

## **GARFIELD TOWNSHIP**

### **ORDINANCE NO. 17**

#### **AN ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM ON THE CONSIDERATION OF ANY APPLICATIONS FOR REZONING, SITE PLAN APPROVAL, OR SPECIAL USE PERMITS**

An Ordinance to protect the public health, safety, and welfare by establishing regulations relating to a moratorium on considering applications for rezoning, site plan approval, or special use permits while the Township completes its review and update of its current Zoning Ordinance; and to repeal all ordinances or parts of ordinances that conflict with this Ordinance.

#### **GARFIELD TOWNSHIP ORDAINS:**

##### **Section 1. Findings.**

In accordance with Public Act 246 of 1945, MCL 41.181 *et seq.*, as amended, Garfield Township has determined the following:

1. In 2009, the Township determined to review and update the Garfield Township Master Plan in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 *et seq.*, as amended, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 *et seq.*, as amended.
2. Thereafter, the Township Planning Commission engaged an outside planning firm for assistance (Wade Trim) and worked diligently to consider whether any revisions to its Master Plan were appropriate.
3. On May 17, 2010, the Township Planning Commission adopted a new (i.e., its current) Master Plan.
4. Thereafter in 2010, the Township Planning Commission began reviewing its current Zoning Ordinance to consider whether any revisions were appropriate. The Township believed that the Zoning Ordinance review and update process was appropriate (a) given the passage of time since the current Zoning Ordinance was adopted, (b) so as to create clarity in the Township and with its residents as to its ordinances' regulations, (c) to address changes in municipal laws that have arisen since the current Zoning Ordinance was adopted, and (d) in light of questions that arose during the Master Plan update process (such as whether to and how to regulate uses not covered in the current Zoning Ordinance, including new and contemporary land uses).
5. Since then, the Township Planning Commission has diligently pursued reviewing and considering possible updates to the Township's current Zoning Ordinance. This

has included, for example, engaging the same outside planning firm for input on appropriate updates to its current Zoning Ordinance (Wade Trim) and discussing Zoning Ordinance update issues at its regular meetings.

6. The process to review and update the Township's Zoning Ordinance requires the Township to consider several significant and complex policy issues, including the appropriate zoning districts for the Township, the appropriate uses permitted as of right and by special use permit in those districts, the appropriate regulation of certain new municipal "land uses" that did not even exist when the current Zoning Ordinance was adopted (such as medical marijuana activities), how to handle new laws and new municipal issues that have arisen since the Township's current Zoning Ordinance was adopted (including the effects of the recent changes in law set out in the Michigan Zoning Enabling Act), and ensuring that the new regulations it adopts in an updated Zoning Ordinance are constitutional.
7. Given the detailed nature of its Zoning Ordinance update and review and the efforts the Township and residents are putting in to analyze updates to its current Zoning Ordinance, the Township now believes that it would be contrary to sound public policy for the Township to consider rezoning applications, special use permit applications, and site plan approval requests – whether filed before this Ordinance's effective date or not – in the midst of the Township's review and updates to the Zoning Ordinance.
8. The Township finds that imposing a moratorium upon the consideration of any rezoning applications, special use permit applications, and site plan approval requests, on a limited temporary basis, is reasonable and necessary for, among other reasons, the following reasons:
  - A. Michigan courts have recognized that a moratorium is a common and legitimate planning tool to preserve the status quo while formulating a more permanent development strategy.
  - B. The contemplated moratorium would allow the current Zoning Ordinance update planning and implementation process to run its full and natural course with citizen input and involvement, public debate, and full consideration of all issues and points of view, and allow the Township to pursue its strategy to create a "premier community."
  - C. The contemplated moratorium would avoid confusion about which Master Plan or Zoning Ordinance governs any land use application submitted to the Township during the Zoning Ordinance update that is in progress.
  - D. It would be counter-productive for the Township to consider requests for rezonings, site plan approvals, or special use permits in the middle of its Zoning Ordinance review and update process.

E. The contemplated moratorium would avoid disruption of land use plans and the potential thwarting of the Township's objectives in its Zoning Ordinance update process.

9. A moratorium should be imposed upon the consideration of any rezoning applications, special use permit applications, and site plan approval requests for 180 days or until an amendment to the Zoning Ordinance is adopted, whichever occurs first.

**Section 2. Moratorium.** A moratorium is imposed upon the consideration of any rezoning applications, special use permit applications, and site plan approval requests for 180 days or until an amendment to the Zoning Ordinance is adopted, whichever occurs first.

**Section 3. Term of Moratorium.** The moratorium imposed by this Ordinance will remain in effect for 180 days after the effective date of this Ordinance, or until amendments to the Zoning Ordinance become effective, whichever occurs first. Before this moratorium expires, the Township may by resolution extend the moratorium as appropriate to allow sufficient time to complete amendments to its ordinances. If an extension is adopted, the Township will publish notice of that.

**Section 4. Publication.** The Township Clerk must publish this Ordinance in the manner prescribed by law.

**Section 5. Validity and Severability.** If any part of this Ordinance is found invalid for any reason, that holding does not invalidate the remaining parts of this Ordinance.

**Section 6. Repealer Clause.** Any ordinances or parts of ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full effect.

**Section 7. Effective Date.** This Ordinance becomes effective upon publication.

At a special meeting of the Township Board held on the 25th day of July, 2011, it was moved by Kimberly Day and supported by James Herber that this Ordinance No. 17 be introduced and adopted.

YEAS: 5

NAYS: 0

I, Township Clerk and Township Supervisor, certify that this is a true and complete copy of Ordinance No. 17, duly adopted at a special meeting of the Garfield Township Board of Trustees on the 25<sup>th</sup> day of July, 2011.

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Kimberly Day, Clerk

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James Dubay, Supervisor