

## **ENERGY STORAGE FACILITIES**

### **1. Definitions.**

Energy storage facility means a system that absorbs, stores, and discharges electricity with a nameplate capacity of 50 megawatts or more and an energy discharge capacity of 200 megawatt hours or more. Energy storage facility does not include either of the following:

- i. Fossil fuel storage.
- ii. Power-to-gas storage that directly uses fossil fuel inputs.

Nameplate capacity means the designed full-load sustained generating output of an energy facility. Nameplate capacity shall be determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.

2. An energy storage facility may be located and permitted only if all of the following standards are complied with:

A. Special Land Use - Planning Commission Review: Energy storage facilities may be permitted subject to a special use permit in the \_\_\_\_\_ Zoning Districts.

B. Setbacks: The following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

- a. Occupied community buildings and dwellings on adjacent properties: 300' from the nearest point on the outer wall.
- b. Public road right-of-way: 50' measured from the nearest edge of a public road right of-way.
- c. Nonparticipating parcels: 50' measured from the nearest shared property line.

C. Compliance: The energy storage facility shall comply with the version of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems" in effect on November 29, 2024 or any applicable successor standard adopted by the Michigan Public Service Commission as provided for in MCL 460.1226(8)(c)(ii).

D. Noise: The energy storage facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

E. Lighting: The energy storage facility will implement dark sky-friendly lighting solutions.

F. Requirements: The energy storage facility will comply with any more stringent requirements adopted by the Michigan Public Service Commission as provided in MCL 460.1226(8)(c)(v).

G. Landscaping: Existing natural land forms on the site which effectively screen the energy

storage facility from adjacent property used for residential purposes shall be preserved to the maximum extent possible.

H. Minimum Lot Size: energy storage facilities shall only be located on lots which are at least twenty (20) acres in size. Adjacent parcels under the same ownership or which are leased by the owner of the energy storage facility may be considered in combination to satisfy the minimum lot size. However, the lots considered in combination shall not thereafter be separated throughout the life of the energy storage facility. Each energy storage facility is permitted as a use authorized by special use permit which review will consider its compatibility with the surrounding area.

I. Abandonment: If an energy storage facility owner or operator intends to abandon and, in fact, does abandon a facility by not operating it for a period of six (6) months, the energy storage facility shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the \_\_\_\_\_ and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the \_\_\_\_\_ and request a six (6) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the \_\_\_\_\_ will have the removal and restoration done at the owner/applicant's expense.

J. Decommissioning Plan: A decommissioning plan is required at the time of special use permit application. The decommissioning plan shall include:


A. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.

B. The projected decommissioning costs for removal of the energy storage facility (net of salvage value in current dollars) and soil stabilization.

C. The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee in the form of surety bond, irrevocable letter of credit, or cash deposit).

## Subject: Fwd: Has the date center group met? Has the short term rental group met?

Sat, Apr 11, 1:34 PM (11 days ago)

 **Roy Griffiths** <rwgriffitts3@gmail.com>  
to Treasurer Julie Collard

Fyi

----- Forwarded message -----

From: **Bill Conklin** <supervisorhayestownshipmi@gmail.com>  
Date: Sat, Apr 11, 2026 at 12:49 PM  
Subject: Re: Has the date center group met? Has the short term rental group met?  
To: Melvin Czechowski <mhczechow@aol.com>, David Kemme <dmkemme2@gmail.com>  
CC: Roy Griffiths <rwgriffitts3@gmail.com>

Hello Mel –

The STR Advisory Committee met on 4/6 at 6:30pm at the Twp Hall and we will have another meeting on 4/20 at 6:30pm as I outlined the dates in my Supervisor's report which I submitted on Wednesday morning. I am not certain it is required to post Advisory Committee meetings with dates and times (or reports afterwards), but I agree that it is important to do so in order that the residents are aware and can attend to listen or offer their comments or ideas, as you outlined. The Planning Commission Advisory Group agreed to my urging for public input during their work/discussions albeit limited to three minutes at the beginning; and not during their discussions.

I think the Data Center Work Group may be hesitant for such open meetings due to the emotional nature of possible comments and length of such, since the legal prohibition against EXCLUSIONARY ZONING (although can be done in rare instances) is not widely understood by most. I know for certain that they will be investigating every possible regulation/condition which may be legally allowable in order to protect our environment, natural resources, electrical grid, including noise and traffic abatement, among others. I am forwarding this response to your email to Roy Griffiths.

See attached Summary from CT Martin after our STR Meeting on 4/6, which included assignments for most of us. I attach two STR handouts which we gave the Committee and I just sent them Eveline's STR Ordinance with Hayes Twp 2013 Ordinance - also attached.

I am not certain what date the Data Center Work Group has met or their next scheduled meeting date.

FOR YOUR INFORMATION: The Township Board will be assigning to individual BOT members certain portions of the Hayes Township Policies Manual to review, investigate and make recommendations for updates, modifications and amendments of those policies (bringing them current and up-to-date) on Monday 4/13/2026 - for possible discussion in May or June and decision thereafter.

The issues that I recall that need to be included, based on past e-mails include (among a host of others):

1. FONT Style (Jim, Rod and Dave asked about uniformity of FONT on all documents);
2. Whether Advisory Committees or Work Groups should be required or urged to be open to the public with notice and summaries afterwards - could be included in one of those policy updates.
3. ?? I do not have the policies in front of me.....

**Dave Kemme** had asked to be a part of helping draft better policies for the Township, so I am copying him in this response. **DAVE:** If you can think about this and possibly be willing to offer your insights or assistance on Monday night, that would be appreciated - thanks.

Thanks Mel,

Bill Conklin  
231-373-0059

On Fri, Apr 10, 2026 at 11:58 AM Melvin Czechowski <mhczechow@aol.com> wrote:

April 10, 2026

Bill,

Has the date center group met? Has the short term rental group met? Aside from the naming of members, I have read nothing on the Hayes Township Website on their activities.

If they have met, why is there not a report on the Hayes Township website? Township residents must know what is being discussed by these groups. Reports do not have to be long. However, they should tell us what was discussed. All reports should be on the township website within 2 days of the meeting.

It is hoped that this data center committee will seriously take into consideration the concerns of the community, and recommend stringent requirements protecting our community should any groups contemplate placing a data center in Hayes Township. However, township residents must insist that any meetings be in public and a summary of what was discussed posted. **0003** Have

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Township Ordinance:

I had talked to Carey Cuddeback a few days ago and asked her about the zoning ordinance. She had mentioned that Beckett and Raeder (B&R) were doing a lousy job on it and the planning commission was doing most of the work. However, a few months ago I had called Roy Griffiths after emailing him a copy of a "Site Plan Review" supposedly from B&R (see attachment) asked him for more recent copies of ordinance work. He told me that he had not received any information from them in awhile. What is going on? Is B&R doing the work or is the planning commission? In either case, the work any of them do is public work, and information on that work should be available to the Hayes Township residents.

Mel

Melvin H. Czechowski, Ph.D.

4 Attachments • Scanned by Gmail   Add all to Drive  Compress PDF



Hayes STR adviso.

Chikaming Twp A...

Eveline Twp STR ...

Hayes STR Ord 2...

Agenda

4/2/26

Introduction

Goal of the STR Advisory Committee

Read PC directive

To further the work of the planning commission regarding the issue of short-term rentals regulation, it has been recommended by the board of trustees that the PC appoint a work group to develop information that can be used by the PC in developing such regulations.

Determine what we want to regulate

How will a STR Ordinance be enforced

The PC will draft an ordinance that will be sent to the BOT for approval, and the BOT will decide who will enforce. STR committee can only advise on a solution.

Review documents sent out earlier and current STR Ordinance.

Explain C.T involvement and presentation given to the BOT

Determine next steps and any assignments

Why was the current STR ordinance dropped and not enforced? Bill

Check with surrounding Cities and townships for STR enforcement to see what concerns they have? John & Matt

How many STR are actually in Hayes Township—Mandie

Assignment for all—Compare current STR ordinance and the one provided by C.T. to decide what should be added or deleted to be enforced in a new STR ordinance.

Should we have an open forum with the public to get input? At a later date

Next meeting April 20, 2026 at 6:30pm

Other discussions

Are current STR grandfathered in -----YES

If you rent for 30 day per year or less should you have to have a license?

How big of a problem is STR and how many do we have in Hayes Township? Jim M suggested that there may be 10 STR in his neighborhood.

**Chikaming Township's Short-Term Rental Committee** has completed its work and submitted comprehensive recommendations to the Township Board ahead of a special meeting on **February 5, 2026**. The Committee, established in December 2025, conducted extensive research, analyzed resident feedback, reviewed data, and studied peer communities to address growing concerns about short-term rentals (STRs) that now make up approximately **13% of the township's housing stock (about 520 units)**, generating an estimated **\$13 million in annual host revenue**. *Township Population of 2778 in Berrien County* just north of the IN border.

Key recommendations include:

- **Adoption of a new, comprehensive STR ordinance** with clear operating standards, including **IPMC-based occupancy limits, minimum stay requirements** (3 nights from Memorial Day to Labor Day, 2 nights otherwise), **on-premises parking rules**, and **visitor/event limits**.
- **Tiered permit fees of \$500 per bedroom (capped at eight bedrooms)** to help fund enforcement and move the program toward self-sufficiency.
- **Mandatory designation of a 24/7 local agent within 30 miles** of each STR property, with a one-hour response obligation, to improve accountability and first-response.
- **Creation of a dedicated Fire Marshal Division** for STR and long-term rental (LTR) oversight, supported by a **centralized 24/7 complaint system** and **data-driven inspection program**.
- **Authority for the Township Board to set caps** on STR permits by resolution, including **neighborhood-level caps** when STR penetration reaches 50% of housing stock on a block.
- **Escalating penalties** for violations: **\$500, \$1,000, and \$1,500 fines** for repeat violations, **tripled fees for unpermitted STRs**, and **license revocation with a 24-month ban** for repeat offenders.

The Committee concluded that the existing registration-based model is **structurally incapable of capturing real-world impacts** like noise, parking congestion, and beach overcrowding, and that adopting the full package is essential to **protect public health, safety, and welfare**, preserve residential character, and maintain a balanced, sustainable tourism economy. The Township Board is urged to adopt the ordinance in its entirety.

