

# HOUSE BILL No. 6222

June 18, 2002, Introduced by Rep. Scranton and referred to the Committee on Land Use and Environment.

A bill to amend 1967 PA 288, entitled  
"Land division act,"  
by amending section 102 (MCL 560.102), as amended by 1996 PA  
591.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 102. As used in this act:

2       (a) "Plat" means a map or chart of a subdivision of land.

3       (b) "Land" means all land areas occupied by real property.

4       (c) "Preliminary plat" means a map showing the salient fea-  
5       tures of a proposed subdivision submitted to an approving author-  
6       ity for purposes of preliminary consideration.

7       (d) "Division" means the partitioning or splitting of a  
8       parcel or tract of land by the proprietor thereof or by his or  
9       her heirs, executors, administrators, legal representatives,  
10       successors, or assigns for the purpose of sale, or lease of more

1 than ~~1 year~~ 5 YEARS IF THE LEASE IS OF A TYPE MADE SUBJECT TO  
2 THIS DEFINITION BY AN ORDINANCE DESCRIBED IN SECTION 109(5), or  
3 of building development that results in 1 or more parcels of less  
4 than 40 acres or the equivalent, and that satisfies the require-  
5 ments of sections 108 and 109. Division does not include a prop-  
6 erty transfer between 2 or more adjacent parcels, if the property  
7 taken from 1 parcel is added to an adjacent parcel; and any  
8 resulting parcel shall not be considered a building site unless  
9 the parcel conforms to the requirements of this act or the  
10 requirements of an applicable local ordinance.

11 (e) "Exempt split" means the partitioning or splitting of a  
12 parcel or tract of land by the proprietor thereof or by his or  
13 her heirs, executors, administrators, legal representatives, suc-  
14 cessors, or assigns that does not result in 1 or more parcels of  
15 less than 40 acres or the equivalent. For a property transfer  
16 between 2 or more adjacent parcels, if the property taken from 1  
17 parcel is added to an adjacent parcel, any resulting parcel shall  
18 not be considered a building site unless the parcel conforms to  
19 the requirements of this act or the requirements of an applicable  
20 local ordinance.

21 (f) "Subdivide" or "subdivision" means the partitioning or  
22 splitting of a parcel or tract of land by the proprietor thereof  
23 or by his or her heirs, executors, administrators, legal repre-  
24 sentatives, successors, or assigns for the purpose of sale, or  
25 lease of more than ~~1 year~~ 5 YEARS IF THE LEASE IS OF A TYPE  
26 MADE SUBJECT TO THIS DEFINITION BY AN ORDINANCE OF A MUNICIPALITY  
27 DESCRIBED IN SECTION 105(B), or of building development that

1 results in 1 or more parcels of less than 40 acres or the  
2 equivalent, and that is not exempted from the platting require-  
3 ments of this act by sections 108 and 109. "Subdivide" or  
4 "subdivision" does not include a property transfer between 2 or  
5 more adjacent parcels, if the property taken from 1 parcel is  
6 added to an adjacent parcel; and any resulting parcel shall not  
7 be considered a building site unless the parcel conforms to the  
8 requirements of this act or the requirements of an applicable  
9 local ordinance.

10 (g) "Parcel" means a continuous area or acreage of land  
11 which can be described as provided for in this act.

12 (h) "Tract" means 2 or more parcels that share a common  
13 property line and are under the same ownership.

14 (i) "Parent parcel" or "parent tract" means a parcel or  
15 tract, respectively, lawfully in existence on ~~the effective date~~  
16 ~~of the amendatory act that added this subdivision~~ MARCH 31,  
17 1997.

18 (j) "Accessible", in reference to a parcel, means that the  
19 parcel meets 1 or both of the following requirements:

20 (i) Has an area where a driveway provides vehicular access  
21 to an existing road or street and meets all applicable location  
22 standards of the state transportation department or county road  
23 commission under ~~Act No. 200 of the Public Acts of 1969, being~~  
24 ~~sections 247.321 to 247.329 of the Michigan Compiled Laws~~ 1969  
25 PA 200, MCL 247.321 TO 247.329, and of the city or village, or  
26 has an area where a driveway can provide vehicular access to an

1 existing road or street and meet all such applicable location  
2 standards.

3       (ii) Is served by an existing easement that provides vehicu-  
4 lar access to an existing road or street and that meets all  
5 applicable location standards of the state transportation depart-  
6 ment or county road commission under ~~Act No. 200 of the Public~~  
7 ~~Acts of~~ 1969 PA 200, MCL 247.321 TO 247.329, and of the city or  
8 village, or can be served by a proposed easement that will pro-  
9 vide vehicular access to an existing road or street and that will  
10 meet all such applicable location standards.

