

CITY OF PORTAGE PLANNING COMMISSION

AGENDA

Thursday, February 19, 2026
7:00 PM

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

1. January 22, 2026 Meeting minutes

PUBLIC HEARINGS

- * 1. A request for a taller and larger residential accessory building containing a basketball, volleyball courts at 300 Marylynn Court.
- * 2. Ordinance Amendment No. 25/26-2 to amend Ch 42, Art 4. Div 3. to establish a temporary moratorium for Data Centers and Battery Energy Storage Systems.

SITE/FINAL PLANS:

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet.

CITY OF PORTAGE PLANNING COMMISSION

Thursday, January 22, 2026
7:00 PM
Portage City Hall Council Chambers

The City of Portage Planning Commission meeting of January 22, 2026, was called to order by Chair Corradini at 7:00 p.m.

IN ATTENDANCE

- Peter Dame, Chief Development Officer
- Biqi Zhao, Deputy Director of Planning and Zoning
- Eric Feldt, Senior City Planner

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (yes); Vice Chair Baldwin (yes); Secretary Freiman (yes), Adams (yes); Copp (yes); Orwig (yes); Fries (yes); Ladd (yes); and Crowell (yes).
9-Present; 0-Absent.

APPROVAL OF MINUTES

1. Minutes dated November 11, 2025

Motion by Commissioner Fries seconded by Vice Chair Baldwin to approve November 11, 2025, minutes as submitted. Upon a voice vote, motion carried 9-0.

STATEMENT OF CITIZENS

Motion by Chair Corradini to modify the agenda to move Statement of Citizens before the Site Plan item, seconded by Vice Chair Baldwin. Hearing no opposition, motion passed.

The following statements were received:

1. Dave and Cathy Irwin, 2205 W. Osterhout Ave. Stated various concerns about the Site Plan project on the agenda consisting of access, refuse design, accuracy of their house drawn, garbage truck access and noise, fencing, density, zoning districts in neighborhood, fire truck access, sidewalks, and timeliness of construction.
2. Julius Troth, 10406 Dewberry St. Stated concerns about maintenance of city property, and concerns about the Site Plan project on the agenda consisting of fencing and children safety.
3. Lisa Betts, 2202 Osterhout Ave. Stated various concerns about the Site Plan project on the agenda consisting of access, headlight glare, and density.

PUBLIC HEARINGS

None.

SITE/FINAL PLANS

1. An application seeking Site Plan approval for Oakland Apartments at 10506 Oakland Drive.

Mr. Feldt provided a presentation outlining the Site Plan proposal, site information, maps of the area, site pictures, review standards, analysis, and recommended action. He concluded the presentation by recommending the Planning Commission approve the Site Plan for the Oakland Apartment development at 10506 Oakland Drive.

Applicant, Chad Scott, 6425 E V Ave. Vicksburg, MI, clarified several site items including overall vehicular access, garbage design and management, number of allowed housing units, apartment rental price, and size of apartment units.

The Commission discussed and asked various site items to the applicant including fencing, ADA parking and unit design, site plan drawing accuracy, garbage management and noise, sidewalks, access location, waterline adequacy, and emergency access.

Mr. Scott agreed to a taller fence height with a preference for using a berm design.

Mr. Feldt clarified when a fence height would require Building permit.

Motion by Commission Fries, supported by Commissioner Copp, to approve a Site Plan for Oakland Apartments at 10506 Oakland Drive as submitted with the following condition: The top of the fence height along the western and southern property lines shall be a minimum of 8 feet in elevation via a potential combination of construction methods. Roll call vote, motion carried 9-0.

OLD BUSINESS

None.

NEW BUSINESS

None.

STATEMENT OF COMMISSIONERS/ STAFF

Mr. Feldt stated that the next Planning Commission meeting is scheduled for February 5.

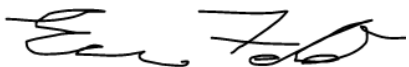
Chair Corradini thanked the public for attendance and comments, and indicated he will be absent for the next scheduled meeting.

Vice Chair requested having the Statement of Citizens placed earlier in future agendas.

ADJOURNMENT

Chair Corradini adjourned the meeting at 8:35p.m.

Respectfully submitted,



Eric Feldt
Senior City Planner

TO: Planning Commission

DATE: February 19, 2026

FROM: Peter Dame, Chief Development Officer

SUBJECT:

I. INTRODUCTION:

The applicant (Chad Scott) seeks Planning Commission approval for a larger and taller proposed detached pole barn pursuant to Zoning code Sec. 42-121(B) at 300 Marylynn Court. The pole barn is designed at 2,960 square feet in size (74'L x 40'W) with a mid-roof height of 19.5'. Therefore, the applicant seeks Commission approvals for 1) 789 square feet of additional accessory building space per Sec 42-121(B)(1)(b)(3), and 2) an additional 3.5 feet of building height per Sec 42-121(B)(1)(a). The larger size and height will accommodate a basketball court and overlaid volleyball court for the property owner's use. The exterior will match the existing house colors with white siding and a black roof. The building will have a heater, no air conditioning or insulation. Electrical will be provided for lighting. Project details and analysis are provided in this memo.

The applicant has filed a Building permit for this project but is awaiting Commission approval of the above requests. If Commission approval is gained, the permit is expected to be issued and construction may commence.

II. BACKGROUND INFORMATION:

Site and Neighborhood Features

The 4-acre property is located in the southcentral portion of Portage at the end of Marylynn Court near Gourneck Lake. The owners, Emily and Russell Mahoney, developed the site in 2023 with a 1-story home with walk-out basement (approx. 6,000 square feet in size (approx. 4,900 sq ft of finished area)) and an attached 3-car garage (936 square feet). The property is accessible only from Marylynn Court, a private street. The property and neighboring parcels are zoned R-1C 'One Family Residential'.

The subject site was partially cleared of natural vegetation in the middle and eastern sections for the construction of the single family house and general lawn area. The remainder of the site consists of a variety of deciduous trees and a mix of shrubs.

The neighborhood consist of a mix of lot sizes and characteristics, but largely developed with single-family homes. Properties to the east along Marylynn Court and adjacent James Way (both private streets) are large in size (4-6 acres) and consist of preserved trees and other natural vegetation. However, properties to the west along S. Westnedge Avenue are much smaller and located within a subdivision plat (Matteson's Estates Plat). Properties to the south along Gourneck lake are narrow and deep.

III. ANALYSIS:

Applicable Zoning Regulations

The zoning code establishes regulations for accessory buildings in residential districts under Sec 42-121, such as yard setbacks, maximum size and height to ensure that accessory buildings remain ‘accessory’ to the main house. This ensures that residential districts have a residential appearance and function.

1) Maximum Accessory Building Size - Sec 42-121(B)(1)(b)(3)

The total floor area of all accessory buildings (attached or detached) shall not exceed 100% of the ground floor area of a 1-story house or plus 50% of the second-floor of a 2-story house. However, that size may be exceeded subject to Planning Commission approval if a property consists of two or more acres in size. See code section below.

Sec 42-121(B)(1)(b)(3): The floor area of accessory buildings may exceed the ground floor area of the main building plus 50 percent of the second story **when the residential lot or parcel has an area of two acres or more. However, when the floor area of the accessory building exceeds the ground floor area of the main building plus 50 percent of the second story, the accessory building and use shall be subject to the approval of the planning commission after a public hearing. To ensure harmonious relationships and to minimize conflicts between adjacent uses, the commission shall consider the proposed characteristics and uses of the building in relation to existing land uses and to the future land uses as shown in the comprehensive plan.** The commission may attach requirements to such accessory building and use when it deems necessary to avoid or mitigate adverse impacts on surrounding properties.

