

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

**REGULAR MEETING
Tuesday – July 21, 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 *July 21, 2026, Regular Meeting*

APPROVAL OF MINUTES FOR *June 23, 2026, Regular Meeting*

OLD BUSINESS

1. Work Session on Hyper-Scale Data Center Ordinance
 - a. No Decisions will take place at this meeting.

NEW BUSINESS

CORRESPONDENCE AND UPDATES

PUBLIC COMMENT

ADJOURNMENT

Next Meeting is scheduled for August 10, 2026, at 7:30 PM

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 “Public Comment” 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 “Public Comment” 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.

Next Meeting is scheduled for August 10, 2026, at 7:30 PM

**MARION TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING MINUTES
JUNE 23, 2026 / 7:30PM**

PC MEMBERS PRESENT: LARRY FILLINGER – *CHAIRPERSON*
CHERYL RANGE – *SECRETARY*
SCOTT LLOYD
BRUCE POWELSON

PC MEMBERS ABSENT: NONE

OTHERS PRESENT: SCOTT RICHARDSON – *ZONING ADMINISTRATOR*

CALL TO ORDER:

Larry Fillinger called the meeting to order at 7:30 p.m.

MEMBERS' PRESENT:

All Planning Commissioners are present.

PUBLIC COMMENT:

No comment was made by the public.

APPROVAL OF JUNE 23, 2026 AGENDA:

Cheryl Range made a motion to approve the June 23, 2026 agenda as amended. Bruce Powelson seconded. **4-0 MOTION CARRIED**

APPROVAL OF MAY 26, 2026 MINUTES:

Larry Fillinger asked to make a change on page 2 under agenda item #1, in the second paragraph, it should say "Jim Anderson" instead of "Larry Fillinger". Cheryl Range made a motion to approve the May 26, 2026 Planning Commission minutes as amended. Larry Fillinger seconded. **4-0 MOTION CARRIED**

NEW BUSINESS:

1) CONSIDERATION FOR APPROVAL PR# 01-26 MAYBERRY FARM WAY

Joe Mazur is a Marion Township resident and is requesting approval to split off his five-acre parcel so he can create a private road, since the Township's zoning ordinance does not allow shared driveways.

Cheryl Range made a motion recommending approval to the Township Board of Trustees for PR# 01-26 Mayberry Farm Way, with the conditions and comments from outside agencies. Larry Fillinger seconded.

Roll Call: Lloyd: YES; Range: YES; Fillinger: YES; Powelson: YES **4-0 MOTION CARRIED**

OLD BUSINESS:

1) DISCUSSION OF HYPER SCALE DATA CENTER ORDINANCE UPDATES

Bruce Powelson discussed different lighting options for parking lots. Bruce recommended a 6000k lighting option instead of the 5000k. Scott Lloyd said that 6000k would be too bright for outdoor lighting.

Scott Lloyd made a motion to postpone further discussion until the Board hires a Planner to help create ordinance language. Larry Fillinger seconded.

Roll Call: Lloyd: YES; Range: YES; Fillinger: YES; Powelson: YES; **4-0 MOTION CARRIED**

Erin Derry is a Marion Township resident and asked if someone is trying to put in a data center in Marion Township. Larry Fillinger said that no one has applied to put in a data center in Marion Township, however the Planning Commission is trying to be proactive and create language that allows the Township to regulate any potential data centers in the future.

Mark Cartiea is a resident of Marion Township and inquired about data centers in Marion's wellhead protection area. Scott Lloyd stated that this ordinance prohibits data centers in our well-protected area.

Joe Mazur is a resident in Marion Township and thanked the Planning Commission for their hard work and appreciates all their efforts.

CORRESPONDENCE AND UPDATES:

Scott Richardson said that Putnam Township is updating their Master Plan and is asking Marion Township for any comments or feedback.

Cheryl Range wanted to thank previous Planning Commission members for all their hard work and dedication over the years.

PUBLIC COMMENT:

Mark Cartiea resides in Marion Township and asked if the Township protects the removal of certain types of trees within the Township. Scott Richardson stated that residents can remove whatever tree they want on their own property.

ADJOURNMENT:

Cheryl Range made a motion to adjourn the Planning Commission meeting at 8:20 p.m. Larry Fillinger seconded.

4-0 MOTION CARRIED

MINUTES TAKEN BY: Jessica S. Timberlake

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DATA CENTERS

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Marion Township Zoning Ordinance Livingston County, Michigan

Draft for Planning Commission review

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MARION TOWNSHIP
ZONING ORDINANCE TEXT AMENDMENT
DATA CENTERS

- 5 An amendment to the Marion Township Zoning Ordinance to amend definitions related to data centers; amend uses permitted by special use permit; amend standards for data centers; and amend the table of contents accordingly.

1. AMENDMENT OF ARTICLE III: DEFINITIONS

10 SECTION 3.02 DEFINITIONS OF THE ZONING ORDINANCE IS HEREBY AMENDED TO ADD THE FOLLOWING DATA CENTER DEFINITION, WHICH SHALL READ AS FOLLOWS:

~~SECTION 3.02 DEFINITIONS OF THE ZONING ORDINANCE IS HEREBY AMENDED THE FOLLOWING DATA CENTER DEFINITION, WHICH SHALL READ AS FOLLOWS:~~

15 ~~[Red, underlined text to be added. Red, strikethrough text to be deleted.]~~
~~[Red, underlined text to be added. Red, strikethrough text to be deleted.]~~

20 **Data Center:** A facility used primarily for the storage, management, process, or transmission of digital data that may include computer or network equipment, systems, servers, appliances, or other components related to digital data operations. The use may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other ~~associated utility-related~~ infrastructure to support operations.

