

## MEMORANDUM

FROM: Jeff Kahan, City Planner  
TO: R4C Task Force  
SUBJECT: Regulation of Lot Combinations  
DATE: August 28, 2013

We have been asked to provide some guidance on whether the City could regulate lot combinations.

In general, lot combinations may be regulated through the use of maximum lot sizes, maximum lot coverage standards, required performance standards for combining property, or through some other form of regulation. As with other forms of land use regulation, the ordinance would need to be substantially related to public health, safety and welfare.

This type of ordinance would generally be allowed under Michigan's Zoning Enabling Act (MZEA), which provides that:

“A local unit of government may provide by zoning ordinance for the regulation of land development and the establishment of 1 or more districts within its zoning jurisdiction which regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestions of population. . . and to promote public health, safety and welfare. “  
MCL 125.3201(1).

The MZEA also allows: “...regulations under the zoning ordinance designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered. . . “ MCL 125.3201(2). Any such ordinance would also need to be uniform, as the MZEA also requires that an ordinance be consistently applied in a zoning district. It states that: “...regulations shall be uniform for each class of land or buildings, dwellings and structures within a district.” MCL 125.3201(4).

There may be many different ways to achieve maximum lot sizes, or limit the amount of building that could be done on a combined parcel within a zoning district. If the City desires to implement this type of ordinance, our goal would be to draft an ordinance that would provide such regulation while limiting any unintended consequences. Of course, the City Attorney's Office would also review any draft ordinance prior to Council approval.