With a property size of four acres, the applicant seeks Planning Commission approval for additional 789 square feet of accessory building size – see Table 1. Staff notes that only above grade living area is used when calculated the maximum allowed accessory building area, not basements.

Table 1: Existing, Proposed	
Building Sizes	Size (sq ft)
300 Marylynn Court - Existing, Proposed Buildings	
Existing House size (main level)	3,107
Max. Allowed Accessory Bld Size	3,107
Existing Attached Garage (accessory building)	936
Remaining allowed accessory building size	2,171
Proposed Pole Barn	2,960
Requested additional size area (exceeded area)	789
Proposed New Total Accessory Bld Size	3,896

2) Maximum Accessory Building Height - Sec 42-121(B)(1)(a)

Detached accessory buildings such as sheds, garages, pole barns, etc. shall not exceed 16’ in height as

measured from grade up to the roof mid-point unless approved by the Planning Commission. See code section below.

Sec 42-121(B)(1)(a): No detached accessory building shall exceed 16 feet in height except, after a public hearing, the height of the building **may be increased if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed building from adjacent residential structures, adequately mitigate adverse impacts upon any adjacent single-family residential use.**

The proposed pole barn is designed at 19.5' in height to mid-point of roof, with a 14' tall wall height. Therefore, the applicant seeks the Planning Commission for 3.5 feet additional building height. See Figure 1 and attached plans showing building height. The taller height is to accommodate the use of a basketball and volleyball court.

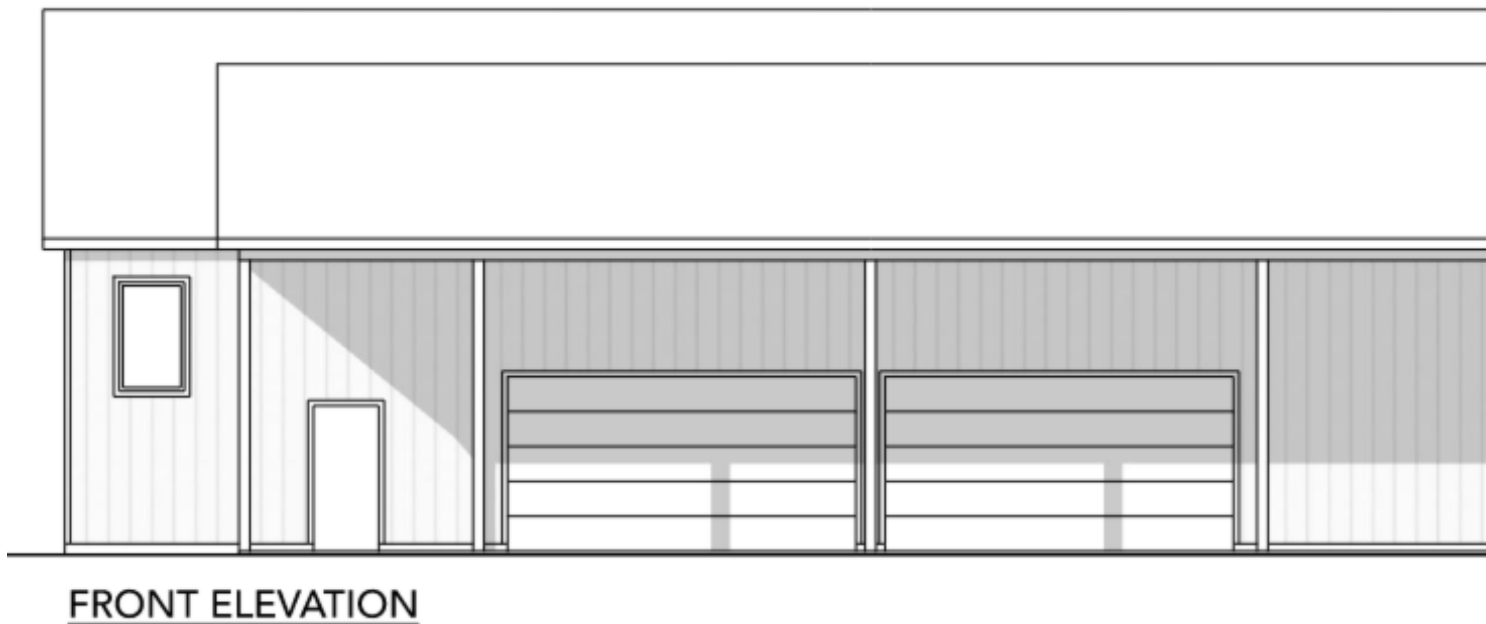


Figure 1 (above). Showing the 19.5' building height and 14' wall height of the proposed pole barn.

Adjacent Neighbors; Impacts

Per Sec. 42-121(B)(1)(b)(1), accessory buildings may be located as close as five feet to a side or rear property line. The proposed pole barn is designed near the NW property corner, located 75' away from the west lot line, 20' away from the north lot line, and much farther from the southern and eastern lot lines. Further, it will be located 184' to the nearest residence (10823 and 10833 S. Westnedge Ave - directly west). It will also be 377' away from the house to the north (10713 S. Westnedge Ave).

The pole barn will be approx. 1,000 sq ft smaller than the main floor of the house plus garage. Its height will be 0.5' lower than the height of the house. The design will generally be similar to the existing house on the property. Although no exterior lights will be on the western or northern walls of the pole barn,

there will be small windows on those elevations that are expected to let some interior light out toward the west and north. Activity and noise associated with the use of the pole barn will be primarily inside the building.

The majority of trees along the west and north of the proposed building are expected to be preserved, except those close to the pole barn, which will be removed during construction. Since the preserved trees are deciduous, the pole barn will be largely screened during the summer and early fall months, but visible during other times of the year. Pictures of the trees (taken in late Fall) in this area are provided in an attachment.

Staff finds there to be little to no impact on the adjacent neighbors because of the preserved trees and indoor use of the pole barn. Although the pole barn is expected to be visible from the neighbors during the winter and spring periods, it will not necessarily have a negative impact on the area. Many homes in the area are visible to each other during that same period.

City of Portage Zoning/ Master Plan

Staff finds the proposal consistent with the City's Master Plan and intent of zoning, as explained below. The Master Plan Future Land Use Map classifies the subject neighborhood as 'Single Family Residential' intended for single-family detached homes with a possibility of duplex and attached homes in select areas. The neighborhood is zoned R-1C One Family Residential zoning district, which is intended for low-density single-family dwellings with accessory uses as typical of residential neighborhoods. This zoning district is consistent with the Master Plan Future Land Use Map classification. Staff finds that the subject property and others in the neighborhood have been developed consistent with the zoning district and land use classification as having single family detached homes.

Public Noticing Requirement

Pursuant to Sec 42-121(B)(1)(A) and Sec 42-121(B)(1)(b)(3), the applicant's requests require a public hearing in front of the Planning Commission and provided public notices to adjacent residents, local newspaper. As of February 3rd, public notices were mailed to all adjacent residents/property owners within 300 feet of this property and notice was provided in the Kalamazoo Gazette.

