

**HOWARD TOWNSHIP BOARD OF TRUSTEES
PROPOSED AGENDA
August 18, 2026, 7:00 P.M.**

CALL TO ORDER

1. Call to Order
2. Pledge to the Flag
3. Roll Call of Board Members
4. Approval of Agenda
5. Approval of Minutes of July 21, 2026, Regular Board Meeting
6. Approve Financial Report
7. Approval of Bills
8. Departmental Reports
 - A. Commissioners' Reports
 - B. Building Department
 - C. Fire Department
 - D. Sheriff Department
 - E. SMCAS Ambulance
 - F. Parks Department

INFORMATION/CORRESPONDENCE

PUBLIC COMMENT ABOUT AGENDA ITEMS ONLY

OLD BUSINESS

None

NEW BUSINESS

VOTE Ordinance 237 Data Center Moratorium

VOTE Ordinance 238 Data Center Moratorium

CONCERNS OF CITIZENS

ADJOURNMENT

**ORDINANCE #237
CHARTER TOWNSHIP OF HOWARD
COUNTY OF CASS, STATE OF MICHIGAN**

AN ORDINANCE TO AMEND ZONING ORDINANCE #192

A SUMMARY OF THE ORDINANCE IS AS FOLLOWS

THE CHARTER TOWNSHIP OF HOWARD ORDAINS:

**SECTION I Amendment to Howard Charter Township Zoning Ordinance #192 – Section 3.02
Definitions**

Debris: Fragments or remnants of something destroyed, broken down, unwanted, or carelessly discarded, such as but not limited to rubbish, waste, litter, rubble, wreckage, garbage, refuse, trash.

**SECTION II Amendment to Howard Charter Township Zoning Ordinance #192 – Section 15.04
Easements (*to clarify meaning of Section 15.04*)**

Section 15.04 Easements

It shall be unlawful for any person to install, erect, cause or permit the installation of a permanent or temporary structure (garage, building, fence, large tree, or similar structure) on or across an easement of record which will prevent or interfere with the free right or opportunity to use or make accessible such easement for its proper use. Easements must also be free of any debris.

**SECTION III Amendment to Howard Charter Township Zoning Ordinance #192 – Section 15.25
Accessory Use, Building or Structure (*to clarify meaning of Sec. 15.25 B 2*)**

Section 15.25 Accessory Use, Building or Structure

Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- B. All District Parcels, except lakefront lots within the R4 District
1. Accessory buildings shall be located a minimum of ten (10) feet from a side or rear lot line and a minimum of twenty-five (25) feet from any right-of-way line.
 2. In no case shall an accessory building/structure be located in a front yard, with the exception of the following: a building/structure no more than twenty (20) feet high and nine hundred (900) square feet will be allowed in the front yard but not within the front yard setback.

**SECTION IV Amendment to Howard Charter Township Zoning Ordinance #192 – Chapter 22
Temporary Moratorium**

**HOWARD CHARTER TOWNSHIP
SECTION I
FINDINGS**

In accordance with Public Act 359 of 1947, MCL 42.1 *et seq.*, as amended and the Michigan ZoningEnabling Act, PA 110 of 2006, as amended, the Charter Township of Howard has determined the following:

1. The Township Zoning Ordinance does not allow a Data Center as a permitted or special land use in any zoning district classification within the Township.
2. The Township Board determines that consideration and any approval of a Data Center application 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 Township.
3. The Township Board finds that adopting a temporary moratorium upon the consideration of any application for consideration of a Data Center on a limited temporary basis, is reasonable and necessary for, among other reasons, the following reasons:
 - a. The Township Zoning Ordinance does not currently allow a Data Center as a permitted or special land use in any Zoning District Classification within the Township.
 - b. Michigan courts have recognized that a moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy.
 - c. The adoption of a temporary moratorium would allow for the study of the public health, safety, and general welfare concerns regarding Data Centers and to allow for any needed Zoning Ordinance amendments and implementation process to occur.
 - d. The adoption of a temporary moratorium will allow the Planning Commission and Township Board to consider citizen input and involvement, public debate, and full consideration of all issues and points of view.
 - e. That implementing a temporary moratorium reduces or eliminates a potential claim by a developer for exclusionary zoning because the Township Zoning Ordinance does not currently allow a Data Center as a permitted or special land use in any Zoning District Classification within the Township.
4. A temporary moratorium should be imposed upon the consideration of any Data Center applications for one (1) year or until an amendment to the Zoning Ordinance is adopted, whichever occurs first.

