

Introduction

The Land Division Act (LDA), 1996 PA 591 and 1997 PA 87, radically changed the “rules” for division of unplatted land in Michigan. The LDA provides for three categories of land splits of a parent parcel or parent tract determined as of March 31, 1997:

1. Exempt split

An exempt split is a split resulting in a parcel of more than 40 acres if accessible (as defined by the statute). An exempt split is not subject to municipal approval.

2. Division

A division does not need to be platted if the division, together with any previous divisions of the same parent parcel or tract (excluding all exempt splits), does not exceed the maximum statutorily mandated number of splits. A division is, however, subject to municipal approval.

NOTE: A division of a parcel or tract greater than 20 acres or an exempt split is not subject to municipal approval even if not accessible if the parcel or tract was in existence on March 31, 1997.

3. Subdivision

A subdivision is subject to the platting requirements of the LDA.

Municipal Approval and Ordinance

A landowner must file an application for approval of a proposed division or redivision with the municipal assessor (or other designated official). A municipality with a population of 2500 or fewer may transfer such authority to the county. A municipality shall approve or disapprove a proposed division within 45 days after the filing of a complete application for the proposed division. An application is complete if it meets the following criteria:

- (a) Each proposed parcel must have an adequate and accurate legal description.
- (b) Each parcel shall have prescribed depth/width restrictions.
- (c) The width of each parcel shall comply with any municipal ordinance.
- (d) The area of each parcel shall comply with any municipal ordinance.
- (e) Each parcel must be accessible.
- (f) All requirements must be met with the provisions determining maximum number of divisions (including bonus splits and redivisions).
- (g) If a resulting parcel is a development site, it must have adequate easements for public utility facilities.

The LDA provides that a municipality may adopt an ordinance outlining the standards of subparagraphs (b), (c) and (d) above.