Pursuant to the City's Public Participation Plan, the applicant has contacted neighboring properties to inform them of the project and gather any comments they may have about the pole barn. As of February 11, the applicant has not received any opposition/ comments.

As of February 11, staff has not received any public comments.

IV. RECOMMENDATION:

If no additional public comment is requested by and the Commission is supportive of the taller and larger proposed accessory building, staff recommends the additional 789 square feet of space and the additional 3.5 feet of height for a pole barn at 300 Marylynn Court be approved.

Attachments:

1. Application
2. Project Narrative
3. Site Drawing
4. Building Drawings
5. Staff Site Pictures
6. 2.16.26 Moyer Email; 10745 S. Westnedge Ave



COMMERCIAL DEVELOPMENT APPLICATION

Department of Community Development
7900 South Westnedge Avenue – Portage, Michigan 49002 – (269) 329-4477

Applicant must complete all items in sections 1-9 (if applicable).

Please note: Separate applications must be submitted for Plumbing, Mechanical and Electrical Work Permits

No Work is to Start Prior to the Issuance of Building Permit

1) PROJECT INFORMATION

Project Description Mahoney Sport Barn	Address 300 Marylynn Ct, Portage MI 49002
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2) IDENTIFICATION (OWNER)

Name Russ Mahoney	Address 300 Marylynn Ct		
City Portage	State Michigan	Zip 49002	Phone 269-762-9476

3) ARCHITECT OR ENGINEER

Name	Address	City
State	Zip	Phone
License Number	Expiration Date	Email

4) BUILDING CONTRACTOR

Company name TC Scott Construction	Address 6425 E V Ave	City Vicksburg
State Michigan	Zip 49097	Phone 269-720-7729
Email chad@tcscottconstruction.com	Federal Employer ID 45-3564242	
Builder License Number 2102219014	Expiration Date 5/31/2026	
Workers Comp Insurance Carrier Hastings Mutual	MESC Employer Number 2044510000	

5) TYPE OF DEVELOPMENT PROJECT

- Site Plan Building Plan Final Plan in Planned Development
 Subdivision Condominium Land Division Requiring Public Improvements
 Landscape Plans Public Water Main Public Sanitary Sewer Main

Other: _____ *(Note: Please provide a Portable Document Format (PDF) of the plans for the project at time of document submittal. The submitted format shall be CD/DVD or USB. If a PDF is not submitted, an additional \$25 fee plus \$1 for each plan sheet after 20 sheets will apply.)*

6) TYPE OF IMPROVEMENT

- New Building Alteration Addition Repair Demolition Foundation Only
 Relocation Special Inspection Solar Other: _____

7) DESCRIPTION OF WORK

- A) New accessory building for children's recreational sports.
- B) Valuation of Project: \$ 300,000

8) CHARACTERISTICS OF THE BUILDING

A) Water Meter Size

- 5/8" 3/4" 1" 1 1/2"
 Other none Irrigation Size _____ Fire Sprinkler Size _____

B) Electric Service Size

- 200 AMP 400 AMP 600 AMP 800 AMP 1000 AMP Other 100 AMP

C) Type of Mechanical

- Air Conditioning? Yes No Fire Suppression? Yes No Hood System? Yes No

9) CONSTRUCTION PLANS SUBMITTED

Required submittals for plan review:

- Plans shall be signed and sealed when required in accordance with State of Michigan Act No.299 of Public Acts of 1980.
- All plans shall be drawn on uniform sheets no greater than 30"X42".
- All plans shall be drawn to an architectural scale.
- All plans shall be clear, legible and accurate.
- Plans shall be stapled along the left margin.

Type of Plan Submitted:

- Building Electrical Plumbing Mechanical Energy

Building Code: Site plan, foundation plan, soil bearing capacity, floor plans, building elevations, building sections, framing plan, details, roof plan, roof finish schedule, roof live and dead loads.

Electric Code: Lighting layout, circuiting, switching, conductor and raceway sizes, wattage schedule, service location and riser diagram, load calculations, and appropriate plans showing standard symbols of all electrical equipment.

Plumbing Code: Site plan, floor plans, DWV riser diagrams and water distribution system and roof plan, Show direction of flow, pipe sizes, grade of horizontal piping, elevations, drainage fixture unit loading of both stacks and drains in the DWV system, supply fixture unit load for the water system, branch supplies serving more than one plumbing fixture, appliance or hose outlet, meter locations.

Mechanical Code: Plans indicating heating equipment, air conditioning equipment, ductwork material and layout, fire dampers, ventilation of rooms and areas, location of chimneys and vents, piping layouts, kitchen equipment layout, and combustion air. (Plans for fire suppression systems may be submitted after permit issuance, but are required prior to installation.)

Energy Code: Floor plans, building sections, details, average annual degree days, exterior envelope components materials, "U" values of elements, "R" values of insulating materials, size and type of apparatus and equipment, energy calculations.


Note: Additional plan review fee(s) required of all non-concurrent plan submittals

APPLICANT INFORMATION

Applicant is responsible for the payment of all fees and charges applicable to this application and must provide the following information:

Name Chad Scott	Phone 269-720-7729
Address 6425 E V Ave	City Vicksburg
State Michigan	Zip 49097

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent, and I agree to conform to all applicable laws of the State of Michigan and ordinances of the City of Portage. All information submitted on the application is accurate to the best of my knowledge.

Signature of Applicant:  Date: 1/15/25

FOR DEPARTMENTAL USE ONLY

- | | | |
|---|--|--|
| <input type="checkbox"/> Vacant | <input type="checkbox"/> F-2: Factory (Low Hazard) | <input type="checkbox"/> I-4: Institutional (Day Cares, ETC.) |
| <input type="checkbox"/> A-1: Assembly (Theaters) | <input type="checkbox"/> H-1: High Hazard (Detonation) | <input type="checkbox"/> M: Mercantile |
| <input type="checkbox"/> A-2: Assembly (Restaurants) | <input type="checkbox"/> H-2: High Hazard (Deflagration) | <input type="checkbox"/> R-1: Residential (Hotels, Motels, ETC.) |
| <input type="checkbox"/> A-3: Assembly (Library, ETC.) | <input type="checkbox"/> H-3: High Hazard (Physical) | <input type="checkbox"/> R-2: Residential (Multi Family, ETC.) |
| <input type="checkbox"/> A-4: Assembly (Indoor Sports) | <input type="checkbox"/> H-4: High Hazard (Health) | <input type="checkbox"/> R-3: Residential (1 & 2 Fam. Townhomes) |
| <input type="checkbox"/> A-5: Assembly (Outdoor Sports) | <input type="checkbox"/> H-5: High Hazard (HPM) | <input type="checkbox"/> R-4: Residential (Assisted living) |
| <input type="checkbox"/> B: Business | <input type="checkbox"/> I-1: Institutional (Supervised) | <input type="checkbox"/> S-1: Storage (Moderate hazard) |
| <input type="checkbox"/> E: Educational | <input type="checkbox"/> I-2: Institutional (Hospital) | <input type="checkbox"/> S-2: Storage (Low hazard) |
| <input type="checkbox"/> F-1: Factory (Moderate hazard) | <input type="checkbox"/> I-3: institutional (Prisons) | <input type="checkbox"/> U: Utility (Garage, Shed) |

CHARACTERISTICS OF BUILDING

Frame:

- Masonry Wood Frame Structural Steel Reinforced Concrete Other

Heating System:

