MARION TOWNSHIP PLANNING COMMISSION
AGENDA

REGULAR MEETING
Tuesday – September 22, 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: ***September 22, 2026, Regular Meeting***

APPROVAL OF MINUTES FOR: ***August 25, 2026, Regular Meeting***

NEW BUSINESS

1. **Consideration of recommending approval for a smaller clubhouse at Marion Oaks**

OLD BUSINESS

1. **Consideration to reschedule Public Hearing for SUP#01-26 and SUP#02-26 to October 27, 2026**
2. **Data Center Ordinance Discussion**

CORRESPONDENCE AND UPDATES

PUBLIC COMMENT

ADJOURNMENT

Next Meeting is scheduled for October 27, 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 October 27, 2026, at 7:30 PM

DRAFT

*Approved by: _____
Planning Commissioner

Date: _____

MARION TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING MINUTES
AUGUST 25, 2026 / 7:30PM

PC MEMBERS PRESENT:	**LARRY FILLINGER – *CHAIRPERSON*** **CHERYL RANGE – *SECRETARY*** **SCOTT LLOYD** **RICK NOVAK** **BRUCE POWELSON**
PC MEMBERS ABSENT:	**NONE**
OTHERS PRESENT:	**SCOTT RICHARDSON – *ZONING ADMINISTRATOR*** **MARTHA HAGLUND – *LIVINGSTON COUNTY PLANNING DEPARTMENT***

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

MEMBERS' PRESENT:
All Planning Commissioners were present.

PUBLIC COMMENT:
No comment was made by the public.

APPROVAL OF AUGUST 25, 2026, PLANNING COMMISSION MEETING AGENDA:
Larry Fillinger requested to rearrange the meeting agenda by discussing the new business items first.

Cheryl Range made a motion to approve the August 25, 2026 agenda as amended. Scott Lloyd seconded. **5-0 MOTION CARRIED**

APPROVAL OF JULY 21, 2026, PLANNING COMMISSION MEETING MINUTES:
Larry Fillinger found a mistake on the July 21, 2026 meeting minutes. Under the section "*MEMBERS PRESENT*", it should read "*All Planning Commissioners were present except Bruce Powelson.*"

Cheryl Range made a motion to approve the July 21, 2026, Planning Commission minutes as amended. Scott Lloyd seconded. **5-0 MOTION CARRIED**

NEW BUSINESS:

1) **PRELIMINARY REVIEW OF SUP# 01-26 / D2 CONTRACTING / 2320 PINGREE RD**

The applicant Dylan Mercier is seeking a Special Use Permit for a home business located on 16.01 acres on the west side of Pingree Rd., just south of Jewell Rd. The business name is D2 Contracting and work as subcontractors for a variety of excavation projects.
Bruce Powelson inquired about the shed on the side of the pole barn. Dylan said that shed belongs to the neighbors.

Scott Lloyd asked if the barn has ever been inspected by the Livingston County Building Department. Dylan was unsure if the barn had ever been inspected.
Marla Haglund with LCPD asked how often employees are working on site and how much equipment is being stored on site. Dylan said the hours of operation are 7am-5pm and equipment pickup occurs 2-3 times a week.
Scott Lloyd would like to see some additional landscaping for screening.
Scott Richardson said that three different people have expressed concerns about trucks being loaded and unloaded on a regular basis.
Cathy LeBlanc is a resident that lives next to this property and has several concerns about the day-to-day operations. Mrs. LeBlanc shared that trucks seem to be coming and going multiple times a day. There is also concern about the hazardous materials being stored on site and wondered if any inspections were required for these materials. Mr. Mercier discussed some of these concerns with the Commissioners.
The Commissioners requested that Mr. Mercier bring back more information on additional landscaping/screening, approvals or letters from outside agencies and fuel tank inspections.

Larry Fillinger made a motion to schedule a public hearing at the September 22, 2026 Planning Commission meeting. Bruce Powelson seconded. **5-0 MOTION CARRIED**

2) PRELIMINARY REVIEW OF SUP# 02-26 / LEGACY ACRES / 775 SEXTON RD

The applicants Troy and Britney Hoskins, are seeking a Special Use Permit for Agri-Business. The property is located on 9.79 acres at 775 Sexton Rd. The application describes the subject area as a previous horse farm with many of the same buildings and structures that currently exist. The Agri-Business is described as a sustainable livestock and agricultural education center hosting a variety of livestock such as alpacas, goats, rabbits and chickens. No additional structures or changes to the site plans are being proposed.
Larry Fillinger asked how many employees work on site. Britney Hoskins said she, her husband, two children and her sister all work on the property.
Mrs. Hoskins addressed concerns about parking, sanitation and traffic after 9pm. Mrs. Hoskins also explained that there are no houses located across the street from her.
Scott Lloyd asked if there are any indoor areas for the public. Mrs. Hoskins said that everything is mainly outside, except when some of the animals are being fed.
Martha Haglund with LCPD said the following items need to be listed on the site plan: setbacks, parking areas, sanitation locations, trash collection, dimensions of the existing buildings, and public and private areas.
Rick Novak asked if the pool was open to the public. Mrs. Hoskins said it is usually off limits, except for specific smaller groups.

Rick Novak made a motion to schedule a public hearing at the September 22, 2026 Planning Commission meeting. Bruce Powelson seconded. **5-0 MOTION CARRIED**

OLD BUSINESS:

1) FIRST READING OF V1 AND V2 DRAFTS OF HYPER-SCALE DATA CENTER ORDINANCE

Martha Haglund with LCPD reviewed some of the data center permitted location options: Rural residential, data center overlay and industrial and highway service districts. Scott Lloyd said he does not want an overlay district for data centers.
Scott Richardson said that we should not be regulating things that make a specific location impossible to have a data center. Doing this would also open the possibility for new development at these locations in the future. Richardson recommended putting it in industrial and highway service districts and reducing the setbacks to be more reasonable like in other jurisdictions.
Joe Mazur is a Marion Township resident and agrees with the Planning Commission and believes they are on the right track.
Martha Haglund will make some more changes to the ordinance and bring it back to the next Planning Commission meeting.

CORRESPONDENCE AND UPDATES:

Larry Fillinger welcomed the new Planning Commission member Rick Novak.

DRAFT

PUBLIC COMMENT:
No comments were made.

ADJOURNMENT:
Cheryl Range made a motion to adjourn the Planning Commission meeting at 8:52pm. Scott Lloyd seconded.
5-0 MOTION CARRIED

MINUTES TAKEN BY: Jessica S. Timberlake

Capital Construction Group
P.O. Box 1702 Brighton, Michigan 48116 |

8/18/2026

To Marion Township Planning Department:

We would like to propose an amendment to the Marion Oaks Master Deed and Bylaws regarding the amenities, specifically the clubhouse and the pool. During the permit process I discovered some ambiguities with the size and scope of the requirements for the Clubhouse and pool amongst the consent judgement, the Boss Engineering site plans, and the bylaws. The consent judgement states the pool only needs to be a minimum of 1500sqft. Whereas the site plan from Boss Engineering is showing a 30 x 64 ft pool as well as a 4000sq ft building, and the Bylaws call for a building pavilion.

The concern Capital and the HOA board have is with the size of the building and the fact that it will be considered a commercial structure instead of a residential. This clubhouse is only for the Marion Oaks subdivision. We would like to propose to the township reducing the size of the clubhouse to 2800sqft to fall under residential. A preliminary drawing of the proposed layout has been provided as well as a letter of support from the HOA board.

"A clubhouse is not inherently a commercial building; its classification depends on its purpose and operation.

Private or Residential Clubhouses

Clubhouses that are part of residential communities, subdivisions, or membership organizations are typically **non-commercial**. They are designed for the use of residents, members, and their guests, and are **not operated primarily for profit**. Such facilities may include gyms, swimming pools, party halls, lounges, and recreational areas, and are considered **amenities rather than commercial enterprises** under building and zoning regulations mysubicbay.com.ph+2."

Thank you for your time and consideration.

Sincerely,

Tanya Carter

Tanya Carter

Capital Construction

Marion Oaks Homeowners Association
Howell, Michigan

Date: August 17, 2026

To: Township of Marion
Howell, Michigan

Re: HOA Approval for Clubhouse Modifications

Dear Township Officials,

On behalf of the **Marion Oaks Homeowners Association**, we are writing to confirm that the HOA is in support of Capital Construction Group modifying the clubhouse.

