

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

**REGULAR MEETING
Tuesday – February 24, 2026
7:30 pm**

Virtual access instructions for participating in the meeting are posted on www.mariontownship.com
MEETING WILL BE HELD IN MAIN HALL

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

MEMBERS' PRESENT:

PUBLIC COMMENT:

APPROVAL OF AGENDA: *February 24, 2026, Regular Meeting*

APPROVAL OF MINUTES FOR: *January 27, 2026, Regular Meeting*

ELECTION OF OFFICER FOR 2026

OLD BUSINESS:

1. Update on TXT#01-25
2. Discussion of Hyper Scale Data Center Ordinance Updates
 - a. Samples from LCPC
 - b. Updates from Board of Trustees
 - c. Input from Zach Michels
 - d. MTA meeting on March 30
3. Review of draft ordinance on storage containers from Zach Michels
4. Discussion on chicken ordinance
 - a. Definition language on livestock

NEW BUSINESS:

1. Review of by-laws
2. Discussion on definition of fence as an accessory structure

CORRESPONDANCE AND UPDATES:

PUBLIC COMMENT:

ADJOURNMENT:

Marion Township Public Participation Policy at Township Planning Commission Meetings

The Public shall be given an opportunity to be heard at every Township Planning Commission Meeting following the adoption of this Policy.

The Planning Commission Chairperson is the moderator of the meeting. In the absence of the Chairperson, the Planning Commission VICE-Chairperson shall be the moderator of the meeting.

The Public attending the meeting either in-person or on-line may speak during the "Call to the Public" part of the meeting agenda. To preserve order, those attending in-person will speak first. When all in-person attendees have been heard, the moderator will ask if any on-line attendee wishes to speak.

When recognized by the moderator, in-person attendees shall come to the podium. The moderator will request that they give their name and address before they begin their comments. When all in-person attendees have finished speaking, the moderator will ask if anyone attending the meeting on-line wishes to speak. Online attendees may unmute themselves and when recognized by the moderator may speak. Online attendees will also be asked for their name and address.

All comments shall be addressed to the Township Planning Commission members. The "Call to the Public" is for attendees to provide information or opinions to the Township Planning Commission and is not intended to be a dialogue. Anyone needing a response should contact officials or staff during normal office hours.

The Public attending the meeting either in-person or on-line will be allowed to ask questions and make comments about NEW and UNFINISHED agenda items. These questions and comments must be made during the discussion of that agenda item. Anyone that would like to speak will raise their hand indicating their desire to speak.

When recognized by the moderator, in-person attendees shall come to the podium. The moderator will request that they give their name and address before they begin their comments. When all in-person attendees have finished speaking, the moderator will ask if anyone attending the meeting on-line wishes to speak about the NEW or UNFINISHED agenda item. Online attendees may unmute themselves and when recognized by the moderator may speak. Online attendees will also be asked for their name and address.

The moderator can close the questions and comments session about a NEW and UNFINISHED agenda item at his/her discretion.

To preserve efficiency, at any time during the meeting, each speaker, whether in-person or online will be limited to THREE MINUTES.

**MARION TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 27, 2026 / 7:30PM**

PC MEMBERS PRESENT: JIM ANDERSON – *CHAIRPERSON*
CHERYL RANGE – *SECRETARY*
BRUCE POWELSON
SCOTT LLOYD

PC MEMBERS ABSENT: LARRY FILLINGER

OTHERS PRESENT: SCOTT RICHARDSON – *MARION TWP. ZONING ADMINISTRATOR*
ZACH MICHELS – *TOWNSHIP PLANNER*

CALL TO ORDER:

Larry Grunn called the meeting to order at 7:30 pm.

CALL TO PUBLIC:

No comments were made.

APPROVAL OF JANUARY 27, 2026 AGENDA:

Larry Grunn's appointment as a Planning Commissioner ended in January 2026. Larry Fillinger was appointed as the new Planning Commissioner.

Jim Anderson suggested postponing the election of officers to the February 24, 2026 meeting, when all Commissioners are present. The Commissioners agreed.

Scott Lloyd made a motion to approve the January 27, 2026 agenda as amended. Cheryl Range seconded. **4-0 MOTION CARRIED**

APPROVAL OF DECEMBER 16, 2025 MINUTES (MAILOUT A):

Bruce Powelson made a motion to approve the December 16, 2025 Planning Commission minutes as presented. Cheryl Range seconded. **4-0 MOTION CARRIED**

OLD BUSINESS:

- 1) **TXT# 01-25 REVIEW REMARKS FROM LIVINGSTON COUNTY PLANNING COMMISSION (MAILOUT B)**
 - A. 6.20 PRIVATE ROADS
 - B. 13.03 PLANNED UNIT DEVELOPMENTS
 - C. 6.18 CONDOMINIUM PROJECTS
 - D. 17.21 MULTI-FAMILY SITE CONDOMINIUMS
 - E. 6.17 INFRASTRUCTURE AND CONCURRENCY STANDARDS
 - F. 16.04 PLANNING COMMISSION ACTION
 - G. 3.02 DEFINITIONS

Jim Anderson and Bruce Powelson attended the Livingston County Planning Commission meeting and were present for their discussion on Marion Township's text amendment changes to TXT# 01-25 Private Roads ordinance. Commissioners reviewed the LCPD's feedback and suggestions. Jim Anderson proposed that the following definitions and changes be added to the ordinance, per the Livingston County Planning Department:

6.20 Private Roads

Definitions per the Livingston County Planning Commission Review

Private Road: A way or means of approach ~~which~~ **that** provides access to two or more principal buildings, and which is constructed and maintained by the owner or owners and is not dedicated for general public use. Parking aisles and parking lot maneuvering lanes shall not be construed to be private roads.

Minor Private Road (2-5 dwellings): A way or means of approach ~~which~~ **that** provides access to two or more dwellings, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

Major Private Road (>5 dwellings): A way or means of approach ~~which~~ **that** provides access to five or more dwellings, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

Commercial Private Road: A way or means of approach ~~which~~ **that** provides access to two or more principal commercial buildings, and which is constructed and maintained by the owner or owners and is not dedicated for general public use. Parking aisles and parking lot maneuvering lanes shall not be construed to be private roads.

Industrial Private Road: A way or means of approach ~~which~~ **that** provides access to two or more principal industrial buildings, and which is constructed and maintained by the owner or owners and is not dedicated for general public use. Parking aisles and parking lot maneuvering lanes shall not be construed to be private roads.

Pre-existing, Legally Nonconforming Private Road: Any private road, serving any dwelling or principle commercial and industrial in existence prior to the adoption by the Board of Trustees of Marion Township of the current private road ordinance.

Private Road Easement: An easement ~~which~~ **that** is granted exclusively for private access to two or more lots, whether by grant of easement, private dedication, designation as a common area, or other means, and which contains a private road.

Changes per the Livingston County Planning Commission Review

Section 6.20 Private Roads

B. General Private Road Requirements: All private roads shall meet the general standards below.

- ~~1. Livingston County and Township: Private roads shall meet the requirements for roads in effect with the Livingston County Road Commission at the time of application, except where Township ordinance specify different standards and all applicable Township ordinances.~~
1. Livingston County and Township: Private roads shall ~~comply~~ **meet** all applicable Livingston County Road Commission regulations for intersections, driveway permits drainage entering public rights of way, and any activity within a county road right of way at the time of application, except where Township ordinance specify different standards, and all other applicable Township ordinances.

NEW BUSINESS:

1) MOTION TO SEND TXT# 01-25 PRIVATE ROADS TO THE MARION TOWNSHIP BOARD OF TRUSTEES FOR REVIEW AND BOARD ACTION

Bruce Powelson made a motion to recommend approval of TXT# 01-25 Private Road Ordinance to the Board of Trustees with the recommended changes. Cheryl Range seconded. **4-0 MOTION CARRIED**

2) STORAGE UNIT ORDINANCE DISCUSSION (MAILOUT C)

Commissioners requested that Zach Michels put some language together to review at the next Planning Commission meeting.

3) DISCUSSION ON ORDINANCE REVIEW FOR KEEPING CHICKENS (MAILOUT D)

Commissioners requested that Zach Michels put some language together to review at the next Planning Commission meeting. Commissioners like #15, #25 and #20 from the document in the packet titled "Where in Livingston County can you raise a flock of chickens? What to know". The Commissioners would also like the language to include a two-acre minimum policy and regulations on the number of chickens allowed per acre.

4) DISCUSSION OF DATA CENTER ORDINANCE (MAILOUT E)

Bruce Powelson recommended the Marion Township Board of Trustees to place a moratorium on Data Centers in Marion Township for the next six months, to allow time for some changes to our current ordinance. Cheryl Range seconded.

4-0 MOTION CARRIED

CORRESPONDENCE AND UPDATES:

1) PLANNING COMMISSION BUDGET FOR JULY 1, 2025 – JUNE 30, 2026 (MAILOUT F)

Commissioners reviewed the budget for the Planning Commission from last fiscal year.

2) ELECTION OF CHAIR, VICE-CHAIR AND SECRETARY

Jim Anderson suggested at the beginning of the meeting postponing the election of officers to the February 24, 2026 meeting, when all Commissioners can be present. The Commissioners agreed.

3) ORDINANCE COMMITTEE

Jim Anderson updated the Commissioners on the Ordinance Committee. The Board of Trustees elected the following individuals to be on the Zoning Ordinance Committee: Jim Anderson (Planning Commissioner), Scott Richardson (Zoning Administrator), Jim Witkowski (Board of Trustee), Larry Fillinger (Planning Commissioner and ZBA member), Dean Blanchard (Marion Township resident).

4) CALL TO THE PUBLIC POLICY

Jessica Timberlake recommended that the Planning Commission review and update their current Call to Public Policy and the Planning Commission Bylaws at the next Planning Commission meeting.

CALL TO PUBLIC:

Les Andersen is a Marion Township resident and addressed the Commissioners about language on accessory structures.

ADJOURNMENT:

Bruce Powelson made a motion to adjourn the Planning Commission meeting at 9:02pm. Jim Anderson seconded.

4-0 MOTION CARRIED

MINUTES TAKEN BY: Jessica S. Timberlake

(Marion Township Board of Trustee's *Call To The Public* Policy)

CALL TO THE PUBLIC POLICY-

Marion Township Public Participation at Township Board Meetings Policy

The Public shall be given an opportunity to be heard at every Township Board Meeting following this Policy adopted by the Township Board.

The Township Supervisor is the moderator of the meeting. In the absence of the Supervisor, the Township Clerk shall hold an election of the Board Members present to select a moderator for the meeting.

Anyone attending the meeting either in-person or on-line may speak during the "Call to the Public" part of the meeting. To preserve order, those attending in-person will speak first. When all in-person attendees have been heard, the moderator will ask if any on-line attendee wishes to speak.

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All comments shall be addressed to the Township Board. The "Call to the Public" is for attendees to provide information or opinions to the Township Board and is not intended to be a dialog. Anyone needing a response should contact officials or staff during working hours.

To preserve efficiency, speakers will be asked to keep their comments to three minutes or less.

On some occasions, attendees may be asked for comments during agenda items.

Adopted on 08/25/2022

Amended on 02/12/2026



Livingston County Department of Planning

Scott Barb
AICP, PEM
Director

February 3, 2026

RE: Data Center Ordinances

Robert A. Stanford
AICP
Principal Planner

To All Livingston County Townships:

Martha Haglund
AICP
Principal Planner

The Livingston County Planning Commission, in collaboration with Planning Department staff has authorized the distribution of the attached data center sample ordinances as a recommended best practice zoning framework. The sample ordinances are based on nationally recognized best practices and are aligned with the York County, Pennsylvania Data Center Ordinance, which has been widely referenced by counties to proactively manage unique land use impacts associated with large-scale data center development.

