

Public Act 58 of 2025 (Enrolled Senate Bill 23)

Briefing Paper on Amendments to the Michigan Land Division Act (MCL 560.108)

EXECUTIVE SUMMARY

Public Act 58 of 2025 increases the number of parcels that may be created through land division under state law. The statutory baseline now allows more division activity than before.

The Act also changes how land division is managed at the local level. While subsection (6) allows additional divisions to be authorized by ordinance, it places greater weight on local standards in determining how land division is reviewed and approved. Local ordinances now play a larger role in shaping how the expanded statutory allowances are applied in practice.

As a result, state law defines what is legally possible, and local ordinances define how that possibility is administered based on access, infrastructure capacity, site conditions, and development patterns.

SECTION 1. WHAT THE LAND DIVISION ACT DOES

The Michigan Land Division Act is intended to ensure that land is divided in a way that protects public health, safety, and orderly development. It addresses matters such as access to public roads, drainage and stormwater, suitability of parcels for building, and accurate surveying and legal descriptions.

The Act distinguishes between land divisions, which allow a limited number of parcels to be created, and subdivisions, which require a formal plat and a higher level of review. Section 108 sets the maximum number of parcels that may be created before subdivision platting is required.

SECTION 2. CHANGES TO BASE PARCEL LIMITS

There is a short transition period after the Act becomes effective. During that period, up to 4 parcels may be created from the first 10 acres of a parent parcel. After the one-year transition, up to 10 parcels may be created from the first 10 acres. This substantially increases the number of parcels that can be created from small and mid-sized properties.

For larger parent parcels, parcel creation continues to increase gradually. One additional parcel is allowed for each full 10 acres beyond the first 10 acres, up to 11 additional parcels. After 120 acres, one additional parcel is allowed for each full 40 acres.

SECTION 3. SPECIAL RULES FOR LARGER PARCELS

For parent parcels of at least 20 acres, two additional parcels may be created if new roads are built to avoid additional driveway access to existing public roads, or if one resulting parcel contains at least 60 percent of the original land area.

Parcels of 40 acres or more are treated differently. A newly created 40-acre parcel does not count against the maximum number of allowable parcels if it is accessible.

SECTION 4. ROLE OF LOCAL ORDINANCES

Subsection (6) provides that a parcel or tract may be divided into more parcels than otherwise allowed by statute if the division is authorized by and complies with standards in a locally adopted ordinance.

This makes local ordinances more central to how land division functions. While the statute sets the outer limits of what is legally allowed, ordinances define how land division is evaluated and approved.

Local standards typically address access to public roads and private road design, driveway spacing and shared access, frontage and lot configuration, drainage and stormwater management, suitability of parcels for development, and emergency vehicle access.

SECTION 5. LIMITS ON REPEATED SPLITTING

Parcels created under the ten-year seasoning provisions or under a local ordinance adopted pursuant to subsection (6) may only be further divided if the new division continues to comply with the statute or with the applicable ordinance.

SECTION 6. PRACTICAL EFFECTS ON DEVELOPMENT

The increase in allowable parcels under state law does not automatically result in increased land division activity. Outcomes depend on how local ordinances apply technical and design standards. Where standards are limited, more divisions may be feasible. Where standards are detailed and consistently applied, division activity may remain constrained.

SECTION 7. INFRASTRUCTURE CONSIDERATIONS

Higher parcel counts can affect driveway density and road access, drainage and stormwater systems, emergency service access, and long-term maintenance responsibilities. Ordinance standards play a key role in addressing these impacts.

SECTION 8. REGULATORY BALANCE

The statutory framework for land division is now broader, and local ordinances carry greater responsibility for shaping how land division occurs in practice. The statute establishes allowable capacity, and local ordinances determine how that capacity is administered.

SECTION 9. WHY THE ACT MATTERS

Public Act 58 does not directly change zoning and does not directly fund housing. It changes how land is converted into individual parcels. That process underlies all future development activity and shapes how growth is structured and managed.