- Gas Electricity Solar Other _____

New Sewer Connection:

- Yes No

New Water Connection:

- Yes No

Type of Mechanical:

- (Y) Air Conditioning (Y) Fire Suppression

DIMENSIONS / DATA

Number of Stories _____ Use groups _____ Construction Type _____

Number of Occupants _____

Floor Area	Existing	Alterations	New
Basement			
1 st Floor			
2 nd Floor			
3 rd Floor			
4 th Floor			
5 th Floor			
Total			



6020 Lovers Lane
Portage, MI 49002

Phone: 269-720-7729

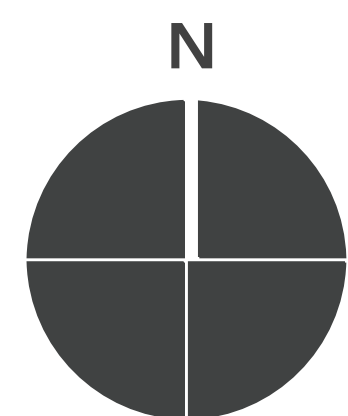
www.tcscottconstruction.com

300 Marylynn Ct, Portage, MI 49002

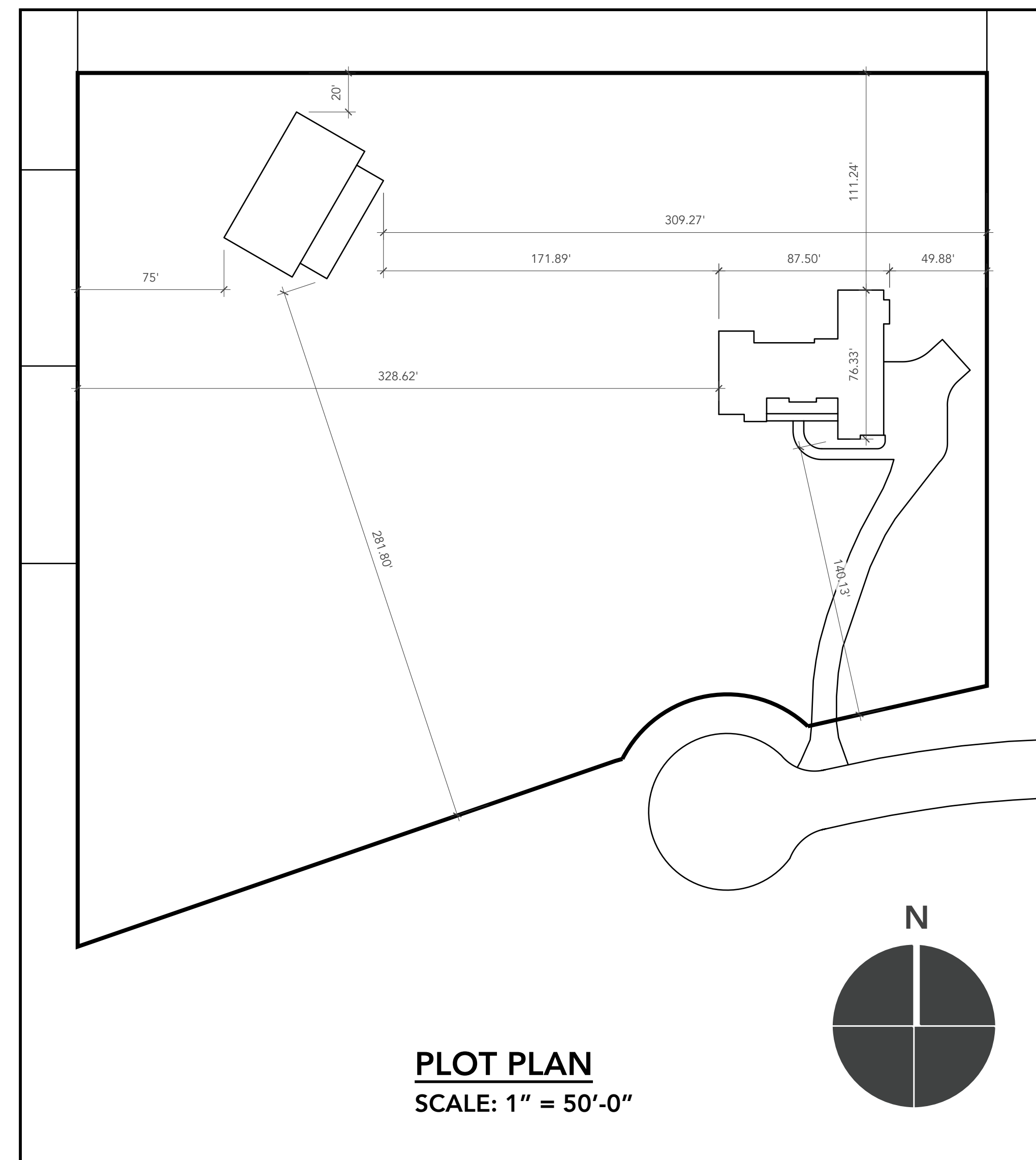
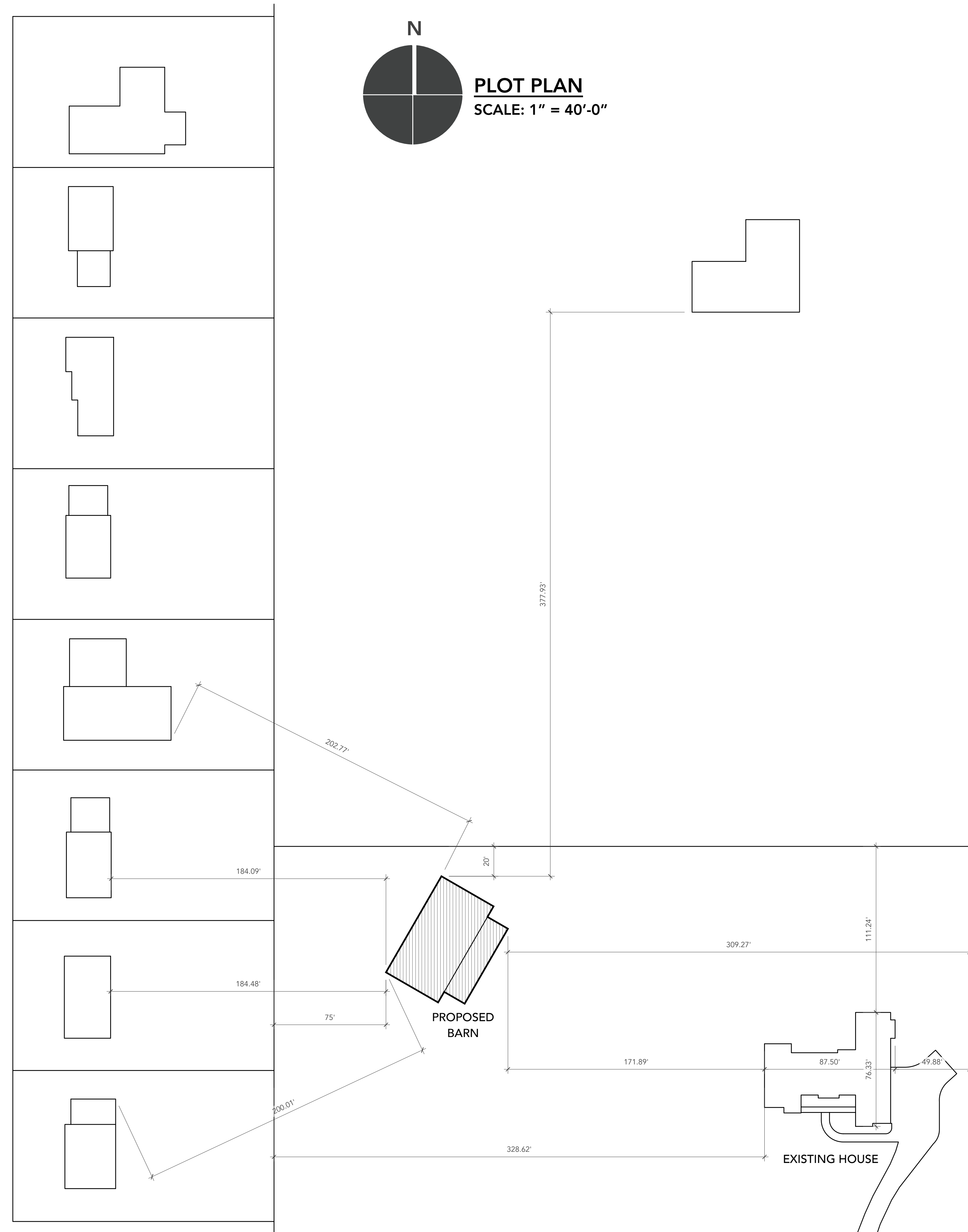
Accessory Building Narrative

