

**AUGUSTA CHARTER TOWNSHIP
WASHTENAW COUNTY**

ORDINANCE 2026-04

ADOPTED: SEPTEMBER 22, 2026

EFFECTIVE: SEVEN DAYS AFTER PUBLICATION AFTER ADOPTION

An Ordinance to make findings to protect the public health, safety, and welfare by establishing an amendment to the Township Zoning Ordinance to allow for temporary moratoriums generally; to provide for authority to impose a temporary moratorium of zoning ordinance provisions, findings of fact and justifications, exemptions, hardship waiver, terms, severability, and adoption.

**AUGUSTA CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDAINS:

SECTION I
ZONING ORDINANCE TEXT AMENDMENT
ARTICLE 14 – AUTHORITY TO IMPOSE A TEMPORARY
MORATORIUM OF ZONING ORDINANCE PROVISIONS

In accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, Augusta Charter Township has determined the following:

Each moratorium shall be interpreted consistently with applicable federal and state constitutions, statutes, regulations and other controlling law. No moratorium shall regulate an activity to the extent local regulation is preempted.

Article 14, “Administration and Enforcement”, is hereby amended by adding Section 14.13 to be titled “Temporary Moratorium”, which section shall read as follows:

SECTION II: FINDINGS OF FACT AND JUSTIFICATION

1. The Township Planning Commission has the authority to recommend the establishment of a temporary moratorium as to the application of provisions of the Township Zoning Ordinance to the Township Board, by majority vote of the Planning Commission. The draft temporary moratorium ordinance and Findings of Fact document will be submitted to the Township Board supporting the need for a temporary moratorium.

The Township Planning Commission is hereby directed to consider the following impacts and present written documentation that is both factual and unbiased by reputable media sources or subject matter experts. Findings may rely on information received or referenced

during the public review process, including reports, studies, statutes, regulations, utility information and opinions of qualified professionals. Materials relied upon shall be identified in the document. This documentation will guide and inform the Board of Trustees that the moratorium is requested in comprehensive consideration and good faith, and also highlight our current ordinance deficiencies. This documentation can then be used as guide for the Planning Commission when revising an ordinance.

Upon such Planning Commission written Findings of Fact documentation, and a draft moratorium ordinance recommendation, the Township Board will review the documents and have the ability to modify either if applicable. The following list is not comprehensive and additions shall be added by the Planning Commission or Board of Trustees if applicable

- **Infrastructure Strain:** The adequacy of water and sewage usage, drainage, storm water management, and any other utility services to support the change.
 - **Public Safety Deficiencies:** The adequacy of roads, traffic circulation and the needs for the Township's local fire authority has the specialized training and equipment necessary to support the industry.
 - **Zoning Regulatory Gaps:** The Township's current Zoning Ordinance enacted pursuant to the Michigan Zoning Enabling Act (MZEA), Public Act 110 of 2006, as amended and how it is inadequate for the industry regarding appropriate setback boundaries, noise regulations, and site decommissioning requirements for the specific industry.
 - **Master Plan Consistency:** Ensuring the proposed change aligns with the community's adopted Future Land Use Map and long-term goals.
 - **Land Use Compatibility:** Analyzing how the requested change fits with adjacent properties, existing neighborhood character, and potential nuisance impacts. Define the land-use category, zoning districts or geographic area in which the moratorium applies..
2. The Township Board then may impose a temporary moratorium as to the application of the provisions of the Township Zoning Ordinance of the Township Board. The Township will post notice of the moratorium ordinance on the Township website.

SECTION III: EXEMPTIONS

To prevent unnecessary economic stagnation and protect small-scale property owners, this moratorium **shall not apply** to, and explicitly exempts, the following:

1. **Pre-Existing Vested Rights:** Any project that has acquired final site plan approval or a legally vested right under Michigan law prior to the effective date of this Ordinance.
2. **Essential Municipal & Public Utilities:** Any electrical infrastructure expansion, substation enhancement, or public utility backup grid system managed directly by a municipal entity or registered public utility for local public health and grid stability.

3. **Unrelated Applications:** The moratorium applies only to the land uses and Township actions expressly identified in the ordinance imposing it and shall not be administratively expanded to unrelated use.