We understand the purpose of these modifications is to make necessary improvements to the clubhouse while ensuring that the property continues to comply with the applicable **residential use and zoning stipulations** for the community.

The HOA supports making the appropriate changes to the clubhouse so that it remains consistent with its intended residential/community purpose and continues to meet the requirements established by the Township.

We would like to thank you for you taking the time and consideration for this amendment to the master deed and by laws.

Please feel free to contact the Marion Oaks Homeowners Association if any additional documentation, clarification, or information is needed regarding this matter.

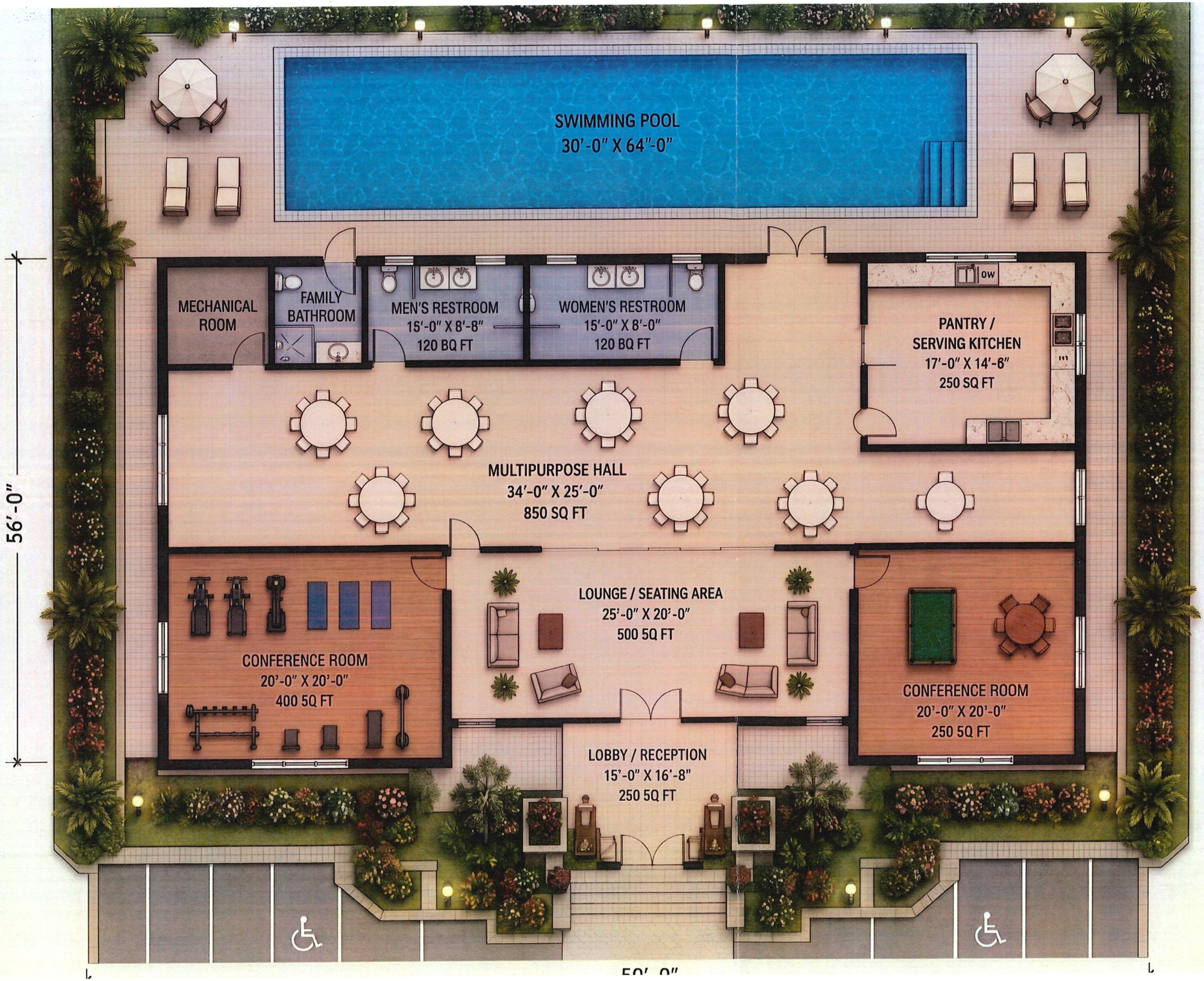
Sincerely,

Marion Oaks Homeowners Association

Liz Trendowski

Name/Title: Liz Trendowski/Secretary

Date: 08-17-2026



RESIDENTIAL CLUBHOUSE WITH POOL (2,800 SQ FT)

TOTAL CLUBHOUSE AREA: 2,800 SQ FT

SPACE PROGRAM (CLUBHOUSE)

Lobby / Reception	250 SQ FT
Lounge Seating Area	500 SQ FT
Multipurpose Hall	850 SQ FT
Pantry / Serving Kitchen	250 SQ FT
Fitness / Yoga Room	400 SQ FT
Indoor Games Room	250 SQ FT
Male Restroom	120 SQ FT
Female Restroom	120 SQ FT
Storage / Janitor	60 SQ FT
Circulation / Heliways	300 SQ FT
TOTAL	**2,800 SQ FT**

OUTDOOR AMENITIES

Swimming Pool	30' X 64'
Pool Deck with Seating and Landscaping	

FEATURES

- Capacity: 80 – 120 People
- Multipurpose Hall with Folding / Partition Wall
- Pantry Connected to Hall for Catering
- Fitness / Yoga Room
- Indoor Games Room
- Barrier-Free Accessibility
- Large Glacing for Natural Light
- Swimming Pool at Rear for Privacy

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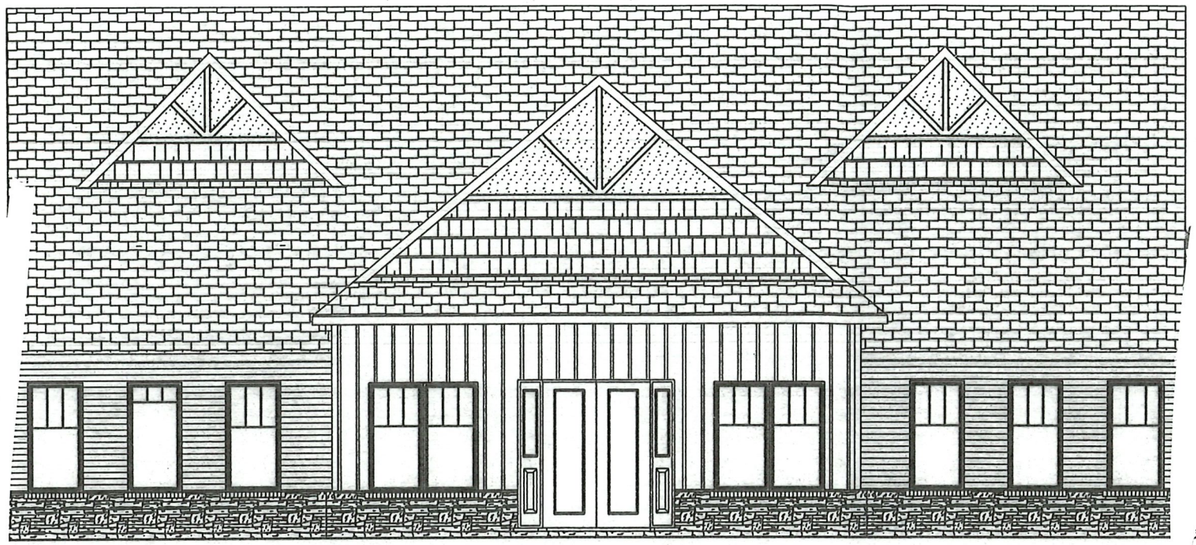
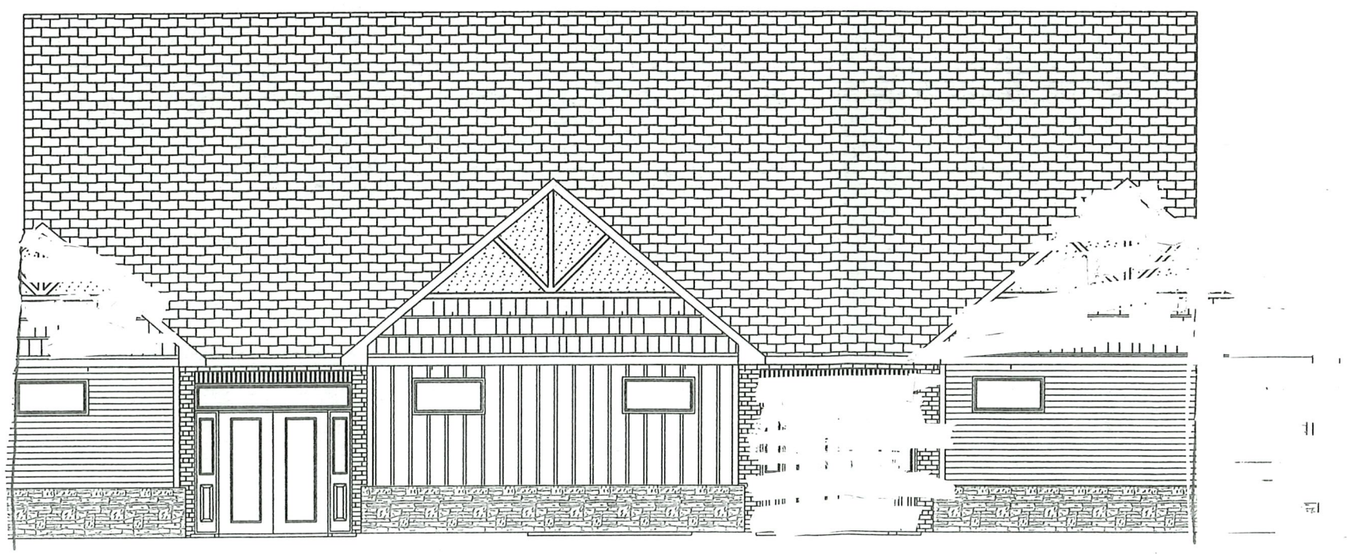