25 **2. AMENDMENT OF ARTICLE VIII: RESIDENTIAL DISTRICTS**

SECTION 8.01(E)(22) OF THE ZONING ORDINANCE IS HEREBY ADDED TO READ AS FOLLOWS:

~~[Red, underlined text to be added. Red, strikethrough text to be deleted.]~~
~~[Red, underlined text to be added. Red, strikethrough text to be deleted.]~~

30 Data centers

3. AMENDMENT OF ARTICLE X: INDUSTRIAL DISTRICTS

SECTION 10.01(D)(5) OF THE ZONING ORDINANCE IS HEREBY AMENDED TO READ AS FOLLOWS:

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

Data centers

4. AMENDMENT OF ARTICLE XVII: STANDARDS FOR SPECIFIC SPECIAL LAND USES

SECTION 17.36 DATA CENTER OF THE ZONING ORDINANCE IS HEREBY AMENDED TO READ AS FOLLOWS:

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

Section 17.36 Data Centers

A. Intent and Purpose: The intent and purpose of this section is to establish standards for the siting, installation, operation, decommissioning, and removal of Data Centers and related accessory uses; establish the process for the reviewing and permitting of such facilities; protect the health, welfare, safety, and quality of life of the general public; ensure compatibility with land uses in the surrounding area; ensure adequate capacity for public services and infrastructure for Data Centers and the community; and protect and preserve the existing and desired rural character of the community.

B. Locational Requirements: Data Centers are subject to the locational requirements below.

1. Wellhead Protection: Data Centers shall not be located within a wellhead protection area.
2. Spacing: Data Centers shall be at least two thousand five hundred (2,500) feet from any existing or approved Data Center, including ones in adjacent communities.
3. Electrical: The site shall be located within one (1) mile of an existing high-voltage electrical transmission corridor.

C. Site Requirements: Data Center sites shall meet the site standards below.

1. Site Composition: The site shall consist of -a single parcel. When a site crosses a road or is otherwise unable to be combined into a single parcel, all parcels shall be owned and controlled by a single entity.

2. Lot Area: The site shall have a total net lot area of at least ten (10) acres and a maximum total net lot area of six hundred forty (640) acres.

3. Access: The site shall have direct access from a paved county road.

D. Buffering Requirements: Data Centers shall have a landscape buffer outlined below in addition to what is required in Section 6.13 Landscaping, Fencing, Walls and Screening. In case of a conflict, these standards below shall control.

1. Width: The buffer shall be at least one hundred (100) feet wide.

2. Berm: A berm at least fifteen (15) feet high shall be located within the landscape buffer. The berm shall be setback and designed to not increase stormwater flow to adjacent properties.

3. Vegetation: The landscape buffer shall be vegetated as described below.

a. Shade Trees: There shall be a shade tree for every seventy-five (75) feet of exterior frontage or fraction thereof. Trees shall have a caliper of at least two point five (2.5) inches at the time of planting. A maximum of ten (10) percent of shade trees can be from a single species.

b. Evergreen Trees: Evergreens shall be planted fifteen (15) feet apart in two (2) staggered rows spaced fifteen (15) feet apart. Trees shall have a height of at least six (6) feet at the time of planting. A maximum of fifteen (15) percent of evergreen trees can be from a single species.

4. Modification: The Planning Commission can recommend and the Township Board can approve a modification of these buffering standards provided the proposed modification would provide equal or better screening to adjacent properties and consideration of the following:

a. The proposed modification is necessary to protect or preserve existing vegetation;

b. The proposed modification preserves important vegetation or wildlife habitat;

c. The proposed modification is necessary for environmental reasons;

d. The proposed modification is the minimum necessary.

5. Maintenance: Good arboricultural techniques shall be followed with respect to vegetation, including, but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum foliage density. Dead or diseased vegetation shall be removed and must be replaced in a manner consistent with these standards at the next appropriate planting season.

a. Annual Inspection: Data Centers will be inspected on at least an annual basis to ensure continued compliance with these buffering requirements.

b. Violation: A confirmed violation of the buffering requirements must be corrected within thirty (30) days of receiving notice or the next planting season. If a violation is not corrected, the Township may enter the property

and use the performance guarantee to take corrective action. This does not preclude any other legal remedy or penalty.

E. Performance Standards In addition to the general standards of this Ordinance, Data Centers shall meet the performance standards below.

1. Setbacks: Buildings shall be setback at least one hundred fifty (150) feet from lot lines and at least five hundred (500) feet from adjacent residential dwellings, schools, and religious institutions.
2. Building Height: Buildings shall have a maximum height of twenty-nine (29) feet.
3. Building Area: Individual buildings shall have a maximum area of one hundred fifty thousand (150,000) square feet.
4. Building Coverage: Maximum building coverage is forty (40) percent of the net lot area.
5. Municipal Utilities: Data Centers must be connected to and served by municipal water and sanitary sewer systems. On-site wells or septic field are not permitted.
Applicant shall provide estimated annual water demand as part of the application.
6. Cooling: Cooling systems serving Data Centers shall be closed loop.
7. Power Generation: Routine or primary power generation is prohibited, except where expressly permitted. Emergency backup generators are permitted subject to the standards below.
 - a. Use: Except for testing, exercise, or commissioning activities, generator use is limited to emergency backup use only.
 - b. Hours: Generator testing, exercise, and commissioning is limited to the hours between 11:00 am and 5:00 pm.
 - b-c. Fuel storage must comply with applicable state and federal regulations.
8. Buildings: Buildings associated with Data Centers shall meet the design standards below.
 - a. Façade Materials: Façades visible from off-site shall have at least fifty (50) percent of their surface area clad in face brick and at least ten (10) percent of their surface clad in glass. Spandrel glass does not qualify.
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 - b. Roof: Buildings with a lot coverage of more than fifty thousand (50,000) square feet shall have a roof with white or light colors, a planted green roof, or solar panels.
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c. Mechanical Equipment: Roof-mounted mechanical equipment shall be fully screened to the height of the equipment.

d. Loading Bays: Loading bays shall only be located along one façade per building and shall not be on the front façade.