SECTION II
ZONING ORDINANCE TEXT AMENDMENT
CHAPTER 22 – AUTHORITY TO IMPOSE A TEMPORARY
MORATORIUM OF ZONING ORDINANCE PROVISIONS

Chapter 22, titled Temporary Moratorium, is hereby being added and shall read as follows:

1. The Township Planning Commission has the authority to recommend the establishment of a temporary moratorium as to the application of provisions of the Township Zoning Ordinance to the Township Board, by majority vote of the Planning Commission after a public hearing.
2. The Township Board may impose a temporary moratorium as to the application of the provisions of the Township Zoning Ordinance by ordinance of the Township Board.
3. Such temporary moratorium may be extended by approval of the Township Board to allow additional time for Township review and consideration of the application, revision, review or repeal/replacement of zoning ordinance provisions.

SECTION III
MORATORIUM

A temporary moratorium is imposed upon the acceptance and/or processing of any application for Data Centers from one (1) year from the date this ordinance becomes effective or until amendments to the Zoning Ordinance become effective, whichever occurs first.

SECTION IV
TERM OF MORATORIUM

The moratorium imposed by this Ordinance will remain in effect from one (1) year from the date this ordinance becomes effective, or until amendments to the Zoning Ordinance become effective, Whichever occurs first. Before this moratorium expires the Township Board may extend the moratorium by resolution as appropriate to allow sufficient time to complete amendments to its ordinances. If an extension is adopted, the Township will publish notice of the extension on the Township website.

SECTION V
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 VI
EFFECTIVE DATE/REPEAL

This Ordinance shall take effect eight (8) days after publication. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Upon roll call vote

the following voted aye:

the following voted nay:

the following members were absent:

CERTIFICATE

The undersigned, as the duly elected and acting Clerk of the Charter Township, hereby certifies that Ordinance #237 was duly adopted by the Charter Township Board at a Regular Meeting of said Board, at which a quorum was present, held on August 18, 2026

Published date: _____ Effective date: _____

CHARTER TOWNSHIP OF HOWARD

Sheri Wozniak, Clerk
1345 Barron Lake Road
Niles, Michigan 49120
(269) 684-0072

Date _____

CHARTER TOWNSHIP OF HOWARD

COUNTY OF CASS, STATE OF MICHIGAN

ORDINANCE NO. 238

ADOPTED:

EFFECTIVE: Upon publication after adoption

**AN ORDINANCE TO ENACT A NON-ZONING TEMPORARY MORATORIUM ON
DATA CENTERS AND BATTERY ENERGY STORAGE SYSTEMS**

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

CHARTER TOWNSHIP OF HOWARD

COUNTY OF CASS, STATE OF MICHIGAN

ORDAINS:

**SECTION I
FINDINGS**

In accordance with Public Act 1945 PA 246, MCL 41.181 *et seq.*, as amended, the Charter Township of Howard Board of Trustees has determined the following:

1. The Township Board determines that the approval of Data Centers and BESS and 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 Township.
2. The Township Board has a fiduciary duty to the Township and its constituents to protect the public health, safety, and general welfare concerns about the impacts of Data Centers and BESS on the residents and property owners within its territorial boundaries.
3. The Township has a legitimate public purpose in assessing the regulation of the establishment and use of Data Centers and BESS within the Township to ensure that Data Centers and BESS do not interfere with other land uses, or have substantial negative impacts on the environment, public, health and safety.

4. The Township Board finds that adopting a temporary moratorium is reasonable and necessary for, among other reasons, the following reasons:
 - A. Michigan courts have recognized that a moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy.
 - B. The Township Board desires to review and study the public health, safety, and welfare concerns regarding Data Centers and BESS, and any Township regulations that may impact and/or regulate such projects.
 - C. The adoption of a temporary moratorium will allow the Township Board adequate time to study and possibly implement revisions to the Township's Ordinances and regulations, including attention to and consideration of citizen input and involvement, public debate, and full consideration of all issues and points of view.
5. The Township Board accordingly determines that it is desirable and in the public interest for the reasons set forth above that the Township Board adopt a temporary moratorium on the acceptance and/or processing of any applications for Data Centers and BESS.

SECTION II

MORATORIUM/TERM OF MORATORIUM

The Township Board adopts a temporary moratorium on the acceptance and/or processing of any applications for a Data Center and BESS. The temporary moratorium is in effect one (1) year from the effective date of this Ordinance, or until the effective date of any amended or new Township Ordinances or regulations addressing Data Centers and/or BESS are effective, whichever date occurs first.

SECTION III

EXTENSION OF MORATORIUM

Before this moratorium expires, the Township Board may extend the moratorium by resolution as appropriate to allow sufficient time to complete amendments or additions to its Ordinances and regulations.

SECTION IV

SEVERABILITY

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

SECTION V
REPEAL

All Ordinance or parts of Ordinances in conflict herewith are hereby repealed.

SECTION VI
EFFECTIVE DATE

This Ordinance shall take immediate effect upon publication, after adoption.

Adopted:

Township Supervisor, Bill Kasprzak

Township Clerk, Sheri Wozniak

Publication date

Effective date