FRONT ELEVATION



REAR ELEVATION

Capital Custom Homes

CAPITAL CONSTRUCTION GROUP

TEL: 248 467 7864
FAX: 866 859 4093
info@ccgbuilders.com

MARION CLUB HOUSE

SQ. FT. : 2800

SUB :

ELV: LOT:

SCALE: 1/8" = 1'-0"

Thursday, April 12, 2018

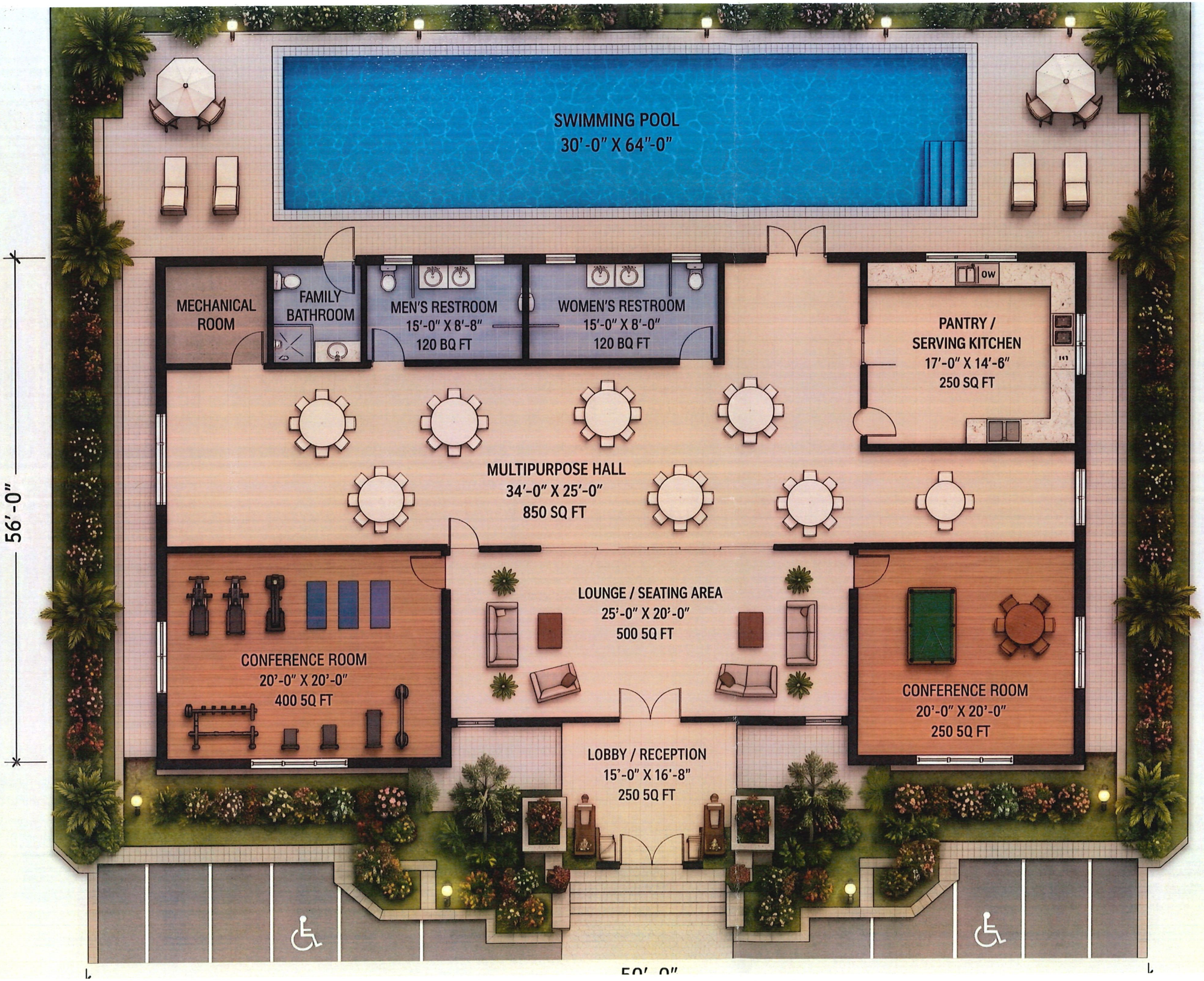
NOTE:

EXT. DIMENSIONS FROM FACE OF SHEATHING
INT. DIMENSIONS FROM FACE OF STUD

ALL INTERIOR SWING DOORS ARE 2'-8", UNLESS OTHERWISE NOTED

ALL CONTRACTORS SHALL VERIFY & COORDINATE ALL DIMENSIONS ON DRAWINGS, AS WELL AS REVIEW & COORDINATE PLANS W/EXTERIOR BLDG. ELEVATIONS, SECTIONS/ DETAILS BEFORE COMMENCING WITH THE WORK. IF DIMENSIONAL ERRORS OR CONFLICTS OCCUR BETWEEN PLANS, BLDG. ELEVATIONS, SECTIONS &DETAILS IT SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. FAILURE TO VERIFY, REVIEW & COORDINATE THE WORK AND CONTRACTORS WHO SCALE DRAWINGS TO DETERMINE PLACEMENT OF PART(S) OF THEIR WORK SHALL TAKE FULL RESPONSIBILITY SHOULD THAT PORTION OF THE WORK BE IMPROPERLY LOCATED OR CONSTRUCTED.

