

**RESOLUTION 2092026A , TO IMPOSE A TEMPORARY MORATORIUM ON
APPROVAL OF DATA CENTERS**

WHEREAS, the Hayes Township Zoning Ordinance does not address data centers; and

WHEREAS, data centers are being proposed in communities in Michigan; and

WHEREAS, data centers currently operating in Michigan are of a significantly higher intensity than typical uses of property within the Township; and

WHEREAS, for the health, safety, and welfare of the residents of Hayes Township, and for the protection of its natural resources, it is necessary that portions of the Zoning Ordinance be revised and rewritten to regulate data centers and clearly define the parameters for their consideration by the Township; and

WHEREAS, the Hayes Township Board of Trustees has concluded that it is necessary to study and consider proposed amendments to the Zoning Ordinance to ensure a consistent, cohesive and sensible policy, which conforms to the most recent jurisprudence is developed and maintained with regard to data centers and regulation of data centers; and

WHEREAS, the Hayes Township Board of Trustees has concluded that, during the pendency of such consideration, it would be counterproductive for applications relating to data centers to move forward; and

WHEREAS, the Hayes Township Board of Trustees has concluded that, during the course of deliberations on the anticipated revisions, there should be a deferral of review of data center applications; and

WHEREAS, the Hayes Township Board of Trustees has received a request from the Hayes Township Planning Commission to consider the imposition of a moratorium to give it time to conduct the necessary research and review and to recommend necessary changes to the Hayes Township Zoning Ordinance,

NOW, THEREFORE, BE IT RESOLVED as follows:.

1. For a period commencing on the date of this resolution and terminating one hundred eighty (180) days from the date of this resolution, and except as otherwise provided herein, and unless terminated earlier by subsequent Ordinance or Resolution, there shall be no consideration or action taken by the Township Board, Planning Commission, or other Township entity, official, or agent, on applications for data centers under the Zoning Ordinance or any other applicable section of the Hayes Township ordinances.
2. No data centers shall be accepted for review, consideration, approval, or otherwise allowed during the moratorium period.
3. The Township Planning Commission, along with any necessary planners, engineers, Township officials, and attorneys, shall proceed with efforts to study the relevant state of the law, and shall present to the Township Board and Planning Commission a proposed

plan for amending the Zoning Ordinance, or the adoption of any other necessary ordinances, or any combination thereof, with respect to applicants for data centers, as deemed appropriate.

4. The Township Board may extend the term of this moratorium resolution prior to the expiration of its then-current term, if the Township Board determines additional time is necessary to consider and possibly adopt the ordinance amendments as described herein. Such extensions shall be for thirty (30) days, and multiple extensions are allowed. All other provisions of this Resolution shall remain in full force and effect during any such extension period.

ADOPTED BY THE FOLLOWING VOTE:


YEAS: Matt Cunningham, Julie Collard, Kristin Baranski, William Conklin

NAYS: None

ABSTAIN: None

ABSENT: Doug Kuebler

Declared adopted on February 9, 2026

 2-10-2026
Kristin Baranski, Hayes Township Clerk

 2-10-2026
William Conklin, Hayes Township Supervisor

Resolution # 2092024 A amended by Resolution
03092026B and Resolution # 05112024A

**RESOLUTION 03092026B, TO AMEND RESOLUTION 2092026A, IMPOSING A
TEMPORARY MORATORIUM ON ACCEPTANCE AND/OR CONSIDERATION OF
ANY APPLICATION FOR DATA CENTERS**

WHEREAS, on February 9, 2026, the Hayes Township Board of Trustees approved Resolution 2092026A, titled “RESOLUTION 2092026A, TO IMPOSE A TEMPORARY MORATORIUM ON APPROVAL OF DATE CENTERS”; and

WHEREAS, said Resolution imposed a 180-day moratorium on the acceptance of any application or consideration or approval by the Township Board, Planning Commission, or other Township entity, official, or agent, for data centers under the Zoning Ordinance or any other applicable section of the Hayes Township ordinances; and

WHEREAS, the Township Board of Trustees has determined that the Township will likely need more that 180 days to consider appropriate changes to the ordinances of the Township; and

WHEREAS, the Township Board of Trustees would like to change the tittle of the resolution to make it clear that the resolution pertains to more than just the approval of any applications; and

WHEREAS, to date, there has been and is no application for a data center in hayes Township; and

WHEREAS, the Township Board of Trustees would like to add a provision allowing a property owner to present to the Township Board of Trustees an argument that the moratorium has deprived their property of all viable economic use and seek relief from the moratorium,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The title of Resolution 2092026A shall be amended to “RESOLUTION 2092026A, TO IMPOSE A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND/OR CONSIDERATION OF ANY APPLICATION FOR DATA CENTERS”.
2. Paragraph 1 of the resolution shall be amended to read:

For a period commencing on the date of this resolution and terminating three hundred sixty (360) days from the date of this resolution, and except as otherwise provided herein, and unless terminated earlier by subsequent Ordinance or Resolution, there shall be no consideration or action taken by the Township Board, Planning Commission, or other Township entity, official, or agent, on applications for data centers under the Zoning Ordinance or any other applicable section of the Hayes Township ordinances.