**Spring Lake Township** has significantly tightened short-term rental (STR) restrictions, effective May 2025, by creating a new, limited **Short-Term Rental Overlay District** confined primarily to the **eastern Strawberry Point neighborhood**. The township eliminated STRs from all zoning districts except the Medium Density Residential – Cottage (R-3) zone, and further narrowed that zone by removing eligibility for homes on **Minetta Avenue, Benjamin Avenue, Rhoda Street, and View Drive**—excluding approximately 60 single-family homes. Properties on **North Lake Avenue** were also excluded from the overlay district.

**Spring Lake Village** enacted similar restrictions in April 2025, banning **new short-term rentals** on **Rex, Monarch, and Dixie Streets** due to resident concerns over street parking, private

beach trespassing, noise, and disruption to neighborhood character. **NOTE: The six existing STRs on these streets are grandfathered in and may continue operating under strict conditions: annual renewal of certification, at least one rental per year, and no violations leading to termination. The village also ended a six-month moratorium on new STR registrations that had been in place since November 2024.**

Both jurisdictions cite **community feedback and preservation of residential character** as key drivers. While STRs remain permitted in designated zones, the trend reflects broader regional efforts to manage housing affordability, reduce tourism-related disruptions, and ensure that short-term rentals do not undermine traditional neighborhoods.

# Short Term Rental report out ahead of meeting

- Jan 29, 2026

The Chikaming Township Board has scheduled a special meeting for 6 p.m. Thursday, Feb. 5, to review recommendations from an advisory Short-Term Rental Committee.

The Committee's report can be viewed prior to the meeting on the township website ([www.chikamingtownship.org](http://www.chikamingtownship.org)) by clicking "Committee Recommendations" following the "SPECIAL BOARD MEETING ON SHORT TERM RENTALS – Thursday, February 5th @ 6:00 P.M." announcement.

The Short-Term Rental Committee was established by the Chikaming Township Board on December 5, 2025, to review, evaluate, and recommend policies and potential ordinance amendments regulating short-term rental operations. The committee met six times. Members are: Chair Todd A. Taylor Sr.(Chief of Police), Cathy Calhoun, Charles Hilmer, Jason Milovich, Tyler Ream, Mark Stables, Steve Torres, Allen Weich (Fire Chief); and Fran Wersell.

Excerpts from the report follow:

## Executive Summary

Through multiple meetings, the Committee conducted extensive research on available data, reviewed hundreds of pages of resident emails and testimony, reviewed notes from two special meetings, analyzed local short-term rental ("STR or STRs") data, and studied Michigan State University research and peer community models. The Committee found that STRs now comprise

roughly 13 percent of the Township’s housing stock – about 520 units – averaging 3.35 bedrooms and permitted occupancies of around 8.66 guests, with some homes accommodating up to 30 people and generating an estimated \$13 million in host revenue annually, or about \$26,000 per STR on average. At the same time, only about 15 formal STR complaints were logged despite extensive reports of noise, parties, parking congestion, trash, beach overuse, and “hotelization” of residential streets, leading to the conclusion that the existing, largely registration-based ordinance and under-resourced enforcement model severely under-capture real-world impacts and cannot reliably distinguish chronic nuisance properties from compliant operators. In response, the Committee recommends adopting of a new, comprehensive STR ordinance and enforcement structure built around robust permitting, calibrated fees, clear operating standards, and a professionalized, data-driven enforcement program. Key elements include detailed registration and renewal requirements; designation of a 24/7 local agent within 30 miles; *tiered permit fees of \$500 per bedroom (capped at eight bedrooms) to move the program toward self-funding; STR-specific occupancy based on IPMC standards and off-street parking; minimum stays of three nights from Memorial Day through Labor Day and two nights otherwise; on-premises parking rules; visitor and event limits; trash and pet standards; nontransferable permits; and authority for the Board to set caps by resolution.* The Committee further proposes creating a Fire Marshal Division and inspection team dedicated to STR and long-term rental oversight, supported by a 24/7 complaint hotline, structured logging of violations, and escalating penalties— including tripled fees for unpermitted STRs, fines of \$500, \$1,000, and \$1,500, and revocation for repeat violations – so that Chikaming Township can effectively align STR regulation with actual scale and impacts while preserving a healthy visitor economy under clear, enforceable, and equitable rules.

## **Conclusion**

The Short-Term Rental Committee’s work demonstrates that Chikaming Township has reached a decisive inflection point where modest registration measures are no longer adequate to protect neighborhood character, public safety, and overall quality of life in the face of a large, commercially scaled STR sector. With roughly 520 permitted STRs comprising about 13 percent of all dwelling units, generating an estimated \$13 million in annual host revenue, many functioning as high-occupancy lodging facilities with 8–30 guests in residential neighborhoods, the Township now faces impacts —noise, parking congestion, trash, beach overcrowding, and housing pressure – that far exceed what the current, essentially registration-based framework can reliably manage. *At the same time, the Township’s under-resourced, largely daytime-enforcement model has yielded only about 15 formally logged complaints despite hundreds of pages of*

resident emails and public testimony describing pervasive nuisance and saturation, confirming that the existing ordinance is structurally incapable of capturing real-world problems or targeting chronic violators.

Drawing on extensive public engagement, comparative research on Michigan and Great Lakes communities, and guidance from Michigan State University on zoning and police power tools, the Committee has crafted an integrated regulatory package that squarely addresses these deficiencies while preserving a viable, transparent path for lawful STR operations. The recommended ordinance consolidates clear, STR-specific operating standards – IPMC-based occupancy tied to off-street parking, enforceable visitor limits and quiet hours, minimum stays of three nights in season and two nights off- season, on-premises parking, trash and pet controls, and strict limits on event-style gatherings – into a coherent framework that directly translates the most common complaints into objective, enforceable rules. By requiring a designated local agent within 30 miles, available 24/7 with a one-hour response obligation, and *mandating written “good neighbor” materials for every guest, the ordinance deliberately shifts much of the frontline responsibility for behavior, education, and first-response from the Township to owners and managers, while giving staff the tools to document and escalate when those responsibilities are not met.* Crucially, the Committee recommends equipping the Township with structural levers to control overall scale and intensity: explicit authority for the Board to adopt a cap on STR permits by resolution, the ability to implement caps through attrition and waiting lists, and neighborhood-level controls where STR penetration approaches 50 percent of the housing stock on individual blocks. These mechanisms recognize STRs as legitimate commercial uses embedded in residential zones, and they respond to a public record showing that participants who addressed caps favored them by nearly four to one, while still respecting existing compliant licensees through renewal rights, transparent processes, and potential exception policies.

Parallel reforms to fines and fees – *including a tiered, per-bedroom fee structure designed to fund enforcement, tripled penalties for unpermitted rentals, and escalating civil fines of \$500, \$1,000, and \$1,500 for repeat violations* – are calibrated to end the current “cost of doing business” dynamic, drive unpermitted operators into compliance or out of the market, and move the STR program toward self-funding rather than relying on the general tax base.

The Committee’s recommended creation of a Fire Marshal Division dedicated to STR and LTR oversight, coupled with a *centralized 24/7 complaint system and a data-driven inspection and reporting program*, completes the shift from a reactive, anecdote-driven model to a professional regulatory regime aligned with the ordinance’s substantive standards. *This alignment – between*

*clear rules, meaningful financial incentives, dedicated staffing, and structured data collection – enables the Township not only to respond to individual violations, but also to identify problem properties, justify future adjustments to caps and spacing, and continuously recalibrate policy in light of measurable outcomes. In this way, the ordinance is designed to secure demonstrable 70 improvements in day-to-day neighborhood livability – quieter streets, safer parking conditions, cleaner public spaces, and more predictable uses – without extinguishing the long-standing tourism economy on which many local businesses and property owners rely.* For these reasons, the Committee respectfully and unequivocally urges the Township Board to adopt the newly drafted Short-Term Rental Ordinance in its entirety, including the specific language approved for registration, fees, maximum occupancy, minimum rental periods, local agent requirements, general standards, caps authority, and violations and penalties, together with Chief Weich’s proposal for a Fire Marshal and inspection staff.

Adoption of the full package is the only approach that meaningfully fulfills the Committee’s mandate: to protect health, safety, and welfare; to preserve residential character in the face of unusually high STR penetration; and to strike a durable, data-informed balance between the interests of full-time residents, local businesses, visitors, and property owners who wish to engage in short-term rentals under clear, enforceable, and fair rules.

**Specific ordinance recommendations include the following:**

Section 9. Short-Term Minimum Rental Period From Memorial Day through Labor Day, the minimum rental period for any short-term rental shall be not less than three (3) consecutive days. All other times during the calendar year the minimum rental period for any short-term rental shall not be less than two (2) consecutive days

Section 12. Maximum Limit on Short-Term Rental Permits A. Maximum Permit Limitation Adopted by Township Resolution. The Township Board may establish, by resolution, a maximum limit on the number of short-term rental permits that may be approved by the Department pursuant to this Ordinance. B. Permit Limitation Process. Short-term rental permits shall be processed and approved on a first come, first served basis, based on the date and time the application for the short-term rental permit is submitted to the Department. An incomplete application for a short-term rental permit or a failure to remit the registration fee will not lose its priority for approval unless the applicant fails to correct any deficiencies or remit the registration fee within fourteen (14) calendar days after being notified of such deficiencies by the Department. C. Maximum Limit Achieved. Once the total number of short-term rental permits

issued pursuant to this Ordinance reaches the maximum limit established by the Township Board, the Department shall not accept or approve any additional applications for short-term rental permits until an existing permit expires or is revoked or voided, thus creating an available permit. D. Policy Development. The Department shall develop a written policy, which shall be approved by the Township Board and made available to the public, for providing notice of the available short-term rental permit and for receiving and approving applications for the same once the number of active short-term rental licenses falls below the maximum limited established by the Township Board. E. Notice. When short-term rental permits become available, the Department will circulate notice within the Township, as needed, specifying how many permits are available and when applications may be submitted to the Department. F. Review and Amendment. The Township Board may review and amend the maximum limit on short-term rental permits on an annual basis and may adjust the limit as it determines to be advisable. Such revisions will not be the basis for termination or non-renewal of a permit previously issued.

