

**MARION TOWNSHIP
Resolution No. 45 of 2023**

**RESOLUTION TO PLACE ZONING ORDINANCE AMENDMENT
REFERENDUM PROPOSAL ON THE AUGUST 6, 2024
STATE PRIMARY ELECTION BALLOT**

At a regular meeting of the Marion Township Board held in the township hall located at 03735 Marion Center Road, Charlevoix, Michigan, on December 18, 2023 at 7:00 p.m.

PRESENT: John Martin, Micheal Jarema, Julie Whitley, Joesph Seidel and Timothy Matchett.

ABSENT: None

The following resolution was made by Seidel and seconded by Jarema, to-wit:

Recitals

WHEREAS, on October 16, 2023 the Marion Township Board enacted Ordinance No. 5 of 2023, which amended the Marion Township Zoning Ordinance to rezone an approximately 90 acre parcel owned by SDP Holdings, LLC from the Agricultural (A) zoning district to the Mobile Home Park (MH) zoning district;

WHEREAS, this zoning ordinance amendment was published in the *Charlevoix County News* on October 26, 2023;

WHEREAS, pursuant to MCL 125.3402(1) a Notice of Intent to file a referendum on Ordinance No. 5 of 2023 was filed with the Township Clerk on October 31, 2023;

WHEREAS, pursuant to MCL 125.3402(3)(c) a petition requesting a referendum on Ordinance No. 5 of 2023 was filed with the Township Clerk on November 24, 2023;

WHEREAS, the Township Clerk has determined that a sufficient number of valid signatures appear on the petition from registered electors within the Township to require that a referendum proposal be submitted to the electors of the Township;

WHEREAS, Section 402(3)(c) of the Zoning Enabling Act, MCL 125.3402(3)(c), provides that Ordinance No. 5 of 2023 will go into effect if it is "approved by a majority of the registered electors residing in the zoning jurisdiction voting on the petition at the next regular election";

WHEREAS, Section 402(4) of the Zoning Enabling Act, MCL 125.3402(4), provides that "an election under this section [is] subject to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992";

WHEREAS, Section 3(k) of the Michigan election law, MCL 168.3(k), defines the term "regular election" as follows:

"Regular election" means an election held on a regular election date **to elect an individual to, or nominate an individual** for, elective office in the regular course of the terms of that elective office. (Emphasis added.)

WHEREAS, the next regular election to elect an individual to, or nominate an individual for, elective office in the regular course of the terms of that elective office is the August 6, 2024 state primary election (the Presidential primary election to be held on February 27, 2024 does not nominate an individual for an elective office, but rather elects delegates to the parties' national conventions).

Resolution

NOW, THEREFORE, BE IT RESOLVED that pursuant to MCL 125.3402(3)(c) the following proposal shall be submitted to the registered electors residing in the Township at the August 6, 2023 state primary election:

MARION TOWNSHIP

Referendum on Zoning Ordinance Amendment

Shall Ordinance No. 5 of 2023 which amends the Marion Township Zoning Ordinance to rezone an approximately 90 acre parcel owned by SDP Holdings, LLC from the Agricultural (A) zoning district to the Mobile Home Park (MH) zoning district be approved and take effect?

Yes

No

BE IT FURTHER RESOLVED that the Township Clerk be directed to have the appropriate ballots prepared and to take whatever other action is legally required to place this proposal on the August 6, 2024 state primary election ballot.

YES: Whitley, Seidel, Matchett, Martin and Jarema

NO: None