Abigail Carrigan
Planning Intern

Department staff have developed sample language for data center uses and offers the attached sample ordinances for any community that may be considering amending their own ordinances or constructing new sections pertaining to a data center use. Data centers present unique operational characteristics such as continuous noise, energy demand, water usage, and larger building mass that are not fully addressed in traditional zoning standards. The sample ordinances are intended to be flexible for local units of government to integrate the language into their existing zoning frameworks and to enhance the public health, safety, and welfare.

The attached sample ordinances are not intended to replace or duplicate existing zoning language found in local ordinances. They are intended to serve as a guide for each local community as a starting point when such ordinances are considered. We encourage each township to utilize any or all of the attached sample ordinances and have township planning professionals and legal professionals review your proposed amendments prior to township and county planning commission review.

Department Information

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Howell, MI 48843-2323

Respectfully,

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Scott Barb


Rob Stanford


Martha Haglund


Abigail Carrigan

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Section 100 Data Center Planned Unit Development (DPUD)

Intent: Provide regulations and standards for a Data Center Planned Development address the following:

- Evaluating the Community and Environmental Impacts
- Establish clear guidelines for accountability during phased construction to full buildout.
- Ensure compatibility with surrounding land uses,
- Ensure quality design and architecture.
- Address the unique accessory uses associated with Data Centers
- Ensure the capacity of public services and adequate infrastructure to support the Data Center now and into the future.

Section 200 Definitions

Community Noise Equivalent Level (CNEI): The 24-hour A-weighted average sound level from midnight to midnight, obtained after the addition of 5 dB to sound levels occurring in the evening from 7 PM to 10 PM and after the addition of 10 dB to sound levels occurring in the night between 10 PM and 7 AM.

Data Center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center.

Data Center Planned Unit Development (DPUD): Is a development that is under common ownership or control that could be located on a single or multiple parcels. The development could be done in phases or as a single project. The development may contain all aspects of Data Centers but on a larger scale.

Data Center Accessory Use: Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; domestic and non-contact cooling water and water discharge treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers; fire suppression, and related equipment), and security features, provided such Data Center Accessory Uses/structures are located on the same tract of land. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

Data Center Principal Building: A building that contains the office and/or data storage function of a Data Center.

Footcandle: Enough light to saturate a one-foot square with one lumen of light.

Ground Mounted Mechanical Equipment: Accessory uses such as air conditioner units, generators, transformers, or other related equipment.



Sensitive Receptors: Schools, preschools, day care centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, playgrounds, parks (excluding trails), campgrounds, prisons, dormitories, parcels zoned residential and any residence where such residence is not located on a parcel zoned for industrial or commercial, or any other like uses as determined by the Zoning Administrator.

Section 300 DPUD-General Provisions

- A. Applicability.** Section 600 applies to Data Center Uses. In addition to any other applicable requirements of this Zoning Ordinance. Applicants must submit materials at the time of submission of DPUD Site Plan that include any information necessary to evaluate conformance with standards in Section 600. Conditional or final Site Plan approval is Contingent upon the applicant demonstrating conformance to standards in Section 600 and other applicable standards in the Zoning Ordinance.
- B. Ownership:** The DPUD shall be under single ownership.
- C. Zoning:** Data Center Planned Unit Developments are an overlay zone that are permitted in the following underlying zoning district(s): _____.
- D. Lot Size:** Minimum _____ acres
- E. Open Space Requirements:** The development shall provide _____% of open space. Open space calculations should not include waterbodies, waterways or regulated wetland areas.
- F. Maximum Number of Principal Buildings:** _____ Principal Buildings
- G. Maximum Number of Accessory Buildings:** _____ Accessory Buildings
- H. Maximum Total Square Footage of Total Buildings** _____ Square Feet
- I. Review Procedure:**
 - 1. An optional pre-application workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of a DPUD concept, solicit feedback and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Planning Commission agenda.
 - 2. The applicant shall prepare and submit to the Zoning Administrator a request for rezoning to DPUD overlay and if applicable, the underlying zoning district. The application shall include a Preliminary Site Plan and items listed in Section --- (Application) shall be submitted in accordance with rezoning request (Municipality's Section on Zoning Map Amendments).
 - 3. The Planning Commission shall review the rezoning request, the Preliminary DPUD Site Plan, all submitted materials and DPUD Agreement, conduct a



public hearing, and make a recommendation to the Township Board and Livingston County Planning Commission.

4. Within thirty (30) days following receipt of a recommendation from the Planning Commission, the Livingston County Planning Commission shall conduct a public hearing on the requested DPUD overlay rezoning and if applicable, the underlying zoning district, make a recommendation for approval or denial to the Township Board.
 5. The applicant shall make any revisions to incorporate conditions noted by the Planning Commission and submit the required copies to the Zoning Administrator to provide sufficient time for review prior to the Township Board meeting.
 6. Within ninety (90) days following receipt of a recommendation from the Planning Commission and Livingston County, the Township Board shall conduct a public hearing on the requested DPUD rezoning, Preliminary DPUD Site Plan and DPUD Agreement and either approve, deny or approve with a list of conditions made part of the approval.
- J. Expiration.** Approval of the Preliminary DPUD Site Plan by the Township Board shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for Final DPUD Site Plan approval is not requested within this time period, resubmittal of a new DPUD preliminary plan and application shall be required. The Township Board may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.
- K. Process for Final DPUD Site Plans**
1. The applicant shall submit the required copies of all necessary information meeting the requirements of Section 600 of this ordinance to the Zoning Administrator at least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request.
- L. Application.** When applying for a DPUD an applicant will submit all the following at time request.
1. A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.
 2. **Safety:** Data Center shall Provide the following:
 - a. An operations agreement setting forth the parameters of the operation, the name and contact information of the operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.



- b. A plan for managing any hazardous waste, which shall comply with all County, State and Federal regulations.
 - c. A fire protection plan, which identifies the fire risks associated with the Data Center; describes the fire suppression system that will be implemented; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions; identifies the water sources that will be available for the local fire department to protect adjacent properties.
 - d. An internal fire suppression system that shall be reviewed and tested once every twelve (12) months by a third-party contractor approved by the fire chief.
 - e. Extraordinary Events. If the Data Center experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
- 3. **Environmental and Community Impact Analysis:** the applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:
 - a. An evaluation of the potential impacts of the proposed use, both positive and negative, upon:
 - 1. Emergency services and fire protection,
 - 2. Noise Impact Statement
 - 3. Lighting
 - 4. Water supply,
 - 5. Sewage disposal,
 - 6. Solid waste disposal,
 - 7. School facilities and school district budget, and
 - 8. Municipal revenues and expenses.
 - b. The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles, exists.
 - c. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.



4. Environmental Assessment

Any Environmental Impact Assessment, Environmental and Community Impact Analysis, or similar documentation required under this Ordinance is intended solely to assist the Township in evaluating land use compatibility, site design, and potential off-site impacts within the Township's zoning authority. Such submittals shall not be construed as imposing additional regulatory standards beyond those expressly set forth in this Ordinance, nor shall they be used to require compliance with standards that are otherwise regulated exclusively by state or federal law.

An Environmental Impact Assessment shall be performed. The assessment shall be prepared by a professional engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use, including location, relationship to other projects or proposals, with adequate data and detail for the (Municipality) to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development plan and include the following focus areas:

- a. Air pollution impacts emissions from vehicle operations, including from truck engines during idle time. The applicant shall identify all stationary and mobile sources of fine particulate matter (PM_{2.5}), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site. The owner or operator of the facility shall have anti-idling signs prominently posted in areas where 15 or more trucks may park or congregate. Developer shall acquire all necessary air quality permits from EGLE Air Quality Division.
- b. A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waterways and cultural and historic resources on the property and within 500 feet of the boundaries of the property.
- c. Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
- d. A stormwater management plan will be required.
- e. Environmental Compliance: Data Center shall provide proof of compliance, including compliance with Part 31, Water Resources



Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other applicable laws and rules in force at the time the Township considers the application.

5. **Complaint Resolution Plan:** A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Data Center, which is subject to the Township's review and approval.
6. **Community Host Agreement (CHA):** The [Municipality] may, at its discretion and in consultation with legal counsel, enter into a voluntary Community Host Agreement with a Data Center Planned Unit Development applicant. Participation in a Community Host Agreement shall be voluntary and shall not be required as a condition of zoning approval, rezoning, site plan approval, or issuance of any permit.

The CHA shall do the following:

- a. Be a separate and binding agreement,
 - b. Clearly defined Community Impact Fees,
 - c. Shall describe the percentage or amount of funds and how they are to be allocated.
 - d. Funds may be allocated toward any of the following
 1. Public Services such as public meetings, water utility, public safety or fire authorities
 2. Park and Recreation
 3. Open Space Preservation
 4. Trails and Sidewalks
 - e. Community Host Agreement shall be reviewed every 3 years to ensure the accuracy of impact fees.
7. **DPUD Agreement Shall:**
- a. **Cover Sheet providing:**
 1. The applicant's name
 2. The name of the development.
 3. The preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan;
 4. Date of preparation and any revisions;
 5. North arrow;



6. Property lines and dimensions;
 7. Complete and current legal description and size of property in acres;
 8. Small location sketch of the subject site and area within one-half mile; and scale;
 9. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the DPUD site;
 10. Lot lines and all structures on the property and within five-hundred (500) feet of the DPUD property lines;
 11. Location of any access points on both sides of the street within five-hundred (500) feet of the DPUD site along streets where access to the DPUD is proposed.
- b. The DPUD Agreement will set forth the conditions upon which the approval is based, with reference to the approved DPUD Site Plan and a description of all deviations from Township regulations that have been requested and approved.
 - c. When open space or common areas are indicated in the DPUD plan for use by the residents, the open space or common areas shall be conveyed in fee, placed under a conservation easement or otherwise committed by dedication to an association of the residents, and the use shall be irrevocably dedicated in perpetuity and retained as open space for park, recreation, conservation or other common uses.
 - d. Set forth a program and financing for maintaining common areas and features, such as walkways, signs, lighting and landscaping.
 - e. Assure that trees and woodlands will be preserved as shown on the site plan or replaced on a caliper for caliper basis.
 - f. Assure the construction, improvement and maintenance of all streets and necessary utilities (including public water, wastewater collection and treatment) to mitigate the impacts of the DPUD project through construction by the developer, bonds or other satisfactory means, for any and all phases of the DPUD. In the case of phased DPUD's this requirement shall be reviewed at the time of any final site plan approval.
 - g. Address any other concerns of the Township regarding construction and maintenance.



h. Optional: Decommissioning Plan or Plan to mitigate impacts if the project discontinues.

M. A Preliminary DPUD Site Plan shall include:

1. Conceptual layout of proposed land use, acreage allotted to each use, and by underlying zoning district (calculations shall be provided for both overall and useable acreage), building footprints, structures, roadways, parking areas, drives, driveways, pedestrian paths, gathering areas and identification signs. Note: Useable area is total area less public road rights-of-way, year-round surface water bodies, and regulated wetlands.
2. Building setbacks and spacing.
3. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees over eight inches in caliper to be retained, and any woodlands that will be designated as "areas not to be disturbed" in development of the DPUD.
4. A preliminary layout of contemplated storm water drainage, detention pond location, water supply and wastewater disposal systems, any public or private easements, and a note of any utility lines to be removed.
5. Calculations to demonstrate compliance with minimum open space requirements shall be provided.
6. Preliminary architectural design information shall be provided to the satisfaction of the Township.
7. If a multi-phase DPUD is proposed, identification of the areas included in each phase.
8. Identify surrounding Sensitive Receptors up to 1000 feet from property line.
9. Utilities. Data Centers are subject and the following:
 - a. A Utility Master Plan shall be required based on guidelines provided by the Township Engineer. The Utility Master Plan shall show connection points to existing utilities, and concepts for layout, size and phasing of utilities.
 - b. Data Center shall provide evidence there is water capacity to support Data Center and estimated usage.
 - c. Data Center shall provide evidence that there is energy capacity to support Data Center.
 1. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve



the other needs of the service area is consistent with the normal projected load growth envisioned by the provider,

2. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use
3. Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact the surrounding region,
4. All cooling and ventilation equipment within property boundaries must operate on a closed-loop system.
5. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises, and
6. Prior to approval of the certification of completion or occupancy, the applicant shall provide the municipality with written verification that the electrical work has passed a third-party final inspection.