EVELINE TOWNSHIP  
Charlevoix County, Michigan  
**Short-Term Rental Licensing Ordinance Amendment**  
Ordinance No. 1008 of 2019  
Revised July 7, 2021

Effective August 18, 2021

**AN ORDINANCE PURSUANT TO ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, TO PROVIDE FOR THE PUBLIC PEACE AND HEALTH AND FOR THE SAFETY OF PERSONS AND PROPERTY IN EVELINE TOWNSHIP BY THE LICENSING AND REGULATION OF SHORT-TERM RENTALS, TO PROVIDE PROCEDURES FOR THE SUSPENSION AND REVOCATION OF SHORT-TERM RENTAL LICENCES, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE**

**EVELINE TOWNSHIP HEREBY ORDAINS:**

**Section 1. Purpose**

This ordinance is intended to protect and promote the health, safety, and welfare of all the citizens of Eveline Township, as well as those visiting the area, by requiring the licensing of short-term rentals within the Township. It is also the intent of this ordinance to allow for the purchase and continued ownership, rental, and maintenance of properties where renting the dwelling unit for short periods will allow the owner(s) to keep the property for their future use and enjoyment while protecting the integrity of those residential neighborhoods which were developed with the intent of single-family occupancy.

**Section 2. Applicability**

This ordinance applies to residential dwelling units located in Eveline Township and to all persons owning or exercising control over such buildings or premises which in total or in part, are rented for less than 30 days at a time, during the calendar year. This ordinance shall not apply to bed and breakfast establishments regulated under the Eveline Township Zoning Ordinance.

**Section 3. Definitions**

As used in this ordinance:

**BEDROOM:** Any space in the conditioned area of a dwelling unit or accessory structure which could reasonably be expected to be used for the placement of beds or other furniture used for sleeping and which conforms to the definition of bedroom as defined by the International Residential Code (IRC), including:

1. **Entrance:** A bedroom needs at least two methods of egress, so it should be accessible from the house (commonly through a door), and then one other exit (window or door).
2. **Ceiling Height:** A bedroom ceiling needs to be at least 7 ft tall. Some portions of the ceiling may be below this level, but at least 50% of the ceiling needs to be a minimum of 7 ft in height.
3. **Escape:** A bedroom must have one other method of egress beyond the entrance point. A door to the exterior works as an exit point, and so does a window. According to the International Residential Code, a bedroom window can be between 24 and 44 inches from the floor, it needs at least 5.7 square feet for the opening, and it must measure no less than 24 inches high and 20 inches wide.

4. **Size:** The room should be at least 70 sq ft, and more specifically the room cannot be smaller than 7 feet in any horizontal direction.

**DRIVEWAY:** A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

**DWELLING UNIT:** A building or portion of a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, eating, cooking, sanitation, and a separate bedroom(s) for sleeping.

**ENFORCEMENT OFFICER:** The Zoning Administrator or any person designated by the Township to perform inspections and determine compliance with the applicable rules, standards, statutes, and ordinances.

**LICENSE HOLDER:** The person who applies for and receives a short-term rental license from Eveline Township. A license holder shall be the owner of the dwelling unit where the short-term rental is located.

**LOCAL AGENT:** The individual designated by the license holder to perform obligations under this ordinance and to serve as the contact person for issues relating to a short-term rental.

**MAXIMUM OCCUPANCY:** The maximum number of allowable occupants and the guests of those occupants for a short-term rental.

**MINOR:** A person under the age of eighteen (18).

**OCCUPANT:** An individual living in, sleeping in, or otherwise being physically present within a short-term rental.

**OWNER:** Any person holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common, or as a land contract vendee.

**PARKING SPACE:** An improved designated area on the property where a short-term rental operates that is legally available for the occupants to park motorized vehicles and trailers. This may include garages, carports, parking bays, and driveways. This does not include yards, required setbacks, and street rights-of-ways.

**PERSON:** Any individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

**PREMISES:** The land and the improvements on it.

**PROPERTY:** Land, firmly attached structures, and integrated equipment (such as light fixtures or a well pump), and anything growing on the land.

**RECREATIONAL UNIT :** Means a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. Recreational unit includes the following:

1. A tent like structure, including but not limited to a, ridge tent, dome tent, pop-up tent, tunnel tent, geodesic or semio-geodesic tent, inflatable tent, backpacking tent, vis-à-vis tent, yurt or glamping tent.
2. A travel trailer, which is a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.
3. A camping trailer, which is a vehicular portable structure mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic, or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
4. A motor home, which is a vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.
5. A truck camper, which is a portable structure designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are of 2 basic types:
  - a. A slide-in camper, which is a portable structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary living quarters for recreational, camping, or travel use.
  - b. A chassis-mount camper, which is a portable structure designed to be affixed to a truck chassis, and constructed to provide temporary living quarters for recreational, camping, or travel use.
6. A single sectional mobile home used only to provide temporary living quarters for recreational, camping, or travel use. Recreational unit does not include a mobile home used as a permanent dwelling, residence, or living quarters.

**RENTAL FREQUENCY:** How often a short-term rental may be rented in a given period, regardless of the length of stay.

**SHORT-TERM RENTAL:** A dwelling unit that is rented in total or part for less than thirty (30) days at a time during the calendar year provided. A short-term rental property does not mean nursing homes, hotels, and motels with daily rental units, all of which shall be exempt from registration and licensing.

**SHORT-TERM RENTAL APPEALS BOARD** - A three-(3) member board empowered to consider matters specified in this ordinance, consisting of a representative of the Planning Commission, and two individuals appointed by the Supervisor with the concurrence of the Board of Trustees. All appointed members must be residents of the Township and one member must be an owner that operates short-term rentals within the Township. The Supervisor, with the concurrence of the Board of Trustees, shall also appoint a two (2) residents as an alternate members, who may serve when a regular member abstains from deciding a matter due to a conflict of interest. Meetings of the Short-Term Rental Appeals Board shall be conducted following the Open Meetings Act.

**Section 4. License required.**

An owner of any dwelling unit located within Eveline Township shall not rent or allow to be rented, a short-term rental unless the owner or the owner's authorized agent has obtained a short-term rental

license per the requirements of this ordinance.

#### **Section 5. Application for Short-Term Rental License.**

1. **Responsibility.** It shall be the responsibility of the owner of a short-term rental or the owner's authorized agent to apply for a license through the submission of a short-term rental license application.
2. **Application Form.** A person seeking a license under this ordinance shall submit a complete application, certified as being true, to the Enforcement Officer. The application shall include all the information specified on the short-term rental application form and any other information deemed reasonably necessary by the Enforcement Officer to determine whether the short-term rental standards and regulations have been met.
3. **Application Fee.** The application shall be accompanied by an application fee as established and outlined in the Township fee schedule.
4. **Eligibility for Short-term Rental; Complete application.** Due to the limited number of short-term rentals authorized under this Ordinance, an applicant shall be eligible for a short-term rental license based on the chronological order of when the application is considered complete. A short-term rental license application shall be considered accepted when the Enforcement Officer deems it complete, including verification that real estate taxes that are owing are paid in full. If the Enforcement Officer determines that all required information was not supplied and/or the applicant fails to pay the required fee, the Enforcement Officer shall send written notification to the applicant of the deficiencies.
5. **License.** Once deemed to be complete, if an application complies with all the standards and regulations of this ordinance, the Enforcement Officer shall approve the short-term rental license within seven (7) Township business days. All short-term rental licenses issued under this ordinance shall be sequentially numbered. All licenses are for one (1) year beginning on the first day of the month the license was issued and ending on December 31<sup>st</sup> of the calendar year the license was issued. Licenses are to be renewed annually subject to the Enforcement Officer's confirmation of compliance by the license holder with this ordinance.
6. **License Renewal Requirement.** Before renewing a license, the Enforcement Officer shall verify that the applicant's short-term rental is in good standing and that no written complaints or communications have been submitted by the applicant's neighbors or nearby residents to suggest that the applicant's short-term rental has violated a provision of this ordinance. If communications have been received that suggest that the applicant's short-term rental has violated any provision of this ordinance, the Short-Term Rental Board of Appeals shall hold a violation hearing as specified in this ordinance to determine whether the complaint constitutes grounds for nonrenewal of the license.
7. **Number of Licenses.** The number of short-term rental licenses issued annually by the Township through application shall not exceed eighty (80). Applicants that have a valid short-term rental license and are in good standing with the provisions of this ordinance shall receive a license for the following calendar year. Any remaining licenses may be issued to applicants who have

submitted a complete application. If the number of applications, including renewal applications, exceeds eighty (80), then the Township will conduct a lottery to determine which of the new applicants shall receive a license.

8. License Renewal Process. All short-term rental licenses shall expire on December 31<sup>st</sup> of the calendar year for which they are issued. The owner of a permitted short-term rental may reapply for the next calendar year at any point between September 1<sup>st</sup> and October 31<sup>st</sup>. All renewal permits for the subsequent year shall be issued by November 15<sup>th</sup>. The number of permittees that have not applied for renewal by October 31<sup>st</sup> shall be able to apply as a new applicant and shall have their permit added to the balance of permits available for new applicants. All renewals shall be subject to an on-site inspection by the Enforcement Officer and the Health Department of Northwest Michigan.
9. License Issued Under Previous Short-Term Rental License Program. In the event an owner was issued a license under the previous short-term rental license program for a period of three (3) years that license will remain in effect until its expiration date. At that time, the Owner will be required to apply for a new license. Owners that are in good standing with the provisions of the previous ordinance shall be entitled to receive a license for the following calendar year.

**Section 6. New license required upon transfer of ownership and construction or elimination of bedrooms.**

A short-term rental license issued under this ordinance shall become void upon the transfer of ownership of the dwelling unit, or upon the transfer of a controlling interest in a partnership, corporation, limited liability company, trust, or other legal entity that owns the dwelling unit. A short-term rental license shall also become void upon the construction or elimination of bedrooms on the property. A new short-term rental license shall then be obtained from the Enforcement Officer according to the requirements and regulations outlined in this ordinance before short-term rentals may be resumed in the dwelling unit.

