

**COLDWATER TOWNSHIP  
BRANCH COUNTY, MICHIGAN  
ORDINANCE NO. 16-04  
Moratorium on Manufactured Housing**

At a meeting of the Township Board of Coldwater Township, Branch County, Michigan, held at the Coldwater Township Hall on August 8, 2016, at 5:30 p.m., Township Board Member Trustee Daniels moved to introduce the following Ordinance for posting, publication and adoption, which motion was seconded by Township Board Member Clerk Morrison:

*An ordinance to enact a temporary moratorium for a period of 60 days prohibiting the issuance of zoning compliance permits or related zoning approval of manufactured housing in residential districts.*

WHEREAS, The Township has enacted a zoning ordinance pursuant to the Michigan Zoning Enabling, Public Act 110 of 2006, to regulate land uses in the Township.

WHEREAS, the previous Zoning Ordinance (amended in 2013) included standards for regulating single-family dwellings in residential districts to provide reasonable standards which ensure that all single-family homes, regardless of construction type (e.g. site-built, manufactured, prefabricated or modular), are compatible and compare aesthetically within the same residential district.

WHEREAS, these reasonable standards included the requirement that single-family dwellings, regardless of construction type, be placed on a permanent continuous foundation and not include a pier foundation or skirting.

WHEREAS, certain manufactured homes were recently installed in the Township in a manner inconsistent with the intended meaning of the reasonable standards. Recent litigation involved the application of those reasonable standards to the use of manufactured homes in the R-2 District. As a result of that litigation, the Branch County District issued an opinion. The opinion demonstrated that the previous zoning ordinance language could be interpreted in a manner inconsistent with the Township's intent.

WHEREAS, during the pendency of the litigation and prior to issuance of the Branch County District Court's opinion, the Township amended its Zoning Ordinance, which is currently in full force and effect. The current Zoning Ordinance, similar to the Zoning Ordinance reviewed by the District Court, also includes reasonable standards that govern the placement of single-family homes, including manufactured homes, in the residential districts.

WHEREAS, in light of the District Court's opinion, the Township should review and analyze the language of the current Zoning Ordinance to consider whether any amendments should be made to clarify the Township's intent and remove any ambiguity, to the extent any may exist.

WHEREAS, should any possible ambiguities not be remedied, the use of manufactured homes outside of mobile home parks could differ from other single-family homes, undermining and destroying the Township's desire for uniformity among all single-family dwellings within the residential districts of the Township.

WHEREAS, the Township has a legitimate purpose in addressing the proper design, size, location and land use for such manufactured housing in the Township as recognized by the Michigan Supreme Court, and the Township is legitimately concerned that absent this moratorium, uses may be established before revised standards may be drafted and enacted, thereby defeating the purpose of new standards adopted by ordinance.

WHEREAS, it is a routine and appropriate method to forestall such problems by enacting a reasonable moratorium in the Township until such standards may be drafted and enacted. Therefore, the Township determines that the immediate adoption of this ordinance is necessary to preserve the public peace, health and safety by preventing the inappropriate use of manufactured homes in the residential districts of the Township.

**THE TOWNSHIP OF COLDWATER, BRANCH COUNTY, MICHIGAN, ORDAINS:**

**Section 1:** The Township enacts a temporary moratorium on the location, erection, construction or installation of manufactured housing in the residential districts of the Township for a period of sixty (60) days, unless otherwise extended by the Township Board, to allow for the review of the Township's current Zoning Ordinance and the development of appropriate regulations, if necessary.

**Section 2:** The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**Section 3.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**Section 4.** This Ordinance shall take effect immediately upon publication.

YEAS: Clerk Morrison, Treasurer Sowles, Supervisor Rogers, Trustee Daniels, Trustee Kellogg


NAYS: None

ABSENT/ABSTAIN: None

  
Donald E. Rogers, Supervisor

  
Diane Morrison, Clerk

I, Diane Morrison, Clerk of the Township of Coldwater, hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 16-04, duly adopted by the Board of the Township of Coldwater, Branch County, Michigan, on the 8th day of August, 2016, and that the same was posted and published as required by law on the 13th day of August, 2016.

  
Diane Morrison, Clerk