LAND DIVISION ACT
Act 288 of 1967

AN ACT to regulate the division of land; to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements and that there be adequate drainage of the land; to provide for proper ingress and egress to lots and parcels; to promote proper surveying and monuments of land subdivided and conveyed by accurate legal descriptions; to provide for the approvals to be obtained prior to the recording and filing of plats and other land divisions; to provide for the establishment of special assessment districts and for the imposition of special assessments to defray the cost of the operation and maintenance of retention basins for land within a final plat; to establish the procedure for vacating, correcting, and revising plats; to control residential building development within floodplain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; to repeal certain parts of this act on specific dates; and to repeal acts and parts of acts.


Popular name: Plat Act
Popular name: Subdivision Control

The People of the State of Michigan enact:

GENERAL PROVISIONS

560.101 Short title.
Sec. 101. This act shall be known and may be cited as the "land division act".


Compiler's note: For transfer of powers and duties of the State Treasurer relative to subdivision control to the Department of Commerce, see E.R.O. No. 1980-1, compiled at §16.732 of the Michigan Compiled Laws.


Popular name: Plat Act
Popular name: Subdivision Control

560.102 Definitions.
Sec. 102. As used in this act:
(a) "Plat" means a map or chart of a subdivision of land.
(b) "Land" means all land areas occupied by real property.
(c) "Preliminary plat" means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.
(d) "Division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109. Division does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.
(e) "Exempt split" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns that does not result in 1 or more parcels of less than 40 acres or the equivalent. For a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.
LAND DIVISION ACT

(f) "Subdivide" or "subdivision" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of this act by sections 108 and 109. "Subdivide" or "subdivision" does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.

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

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

(i) "Parent parcel" or "parent tract" means a parcel or tract, respectively, lawfully in existence on the effective date of the amending act that added this subdivision.

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

(i) Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969, being sections 247.321 to 247.329 of the Michigan Compiled Laws, and of the city or village, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.

(ii) Is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969 and of the city or village, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.

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

(i) Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed 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.

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

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

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

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

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

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

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

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

(s) "Public utility" means all persons, firms, corporations, copartnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, sewer, or other services of a similar nature.

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

(u) "Replat" means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat
LAND DIVISION ACT

without changing the exterior boundaries of the outlot is not a replat.


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

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

(y) "Michigan coordinate system" means the system defined in Act No. 9 of the Public Acts of 1964, being sections 54.231 to 54.239 of the Michigan Compiled Laws.

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

(aa) "Health department" means the department of environmental quality, a city health department, a county health department, or a district health department, whichever has jurisdiction.

(bb) "Public sewer" means a sewerage system as defined in section 4101 of part 41 (sewerage systems) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.4101 of the Michigan Compiled Laws.

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

(dd) "Topographical map" means a map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

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


Popular name: Plat Act

560.103 Subdivisions of land; surveys and plats, requirements.

Sec. 103. (1) An exempt split is not subject to approval under this act so long as the resulting parcels are accessible. A division is not subject to the platting requirements of this act but subject to the requirements of sections 108 and 109. A subdivision is subject to the platting requirements of this act.

(2) Plots of retracement or boundary surveys made by a department or agency of the United States or of state-owned lands made by a department or agency of the state for the retracement and division of public lands according to the survey instructions issued by the United States department of the interior may be recorded with the register of deeds of the county in which the lands represented on the plats are situated and need not otherwise comply with this act, except that plat size shall be as provided in section 132.

(3) A survey and plat shall be made when any amendment, correction, alteration or revision of a recorded plat is ordered by a circuit court.

(4) Urban renewal plats authorized by the governing body of a municipality as provided in Act No. 344 of the Public Acts of 1945, being sections 125.71 to 125.84 of the Michigan Compiled Laws, shall conform to this act.


Popular name: Plat Act

560.104 Replats; requirements; vacation of original plat.

Sec. 104. A replat of all or any part of a recorded subdivision plat may not be approved or recorded unless proper court action has been taken to vacate the original plat or the specific part thereof, with the following exceptions:
LAND DIVISION ACT

(a) When all the owners of lots which are to be part of the replat agree in writing thereto and record
the agreement with the register of deeds, and proof that notice to the abutting property owners has been
given by certified mail and the governing body of the municipality in which the land included in the
recorded plat is situated, has adopted a resolution or other legislative enactment vacating all areas
dedicated to public use within the proposed replat.