- d. Data Center shall provide an annual report on water and power usage to the Township Zoning Administrator.

10. Additional Information: Applicant will provide any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

N. DPUD Site Plan Standards

1. **Loading Bay Location.** Loading bays are permitted to be located on only 1 façade
2. **Parking.** The following parking standards shall be applied to Data Centers.
 - a. Applying the parking requirements for office that exist in the ordinance, but only to the portion of the Data Center building that is actually utilized for office space; or
 - b. Requesting a staffing plan from the Data Center developer and allowing such data to inform the minimum number of parking spaces needed.
3. **Setbacks and Building Massing Adjacent to Residential.** The following requirements apply when a proposed Data Center is to be located on a property adjacent to a property with Sensitive Receptors, including when the Data Center property is adjacent to residential property that are separated by public or private road.



- a. **Minimum Parking Setback.** Parking must be setback at least 50 feet from the common property line, provided existing forest and other natural screening exists within 50 feet of the lot line, and such forest and screening remains undisturbed or enhanced in accordance with Section -- (Municipality section on screening); or, if no forest or natural screening exists, berms are provided at least 10 feet in height constructed to a maximum 2:1 slope on either side of the crown edge, and 10-foot-tall fencing and plantings are placed on top of the berm;
 - b. **Minimum Setback for Structures.** Structures must be setback at least 200 feet from the common property line;
 - c. **Change in Building Height.** If a building is located within 400 feet measured from the property line adjacent to property with Sensitive Receptors, any building façade facing the adjacent property must include a change in building height at a minimum interval no less frequent than every 150 horizontal linear feet or no less frequent than 3 times the average height of the building; and
 - d. **Building Step-Back.** If a building is located within 400 feet measured from the property line adjacent to property with Sensitive Receptors the building envelope must provide a step-back of no less than 15 feet from the building wall at a height point that begins at the top of the second story of the building or 40 feet, whichever of the 2 is lower.
4. **Location and Screening of Data Center Mechanical Equipment.** All ground level and roof top Data Center Mechanical Equipment must meet the following standards: Data Center Mechanical Equipment must be shown on any proposed Site Plan and must be fully screened on all sides. Such visually solid screen must be constructed with a design, materials, details, and treatment compatible with those used on the nearest Principal Façade of a building;
- a. **Perforation for Ventilated Screening.** As determined by the Zoning Administrator, screening for Data Center Mechanical Equipment may incorporate perforated surfaces on screening walls as necessary to permit ventilation of Data Center Mechanical Equipment;
 - b. **Separation from Residential.** Ground mounted Data Center Mechanical Equipment must be separated from adjacent property with Sensitive Receptors by a principal building or is otherwise not permitted adjacent to property with Sensitive Receptors.
 - c. **Ground Mounted Prohibited in Front Yards.** Ground mounted Data Center Mechanical Equipment must not be located in any required front yard.
 - d. **No Screening Requirements Adjacent to Industrially Zoned Property.** As determined by the Zoning Administrator, Data Center



Mechanical Equipment located in a manner found to have no adverse impact on adjacent properties zoned Industrial, Light Industrial or Research and Development, is not required to be screened pursuant to Section --- (Location and Screening of Data Center Mechanical Equipment), except that such Data Center Mechanical Equipment must be screened from any existing or planned public road.

O. Generator Noise Adjacent to Residential. For Data Centers on property adjacent to property with Sensitive Receptors the following standard applies to generator testing, subject to State and Federal Regulations or permits issued for the property

1. Generator testing is limited to between 5:00 p.m. and 7:00 p.m. between May 1 and September 30;
2. Generator testing is limited to between 11:00 a.m. and 5:00 p.m. between October 1 and April 30; and
3. Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.

P. Noise:

1. CNEI

- a. The Community Noise Equivalent Level (CNEI) at the boundary of the property containing a Sensitive Receptor shall not exceed 60 dBA.

Option: To use the existing Municipality's Noise Requirements and reference the section number here or modify the model language as necessary.

- b. The CNEI at the boundary of any developed property not containing a Sensitive Receptor shall not exceed 70 dBA.
- c. Sound that is produced for not more than a cumulative period of one (1) minute in any hour may exceed the standards above by up to ten (10) dBA.
- d. The maximum sound levels listed above do not apply to emergency alerts, emergency work to provide electricity, water, or other public utilities when public health or safety is involved, snow removal, or road repair.

2. The limitations of Section --- (Noise). herein shall not apply to any Sensitive Receptors that are established adjacent to the Data Center after the date of issuance of a certificate of completion or occupancy for the applicant's operation.



3. **Noise-Post Construction:** A post-construction noise study must be submitted demonstrating to the Zoning Administrator's satisfaction that the operation complies with the Noise Ordinance standards in Section --- (Noise).

Q. Light and Glare. In addition to requirements of [Section with Municipality's Light Ordinance standards], Data Centers must meet the following standards:

- a. Data Centers must include a photometric plan that shows all exterior lighting, including any security lighting; and
- b. Maximum illumination under Section --- (Light & Glare) includes any security lighting.
- c. The illumination projected onto a Property with Sensitive Receptors shall at no time exceed 0.1 footcandle, measured line-of-sight and from any point on the receiving residential property

R. Power Generation: On-site power generation for normal operations is prohibited; emergency backup generators are permitted as accessory uses.

(Optional) Power generation from renewable energy sources, i.e. solar or wind, serving the Data Center may be permitted as accessory uses if expressly authorized by the underlying zoning district and provided such systems do not function as the primary power source for routine operations with Maximum _____ Kilowatts/Megawatts.

S. Landscaping /Buffering/Screening. Data Centers adjacent to property with Sensitive Receptors must include an enhanced buffer yard with required plantings located on an earthen berm with a grade no steeper than 2:1. The minimum height of the berm abutting adjacent property is 10 feet and abutting public/private roads is 10 feet.

Option: To use the existing Municipality's Landscaping, Buffer, and Screening Ordinance Requirements and reference the section number here.

- a. Where the combined footprint of the principal structure or structures is less than 100,000 square feet:
 - i. A minimum 300-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 500 feet of property that has Sensitive Receptors.
 - ii. A minimum 50-foot buffer yard shall be provided along any property line adjacent to a non-residential use or zone.
- b. Where the combined footprint of the principal structure or structures exceeds 100,000 square feet:
 - i. A minimum 500-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center



is located and along any property line which abuts or is within 500 feet of property that has Sensitive Receptors.

- ii. A minimum 50-foot buffer yard shall be provided along all other property lines.
- c. Utilities should be located outside of buffer yards to the maximum extent feasible to maintain a cohesive buffer yard, protect landscaping, and preserve open space. Utilities should be co-located when feasible to minimize the number of utility crossings through the required buffer yard, particularly when such crossings cannot be avoided.
- d. Use of existing vegetation for landscaping and screening is strongly encouraged and may be substituted for new berms and plantings if approved by the Planning Commission.
- e. The required number of plant units shall be calculated in accordance with other municipal screening requirements. (Municipality's Screening Ordinance requirements)
- f. Buffer yards along roadways shall be measured from the street right-of-way line.
- g. Where a lot line drainage or utility easement is required, the buffer yard shall be measured from the inside edge of the easement.
- h. Buffer yards shall not include environmental encumbrances such as, but not limited to, wetlands, wetland transition areas, riparian buffers, and flood hazard areas as may be imposed by outside agencies.
- i. The buffer yard shall include a dense landscape buffer consisting of the following:
 - i. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting. Narrow/upright evergreen species may also be used within buffers at a ratio of 3:1. No more than 25% of the total required large evergreen species can be substituted with narrow/upright species.
 - ii. One (1) canopy (shade) tree per 75 linear feet of buffer. The size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at the time of planting.
 - iii. One (1) ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2 ½ inch caliper at the time of planting for single-stemmed varieties.
 - iv. Five (5) shrubs per 25 linear feet of buffer. Shrubs shall be fully branched and a minimum of three (3) feet in height at the time of planting. Shrubs



shall be a combination of evergreen and deciduous species, with a minimum of 50% evergreen.

- j. The landscape buffer shall be located along the outer edge of the buffer yard.
- k. Plant material within buffer plantings shall meet the following requirements:
 - i. Be resistant to diesel exhaust.
 - ii. Not identified on the most current MDNR invasive species or watch lists.
 - iii. Be hardy within USDA hardiness Zones 6 and 7.
 - iv. Shall be planted on the top and the exterior of any berm in order to provide effective screening.
 - v. Shall be arranged in groupings to allow for ease of maintenance and to provide a natural appearance.
 - vi. Shall provide a diversity in plant species, such that no one species accounts for more than 25% of each plant type.
 - vii. The plantings shall be arranged to provide a complete visual screen of the property at least 12 feet in height, measured in addition to the height of any required berm, within three (3) years.
- l. The buffer yard may be located within the required building setback lines. No impervious surface is permitted within the buffer yard aside from access drives, sidewalks, and associated improvements

T. Principal Façade Standards. Principal Façade requirements apply to all building facades that face adjacent existing or planned public roads or that face an adjacent property with Sensitive Receptors.

Option: To use the existing Municipality's Façade Standards and reference the section number here.

a. Requirements.

- i. Principal façades of a building must incorporate the following standards at horizontal linear intervals that may vary in frequency but must be no less frequent than every 150 horizontal linear feet or no less frequent than 3 times the average height of the building:
 - 1. Fenestration or Fenestration and (Optional) Green wall; and
 - 2. A change in 1 of the following design elements:
 - a. Building material;
 - b. Pattern
 - c. Texture
 - d. Color; or
 - e. Accent materials.



- ii. **Consistent Design.** When a building has more than 1 Principal Façade, the Principal Façades of such building must be consistent in terms of design, materials, details, and treatment.
- iii. **Fenestration.** Each Principal Façade of a building must include Fenestration as follows:
 - 1. **Fenestration Surface Coverage of the Façade.** Fenestration must comprise at least 30% of the total surface coverage area of the Principal Façade.
 - 2. **Distributed Fenestration Coverage.** Fenestration provided to meet the following:
 - a. Each placement or bay may count towards no more than 7.5% of such total surface coverage area.
 - b. Required 30% total surface coverage area of the Principal Façade must be located in separated, individual placements or clustered bays; and
 - 3. **Fenestration Coverage Pattern.** The placement pattern of individual or clustered bays of Fenestration must be distributed horizontally and vertically across the Principal Façade; and
 - a. **Fenestration Consistent Design with Principal Façade.** The Fenestration must be compatible with the other design, materials, details, and treatment used on the same Principal Façade.
 - 4. **Green-Wall Treatment.**
 - a. A Green-Wall Treatment may be provided in lieu of up to half of the Fenestration Surface Coverage of the façade requirement of Section ---. (*Fenestration Surface Coverage of Façade.*)
 - b. Requirements. Green-Wall Treatments must provide the following:
 - 1. **Maintenance.** The owner, or the owner's agent, is responsible for the repair, replacement, and maintenance of the Green-Wall for the duration of the use;
 - 2. **Distributed Green-Wall Surface Coverage.** Green-Wall areas must be provided to meet up to half of the required 30% total surface coverage area of the Principal Façade of a building; and
 - 3. **Green-Wall Coverage Pattern.** The Green-Wall areas must be distributed horizontally and vertically across the Principal Façade.



