the parcel to existing public utility facilities.
- Approved access. Except in counties of under 75,000 population, if access were afforded by easement, not more than two parcels could be served by the same easement unless authorized by a municipal or county ordinance.
- All the bill's requirements relating to the size and number of parcels or tracts that would be exempt from the Act's platting requirements.

("Development site" would mean any parcel or lot on which existed or which was intended for building development other than the following: agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains; fee crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities; or, forestry use involving the planting, management, or harvesting of timber.)

The filing would have to include a statement as to whether any right to make further exempt divisions under the bill had been or was proposed to be transferred to the new parcel from the parent parcel or parent tract.

Sale of Unplatted Land

A person could not sell a parcel of unplatted land unless the deed contained a statement as to whether the right to make further exempt divisions under the bill was proposed to be conveyed. The statement would have to be substantially in the form provided in the bill. In the absence of a statement conforming to the bill's requirements, the right to make exempt divisions would stay with the remainder of the parent tract or parent parcel retained by the grantor.

MCL 560.101 et al.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.