- Zoning Code Sec 42-121(B)(1)(a) – For exceeding maximum building height.
 - The accessory building height is based on required dimensions for practicing/playing basketball and volleyball.
 - Height: 19' 6" measured from grade to mid-point of roof
 - Zoning code Sec 42-121(B)(1)(a) allows an accessory building to exceed 16' in height with Planning Commission approval in determining any unique site characteristics (topography, natural features, etc.) and any impacts to the neighborhood.
 - The accessory building will be between 184' and 338' away from any of the nearest neighboring houses.
- Zoning Code Sec 42-121(B)(1)(b)(3) – For exceeding maximum building size when the property is 2 acres or more. Subject site size = 4 acres.
 - Square footage of accessory building: 2,960
 - The use and placement of the accessory building on the property will minimize any adverse impacts on surrounding properties. The intended use is for the property owners and their family members.
- Only removing trees within footprint of proposed new building.
 - Vegetation being preserved to the north, west, and south of the proposed building (areas that face neighboring homes) will consist of 3-4 mature trees right on the property line to the north, over a dozen mature and junior trees with natural woods to the west, and over 300 feet of undisturbed trees and natural woods to the south.
- Need for taller and larger building is to accommodate the required heights for playing basketball and volleyball.
- Aesthetically, the exterior colors will match the existing residence on the property :black roof, white siding. (No bold or bright colors).
 - Shingles will be 30 year black dimensional shingles on 60% of roof.
 - Black metal roofing will be on the other 40% of roof.
 - Siding will be 65% white metal and 35% white LP.
- Exterior lighting will be minimal.

- Only exterior lighting will be can lighting on the southeast side of the building that is facing the existing home. This should not impact any of the neighbors.
- Pulling barn off the property line significantly more than the allowed minimum of 5'
 - 20' and 75' (see site plan)
- Noise levels will be minimal since there will not be any teams or large groups of people playing in the building.
- Main uses: for property owners' young children to play and practice basketball and volleyball inside.
 - It will not be used for any team practices or playing.
 - Frequency of use: potentially daily



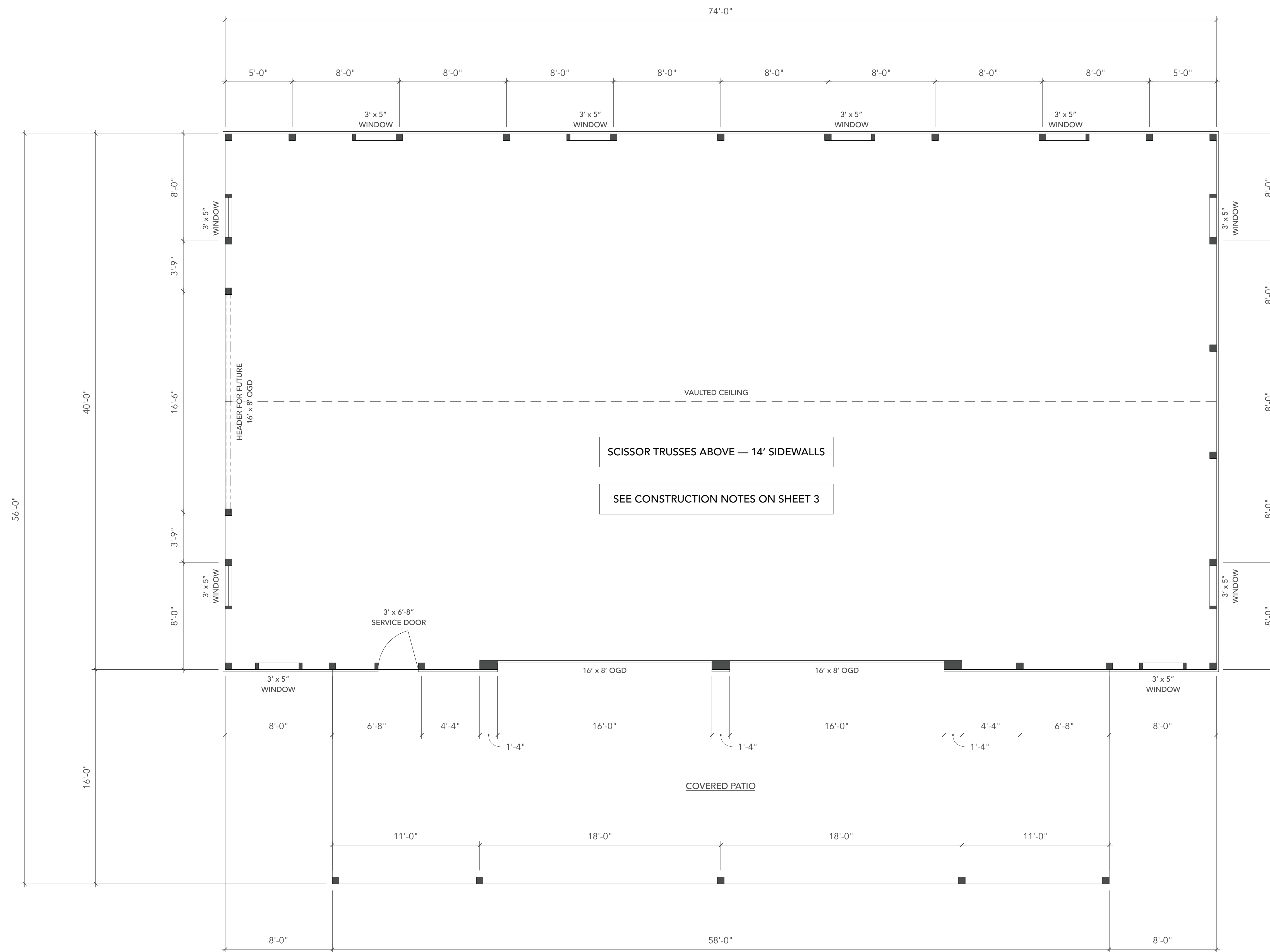
PLOT PLAN
SCALE: 1" = 40'-0"



