

PLANNING IMPACTS OF ZONING PREEMPTION

HOUSE BILLS 5529-5532 AND 5581-5585

IMPORTANCE OF PUBLIC VOICE AND RESIDENT INPUT

Local master planning and zoning processes include rigorous public involvement to ensure the public's voice is heard and integrated into community development priorities.

These bills directly remove the local autonomy and flexibility needed for a community to be responsive to and representative of their residents. They ignore the local deliberation and consensus-building achieved through the local planning process, including public comment and open debate. This mandate would provide no flexibility for the diverse contexts of Michigan communities and override democratically approved local plans and policies.

NEED AND PURPOSE OF LOCAL PLANNING AND ZONING

State-mandated, one-size-fits-all zoning strips locally elected officials of their decision-making authority and dismisses years of community planning work.

- These bills remove a core tenet of the Michigan Zoning Enabling Act of 2006 requiring local land-use decisions to reflect a careful balance of property rights, neighborhood stability, economic development, infrastructure capacity, housing needs, and the long-term fiscal health of the community.
- Michigan includes urban, suburban, and rural communities — each with different infrastructure capacity, housing markets, and growth patterns. Local leaders, through local planning, are best positioned to respond to those differences and address the needs of their neighborhoods and residents.
- Communities establish minimum lot and housing sizes for various reasons, including infrastructure capacity, existing neighborhood form and function, access to green space, and ability to provide public safety and other services.
- Local planning specifically considers the context, location, and capacity of infrastructure (i.e., areas with water, sewer, transportation options). This legislation ignores these considerations and allows developers to construct housing in places without adequate infrastructure, services, or transportation options.
- These bills lead to strained infrastructure and create administrative burdens without guaranteeing housing production. Local governments are best positioned to tailor missing middle housing reforms to their infrastructure, market conditions, and community goals.

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TANGIBLE CHALLENGES OF THE ZONING PREEMPTION BILLS

Communities support increasing housing diversity and affordability, but growth must align with jobs, infrastructure, services, and transportation options, including public transit. These bills fail to address these requirements, while oversimplifying affordability issues and ignoring cost drivers like interest rates and construction materials.

Lot and Dwelling Size Minimums

- Communities set minimum lot sizes and housing standards for reasons tied to infrastructure, public safety, and service delivery. Removing that flexibility leaves local governments managing the impacts without the tools or resources to mitigate them.
- The density levels permitted under these bills far exceed what most communities can support. On a single acre developed with 1,500 sq. ft. lots, after deducting 30% for infrastructure and natural features, these bills would result in a density of 20 units. Even when developers extend infrastructure, the long-term maintenance and replacement costs fall on the community.
- Setting an arbitrary minimum dwelling size without consideration of infrastructure capacity, available transportation options, and access to vital services, will not result in more affordable housing.
- In our more rural communities and planned lower-density areas served by water, sewer, and utilities, a developer could quickly acquire and develop undeveloped vacant land at densities unsuitable for the area's infrastructure capacity.
- A sudden spike in density can consume limited sewer allocations where growth was never planned, halting development elsewhere and forcing costly upgrades.

Duplexes and Mobile Homes by Right

- This State mandate on duplexes overrides locally adopted plans that guide where density should go; undermines planned growth areas and targeted infill zones; and conflicts with environmental protection areas, such as watersheds or sensitive natural features.
- Many communities intentionally direct higher-density housing to their walkable downtowns and/or near schools. A statewide duplex mandate could scatter density into neighborhoods where new infrastructure must be built, contradicting adopted plans and resulting in significant cost to the community.
- Without proper siting and planning, a mobile home can be placed in areas prone to windstorms or flooding. Local context and planning are needed to ensure the safety and security of these homes – including constructing on permanent foundations, with secured and safe utility connections, stormwater and wastewater mitigation, and adequate insulation to keep energy costs low. All of which are needed to ensure the safety of the occupants of the homes and the neighboring areas.
- A duplex, townhome, single-family home, or multi-story apartment complex each has different impacts and intensities on the surrounding land uses – including local road networks that are not built for higher traffic volumes; stormwater systems that are already at capacity and do not have the resources to increase or be replaced.

- Building more housing without additional improvements to infrastructure will not result in more affordable housing. Instead, it will create additional unfunded burdens on our aging infrastructure. The impacts fall on both new and existing residents in the community. The recent major flooding events in Southeast Michigan (August 2014 and June 2021), which resulted in nearly \$2 billion in damages due to infrastructure failures, would have been more severe if housing had been improperly planned and sited.

Parking Minimums

- Parking maximums and minimums should not be determined at a statewide level, without any context of local land use or available transportation options. Many local governments already allow for reduced parking in their ordinances, based on the proximity to on-street parking, public parking, and transit.
- The proposed parking cap of one space per unit ignores local context. Many Michigan communities lack robust transit availability or accessibility, and/or have gaps in their sidewalk networks. While communities are working toward improved and expanded transit networks along with enhanced walking and biking infrastructure, significant gaps remain that this package does nothing to address.

Setback Minimums

- A universal 15-foot front setback and 5-foot side and rear setbacks fail to account for roadway design, sidewalk needs, placement of utilities, and – most importantly – emergency access. These decisions are best made locally, in coordination with road agencies and public safety officials – including fire and police.
- A 25-foot setback to environmental features and water bodies does not provide enough space to protect natural resources, nor does it protect the home from flooding.

60-Day Shot Clock

- The 60-day decision “shot clock” on site plan approvals is unrealistic, especially for complex projects involving mixed-use developments, larger multifamily units, and commercial and industrial projects such as data centers.
- Local governments support and operate under predictable and efficient review timelines. Many work diligently to process applications promptly.
- Site plan review often involves coordination across multiple departments—engineering, fire, public works, planning, environmental compliance—and sometimes State or federal agencies. While expedient processes and streamlined development are important, communities should not be forced to sacrifice public safety or to move forward without full understanding of the impacts of development proposals.

Accessory Dwelling Units (ADUs)

- ADUs-by-right may add ADUs in every neighborhood, negatively impacting sewer capacity, stormwater runoff, traffic, and public safety responses.
- Allowing ADUs through a State mandate, regardless of community type or size, may unintentionally lead to “density sprawl,” where dense neighborhoods are built in places without adequate infrastructure, services, and transportation options like public transit.

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