

COPY

**CHARTER TOWNSHIP OF PAVILION
COUNTY OF KALAMAZOO, STATE OF MICHIGAN**

ORDINANCE NO. _____

ADOPTED: _____

EFFECTIVE: Eight (8) days after publication after adoption

**ZONING ORDINANCE AMENDMENT
TEMPORARY MORATORIUM AUTHORITY AND
TEMPORARY MORATORIUM FOR DATA CENTERS**

An Ordinance to protect the public health, safety, and welfare by amending the Charter Township of Pavilion Township Zoning Ordinance to authorize temporary moratoriums; to establish a temporary moratorium on the acceptance and review of applications for data centers; to allow for an extension of a temporary moratorium; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

**CHARTER TOWNSHIP OF PAVILION
KALAMAZOO COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
FINDINGS**

In accordance with Public Act 359 of 1947, MCL 42.1 *et seq.*, as amended, and as authorized the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, the Board of Trustees for the Charter Township of Pavilion has determined the following:

1. That the approval of data centers may result in or produce negative impacts on permitted land uses and development and may harm the public health, safety and general welfare of property owners and residents of the Township.
2. The Township Board is aware of significant public health, safety, and welfare concerns being raised by the public about the impacts of data centers; and the Township has a fiduciary duty to promote the health, safety and general welfare of property owners and residents within its territorial boundaries.
3. The Township has a legitimate public purpose in assessing the regulation of the establishment and use of data centers within the Township to ensure that data centers do not interfere with other land uses, or have substantial negative impacts on the environment, public, health and safety.
4. The Township Board finds that adopting a temporary moratorium is reasonable and necessary for, among other reasons, the following reasons:
 - A. Michigan courts have recognized that a moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy.

- B. The Township Board desires to review and study the public health, safety, and welfare concerns regarding data centers and any Township regulations that may impact and/or regulate such projects.
 - C. The adoption of a temporary moratorium will allow the Township Board adequate time to study and possibly implement revisions to the Township's ordinances and regulations, including attention to and consideration of citizen input and involvement, public debate, and full consideration of all issues and points of view.
5. The Township Board accordingly determines that it is desirable and in the public interest for the reasons set forth above that the Township Board adopt a temporary moratorium on the acceptance and/or processing of any applications for data centers.

SECTION II
AMENDMENT OF PART 200 OF THE TOWNSHIP CODE OF ORDINANCES
(ZONING ORDINANCE) TO ADD A NEW SECTION 200.705 PROVIDING
AUTHORITY TO IMPOSE A
TEMPORARY MORATORIUM OF ZONING ORDINANCE PROVISIONS

Article VII of Part 200 of the Township Code of Ordinances (Zoning Ordinance), titled "Administration and Enforcement", is hereby amended by adding a new Section 200.705, "Temporary Moratorium", which section reads as follows:

Section 200.705 Temporary Moratorium

- A. The Planning Commission has the authority to recommend the establishment of a temporary moratorium as to the application of provisions of the Zoning Ordinance to the Township Board, by majority vote of the Planning Commission.
- B. The Township Board may impose a temporary moratorium as to the application of the provisions of the Zoning Ordinance by adoption of an ordinance or a resolution.
- C. A temporary moratorium may be extended by resolution of the Township Board to allow additional time for Township review and consideration of any application, revision, review or repeal/replacement of Zoning Ordinance provisions.

SECTION III
MORATORIUM

A temporary moratorium is hereby imposed upon the acceptance and/or processing of any applications for data centers.

SECTION IV
TERM OF MORATORIUM FOR DATA CENTERS

The moratorium imposed by this Ordinance will remain in effect for one (1) year from the adoption of this Ordinance, or until amendments to the Zoning Ordinance become effective,

whichever occurs first. Before this moratorium expires, the Township Board may extend the moratorium by resolution as appropriate to allow additional time for Township review and consideration of any application, revision, review or repeal/replacement of Zoning Ordinance provisions. If an extension is adopted, the Township will publish notice of the extension on the Township website.

SECTION V
SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of this Ordinance which shall continue in full force and effect.

SECTION VI
REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII
EFFECTIVE DATE

This Ordinance shall become effective eight (8) days after publication after adoption.

CHARTER TOWNSHIP OF PAVILION
Karen Siegwart, Clerk
7510 East Q Ave.,
Scotts, MI 49088
(269) 327-0462