**Section 7. Short-term rental standards and regulations.**

The following standards and regulations shall apply to all short-term rentals in Eveline Township. These standards and regulations, however, shall not supersede deed restrictions on any property (including subdivision developments) and shall not supersede any provisions of the master deed and/or bylaws of a condominium development.

1. Advertising. No short-term rental unit may be occupied or advertised for rent unless the Township has issued a valid short-term rental unit permit according to this ordinance. A short-term rental unit shall not be advertised for an occupancy that is greater than the allowed maximum occupancy allowed under the short-term rental unit permit.
2. Occupancy. The Owner, or their Local Agent, Enforcement Officer, and representative from the Health Department of Northwest Michigan, shall conduct a site visit of the property to be used for a short-term rental. This evaluation will consider such factors as the number of bedrooms, baths, additional sleeping furniture, ingress and egress, and an existing capacity evaluation of the septic system, and a safe water supply test which consists of a bacteriological and chemical partial test. The Health Department of Northwest Michigan shall recommend the number of occupants based on this evaluation.

3. Compliance with Local Codes. The dwelling unit must meet all residential building, health department, and safety codes. If modifications have been made to the short-term rental to increase the occupancy, the Enforcement Officer has the discretion to ask for a building code and health department inspection before issuance of the short-term rental permit to ensure compliance with Michigan State Construction Codes and Health Department of Northwest Michigan Sanitary Code.
4. Safety Equipment.
  - A. Smoke Detectors. The owner and local agent of each short-term rental unit shall be responsible for the installation of smoke detectors/alarms in each rental unit. All smoke detectors/alarms shall be UL (Underwriters Laboratories, Inc.) approved, and shall be installed per the provisions of the Michigan Residential Code and the household fire warning equipment provisions of the National Fire Protection Association (NFPA) Standards §72.
  - B. Carbon monoxide detectors. The owner of each short-term rental unit shall be responsible for the installation of a carbon monoxide detector in each rental unit. All carbon monoxide detectors shall be of the type described in MCLA §125.1504d
  - C. Fire extinguisher. The owner of each Short-term rental unit shall be responsible for the installation of a fire extinguisher in the kitchen of each unit and near each outdoor cooking device.
5. Right to Inspect Property. As a condition of the permit application process, the owner agrees to an annual inspection for compliance with applicable codes and ordinances if requested by the Enforcement Officer. Failure to satisfactorily complete an inspection shall be grounds for withholding a permit or deeming an existing permit to be immediately void.
6. Designation of a Local Agent. If the license holder does not qualify as a local agent, then that license holder shall designate a local agent and shall authorize in writing the local agent to act as the license holder's agent for any acts required of the license holder under this ordinance. The local agent must be available to accept telephone calls on a 24-hour basis at all times that the short-term rental is occupied by short-term renters and will have a key to the rental unit.
7. Notification. The address of the property and contact information for the local agent and the Enforcement Officer or Township Enforcement Officer must be posted in a prominent first-floor door or window of the rental and copies of the contact information must be given to the neighbors located within 300 feet of the short-term rental.
8. Information. All notification information shall be kept current and up to date.
9. Number of Vehicles; Parking. The Owner and Enforcement Officer, after a site visit of the property to be used for a short-term rental, will decide on the maximum number of vehicles, boat trailers, and other trailers that can be parked on the property. The number of vehicles and trailers may include those for short-term renters, as well as owner vehicles. However, recreational units shall not be allowed on the property. In no instance shall there be parking on any public road or rights-of-way, and any adjacent property.
10. Waste/recycling disposal. The owner must make provisions to have refuse picked up (curbside) at

least once per week when the short-term rental unit is being rented. Where curbside pickup is not reasonably available, this requirement may be satisfied by the provision of a communal dumpster available for use by occupants of the short-term rental unit. All garbage shall be located at all times inside a trash receptacle that has a lid or closure.

11. **Lighting.** Outdoor lighting shall conform to the standards in Section 4.23 of the Eveline Township Zoning Ordinance.

12. **Rules and regulations to be provided to occupants.**

A. **Owner.** The license holder or local agent shall provide all occupants of a short-term rental with the following information before occupancy and shall post such information in a conspicuous place within each short-term rental:

- i. The name of the license holder or local agent responsible to perform obligations related to the short-term rental under this ordinance, that individual's telephone number(s), and an email address at which that individual may be reached on a 24-hour basis.
- ii. Notification of the maximum number of overnight occupants permitted in the short-term rental.

B. **Township.** Township shall provide the Owner an 8 ½ " x 11" laminated short-term rental permit poster which and shall post such information in a conspicuous place within each short-term rental:

- i. The dates that fireworks can be used in Eveline Township according to the State Fireworks law.
- ii. Notification that an occupant and/or a guest of an occupant may be cited for a violation of this ordinance, the State Fireworks laws, other local ordinances of Eveline Township, or other state ordinances in addition to any other remedies available to the Township.
- iii. Quiet hours are from 10:00 p.m. to 8:00 a.m. Only noise commensurate with that of the single-family residential land use is allowed during quiet hours.

**Section 8. Suspension and Revocation of License.**

1. **Permit Revocation.** The Township may revoke the short-term rental permit for any short-term rental which is the site of at least three separate incidents (occurring on three separate days) within a calendar year as determined by the Enforcement Officer. The Enforcement Officer shall provide written notice of each incident to the Owner and Local Agent.

2. **Permit Revocation Process.** Upon a written determination by the Township that the short-term rental permit is subject to revocation, the Township shall issue a notice to the owner and the local agent stating that the Township intends to revoke the short-term rental permit. The notice shall inform the owner and local agent of a right to a hearing to show cause as to why the short-term rental permit should not be revoked if a hearing is requested within 14 days of the service of the notice. If a hearing is timely requested, the Township shall schedule the hearing before the Short-Term Rental Appeals Board. The Township shall notify the owner and local agent in writing of a time and place for that hearing.

3. Violation hearing. At the hearing, the owner and local agent may present evidence that the requirements for revocation provided in the written determination are not satisfied, or that the property owner and local agent should not be held responsible for one or more of the three requisite violations. The Short-Term Rental Appeals Board decision to suspend, revoke, or deny renewal of the license shall be made using factual evidence presented at the violation hearing. If the license holder can adequately demonstrate using measurable evidence that the violation concerns will be abated in the future, then the Short-Term Rental Board of Appeals may decide not to suspend or revoke the license or may decide to renew the license. The Short-Term Rental Board of Appeal's decision shall be in writing and shall specify the factual evidence upon which it is based.
4. Subsequent violations. Upon revocation of a permit, a new permit will not be issued for 18 months, and the property cannot be used for short-term rentals until a new permit is obtained.

#### **Section 9. Penalties.**

1. Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 126 of 1994, amending Public Act 236 of 1961, being Sections 600.101 - 600.9939 of the Michigan Compiled Laws and shall be punished as follows:
  - A. For a first offense, the person shall be fined not less than \$250 plus the costs of prosecution and other sanctions provided by law.
  - B. The fine for any offense which is a second offense, or any subsequent offense shall not be less than \$500.00.
2. The Enforcement Officer is designated as the authorized official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
3. A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety, and welfare.
4. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

#### **Section 10. Repeal.**

Eveline Township Ordinance No. 1008 of 2019, is hereby repealed in its entirety.

#### **Section 11. Severability.**

If any section, clause, or provision of this ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the ordinance. The Township Board hereby declares that it would have passed this ordinance and each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

**Section 12. Effective date.**

This ordinance shall become effective thirty days following its publication in a newspaper of general circulation within the Township.

Ordinance No. 1008 of 2019, Revised July 7, 2021 was adopted on 07/13/2021, by the Eveline Township Board as follows:

Motion by: Mr. Beishlag

Seconded by: Mr. Chapman

Yeas: 5

Nays: 0

Absent: 0

  
\_\_\_\_\_  
Sandi Whiteford, Clerk

  
\_\_\_\_\_  
John Vron dran, Supervisor

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HAYES  
TOWNSHIP  
SHORT TERM  
RENTAL  
ORDINANCE

*Revised ordinance 031113 of  
2013 and all  
amendments effective  
8 days after publication*

EFFECTIVE APRIL 19, 2013

**ORDINANCE CERTIFICATION**

At a regular meeting of the Hayes Township Board, Charlevoix County, held in the Hayes Township Hall, located at 09195 Old U.S. 31 N., Charlevoix, Michigan, on March 11 2013, at 7:30 P.M.

PRESENT: Ethel Knepp, Marlene Golovich, Rich Burnett, Doug Kuebler, Robbin Kraft

ABSENT:

It was moved by Ethel Knepp and supported  
By Marlene Golovich that the following Ordinance be adopted:

(See attached HAYES TOWNSHIP ORDINANCE)

YES: Marlene Golovich, Ethel Knepp, Robbin Kraft

NO: Doug Kuebler, Rich Burnett

**ORDINANCE DECLARED ADOPTED.**

HAYES TOWNSHIP

By: Ethel R Knepp  
Ethel Knepp, Supervisor

I, the undersigned, the Clerk of the Township of Hayes, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Hayes Township Board of said County at its regular meeting held on March 11, 2013, relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the on March 19, 2013, and was filed with the County Clerk on March 20, 2013

Dated: March 18, 2013

Marlene Golovich  
Marlene Golovich, Clerk

HAYES TOWNSHIP SHORT TERM RENTAL ORDINANCE

Ordinance No. 031113 of 2013

AN ORDINANCE PURSUANT ACT 246 OF THE PUBLIC ACTS OF 1945,  
AS AMENDED, TO PERMIT AND REGULATE SHORT TERM RESIDENTIAL  
RENTALS WITHIN THE TOWNSHIP,  
TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PROVIDE  
PENALTIES FOR VIOLATIONS THEREOF

THE TOWNSHIP OF HAYES ORDAINS:

Section 1. Definitions As used in this Ordinance,

“Bedroom” means a separate room or space with a door, a closet and a window, used or intended to be used specifically for sleeping purposes...

“Dwelling unit” means a building or portion of a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, eating, cooking, sanitation, and a separate bedroom(s) for sleeping.