9. Lighting: In addition to the lighting standards in §14.04(E) Lighting, Data Centers shall meet the specific lighting standards below.

a. Intensity: The maximum illumination level anywhere within the site shall be ten (10) footcandles.

b. Height: Building and pole-mounted light fixtures shall have a maximum height of eighteen (18) feet.

c. Hours: Exterior lighting shall be turned off from one (1) hour after sunset to one (1) hour before sunrise. This shall not apply to the minimum lighting needed for construction or emergency service, required by building code, required for staff parking lots, or motion-activated lighting required for safety or security.

~~c. Hours: Exterior lighting shall be turned off from one (1) hour after sunset to one (1) hour before sunrise. This shall not apply to the minimum lighting: needed for construction or emergency service; required for building code; the required for staff parking lots; or motion activated lighting required for safety or security~~

d. Color Temperature: Lighting shall have a maximum color temperature of 2800K.

10. Security: Data Centers shall provide the security below.

a. Perimeter Fencing: The Data Center site shall have fencing around the facility to prevent unauthorized access and to screen the facility.

1) Height: The fence shall be between seven (7) feet and eight (8) feet tall.

2) Fence Posts: Fence posts shall extend at least thirty-six (36) inches into the ground, and gate posts and corner posts shall have a concrete foundation.

3) Fence Type: Fences visible outside the vegetative buffer shall be a woven agricultural-style fence. The Township may require or allow durable green opaque material to be integrated into the fence if necessary for buffering or screening. Fences not visible outside the vegetative buffer may be opaque wood, metal, or masonry or chain-link.

4) Alternative Fencing: Alternate fencing may be approved by the Township upon a finding that the alternative provides adequate access control and visual screening.

- 5) Wildlife Considerations: The Township may require or allow a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.
- b. Gate Access: Gates shall be provided at all access points, unless otherwise permitted or approved. Gates for vehicular access shall be approved by the Fire Authority.
- 1) Gate Type: Gates shall be the same height and constructed of the same material as the fencing, unless otherwise approved.
- 2) Emergency Access: Access, such as Knox box, access codes, or emergency siren activation, shall be provided for emergency responders.
- 3) Gate House: Gate houses with around the clock staffing may be required if determined necessary to provide appropriate safety for and access to the Data Center site.
11. Sound: The sound generated by a Data Center must meet the sound standards of this Ordinance and the additional standards below.
- a. Day Sound Level: The maximum sound level shall be forty (40) dB(A) ~~Legmax and dB(C) Lmax~~, as measured at the project boundary and road rights-of-way between the hours of 7:00 am and 9:00 pm.
- b. Night Sound Level: The maximum sound level shall be thirty-five (35) ~~LecMax~~ dB(A) ~~and dB(C) Lmax~~, as measured at the project boundary and road rights-of-way between the hours of 9:00 pm and 7:00 am.
- c. Pure Tone: If pure tones are produced, the maximum sound level shall be reduced by five (5) dB(A) and dB(C).
- d. Difference: The maximum difference between dB(A) and dB(C) shall be ten (10) decibels.
- e. Ambient Sound: If the ambient sound levels exceed these standards, the maximum sound level shall be the ambient sound level plus five (5) dB(A).
- f. Continued Compliance: The sound level generated by a Data Center must be inspected every year, at the operator's expense, by an auditory expert to ensure compliance with applicable sound standards.
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12. Utility Substations: Utility substations shall be located within the landscape buffer and shall be at least five hundred (500) feet from any adjacent residential dwelling, school, or religious institution.

13. Wildlife: Data Centers shall be designed, sited, and operated in a manner to minimize impact on wildlife.

- a. Wildlife Impact Analysis: An analysis to identify and assess any potential impacts on wildlife and endangered species shall be prepared by a qualified third-party professional acceptable to the Township. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, or general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
- b. Adverse Impacts: Appropriate measures shall be taken to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- c. Special Scrutiny: Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally- or state-listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
- d. US Fish and Wildlife Service: The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.

14. Environment: Data Centers shall be designed, sited, and operated to minimize impact on the environment.

- a. Environmental Impact Analysis: An analysis to identify and assess any potential impacts on the natural environment including, but not limited to, trees, wetlands, and other fragile ecosystems, shall be prepared by a qualified third-party professional acceptable to the Township zoning administrator, engineer, and planner.
- b. Adverse Impacts: Appropriate measures shall be taken to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- c. Tree Mitigation: Trees with a ~~DBH~~^{DBH} of twenty (20) or more inches with good or excellent health, shall be replaced with three (3) shaded trees with a caliper of two point five (2.5) inches. To the extent feasible, the trees shall be located within the site. The Planning Commission may recommend and the Township Board may approve planting of replacement trees on other properties.

- d. Site Preservation: Areas of the site not required for development shall be preserved in their natural condition or used for agriculture. Areas to be developed for future phases shall remain in their natural condition or used for agriculture until that phase is developed.

e. Environmental Laws: Data Centers shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).

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- f. Containment System: A containment system shall surround any transformers in case of hazardous waste or oil spills.

- g. Removal: All solid and hazardous waste materials shall be promptly removed from the site and disposed of properly.

- h. Responsibility: The Data Center owner, operator, and property owner shall be responsible, jointly and severally, for mitigating erosion, flooding, and all other environmental impacts resulting from the facility.

15. Emergency Action Plan: Data Centers shall have an emergency action plan to identify actions to be taken in event of an emergency.

- a. Fire Suppression: The Emergency Action Plan must include a fire suppression plan, including the technology to be used.

b. Special Equipment and Training: The Emergency Action Plan shall identify special equipment and training that are required for emergency response to a Data Center.

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- c. Clean-up: The Emergency Action Plan must include plans for immediate cleanup and long-term remediation efforts following an emergency.

d. Emergency Training: Before the Data Center is operational, it must provide the necessary training, equipment, or agreements specified in the emergency action plan to the Township or other emergency personnel. All training must be consistent with current industry standards.

e. Public Record: The Emergency Action Plan will be a public record. Copies shall be shared with all relevant first responding agencies.