(b) Assessors plats made, approved and recorded as provided for in sections 201 to 213.

(c) Urban renewal plats authorized by the governing body of a municipality, as provided in Act No.
344 of the Public Acts of 1945, as amended. Roads, streets, alleys and other public places shall be
vacated in accordance with the provisions of law.


Popular name: Plat Act

Popular name: Subdivision Control

560.105 Preliminary or final plat; approval; conditions.
Sec. 105. Approval of a preliminary plat, or final plat shall be conditioned upon compliance with all of
the following:

(a) The provisions of this act.

(b) Any ordinance or published rules of a municipality or county adopted to carry out the provisions of
this act.

(c) Any published rules of a county drain commissioner, county road commission, or county plat
board adopted to carry out the provisions of this act.

(d) The rules of the state transportation department relating to provisions for the safety of entrance
upon and departure from the abutting state trunk line highways or connecting streets and relating to the
provisions of drainage as required by the department's then currently published standards and
specifications.

(e) The rules of the department of consumer and industry services for the approval of plats, including
forms, certificates of approval, and other required certificates, captioning of plats, and numbering of lots.

(f) The rules of the department of environmental quality for the determination and establishment of
floodplain areas of rivers, streams, creeks, or lakes, as provided in this act, as published in the state
administrative code.

(g) The rules of the department of environmental quality relating to suitability of groundwater for
on-site water supply for subdivisions not served by public water or to suitability of soils for subdivisions
not served by public sewers. The department of environmental quality may authorize a city, county, or
district health department to carry out the provisions of this act and rules promulgated under this act
relating to suitability of groundwater for subdivisions not served by public water or relating to suitability of
soils for subdivisions not served by public sewers. The department of environmental quality may require
percolation tests and boring tests to determine suitability of soils. When such tests are required, they
shall be conducted under the supervision of a registered engineer, registered land surveyor, or registered
sanitarian in accordance with uniform procedures established by the department of environmental
quality.


Popular name: Plat Act

Popular name: Subdivision Control


560.106 Approving authorities; limitation on powers of approval or rejection.
Sec. 106. No approving authority or agency having the power to approve or reject plats shall condition
approval upon compliance with, or base a rejection upon, any requirement other than those included in
section 105.


Popular name: Plat Act

Popular name: Subdivision Control

560.107 Preliminary plat; submission, discretion.
Sec. 107. (1) Nothing contained in this act shall prohibit a proprietor from submitting a prepreliminary
plat to a governing body for the proprietors information and review.
560.108 Parent parcel or parent tract; number of parcels resulting from division; limitations; requirements.

Sec. 108. (1) A division is not subject to the platting requirements of this act.

(2) Subject to subsection (3), the division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following, as applicable:

(a) For the first 10 acres or fraction thereof in the parent parcel or parent tract, 4 parcels.

(b) For each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract, 1 additional parcel, for up to a maximum of 11 additional parcels.

(c) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, 1 additional parcel.

(3) For a parent parcel or parent tract of not less than 20 acres, the division may result in a total of 2 parcels in addition to those permitted by subsection (2) if 1 or both of the following apply:

(a) Because of the establishment of 1 or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2) or this subsection are created or required.

(b) One of the resulting parcels under subsection (2) and this subsection comprises not less than 60% of the area of the parent parcel or parent tract.

(4) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted under subsections (2) and (3) and is not subject to section 109, if the parcel is accessible.

(5) A parcel or tract created by an exempt split or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of this act if all of the following requirements are met:

(a) Not less than 10 years have elapsed since the parcel or tract was recorded.

(b) The partitioning or splitting results in not more than the following number of parcels, whichever is less:

(i) Two parcels for the first 10 acres or fraction thereof in the parcel or tract plus 1 additional parcel for each whole 10 acres in excess of the first 10 acres in the parcel or tract.

(ii) Seven parcels or 10 parcels if one of the resulting parcels under this subsection comprises not less than 60% of the area of the parcel or tract being partitioned or split.

(c) The partitioning or splitting satisfies the requirements of section 109.

(6) A parcel or tract created under the provisions of subsection (5) may not be further partitioned or split without being subject to the platting requirements of this act, except in accordance with the provisions of subsection (5).