FRONT & REAR ELEVATION



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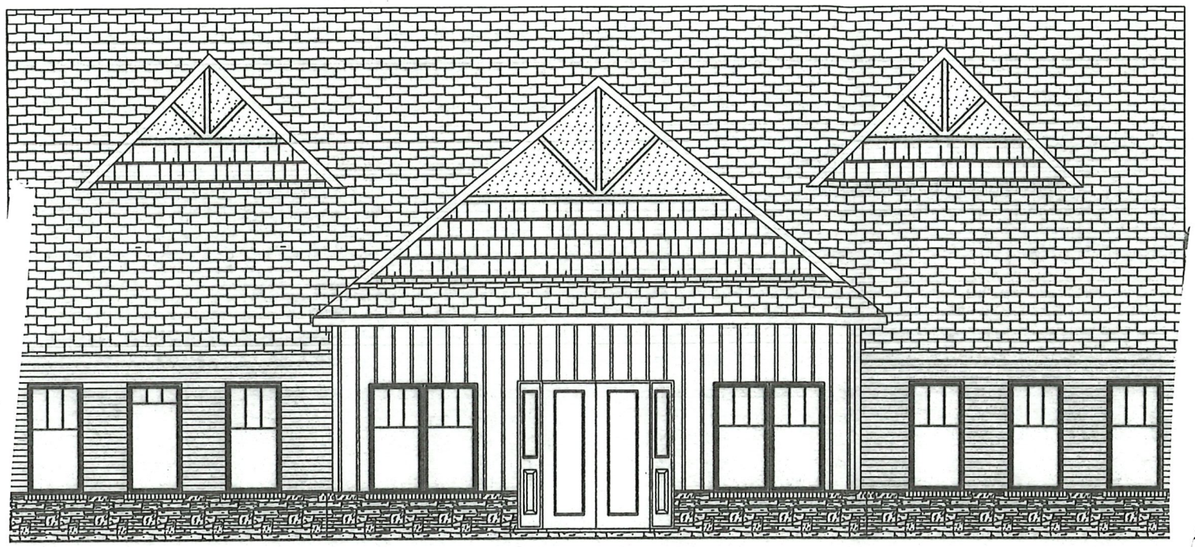

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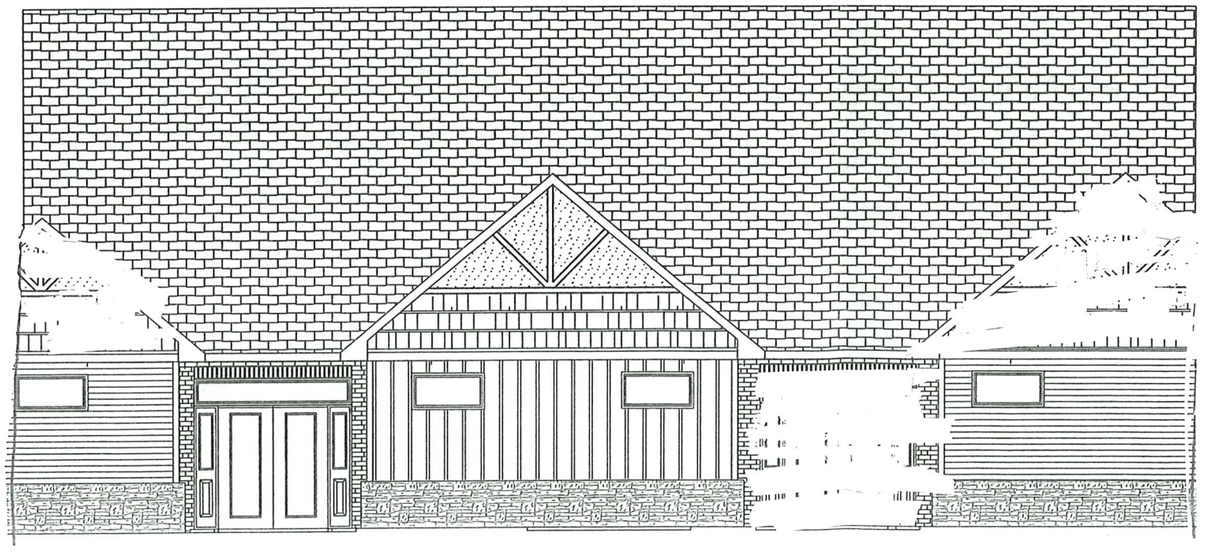

REAR ELEVATION

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FRONT & REAR ELEVATION

Livingston County Department of Planning

MEMORANDUM

TO: Marion Township Planning Commission

FROM: Martha Haglund, AICP, Principal Planner

DATE: September 11, 2026

SUBJECT: Zoning Text Amendments: Article 9 Highway Service District and Article 10 Light Industrial-Dimensional Standards and Schedule of Regulations

During the Planning Commission Meeting on August 25, 2026, the discussion focused on the potential locations for permitting data centers. After evaluating the dimensional standards of neighboring communities, it became evident that the township's current provisions are more stringent. As a result, the Commission reached a consensus to revise standards to be more permissive, including lot coverage and setbacks, for both the Highway Services District and the Industrial Service Districts. These revisions are intended to allow more efficient land use while still preventing intensive uses from encroaching on nearby residential zoning districts.

The Commission also noted that the limited number of parcels within the Industrial District may inadvertently constrain industrial development. To avoid the Township being perceived as excluding industrial uses, the next Master Plan update should include substantial public engagement to help identify appropriate areas for future industrial uses.

A comparative table of dimensional standards from surrounding communities has been included to support discussion of the proposed amendments.

Considerations and Discussion

1. How do these standards impact adjacent properties now and into the future?

2. Do the revisions meet the intent of the Zoning District?

3. Are the amendments consistent with the Master Plan's future land use designations of Commercial and Industrial?

Scott Barb
AICP, PEM
Planning Director

Robert A. Stanford
AICP, PEM
Principal Planner

Martha Haglund
AICP
Principal Planner

Abby Carrigan
Planning Intern

Department Information

Administration Building
304 E. Grand River Ave.
Suite 206

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

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Web Site
Milivcounty.com/planning

Surrounding Community Industrial District Dimensional Standards

Community	Lot Coverage (%)	Height (Feet)	Front Setbacks	Side Setbacks (Feet)	Rear Setbacks (Feet)	Minimum Lot Size (Acre)
Marion Township	40	40	80	80	80	1-4
Genoa Township	40	30	85	25	40	1
Howell Township	75	50-70	35	10	50	0.5-1
Oceola Township	70	40	50	30	30	0.5-1
Handy Township	45	45-100	75	50	50	1-10
City of Howell	75	40-75	50	10	25	0.25

Amendments to Dimensional Standards for
The Highway Service District and Light Industrial Districts

Marion Township Zoning Ordinance
Livingston County, Michigan

Draft for Planning Commission Review

MARION TOWNSHIP

ZONING ORDINANCE TEXT AMENDMENT

DIMENSIONAL STANDARDS FOR HIGHWAY SERVICE AND

LIGHT INDUSTRIAL DISTRICTS

An amendment to the Marion Township Zoning Ordinance to amend the dimensional standards for the Highway Service and Light Industrial Zoning Districts.

1. AMENDMENT OF ARTICLE IX: DEFINITIONS

SECTION 9.01 HIGHWAY SERVICE DISTRICT WITH THE FOLLOWING AMENDMENTS. *[Blue, underlined text to be added.* ~~*Red, strikethrough text to be deleted]*~~

E. **Site Development Requirements:** The following minimum and maximum standards shall apply to all uses and structures in the HS: Highway Service District unless they are specifically modified by the provisions of Article VI: General Provisions or Article XVII: Standards for Specific Special Land Uses; or as varied pursuant to Article V: Zoning Board of Appeals.

F.

1. **Minimum Lot Area:** No building or structure shall be established on any parcel less than one (1) acre.

2. **Minimum Frontage:** Each parcel of land shall have frontage of not less than one hundred fifty (150) feet.

3. Yard and Setback Requirements:
   a. **Front yard:** Fifty (50) ~~Eighty (80~~) feet, except that a setback of one hundred (100) feet from the Pinckney Road right-of-way line shall be required.

   b. **Side yards:** Twenty-five (25) feet, except in the case where a lot abuts a residential zoning district, in which case the minimum required side yard shall be one hundred (100)~~thirty-five (35)~~ feet and screening shall be provided in accordance with Section 6.13 B.

   c. **Rear Yard:** Forty (40) feet. Except in the case where a rear yard abuts a residential zoning district, in which case the minimum required rear yard shall be one hundred (100) feet.

4. **Maximum Lot Coverage:** Seventy (70)~~Forty (40~~) percent.

5. **Maximum Height:** Unless otherwise provided in this Ordinance, no principal building shall exceed a height of sixty (60)~~thirty-five (35)~~ feet measured from the finished grade. Measurement includes roof-mounted mechanical equipment and roof-mounted renewable energy infrastructure.