F. General Provisions: Data Centers are subject to the general provisions below.

1. Violations of this section may be subject to civil infraction penalties as follows:

a) Administrative Violations (5-day Cure)

1) Late Filings, minor reporting errors, and bond adjustments

2) Fine \$1,000/day (after 5-day cure period)

b) Operational Violations (Immediate Fine)

1) Noise/Light exceedance: \$5,000/violation

2) Generator Abuse (outside limits): \$5,000/violation

3) Wet cooling operation: \$5,000/day

4) On-site Renewable failure: \$10,000/day

5) Supply Chain/APGA non-compliance: \$5,000/day

6) Unauthorized Phase Advance: Commencing construction of a subsequent phase without a Certificate of Completion for the prior phase: \$5,000/day of unauthorized work

c) Environmental Emergencies (Immediate Fine + Bond)

1) Groundwater impact: 150% of remediation cost per well/day (min \$10,000, max \$500,000 total)

2) PFAS exceedance: \$25,000/day per exceedance

3) Hazardous material storage: \$10,000/day

4) E-Waste violation: \$15,000/day per violation

5) GHG reporting failure: \$10,000/day per scope

6) Chemical Discharge violation: Discharge of prohibited chemicals or failure to meet discharge limits: \$25,000/day per violation

d) Financial Defaults

1) Carbon Fee non-payment \$5,000/day + interest

2) Bond Forfeiture: Full Bond Amount

e) Cumulative Fine and Daily Cap

1) Total fines for all violations shall not exceed \$500,000 per day

2) Fines for multiple violations are cumulative up to the cap

f) Repeat Offender

1) 2 violations in one year elevates to a Class C misdemeanor (up to \$5,000 + 90 days in jail)

2. Damage Repair: The owner, operator, and property owner shall be responsible, jointly and severally, for making repairs to any public roads, drains, or infrastructure damaged by the construction, use, or maintenance of, or damage to the Data Center.
3. Renewable Energy: Data Centers may be co-located with renewable energy facilities, provided the renewable energy facility is intended primarily to serve the Data Center. Review and approval are required for each use.
4. Mixed Facilities: Data Centers may be co-located with other uses that use the waste heat, such as a greenhouse operation.
5. Modifications: Any modifications of an approved site plan or special use permit that are made after the initial date of approval shall require new site plan and special use permit applications. Any changes of the approved site plan or special use permit will be subject to this Ordinance as it exists at time of this new application.
6. Transfer or Sale: In the event of a transfer or sale of a Data Center, the new owner or operator must do the following.
 - a. Notify: The new owner or operator must notify the Township within thirty (30) days of the transfer or sale. The zoning administrator shall administratively amend the permit to name the new owner or operator;
 - b. Site Improvements: The Zoning Administrator will inspect the site and provide notification of any deviations or violations of the approved site plan, special use permit, or this Ordinance. Corrections shall be made within forty-five (45) days or the next planting season for landscape corrections; and
 - c. Decommissioning Performance Guarantee: Estimated costs of decommissioning and restoration shall be recalculated, and the performance guarantee shall be adjusted accordingly. The performance guarantee shall be transferred to the new owner or operator.
7. Phasing: Data Centers may be constructed in phases as described below.
 - a. Description: The site plan and narrative must provide a description of the proposed phasing, including phasing lines.
 - b. Period: All phases must be completed within six (6) years of final site plan approval or a new site plan must be approved, subject to the standards in place at the time of application.
 - c. Completion: All buffering, security, and infrastructure improvements must be completed as part of the first phase.

G. Decommissioning, Abandonment, and Restoration: The site shall be decommissioned and restored following the operational life or abandonment of the Data Center.

1. Decommissioning Plan: A Decommissioning Plan shall be prepared by a qualified third-party professional acceptable to the Township zoning administrator, engineer, and planner.
 - a. Anticipated Life: The Decommissioning Plan shall describe the anticipated life span of the Data Center.
 - b. Decommissioning Costs: The Decommissioning Plan shall provide a probable cost estimate for decommissioning, including current cost and cost at the time of decommissioning.
 - c. How Paid: The Decommissioning Plan shall provide a description of how decommissioning costs will be paid.
 - d. Regular Updating: The Decommissioning Plan shall be updated on a regular basis, at least once every three (3) years. Additional security may be required to account for increased anticipated decommissioning costs during the preceding three (3) years.
~~d. Regular Updating: The Decommissioning Plan shall be updated on a regular, period of at least once every three (3) years. Additional security may be required to account for increased anticipated decommissioning costs during the preceding three (3) years.~~
2. Decommissioning Performance Guarantee: A performance guarantee for decommissioning and restoration of the Data Center shall be provided before construction commences and shall be held until confirmation that the site has been fully restored.
 - a. Value: The performance guarantee shall be equal to one hundred twenty-five (125) percent of the cost to remove and restore the Data Center as determined in the Decommissioning Plan. Cost estimate must be from an independent source.
 - b. Form: The performance guarantee shall be in the form of cash deposited with the Township or an irrevocable letter of credit naming the Township as the beneficiary. A surety bond is not acceptable.
3. Abandonment: Data Centers that are not operated for a continuous period of six (6) months shall be considered abandoned, whether or not there is an intent to continue the use, and shall be removed and restored or restored to operation. An extension may be granted by the Township upon finding that the delay does not create a hazardous condition and the applicant has demonstrated a good-faith effort to continue operation.
4. Compaction Prevention: All abandonment and decommissioning work must be done when soil is dry or frozen to prevent compaction.

