

PENINSULA TOWNSHIP

COUNTY OF GRAND TRAVERSE, MICHIGAN

At a special meeting of the Township Board of Peninsula Township, held at Peninsula Township Hall, 13235 Center Rd., Traverse City, Michigan, on January 3, 2022, at 10:00 a.m.

PRESENT: Members:

Rob Manigold, Supervisor

Brad Bickle, Treasurer

Rebecca Chown, Clerk

Dave Sanger, Trustee

Isaiah S. Wunch, Trustee

Margaret A. Achorn, Trustee

ABSENT: Members: Warren L. Wahl

RESOLUTION NO. 01-03-2022 #1

RESOLUTION TO IMPOSE A TEMPORARY MORATORIUM ON THE CONSIDERATION OF ANY NEW APPLICATION FOR SPECIAL USE PERMITS AND AMENDMENTS TO SPECIAL USE PERMITS IN THE AGRICULTURAL DISTRICT FOR A MAXIMUM OF SIX MONTHS.

A resolution to protect the health, safety, and welfare of the residents of Peninsula Township by imposing a moratorium regarding the consideration of any new applications for special use permits and amendments to existing special use permits for a maximum of six months while Peninsula Township reviews its current zoning ordinance for the agricultural district.

PENINSULA TOWNSHIP ORDAINS

Section 1: Findings.

1. The township has determined to review and update the Peninsula 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. The township board has approved the sending out of the master plan to the required entity and governmental units in conformity with MCL 125.3841 et. seq.; Michigan Planning and

Enabling Act. It is expected this process will be completed by mid to late February 2022.

3. Presently, Peninsula Township has been for the past few years and is presently reviewing its current zoning ordinance, including for the agricultural district, to consider whether any revisions are appropriate. This process is appropriate given (a) the significant passage of time since the current zoning ordinance was adopted in 1972 and subsequent amendments thereto; (b) the need to address changes in municipal laws that have arisen since the current zoning ordinance was adopted; and (c) to align the zoning ordinance with the master plan that is in the adoption process.
4. The Peninsula Township Planning Commission has diligently pursued reviewing parts of the zoning ordinance but has not reviewed all parts and sections relating to the agricultural district. Numerous public hearings have been held over the past year with comments having been made. Additional comments on reform, corrections, and modifications continue to pour into Peninsula Township by interested and impacted residents regarding changes and modifications.
5. Further, the pattern of development and uses in the agricultural district at Peninsula Township has significantly changed from the date of the enactment of the zoning ordinance.
6. The process to review and update the Peninsula Township Zoning Ordinance regarding the agricultural district requires the township to consider several significant and complex policy issues, including appropriate uses in the zoning district, appropriate uses permitted as of right and by special permit in the districts, the appropriate regulation of municipal “land uses” that did not exist or have changed since the current zoning ordinance was adopted, how to handle new laws and new municipal issues that have arisen since the township’s current zoning ordinance was adopted, ensuring the permitted land uses in the district are consistent with and further the purposes of the district and the master plan, and ensuring that the new regulations it adopts in an updated zoning ordinance are compliant.
7. The community, through citizens and the citizens’ advisory committee, has requested that the zoning ordinance for the agricultural district be fair and equitable to all residents, citizens, and permitted uses.
8. Given the detailed nature of its zoning ordinance update and review and efforts of the township, the citizens’ advisory committee, and residents to analyze updates to its current zoning ordinance, including in the agricultural district, the township now believes it would be contrary to sound public policy to consider requests for new special use permit applications and amendments to existing special use permits, whether or not already filed before this resolution’s effective date, in the midst of the township’s review and updates to the zoning ordinance regarding the agricultural district.
9. The township finds that imposing a moratorium upon the consideration of special use permits and amendments to special use permits in the agricultural district, on a limited temporary basis, is reasonable and necessary for, among other 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 fully include the agricultural district and maintain its strategy of creating unique and vibrant place to live, farm, and engage in commerce.
- C. The contemplated moratorium would avoid confusion about which master plan or zoning ordinance provisions govern any land use applications submitted to the township during the zoning ordinance update that is in progress and the applicable legal standards to apply.
- D. It would be counterproductive for the township to consider requests for special use permits and amendments thereto in the middle of its ordinance review of the agricultural district 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.

Section 2. Moratorium. A moratorium is imposed upon the consideration of any special use permits and amendments to special use permits in the agricultural district for a period of 180 days or until an amendment to agricultural district of the zoning ordinance is adopted, whichever occurs first.

Section 3. Term of Moratorium. The moratorium imposed by this resolution remains in effect for 180 days after the effective date of this resolution and ordinance, or until amendments to the agricultural district in 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 as permitted by law. If there is an extension as permitted by law, the township will publish notice of the same.

The planning commission is respectfully requested to complete its review of the zoning ordinance and specifically that part of the zoning ordinance that involves the agricultural district within 90 days, to the extent practicable.

Section 4. Publication. The township clerk must publish this resolution in the manner prescribed by law.

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

Section 6. Effective Date. This ordinance shall become effective upon publication.

Section 7. Waiver. In the event that a landowner in the agricultural district will suffer immediate and irreparable harm for the short duration of this resolution, or this resolution otherwise violates applicable provisions of the state or federal constitution or other applicable law, a township owner may apply for and request a waiver of the moratorium from the township and request a hearing regarding the same. The burden of demonstrating the validity of such a waiver is on the township landowner and in the event the landowner demonstrates a valid waiver under this section, the township may grant a deferment of the moratorium to the degree necessary to cure the immediate and irreparable harm.

At a special meeting of the trustees of the township board of Peninsula Township, held at Peninsula Township Hall, 13235 Center Rd., Traverse City, Michigan, on January 3, 2022, at 10:00 a.m., it was moved by _____ and supported by _____ that this resolution be introduced and passed:

YEAS:

NAYS:

Roll call vote as made as follows:

Rob Manigold, Supervisor
Brad Bickle, Treasurer
Rebecca Chown, Clerk
Dave Sanger, Trustee
Isaiah S. Wunch, Trustee
Margaret A. Achorn, Trustee

Rebecca Chown, Clerk

Rob Manigold, Supervisor