6. **Performance Standards:**

Commented [MH1]: Existing uses in HS are compliant with the 100 ft setback from a residential zoning district.

Commented [MH2]: Approximately 5 Stories

a. Storage of materials or goods shall be enclosed entirely within a building or shall be enclosed so as not to be visible to the public from any abutting residential district or public street.

b. Vehicle ingress and egress points shall not be closer than seventy-five (75) feet to the intersection of any two (2) public streets or closer than thirty (30) feet to an adjacent driveway.

c. No major repairs or refinishing shall be done outside of the principal building.

d. No lighting shall in any way impair the safe movement of traffic on any street or highway.

e. There must be sufficient on-site storage to accommodate at least two (2) queued vehicles waiting to park or exit the site without using any portion of the public street right-of-way or in any other way interfering with street traffic.

f. Screening at least three (3) feet in height shall be erected to prevent headlight glare from shining onto adjacent residential property. No screening shall in any way impair safe vertical or horizontal sight distance for any moving vehicles.

g. Material that is normally and reasonably discarded from commercial uses of property may be stored outside of an enclosed building for a reasonable time provided that such storage areas are completely screened by an opaque fence of not less than five (5) feet in height.

2. AMENDMENT OF ARTICLE X: INDUSTRIAL DISTRICTS

SECTION 10.01 LIGHT INDUSTRIAL DISTRICT SERVICE WITH THE FOLLOWING TEXT AMENDMENTS:

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

E. **Site Development Requirements:** The following minimum and maximum standards shall apply to all uses and structures in the LI: Light Industrial District unless they are specifically modified by the provisions of Article VI: General Provisions or Article XVII: Standards for Specific Special Land Uses; or as varied pursuant to Article V: Zoning Board of Appeals.

1. **Minimum Lot Area:** No building or structure shall be established on any parcel less than two (2)~~four (4)~~ acres except in an approved industrial park where minimum lot sizes shall be one (1) acre.

2. **Minimum Frontage:** Each parcel of land shall have continuous frontage of not less than two hundred ~~three hundred thirty~~ (200~~330~~) feet.~~, except in an approved industrial park where each lot shall have continuous frontage of not less than one hundred twenty (120) feet.~~

Commented [MH3]: The proposed road frontage is similar to the Trans West Industrial Park in Howell Township.

3. Yard and Setback Requirements:
    a. **Front yard:** Fifty (50)~~One hundred (100)~~ feet. Except a setback of one hundred (100) feet from the Pinckney Road right-of-way line shall be required. When located in an approved industrial park, a setback of not less than twenty-five (25) feet shall be required.

    b. **Side yard**: ~~Eighty (80)~~50 feet, except in the case where a side yard abuts a residential zoning district, in which case the minimum required side yard shall be one hundred ~~fifty~~ (100~~50~~) feet.

    c. **Rear yard:** Forty (40)~~Eighty (80)~~ feet, except in the case where a rear yard abuts a residential zoning district, in which case the minimum required rear yard shall be one hundred ~~fifty~~ (100~~50~~) feet.

    d. See Section 10.01 B 15 *o* for the minimum yard and setback requirements in a planned industrial park.

4. **Maximum Lot Coverage:** Seventy (70) ~~Forty (40)~~ percent.

5. **Maximum Height:** Unless otherwise provided in this Ordinance, no principal building shall exceed a height of sixty (60)~~forty (40~~) feet measured from the finished grade. Measurement includes roof-mounted mechanical equipment and roof-mounted renewable energy infrastructure.

6. **Performance Standards:**
    a. External areas for storage shall be screened on all sides by an opaque fence of not less than five (5) feet in height.

    b. When a side or rear lot line abuts or is adjacent to property located within a residential district, a berm or buffer zone shall be required in addition to the minimum yard requirements, specific driveways and plantings of which shall be determined through the site plan review process. (See Section 6.13.)

    c. **Sound:** The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

Decibels	Adjacent Use	Where Measured
55	Residential Dwellings	Common Lot Line
65	Commercial	Common Lot Line
70	Industrial and Other	Common Lot Line

    The sound levels shall be measured with a type of audio output meter approved by the Bureau of Standards. Objectionable noises due to

Commented [MH4]: Similar to Trans West Industrial Park in Howell Twp.

Commented [MH5]: Data Center Standards will require 250 feet from residential zoned districts, residential dwellings, schools, and religious institutions.

intermittence, beat frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

d. **Vibration:** All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of .003 of one inch measured at any lot line of its source.

ARTICLE VII

SCHEDULE OF REGULATIONS

Zoning District	Site Development Standards (a)							
	Minimum Lot Area (i)(j)	Minimum Lot Frontage (k)	Minimum Required Setbacks (b) (c)			Maximum Lot Coverage	Maximum Building Height	Minimum Dwelling Unit Floor Area
			Front (d)	Side (e)	Rear			
Rural Residential, RR Unplatted Parcels	2 acres	150 feet	70 feet	15 feet each side	25 feet	35 percent	35 feet	See (g)
Subdivision Lots or Condominium Units	1 acre	120 feet	70 feet	15 feet each side	25 feet			
Suburban Residential, SR (Amended 3-25-03)	32,670 Sq. Ft (h) (0.75 acres)	120 feet	70 feet	15 feet each side	25 feet	35 percent	35 feet	See (g)
Subdivision Lots or Condominium Units	20,000 Sq. Ft. with public sewer	85 feet with public sewer	35 feet with public sewer					
Urban Residential, UR	15,000 square feet (f) (j)	85 feet (k)	30 feet	15 feet each side	25 feet	35 percent	35 feet	See(g)
Existing Residential Subdivision, ERS-1	18,000 square feet	50 feet	50 feet	10 feet each side	25 feet	35 percent	35 feet	See (g)
Existing Residential Subdivision, ERS-2	1 acre	100 feet	100feet	15 feet each side	25 feet	35 percent	35 feet	See (g)
Manufactured Home Park, MHP District (f)		35 feet						
Highway Service, HS	1 acre	150 feet	5080 feet	25 feet each side(l)	40 feet (l)	7040 percent	6035 feet	-
Light Industrial, LI	24 acres	150330 feet	50100 feet (m)	5080 feet each side (l)	4080 feet (l)	7040 percent	6040 feet	--
	1 acre in an industrial park	120 feet						
Public Lands, PL	11,000 square feet	75 feet	25 feet	15 feet each side	25 feet	35 percent	35 feet	...

Footnotes to the Schedule of Regulations:

(a) See also Article **XVII** for site development standards for uses permitted by special use permit.

(b) In no case shall any yard setback along the Pinckney Road right-of-way be less than one hundred (100) feet.

(c) See RR District provisions for setbacks for agricultural buildings intended to house animals, pens, and corrals.

(d) All front yard setbacks shall be measured from the edge of the road right-of-way.

(e) Setbacks for the two (2) contiguous sides of a corner lot on public roads shall be equal to the front setback for that zoning district. If one of the contiguous sides abuts a private road and the parcel does not have access to the private road, it will be treated as a side and/or rear yard, whichever applies.

(f) The minimum lot area for a multiple-family and mobile home park developments shall be ten (10) acres.

(g) The minimum floor area for a one-story dwelling shall be 1,000 square feet; a two-story dwelling (including split levels) shall be 1,400 square feet with a minimum 800 square feet on the first floor, not including the basement.

(h) No building or structure shall be established on a parcel less than 32,670 square feet (0.75 acre). A building or structure with public sewer may be established on a parcel of not less than 20,000 square feet providing the frontage of said parcel is not on a major thoroughfare. (Amended 3-25-03)

(i) The minimum lot area shall be the gross lot area as that term is defined in Article 11I-Definitions, of this zoning ordinance. (Amended 12-17-04)

(j) The minimum lot area for two-family dwellings shall be 30,000 square feet.

(k) The minimum lot width for two-family dwellings shall be 135 feet.

~~(k)~~(l) Where a rear or side yard abuts a residential zoning district, the minimum required rear and side yard shall not be less than one hundred (100) feet.

~~(l)~~(m) In an approved industrial park a minimum front setback of twenty-five (25) feet is required.

