

## **ARTICLE XXVIII DATA CENTER MORATORIUM ORDINANCE**

### **SECTION 28.01 STATEMENT OF PURPOSE**

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

- A. 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.
- B. Significant public health, safety, and welfare concerns are being raised by the public about the impacts of data centers.
- C. 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.
- D. Adopting a temporary moratorium is reasonable and necessary for, among other reasons, the following:
  - 1. Michigan courts have recognized that a moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy.
  - 2. The adoption of a temporary moratorium would allow the Township Board and Planning Commission adequate time to study the public health, safety, and welfare concerns regarding data centers and allow for any needed Zoning Ordinance amendment and implementation process to occur, including attention to and consideration of citizen input and involvement, public debate, and full consideration of all issues and points of view.
- E. It is desirable and in the public interest for the reasons set forth above that the Board adopt a temporary moratorium for data centers.

### **SECTION 28.02 DATA CENTER MORATORIUM; TERM**

A temporary moratorium is imposed upon the acceptance and/or processing of any applications for data centers. The data center moratorium imposed by this Ordinance will remain in effect for six (6) months following the adoption of this Ordinance, or until amendments to the Zoning Ordinance regarding data centers become effective, whichever occurs first.

### **SECTION 28.03 EXTENSION**

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 the application, revision, review or repeal/replacement of zoning ordinance provisions. If an extension is adopted, the Township will post notice of the extension on the Township website.

**SECTION 28.04            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 28.05            REPEAL**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.