

**EAGLE TOWNSHIP BOARD  
EAGLE TOWNSHIP  
CLINTON COUNTY, MICHIGAN**

**Ordinance No. 04-2023**

**ORDINANCE ENACTING A MORATORIUM ON THE ISSUANCE OF ANY ZONING  
APPROVALS DURING THE TRANSITION PERIOD FROM CLINTON COUNTY  
ZONING TO EAGLE TOWNSHIP ZONING**

At a regular meeting of the Township Board of Eagle Township, Clinton County, Michigan held in the Eagle Township Hall, 14318 Michigan Street, Eagle, MI on December 21, 2023, at 6 pm. The following Ordinance was offered by Trustee M. Hoppes and supported by Treasurer C. Hoppes.

NOW THEREFORE, EAGLE TOWNSHIP ORDAINS:

**Section 1. Findings:**

- A. WHEREAS, under the powers granted to it by the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., Eagle Township has adopted an Interim Zoning Ordinance.
- B. WHEREAS, the adopted Eagle Township Interim Zoning Ordinance will go into effect on January 1, 2024.
- C. WHEREAS, Eagle Township has hired McKenna Associates and appointed it as the Zoning Administrator and Planner for the Township.
- D. WHEREAS, Eagle Township and McKenna intend to create a system of forms and procedures to implement and administer the Eagle Township Interim Zoning Ordinance.
- E. WHEREAS, said forms and procedures will not be in place before January 1, 2024.
- F. WHEREAS, Michigan courts have recognized that a moratorium is a common and legitimate planning tool to preserve the status quo while formulating a zoning review and planning development strategy.
- G. WHEREAS, the contemplated Moratorium would allow the Township Zoning Administrator and Township Planner, through McKenna, to develop the necessary forms and procedures to fully address implementation and administration of the Township Interim Zoning Ordinance to enable the Township's strategy of local control over zoning within the Township.



H. WHEREAS, the Township Board considered the consequences of having no Moratorium, and having such implementation favored by the Board to avoid disruption of land use plans and the potential frustration of the Township's objectives in its Zoning Ordinance and plan if the forms and procedures are not established as soon as possible without current requests for zoning approvals.

**Section 2. Moratorium:** The Township Board places a moratorium on the issuance of any approval or permit under the Eagle Township Interim Zoning Ordinance, prohibits the Zoning Administrator from processing and approving any permit under its administrative jurisdiction, prohibits the Planning Commission from issuing any approval under its jurisdiction, and prohibits the Zoning Board of Appeals from issuing any variance from the Eagle Township Interim Zoning Ordinance.

**Section 3. Moratorium Term:** The moratorium established by this Ordinance shall remain in effect through March 1, 2024. Before this moratorium expires, the Township Board may by resolution extend the moratorium as appropriate to allow sufficient time to complete the preparation of forms and procedures to administer and implement the Interim Zoning Ordinance.

**Section 4: Moratorium Waiver:** In the event that a landowner in the Township will suffer immediate and irreparable harm for the short duration of this Ordinance, or this Ordinance otherwise violates applicable provisions of the state or federal constitution or other applicable law, a landowner may apply in writing for a waiver of the moratorium from the Township Board. The Township Board will hold a public hearing held on such an application, and the landowner must bear the burden of demonstrating immediate and irreparable harm as a result of the moratorium. The Township Board, upon a sufficient showing, may grant a waiver of the moratorium to the degree necessary to avoid the demonstrated immediate and irreparable harm.

**Section 5. Authorization of McKenna/Zoning Administrator:** The Township Board instructs McKenna to move expeditiously to create the forms and procedures so that applications can be processed and reviewed efficiently beginning on March 1, 2024.

**Section 6: Publication.** The Township Clerk must publish a notice of adoption of this Ordinance in the manner prescribed by law.

**Section 7: 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 8: Effective Date.** This Ordinance shall become effective upon publication as required by law.

ROLL CALL VOTE:

AYES: Treasurer C. Hoppes, Clerk Briggs-Dudley, Trustee M. Hoppes, Trustee Strahle, Supervisor Stroud

NAYS: None

ABSENT: None



ORDINANCE DECLARED ADOPTED.

Troy Stroud

Troy Stroud, Eagle Township Supervisor

**CERTIFICATE**

I hereby certify that:

1. The above is a true copy of Ordinance No. 04-2023 adopted by the Eagle Township Board at a duly scheduled and noticed meeting of that Township Board held on December 21, 2023, pursuant to the required statutory procedures.
2. A summary of Ordinance No 04-2023 was duly published in the Lansing State Journal newspaper, a newspaper that circulates within Eagle Township, on December 28, 2023.
3. Within 1 week after such publication, I recorded Ordinance No 04-2023 in a book of ordinances kept by me for the purpose, including the date of passage of the ordinance, the name of the members of the township board voting, and how each member voted.
4. Within 14 days after adoption of Ordinance 04-2023, I filed an attested copy of said Ordinance with the Clinton County Planning Commission and Clinton County Clerk on December 29, 2023.

ATTESTED:

Laurie Briggs Dudley

Laurie Briggs-Dudley, Eagle Township Clerk

Dated: December 28, 2023