

CITY OF FARMINGTON

RESOLUTION #04-26-008

**RESOLUTION IN OPPOSITION TO THE PASSAGE OF MICHIGAN HOUSE
OF REPRESENTATIVE BILLS 5529-5532, 5581-5585 REGARDING
LOCAL MUNICIPAL ZONING AUTHORITY**

At a regular meeting of the Farmington City Council, held on the 6th day of April, 2026, the following resolution was offered by Councilmember Taylor and supported by Mayor Pro-Tem Balk:

WHEREAS, House Bills 5529-5532 and 5581-5585 to amend the State Land Division Act and the State Zoning Enabling Act have been introduced in the State of Michigan House of Representatives (hereinafter " the bills") and have been referred to committees for consideration; and

WHEREAS, the purpose of the bills is to preempt local governments from exercising their traditional authority to plan and zone for residential land uses within their communities. Among other things, the proposed changes impose on every community in the State the same **maximum** lot size in a single-family residential district of 1,500 square feet where houses are served by public water and sewer—which would have the effect of wiping out essentially all of the City of Farmington’s existing zoning regulations as to residential lot sizes and widths, and yard setbacks, calling into question the continuing ability of local communities to have different densities in different residential districts—or even having density limitations or different residential zoning districts at all.

WHEREAS, if enacted into law, the bills would:

- (1) allow, without any substantive review by the local government, construction of a second or "accessory" home to be built onto an existing home, or to be built on any existing lot that already has one house on it (e.g., in the side or back yard of an existing residential home on a residential lot), with such additional house being permitted under State law without regard to local regulations to be up to 800 square feet in area or up to 75% of the existing home, whichever is less;
- (2) allow that second or accessory house to be placed within 5 feet of a neighbor’s rear or side yard property line (and in fact allow *any* home to be built 5 feet from a neighboring property line as a "universal" setback in a "metropolitan" area of the State);
- (3) allow a basement as part of that second home, with the same 5-foot setback;
- (4) allow that second or accessory home to be built off-site and transported to the existing home site to be installed (and in fact allow such mobile homes on every residential lot in the State);
- (5) allow duplex homes in every single-family zoning district on any residential lot;

(6) preclude a community from having or enforcing minimum home square footage requirements over 500 square feet;

(7) restrict a community from adopting regulations specific to duplexes and accessory second houses; and

(8) significantly limit (if not prohibit) communities from having architectural and/or façade materials requirements for single-family houses (given the universal mobile home authorization).

WHEREAS, while the sentiment and intention of some of the proposed statewide changes reflected in the bills are appropriate considerations for housing policy at both the State and local level, as essentially a statewide abolition of longstanding place-based planning and zoning rules the bills would upend in many communities the many decades of planning that shaped current residential neighborhoods—and in fact whole cities, townships, and villages—and that have been relied on by residents in making their own housing choices; and

WHEREAS, if enacted into law, the bills would also drastically change the process under which local communities review plans for new development and buildings by greatly limiting the local government’s ability to effectively require the submission of site plans that meet ordinance requirements and by imposing a completely arbitrary and unrealistic uniform timeframe in every community, regardless of size and staffing, for the review of plans and the issuance of decisions with respect to plans; and

WHEREAS, these limitations will result in communities either being denied the opportunity to appropriately assure compliance with development requirements for all developments—commercial and retail and industrial as well as residential—or being obligated to deny approval of plans under the arbitrary time limits, thus actually delaying full and final review of some development proposals.

WHEREAS, land use laws in Michigan, and the case law that has gone along with it, have long confirmed that zoning regulation is a uniquely local endeavor. In the often-quoted words of Justice Thurgood Marshall, zoning “may indeed be the most essential function performed by local government, for it is one of the primary means by which we protect that sometimes difficult to define concept of quality of life.”; and

WHEREAS, local communities through local governments are best situated to (1) assess infrastructure capabilities, such as whether a particular local government can provide residents with enough drinkable water and enough sanitary sewer capacity to dispose of dangerous human waste, so that future development or re-development may be properly planned and the health of existing residents protected; (2) design adequate stormwater management systems to accommodate development while avoiding flooding and environmental degradation; (3) evaluate whether that local government can provide adequate police and fire and emergency first responder protection to all of its current and future residents; and (4) plan for the use of the public facilities and spaces specific to that local government in a way that does not discriminate against some residents or limit opportunities for use of such resources; and

WHEREAS, the bills as written will unquestionably impose significant costs on local governments (more public safety, more utilities, more flooding prevention, more parks and public

buildings) with no corresponding effort to provide or acknowledge the need for a source of funding to pay those costs, further contributing to the precarious financial position local governments already find themselves in given Headlee- and Proposal A-based limitations on taxation, reduced State revenue sharing, removal or limitation of governmental immunity for some local government activities, limitations on raising rates or fees in connection with development and the provision of public utility services, and all the other forces now affecting the ability of local governments to serve their existing residents; and

WHEREAS, the bills as written not only are dismissive of the role of local governments in protecting residents through careful and transparent land use regulations at the community level, they appear to have resulted at least in part from untrue or inaccurate criticisms of how most local governments process development approvals, and propose limitations on that process that are completely unnecessary, unworkable, and ultimately harmful to residents whose protection is the fundamental and animating purpose of local government.

NOW, THEREFORE BE IT RESOLVED that the Farmington City Council opposes passage of House Bills 5529-5532 and 5581-5585 on the basis that local municipalities are best situated to enact detailed zoning regulations to ensure the health, safety, and welfare of their residents, who are not served by a universal, statewide zoning ordinance as is proposed; and

BE IT FURTHER RESOLVED that a copy of this Resolution be distributed to all state legislators representing residents of Farmington.

AYES: Balk, LaRussa, Parkins, Schneemann, Taylor


NAYS: None

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

I, MEAGHAN BACHMAN, the duly-qualified Clerk of the City of Farmington, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Farmington at a duly-called meeting held on the 6th day of April, 2026 the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed by official signature this 10th day of April, 2026.



MEAGHAN BACHMAN
Clerk, City of Farmington