PLOT PLAN
SCALE: 1" = 50'-0"

REVISIONS
DATE:
DATE:
DATE:

MAHONEY SPORTS BARN
PREPARED FOR T.C. SCOTT CONSTRUCTION
PLOT PLAN 12/15/2025



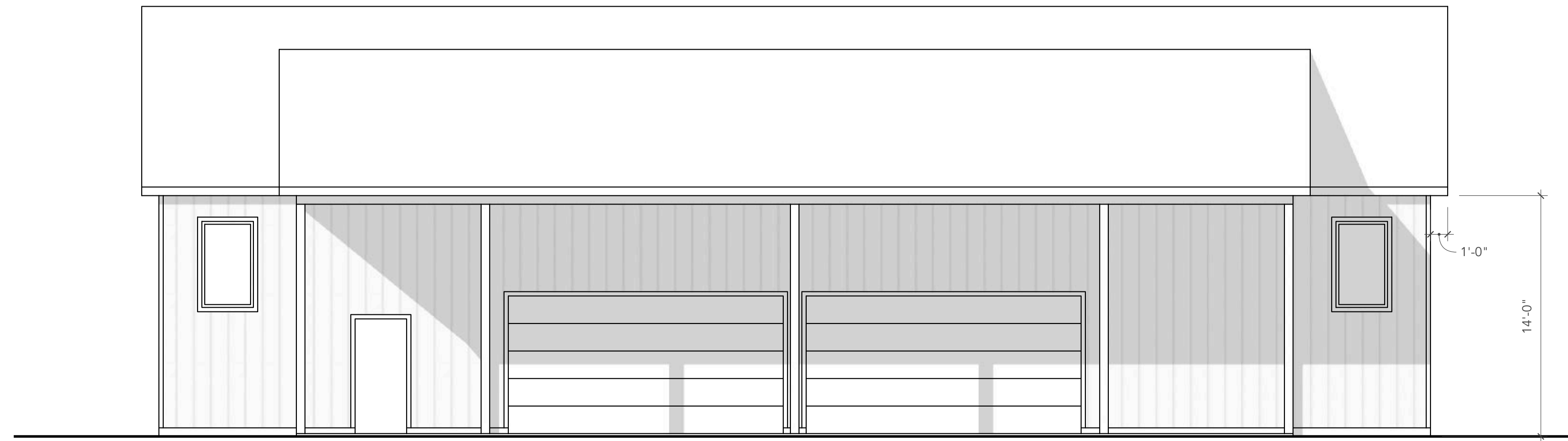
FLOOR PLAN
SCALE: 1/4" = 1'-0"

REVISIONS

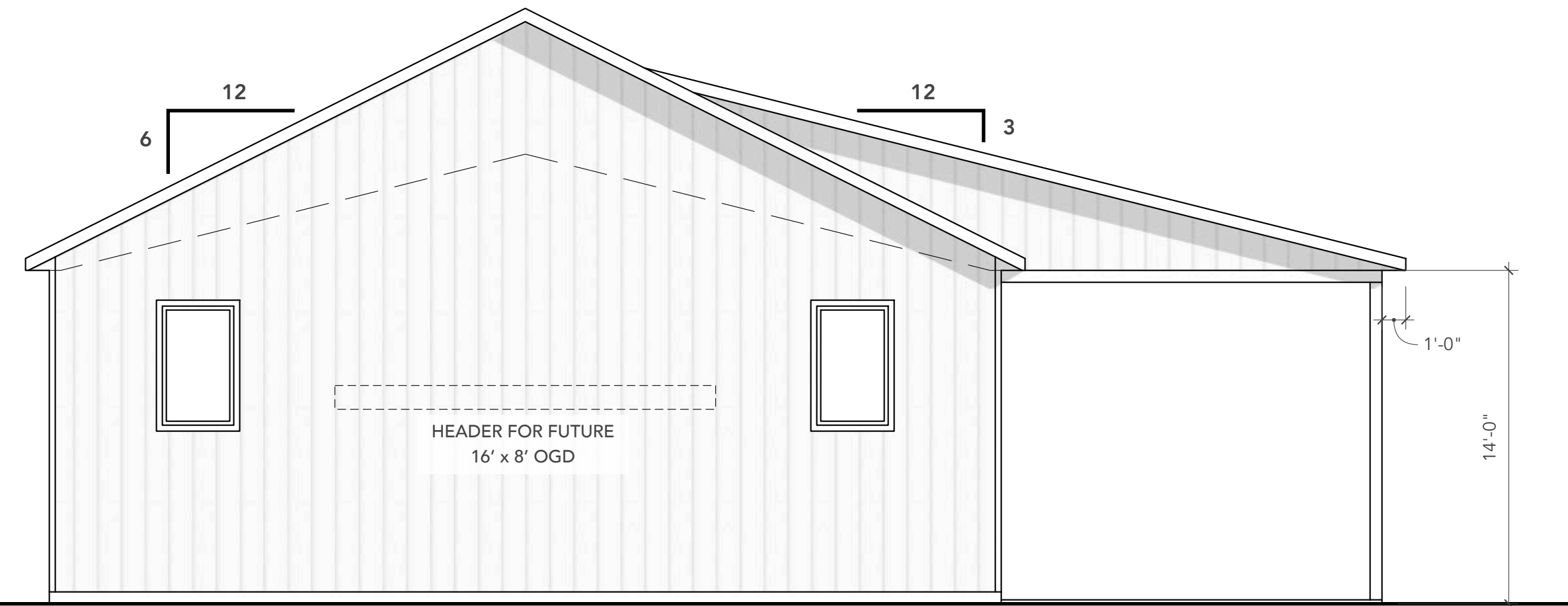
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MAHONEY SPORTS BARN

