

TOWNSHIP OF BEAVER
BAY COUNTY, MICHIGAN

Resolution No. 2026-08

At a meeting of the Board of Trustees of Beaver Township, held at the Beaver Township Hall, 1850 S. Garfield Road, Auburn, Michigan, 48611, on June 8, 2026 at 6:30 p.m.:

PRESENT:

ABSENT:

RESOLUTION TO ADOPT A NON-ZONING
TEMPORARY MORATORIUM REGULATORY
ORDINANCE, BEING ORDINANCE NO. 2026-08
ON DATA CENTERS AND BATTERY
ENERGY STORAGE SYSTEMS AND TO
DIRECT THE PLANNING COMMISSION TO
PREPARE ZONING ORDINANCE TEXT
AMENDMENTS FOR DATA CENTERS AND
BATTERY ENERGY STORAGE SYSTEMS

WHEREAS, Data Centers may present unique and significant land use considerations, including but not limited to electrical demand, water usage, stormwater management, noise, heat discharge, building scale, visual impacts, public safety concerns, and long-term effects and impacts on a sited project and surrounding properties and infrastructure; and,

WHEREAS, Battery Energy Storage Systems (“BESS”) may present unique and significant land use considerations, including but not limited to electrical demand, stormwater management, noise, heat discharge, building visual impacts, public safety concerns, and long-term effects and impacts on a stied project and surrounding properties and infrastructure; and

WHEREAS, the Township Board and Planning Commission have received substantial comments and information from the public raising public health, safety, and welfare concerns about the impacts of Data Centers and BESS projects on the residents and property owners of the Township; and,

WHEREAS, the Township’s existing zoning regulations and land use policies may not adequately or specifically address the siting, scale, intensity, and operational impacts of Data Centers and BESS projects within the Township; and,

WHEREAS, the Township Board finds that additional time is necessary to study Data Centers uses, review best practices from other jurisdictions, evaluate infrastructure capacity, and consider whether updates to the Township’s Zoning Ordinance, Master Plan, or other regulatory tools are warranted; and,

WHEREAS, a temporary non-zoning police power zoning moratorium regulatory ordinance and a moratorium zoning ordinance text amendment on new Data Center and BESS applications allows the Township to conduct this review in a deliberate and transparent manner without prejudicing future development decisions; and,

WHEREAS, the Township Board recognizes that a temporary moratorium is a useful planning tool intended to preserve the status quo while thoughtful policy review and regulatory evaluation are undertaken; and,

WHEREAS, the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, authorizes local units of governments, including townships, to provide for the adoption of zoning ordinances regulating the use of land within its territorial boundaries; and,

WHEREAS, the Beaver Township Planning Commission is charged under the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, with making, preparing and submitting recommendations concerning land use planning, zoning, and orderly development within Beaver Township; and

NOW, THEREFORE, BE IT RESOLVED, that the Beaver Township Board of Trustees hereby adopts Ordinance No. 2026-08, a Non-Zoning Police Power Regulatory Ordinance, titled, “An Ordinance to Enact a Temporary Moratorium on Data Centers and Battery Energy Storage Systems,” attached hereto as Exhibit A in order to address public interests and provide sufficient time for the Township to study Data Center and BESS land uses and consider potential amendments to the Township’s Zoning Ordinance, Master Plan, and related policies to ensure compatibility with community goals, infrastructure capacity, and public health, safety, and welfare.

BE IT FURTHER RESOLVED, that the Township

Board of Trustees is hereby authorized and directs the Planning Commission to research and prepare a Zoning Ordinance Text Amendment on Data Centers and BESS, to study such land uses and consider potential amendments to the Township’s Zoning Ordinance, Master Plan, and related policies to ensure compatibility with community goals, infrastructure capacity, and public health, safety, and welfare; and, submit recommendations to the Township Board of Trustees after a public hearing.

BE IT FURTHER RESOLVED, that the purpose of Ordinance No. 2026-08 and the Township Board of Trustee’s direction to the Planning Commission to prepare a Zoning Ordinance Text Amendment, is to preserve the status quo while the Township Planning Commission researches Data Centers and BESS as a land use within the Township and submits a recommendation to the Township Board for consideration after public hearing.