U. Standards for Approval of Preliminary DPUD Site Plan

1. The DPUD must meet Section --- (Rezoning Criteria for Zoning Map Amendments).
2. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.
3. The planned unit development is generally consistent with the goals, objectives and land use map of the Master Plan.
4. Judicious effort has been used to preserve significant natural and historical features, surface and underground water bodies and the integrity of the land.
5. Public water and sewer facilities are available or shall be provided for by the developer as part of the site development.
6. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site is provided. Roads and driveways shall comply with Livingston County Road Commission standards and the private road regulations as applicable. Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. The site shall provide for inter-connection of roads and the future integration of circulation between adjacent sites.
7. Any deviations from the applicable zoning regulations are reasonable and meet the intent of this Section.

V. The Final DPUD Site Plan Requirements shall include:

1. Meet all requirements and submit materials required by Section 600, including any updated Environmental and Community Impacts and Environmental Assessments, Utility Master Pan.
2. A hydrologic impact assessment describing the existing ground and surface water resources including, but not limited to, a description of the water table, direction of groundwater flow, recharge and discharge areas, lake levels, surface drainage, floodplains, and water quality as well as the projected impact of the proposed development on such resources, in particular impacts associated with water supply development, wastewater disposal, and storm water management.
3. A final copy of the approved DPUD Agreement that meets the requirements outlined in Section (DPUD Agreement)
4. If applicable, an approved Community Host Agreement between the Township and Developer.



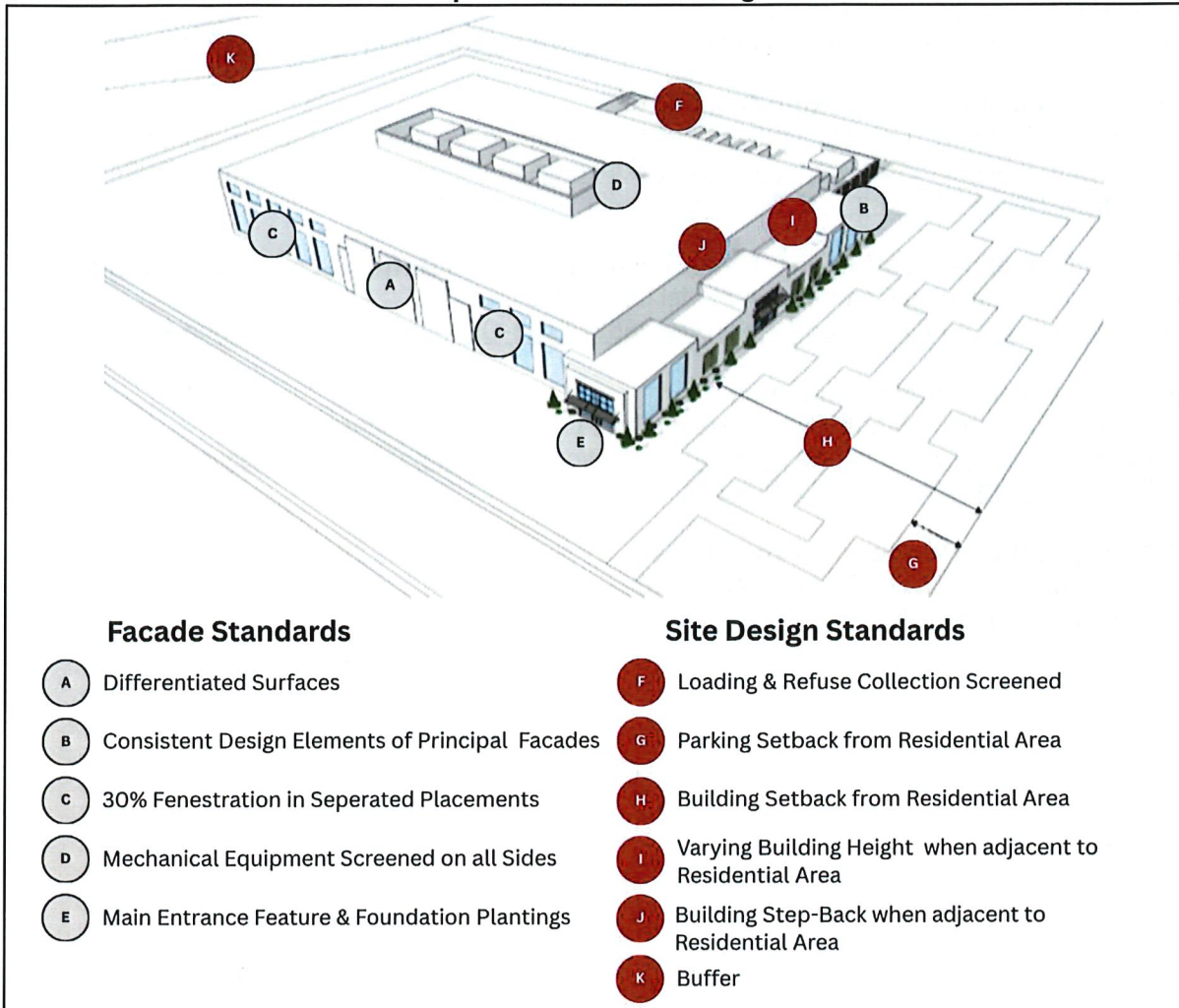
5. Additional Information: Applicant will provide any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.
- W. Conditions.** The Township Board may impose additional reasonable conditions to: ensure that public services and facilities affected by a Data Center will be capable of accommodating increased service and facility loads caused by the Data Center Planned Unit Development, 2) protect the natural environment and conserve natural resources and energy, 3) ensure compatibility with adjacent uses of land, and 4) promote the use of land in a socially and economically desirable manner.
- X. Construction.** Final site plan approval of a DPUD, DPUD phase or a building within the DPUD shall be effective for a period of three (3) years. Further submittals under the DPUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.
- Y. Amendments and Deviations from Approved Final DPUD Site Plan** Deviations following approval: Final DPUD Site Plan may occur only when an applicant or property owner who was granted Final DPUD Site Plan approval notifies the Zoning Administrator of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved Final DPUD Site Plan.
1. Procedure: Within fourteen (14) days of receipt of a request to amend the Final DPUD Site Plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as noted below.
 2. Minor changes: The Zoning Administrator may approve the proposed revision upon finding the change would not alter the basic design nor any conditions imposed upon the original plan approval by the Planning Commission. The Zoning Administrator shall inform the Planning Commission of such approval in writing. The Zoning Administrator shall consider the following when determining a change to be minor.
 - a. Gross floor area of non-residential buildings may be decreased; or increased by up to five percent (5%) or 10,000 square feet, whichever is smaller.
 - b. Floor plans may be changed if consistent with the character of the use.
 - c. Horizontal and/or vertical elevations may be altered by up to five percent (5%).



- d. Relocation of a building by up to five (5) feet, if consistent with required setbacks and other standards.
 - e. Designated "Areas not to be disturbed" may be increased.
 - f. Plantings approved in the Final DPUD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved which are lost during construction may be replaced by at least two (2) trees of the same or similar species.
 - g. Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - h. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
 - i. Slight modification of sign placement or reduction of size.
 - j. Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.
 - k. Changes required or requested by the Township, County or state for safety reasons.
- Z. Major Changes:** Where the Zoning Administrator determines the requested amendment to the approved Final DPUD Site Plan is major, resubmittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications to the Final DPUD Site Plan significantly alter the intent of the Preliminary DPUD Site Plan, a revised preliminary DPUD Site Plan shall be submitted according to the procedures outlined in Section --- (Application)
- AA. Appeals and Violations:** The Zoning Board of Appeals shall have the authority to hear and decide appeal requests by individual lot owners for variances from the Municipality Zoning Ordinance following final approval of the DPUD. However, the Zoning Board of Appeals shall not have the authority to reverse the decision of the Township Board on a DPUD preliminary, or final site plan, change any conditions placed by the Planning Commission, or Township Board or grant variances to the DPUD site plan, written DPUD agreement or the requirements of this article.
- BB. Violations:** A violation of the DPUD plan or agreement shall be considered a violation of this Ordinance.
- CC. Severability** In the event of a conflict between this Ordinance and any applicable state or federal law or regulation, the state or federal law shall control. The invalidity of any provision of this Ordinance shall not affect the validity of the remaining provisions.



Example of Data Center Diagram



Source: [Loudoun County Zoning Ordinance Data Center Standards](#)



Sources

Façade, Setbacks & Diagram

Loudoun County, VA: Data Center Ordinance:

<https://online.encodeplus.com/regs/loudouncounty-va-crosswalk/doc-viewer.aspx#secid-859>

General Guidelines and Parking Standards

Urban Land Institute. "Local Guidelines for Data Center Development." Washington, D.C.:

Urban Land Institute, 2024. https://knowledge.uli.org/-/media/files/research-reports/2024/uli-data-center-whitepaper_hm_2024-11-12_final-final-round.pdf

General Guidelines, Definitions, Environmental Analysis Buffer & Landscape Standards

York County , Planning Commission Model Ordinance-

<https://www.ycpc.org/DocumentCenter/View/5537/Data-Centers-Model-Ordinance-PDF>

Safety, Environmental Compliance

Cohoctah Township, Planning Commission Draft Ordinance & Discussion

<https://mccmeetings.blob.core.usgovcloudapi.net/cohoctahmi-pubu/MEET-Packet-f50395a2ff174bb0bcb470ffe8652664.pdf>

PUD Application Review and Procedures

Genoa Township, PUD Ordinance, Article 10

<https://www.genoa.org/government/ordinances/ordinance-zoning>



Section 100 Data Centers

Intent: Provide regulations and standards for Data Center developments and address the following:

- Ensure compatibility with surrounding land uses,
- Ensure quality design and architecture,
- Address the unique accessory uses associated with Data Centers,
- Ensure the capacity for public services and adequate infrastructure to support the Data Center now and into the future.

Section 200 Definitions

Community Noise Equivalent Level (CNEI): The 24-hour A-weighted average sound level from midnight to midnight, obtained after the addition of 5 dB to sound levels occurring in the evening from 7 PM to 10 PM and after the addition of 10 dB to sound levels occurring in the night between 10 PM and 7 AM.

Data Center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center.

Data Center Accessory Use: Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; domestic and non-contact cooling water and water discharge treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers; fire suppression, and related equipment), and security features, provided such Data Center Accessory Uses/structures are located on the same tract of land. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

Data Center Principal Building: A building that contains the office and/or data storage functions of a Data Center.

Footcandle: Enough light to saturate a one-foot square with one lumen of light.

Ground Mounted Mechanical Equipment: Accessory uses such as air conditioner units, generators, transformers, or other related equipment.

Sensitive Receptors: Schools, preschools, day care centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, playgrounds, parks (excluding trails), campgrounds, prisons, dormitories, parcels zoned residential and any residence where such residence is not located on a parcel zoned for industrial or commercial, or any other like uses as determined by the Zoning Administrator.



Section 300 Data Centers: General Provisions

- A. Applicability.** Section 100 applies to Data Center Uses. In addition to any other applicable requirements of Section --- (Municipality's Site Plan Review Procedures). Applicants must submit materials at the time of submission of Site Plan that include any information necessary to evaluate conformance with standards in Section 100. Conditional or final Site Plan approval is Contingent upon the applicant demonstrating conformance to standards in Section 100 and other applicable standards in the Zoning Ordinance.

1. (Optional) Any Data Center proposal that exceeds the dimensional requirements in this section must submit a proposal through the Data Center Planned Unit Development (DPUD) process in Section ---. (See attached Model DPUD Ordinance)

A DPUD may be one strategy to address large developments that have multiple principal buildings and various accessory uses.

- B. Zoning:** Data Centers are a permitted special use in the following _____ Zoning District(s).

- C. Lot Size:** Minimum/Maximum __ acres.

- D. Lot Coverage:** Maximum ____%

- E. Building Size:** Total Maximum _____ square feet

- F. Maximum Number of Principal Buildings:** _____
Principal Buildings

As an alternative to a DPUD, using tiered Dimensional Standards in this section could be used to address various size Data Center developments.

- G. Maximum Height:** The maximum building height for Data Centers shall be _____ feet.