“Habitable space” means space in a structure for living, sleeping, eating or cooking. Bathrooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

“Occupancy” means the purpose for which a dwelling unit or portion thereof is utilized or occupied.

“Occupant” means any individual living or sleeping in a dwelling unit, or having possession of a space within a dwelling unit.

“Operator” or “Owner” means any person who owns or has charge, care or control of a dwelling unit which is offered for rent.

“Person” means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

“Rent” or “Rental” means to permit, provide for, or offer possession or occupancy of a dwelling unit in which the owner does not reside for a period of less than thirty (30) days to a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license.

“Short Term Rental” means any dwelling or condominium or portions thereof, in which the owner does not reside, that is available for use or is used for

6) The owner shall keep on file with the Township the name and telephone number of a contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information must be kept current. This information also shall be posted in a conspicuous location within the dwelling unit. The contact person must be available to accept telephone calls on a 24 hour basis at all times that the short-term rental is rented and occupied. The contact person must have a key to the rental unit and be able to respond to the short-term rental within sixty (60) minutes to address issues or must have arranged for another person to address issues within the same timeframe. The requirement for identifying a contact person applies to each person or entity making arrangements for renting a given short term rental. The owner shall notify neighboring dwelling units within 300 feet from the rental dwelling unit in writing that the property is a permitted short-term rental and shall provide a telephone number of the rental agency, if any, or other local contact person as required by Section 4. 6

7) The Owner or a Managing Agency or Agent or Contact shall provide the tenant or lessees of a Short-term Residential Rental with the following information prior to occupancy of the Premises and-post such information in a conspicuous place within the dwelling on the Premises:

- (a) The name of the Contact Person, and a telephone number at which they may be reached on a twenty-four-hour basis; and
- (b) Notification of the maximum number of overnight occupants permitted on the Premises pursuant to this Ordinance; and
- (c) Notification of the parking standards of this Ordinance; and
- (d) A copy of this Ordinance, as may be amended from time to time; and
- (e) Notification that an occupant may be cited or fined by the Township, in addition to any other remedies available at law, for violating any provisions of this Ordinance.

8) All land-based recreational activities to be limited to rented premises and shall not encroach on neighboring properties.

9) Campfires in designated 'fire pit' areas away from water's edge, trees, and property lines. Fires must be attended at all times and properly extinguished after use.

10) Tenants of a property used for Short-Term Rental use shall not create a nuisance. For purposes of this subsection, a nuisance includes but is not limited to any of the following:

- a). Playing or using a radio, phonograph, compact disc player, tape player, television, musical instrument, sound amplifier, or other electronic or mechanical sound-producing device in such a manner or with such volume so as to disturb the quiet, comfort or repose of a reasonable person of normal sensitivities.
- b). Yelling, shouting, hooting, singing, or making other noise that because of its volume, frequency, or shrillness unreasonably disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.
- c). Sounding or using any horn, siren, whistle, bell or other warning device so as to unreasonably disturb the quiet, comfort or repose of another person.

#### Section 5. Duration of License, Re-application.

A license issued under this Ordinance shall remain in effect until the happening of one or more of the following events:

(1) The dwelling unit is physically altered in such a way that the habitable space within the unit is increased, decreased, or re-distributed among living, sleeping, eating, or cooking areas.

(2) This Ordinance is amended to alter the standards for approval contained in Section 4.

(a) If a license is no longer in effect as a result of subsection above, the operator shall re-apply for a new license following the same procedures for a new license.

(b) A Short-Term Rental Use license may not be transferred or assigned to any third party except heirs and assigns, and the license shall be void upon transfer of ownership of the property where the Short-Term Rental Use is located. Upon change of ownership, the new owner must apply for a new Short-Term Rental Use License in order for Short-Term Rental Use activity to be authorized.

#### Section 6. Inspections and Conditions.

Upon written complaint, the zoning administrator may make periodic inspections of a short-term rental to ensure continuing compliance with the approval standards specified in Section 4 of this Ordinance. In addition, the zoning administrator may impose reasonable conditions on a license issued under this Ordinance which are reasonably necessary to ensure compliance with the approval standards provided in Section 4 of this Ordinance.

**Section 7. Suspension or Revocation of Short Term Rental License.**

**Grounds for Suspension or Revocation.** In addition to any other penalty authorized by law, a short term rental license may be suspended or revoked if the Zoning Administrator finds by competent, material, and substantial evidence and after written notice of the charges to the owner and an opportunity to be heard, that the licensee or his or her agents or employees has or have violated, or failed to fulfill, the requirements of this Ordinance, including the approval standards specified in Section 4 of this Ordinance. The written notice of the charges and the notice of the hearing shall be personally served on the owner or served on the owner by certified mail, restricted delivery, no less than 21 days before the hearing before the Zoning Administrator.

- 1) Upon a finding by the Zoning Administrator of a First violation within any twelve (12) month period, the short term rental license may be suspended for up to thirty (30) days and during said time the premises shall not be utilized for a short term rental.
- 2) Upon a finding by the Zoning Administrator of a Second violation within any twelve (12) month period, the short term rental license shall be suspended for thirty (30) days and during said time the premises shall not be utilized for a short term rental.
- 3) Upon a finding by the Zoning Administrator of a Third violation within any twelve (12) month period, the short term rental license shall be revoked and the owner or Managing agency or Agent who had been issued the short term rental license shall not again be issued a short term rental license for a period of twenty-four (24) months and during said time the premises shall not be utilized for a short term rental. Appeal from denial or suspension or revocation of a short term rental license is allowed.

**Section 8. Appeal.**

Any applicant for short term rental license whose application was denied by the Zoning Administrator, and any licensee whose short term rental license is suspended or revoked by the Zoning Administrator, may, within ten (10) days following such decision, appeal such decision to the Zoning Board of Appeals, in which event the decision of the Zoning Administrator shall be vacated the Zoning Board of Appeals shall determine whether to affirm, reverse, or modify the decision of the Zoning Administrator in accordance with the requirements for short term rentals set forth in this section. At least fourteen (14) days prior to the Zoning Board of Appeals meeting to consider the appeal of the applicant or licensee, the Zoning Administrator or authorized designee, shall send, by United States mail, certified, written notice to the applicant or licensee of the time and place at which the Zoning Board of Appeals will consider the application, suspension or revocation, and the applicant or licensee shall be provided an

opportunity to be heard by the Zoning Board of Appeals prior to its decision being made. All neighbors within 300 feet must also be notified by United States mail the date, time and location of the Zoning Board of Appeals meeting. The decision of the Zoning Board of Appeals shall be final. The Zoning Board of Appeals Secretary shall notify the applicant or licensee, as applicable, in writing of the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals affirms the decision of the Zoning Administrator denying an application or suspending or revoking a license, the applicant or licensee shall have the right to appeal the decision to the circuit court. The decision of the Zoning Board of Appeals shall not be vacated during the pendency of any appeal to Circuit Court. The applicant for a short term rental license has the right to seek a stay in Circuit Court.

#### Section 9. Prohibited Activities.

A tenant shall not violate any of the approval standards specified in Section 4 of this Ordinance.

#### Section 10. Nuisance.

A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.

#### Section 11. Violations.

A person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered a separate violation.

#### Section 12. Enforcement Officials.

The Zoning Administrator and other persons designated by the Township Board are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violators of this Ordinance to appear in court.

#### Section 13. Civil Action.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 14. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 15. Effective Date

This Ordinance shall become effective thirty (30) after being published in a newspaper of general circulation within the township.

TOWNSHIP OF HAYES

Ethel R. Knepp  
By: Ethel R. Knepp, Supervisor

Date: 3-18-13

M. Golovich  
By: Marlene Golovich, Clerk

Date: 3-18-13

## Subject: more information



**Roy Griffiths** <rwgriffitts3@gmail.com>  
to Hayes DCworkgroup

Thu, Apr 9, 9:24 AM (13 days ago)

Good Morning All,

Thank you for an excellent start to our project. We have a really powerful group of skills and knowledge that will serve the township very well.

I am attaching a file from Emmet County's planning commission. It is the packet that for tonight's PC meeting. In particular they have some information on their work on Data Centers and are starting to create ordinance language. This starts at page 95 and goes through 112. If can I figure out how to extract those pages into a document for us I will send that along.

All the best,

Roy

[https://d24dylmovkh630.cloudfront.net/DocSearch/data/planning-commission/2026/Packets/PC\\_P\\_2026-04-09.pdf](https://d24dylmovkh630.cloudfront.net/DocSearch/data/planning-commission/2026/Packets/PC_P_2026-04-09.pdf)

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For more options, visit <https://groups.google.com/d/optout>.

Subject: Re: Data center committee meetings?

Tue, Apr 7, 10:26 AM

 **Hayes Treasurer** <treasurerhayestownshipmi@gmail.com>  
to LuAnne Kozma

We have not yet set a schedule of meetings.

Thank you.

On Mon, Apr 6, 2026 at 3:35 PM LuAnne Kozma <[REDACTED]> wrote:

Julie,  
Do you have a meeting schedule for the data center group meetings? Please send, thanks.


LuAnne



Julie Collard--Hayes Township Treasurer

*Darkness cannot drive out darkness: only light can do that. Hate cannot drive out hate: only love can do that. -Martin Luther King Jr.*

## Subject: Wednesday agenda

 **Roy Griffiths** <rwgriffits3@gmail.com>  
to Hayes DCworkgroup

Mon, Apr 6, 7:57 PM

Good evening all,

Attached please find an agenda draft for Wednesday. This first meeting is just for members of the group, to meet and get organized, talk about how we move forward and how to respond to the inevitable questions that we will face.

If any of you have any questions or concerns, feel free to email me or call me at (214) 808-0335.

See you all Wednesday at 7

Thanks,

Roy

—


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## Data Center Work Group

April 8, 2026

7 pm

To Do List – AKA – Agenda

Let's introduce ourselves to each other, who we are, what we do and why we wanted to help.

We can try to set some sort of meeting calendar.

What do we want to come out this process?

Let's learn a common language and prepare to teach it to the township.

How do we communicate with each other and the public?

Ideas from the group to talk about.