Popular name: Plat Act

Popular name: Subdivision Control

560.109 Approval or disapproval of proposed division; requirements; exemption from platting requirements; notice of transfer; form; sale of unplatted land; statement contained in deed; ordinance; approval not determination of compliance.

Sec. 109. (1) A municipality shall approve or disapprove a proposed division within 45 days after the filing of a complete application for the proposed division with the assessor or other municipally designated official. However, a municipality with a population of 2,500 or less may enter into an agreement with a county to transfer to the county authority to approve or disapprove a division. An application is complete if it contains information necessary to ascertain whether the requirements of section 108 and this section are met. The assessor or other municipally designated official, or the county official, having authority to approve or disapprove a proposed division, shall provide the person who filed the application with a statement of the requirements and of the decision made.
the application written notice whether the application is approved or disapproved and, if disapproved, all
the reasons for disapproval. A complete application for a proposed division shall be approved if, in
addition to the requirements of section 108, all of the following requirements are met:
(a) Each resulting parcel has an adequate and accurate legal description and is included in a tentative
parcel map showing area, parcel lines, public utility easements, accessibility, and other requirements of
this section and section 108. The tentative parcel map shall be a scale drawing showing the approximate
dimensions of the parcels.
(b) Each resulting parcel has a depth of not more than 4 times the width or, if an ordinance referred to
in subsection (5) requires a smaller depth to width ratio, a depth to width ratio as required by the
ordinance. The municipality or county having authority to review proposed divisions may allow a greater
depth to width ratio than that otherwise required by this subdivision or an ordinance referred to in
subsection (5). The greater depth to width ratio shall be based on standards set forth in the ordinance
referred to in subsection (5). The standards may include, but are not required to include and need not be
limited to, exceptional topographic or physical conditions with respect to the parcel and compatibility with
surrounding lands. The depth to width ratio requirements of this subdivision do not apply to a parcel
larger than 10 acres, unless an ordinance referred to in subsection (5) provides otherwise, and do not
apply to the remainder of the parent parcel or parent tract retained by the proprietor.
(c) Each resulting parcel has a width not less than that required by an ordinance referred to in
subsection (5).
(d) Each resulting parcel has an area not less than that required by an ordinance referred to in
subsection (5).
(e) Each resulting parcel is accessible.
(f) The division meets all of the requirements of section 108.
(g) Each resulting parcel that is a development site has adequate easements for public utilities from
the parcel to existing public utility facilities.
(2) The right to make divisions exempt from the platting requirements of this act under section 108
and this section can be transferred, but only from a parent parcel or parent tract to a parcel created from
that parent parcel or parent tract. A proprietor transferring the right to make a division pursuant to this
subsection shall within 45 days give written notice of the transfer to the assessor of the city or township
where the property is located on the form prescribed by the state tax commission under section 27a of
the general property tax act, 1893 PA 206, MCL 211.27a. The state tax commission shall revise the form
to include substantially the following questions in the mandatory information portion of the form:
(a) "Did the parent parcel or parent tract have any unallocated divisions under the land division act,
1967 PA 288, MCL 560.101 to 560.293? If so, how many?"
(b) "Were any unallocated divisions transferred to the newly created parcel? If so, 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 number] division(s) under section 108 of
the land division act, Act No. 288 of the Public Acts of 1967." 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 state of Michigan after the effective date of this
act 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 in
section 109(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.
(6) Approval of a division is not a determination that the resulting parcels comply with other
ordinances or regulations.

LAND DIVISION ACT

Popular name: Plat Act
Popular name: Subdivision Control

560.109a Parcel less than 1 acre.
Sec. 109a. (1) If a parcel resulting from a division is less than 1 acre in size, a building permit shall not be issued for the parcel unless the parcel has all of the following:
(a) Public water or city, county, or district health department approval for the suitability of an on-site water supply under the same standards as set forth for lots under rules described in section 105(g).
(b) Public sewer or city, county, or district health department approval for on-site sewage disposal under the health department standards as set forth for lots under rules described in section 105(g).
(2) The municipality or county approving a proposed division resulting in a parcel less than 1 acre in size and its officers and employees are not liable if a building permit is not issued for the parcel for the reasons set forth in this section. A notice of approval of a proposed division resulting in a parcel of less than 1 acre in size shall include a statement to this effect.
(3) A city, county, or district health department may adopt by regulation a fee for services provided under this section. The fees shall not exceed the reasonable costs of providing the services for which the fees are charged.