- H. Safety:** Data Centers shall provide the following:

1. An operations agreement setting forth the parameters of the operation, the name and contact information of the operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
2. A plan for managing any hazardous waste, and proof of compliance with County, State and Federal Regulations.
3. A fire protection plan, which identifies the fire risks associated with the Data Center; describes the fire suppression system that will be implemented; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions; identifies the water sources that will be available for the local fire department to protect adjacent properties.
4. The equipment used in any Data Center operation shall be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The



containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.

5. Any Data Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.
 6. A Data Center must contain an internal fire suppression system that shall be reviewed and tested once every twelve (12) months by a third-party contractor approved by the fire chief.
 7. Extraordinary Events. If the Data Center experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
- I. **Environmental and Community Impact Analysis:** Prior to the commencement of the [Special Use Hearing or Site Plan Review], the applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:
1. A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.
 2. The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles, exists.
 3. An evaluation of the potential impacts of the proposed use, both positive and negative, upon:
 - a. Emergency services and fire protection,
 - b. Noise Impact Statement
 - c. Lighting
 - d. Water supply,
 - e. Sewage disposal,
 - f. Solid waste disposal,
 - g. School facilities and school district budget, and
 - h. Municipal revenues and expenses.
 4. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.



J. Environmental Assessment

Any Environmental Impact Assessment, Environmental and Community Impact Analysis, or similar documentation required under this Ordinance is intended solely to assist the Township in evaluating land use compatibility, site design, and potential off-site impacts within the Township's zoning authority. Such submittals shall not be construed as imposing additional regulatory standards beyond those expressly set forth in this Ordinance, nor shall they be used to require compliance with standards that are otherwise regulated exclusively by state or federal law.

An Environmental Impact Assessment shall be performed. The assessment shall be prepared by a professional engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use, including location, relationship to other projects or proposals, with adequate data and detail for the (Municipality) to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development plan and include the following focus areas:

1. Air pollution impacts emissions from vehicle operations, including from truck engines during idle time. The applicant shall identify all stationary and mobile sources of fine particulate matter (PM_{2.5}), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site. The owner or operator of the facility shall have anti-idling signs prominently posted in areas where 15 or more trucks may park or congregate. Developer shall acquire all necessary air quality permits from EGLE Air Quality Division.
2. A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waterways and cultural and historic resources on the property and within 500 feet of the boundaries of the property.
3. Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
4. A stormwater management plan will be required.
5. Environmental Compliance: Data Center shall provide proof of compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other



applicable laws and rules in force at the time the Township considers the application.

K. Complaint Resolution Plan: A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Data Center, which is subject to the Township's review and approval.

L. Power Generation: Routine or primary power generation is prohibited. Emergency backup generators are permitted for accessory uses.

(Optional) Power generation from renewable energy sources, i.e. solar or wind, serving the Data Center may be permitted as accessory uses if expressly authorized by the zoning district and provided such systems do not function as the primary power source for routine operations. Maximum _____ Kilowatts/Megawatts.

M. Additional Information: Applicant will provide any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

N. General Site Design Standards

- 1. Loading Bay Location.** Loading bays are permitted to be located on only 1 façade.
- 2. Parking.** The following parking standards shall be applied to Data Centers.
 - a. Applying the parking requirements for office that exist in the ordinance, but only to the portion of the Data Center building that is actually utilized for office space; or
 - b. Requesting a staffing plan from the Data Center developer and allowing such data to inform the minimum number of needed parking spaces.
- 3. Perimeter Fencing/Security Fences** shall not exceed ____ feet in height above ground and shall be of high-quality design and materials.
- 4. Data Center Electric Utility Substations**
 - a. Must include year-round opaque landscaping or a screen wall a minimum of ____ feet in height to minimize visual impact.
 - b. Electric Utility Substations on the same property as the Data Center they serve must be located on the side or rear of a Data Center Principal Building so they are screened from public view and must not be located in a required front yard. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.
 - c. When feasible power lines should be buried and strongly encouraged.
 - d. The Data Center Electric Utility Substation shall be subject to applicable zoning district setback requirements. Setbacks shall be measured from



the edge of the compound containing the substation to the property boundary of the lot it occupies.

5. Setbacks and Building Massing Adjacent to Residential. The following requirements apply when a proposed Data Center is to be located on a property adjacent to property with Sensitive Receptors, including when the Data Center property is adjacent to residential property that are separated by public or private road.

- a. Minimum Parking Setback.** Parking must be setback at least 50 feet from the common property line, provided existing forest and other natural screening exists within 50 feet of the lot line, and such forest and screening remains undisturbed or enhanced in accordance with Section -- (Municipality section on screening); or, if no forest or natural screening exists, berms are provided at least 10 feet in height constructed to a maximum 2:1 slope on either side of the crown edge, and 10-foot-tall fencing and plantings are placed on top of the berm;
- b. Minimum Setback for Structures.** Structures must be setback at least _____ feet from the common property line;
- c. Change in Building Height.** If a building is located within 400 feet measured from the property line adjacent to property with Sensitive Receptors, any building façade facing the adjacent property must include a change in building height at a minimum interval no less frequent than every 150 horizontal linear feet or no less frequent than 3 times the average height of the building; and
- d. Building Step-Back.** If a building is located within 400 feet measured from the property line with Sensitive Receptors, the building envelope must provide a step-back of no less than 15 feet from the building wall at a height point that begins at the top of the second story of the building or 40 feet, whichever of the 2 is lower.

6. Location and Screening of Data Center Mechanical Equipment. All ground level and roof top Data Center Mechanical Equipment must meet the following standards: Data Center Mechanical Equipment must be shown on any proposed Site Plan and must be fully screened on all sides. Such visually solid screen must be constructed with a design, materials, details, and treatment compatible with those used on the nearest Principal Façade of a building;

- a. Perforation for Ventilated Screening.** As determined by the Zoning Administrator, screening for Data Center Mechanical Equipment may incorporate perforated surfaces on screening walls as necessary to permit ventilation of Data Center Mechanical Equipment;
- b. Separation from Residential.** Ground mounted Data Center Mechanical Equipment must be separated from adjacent property that has Sensitive Receptors by a principal building.



- c. **Ground Mounted Prohibited in Front Yards.** Ground mounted Data Center Mechanical Equipment must not be located in any required front yard.
- d. **No Screening Requirements Adjacent to Industrially Zoned Property.** As determined by the Zoning Administrator, Data Center Mechanical Equipment located in a manner found to have no adverse impact on adjacent properties zoned Industrial or Light Industrial, is not required to be screened pursuant to Section --- (Location and Screening of Data Center mechanical Equipment) except that such Data Center Mechanical Equipment must be screened from any existing or planned public road.

- J. Utilities.** Nothing in this Ordinance shall be construed to regulate or restrict public utilities, transmission lines, or substations in a manner inconsistent with the jurisdiction of the Michigan Public Service Commission or applicable state or federal law.

Zoning standards applicable to Data Center accessory structures and site layout shall be limited to land use compatibility, setbacks, screening, and site design and shall not regulate utility operations or service provision.

Data Centers are subject to Utility requirements pursuant to the following standards.

1. Data Center shall provide evidence there is water capacity to support Data Center and estimated usage.
2. Data Center shall provide evidence that there is energy capacity to support Data Center.
 - a. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected load growth envisioned by the provider,
 - b. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use,
 - c. Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact the surrounding region,
 - d. All cooling and ventilation equipment within property boundaries must operate on a closed-loop system,
 - e. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises, and



- f. Prior to approval of the certification of completion or occupancy, the applicant shall provide the municipality with written verification that the electrical work has passed a third-party final inspection.
3. Data Center shall provide an annual report on water and power usage to the Township Zoning Administrator.

O. Noise:

1. CNEI

- a. The Community Noise Equivalent Level (CNEI) at the boundary of the property containing a Sensitive Receptor shall not exceed 60 dBA.
 - b. The CNEI at the boundary of any developed property not containing a Sensitive Receptor shall not exceed 70 dBA.
 - c. Sound that is produced for not more than a cumulative period of one (1) minute in any hour may exceed the standards above by up to ten (10) dBA.
 - d. The maximum sound levels listed above do not apply to emergency alerts, emergency work to provide electricity, water, or other public utilities when public health or safety is involved, snow removal, or road repair.
2. A noise reduction barrier or device may be required at the discretion of the Zoning Administrator when it is inconclusive that noise level tests do not conform to acceptable noise levels.
 3. The limitations of Section --- (Noise) shall not apply to any Sensitive Receptors that are established adjacent to the Data Center after the date of issuance of a certificate of completion or occupancy for the applicant's operation.

Option: To use the existing Municipality's Noise Requirements and reference the section number here or modify the model language as necessary.

- P. Generator Noise Adjacent to Residential.** For Data Centers on property adjacent to property with Sensitive Receptors the following standard applies to generator testing, subject to State and Federal Regulations or permits issued for the property:
- a. Generator testing is limited to between 5:00 p.m. and 7:00 p.m. between May 1 and September 30;
 - b. Generator testing is limited to between 11:00 a.m. and 5:00 p.m. between October 1 and April 30; and
 - c. Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.

K. Light and Glare. Data Centers must meet the following standards:



- i. Data Centers must include a photometric plan that shows all exterior lighting, including any security lighting; and
- ii. Maximum illumination under Section --- (Light and Glare) includes any security lighting.
- iii. The illumination projected onto a Property with Sensitive Receptors shall at no time exceed 0.1 footcandle, measured line-of-sight and from any point on the receiving residential property.

L. (Optional) Decommissioning Plan or Plan to mitigate impacts if the project discontinues.

M. Landscaping /Buffering/Screening. Data Centers adjacent to property with Sensitive Receptors must include an enhanced buffer yard with required plantings located on an earthen berm with a grade no steeper than 2:1. The minimum height of the berm abutting adjacent property is 10 feet and abutting public/private roads is 10 feet.

Option: To use the existing Municipality's Landscaping, Buffer, and Screening Ordinance Requirements and reference the section number here.

- a. Where the combined footprint of the principal structure or structures is less than 100,000 square feet:
 - i. A minimum 100-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 500 feet of an property that has Sensitive Receptors.
 - ii. A minimum 50-foot buffer yard shall be provided along any property line adjacent to a non-residential use or zone.
- b. Where the combined footprint of the principal structure or structures exceeds 100,000 square feet:
 - i. A minimum 500-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 500 feet of property that has Sensitive Receptors.
 - ii. A minimum 50-foot buffer yard shall be provided along all other property lines.
- c. Utilities should be located outside of buffer yards to the maximum extent feasible to maintain a cohesive buffer yard, protect landscaping, and preserve open space. Utilities should be co-located when feasible to minimize the number of utility crossings through the required buffer yard, particularly when such crossings cannot be avoided.



- d. Use of existing vegetation for landscaping and screening is strongly encouraged and may be substituted for new berms and plantings if approved by the Planning Commission.
- e. The required number of plant units shall be calculated in accordance with other municipal screening requirements.
- f. Buffer yards along roadways shall be measured from the street right-of-way line.
- g. Where a lot line drainage or utility easement is required, the buffer yard shall be measured from the inside edge of the easement.
- h. Buffer yards shall not include environmental encumbrances such as, but not limited to, wetlands, wetland transition areas, riparian buffers, and flood hazard areas as may be imposed by outside agencies.
- i. The buffer yard shall include a dense landscape buffer consisting of the following.
 - i. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting. Narrow/upright evergreen species may also be used within buffers at a ratio of 3:1. No more than 25% of the total required large evergreen species can be substituted with narrow/upright species.
 - ii. One (1) canopy (shade) tree per 75 linear feet of buffer. The size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at the time of planting.
 - iii. One (1) ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2 ½ inch caliper at the time of planting for single-stemmed varieties.
 - iv. Five (5) shrubs per 25 linear feet of buffer. Shrubs shall be fully branched and a minimum of three (3) feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% evergreen.
- j. The landscape buffer shall be located along the outer edge of the buffer yard.
- k. Plant material within buffer plantings shall meet the following requirements:
 - i. Be resistant to diesel exhaust.
 - ii. Not identified on the most current MDNR invasive species or watch lists.
 - iii. Be hardy within USDA hardiness Zones 5 and 6.
 - iv. Shall be planted on the top and the exterior of any berm in order to provide effective screening.



