

CENTERVILLE TOWNSHIP BOARD OF TRUSTEES

**RESOLUTION ESTABLISHING MORATORIUM
ON SITE PLAN REVIEWS AND APPROVALS**

Adopted December ____, 2023

RECITALS

Centerville Township has in effect a zoning ordinance enacted under the authority of the Michigan Zoning Enabling Act; and also has a planning commission constituted under the Michigan Planning Enabling Act and re-established and continued under the Centerville Township Planning Commission Ordinance of 2010.

Under the zoning ordinance, most significant development proposals are required to apply for site plan review. Under Article 13 of the zoning ordinance, the planning commission is the primary decision-making body on all applications for site plan review, with a right of appeal available to the zoning board of appeals.

During the past eighteen months, the Township has received applications for site plan review that are unprecedented in recent memory in their scope and complexity of review, as well as the level of interest and participation by the public.

The review process for these applications has revealed the need for significant revisions and updates to the zoning ordinance in order to modernize its substantive and procedural terms so as to better harmonize and synchronize the ordinance with the goals and objectives of the Township master plan.

The planning commission has also reached a breaking point as it relates to the time and effort required of its members to discharge their obligations with respect to these applications and their other duties prescribed by law. The planning commission has lost experienced membership in part as a result of these challenges. As a semi-volunteer Township body, the planning commission does not have the

time or capacity to undertake critical revisions and updates to the ordinance while continuing to simultaneously process large and complex site plan review applications.

In light of these events, at its meeting on December 4, 2023, the planning commission passed a motion to ask the Township Board of Trustees to adopt a resolution placing a temporary six-month moratorium on review, consideration, and approval of site plans and site plan applications so that the planning commission can work on updating the zoning ordinance during that time. The planning commission included in the motion a directive to Township legal counsel to draft the resolution and to include any litigation-related exceptions to the moratorium that legal recommends in the best interest of the Township.

Based on these facts and circumstances, the Centerville Township Board of Trustees finds that it is of critical importance to the public health, safety, and welfare of the Township and its residents to temporarily pause site plan reviews and concentrate on revising and updating the zoning ordinance, for the reasons and purposes just described.

NOW, THEREFORE, IT IS RESOLVED that the Centerville Township Board of Trustees hereby adopts a temporary moratorium on review and consideration of all applications for site plan review, for a period of approximately six months, which shall end on May 31, 2024, unless the Township Board extends it by further resolution. This moratorium shall include all new applications and shall also include all pending applications, irrespective of their stage or steps underway or completed in the review process, unless they are otherwise exempted by this moratorium.

IT IS FURTHER RESOLVED that this moratorium does not amend, repeal, or suspend the zoning ordinance in whole or in part, but rather simply defers the ministerial function of considering certain types of applications for a defined and temporary period of time.

IT IS FURTHER RESOLVED that any applications for site plan review that are or become required by court order or litigation settlement are exempt from this moratorium.

IT IS FURTHER RESOLVED that, in the event that any property owner in the Township alleges to be aggrieved by this moratorium based on the Due Process Clause, Takings Clause, or other provision of state or federal constitution or law, the administrative remedy for such aggrieved party shall be as follows:

1. The aggrieved party shall present a petition seeking relief to the Township Board, which shall include all of the following: a detailed statement of all grounds on which the party alleges to be aggrieved; the facts giving rise to the aggrieved party's claim; and the opinion of one or more relevant experts, made under oath, verifying each and every conclusion that supports the aggrieved party's claim.
2. Upon receipt of such a petition, the Township Board shall seek such analysis of the claims by staff, consultants, and counsel as may be required to evaluate the petition, and shall thereafter notice and conduct an informal administrative hearing on the claims made in the petition.
3. After the hearing, the Township Board will review the materials submitted; consider the evidence presented at the hearing; receive advice of staff, consultants, and counsel as appropriate; and then based on these materials, evidence, and advice the Township Board will either fashion a remedy which will obviate any violation of constitution or law found to exist, or will deny the petition.

The foregoing resolution was offered by _____ and supported by _____.

[Record of votes and certificate on next page.]

Roll call vote:

Ayes: _____.

Nays: _____.

Absent or abstain: _____.

CERTIFICATE

The undersigned, Clerk of the Township of Centerville, certifies that this resolution was adopted by the Township Board on December ____, 2023 and is effective immediately and is on file in the records of the office.

By: _____ Date: _____
Elizabeth Chiles, Clerk