

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING CHAPTER 42
LAND DEVELOPMENT REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

Section 1. Article 13 Moratorium

That Chapter 42 shall be amended to add Article 13 to read as follows:

Article 13. MORATORIUM

Sec.42-1301. - Moratoriums

In accordance with Act 279 of 1909, as amended, the City Council determines that in some cases, it is appropriate for the City to temporarily pause consideration and/or review of certain applications or requests or to not accept or process certain applications in order to allow the City adequate time to research an issue and adopt and/or amend, if applicable, any City ordinances related thereto. The City Council determines that it has the authority to enter into a temporary moratorium.

Sec.42-1302. – Data Center Moratorium

A. Findings.

1. The City Council determines that the approval of data centers may result in or produce negative impacts on permitted land uses and development and may harm the public health, safety and general welfare of property owners and residents of the City of Portage.
2. Recently, the City has received comments and information from the public raising public health, safety, and welfare concerns about the impacts of data centers on the residents and property owners of the City of Portage.
3. The City has a legitimate public purpose in assessing the regulation of the establishment and use of data centers within the City to ensure that data centers do not interfere with other land uses, or have substantial negative impacts on the environment, public, health and safety.
4. The City Council finds that adopting a limited moratorium is reasonable and necessary for, among other reasons, the following reasons:
 - a. Michigan courts have recognized that a moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy.
 - b. The City Council wants to review and study the public health, safety, and welfare concerns regarding data centers and any township regulations that may impact and/or regulate such projects.
 - c. The adoption of a moratorium will allow the City Council adequate time to study and possibly implement revisions to the City's ordinances and regulations, including attention

to and consideration of citizen input and involvement, public debate, and full consideration of all issues and points of view.

5. The City Council accordingly determines that it is desirable and in the public interest for the reasons set forth above that the City Council adopt a limited moratorium on the acceptance and/or processing of any applications for data centers.
- B. Moratorium/Term of Moratorium. The City Council adopts a limited moratorium on the acceptance and/or processing of any applications for a data center. The limited moratorium is until December 31, 2026, or until the effective date of any amended or new City ordinances or regulations addressing data centers are effective, whichever date occurs first.
- C. Extension of Moratorium. Before the moratorium on data centers expires, the City Council may extend the moratorium by resolution as appropriate to allow sufficient time to complete amendments or additions to its ordinances and regulations.

Sec.42-1303. – Battery Energy Storage System (BESS) Moratorium

- A. Findings.
 1. The City Council determines that the approval of Battery Energy Storage Systems (BESS) may result in or produce negative impacts on permitted land uses and development and may harm the public health, safety and general welfare of property owners and residents of the City of Portage.
 2. Recently, the City has received comments and information from the public raising public health, safety, and welfare concerns about the impacts of BESS on the residents and property owners of the City of Portage.
 3. The City has a legitimate public purpose in assessing the regulation of the establishment and use of BESS within the City to ensure that BESS do not interfere with other land uses, or have substantial negative impacts on the environment, public, health and safety.
 4. The City Council finds that adopting a limited moratorium is reasonable and necessary for, among other reasons, the following reasons:
 - a. Michigan courts have recognized that a moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy.
 - b. The City Council wants to review and study the public health, safety, and welfare concerns regarding BESS and any City regulations that may impact and/or regulate such projects.
 - c. The adoption of a moratorium will allow the City Council adequate time to study and possibly implement revisions to the City's ordinances and regulations, including attention to and consideration of citizen input and involvement, public debate, and full consideration of all issues and points of view.
 6. The City Council accordingly determines that it is desirable and in the public interest for the

reasons set forth above that the City Council adopt a limited moratorium on the acceptance and/or processing of any applications for BESS.

- D. Moratorium/Term of Moratorium. The City Council adopts a limited moratorium on the acceptance and/or processing of any applications for a BESS. The limited moratorium is until December 31, 2026, or until the effective date of any amended or new City ordinances or regulations addressing data centers are effective, whichever date occurs first.
- E. Extension of Moratorium. Before the moratorium on BESS expires, the City Council may extend the moratorium by resolution as appropriate to allow sufficient time to complete amendments or additions to its ordinances and regulations.

Section 2. Severability

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 3. Repeal

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

Section 4. Effective Date

This ordinance shall take effect 15 days following publication of a summary thereof, following adoption.

FIRST READING: January 27, 2026

SECOND READING: February 24, 2026

ORDINANCE #: O-2-2026

EFFECTIVE DATE: March 18, 2026

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING ARTICLE 4 ZONING,
DIVISION 3, BY AMENDING SECTION 42-140 TO ADD
REGULATIONS REGARDING TEMPORARY MORATORIUM**

THE CITY OF PORTAGE ORDAINS:

Section 1.

