

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING - MICHIGAN

Forest Hill Energy-Fowler Farms, L.L.C. v. Township of Bengal

Court of Appeals of Michigan - December 4, 2014 - Not Reported in N.W.2d - 2014 WL 6861254

Plaintiff obtained a special land use zoning permit from Clinton County that allowed it to operate a wind energy system. While plaintiff's application for a special use permit was pending, two townships located within the county adopted ordinances imposing more restrictive requirements for wind energy systems, which they contended were enacted pursuant to their general police powers, not as a zoning regulation. Plaintiff filed a declaratory judgment action requesting the trial court to declare defendants' ordinances invalid and unenforceable. The trial court granted plaintiff's motion for summary disposition under MCR 2.116(C)(10), ruling that defendants' ordinances were in substance zoning regulations that were unenforceable because they were not enacted under the Michigan Zoning Enforcement Act (MZEA) and conflicted with the county's ordinance, which had been enacted under the MZEA.

The Court of Appeals affirmed.