11       (k) "Development site" means any parcel or lot on which  
12 exists or which is intended for building development other than  
13 the following:

14       (i) Agricultural use involving the production of plants and  
15 animals useful to humans, including forages and sod crops;  
16 grains, feed crops, and field crops; ~~dairy and~~ dairy products;  
17 poultry and poultry products; livestock, including breeding and  
18 grazing of cattle, swine, and similar animals; berries; herbs;  
19 flowers; seeds; grasses; nursery stock; fruits; vegetables;  
20 Christmas trees; and other similar uses and activities.

21       (ii) Forestry use involving the planting, management, or  
22 harvesting of timber.

23       (l) "Forty acres or the equivalent" means 40 acres, a  
24 quarter-quarter section containing not less than 30 acres, or a  
25 government lot containing not less than 30 acres.

26       (m) "Lot" means a measured portion of a parcel or tract of  
27 land, which is described and fixed in a recorded plat.

1 (n) "Outlot", when included within the boundary of a  
2 recorded plat, means a lot set aside for purposes other than a  
3 development site, park, or other land dedicated to public use or  
4 reserved to private use.

5 (o) "Proprietor" means a natural person, firm, association,  
6 partnership, corporation, or combination of any of them that  
7 holds an ownership interest in land whether recorded or not.

8 (p) "Governing body" means the legislative body of a city or  
9 village or the township board of a township.

10 (q) "Municipality" means a township, city, or village.

11 (r) "County plat board" means the register of deeds, who  
12 shall act as chairperson, the county clerk, who shall act as sec-  
13 retary, and the county treasurer. If the offices of county clerk  
14 and register of deeds have been combined, the chairperson of the  
15 board of supervisors shall be a member of the plat board and  
16 shall act as chairperson. In a county where a board of auditors  
17 is authorized by law such board may elect to serve on the county  
18 plat board by adopting a resolution so ordering. A copy of the  
19 recorded resolution shall be sent to the state treasurer.

20 (s) "Public utility" means all persons, firms, corporations,  
21 copartnerships, or municipal or other public authority providing  
22 gas, electricity, water, steam, telephone, sewer, or other serv-  
23 ices of a similar nature.

24 (t) "Caption" means the name by which the plat is legally  
25 and commonly known.

26 (u) "Replat" means the process of changing, or the map or  
27 plat which changes, the boundaries of a recorded subdivision plat

1 or part thereof. The legal dividing of an outlot within a  
2 recorded subdivision plat without changing the exterior bounda-  
3 ries of the outlot is not a replat.

4 (v) "Surveyor" means a professional surveyor licensed under  
5 article 20 of the occupational code, ~~Act No. 299 of the Public~~  
6 ~~Acts of 1980, being sections 339.2001 to 339.2014 of the Michigan~~  
7 ~~Compiled Laws~~ 1980 PA 299, MCL 339.2001 TO 339.2014.

8 (w) "Engineer" means a civil engineer who is a professional  
9 engineer licensed under article 20 of the occupational code, ~~Act~~  
10 ~~No. 299 of the Public Acts of 1980, being sections 339.2001 to~~  
11 ~~339.2014 of the Michigan Compiled Laws~~ 1980 PA 299, MCL 339.2001  
12 TO 339.2014.

13 (x) "Government survey" means the land surveyed, subdivided  
14 and monumented by the United States public land survey.

15 (y) "Michigan coordinate system" means the system defined in  
16 ~~Act No. 9 of the Public Acts of 1964, being sections 54.231 to~~  
17 ~~54.239 of the Michigan Compiled Laws~~ 1964 PA 9, MCL 54.231 TO  
18 54.239.

19 (z) "Alley" means a public or private right of way shown on  
20 a plat which provides secondary access to a lot, block, or parcel  
21 of land.

22 (aa) "Health department" means the department of environmen-  
23 tal quality, a city health department, a county health depart-  
24 ment, or a district health department, whichever has  
25 jurisdiction.

26 (bb) "Public sewer" means a sewerage system as defined in  
27 section 4101 of ~~part 41 (sewerage systems) of~~ the natural

1 resources and environmental protection act, ~~Act No. 451 of the~~  
2 ~~Public Acts of 1994, being section 324.4101 of the Michigan~~  
3 ~~Compiled Laws~~ 1994 PA 451, MCL 324.4101.

4 (cc) "Public water" means a system of pipes and structures  
5 through which water is obtained and distributed to the public,  
6 including wells and well structures, intakes, and cribs, pumping  
7 stations, treatment plants, reservoirs, storage tanks and appur-  
8 tenances, collectively or severally, actually used or intended  
9 for use for the purpose of furnishing water to the public for  
10 household or drinking purposes.

11 (dd) "Topographical map" means a map showing existing physi-  
12 cal characteristics, with contour lines at sufficient intervals  
13 to permit determination of proposed grades and drainage.

14 (ee) "Flood plain" means that area of land adjoining the  
15 channel of a river, stream, water course, lake, or other similar  
16 body of water which will be inundated by a flood ~~which~~ THAT can  
17 reasonably be expected for that region.