That Chapter 42 shall be amended by amending Article 4 Zoning, Division 3 General Provisions by amending Section 42-140 Temporary Moratorium to read as follows:

**CHAPTER 42 LAND DEVELOPMENT REGULATIONS. ARTICLE 4. ZONING,
DIVISION 3, GENERAL PROVISIONS, Section 42-140**

Sec. 42-140 Temporary Moratorium

A. Temporary Moratorium.

1. The Planning Commission has the authority to recommend the establishment of a temporary moratorium as to the application of provisions of the Zoning Ordinance to the City Council, by majority vote of the Planning Commission.
2. The City Council may impose a temporary moratorium as to the application of the provisions of the Zoning Ordinance by adoption of an ordinance or resolution.
3. A temporary moratorium may be extended by resolution of the City Council to allow additional time for County review and consideration of any application, revision, review or repeal/replacement of zoning ordinance provisions.

B. Data Center Moratorium

1. Findings. In accordance with Public Act 110 of 2006, as amended, the City of Portage has determined the following:
 - a. The City Council determines that the approval of data centers may result in or produce negative impacts on permitted land uses and development and may harm the public health, safety and general welfare of property owners and residents of the City of Portage.
 - b. The City Council is aware of significant public health, safety, and welfare concerns being raised by the public about the impacts of data centers.
 - c. The City Council has a legitimate public purpose in assessing the regulation of the establishment and use of data centers within the City to ensure that data centers do not interfere with other land uses, or have substantial negative impacts on the environment, public health, and safety.
 - d. The City Council finds that adopting a limited moratorium is reasonable and necessary

for, among other reasons, the following reasons:

- 1) Michigan courts have recognized that a moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy.
 - 2) The City Council desires to review and study the public health, safety, and welfare concerns regarding data centers and any City regulations that may impact and/or regulate such projects.
 - 3) The adoption of a moratorium will allow the City Council adequate time to study and possibly implement revisions to the City's ordinances and regulations, including attention to and consideration of citizen input and involvement, public debate, and full consideration of all issues and points of view.
- e. The City Council accordingly determines that it is desirable and in the public interest for the reasons set forth above that the City Council adopt a limited moratorium on the acceptance and/or processing of any applications for data centers.
2. Moratorium/Term of Moratorium. The City Council adopts a limited moratorium on the acceptance and/or processing of any applications for a data center. The limited moratorium shall terminate on December 31, 2026 or the effective date of any amended or new City ordinances or regulations addressing data centers, whichever date occurs first.
 3. Extension of Moratorium. Before this moratorium expires, the City Council may extend the moratorium by resolution as appropriate to allow sufficient time to complete amendments or additions to its ordinances and regulations.

C. Battery Energy Storage Systems (BESS) Moratorium

1. Findings. In accordance with Public Act 110 of 2006, as amended, the City of Portage has determined the following:
 - a. The City Council determines that the approval of Battery Energy Storage Systems (BESS) may result in or produce negative impacts on permitted land uses and development and may harm the public health, safety and general welfare of property owners and residents of the City of Portage.
 - b. The City Council is aware of significant public health, safety, and welfare concerns being raised by the public about the impacts of BESS.
 - c. The City Council has a legitimate public purpose in assessing the regulation of the establishment and use of BESS within the City to ensure that BESS do not interfere with other land uses, or have substantial negative impacts on the environment, public health, and safety.
 - d. The City Council finds that adopting a limited moratorium is reasonable and necessary

for, among other reasons, the following reasons:

- 1) Michigan courts have recognized that a moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy.
 - 2) The City Council desires to review and study the public health, safety, and welfare concerns regarding BESS and any City regulations that may impact and/or regulate such projects.
 - 3) The adoption of a moratorium will allow the City Council adequate time to study and possibly implement revisions to the City's ordinances and regulations, including attention to and consideration of citizen input and involvement, public debate, and full consideration of all issues and points of view.
- e. The City Council accordingly determines that it is desirable and in the public interest for the reasons set forth above that the City Council adopt a limited moratorium on the acceptance and/or processing of any applications for BESS.
2. **Moratorium/Term of Moratorium.** The City Council adopts a limited moratorium on the acceptance and/or processing of any applications for a BESS. The limited moratorium shall terminate on December 31, 2026 or the effective date of any amended or new City ordinances or regulations addressing BESS, whichever date occurs first.
 3. **Extension of Moratorium.** Before this moratorium expires, the City Council may extend the moratorium by resolution as appropriate to allow sufficient time to complete amendments or additions to its ordinances and regulations.

Section 2 Severability. The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 3 Repeal and Savings Clause. All ordinance or parts of ordinances in conflict herewith are hereby repealed. Existing prosecutions under any ordinance provision that is hereby repealed may be pursued to its natural conclusion.

Section 4 Effective Date. This ordinance shall be effective 15 days after publication and after adoption.

FIRST READING: February 24, 2026

SECOND READING: March 24, 2026

ORDINANCE#: O-3-2026

EFFECTIVE DATE: April 17, 2026