Livingston County Department of Planning

MEMORANDUM

TO: Marion Township Planning Commission

FROM: Martha Haglund, AICP, Principal Planner

DATE: September 11, 2026

SUBJECT: DRAFT 17.36 Data Center Ordinance

At the July 23, 2026, Township Board Meeting the moratorium on Hyper Scale Data Centers was extended an additional 6 months from the original expiration date of August 13, 2026, and will now expire on February 11, 2027. 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.

During the Township Planning Commission meeting on August 25, 2026, the draft Data Center Ordinance was reviewed, alongside discussions regarding potential locations for permitting data centers. There was a consensus to allow data centers within the Light Industrial and Highway Service Commercial zoning districts. Additionally, amendments to the dimensional standards for these districts were proposed to allow more efficiency land use while preventing encroachment on residential zoning districts.

In conjunction with the revisions to the zoning districts, several changes to the draft Data Center Ordinance were proposed to ensure feasibility for development. This is important to ensure that the Township does not appear exclusionary toward specific land uses, which could expose it to legal risks. Notably, the setback requirement from residential zoning districts was reduced from 500 feet to 250 feet, while maintaining buffer provisions to mitigate impacts on neighboring properties. Additionally, there is a 2-acre minimum, down from the previous 10-acre minimum lot size.

Other revisions from the previous draft include:

- Permitting battery storage to support on-site renewable energy generation.
- Introducing standards for generator emissions.
- Discussion on sound regulations.
- Mandating documentation from the wastewater treatment facility regarding capacity and water filtration capabilities.
- Requiring the power usage agreement to specify a maximum level of consumption; should the project seek to exceed this limit, Township Board approval will be necessary.
- Removing the violation section.

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AICP, PEM
Planning Director

Robert A. Stanford
AICP, PEM
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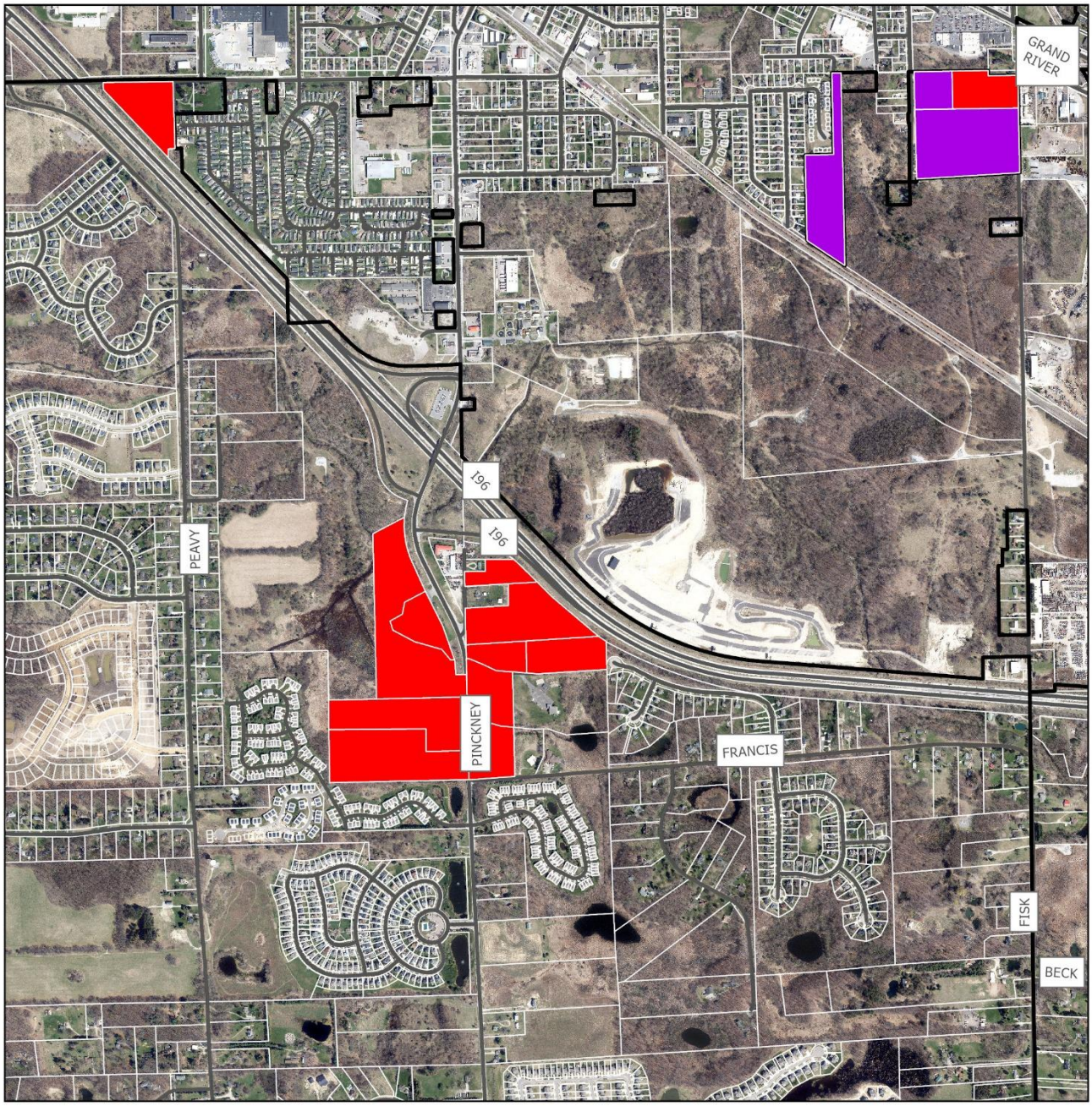
The Commission should continue its discussions and work on refining the language of the draft Data Center Ordinance. To aid in this process, Howell Township's current draft ordinance has been provided for reference.

Revisions to Data Center Setback Standards from 500 to 250 feet

The image illustrates that a 500-foot setback would establish impractical standards for data center operations, potentially rendering them exclusionary. However, a project would likely be feasible with a 250-foot setback.



Legend

- Municipal Boundary
- Roads
- Light Industrial >2 acres
- Highway Service >2 acres

---DISCUSSION---
Marion Township
Current Draft-Data Center
Highway Service District and Light Industrial District

N

0 0.13 0.25 0.5 Miles

Data Centers

Marion Township Zoning Ordinance
Livingston County, Michigan

Draft for Planning Commission review

MARION TOWNSHIP

ZONING ORDINANCE TEXT AMENDMENT

DATA CENTERS

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

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

Data Center: A facility used primarily for the storage, management, processing, 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 related infrastructure to support operations.

Infrasound: A low frequency sound below a frequency of 20Hz that is typically sub-audible to humans and is perceived as vibrations.

Commented [MH1]: Definition from Howell Twp Data Center Ordinance

SECTION 3.02 DEFINITIONS OF THE ZONING ORDINANCE IS HEREBY AMENDED TO DELETE THE FOLLOWING DATA PROCESSING FACILITY DEFINITION:

~~**Data Processing Facility**: A building, dedicated space within a building, or group of structures located on one or more acres of land used to house a large group of computer systems and associated components, such as telecommunications and data processing systems, to be used for the remote storage, processing, or distribution of large amounts of data. Examples of such data include, but are not limited to, computationally intensive applications such as blockchain technology, cryptocurrency mining, weather modeling, genome sequencing, etc. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations.~~

2. AMENDMENT OF ARTICLE IX: HIGHWAY SERVICE DISTRICT

SECTION 9.01(D)(12) HIGHWAY SERVICE DISTRICT SPECIAL USES, OF THE ZONING ORDINANCE IS HEREBY ADDED TO READ AS FOLLOWS:

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

Data Centers

3. AMENDMENT OF ARTICLE X: INDUSTRIAL DISTRICTS

SECTION 10.01(D)(5) LIGHT INDUSTRIAL SPECIAL USES, OF THE ZONING ORDINANCE IS HEREBY AMENDED TO READ AS FOLLOWS:

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

~~Data processing facility.~~

Data Centers

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

REPLACE IN ITS ENTIRETY SECTION 17.36 DATA PROCESSING FACILITY OF THE ZONING ORDINANCE TO READ AS FOLLOWS:

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.