Popular name: Plat Act
Popular name: Subdivision Control

560.109b Parcels of 20 or more acres.
Sec. 109b. (1) An exempt split or other partitioning or splitting of a parcel or tract that only results in parcels of 20 acres or more in size is not subject to approval under this act if the parcel or tract is not accessible and 1 of the following applies:
(a) The parcel or tract was in existence on March 31, 1997.
(b) The parcel or tract resulted from an exempt split or other partitioning or splitting under this section.
(2) The proprietor shall provide the purchaser of a parcel resulting from an exempt split or other partitioning or splitting under subsection (1) with the following written statement before closing:
"This parcel is not accessible as defined in the land division act, 1967 PA 288, MCL 560.101 to 560.293.".

Popular name: Plat Act
Popular name: Subdivision Control
## 1996 P.A. 591; EFFECTIVE MARCH 31, 1997

ANY PARENT PARCEL OR TRACT "LAWFULLY IN EXISTENCE" ON EFFECTIVE DATE MAY BE DIVIDED. THE NUMBER OF DIVISIONS IS BASED ON THE SIZE OF THE PARENT PARCEL BUT THE PARCELS CREATED MAY BE ANY SIZE YOU WANT.

<table>
<thead>
<tr>
<th>PARENT PARCEL SIZE</th>
<th>NUMBER OF ALLOWABLE DIVISIONS</th>
<th>ADDITIONAL DIVISIONS FOR PRESERVING 60% OF PARENT PARCEL INTACT OR CREATING NEW ROAD FOR DRIVEWAYS</th>
<th>60% OF PARENT PARCEL AS A REMAINDER (CAN BE USED FOR CURRENT USE OR FUTURE DEVELOPMENT)</th>
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</thead>
<tbody>
<tr>
<td>Up to 19.99 Acres</td>
<td>4</td>
<td>0</td>
<td>N/A</td>
</tr>
<tr>
<td>20 Acres</td>
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<td>30 Acres</td>
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<td>600 Acres</td>
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</tr>
<tr>
<td>Each Added 40 Acres</td>
<td>Add 1</td>
<td>2</td>
<td>60%</td>
</tr>
</tbody>
</table>
1996 P.A. 591; EFFECTIVE MARCH 31, 1997

10 YEARS AFTER A SPLIT OR DIVISION IS RECORDED, A PARCEL RESULTING FROM THE DIVISION MAY BE DIVIDED ACCORDING TO ITS SIZE. THE NUMBER OF SPLITS IS BASED ON THIS ACREAGE DIVIDED BUT THE PARCELS CREATED MAY BE ANY SIZE YOU WANT.

<table>
<thead>
<tr>
<th>SIZE OF PROPERTY FOR FURTHER PARTITIONING</th>
<th>NUMBER OF ALLOWABLE DIVISIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 19.99 Acres</td>
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<tr>
<td>20 Acres</td>
<td>3</td>
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<td>30 Acres</td>
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</tr>
<tr>
<td>60 Acres</td>
<td>7</td>
</tr>
<tr>
<td>70 Acres</td>
<td>7 or 8 if 60% or parcel being split is preserved intact.</td>
</tr>
<tr>
<td>80 Acres</td>
<td>7 or 10*</td>
</tr>
<tr>
<td>90 Acres and Above</td>
<td>7 or 10*</td>
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<tr>
<td>480 Acres</td>
<td>7 or 10*</td>
</tr>
<tr>
<td>520 Acres</td>
<td>7 or 10*</td>
</tr>
<tr>
<td>560 Acres</td>
<td>7 or 10*</td>
</tr>
<tr>
<td>600 Acres</td>
<td>7 or 10*</td>
</tr>
<tr>
<td>800 Acres</td>
<td>7 or 10*</td>
</tr>
<tr>
<td>1000 Acres</td>
<td>7 or 10*</td>
</tr>
<tr>
<td>1200 Acres</td>
<td>7 or 10*</td>
</tr>
</tbody>
</table>

*IF ONE OF THE RESULTING PARCELS COMPRISES 60% OF THE AREA OF THE PARCEL BEING SPLIT.*