5. Chemical Analysis and Boring: A chemical analysis and boring of the soil, as recommended by the Township engineer shall be performed before any decommissioning work begins with the results compared to the baseline soil chemical analysis baseline test results obtained before construction of the Data Center.

a. Chemical Levels: All levels of any chemical entity found in the soil chemical analysis must be equal to or are lower than the levels of all chemical entities determined in the baseline testing performed prior to construction. If a new chemical entity, either organic or inorganic compounds, are identified in the soil chemical analysis, its level must be below established federal and state government levels for hazardous materials in soils for that chemical entity.

b. Report: A report of the soil chemical analysis must be provided to the Township within seven (7) days. If any chemical entity, organic or inorganic compounds, are above established federal and state government levels for hazardous materials in soils, the report must be submitted to the appropriate Federal and State regulatory agencies within seven (7) days of receiving the testing report showing a violation.

c. Violation Resolution: Once a violation has been determined and finalized, a reclamation plan for the contaminated soil must be developed and implemented to remove the contaminated soil from the Data Center. The reclamation plan must meet all Federal and State regulations for the reclamation of a contaminated site. The plan must be approved by the Township Board and the Township engineer. Once the contaminated soil has been removed and replaced with uncontaminated soil, a final soil chemical analysis shall be performed to confirm the Data Center site soils have been returned to their original state for levels of organic and inorganic compounds that existed before construction.

~~c. Violation Resolution: Once a violation has been determined and finalized, a reclamation plan for the contaminated soil must be developed and implemented to remove the contaminated soil from the Data Center. The reclamation plan must meet all Federal and State regulations for the reclamation of a contaminated site. The plan must be approved by the Township Board and the Township engineer. Once the contaminated soil has been removed and replaced with uncontaminated soil, a final soil chemical analysis shall be performed to confirm the Data Center site soils have been returned to its original state for levels of organic and inorganic compounds that existed before construction.~~

d. Cation Exchange Capacity: A Cation Exchange Capacity soil test shall also be required at the completion of the decommission process.

e. Violation Remediation: Any negative variations from the preconstruction soil testing must be remedied and the final results of the testing approved by the township engineer and the Township Board.

5 6. Ground Restoration: The ground must be restored to its original topography and land must be restored to a depth of three (3) feet below grade within three hundred sixty-five (365) days of abandonment or decommissioning. An extension may be granted by the Township if a good-faith effort has been demonstrated and any delay is not the result of actions or inaction of the operator. An alternative topography can be approved by the Township as part of the original site plan review or later as part of decommissioning.

10 7. Land Balancing: If land balancing is required, all topsoil will be saved and spread evenly over the balanced area.

15 8. Township Action: The Township may remove any abandoned or unsafe Data Center structures or components that are not removed or restored within the allowed time. The owner, operator, and property owner shall be jointly and severally responsible for any costs.

20 9. Attorney Costs: The owner, operator, and property owner shall be jointly and severally responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the Township has to enforce removal or restoration.

10. Vegetation: Disturbed land shall be revegetated at the next appropriate planting season.

11. Disposal: All structures, equipment, and waste shall be removed from the site and disposed of properly.

25 12. Modification: The Planning Commission can recommend and the Township Board can approve modifications to a previously approved Decommissioning Plan upon finding that the modification better preserves the public health, safety, and welfare of the community.

30 **H. Application Materials:** In addition to information required for site plan and special use permit applications, applications for Data Centers must submit the following additional information with the special use permit application.

1. Identification: The name and address in full of the applicant, developer, owner, operator, and property owners and any additional contact information shall be submitted.

35 2. Proof of Ownership or Control: Copies of recorded deeds, purchase agreements, leases, or similar documents for properties within the Data Center that confirm the applicant has control of the property or the permission of the participating property owners to apply for the necessary approvals and permits for construction and operation of a Data Center.

3. Project Description: A general description of the proposed project and an anticipated construction schedule shall be submitted.
4. Conceptual Plan: A graphical computer-generated depiction of how the Data Center will appear from all directions shall be submitted.
5. Documentation: A complete set of photos and video of the entire development area, including construction access roads, as it exists before the application date shall be submitted.
6. Power Purchase Agreement: A copy of the power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Data Center Facility shall be submitted.
7. Road Agencies: Proof of approval or conditional approval by any road agency from which the Data Center will have access or whose roads will be used as a construction or maintenance route shall be submitted.
8. Drain Commission: Proof of approval or conditional approval by and the Livingston County Drain Commission for any Data Center that has participating properties with a county drain or proposes improvements within a county drain easement.
9. Traffic Impact Study: A copy of the traffic impact study including construction and operational impacts
- 8-10. Operations Plan: A copy of the Operations plan including staffing and maintenance schedules.
- 9-11. Wildlife Impact: A copy of the wildlife impact analysis shall be submitted.
- 10-12. Environmental Impact: A copy of the environmental impact analysis shall be submitted.
- 11-13. Complaint Resolution Protocol: A copy of complaint resolution protocol shall be submitted.
- 12-14. Decommissioning Plan: A copy of the decommissioning plan shall be submitted.
- 13-15. Emergency Action Plan: A copy of the Emergency Action plan shall be submitted.
- 14-16. Right-to-Enter: Submission of an application for a Data Center grants the Township and its agents the right to enter the facility and any participating property for inspection of the Data Center at any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the applicant, owner, or operator.
- 15-17. Additional Information: Any additional information, studies, or documentation requested by the Township or its agents that are deemed

necessary to determine compliance with this Ordinance and other applicable laws and regulations.

5 **5. AMENDMENT OF ARTICLE XIIA: WELLHEAD PROTECTION OVERLAY DISTRICT**

SECTION 12A.08(N) OF THE ZONING ORDINANCE IS HEREBY ADDED TO READ AS FOLLOWS:

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

10 **N.** Data centers.

6. AMENDMENT OF TABLE OF CONTENTS

15 The Table of Contents of the Zoning Ordinance is hereby amended for consistency with the above revisions and to accommodate repagination.



Livingston County Department of Planning

MEMORANDUM

Scott Barb
AICP, PEM
Planning Director

Robert A. Stanford
AICP, PEM
Principal Planner

Martha Haglund
AICP
Principal Planner

Abby Carrigan
Planning Intern

TO: Marion Township Planning Commission
FROM: Martha Haglund, AICP, Principal Planner
DATE: July 13, 2026
SUBJECT: Work Session: DRAFT 17.36 Data Center Ordinance

Marion Township has had a moratorium on Hyper Scale Data Centers since February 26, 2026, and will expire on August 26, 2026, it is anticipated that the six-month moratorium on hyper-scale data centers will be extended another six months. This extension will provide the necessary time to finalize a Data Center Ordinance. To date Marion Township has not received an application to develop a data center in the Township.