- v. Shall be arranged in groupings to allow for ease of maintenance and to provide a natural appearance.
- vi. Shall provide a diversity in plant species, such that no one species accounts for more than 25% of each plant type.
- vii. The plantings shall be arranged to provide a complete visual screen of the property at least 12 feet in height, measured in addition to the height of any required berm, within three (3) years.
- I. The buffer yard may be located within the required building setback lines. No impervious surface is permitted within the buffer yard aside from access drives, sidewalks, and associated improvements

M. Façade Standards.

a. Principal Façade

- i. **Applicability.** Principal façade requirements apply to all building facades that face adjacent existing or planned public roads or that face an adjacent property with Sensitive Receptors.

Option: To use the existing Municipality's Façade Standards and reference the section number here.

ii. Requirements.

- 1. Principal façades of a building must incorporate the following standards at horizontal linear intervals that may vary in frequency but must be no less frequent than every 150 horizontal linear feet or no less frequent than 3 times the average height of the building:
 - a. Fenestration or Fenestration and (Optional) Green wall; and
 - b. A change in 1 of the following design elements:
 - i. Building material;
 - ii. Pattern
 - iii. Texture
 - iv. Color; or
 - v. Accent materials.
- 2. **Consistent Design.** When a building has more than 1 Principal Façade, the Principal Façades of such building must be consistent in terms of design, materials, details, and treatment.
- 3. **Fenestration.** Each Principal Façade of a building must include Fenestration as follows:
 - a. **Fenestration Surface Coverage of the Façade.** Fenestration must comprise at least 30% of the total surface coverage area of the Principal Façade.



- b. **Distributed Fenestration Coverage.** Fenestration provided to meet the following:
 - i. Each placement or bay may count towards no more than 7.5% of such total surface coverage area.
 - ii. Required 30% total surface coverage area of the Principal Façade must be located in separated, individual placements or clustered bays; and
- c. **Fenestration Coverage Pattern.** The placement pattern of individual or clustered bays of Fenestration must be distributed horizontally and vertically across the Principal Façade; and
- d. **Fenestration Consistent Design with Principal Façade.** The Fenestration must be compatible with the other design, materials, details, and treatment used on the same Principal Façade.

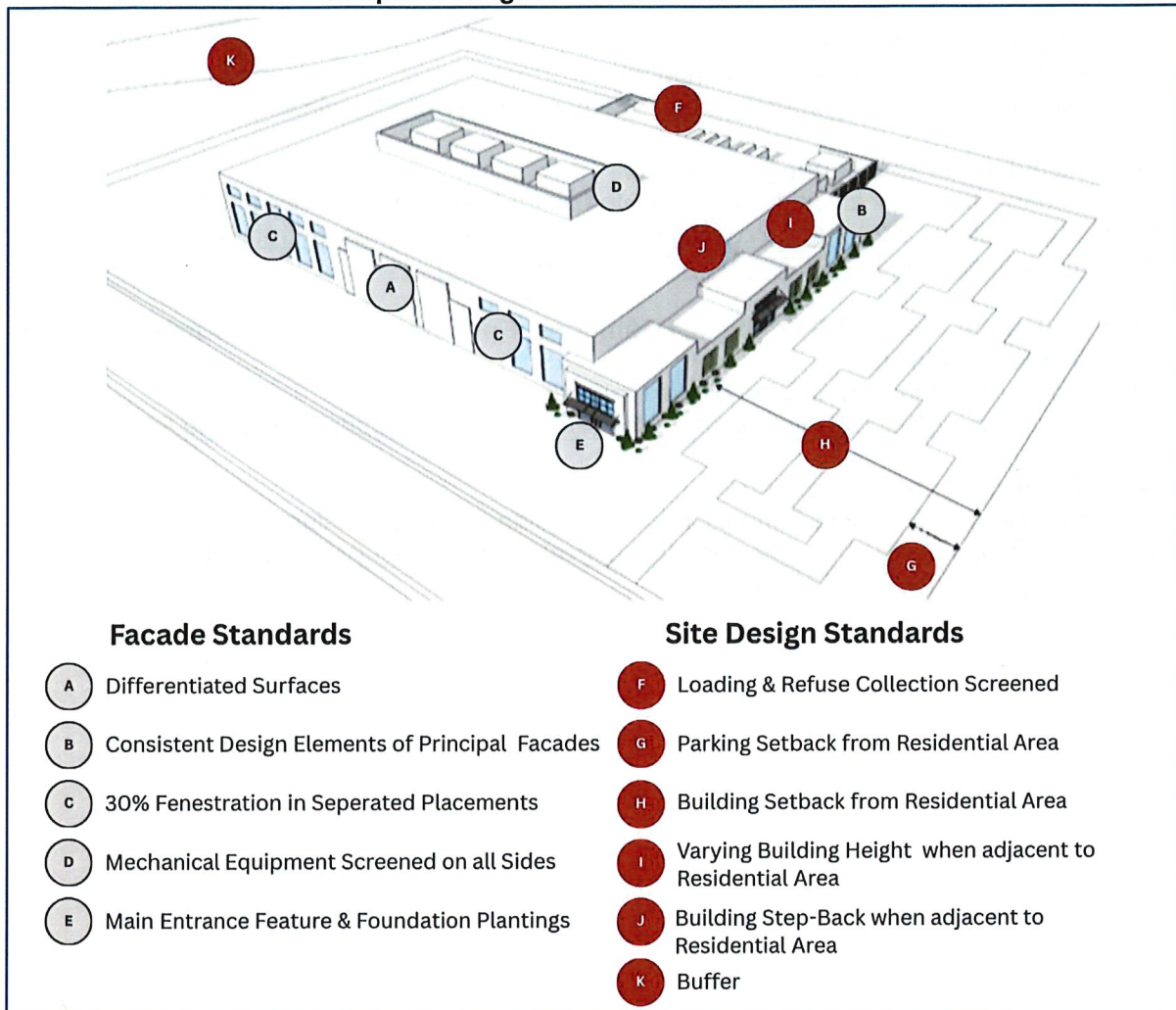
4. **Green-Wall Treatment.**

- a. A Green-Wall Treatment may be provided in lieu of up to half of the Fenestration Surface Coverage of the façade requirement of Section --- (Fenestration Surface Coverage of Façade above)
- b. Requirements. Green-Wall Treatments must provide the following:
 - i. **Maintenance.** The owner, or the owner's agent, is responsible for the repair, replacement, and maintenance of the Green-Wall for the duration of the use;
 - ii. **Distributed Green-Wall Surface Coverage.** Green-Wall areas must be provided to meet up to half of the required 30% total surface coverage area of the Principal Façade of a building; and
 - iii. **Green-Wall Coverage Pattern.** The Green-Wall areas must be distributed horizontally and vertically across the Principal Façade.

N. **Severability** In the event of a conflict between this Ordinance and any applicable state or federal law or regulation, the state or federal law shall control. The invalidity of any provision of this Ordinance shall not affect the validity of the remaining provisions



Example of Diagram--Data Center Standards



Source: Loudoun County Zoning Ordinance Data Center Standards



Sources

Façade, Setbacks & Diagram

Loudoun County, VA: Data Center Ordinance:

<https://online.encodeplus.com/regs/loudouncounty-va-crosswalk/doc-viewer.aspx#secid-859>

General Guidelines and Parking Standards

Urban Land Institute. "Local Guidelines for Data Center Development." Washington, D.C.:

Urban Land Institute, 2024. https://knowledge.uli.org/-/media/files/research-reports/2024/uli-data-center-whitepaper_hm_2024-11-12_final-final-round.pdf

Model Ordinance, General Guidelines, Definitions, Environmental Impact Analysis, Buffer & Landscape Standards

York County , Planning Commission Model Ordinance-

<https://www.ycpc.org/DocumentCenter/View/5537/Data-Centers-Model-Ordinance-PDF>

Safety, Environmental Compliance

Cohoctah Township, Planning Commission Draft Ordinance & Discussion

<https://mccmeetings.blob.core.usgovcloudapi.net/cohoctahmi-pubu/MEET-Packet-f50395a2ff174bb0bcb470ffe8652664.pdf>

Storage Containers

Please find below some potential changes related to storage containers.

Text proposed for deletion is shown with ~~red strikethrough~~. New proposed text is shown with red underline.

This draft is intended to facilitate discussion and get guidance for future revisions.

§3.02 Definitions

~~Cargo Containers: Standardized reusable receptacles that are:~~

- ~~1. Originally designed for or used in the parking, shipping, movement or transportation of freight, articles, good or commodities; and/or~~
- ~~2. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport "portable site storage containers" having a similar appearance to and similar characteristics of cargo containers.~~

Storage Containers: The following definitions shall apply in the application of this Ordinance.

1. Portable Storage Container: A portable or moveable, weather-resistant container designed for the short-term storage or shipment of household goods, wares, valuables, or merchandise. They are typically leased and delivered to a property on a truck and remain on site for a period of time before being removed by truck. Also known as PODs or MODs.
2. Shipping Container: A container originally or specifically used to store or transport goods or freight during shipping or hauling by ship, rail, semi-truck, or other means.

§6.07 Accessory Structures and Uses- Remove standards from the accessory structures and uses section.

~~13. The use of cargo containers for storage shall only be permitted in HS and LI districts, subject to the following:~~

- ~~a) Containers shall be restricted to a location behind the front face of the building.~~
- ~~b) Containers shall not be stacked above the height of a single container.~~
- ~~c) Container storage areas that are visible from the public right-of-way or abut residentially zoned or used properties shall be screened in accordance with the standards set forth in this ordinance.~~

§6.33 Storage Containers- Add as a new section dedicated to storage containers.

Storage containers are permitted subject to the standards below. These standards do not apply to storage containers associated with an approved storage or shipping operation.

A. General Storage Container Standards: All storage containers shall meet the general standards below.

1. Stacking: Storage containers shall not be stacked more than one (1) container high.
2. Use: Storage containers shall only be used for storage. Keeping of animals or use for a dwelling is prohibited.
3. Water: Storage containers shall not be connected with water or sanitary sewer.
4. Hazardous Materials: Storage containers shall not be used for storage of hazardous materials beyond what would typically be found on a residential property.
5. Hazardous Conditions: Storage containers shall not be placed in a location that may cause hazardous conditions or constitute a threat to public safety.
6. Vacant Property: Storage containers shall not be placed on vacant property unless a permit has been issued for construction of a new building.

B. Portable Storage Containers: Portable storage containers shall meet the additional specific standards below.

1. Zoning Districts: Portable storage containers are allowed in all zoning district on a property when a permit has been approved for and there is active construction or when an occupant is in the process of moving.
2. Number: There is a maximum of one (1) portable storage container per property. If a building permit has been issued and remains in good standing, an additional one (1) portable storage container may be kept on the property.
3. Period: Portable storage containers accessory to moving may remain on the property for sixty (60) calendar days. Portable storage containers accessory to construction may remain on the property until the permit expires or thirty (30) days after a certificate of occupancy has been granted.
4. Location: Portable storage containers shall be placed on a driveway or similar surface. They shall be at least five (5) feet from all lot lines and buildings and shall not create a vision or access hazard.
5. Land Use Permit: A land use permit shall be required for any portable storage container to be located on a property for more than one hundred eighty (180) days.

C. Shipping Containers: Shipping containers shall meet the additional specific standards below.

1. Zoning Districts: Shipping containers are only allowed in the HS Highway Service, LI Light Industrial, and XXX zoning districts.
2. Number: There is a maximum of one (1) shipping container per property. Additional shipping containers may be permitted by the Zoning Administrator upon demonstration that they are necessary to support a permitted construction project.