Subject: Re: data center work group support



**Roy Griffiths** <rwgriffitts3@gmail.com>  
to LuAnne Kozma, Hayes Treasurer, Hayes supervisor

Mon, Mar 30, 8:30 AM

Thank you for the reply.

On Fri, Mar 27, 2026 at 1:18 PM LuAnne Kozma <[REDACTED]> wrote:

No, sorry, can't do that.

LuAnne

On Mon, Mar 23, 2026 at 9:37 AM Roy Griffiths <rwgriffitts3@gmail.com> wrote:

Good Morning LuAnne,

Following up on our previous email regarding the work group's membership, we would like to request your contribution to the process.

Given your demonstrated interest in data center actions in court and lawsuits on applications for data centers in other areas of the State , we could use your assistance in monitoring and reporting on these actions, specifically an analysis of what arguments were made by the two sides and the rationale for any legal decisions.

If you could provide a monthly analysis—or updates whenever significant actions occur—it would be greatly appreciated. I am happy to discuss this further if you have any questions.

Best Regards,

Roy Griffiths  
Julies Collard

## Subject: MAP handouts and seminar recording



**Roy Griffitts** <rwgriffitts3@gmail.com>  
to Hayes DCworkgroup

Sun, Mar 29, 7:33 PM

Attached please find the links to the powerpoint handout and the MAP seminar on data centers and zoning.

So far this has been most informative

Roy

[https://associationdatabase.com/aws/MAP/asset\\_manager/get\\_file/942643?ver=1&ics-token=c5d672670ffda7c9af250c94151f65ab7cc8f66578ef1b7f03a4fc33f7a58f82](https://associationdatabase.com/aws/MAP/asset_manager/get_file/942643?ver=1&ics-token=c5d672670ffda7c9af250c94151f65ab7cc8f66578ef1b7f03a4fc33f7a58f82)

<https://vimeo.com/1164475475/0ec8bbb3ac?share=copy&fl=sv&fe=ci>

—

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To view this discussion visit <https://groups.google.com/d/msgid/hayes-dcworkgroup/c51e9333-a3e7-423f-ab83-20b5bec82522n%40googlegroups.com>.

For more options, visit <https://groups.google.com/d/optout>.





## Data Centers and Artificial Intelligence In Michigan

- Fall 2025 MAP conference featured sessions on data centers and AI,
- Since then, MAP has conducted research on data centers
- This is an emerging issue—communities are "building the ship while sailing"
- Please share resources, best practices, ordinances in the chat



## Zoom Tips for Michigan Association of Planning Workshops

### Technical Issues?

#### Contact staff

- Chat Box
- Phone: (734) 913-2000
- Email: [info@planningmi.org](mailto:info@planningmi.org)

### Question for the Presenters?

We'll take them at the end

- Use the Question and Answer function

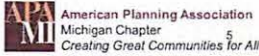


## TODAY'S PRESENTERS

Sarah Mills, PhD

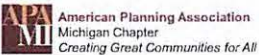


Mike Auerbach, AICP



## Outline

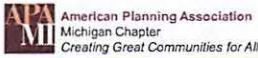
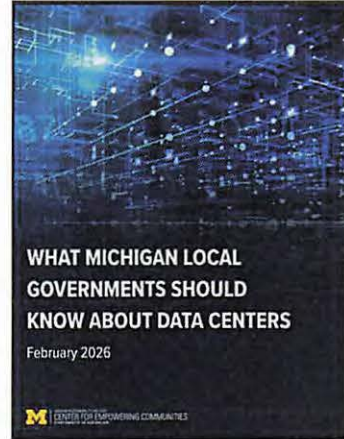
- Data center basics
- Not-just-local impacts & Michigan regulations
- Planning & zoning
- Q&A





## My ship-building confession

- Knowledge in September 2025 = 0
- Called on counterparts in other states
- Triangulated truth
- Extrapolated from renewables experiences
  
- Shout out to Ann Wilkinson!
  
- Guide < 1 week old  
<https://graham.umich.edu/product/michigan-data-centers-guide>



## DATA CENTER BASICS

DATA CENTER KNOW HOW FOR PLANNERS AND OFFICIALS





## Why this matters for Michigan now

- **Surge in genAI demand** = significantly larger, more resource-intensive facilities
- **Expanded state sales/use tax incentives** = more interest from developers of large (\$250M+) data centers



## What is a data center?

**Physical facilities that house IT infrastructure including:**

- Servers
- Networking equipment
- Power supply and backup generators
- Cooling systems
- Security systems

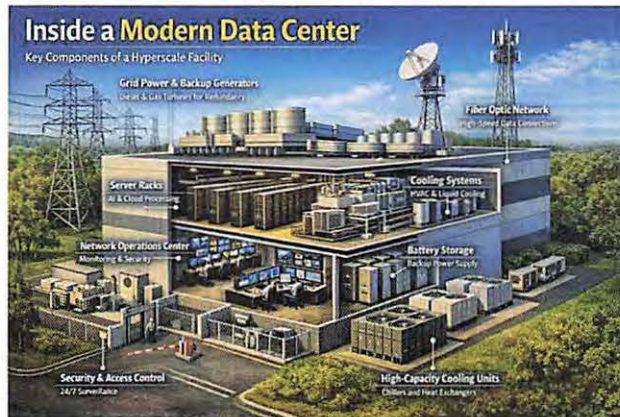


Image source: <https://mitechnews.com/esd/michigan-joins-the-ai-data-center-boom-even-as-the-power-grid-strains-to-keep-up/>





## Lots of (shapes and) sizes



Southfield, 135k sqft, 7 MW

Photo source: <https://www.craigslist.com/technology/how-123nets-southfield-data-center-works>



Saline Township, 1.6M sqft, 1,400 MW  
(planned)

Photo source: <https://bridgemi.com/michigan-environment-watch/die-consumers-advance-plans-for-power-hungry-data-centers-in-michigan/>



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## What a data center is looking for?

- **Electricity:** sites near transmission lines
- **Backbone fiber:** connection to the internet
- **Contiguous land:** easier for security
- **Water source:** especially if water-cooled
  
- **Cleared land**
- **Low millage rates**
- **Favorable zoning**



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## NOT-JUST-LOCAL IMPACTS & MICHIGAN REGULATIONS

DATA CENTER KNOW HOW FOR PLANNERS AND OFFICIALS



### How much electricity does a data center use?

- **It depends!**
  - 3kW - > 2,000 MW
  - Not necessarily correlated with square footage
- **Fun fact:** Data centers actually "measured" in MW (electricity usage)
- **For context:** Michigan's total capacity in 2024 was 32,000 MW





## Does it need super-reliable electricity?

### It depends!

- Data centers rated by reliability / redundancy
  - More redundancy = higher "tier"
- Some functions (e.g., banking) need high redundancy; others, less redundancy



Photo source: <https://www.colocationamerica.com/blog/explaining-data-center-uptime>



## Who regulates data center electricity use / cost?

- There's no "usage police"
- MPSC = regulator of utilities
  - Prove annually capacity to serve customers
  - Regulate rates to customer classes
  - Compliance with clean energy standard:
    - 15% renewable through 2029
    - 50% renewable in 2030
    - 60% renewable + 80% clean in 2035
    - 100% clean in 2040





## What impact might data centers have on electricity rates?

- **We don't know; conflicting nationwide evidence**
  - Rate increases reported
  - But a couple states with increased load saw rate decreases
- **In Michigan,**
  - "Cost-of-service" ratemaking
  - Recent MPSC cases suggest data centers pay for expansion
- **My wish list**
  - Know what rates will be with/without data centers
    - Will data centers help share upgrade costs more widely?
    - Will data centers make achieving clean energy goals more expensive?



## How much water does a data center use?

- **It depends!**
  - Evaporative cooling: Lots (5M gal/day)
  - Closed-loop/air cooling: Minimal (just office/site needs)
- **Indirect water impacts:** if powered by coal, natural gas, nuclear
- **For context:**
  - Great Lakes Water Authority demand = 1 billion gal/day
  - Michigan power plants = 5.4 billion gal/day





## Who regulates data center water use?

- **EGLE, specifically Geologic Resources Management Division**
  - Pumps  $\geq$  100k gal/day (70 gpm)
  - Extra if:
    - sensitive areas
    - $>$  2M gal/day
- **Applies to all producers** (ag, utilities, industry)
- **If public utility, Safe Drinking Water Act**  
"maintain capacity and reliability for existing customers"



## The Conundrum: Energy-Water Trade-Off

- Evaporative cooling = more (direct) water, less electricity
- Closed-loop/air cooling = less water, more electricity
- **Which is more environmentally friendly?**
  - ?
  - Depends on geographic scale
- **Overall notes**
  - Both cooling technologies are still in use
  - Better in cool environment
  - Better in places with a cleaner grid





## What is in a data center's wastewater?

- **It depends!**
  - Evaporative cooling: conditioning chemicals, biocides to reduce legionella
  - Closed-loop/air cooling: normal office discharge\*



## Who regulates data center wastewater?

- **EGLE**
  - No different than any other industry
- **If on sanitary sewer:** Regulated through utility; may require Industrial Pretreatment Program
- **If not on sanitary sewer:**
  - If discharging to surface water: permit via National Pollution Discharge Elimination System
  - If discharging onto/into ground (e.g., septic system): Groundwater Discharge Permit
    - Local health departments regulate instead if < 10k gal/day





## What impact might a data center have on air quality?

- **Associated with electricity production**
- **When pulling power from grid:**
  - Emissions from polluting power plants typically elsewhere
- **When back-up generators running:**
  - Emissions on-site
  - Regulated by EGLE Air Quality Division
- **Cleanest options**
  - Power with clean energy sources
  - Flexible operation for data center, virtual power plants (VPPs), dynamic scheduling



