

Bodman PLC

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Michigan Legislature Proposes Significant Zoning and Land Division Reforms

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The Michigan Legislature has introduced a package of four related bills—House Bills 5529, 5530, 5531, and 5532—that would amend the Land Division Act and the Michigan Zoning Enabling Act. The proposed legislation, if enacted, would have a significant impact on local municipal control related to certain zoning decisions and significant changes to development review processes.

Collectively, the bills are intended to limit local regulatory discretion over minimum lot sizes, clarify and constrain site plan review practices, and revise procedures governing zoning protest petitions. All four bills have been referred to the House Committee on Regulatory Reform.

The proposed legislation focuses on three primary areas:

1. Minimum parcel and lot size limitations for detached single family residences served by public water and sewer;
2. Site plan review standards and timelines, including limits on post approval study requests; and
3. Revised protest petition requirements for zoning ordinance amendments.

House Bill 5529 would amend the Land Division Act to significantly restrict the ability of municipalities (or counties acting under delegated authority) to impose minimum parcel size requirements when reviewing proposed land divisions. Municipal ordinances could not require a minimum parcel size greater than 1,500 square feet for a detached single family residence that will be served by public water and public sewer. The bill would also allow a residential lot in a final recorded plat to be smaller than the current 12,000 square foot minimum under certain conditions and eliminates the 7,200 square foot waiver threshold.

House Bill 5530 would amend the Michigan Zoning Enabling Act to mirror the minimum parcel size limitations imposed by House Bill 5529, but in the zoning context rather than land division review.

House Bill 5531 would substantially revise the statutory framework governing site plan submission, review, and approval under the Michigan Zoning Enabling Act. For instance, local units of government would be required to approve, reject, or conditionally approve a site plan within 60 days of receipt. Also, after initial site plan approval, a local unit of government could require additional or revised studies or documents only if the studies are necessary to ensure compliance with zoning standards, state or federal law, other applicable codes or are necessary to address a demonstrated and material public health or safety concern. Local governments would be prohibited from requesting additional studies to impose new or unrelated requirements or to reopen issues previously reviewed and approved unless there is a material change requested by an applicant and only to the extent reasonably necessary to evaluate the impacts of the change. Importantly, the proposed legislation defines “Initial Site Plan Approval” as the first formal approval by the authorized body, unless it is only an administrative completeness determination; conceptual or sketch plan review; or advisory recommendation.

Finally, **House Bill 5532** would revise the requirements for protest petitions filed in response to proposed zoning ordinance amendments by increasing the radius for calculating protest eligibility from 100 feet to 300 feet beyond the boundary of the land subject to the proposed zoning change. If the zoning amendment would increase the authorized number of dwelling units, the proposed legislation if passed would require a greater number of petition signatures, increased from 20% of owners in the affected area to 60%.

The Municipal and Government Relations Team at Bodman will be keeping a close watch on the proposed legislation and will issue further updates when there are relevant developments.

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