SECTION IV: MORATORIUM HARDSHIP WAIVER

To ensure due process and avoid unconstitutional property "takings" claims, an affected landowner may apply in writing to the Township's clerk's office for a hardship waiver at any time while the moratorium remains in effect. Upon receipt of a complete application, the Township shall provide written notice to the applicant and property owner and publish or post notice of the hearing at least 15 days before the hearing. The notice shall state the property involved, requested relief, and date, time and location of the hearing. Surrounding owners and occupants may receive mailed notice consistent with the Township's normal zoning-hearing procedure.

The applicant must demonstrate by clear and convincing evidence of hardship by addressing concerns like, but not limited to:

1. The short-term duration of this Ordinance will cause immediate and irreparable physical or financial harm unique to their parcel; or
2. The application of this moratorium would violate federal or state constitutions or statutory laws.

SECTION V: TERMS OF TEMPORARY MORATORIUM

A temporary moratorium shall be no longer than six (6) months. Only one extension is allowed, not exceeding 90 days. The Township Board may extend the moratorium by ordinance as appropriate to allow additional time for Township review and consideration of the application, revision, review or repeal/replacement of zoning ordinance provisions. No later than sixty days before expiration date, the Township Board shall determine whether to initiate consideration of an extension. Initiating review does not approve an extension. If an extension is adopted, the Township will post notice of the extension on the Township website.

Failure by the Township to make substantial, good-faith progress may be considered by the Township Board in determining whether to initiate an ordinance amendment narrowing or repealing the moratorium and shall weigh against an extension. A moratorium shall not be imposed or extended solely to delay a particular application, target an owner or property, avoid applying existing ordinance standards, or permanently prohibit a use without completing the zoning-amendment process.

After a moratorium expires, a substantially similar moratorium shall not be imposed unless the Township Board identifies materially changed circumstances or a newly documented regulatory issue and otherwise satisfies this section. Renaming or slightly redefining the affected use shall not

avoid the duration and extension limitations.

SECTION VI
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 such ordinance which shall continue in full force and effect.

SECTION VII
ADOPTION AND EFFECTIVE DATE

This Ordinance shall take effect seven days after its publication following final adoption. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Each moratorium and extension shall be adopted by a separate zoning ordinance amendment in accordance with the Michigan Zoning Enabling Act and other applicable laws. A motion or resolution alone shall not impose or extend a zoning moratorium.

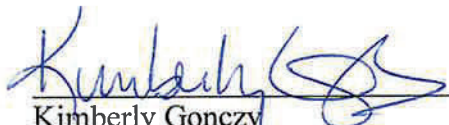
This Ordinance shall be published in the manner as required by law. Except as otherwise provided by law, this Ordinance shall be effective 7 days after final publication.

This Ordinance was duly adopted by the Charter Township of Augusta Board at its regular meeting held on the 22 day of September 2026 and was ordered given publication in the manner required by law.



Todd Waller,
Charter Township of Augusta Supervisor

Dated: 09-28-26, 2026



Kimberly Gonczy
Charter Township of Augusta Clerk

Dated: Sept. 28, 2026

First Reading: June 23, 2026
First Publication: June 28, 2026
Adoption: September 22, 2026
Final Publication: September 27,
2026
Effective Date; October 4, 2026

CLERK'S CERTIFICATE

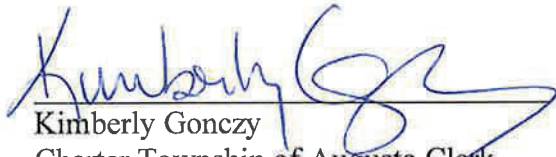
I, Kimberly Gonczy, Clerk of the Charter Township of Augusta, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of Augusta Charter Township Ordinance No. 2026-04, which was duly adopted by the Township Board of Augusta Charter Township at a Regular Meeting of said Board, held on September 22, 2026, after said Ordinance had previously been introduced and amended at a Regular Meeting of the Board June 23, 2026 and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member Gonczy moved for adoption of said Ordinance, and that Member Adams supported said motion.

I further certify that the following Members voted for adoption of said Ordinance: Adams, Burek, Gipfert, Gonczy, Green, Prain, and that the following Members voted against adoption of said Ordinance: Waller, and that the following Members were absent or abstained from voting on the adoption of said Ordinance: None.

I further certify that after its passage the Ordinance was filed in the office of the Clerk and a Notice of Ordinance Adoption was published along with the full text of the Ordinance or a summary of the regulatory effect of the Ordinance within 15 days of adoption on September 27, 2026, in accordance with Section 401 of PA 110 of 2006, as amended.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Clerk.


Kimberly Gonczy
Charter Township of Augusta Clerk