The Marion Township Planning Commission has been developing a data center ordinance that will be applicable to facilities of all sizes. The proposed language will replace Section 17.36 Data Center Processing Facility.

The purpose of the work session is to provide the planner clear direction on the current draft Data Center Ordinance and have an open discussion on items to consider. Staff offers the following discussion points and welcomes any questions, comments or additional guidance as the ordinance development process moves forward.

Workshop Items and Discussion

Scaled Sizing for Data Centers:

Examples of classifications and definitions.

- **Accessory Data Center and Data Processing Center:** Subordinate to principal use and less than 10,000 sq ft.
- **Small-Scale Data Center and Data Processing Center:** A center less than 25,000 sq ft. Minimum lot size of 2 acres.
- **Large-Scale Data Center and Data Processing Center:** A center between 25,000 and 99,999 sq ft gross floor area. Minimum lot size 7 acres.
- **Hyper-Scale Data Center and Data Processing Center:** A center equal or greater than 100,000 sq ft gross floor area. Minimum lot size 10 acres.
 - Or any data center project consisting of more than one (1) principal use building. Minimum lot size 10 acres.

Department Information

Administration Building
304 E. Grand River Ave.
Suite 206

(517) 546-7555
Fax (517) 552-2347

Web Site
Milivcounty.com/planning



Lighting

Consider requiring a Lighting Plan with application materials. Instead of requiring 10 footcandles throughout project consider requiring applicant to demonstrate a 0.5 or 0 footcandles at the property line.

Discuss color temperature, the current draft requires 2800K, other townships have required 3500K. Reference color chart provided by Commissioner Powelson.

Landscape and Berms

Consider requiring berms only when projects are adjacent to residentially zoned properties. If data center projects are adjacent to commercial or industrial properties a berm may not be feasible or necessary.

Battery Storage

The Planning Commission should discuss whether battery storage should be a permitted accessory use for data center projects. Currently, Utility-Scale Battery Storage is permitted use in the Solar Farm Overlay District only.

Example Language:

Battery Storage is a permissible accessory use with data center projects and subject to Section 17.38.

Example Language:

Battery Storage is not permitted as accessory use for a data center project.

Parking

Minimum parking spaces for a Data Center shall be determined by one of the following:

- A. Shall be subject to 14.02 CC. Professional Offices. Calculated by the amount of office space in the building. *(1 space for each 300 sq ft space for office use of the building.)*
- B. As an alternative the developer may provide a Staffing Plan for the Data Center and the minimum required parking spaces will be determined based on the Staffing Plan.

Required Application Materials:

Existing Application Material Requirements in addition to Site Plan Materials and Special use permit application materials

- | | |
|--|-----------------------------|
| (1) Identification & Contact information | (10) Operation Plan |
| (2) Proof of Ownership or Control. | (11) Wildlife Impact |
| (3) Project Description | (12) Environmental Impact |
| (4) Conceptual Plan | (13) Complaint Resolution |
| (5) Documentation | (14) Decommissioning Plan |
| (6) Power Purchase Agreement | (15) Emergency Action Plan |
| (7) Road Agencies | (16) Right to Enter |
| (8) Drain Commission | (17) Additional Information |
| (9) Traffic Impact study | |



Discussion: Additions to Application Requirements

- (18) **Photometric Plan:** All outdoor lighting shall be installed in such a manner that no illumination source is visible beyond all property lines or 0.0 footcandles.
- (19) **Noise & Vibration Study:** At time of application the applicant shall provide an ambient noise study along with noise and vibration estimates of project. Prior to Certificate of Occupancy a Final Noise and Vibration Study shall be submitted to demonstrate post construction compliance.
- (20) **Estimated Water Usage:** The estimated average water usage per day from the municipal water service. The applicant shall acquire approval from municipal service provider and demonstrate the water provider has capacity to meet the proposal estimates.
- (21) **Estimated Energy Usage:** The estimated average energy usage that is continuously used from the energy service provider. The applicant shall acquire approval from the energy service provider and demonstrate energy service provider has capacity to meet the proposal estimates.
- (22) **Water Management Plan:** Include associated conservation and water quality practices.
- (23) **Energy Management Plan:** Include associated conservation and efficiency techniques.
- (24) **Community Impact Analysis:**
 - a. Solid Waste Disposal and Recycling
 - b. School district revenue
 - c. Township revenues and expenses
 - d. Potential tax abetment laws or practices to be utilized.
- (25) **Community Host Agreement:** The data center developer agrees to annually provide an average daily water and energy usage report and pay the Township the Host Community Fees in Section ----.

Monitoring and Reporting:

The following reports shall be submitted to the Zoning Administrator on an annual basis:

- (1) Noise Level Monitory Summary
- (2) Energy Usage Report
- (3) Water Usage Report
- (4) Proof of Annual Emergency Training Opportunity
- (5) Compliancy with all Required EGLE permits
- (6) Complaint Resolution Report

Host Community Agreement and Fees:

Intent: The intent of this Section is to ensure that data centers located within the community contribute fairly to the public costs associated with their substantial water and energy demands. Data centers typically require continuous, high-volume utility usage that can place increased pressure on municipal water supply, wastewater capacity, and electrical infrastructure. These



impacts can create long-term fiscal, environmental, and operational burdens for the host community.

- Establish a transparent and predictable system of host community fees that reflects the unique utility impacts of data center operations.
- Provide a mechanism for offsetting increased municipal costs related to water production, treatment, distribution, and long-term capacity planning.
- Provide a mechanism for offsetting increased municipal costs related to energy distribution, system upgrades, and reliability improvements needed to support large-scale data uses.
- Promote land use decisions that support sustainable growth, protect public resources, and maintain high-quality public services for residents and businesses.
- Ensure that data centers contribute to the community in proportion to their operational impact, consistent with principles of equity, fiscal responsibility, and environmental stewardship.

