

**SCIO TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
RES #2021-15**

**RESOLUTION EXTENDING SCIO TOWNSHIP'S SIGN MORATORIUM
FIRST ENACTED ON SEPTEMBER 17, 2020**

At a regular meeting of the Township Board of Scio Township, Washtenaw County, Michigan, held via Zoom, on the 25 of May 2021, at 7:00 p.m.

MEMBERS PRESENT: Hathaway, Palmer, Flintoft, Jerome, Knol, Vogel.

MEMBERS ABSENT: Courteau.

The following preamble and resolution were offered by Jerome and supported by Vogel.

WHEREAS, The Scio Township Board of Trustees adopted a sign moratorium at a special meeting on September 17, 2020 with a 270 day duration; and

WHEREAS, the 2010 Scio Township Zoning Ordinance was adopted by the Scio Township Board of Trustees on October 21, 2003; and

WHEREAS, the Scio Township Zoning Ordinance was updated on October 26, 2010; and

WHEREAS, Article XII of the Zoning Ordinance regulates signs, including outdoor advertising signs; and

WHEREAS, Since the adoption and amendment of the Zoning Ordinance, the United States Supreme Court issued its opinion in *Reed v Town of Gilbert*, 576 US 155 (2015); and

WHEREAS, it appears that portions of the Ordinance shall be revised and rewritten; and

WHEREAS, Outdoor One Communications, LLC filed suit against Scio Township alleging that at least some portions of Article XII are unconstitutional and illegal; and

WHEREAS, the Township Board has concluded that it is necessary to study and consider the status of the law, and possible amendments to the Zoning Ordinance to ensure a consistent, cohesive and sensible policy which conforms to the most recent jurisprudence is developed and maintained with regard to signs and regulation of signs, including outdoor advertising signs; and

WHEREAS, the Township Board has concluded that, during the pendency of such consideration, it would be counter-productive for applications relating to the erection of signs to move forward, especially before ensuring that local ordinances are consistent with *Reed v Town of Gilbert*; and

WHEREAS, the Township Board has concluded that, during the course of deliberations on the anticipated revisions, there should be a deferral of review of new Sign Applications; and

WHEREAS, the Township Board also recognizes that a delay in the establishment of new regulations could result in inconvenience for some applicants; and

WHEREAS, the Township Board has determined that it may be necessary to expedite the pursuit of certain development or business opportunities, and appropriate to provide a mechanism allowing a petition to the Township Board for an exception to the deferral contained in this Resolution;

NOW THEREFORE BE IT RESOLVED, that for a period commencing on the date of this Resolution, and terminating 75 days from the date of this Resolution, and except as otherwise provided herein, and unless terminated earlier by subsequent ordinance or resolution, there shall be no consideration or action taken by a Township entity, official, or agent on Zoning Compliance Applications for signs.

BE IT FURTHER RESOLVED, that no new signs shall be approved or allowed during the moratorium period, and any business that erects a new sign is subject to enforcement of all applicable local, State, and Federal law.

BE IT FURTHER RESOLVED, that the Township Planning Commissioners, along with the Township Planners, the Township Engineers, Township Officials, and Township Attorney, shall proceed with efforts to study the relevant state of the law, and shall present to the Township Board a proposed plan for amending the Zoning Ordinance, or the code of ordinances, or any combination thereof, with respect to applicants for outdoor signs if it is deemed appropriate.

BE IT FURTHER RESOLVED that during the effective period of the deferral, any aggrieved property owner or business shall be entitled to a hearing for the purpose of attempting to demonstrate to the Township Board that the temporary deferral pronounced in this Resolution will result in the preclusion of any viable economic use of their property, or otherwise violates applicable provisions of State or Federal law. Such hearings shall be conducted on an expedited basis before the Township Board. At the conclusion of the hearing, the Township Board shall make findings and conclusions with respect to whether the Petitioner has demonstrated that all viable economic use of the property has been precluded by the temporary deferment adopted in this Resolution, and whether this Resolution is unconstitutional on its face or as applied to the Petitioner's case. If it is found and demonstrated that the deferment has the effect of precluding all viable use of the property, or that it violates State or Federal law, the Township Board shall grant relief from the deferment to the degree necessary to cure the contravention.


A vote on the above Resolution was taken and was as follows:

ADOPTED: 6-0.

YEAS: Hathaway, Palmer, Flintoft, Jerome, Knol, Vogel.

NAYS: None.

MEMBERS ABSENT: Courteau.



Jessica M. Flintoft, Clerk
Scio Township

DATED: May 25, 2021