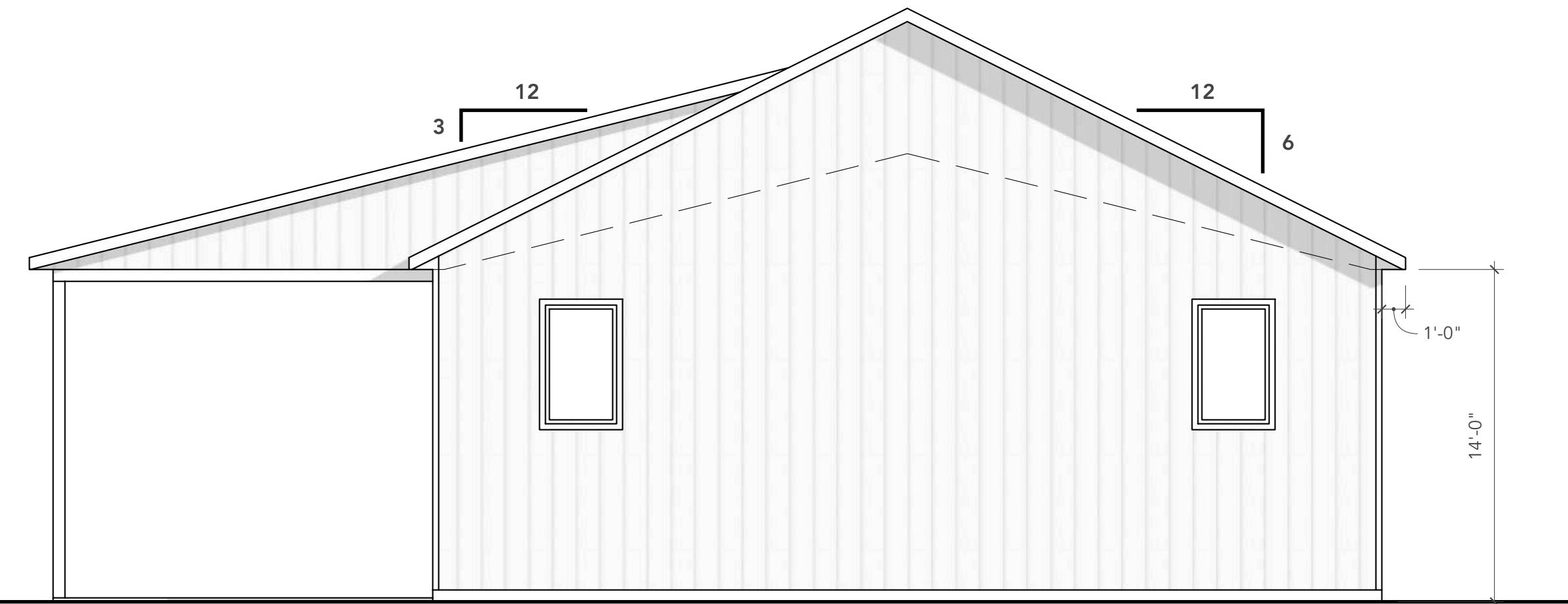
PREPARED FOR T.C. SCOTT CONSTRUCTION
BID DRAWINGS 02/08/2026



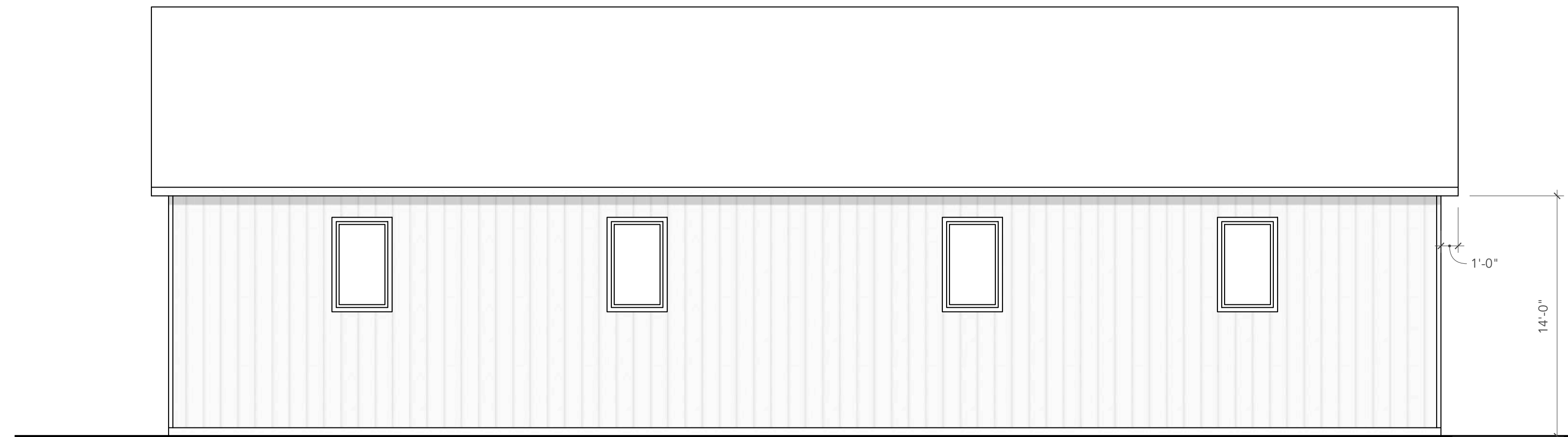
FRONT ELEVATION
SCALE: 3/16" = 1'-0"



LEFT ELEVATION
SCALE: 3/16" = 1'-0"



RIGHT ELEVATION
SCALE: 3/16" = 1'-0"



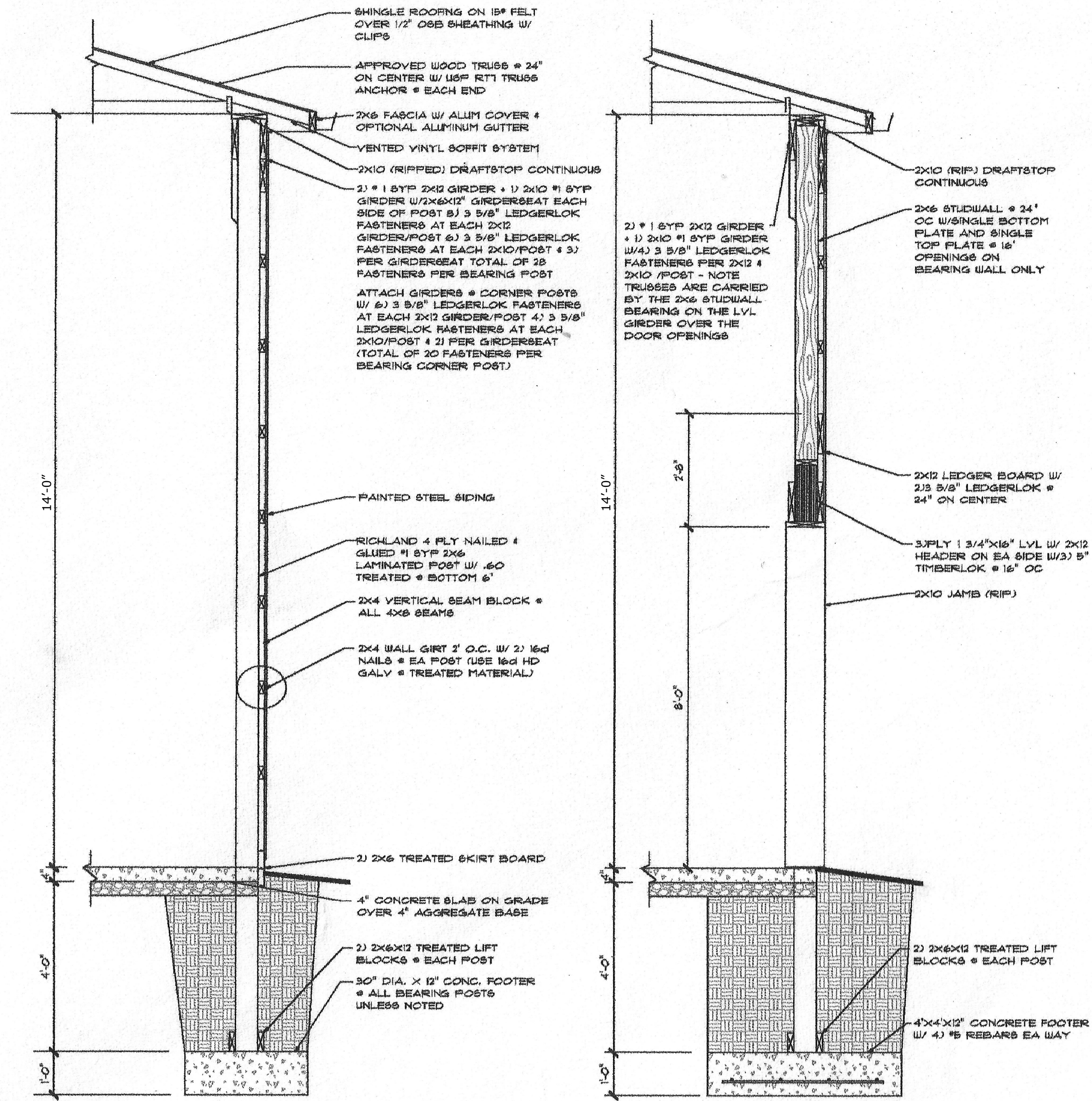
REAR ELEVATION
SCALE: 3/16" = 1'-0"