3. Period: Shipping containers accessory to a construction project may remain on the property until the permit expires or thirty (30) days after a certificate of occupancy or similar has been granted.
4. Location: Shipping containers shall meet the applicable developmental standards for an accessory building and shall not be located in a front yard in XX zoning districts.
5. Property Size: Shipping containers shall only be placed on properties with a lot area of at least two (2) acres. This shall not apply to shipping containers accessory to a permitted construction project in a commercial zoning district.
6. Appearance: The exterior of shipping containers shall be kept and maintained with a single, consistent paint color without visible rust or markings. Shipping containers intended to remain on a property more than one hundred eighty (180) days shall be painted a color that blends in with the surrounding area.
7. Screening: Shipping containers shall be screened from adjacent residentially-zoned or used properties and public rights-of-way with evergreen vegetation, fencing, or a combination of those.
8. Roof: Shipping containers intended to remain on a property more than one hundred eighty (180) days shall have a roof finished with shingles, vertical seam or decorative metal roofing, or similar materials with a finished appears and shall have a pitch of at least four (4) inches over twelve (12) inches.
9. Foundation: All shipping containers shall be placed on a solid foundation adequate to support the weight, such as concrete, asphalt, or compacted limestone. Shipping containers intended to remain on a property more than one hundred eighty (180) days and with a gross floor area of two hundred (200) square feet or more shall be attached to a permanent foundation.
10. Modification: Shipping containers shall not be modified except as required or allowed by this Ordinance.
11. Land Use Permit: A land use permit shall be required for any shipping container to be located on a property for more than one hundred eighty (180) days or for any shipping container accessory to a commercial use.
12. Building Permit: A building permit shall be required for any shipping container with a gross floor area of two hundred (200) square feet or more.

MARION TOWNSHIP PLANNING COMMISSION BYLAWS

INTRODUCTION

The basic responsibilities of Marion Township Planning Commission are contained in Act 33 of the Public Acts of 2008, as amended and Act 110 of the Public Acts of 2006, as amended. Each of these acts grants specific jurisdiction to a township planning commission in matters of land use planning and associated public concerns. The intent of this text is to outline the procedures and rules of order that will be followed by the Marion Township Planning Commission. The general operating regulations for the Marion Township Planning Commission are also presented herein which include regular meetings, special meetings, public records, referrals, quorum, disqualification and order of business.

REGULAR MEETING SCHEDULE

Regular meetings of the Marion Township Planning Commission will be held on the fourth (4th) Tuesday of every month at 7:30 p.m. at the Marion Township Hall, 2877 W. Coon Lake Road, Howell, or as otherwise determined by the Planning Commission. When regular meeting day falls on a legal holiday or when an occasion of special importance takes place or because of conditions of weather, the Chair-person shall select a suitable alternative day. Dates and times for meetings shall be posted at the Marion Township Hall in accordance with the Open Meetings Act. Regular meetings may be cancelled by the Chair-person for lack of scheduled business with appropriate notification of all Commission members and the public when feasible.

ANNUAL ORGANIZATIONAL MEETING – MEMBERSHIP

An annual organizational meeting shall occur at the first regular meeting in November of each calendar year for appointment to committees (if necessary), election of officers (Chair and Vice-Chair and Secretary), preparation of an annual budget (if required), and review of rules and procedures of the Planning Commission. The Marion Township Planning Commission shall consist of five (5) members; one will be the Township Board liaison and a Marion Township Board member, the remaining four (4) shall be residents of Marion Township. Each member shall be appointed by the Township Supervisor with the approval of the Township Board. Terms of office shall be three (3) years, except the Township Board member's term shall terminate if his/her membership on the Township Board ends before his/her three (3) year term is completed. Vacancies shall be filled for the remainder of the uncompleted term by appointment of the Supervisor and approval of the Township Board. The legislative body may remove a member of the planning commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.

OFFICERS

The officers of the Planning Commission shall consist of a Chair-person, Vice Chair-person and a Secretary. The Chair-person shall preside at all meetings and hearings of the Planning Commission. The Vice Chair-person shall preside when the Chair-person is absent. Should neither the Chair-person nor the Vice Chair-person be present at a meeting, a temporary Chair-person shall be elected. The Secretary shall keep the minutes and the Zoning Administrator keep the records of the Commission, prepare the agenda of regular and special meetings with the Chair-person, provide notice of meetings to Commission members, arrange proper and legal

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notice of hearings, attend to correspondence of the Commission and such other duties as are normally carried out by a Zoning Administrator.

No Planning Commission rule or procedure shall supercede any regulation adopted by the Township Zoning Ordinance and no rule or procedure shall be in conflict with the provisions of Act 110 of the Public Acts of 2006, as amended or Act 33 of the Public Acts of 2008, as amended, or Act 267 of the Public Acts of 1976, as amended.

SPECIAL MEETINGS

Special meetings may be called for the following reasons:

1. For business that cannot await action until a regular meeting.
2. For the convenience of citizens or communities with matters before the Planning Commission for consideration.
3. At the request of the Chairman.
4. By request of two (2) members of the Planning Commission.

Fees for special meetings shall be established by resolution of the Marion Township Board.

Applications shall be supplied by the Township Clerk to the applicant upon request.

Procedure for special meetings shall be:

1. Township Clerk shall receive the appropriate fees and forward the applications/request to the Township's Zoning Administrator.
2. The Zoning Administrator, with the approval of the Chair-person, shall choose a day for the special meeting and give notice of the date to the Township Clerk who then shall post it at the Township Hall and time permitting, local newspapers. The Zoning Administrator shall also, by means of written or verbal notice, inform each Planning Commission member at least 72 hours prior to such meeting and shall state the purpose, time, and place of the meeting. If the subject of the special meeting requires a public hearing then notice shall be given in compliance with the Township Zoning Ordinance and the Zoning Enabling Act.

QUORUM

Three (3) members shall constitute a quorum for the transaction of business and the taking of official action. An affirmative vote of a majority of the Planning Commission members shall be required to make a decision on any matter that is before the Planning Commission for its action. Whenever a quorum is not present at a regular or special meeting, those present may adjourn to another day or meet as a committee of the whole for the purpose of considering such matters as are on the agenda. No formal action shall be taken at such meetings. An adjournment to a date which does not constitute a regular meeting is subject to the same provisions of notice as hereby required for special meetings. Voting shall ordinarily be voice vote, provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chair-person. All members of the Commission including the Chair-person shall vote on all matters. A

member abstaining from a vote should not participate in discussion of that item. Any member may be excused from voting only if that person has a conflict of interest. Should any Planning Commission member have a perceived conflict of interest regarding an item before the Planning Commission, that member shall not participate in the discussion of that item and shall not vote. The Planning Commission member with a perceived conflict of interest shall state why they believe there is a conflict of interest. The remaining members of the Planning Commission may discuss the potential conflict of interest and may vote to determine if that member should abstain.

REFERRALS

All matters to be referred or presented to the Planning Commission for study and recommendation must first be presented to the Zoning Administrator or the Township Clerk of Marion Township.

The Zoning Administrator and/or Assistant Zoning Administrator shall review all submitted information to determine if it is administratively complete. Only administratively complete packages will be officially received by the Planning Commission. All matters shall be reviewed at a meeting of the Planning Commission held no less than 21 days nor more than 45 days after receipt of an administratively complete package. The Livingston County Road Commission Site Distance Approval is not required for an administratively complete package.

The Chairperson of the Planning Commission or the Township Zoning Administrator shall establish and post the Agenda by the Monday preceding the meeting. Individual items can be added to the agenda upon request of a Planning Commission member with the support of a majority vote of the Planning Commission.

ATTENDANCE

Members of the Marion Township Planning Commission are required to attend all regular meetings and special meetings, duly scheduled or called by the chairperson or membership except in the event of illness, emergency or other similar circumstances. Any member who is absent from three (3) consecutive meetings or four meetings held within a five (5) month period shall be subject to recommendation to the Marion Township Board for removal for nonfeasance from the Commission. A roll of monthly attendance shall be recorded as part of official minutes.

ORDER OF BUSINESS

The Chairperson of the Planning Commission in conjunction with the Township Zoning Administrator shall develop an agenda for each meeting of the Planning Commission. A recommended order of business is as follows:

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda/Introduction of Planning Commission Members
4. Call to the Public-limited to 3 minutes per person
5. Approval of Past Minutes

6. Public Hearing
7. Old Business
8. New Business
9. Call to the Public
10. Adjournment

DISQUALIFICATION - CONFLICT OF INTEREST

If any member of the Marion Township Planning Commission has pecuniary or financial interest in the outcome of a proceeding, such member should abstain from participation in the decision making process and voting on the issue. Conflicts of interest include but are not limited to a financial interest in the outcome of the request; a close business or family relationship with the applicant, his/her attorney or an expert witness. The member with a conflict of interest should disqualify him/herself at the outset of the hearing or sooner if the conflict is identified.

COMMITTEES

The Chair-person may appoint such other committees from time to time which serve to assist the Planning Commission in discharging its responsibilities. Said committees shall consist of two (2) members.

RECORDS

Availability to the Public

All meetings of the Marion Township Planning Commission, any resolutions, any transactions, findings, dated letters submitted and determinations as well as acts shall be open to the public during business hours as posted at the Township Hall as governed by the Freedom of Information Act.

The office of Marion Township Planning Commission shall be located at the Township Hall.

PROCEDURE FOR PUBLIC PARTICIPATION

In the interest of time and of equal opportunity to address the Commission, a limit of three (3) minutes during the call to the public shall be permitted, if necessary, for each person submitting written or verbal statements. This rule may be implemented by majority vote of the Commission. At the discretion of the Chair-person, the public may be allowed to participate during Planning Commission discussion of agenda items provided such participation does not interfere with the orderly conduct of the meeting. Any letters regarding agenda items will be read aloud by the Chair-person and will include; name, address and date. Specific content will be duly noted in the minutes.

POWERS AND DUTIES OF THE PLANNING COMMISSION

1. The Commission shall, after a public hearing, make a recommendation for the approval or denial of any petition for the rezoning of property with a written record of the basis for the recommendation.
2. The Commission shall, after a public hearing, make a recommendation for the approval, approval with conditions or denial requests for certain special land uses specified in the zoning ordinance and shall set forth its findings and conclusions upon which the action is recommended in accordance with the Zoning Enabling Act.
3. The Commission shall conduct site plan reviews for those land uses for which the zoning ordinance requires such approval. The Commission shall make a recommendation to approve, approve with conditions or denial of final site plans with a written record of the basis for the recommendation. Reasonable modifications of the site plans may be required by the Commission prior to the recommendation of final approval.
4. The Commission shall conduct tentative, preliminary, and final plat reviews and shall make recommendations for the approval, modification or denial of such plat proposals to the Board of Trustees. Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat consistent with requirements under Section 71 of PA 33 of 2008, 125.3871.
5. The Commission shall, after a public hearing, recommend approval or denial of amendments to the zoning ordinance. Such amendments may be initiated by the Commission, the Township Board, or by private petitioners (land owners).
6. The Commission shall, after a public hearing, approve or deny modifications to the Township Master Plan.
7. The Commission shall refer cases to the Zoning Board of Appeals when it is deemed appropriate.
8. The Commission shall submit a yearly report of its activities to the Township Board.
9. The Commission shall fulfill such other duties and responsibilities as are delegated to it by the Township Board, Township ordinances, or State Statutes.

AMENDMENTS

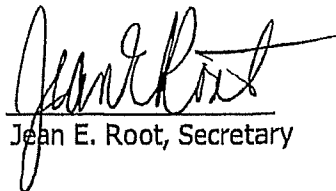
Amendments to these Bylaws may be proposed at any meeting of the Planning Commission and may be adopted by an affirmative vote of at least two-thirds of the Commission membership.

Adopted by the Marlon Planning Commission on the 26th day of April 2011.