~~1.~~2. Zoning Districts: Data Centers are permitted in the following zoning districts as a special use: Highway Service District and the Light Industrial District.

~~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: Two (2) acre minimum. ~~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. Setbacks: Buildings, substations, battery storage, and mechanical equipment shall meet all setbacks from the zoning district and be ~~be setback at least one~~

~~hundred fifty (150)~~ ~~feet from lot lines and at least~~ a minimum of two hundred and fifty ~~five hundred~~ (250~~500~~) feet from adjacent residential zoning districts, residential dwellings, schools, and religious institutions.

4. Building Height: Buildings shall conform to ~~have a maximum height of~~ the zoning district it is located. ~~thirty five (35) feet~~.
5. Building Area: Individual buildings shall have a maximum area of one hundred fifty thousand (150,000) square feet.
6. Lot ~~Building~~ Coverage: Maximum lot ~~building~~ coverage shall conform to the zoning district in which it is located. ~~is forty (40) percent of the net lot area~~.
7. Access: The site shall have direct access from a paved county road.
8. Parking: The developer shall provide a staffing and visitor plan for the Data Center and provide one (1) space per employee and (1) space per visitor during peak usage. All ADA (Americans with Disabilities Act) requirements must be adhered to.~~.~~

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: Where a data center project ~~The buffer shall be~~ shares a property line with a residential zoning district, the buffer shall be a minimum of fifty ~~at least one hundred~~ (50~~100~~) feet wide.
2. Berm: When a project is adjacent to a residential zoning district a minimum size berm of fifteen (15) feet high shall be located within the landscape buffer. The berm shall be set back 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 and shall follow guidelines set by the United States Department of Agriculture in the Tree Owner's Manual for Northeastern and Midwestern United States. 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 annually 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.

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

1. Municipal Utilities: Data Centers must be connected to and served by municipal water and sanitary sewer systems. On-site wells or septic fields are not permitted.

2. Cooling: Cooling systems serving Data Centers shall be ~~closed-loop~~ closed-loop, no-contact water-cooling systems.

3. Battery Storage: Is permitted to support co-located Renewable Energy Storage and shall meet the following standards:

   a. Screening: Must meet all dimensional and screening requirements in this ordinance.

   b. Location: Shall only support on-site energy needs.

   ~~a.~~c. Application: Shall be identified on the first site plan either as initial phase or future phase construction.

   d. Storage Length: Batteries shall have long-duration (10 or more hours) storage capabilities.

4. Power Generation: Routine or primary power generation is prohibited, except as permitted in 17.36 (F) (3)Renewable energy sources.~~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.

   c. Fuel storage: M~~m~~ust comply with applicable state and federal regulations.

   ~~c.~~d. Emissions: All Generators shall be Tier 4 generators and emit no PM2.5 (particulate matter)

Commented [MH2]: Battery storage can help reduce energy fluctuations and are usually required for onsite energy retention if renewable energy sources are used.

Commented [MH3]: 17.36 (F) (3)-Renewable Energy co-located

Commented [MH4]: Particulate matter from combustion particles that are 2.5 micrometers or smaller. This requires the project to have generators with strict air filtration.

5. 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.~~
    b. Roof: Buildings ~~with a lot coverage of more than~~ fifty thousand (50,000) square feet or larger shall have a roof with white or light colors, a planted green roof, or solar panels.
    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.
6. Lighting: In addition to the lighting standards in §14.04(E) Lighting, Data Centers shall meet the specific lighting standards below.
    a. Intensity: Lighting shall be installed in a manner so that no illumination sources are visible beyond all property lines or 0.0 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.
    d. Color Temperature: Lighting shall have a maximum color temperature of 3500K.
7. 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.

8. Sound and Infrasound: 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) Leq, 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) Leg dB(A) , 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.

9. Utility Substations: Utility substations shall meet~~be located within the~~ landscape buffer requirements and shall be at least two hundred and fifty (250)~~five hundred (500~~) feet from any adjacent residential zoning district, residential ~~-~~dwelling, school, or religious institution.

a. Application: Utility substations shall be identified on the first site plan either as part of the initial phase or future phase of development.

b. Location: Shall only support on-site energy needs.

~~9.~~

Commented [MH5]: Howell Twp proposed standards: Sound levels shall not exceed 55 dBA, 55dBC and 70dBZ at any high impact land use parcel. Generators shall not exceed 65 dBA, 55dBC and 70dBZ at the high impact land use parcel property line. All octave bands and frequencies 200 hertz (Hz) and below shall not exceed 60dBZ at any time.

Consider adopting something similar?

10. 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.
11. 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 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.).

f. Wastewater shall not be discharged directly into any open water source. All wastewater must be conveyed to and processed by a municipal water treatment facility. The developer shall coordinate with the municipal water treatment facility and demonstrate the following:

1) Estimated wastewater discharge volume: The developer must provide anticipated daily and peak discharge amounts.

2) Water quality and treatment capability: The municipal water treatment facility must confirm that it can meet all applicable water filtration and treatment standards required for the expected wastewater characteristics.

3) Available treatment capacity: The wastewater treatment facility must verify that it has sufficient capacity to accommodate the projected increase in demand.

~~e. Wastewater: Wastewater shall not be discharged directly into an open water source and must be processed at a municipal water treatment facility.~~

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

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

~~h.~~i. 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.

12. 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.

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 and annually thereafter, ~~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.

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

- ~~Administrative Violations (5-day Cure)~~
  - ~~Late Filings, minor reporting errors, and bond adjustments~~
  - ~~Fine $1,000/day (after 5-day cure period)~~
- ~~Operational Violations (Immediate Fine)~~
  - ~~Noise/Light exceedance: $5,000/violation~~
  - ~~Generator Abuse (outside limits): $5,000/violation~~
  - ~~Wet cooling operation: $5,000/day~~
  - ~~On-site Renewable failure: $10,000/day~~
  - ~~Supply Chain/APGA non-compliance: $5,000/day~~
  - ~~Unauthorized Phase Advance: Commencing construction of a subsequent phase without a Certificate of Completion for the prior phase: $5,000/day of unauthorized work~~
- ~~Environmental Emergencies (Immediate Fine + Bond~~
  - ~~Groundwater impact: 150% of remediation cost per well/day (min $10,000, max $500,000 total)~~
  - ~~PFAS exceedance: $25,000/day per exceedance~~
  - ~~Hazardous material storage: $10,000/day~~
  - ~~E-Waste violation: $15,000/day per violation~~
  - ~~GHG reporting failure: $10,000/day per scope~~
  - ~~Chemical Discharge violation: Discharge of prohibited chemicals or failure to meet discharge limits: $25,000/day per violation~~
- ~~Financial Defaults~~
  - ~~Carbon Fee non-payment $5,000/day + interest~~
  - ~~Bond Forfeiture: Full Bond Amount~~
- ~~Cumulative Fine and Daily Cap~~
  - ~~Total fines for all violations shall not exceed $500,000 per day~~

Commented [MH6]: Violations and Penalties to be reviewed by Township Attorney

~~Fines for multiple violations are cumulative up to the cap~~

~~Repeat Offender~~

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

~~2.~~1. 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.~~2. 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.~~3. Mixed Facilities: Data Centers may be co-located with other uses that use the waste heat, such as a greenhouse operation.

~~5.~~4. 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.

~~6.~~5. Phasing: When Data Centers are proposed to be constructed in phases the following standards shall apply:

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 and should encompass the following:
   a. Anticipated Life: The Decommissioning Plan shall describe the anticipated life span of the Data Center.
   b. Removal: Describe methods for removal of structures, equipment, utilities and impervious surfaces.
   c. Disposal: Description of recycling and disposal of equipment and hazardous materials.
   d. Restoration: Description of final grading and revegetation.
   e. Decommissioning Costs: provide an itemized cost estimate for scope of decommissioning.
   f. Payment: Provide a description of the decommissioning payment process.
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 in an escrow account 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 to be completed by an independent third-party.
   b. Routine Review: The Decommissioning Plan shall be updated on a regular basis, at minimum every three (3) years and adjusted for inflation. Additional security may be required to account for increased anticipated decommissioning costs during the preceding three (3) years.
   c. 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.
   a. 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.
4. 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.