REVISIONS

DATE: _____
DATE: _____
DATE: _____

MAHONEY SPORTS BARN

PREPARED FOR T.C. SCOTT CONSTRUCTION
BID DRAWINGS 02/08/2026



TYPICAL WALL SECTION W/ POSTS @ 8' O.C.
SCALE 1/2" = 1' - 0"

WALL SECTION @ CENTER OF 16' OPENINGS
SCALE 1/2" = 1' - 0"

REVISIONS

DATE:	DATE:	DATE:

MAHONEY SPORTS BARN
PREPARED FOR T.C. SCOTT CONSTRUCTION
BID DRAWINGS 02/08/2026



Figure 3. Looking north toward the west area of subject site. Subject house shown on right. Arrow points to approx. location of proposed pole barn.



Figure 4. Looking north toward proposed pole barn – denoted by arrow. Homes in left background are along S. Westnedge Ave.



Figure 5. Looking at approx. area of the proposed pole barn – denoted by arrow. House in background in right is 10713 S. Westnedge Ave.

Eric Feldt

From: kris Moyer <moyerkris11@gmail.com>
Sent: Friday, February 13, 2026 1:20 PM
To: Eric Feldt
Subject: Building application for Chad Scott

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER
Do not click on links or open attachments unless this is from a sender you know and trust.

City of Portage:

This email is to express my opinion regarding the request for taller and larger residential building to be constructed within 300 feet of my property line. A building housing a volleyball and basketball court is not a necessity.

I absolutely oppose the proposal for this building. It will be an eyesore for me to view daily, add possible noise pollution, and will deflate the value of my property.

Sincerely,

Kristine Hill-Moyer
10745 South Westnedge
Portage MI

,

TO: Planning Commission

DATE: February 19, 2026

FROM: Peter Dame, Chief Development Officer

SUBJECT: Ordinance Amendment No. 25/26-2 to amend Ch 42, Art 4. Div 3. to establish a temporary moratorium for Data Centers and Battery Energy Storage Systems.

I. INTRODUCTION:

The City seeks an ordinance amendment to create a Temporary Moratorium section 42-140 within Chapter 42 Article 4 Division 3 General Provisions. The ordinance would also establish a temporary moratorium for new Data Centers and Battery Energy Storage Systems (BESS) to allow the City of Portage time to determine how best to address these types of land uses within the zoning code going forward. The moratorium is expected to end December 21, 2026 or the effective date of any amended or new City ordinances or regulations addressing Data Centers or BESS, whichever date occurs first. See attached ordinance.

The proposed amendment is being filed in conjunction with a similar action led by the City Council to establish a 1-year long moratorium on accepting applications for future Data Centers and BESS under Chapter 42 Article 13 *Moratorium*. Council's vote on that moratorium ordinance is on February 24, 2026. Although, Articles 4 and 13 are under the same chapter, Article 4 pertains to zoning regulations while Article 13 pertains to the general ordinance of the City. Both are recommended to be amended to effectively implement land use-related moratoriums.

The City is pursuing these moratoriums at this time to better understand Data Centers and BESS, their complexities, gain community input, and best regulate them for Portage. Many Michigan communities are passing similar moratoriums to be better prepared, including City of Saline, Northville, Howell Township, Sterling Heights, City of Saginaw, and others.

II. BACKGROUND INFORMATION:

The following provides a brief summary of information about Data Centers and BESS, as the purpose of this memo only addresses a proposed memorandum affecting these development types. A detailed zoning analysis of these uses is expected in a future zoning amendment and report.

Data Centers

In general, a Data Center is simply a place housing computer systems and associated parts to provide an overall service and function; provide IT support infrastructure such as data storage drives; and network equipment, among others. They generally require significant power needs and, in turn, cooling needs. Many modern Data Centers proposed in Michigan have shown a need for large acreage for overall operational needs. Generally, they do not rely on manual labor for operations, so they generally have low staffing needs. In the past several years, major technology companies such as Apple, Amazon, Meta, Google, and a variety of AI companies have begun heavily investing in Data Centers to support

their overall companies' needs. Demand for the Centers have accelerated in Michigan with the recent passing of new State development incentives (Sales and Use Tax exemptions).

Battery Energy Storage Systems (BESS)

In general, a BESS is a facility that stores and provides electricity to a building or grid network through the use of a variety of equipment and infrastructure such as battery cells, overall electrical system components, towers and poles, wires and cables, circuit breakers and transformers, and more. Similar to Data Centers, BESS is growing nationally but is accelerating in Michigan in response to the 2023 State Clean Energy and Jobs Act which established a variety of renewable energy goals, streamlined renewable energy projects, mandating greater renewable energy sources by utility companies, among others. To achieve these goals, it shifted to streamline permitting approvals of large wind and solar energy facilities, and BESS to the Michigan Public Service Commission (MPSC) if local communities do not have an ordinance in place. Since BESS is new and fast-growing, most communities do not yet have an ordinance to effectively regulate BESS developments (nor large wind and solar energy facilities). Similar to Data Centers, BESS does not rely on manual operations. They generally require low staffing needs.

As communities react to Data Centers and BESS, many are trying to quickly understand their large operations, external impacts, and other project complexities. Communities and their local leaders are also receiving vocal opposition due to alleged negative public impacts and questioning whether to allow these new uses. Despite these concerns, local laws cannot entirely prohibit them within the community (called exclusionary zoning). Therefore, many communities are now passing moratoriums to temporarily block new Data Centers and BESS while gaining local input and establishing new local regulations to best regulate these new developments in the future.

III. ANALYSIS:

Ordinance Amendment Process

The ordinance amendment process is provided under zoning code [Section 42-651](#) and requires a public hearing during Planning Commission and City Council meetings. The Commission will consider the proposed amendment, evaluate it for consistency with adopted city plans, affect neighborhood conditions, and provide a recommendation to the City Council.

Public Notices / Comment

Since the proposed ordinance results in a citywide change, this proposed ordinance amendment, as required, was published in the Kalamazoo Gazette on February 3, 2026. As of the date of this report, February 11, 2026, staff has not received any public comment.

IV. RECOMMENDATION:

If no additional public comment is requested by and the Commission is supportive of the proposed ordinance amendment, staff advises the Planning Commission to recommend to the City Council that Ordinance Amendment No. 25/26-2, to amend Article 4 Zoning, Division 3 General Provisions by creating Section 42-140 Temporary Moratorium, be approved.

Attachments:

1. Draft Moratorium Ord

**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 after adoption.

Dated: _____

Patricia M. Randall, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

I, Erica Eklov, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the ____ day of _____, 2026.

Erica Eklov, City Clerk

PREPARED BY:
Catherine Kaufman (P65412)
Portage City Attorney
Bauckham Thall
470 W. Centre, Suite A
Portage, MI 49024

Approved as to Form:
Date: 2/12/2026
Catherine Kaufman
City Attorney