Presiding Chair-person:


John Lowe, Chair

Secretary:


Jean E. Root, Secretary

PUBLIC HEARING PROCEDURAL GUIDE

Opening of Hearing:

- ❖ Official opening announcement, indicating basic nature of request, citing public notice in official newspaper and notification of neighboring properties (if applicable).
- ❖ Announce order of hearing which is as follows:
 - Explanation of request as received by the Township
 - Comments and explanation by applicant.
 - Questions by Commissioners
 - Responses by applicant and/or professional
 - Opening of hearing for public comments
 - ◆ Written letters received
 - ◆ Oral comments from the public
 - Close hearing to public comments
 - Review and recommendation by planner and other township consultants
 - Consideration of action by commission
- ❖ Announce that all comments will be addressed to the Chair-person. Each person will be given an opportunity to be heard; second comments will not be permitted until every person has had a chance to speak for the first time. In the interest of fairness to the public, ask that statements from the floor be as concise as possible. The chair-person reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand. For large hearings, a time limit should be established, i.e., three minutes per person.

COURTESY IS EXPECTED AT ALL TIMES DURING THE HEARING FROM ALL PARTICIPANTS.

MARION TOWNSHIP PLANNING COMMISSION BYLAWS

INTRODUCTION

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REGULAR MEETING SCHEDULE

Regular meetings of the Marion Township Planning Commission will be held on the fourth (4th) Tuesday of every month at 7:30 p.m. at the Marion Township Hall, 2877 W. Coon Lake Road, Howell, or as otherwise determined by the Planning Commission. When regular meeting day falls on a legal holiday or when an occasion of special importance takes place or because of conditions of weather, the Chair-person shall select a suitable alternative day. Dates and times for meetings shall be posted at the Marion Township Hall in accordance with the Open Meetings Act. Regular meetings may be cancelled by the Chair-person for lack of scheduled business with appropriate notification of all Commission members and the public when feasible.

ANNUAL ORGANIZATIONAL MEETING – MEMBERSHIP

An annual organizational meeting shall occur at the first regular meeting in November of each calendar year for appointment to committees (if necessary), election of officers (Chair and Vice-Chair and Secretary), preparation of an annual budget (if required), and review of rules and procedures of the Planning Commission. The Marion Township Planning Commission shall consist of five (5) members; one will be the Township Board liaison and a Marion Township Board member, the remaining four (4) shall be residents of Marion Township. Each member shall be appointed by the Township Supervisor with the approval of the Township Board. Terms of office shall be three (3) years, except the Township Board member's term shall terminate if his/her membership on the Township Board ends before his/her three (3) year term is completed. Vacancies shall be filled for the remainder of the uncompleted term by appointment of the Supervisor and approval of the Township Board. The legislative body may remove a member of the planning commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.

OFFICERS

The officers of the Planning Commission shall consist of a Chair-person, Vice Chair-person and a Secretary. The Chair-person shall preside at all meetings and hearings of the Planning Commission. The Vice Chair-person shall preside when the Chair-person is absent. Should neither the Chair-person nor the Vice Chair-person be present at a meeting, a temporary Chair-person shall be elected. The Secretary shall keep the minutes and the Zoning Administrator keep the records of the Commission, prepare the agenda of regular and special meetings with the Chair-person, provide notice of meetings to Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission and such other duties as are normally carried out by a Zoning Administrator.

No Planning Commission rule or procedure shall supercede any regulation adopted by the Township Zoning Ordinance and no rule or procedure shall be in conflict with the provisions of Act 110 of the Public Acts of 2006, as amended or Act 33 of the Public Acts of 2008, as amended, or Act 267 of the Public Acts of 1976, as amended.

SPECIAL MEETINGS

Special meetings may be called for the following reasons:

1. For business that cannot await action until a regular meeting.
2. For the convenience of citizens or communities with matters before the Planning Commission for consideration, accompanied by specified fee.
3. At the request of the Chairman.
4. By request of two (2) members of the Planning Commission.

Fees shall be established by resolution of the Marion Township Board.

Applications shall be supplied by the Township Clerk to the applicant upon request.

Procedure for special meetings shall be:

1. Township Clerk shall receive the appropriate fees and forward the applications/request to the Township's Zoning Administrator.
2. The Zoning Administrator, with the approval of the Chair-person, shall choose a day for the special meeting and give notice of the date to the Township Clerk who then shall post it at the Township Hall and time permitting, local newspapers. The Zoning Administrator shall also, by means of written or verbal notice, inform each Planning Commission member at least 72 hours prior to such meeting and shall state the purpose, time, and place of the meeting.

QUORUM

Three (3) members shall constitute a quorum for the transaction of business and the taking of official action. An affirmative vote of a majority of the Planning Commission members shall be required to make a decision on any matter that is before the Planning Commission for its action. Whenever a quorum is not present at a regular or special meeting, those present may adjourn to another day or meet as a committee of the whole for the purpose of considering such matters as are on the agenda. No formal action shall be taken at such meetings. An adjournment to a date which does not constitute a regular meeting is subject to the same provisions of notice as hereby required for special meetings. Voting shall ordinarily be voice vote, provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chair-person. All members of the Commission including the Chair-person shall vote on all matters. A member abstaining from a vote should not participate in discussion of that item. Any member may be excused from voting only if that person has a conflict of interest. Should any Planning Commission member have a perceived conflict of interest regarding an item before the Planning Commission, that member shall not participate in the discussion of that item and shall not vote.

The Planning Commission member with a perceived conflict of interest shall state why they believe there is a conflict of interest. The remaining members of the Planning Commission may discuss the potential conflict of interest and may vote to determine if that member should abstain.

REFERRALS

All matters to be referred or presented to the Planning Commission for study and recommendation must be referred to the Zoning Administrator or the Township Clerk of Marion Township.

The Zoning Administrator and/or Assistant Zoning Administrator shall review all submitted information to determine if it is administratively complete. Only administratively complete packages will be officially received by the Planning Commission. All matters shall be reviewed at a meeting of the Planning Commission held no less than 21 days nor more than 45 days after receipt of an administratively complete package. The Livingston County Road Commission Site Distance Approval is not required for an administratively complete package.

The Chairperson of the Planning Commission or the Township Zoning Administrator shall establish and post the Agenda by the Monday preceding the meeting. Individual items can be added to the agenda upon request of a Planning Commission member with the support of a majority vote of the Planning Commission.

ATTENDANCE

Members of the Marion Township Planning Commission are required to attend all regular meetings and special meetings, duly scheduled or called by the chairperson or membership except in the event of illness, emergency or other similar circumstances. Any member who is absent from three (3) consecutive meeting or four meetings held within a five (5) month period shall be subject to recommendation to the Marion Township Board for removal for nonfeasance from the Commission. A roll of monthly attendance shall be recorded as part of official minutes.

ORDER OF BUSINESS

The Chair-person of the Planning Commission in conjunction with the Township Zoning Administrator shall develop an agenda for each meeting of the Planning Commission. A recommended order of business is as follows:

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda/Introduction of Planning Commission Members
4. Call to the Public-limited to 3 minutes per person
5. Approval of Past Minutes
6. *Public Hearing*
7. Old Business
8. New Business

9. Call to the Public

10. Adjournment

OPTIONAL

11 Recess to another night.

The Chairman may recess a Planning Commission Meeting to the next monthly meeting or special meeting after a request by a commissioner and a vote to finish an agenda item only after 9:30pm or if the meeting has been over two (2) hours upon a majority vote of the members. In order for a recess to be in order, the time, day, month, date, year and location to reconvene shall be stated as part of the action to recess/table. Must complete any agenda item in process and all items where an applicant is involved.

DISQUALIFICATION - CONFLICT OF INTEREST

If any member of the Marion Township Planning Commission has pecuniary or financial interest in the outcome of a proceeding, such member should abstain from participation in the decision making process and voting on the issue. Conflicts of interest include but are not limited to a financial interest in the outcome of the request; a close business or family relationship with the applicant, his/her attorney or an expert witness. The member with a conflict of interest should disqualify him/herself at the outset of the hearing or sooner if the conflict is identified.

COMMITTEES

The Chair-person may appoint such other committees from time to time which serve to assist the Planning Commission in discharging its responsibilities. Said committees shall consist of two (2) members.

RECORDS

Availability to the Public

All meetings of the Marion Township Planning Commission, any resolutions, any transactions, findings, dated letters submitted and determinations as well as acts shall be open to the public during business hours as posted at the Township Hall as governed by the Freedom of Information Act.

The office of Marion Township Planning Commission shall be located at the Township Hall.

PROCEDURE FOR PUBLIC PARTICIPATION

In the interest of time and of equal opportunity to address the Commission, a limit of three (3) minutes during the call to the public shall be permitted, if necessary, for each person submitting written or verbal statements. This rule may be implemented by majority vote of the Commission. At the discretion of the Chair-person, the public may be allowed to participate during Planning Commission discussion of agenda items provided such participation does not interfere with the orderly conduct of the meeting. Any letters regarding agenda items will be read aloud by the Chair-person and will include; name, address and date. Specific content will be duly noted in the minutes.

POWERS AND DUTIES OF THE PLANNING COMMISSION

1. The Commission shall, after a public hearing, make a recommendation for the approval or denial of any petition for the rezoning of property.
2. The Commission shall, after a public hearing, make a recommendation for the approval, approval with conditions or denial requests for certain special land uses specified in the zoning ordinance and shall set forth its finds and conclusions upon which the action is recommended in accordance with the Zoning Enabling Act.
3. The Commission shall conduct site plan reviews for those land uses for which the zoning ordinance requires such approval. The Commission shall make a recommendation to approve, approve with conditions or denial of final site plans. Reasonable modifications of the site plans may be required by the Commission prior to the recommendation of final approval.
4. The Commission shall conduct tentative, preliminary, and final plat reviews and shall make recommendations for the approval, modification or denial of such plat proposals to the Board of Trustees. Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat consistent with requirements under Section 71 of PA 33 of 2008, 125.3871.
5. The Commission shall, after a public hearing, recommend approval or denial of amendments to the zoning ordinance. Such amendments may be initiated by the Commission, the Township Board, or by private petitioners (land owners).
6. The Commission shall, after a public hearing, approve or deny modifications to the Township Master Plan.
7. The Commission shall refer cases to the Zoning Board of Appeals when it is deemed appropriate.
8. The Commission shall submit a yearly report of its activities to the Township Board.
9. The Commission shall fulfill such other duties and responsibilities as are delegated to it by the Township Board, Township ordinances, or State Statutes.

AMENDMENTS

Amendments to these Bylaws may be proposed at any meeting of the Planning Commission and may be adopted by an affirmative vote of at least two-thirds of the Commission membership.

Adopted by the Marion Planning Commission on the 18th day of April 2018.

Presiding Chair-person: _____
Larry Grunn, Chair

Secretary: _____
Cheryl Range, Secretary

PUBLIC HEARING PROCEDURAL GUIDE

Opening of Hearing:

- ❖ Official opening announcement, indicating basic nature of request, citing public notice in official newspaper and notification of neighboring properties (if applicable).
- ❖ Announce order of hearing which is as follows:
 - Explanation of request as received by the Township
 - Comments and explanation by applicant.
 - Questions by Commissioners
 - Responses by applicant and/or professional
 - Opening of hearing for public comments
 - ◆ Written letters received
 - ◆ Oral comments from the public
 - Close hearing to public comments
 - Review and recommendation by planner and other township consultants
 - Consideration of action by commission
- ❖ Announce that all comments will be addressed to the Chair-person. Each person will be given an opportunity to be heard; second comments will not be permitted until every person has had a chance to speak for the first time. In the interest of fairness to the public, ask that statements from the floor be as concise as possible. The chair-person reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand. For large hearings, a time limit should be established, i.e., three minutes per person.

COURTESY IS EXPECTED AT ALL TIMES DURING THE HEARING FROM ALL PARTICIPANTS.