The forgoing resolution offered by Board Member Wackerle and seconded by Board Member Meier to adopt Resolution No.2026-08 as presented and hereby adopts the Non-Zoning Temporary Police Power Moratorium Regulatory Ordinance, being Ordinance No. 2026-08, titled, “An Ordinance to Enact a Temporary Moratorium on Data Centers and Battery Energy Storage Systems.”

Upon roll call vote, the following voted:

“Aye” 5

“Nay”: 0

Absent:

The Supervisor declared the resolution adopted.

April Histed
Beaver Township Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Trustees of Beaver Township at a meeting held on the date first stated above.

April Histed
Beaver Township Clerk
1850 S. Garfield Road
Auburn, Michigan 48611
https://Beavertwp.com/
989-662-4996

BEAVER TOWNSHIP

COUNTY OF BEAVER, STATE OF MICHIGAN

ORDINANCE NO. 2026-08

ADOPTED: June 8, 2026

EFFECTIVE: Upon publication after adoption

AN ORDINANCE TO ENACT A TEMPORARY
MORATORIUM ON DATA CENTERS AND
BATTERY ENERGY STORAGE SYSTEMS

An Ordinance to protect the public health, safety, and welfare by establishing regulations relating to a temporary moratorium on considering applications for Data Centers and Battery Energy Storage Systems within the Township, while Beaver Township completes a study of the ordinances and regulations pertaining thereto and considers possible subsequent revisions to current ordinances pertaining thereto; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

BEAVER TOWNSHIP
BEAVER COUNTY, MICHIGAN

ORDAINS:

SECTION I
FINDINGS

In accordance with Public Act 1945 PA 246, MCL 41.181 et seq., as amended, Beaver Township has determined the following:

1. The Township Board of Beaver Township determines that the approval of Data Centers and/or Battery Energy Storage Systems (“BESS”) 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 Beaver Township.

2. Recently, the Township Board has received significant comments and information from the public raising public health, safety, and welfare concerns about the impacts of Data Centers and BESS on the residents and property owners of the Township.

3. The Township has a legitimate public purpose in assessing the regulation of the establishment and use of Data Centers and BESS within the Township to ensure that these projects do not interfere with other land uses, or have substantial negative impacts on the environment, public health and safety.

4. The Township Board finds that adopting a temporary moratorium is reasonable and necessary for, among other reasons, the following reasons:

A. Michigan courts have recognized that a temporary moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy.

B. The Township Board desires to review and study the public health, safety, and welfare concerns regarding Data Centers and BESS, and any Township regulations that may impact and/or regulate such projects.

C. The adoption of a temporary moratorium will allow the Township Board adequate time to study and possibly implement revisions to the Township’s ordinances and regulations, including attention to and consideration of citizen input and involvement, public debate, and full consideration of all issues and points of view.

5. The Township Board accordingly determines that it is desirable and in the public interest for the reasons set forth above that the Township Board adopt a temporary moratorium on the acceptance and/or processing of any applications for Data Centers and BESS projects.

SECTION II
MORATORIUM/TERM OF MORATORIUM

The Township Board adopts a temporary moratorium on the acceptance and/or processing of any applications for a Data Center or BESS. The temporary moratorium is for twelve (12) months from the effective date of this Ordinance, or until the effective date of any amended or new Township ordinances or regulations addressing Data Centers and BESS are effective, whichever date occurs first.

SECTION III
EXTENSION OF MORATORIUM

Before this moratorium expires, the Township Board may extend the temporary moratorium for Data Centers and BESS by resolution of the Township Board as appropriate to allow sufficient time to complete amendments or additions to its ordinances and regulations.

SECTION IV
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 V
REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VI
EMERGENCY ORDINANCE/EFFECTIVE DATE

This Ordinance shall take effect upon publication, after adoption.

Beaver Township Clerk
1850 S. Garfield Road
Auburn, Michigan 48611
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