Payments will be used to support and maintain water infrastructure, electrical infrastructure, public safety, public roadways or public parks within the Township.

Fees to be calculated as follows:

- **Water Usage:** For every 10,000 gallons of water used on an average day the developer will pay \$500 annually.
- **Electricity Usage:** For every 20 MW of continuous average daily use the developer shall pay \$15,000 annually.

Example: If a project uses on average 1 million gallons of water a day ($100 * \$500 = \$50,000$) and continuous average usage of 100 MW ($5 * \$15,000 = \$75,000$) there would be a total annual payment of \$125,000 to go towards public infrastructure maintenance.

Some things to consider when establishing fee amounts included but not limited to:

- On average how much does the township pay to MHOG to maintain infrastructure?
- How may future maintenance be impacted if there is a data center?
- Age of infrastructure.
- Energy infrastructure condition and potential upgrades.
- Other considerations

Violations and Fines:

Recommend reviewing these standards by Township Attorney.

Permitted Locations

Rural Residential vs Data Center Overlay Discussion

Currently, the only district that allows data centers is Light Industrial where the district has limited vacant parcels for development. The current version of the Data Center Ordinance would permit data centers within the Rural Residential District, within 1 mile of the High-Voltage ITC corridor. Mainly located in the western portion of the township between Jewell Rd. and Schafer Rd. The ordinance requires the developer to be connected to municipal water and on a paved



road. These requirements would be costly to expand and improve infrastructure; that could deter data center development. Although a developer would be less inclined to develop a data center located further away from available infrastructure, if a project was pursued the infrastructure improvements could lead to development pressure in areas where the Township has not planned for in their Master Plan.

An alternative to allowing Data Centers in the Rural Residential district is to establish a targeted overlay district. Suitable parcels would be those located along major corridors planned for future development. In Marion Township, these include Mason Road and D-19. Because most of the Mason Road area lies within a wellhead protection zone, parcels along D-19, including those within the existing Solar Farm Overlay, could be the more appropriate for siting Data Centers.

For discussion purposes, both alternatives are illustrated on the following pages.

If Planning Commission would like to continue to discuss creating a Data Center Overlay:

Other Areas to Consider including in overlay
Brownfields or Redevelopment Properties in Township

Height Discussion: Existing draft has 29 feet and 35 feet in Light industrial

Lot Coverage Discussion: Existing Draft 40 %, Light Industrial has 35%

Consider whether height and lot coverage could be increased in a Data Center Overlay.

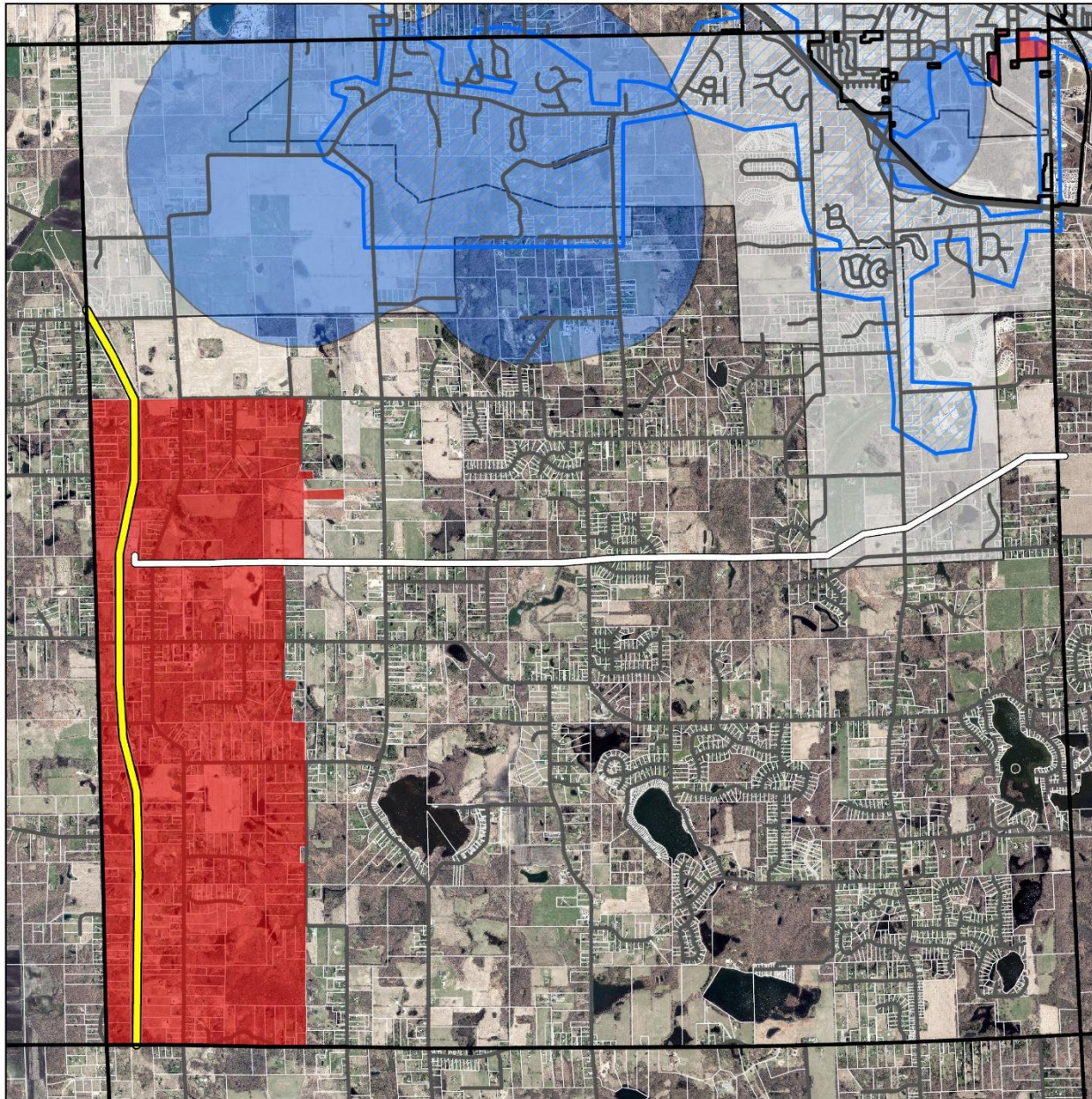
Overlay-Example of Districts Permitted Language

Accessory Data Center and Data Processing Centers are permitted in the following zoning districts: Light Industrial, Highway Service District, Data Center Overlay.

