

**RESOLUTION NO. 2019-09**

**CHARTER TOWNSHIP OF LYON  
OAKLAND COUNTY, MICHIGAN**

**MORATORIUM ON THE ISSUANCE OF APPROVALS OR  
PERMITS FOR OFF-PREMISES ADVERTISING SIGNS**

At a regular meeting of the Township Board of the Charter Township of Lyon, County of Oakland, Michigan held the 4th day of February 2019 at 7:00 p.m. the following Resolution was offered by Board Member Trustee O'Neil and was supported by Board Member Trustee Blades and with the following members being present or absent:

PRESENT: Treasurer Carcone, Clerk Cash, Supervisor Dolan, Trustee Blades, Trustee Enlow,  
Trustee Hicks, Trustee O'Neil

ABSENT: None

WHEREAS, pursuant to authority conferred by the Michigan Zoning Enabling Act, the Township has adopted a Zoning Ordinance, Chapter 48 of the Code of Ordinances for the Charter Township of Lyon; and

WHEREAS, Article 16.00 of Chapter 48 contains the regulations related to signs, including those applicable to off-premise advertising signs ("billboards"); and

WHEREAS, the Township has been in the process of preparing amendments to Article 16 in light of the U.S. Supreme Court decision in *Reed v Towns of Gilbert*, 135 S. Ct. 2218 (2015); and

WHEREAS, the Township has been approached by a billboard company seeking to erect digital billboards within the Township; and

WHEREAS, based upon the current trend in the billboard industry to utilize digital or other forms of electronic messaging signs, the Township Board determines that it is in the best interests of the Township to study the existing sign regulations to determine whether amendments to the Zoning Ordinance should occur with respect to the number of digital or electronic messaging signs which should be permitted as well as regulations that should be applicable to such billboards and other signs within the Township.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. Findings. The Township Board has determined that:
  - a. It is within the rights of the Township to establish reasonable regulations related to the size, location and types of signs that will be permitted in the Township in order to protect the public health, safety and welfare.
  - b. A moratorium shall be imposed upon the issuance of any and all permits or approvals for the erection of any billboard for a period of 180 days.
  - c. An extension of an additional 180 days may occur in the event the Township Board is informed by the Planning Commission, Township Staff and/or its consultants that the work required for the study and recommendation on amendments to Article 16.00, Signs, or all hearings required by the Michigan Zoning Enabling Act for such amendment have not yet occurred.

BE IT FURTHER RESOLVED that the Township Board of the Charter Township of Lyon does hereby implement a moratorium immediately suspending the issuance of any permits or approvals for the erection of any billboards within its geographical boundaries for a period of 180 days, to commence on February 5, 2019, at 12:00 a.m., and to continue through August 3, 2019.

BE IT FURTHER RESOLVED that an extension of an additional 180 days of this moratorium may occur in the event the Township Board is informed by the Planning Commission, Township Staff and/or its consultants that the work required for the study and recommendation on amendments to Article 16.00, Signs, or all hearings required by the Michigan Zoning Enabling Act for such amendment (if any) have not yet occurred.

BE IT FURTHER RESOLVED that during the aforementioned 180-day moratorium, or any extension thereof, the Township Board of the Charter Township of Lyon, along with the Planning Commission and appropriate staff and consultants, shall attend to reviewing and making recommendations on amendments to Article 16.00, Signs, considering the public health, safety, and welfare of its residents, and if amendments are determined to be necessary, preparing and processing such amendments.

BE IT FURTHER RESOLVED that an aggrieved property owner or business petitioner may request and be entitled to a hearing before the Township Board for the purpose of attempting to demonstrate that the moratorium will preclude all viable economic use of their property or otherwise violate applicable provisions of state or federal law. Said petitioner shall, in writing and directed to the Township Clerk, request a hearing that describes the grounds for the request. The hearing shall be held at a Township Board meeting within forty-five (45) days of receipt of the request. Upon concluding the hearing, the Township Board shall determine whether the petitioner has made the required demonstration and if so, shall grant relief from the moratorium.

BE IT FURTHER RESOLVED that notice of the Resolution shall be posted at the Township Hall throughout the 180-day period, or any extension granted herein.

AYES: Blades, Carcone, Cash, Dolan, Enlow, Hicks, O'Neil  
NAYS: None  
ABSENT: None  
ABSTENTIONS: None

RESOLUTION DECLARED ADOPTED: February 4, 2019

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Township Board of the Charter Township of Lyon at its meeting held this 4<sup>th</sup> day of February 2019.

*Michele Cash*

Michele Cash, Clerk