## Overview of State Sales & Use Tax Incentive Requirements

|   | Qualified Data Center                                  | Enterprise Data Center   |
|---|--|--|
| <b>Key definitional feature</b>           | 75%+ of revenue from unaffiliated colocated businesses | Must have a minimum of \$250M equipment investment   |
| <b>Job Requirements</b>                   | 400-1,000 aggregate statewide                          | 30 per facility at 150% median prosperity wage   |
| <b>Clean Energy</b>                       | No requirements  | 90% of usage   |
| <b>Green Building Standards</b>           | No requirements  | One or more certified standards within 3 years   |
| <b>Water Source</b>                       | No requirements  | Municipal  |
| <b>Property Tax</b>                       | No requirements  | Cannot receive sunset, state, or local property tax benefits without local approval  |
| <b>Certification Requirements/Details</b> | Claim at point of sale                                 | Must receive Michigan Strategic Fund certification before making purchases. No new certifications after December 31, 2029. |
| <b>Revocation</b>                         | No requirements  | If certification is revoked, repayment is required   |



# WHAT ARE THE ECONOMIC IMPACTS OF A DATA CENTER?

## Whitmer touts 'largest investment in Michigan history' with OpenAI, Oracle data center project

Project expected to create thousands of jobs

Ken Haddad, Manager, Coverage and Content

Published: October 30, 2025 at 7:26 PM

Tags: Michigan, Saline, Washtenaw County

### Jobs

- Lots (thousands) of construction jobs
- Estimates of direct permanent jobs range widely (dozens to hundreds)
- Many indirect/induced jobs

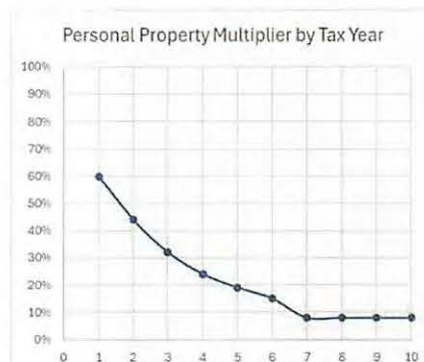


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# What are the economic impacts of a data center?

### Property taxes

- Huge investment (\$100M -> \$10B)
- STC: data centers = commercial use
- Commercial personal property
- Section F = swift depreciation
- Servers may be regularly replaced
- Communities have *option* to offer incentives



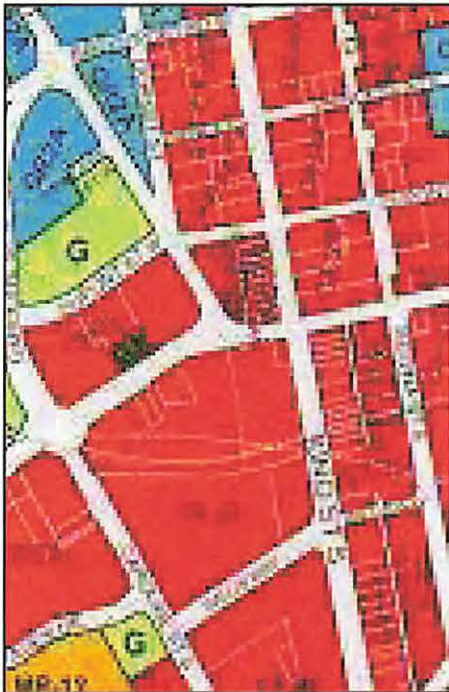
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## What about other monetary benefits?

- Often, **capacity for big benefits**, especially for large projects
  - Saline Township (1.4GW): \$2M community investment fund; \$4M farmland preservation; \$8M fire department
  
- However, **questionable enforceability** unless
  - tied to public subsidy (like property tax abatement)
  - part of court settlement



## PLANNING & ZONING

DATA CENTER KNOW HOW FOR PLANNERS AND OFFICIALS





## Introduction

- **Overview of what we've learned so far**
  - Variety of regulatory options: some new, some not.
  - Depends on community priorities.
- **“Best practice” is a moving target**
  - New zoning strategies have not been challenged yet.
  - Make sure your regulations are reviewed by your attorney.



## HIGH RESOURCE DEMAND/HIGH IMPACT LAND USES

- Data center development brings new considerations for how we plan and zone for a variety of industrial uses.
- Consider a land use category that applies to *any* high resource demand or high impact land use, not just data centers.





## Audit Your Master Plan, Zoning Ordinance, and Map

### Review current list of uses

- Many ordinances already have terms like data centers, computer processing centers, or general terms that data centers might fall under.
- Not intended for data centers as they are today.

### Moratorium?

- Reasonably short moratoria to allow time to draft and adopt regulations are usually appropriate.
- Ask your attorney.
- Depends on timing.



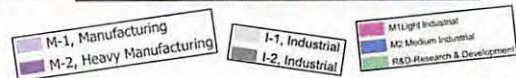
## Audit Your Master Plan, Zoning Ordinance, and Map

### Planned/Zoned Industrial Areas

- Data centers are an industrial use that require buffers.
- Pick industrial districts with adequate separation from incompatible uses.

### What are your industrial development priorities?

- *Might* bring infrastructure investment and tax revenue growth.
- Not clear if they will attract other development.
- Probably not job creators.





## Audit Your Master Plan, Zoning Ordinance, and Map

### ■ Proximity to Residential

- Not a good fit.
  - Noise is a major issue.
- Are industrial districts near existing or *future* residential?
- Consider limiting to more intensive industrial districts or create overlay.



Source: <https://www.washingtonpost.com/dc-md-va/2024/04/30/data-centers-regulations-northern-virginia-georgia-arizona/>



## Audit Your Master Plan, Zoning Ordinance, and Map

### ■ Farmland and Natural Resources

- Identify areas that *aren't* appropriate:
  - Prime farmland/productive soils.
  - Wetlands/woodlands.
  - Groundwater recharge.



### ■ Infrastructure implications

- Is capacity available?
- Data centers could bring significant new infrastructure investments.  
Is that what your community wants?





## Defining Data Centers in your Zoning Ordinance

### ▪ Establish Categories

- Large-scale, Small-scale, Accessory.
- Special use is recommended.

### ▪ Define by Facility Characteristics

- 24-hour operations, uninterrupted environmental control (temperature/humidity), or high-reliability power systems.
- Dedicated electrical substation.
- On-site emergency electricity generation and/or on-site fuel storage.
- Generation or storage of hazardous materials/regulated wastes.



## Defining Data Centers in your Zoning Ordinance

### ▪ Define by Scale

- Lot size.
- Aggregate building floor area.

### ▪ Define by Resource Demand

- Water consumption and sewer discharge thresholds.
  - Thresholds need to be community specific.
- Electric nameplate capacity.
  - Data center electricity demand
    - *Example:* Electric demand greater than 10 MW for large scale.
  - On-site energy generation
    - *Example:* On-site emergency generation with an aggregate nameplate capacity exceeding 2 MW, and/or on-site fuel storage exceeding 10,000 gallons.





## Application Requirements

- Cooling/climate control equipment specifications.
- Special review escrow.
  - Applicants should pay.
  - Sound engineers, process engineers, hydrogeologists.
- Anticipated water consumption, sewer discharge.
- Noise study.
- Decommissioning plan & financial assurance.



## A Little More about Noise

Data centers use equipment similar to other industrial and utility facilities.

### *(Relatively) constant sources:*

- Cooling equipment/HVAC
- Transmission lines
- Substations



### *Intermittent sources:*

- Natural gas/diesel generators

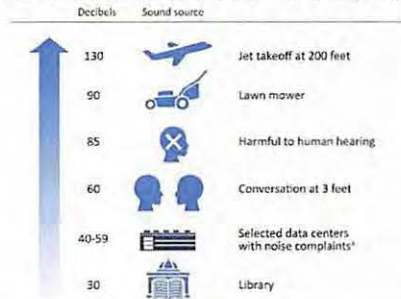




## A Little More about Noise

- Equipment can be loud at the source (~80 to ~100 dBA)
- Usually quiet at distance, but can be noticeable.

2024 Report to the Governor and the General Assembly of Virginia  
*Case Studies of Data Center Noise Complaints in VA*  
 Data center sound is noticeable but quieter than many common sounds



SOURCE: IARC review of Occupational Safety and Health Administration, U.S. Centers for Disease Control and Prevention, and Federal Aviation Administration websites, and analysis of complaint data from Fairfax and Loudoun. NOTE: The units are A-weighted decibels. \* Encompasses measurements at locations where local staff recently measured data center noise using A-weighted decibels. Measurements are a response to complaints, so they are not representative of all data centers. Measurements indicate total sound, not the isolated amount from data centers.



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Source: Data Centers in Virginia, Joint Legislative Audit and Review Commission, December 9, 2024. Retrieved from <https://sec.state.virginia.gov/records/2024/03/03.pdf>

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## Performance Standards/Re-Application Requirements

- **Noise Limits**
  - Lot line noise limits
    - Account for surroundings.
    - Less of an issue if remote/adjacent to other industrial.
    - When near residential, limits between 50 dBA Leq - 40 dBA Leq are appropriate.
  - Generator testing hours (limit to daytime, weekdays)
  - Don't forget vibration.
- **Lighting**
  - Data center facilities usually use lighting/cameras for security.
  - Ensure illumination/color temperature limits are in place to prevent light pollution.



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## Performance Standards/Re-Application Requirements

### ■ Environmental/Sustainability Regulations

- Uncharted territory for zoning authority.
- Not just applicable to data centers. Ensure consistency.

### ■ Examples:

- Thermal emission limits.
  - *Example:* Facility shall not cause increase in air temperature 4°F above ambient background, averaged over any 15-minute period.
- Power Usage Effectiveness (PUE) target

$$PUE = \frac{\text{Total Facility Power}}{\text{IT Equipment Power}}$$

- *Example:* Design for PUE of 1.3 or lower, or demonstrate the highest efficiency reasonably achievable given site constraints; provide documentation at Site Plan and post occupancy.



## Siting and Design

### ■ Siting

- Ensure setbacks are specific to noise generating equipment.