Small-Scale Data Center and Data Processing Center: Are permitted in the following zoning districts: Light Industrial, Highway Service District, Data Center Overlay.

Large-Scale Data Center and Data Processing Center: Are permitted in the following zoning districts: Light Industrial and Data Center Overlay.

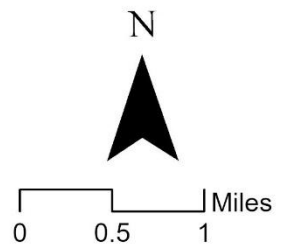
Hyper-Scale Data Center and Data Processing Center: Are permitted in the following zoning districts: Light Industrial and Data Center Overlay.

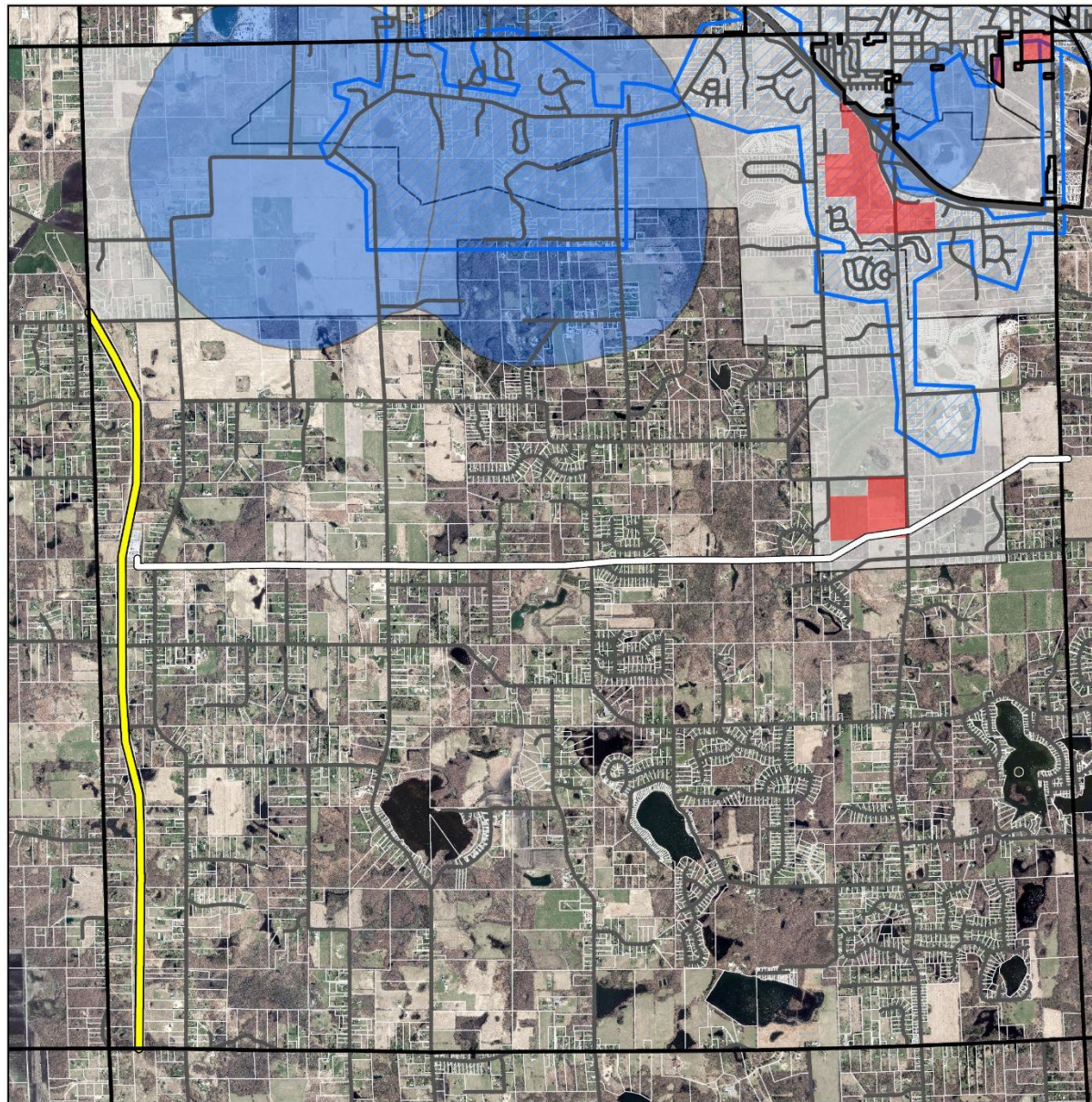


Legend

-  Current Draft Ordinance
-  Wellhead Protection Areas
-  ITC Transmission Lines 345kV
-  Water Service Areas
-  Sewer Service Areas
-  ITC Lines 120kV

---DISCUSSION---
Marion Township
Current Draft-Data Center
Permitted Areas
Zoned Rural Residential, 1 Mile from High
Voltage Transmission Lines





Legend

-  Parcels to Consider
-  Wellhead Protection Areas
-  ITC Transmission Lines 345kV
-  Water Service Areas
-  Sewer Service Areas
-  ITC Lines 120kV

---DISCUSSION---
Marion Township
Potential Areas to Consider to Permit
Data Centers

