



CITY OF WHITEHALL

Land Division Application and Approval Standards

The Land Division provisions of PA 591, section 109 of the Act, require approval for all land splits under 40 acres. What are the approval standards? What goes on the application?

The statute does not prescribe an application form. It does set out the specific standards for approval. All of the standards needed to review and approve a land division can be found in the statute, section 109. The statute allows, but does not require, a local ordinance to set certain requirements.

The Approval Standards

City officials must approve a new division within 45 days if it meets the requirements listed below. In other words, these are the only standards municipal officials may apply to the division itself. Other rules may apply at the time of building or other development of the property.

The statute does not provide extra time for hearings or meetings; the 45 days allows time for review of the objective requirements under the Act.

Land division does not include zoning "approval." All landowners, both buyers and sellers, should be aware that zoning law may impose other requirements. If property is zoned for single family houses on lots of at least 1 acre, you could create half-acre lots, but you will not be able to build houses on them unless the zoning changes to allow half-acre lots.

Similarly, land division does not require wetland, sand dune and topographical maps as part of the application. That does not mean that land with wetlands or critical sand dune areas can then be built on without regard to state or local regulation of those features.

A proposed division must meet the following standards:

1. **Description and Map.** (a) An adequate and accurate legal description with (b) a tentative parcel map showing area, parcel lines, public utilities easements, accessibility and the number of parcels. The tentative parcel map must be to scale. The City must also know the size of the parent parcel to verify the number of splits allowed. The statute does not require a survey.
2. **Depth to Width Ratio.** Each parcel can be no deeper than four times the width, with certain exceptions. If a local land division ordinance requires a smaller depth to width ration, that ratio will apply.
The exceptions:
 - The ratio does not apply to remainder of the parent parcel kept by the owner.
 - The ratio does not apply to a parcel larger than 10 acres unless a local land division ordinance provides otherwise.
 - A local land division ordinance may allow variances.
3. **Width.** Each parcel must have a width of at least that required by a land division ordinance, if there is one. This is not the zoning ordinance width; it is the width stated in a land division ordinance.
4. **Area.** Each parcel must have an area not less than that required by the local land division ordinance, if there is one.

5. **Accessibility.** Each parcel must be accessible. “Accessible” means that the property has an area where a driveway or an existing or proposed easement can provide vehicular access to an existing road. The driveway or easement must meet the location standards of MDOT, the county road commission or the City for their streets. (these are sometimes called the Act 200 location standards.) Driveway and private road construction standards do not apply to this land division approval. But, they may apply when the property is actually developed.
6. **Development Site Requirements.** If the parcel is a “development site,” it must meet three additional requirements. A “development site” means a parcel which either already has or is intended for building development other than agricultural use or forestry. If a landowner does not intend to build, he does not have a development site. Of course, if he or any future owner later builds on the property, the building code or other permit standards will then apply.

A development site must have all of the following:

- Public water or health department approval for on-site water supply under rules described in the Act.
- Public sewer or city, county or district health department approval for on-site sewage disposal under rules described in the act.
- Adequate easements for public utilities from the parcel to existing public utility facilities.

The water and sewer rules incorporated in the Land Division Act are based on rules drafted by the Department of Public Health in 1968 for what was then the new Subdivision Control Act. Local health departments have applied them for almost 30 years. The new act incorporated the old rules to avoid the threat of having to drill a test well on every parcel or design a full septic system when the land is divided, perhaps years before any building or plans to build.

For a period of time after the Act became effective, the State enforced its existing on-site sewage system rules for splits with parcels of two acres or less through local health departments. For larger parcels, the local health departments submitted their local sanitary codes and enforcement procedures to the DEQ. The DEQ delegated authority for the larger parcels to the local health departments with “acceptable programs.”

Definitions:

Lot Split: Where a platted lot in a subdivision of the City is being divided. Has a legal description like lot 8, block 9, Slocum's First South Addition of the City of Whitehall. For example, being split in half, with half attaching to lot 7 and half attaching to lot 9.

Land Division: where an unplatted parcel of land is being divided into two or more parcels. This parcel is not part of a subdivision and has "metes and bounds" description.

Guidelines:

1. **Lot splits** must follow Ordinance 153.06. Application should be a letter written to the City Council describing the division requested, and a sketch of lot(s) being split. City MAY require a map of survey of a surveyor, but not required with application.
2. **Land Divisions** must follow a policy recently adopted by City Council. An application packet has been prepared and a checklist of items required. This does require a tentative parcel map of survey, as well as a surveyor's certificate form.



CITY OF WHITEHALL

Land Division Application

Application for land division must include:

application received _____

1. Completed Parcel Division Application form/
2. Legal descriptions and map(s) of parent parcel and proposed division.
3. Signed Surveyor's Certificate.
4. Delinquent property taxes must be paid prior to approval. _____

A proposed division must meet the following standards:

1. **Description and Map.** (a) An adequate and accurate legal description with (b) a tentative parcel map showing area, parcel lines, public utilities easements, accessibility and the number of parcels. The tentative parcel map must be to scale. The City must also know the size of the parent parcel to verify the number of splits allowed. The statute does not require a survey.
2. **Depth to Width Ratio.** Each parcel can be no deeper than four times the width, with certain exceptions. If a local land division ordinance requires a smaller depth to width ration, that ratio will apply.
The exceptions:
 - The ratio does not apply to remainder of the parent parcel kept by the owner.
 - The ratio does not apply to a parcel larger than 10 acres unless a local land division ordinance provides otherwise.
 - A local land division ordinance may allow variances.
3. **Width.** Each parcel must have a width of at least that required by a land division ordinance, if there is one. This is not the zoning ordinance width; it is the width stated in a land division ordinance.
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- Adequate easements for public utilities from the parcel to existing public utility facilities.

Owner's name: _____

Location of Property: _____

Approved by: _____

Date: _____

Copies of approved application to:

- Clerk (original)
- Treasurer
- Property Owner
- Assessor

SURVEYOR'S CERTIFICATE

Concerning Compliance with Land Division Act Section 108 and 109

I HEREBY CERTIFY TO:

City of Whitehall
County of Muskegon
State of Michigan

1. That we have prepared the foregoing (tentative parcel map/survey) and legal descriptions, and that the legal descriptions for the remainder parcel and the _____ (number) resulting parcel(s) (is/are) accurate.
2. That the parent parcel contains _____ acres.
3. That the division of the parent parcel results in _____ parcel(s).
4. That the plat of survey map is drawn to the scale of 1" = _____ and shows:
 - a. Legal descriptions of newly created parcel and resulting remainder parcel(s).
 - b. The area of each of the _____ resulting parcels.
 - c. The parcel lines of each of the _____ resulting parcels.
 - d. Each resulting parcel has a depth of not more than four times its width.
 - e. Access to the resulting parcels by _____ (name of public or private street).
 - f. That public utilities from (each of) the _____ resulting parcel(s) to the existing public utility facilities is provided by the public utility easements that are located in the City of Whitehall.
 - g. The area and width of (each of) the _____ resulting parcel(s) abuts the (private/public) road (easement) for a minimum width of _____ feet.
 - h. The area and width of (each of) the _____ resulting parcel(s) meet the Whitehall Zoning Ordinance requirements for area and width; and per zoning variance as granted by Board of Zoning Appeals and approved by City Council.
 - i. Each of the resulting parcel(s) has the written approval of the Muskegon County Health Department for on-site water supply and sewage disposal.

Date

Surveyor Signature