### ■ Architecture (if desired and not screened)

- Rooflines and pitches should be consistent with nearby structures.
- Require design elements at minimum intervals (e.g. 25 feet).
  - Variations in material module, pattern, and/or color
  - Belt course, string courses, cornice
  - Reveals, projections, transparency

### ■ Screening

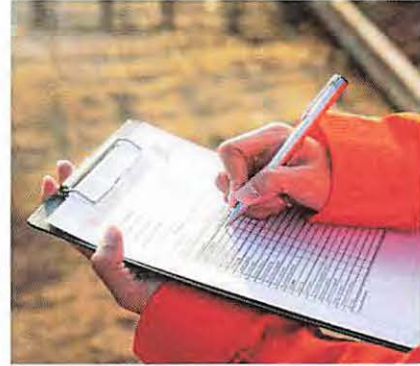
- Landscaping for visual screening and aesthetics
- Walls/barriers for noise mitigation





## Monitoring and Reporting

- **Prior to certificate of occupancy**
  - Compliance with noise requirements
  - Commissioning tests
- **Ongoing (annual, monthly, as needed)**
  - Meter water/sewer use
  - Generator testing/operating hours
  - Require copies of EGLE/outside agency reports
  - Sound monitoring



## Decommissioning

- **Triggers and Deadlines**
  - Cease operations for certain timeframe (12 months).
  - Timeframe for owner to decommission.
- **Financial Assurance**
  - Letter of credit, bond, or escrow.
  - Provide prior to construction.
  - Review on regular basis (every few years).





## Decommissioning

- **Decommissioning Plan**
  - Specify structures to be removed (above and below ground).
  - Disposal requirements.
- **Site Restoration**
  - Soil restoration, seeding and planting with vegetation.



## QUESTIONS AND COMMENTS





## More Questions?

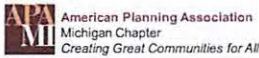
### Sarah Mills, PhD

University of Michigan  
[sbmills@umich.edu](mailto:sbmills@umich.edu)  
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Carlisle/Wortman Associates, Inc.  
[mauerbach@cwaplan.com](mailto:mauerbach@cwaplan.com)  
(734) 662-2200 ext. 133

- Thanks to **EGLE**
  - Answer questions
  - Presentations to planning commission/board
  - Guide:  
<https://graham.umich.edu/product/michigan-data-centers-guide>



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# APAMI



## THANK YOU!

FOR MORE INFORMATION ON *MEMBERSHIP*, HOW TO *BRING TRAINING TO YOUR COMMUNITY*, OR *OTHER WORKSHOP TOPICS* PLEASE SEE GIVE US A CALL OR SEND US AN EMAIL!

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## Subject: Re: The morning after



Jon Purdy <[REDACTED]>

to Roy Griffiths, Hayes DCworkgroup

Sun, Mar 29, 10:08 AM

Saw this article today and thought I'd share.

<https://fulurism.com/artificial-intelligence/seminole-nation-data-centers>

On Fri, Mar 27, 2026, 09:17 Roy Griffiths <[rwgriffitts3@gmail.com](mailto:rwgriffitts3@gmail.com)> wrote:

Good morning all,

I clearly picked the wrong day and time and caught you folks traveling or otherwise busy. Apologies for that.

Short recap.

We settled on Wed. April 8 at 7 pm for our next attempt at meeting one another. I think we should meet at the township hall.

We can confirm our meeting schedule and we can start to firm up the parameters of our project.

In the mean time, let's continue to gather information and if you wish we can start to provide some written thoughts about the issues and challenges from what we find or out or from our experience. Last night I looked for information on how data centers generate revenue which interestingly lead to information on size and structure. I am attaching a couple of articles on this topic. It seems to suggest one of the criteria that we should include in our report.

I look forward to meeting all of you and reading anything that you care to share as you noodle on this topic.

Roy

<https://optrium.co.uk/how-do-data-centres-make-money/>

<https://www.globaldatacenterhub.com/p/the-3-ways-data-centers-make-money>

—

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For more options, visit <https://groups.google.com/d/optout>.

Subject: Re: test



'Joe McHugh' via Hayes DCworkgroup <hayes-dcworkgroup@googlegroups.com>  
to Roy Griffiths, Hayes DCworkgroup

Thu, Mar 26, 7:21 PM

Hi Roy,

Sorry for the noise interference on the zoom meeting . The 7<sup>th</sup> or the 8<sup>th</sup> will work for me for a meeting .

Thanks  
Joe McHugh

---

**From:** [hayes-dcworkgroup@googlegroups.com](mailto:hayes-dcworkgroup@googlegroups.com) <[hayes-dcworkgroup@googlegroups.com](mailto:hayes-dcworkgroup@googlegroups.com)> on behalf of Roy Griffiths <[rgriffitts3@gmail.com](mailto:rgriffitts3@gmail.com)>  
**Sent:** Thursday, March 26, 2026 5:49:29 PM  
**To:** Hayes DCworkgroup <[hayes-dcworkgroup@googlegroups.com](mailto:hayes-dcworkgroup@googlegroups.com)>  
**Subject:** test

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I have created this google group to funnel emails from the public into one location so we can keep track of them and we can all see them. We will talk about this further, this is a test to see if I am doing, correctly.

Roy

--

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To view this discussion visit <https://groups.google.com/d/msgid/hayes-dcworkgroup/a4512aa0-b55c-46f4-9ff7-dc353bda8c94n%40googlegroups.com>.

For more options, visit <https://groups.google.com/d/optout>.

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For more options, visit <https://groups.google.com/d/optout>.





# NORWOOD TOWNSHIP BOARD BRIEFING

## Zoning Controls for Data Centers / High-Intensity Computing Facilities

---

### Purpose

To provide the Township Board with a clear, legally sound approach to managing potential data center development in a way that protects township infrastructure, residents, and long-term financial interests.

---

### Why This Issue Requires Immediate Attention

Data centers are increasingly targeting rural communities due to land availability and lower costs. While often presented as low-impact, these facilities can place significant demands on local systems:

- Electrical Load: Extremely high demand, often requiring new substations or grid upgrades
- Noise: Continuous operation of cooling systems and periodic generator testing
- Traffic: Heavy truck traffic during construction and ongoing maintenance
- Backup Power: Large diesel generator arrays and on-site fuel storage
- Limited Local Benefit: Minimal permanent employment relative to land use

Without proper zoning in place before a proposal is submitted, the Township may have limited ability to control these impacts.

---



## What Michigan Law Allows

Under Michigan zoning law:

- A township cannot completely prohibit a legitimate land use everywhere
- However, a township can control where and how that use occurs

This includes the ability to:

- Restrict the use to specific zoning districts
- Require Special Land Use approval
- Require site plan review
- Impose reasonable conditions to protect public health, safety, and welfare



Key Principle:

The Township regulates impact—not simply the use itself.

---

## Recommended Zoning Strategy

### 1. Restrict Location

- Allow data centers only in the most restrictive industrial district
- Prohibit in residential, agricultural, and commercial zones

### 2. Require Special Land Use Approval

- No by-right approval
- 

- Township retains discretion based on compatibility and impact

### 3. Require Proof of Infrastructure Capacity

Applicant must demonstrate:

- Electrical system can support demand without affecting existing users
- Local roads can handle construction and operational traffic
- Fire and emergency services can adequately respond

### 4. Establish Performance Standards

- Strict noise limits at property lines
- Large setbacks and buffering from neighboring properties
- Controls on generator placement and testing
- Lighting limits to prevent spillover
- Stormwater and environmental protections

### 5. Require Decommissioning Assurance

- Site restoration plan required
  - Financial guarantee (bond or escrow) to protect the Township
-



## Why This Works


- Legally defensible under Michigan law
- Ensures developers address impacts before approval
- Protects township taxpayers from infrastructure costs
- Maintains rural character and land-use compatibility

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## Immediate Action Option

If development pressure is anticipated, the Township may adopt an:

### Interim Zoning Ordinance

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- Takes effect quickly
  - Temporarily regulates or pauses development
  - Provides time to adopt permanent standards

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## Bottom Line

This is not about stopping development.

It is about ensuring that any development pays its own way and does not burden the Township.

If a project is appropriate, it will meet the standards.

If it cannot, it does not belong here.

## Case law governing Zoning:

The main statute is MCL 125.3207, which says a zoning ordinance or zoning decision cannot have the effect of totally prohibiting a land use within the local unit if there is a demonstrated need for that use in the local unit or surrounding area, unless there is no place where it may be appropriately located or the use is unlawful. That is the rule you have to design around.

The most useful Michigan Supreme Court case is *Kyser v Kasson Township*, 486 Mich 514 (2010). *Kyser* explains that Michigan's exclusionary-zoning statute, now MCL 125.3207, is the governing framework for these claims, and it also reinforces that zoning ordinances are generally presumed valid. In other words, a township has room to regulate, but it should avoid writing an ordinance that looks like a disguised total ban.

Another useful case is *Hendee LLC v Meridian Township*, which the search results identify as addressing ripeness under MCL 125.3207. The takeaway is that an exclusionary-zoning challenge often is not ripe until there has been an actual zoning request or application process sufficient to frame whether the use is truly excluded in that community. That matters because a township is usually on firmer ground if it has a real ordinance with standards and a real review process, rather than an ad hoc "no."

For the "demonstrated need" piece, *Houdek v Centerville Township* is helpful. The Court of Appeals there rejected an exclusionary-zoning claim because the plaintiffs had not shown a total prohibition and had not shown a demonstrated need for the use. That case supports the point that the challenger carries real burdens under the statute.

A more recent case that matters for ordinance drafting and administration is *JS Beck Rd LLC v Charter Township of Northville*. It is not about data centers, but it is very relevant to any use you place under special land use review. The Court of Appeals held that the planning commission had to adequately articulate the basis for denial and comply with MCL 125.3502(4) by incorporating findings or conclusions supporting the decision. So if a township uses special land use review for data centers, the ordinance should contain clear standards, and the township must make specific factual findings when approving or denying an application.

There's no Michigan case yet that deals specifically with data centers that I'm aware of, but the law we'd be operating under is already well established. Michigan courts have made it clear, most notably in *Kyser v Kasson Township*, that a township can't completely prohibit a legitimate land use if there's a demonstrated need for it, but it can control where and how that use occurs. The statute that governs this, MCL 125.3207, is really the guardrail. The practical takeaway is that we don't try to ban something outright; we define it as a specific use, limit it to a narrow zoning district, and require special land-use approval with clear standards. Courts have consistently upheld that approach, as long as the township ties its decisions to real impacts like infrastructure capacity, noise, traffic, and public services, and makes clear findings if something is denied. In other words, the safest path isn't saying "no," it's saying "show us you won't overwhelm the township."