3. The following provision shall be added as Paragraph 5 to the Resolution:

During the effective period of the moratorium, a property owner shall be entitled to a hearing for the purpose of attempting to demonstrate to the Township Board that the temporary moratorium established by this Resolution will result in the preclusion of any viable economic use of their property or otherwise violates applicable provisions of state or federal law. The hearing shall be conducted on an expedited basis before the Township

Board. At the conclusion of the hearing, the Township Board shall make findings and conclusions with respect to whether the owner has demonstrated that all viable economic use of the property has been precluded by the temporary moratorium adopted in this Resolution, and whether this Resolution is unconstitutional on its face or as applied to the petitioner's case. If it is found and demonstrated that the moratorium has the effect of precluding all viable economic use of the property, or that it violates state or federal law, the Township Board shall grant relief from the moratorium to the degree necessary to cure the contravention.

4. All other provisions of Resolution 2092026A remain unchanged.


ADOPTED BY THE FOLLOWING VOTE:

YEAS: MATT CUNNINGHAM, JULIE COLLARD, KRISTIN BARANSKI, WILLIAM CONKLIN


NAYS: NONE

ABSTAIN: NONE

Declared adopted on March 9, 2026.



Kristin Baranski, Hayes Township Clerk



William Conklin, Hayes Township Supervisor

RESOLUTION 05112026A TO AMEND RESOLUTION 2092026A IMPOSING A
TEMPORARY MORATORIUM ON APPROVAL OF DATA CENTERS

WHEREAS, on February 9, 2026, the Hayes Township Board of Trustees approved Resolution 2092026A, titled "RESOLUTION 2092026A, TO IMPOSE A TEMPORARY MORATORIUM ON APPROVAL OF *DATA* CENTERS"; and

WHEREAS, on March 9, 2026, the Hayes Township Board of Trustees passed Resolution 03092026B amending Resolution 2092026A; and

WHEREAS, to date, there has not been any application for a land use for a data center in *Hayes* Township; and

WHEREAS, the Township Board of Trustees has determined that additional amendments need to be made to Resolution 2092026A, as amended by Resolution 03092026B, in order to correct spelling and other necessary wording changes,

NOW, THEREFORE, *IT IS* RESOLVED as follows:

1. The title of Resolution 2092026A shall be amended to "RESOLUTION 2092026A, TO IMPOSE A TEMPORARY MORATORIUM ON THE *CONSIDERATION OF ANY APPLICATION FOR A LAND USE FOR A DATA CENTER*".
2. Paragraph 1 of the Resolution shall be amended to read:

For a period commencing on the date of this resolution and terminating three hundred sixty *five (365)* days from the date of this resolution, and except as otherwise provided herein, and unless terminated earlier by subsequent Ordinance or Resolution, there shall be no consideration or action taken by the Township Board, Planning Commission, or other Township entity, official, or agent, *on any application for a land use for a data center under the Hayes Township Zoning Ordinance.*

3. Paragraph 5 of the Resolution shall be amended to read:

During the effective period of the moratorium, a property owner shall be entitled to a hearing for the purpose of attempting to *demonstrate* to the Township Board that the temporary moratorium established by this Resolution will result in the preclusion of any viable economic use of their property or otherwise violates applicable provisions of state or federal law. The hearing shall be conducted on an expedited basis before the Township Board. At the conclusion of the hearing, the Township Board shall make findings of fact and conclusions with respect to whether the owner has demonstrated that all viable economic use of the property has been precluded by the temporary moratorium adopted in this Resolution, and whether this Resolution is unconstitutional on its face or as applied to the petitioner's case. If it is found and demonstrated that the moratorium has the effect of precluding all viable economic use of the property, or that it violates state or federal law,

the Township Board shall grant relief from the moratorium to the degree necessary to cure the contravention.

4. All other provisions of Resolution 2092026A, as amended by Resolution 03092026B, remain unchanged.

ADOPTED BY THE FOLLOWING VOTE:

Cunningham, Kuebler, Baranski, Conklin

YEAS:

NAYS:

none

ABSTAIN:

Declared adopted on May 11, 2026.



Kristin Baranski, Hayes Township Clerk



William Conklin, Hayes Township Supervisor