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.

6. Removal and Restoration Standards

a) 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.

b) Compaction Prevention: All abandonment and decommissioning work must be done when soil is dry or frozen to prevent compaction.

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

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

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

f) 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.

7. 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.

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. All studies shall be performed by an independent qualified industry professional.

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.

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. Architectural Renderings: Illustrating compliance with façade requirements around the exterior of the building/s.

5. Documentation: A complete set of photos and/or 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 energy service provider ~~electric utility~~ showing approval of an interconnection with the proposed Data Center Facility shall be submitted and include the following:

   a) Estimated Energy Usage. The estimated average energy that will be continuously used from the energy service provider.

   b) Energy service plans for providing the requested amount of energy, including but not limited to the location of routing, overhead lines, and substations.

~~6.~~c) The maximum power requested by the data center. Future requests to exceed this amount require Township Board Approval. ~~.~~

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
10. Lighting Plan: Demonstrating 0.0 footcandles at the property line.
11. Noise & Vibration Study: At the time of application the applicant shall provide an ambient noise study along with noise and vibration estimates of the project. Prior to Certificate of Occupancy a Final Noise and Vibration Study shall be submitted to demonstrate ~~post-construction~~post-construction compliance.
~~11.~~
12. Estimated Water Usage: The estimated average water usage per day from the municipal water service. The applicant shall acquire approval from the municipal service provider and demonstrate the water provider has capacity to meet the proposal estimates.
~~13. 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.~~

~~14.~~13. Water Management Plan: Include associated conservation and water quality practices.

~~15.~~14. Energy Management Plan: Include associated conservation and efficiency techniques.

~~16.~~15. Operations Plan: A copy of the Operations plan, including staffing and maintenance schedules.

~~17.~~16. Wildlife Impact: A copy of the wildlife impact analysis shall be submitted.

~~18.~~17. Environmental Impact: A copy of the environmental impact analysis shall be submitted.

~~19.~~18. Soil Analysis: Perform a soil chemical analysis to establish baseline soil characteristics for restoration thresholds.

~~20.~~19. Complaint Resolution Protocol: A copy of the complaint resolution protocol shall be submitted.

~~21.~~20. Decommissioning Plan: A copy of the decommissioning plan shall be submitted.

~~22.~~21. Emergency Action Plan: A copy of the Emergency Action ~~plan~~ Plan shall be submitted.

~~23.~~22. Financial Impact: Statement of anticipated tax ~~abetment~~ abatement laws or practices to be utilized for the project.

~~24.~~23. 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.

~~25.~~24. 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.

I. ~~**Monitory**~~ **Monitoring and Reporting:** The following reports shall be submitted to the Zoning Administrator on an annual basis and performed by independent industry professional.~~:~~

1. Noise Level Monitoring ~~Monitory~~ Summary
2. Energy Use~~age~~ Report
3. Water Use~~age~~ Report
4. Proof of Annual Emergency Training Opportunity
5. ~~Compliancy~~ Compliance with all Required EGLE permits
6. Complaint Resolution Report

5. AMENDMENT OF ARTICLE XIIA: WELLHEAD PROTECTION OVERLAY DISTRICT

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

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

N. Data centers.

6. AMENDMENT OF TABLE OF CONTENTS

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

Draft High Impact Land Use Overlay District

Definitions proposed to be added to Section 2.02.

⅓ **Octave Band Analysis:** A frequency spectrum analysis where the unweighted sound levels of all frequencies in a sound sample are split into sections (octave bands) where the upper limit is twice the frequency of the lower limit, and each octave band is further split into three equal sections providing a more detailed analysis of the intensity and frequency composition of a sound.

Air Chiller: a cooling and heat rejection system which utilizes fans to move ambient air over condenser coils to cool the water or refrigerant in a Closed Loop Cooling System.

Battery Energy Storage Systems (BESS): A storage system that collects energy from renewable and non-renewable sources in rechargeable batteries for later use.

Closed Loop Cooling System: Any cooling system that constantly reuses and recycles an initial load of process fluid (water or chemical substance) within its operating components for cooling purposes, which is not directly exposed to the air or other cooling system components during heat rejection; this process fluid still requires periodic discharge and refill.

Cooling Tower: an industrial-scale heat exchanger that removes heat from the cooling process fluid.

> ***Open-Circuit Cooling Tower/Open Loop Cooling System:*** a heat rejection system where the warm process water is sprayed directly onto fill media, where it is then exposed to airflow to utilize evaporative cooling; these systems require frequent discharge and refill, consuming large amounts of water, due to the contamination of the process water during the heat-rejection phase.
>
> ***Closed-Circuit Cooling Tower:*** utilized in some Closed-Loop Cooling Systems; basin water is sprayed over the closed-loop coils to utilize evaporative cooling. Basin water requires periodic discharge and refill.
>
> ***Mechanical Draft:*** Open or Closed Circuit Cooling Towers may use Mechanical Draft, which uses fans to move air through the water to enhance the cooling process by accelerating evaporation and therefore heat transfer.

Computer Room Air Conditioners (CRAC): A type of Room-Level HVAC system utilized in computer server rooms/data centers to remove high-density heat generated by IT equipment; CRACs pull hot air from the entire room, and return cool air to the entire room, rather than cooling the IT equipment directly; utilizing refrigerant-based cooling.

Commonly referred to as Computer Room Air Handlers when circulating chilled water instead of refrigerant.

***Cryptocurrency Mining Facility*:** A facility of any size that is dedicated to operating data processing equipment for cryptocurrency mining and the process by which cryptocurrency transactions are verified and added to digital ledgers. This includes data mining facilities.

Data Processing. The collection and manipulation of digital data to analyze and produce meaningful information.

***Data Center*:** A physical facility housing the people, hardware and software organized to provide information processing services. This includes data processing facilities, server farms and artificial intelligence / "AI" data centers. Data centers are further defined by the following:

1) ***Ancillary Data Center:*** A data centers that is ancillary to another primary use and a) occupy no more than ten percent of the building's footprint, b) are used to serve the enterprise functions of the on-site business and are not used to lease data storage and processing services to third parties, and c) are not housed in a separate, stand-alone structure on the parcel.

2) ***Minor Data Center:*** A Data Center that is under 10,000 total square feet (for all buildings and structures on the site). If a minor data center requires an electrical substation and/or water treatment plant, it shall be classified as a Medium Data Center.

3) ***Medium Data Center:*** A Data Center that is between 10,000 square feet and 99,999 total square feet (for all buildings and structures on the site).

4) ***Major Data Center:*** A Data Center that is between 100,000 square feet and 499,999 total square feet (for all buildings and structures on the site).

5) ***Data Center Campus:*** A Data Center Campus shall consist of more than one Data Center building and may be any combination of sizes of Data Center buildings, not to exceed a total of 750,000 total square feet (for all buildings and structures on the site).

Decibel, dB: A decibel (dB) is a common measure of sound intensity that is one-tenth of a bel (B) on the logarithmic intensity scale.

Decibel-dBA: Decibels measured in dBA are weighted to the frequencies in the middle of the range of human hearing, as a representation of the perceived overall loudness.

Decibel-dBC: Decibels measured in dBC are weighted to the low-frequency, sounds which travel and penetrate farther than treble sound, often a component of tonal noise.

Decibel-dBZ: Decibels measured in dBZ are weighted to measure without frequency-based adjustments, for situations requiring a precise measurement of the sound's total energy and frequency content.

Direct Liquid Server Cooling: Server cooling technologies in which liquid coolant directly removes heat from electronic components through immersion or cold-plate contact, rather than through room air circulation.

Direct-to-Chip Cooling: A method of liquid cooling that utilizes coolant to dissipate heat directly from computer processing chips and greatly reduces electrical power and water consumption.

Dry Cooler: a heat rejection system which utilizes fans to move ambient air over a cooling coil; commonly used in closed-loop cooling systems.

Electrical Substation: An electric system facility that converts higher voltages to lower voltages within or separate from a ~~data center~~high impact land use to generate sufficient power at maximum efficiency; can operate independently for dedicated sites once directly connected to the transmission line.

Equipment Cooling: Cooling for equipment, including but not limited to machinery, computer component cooling, processor cooling, server cooling, rack cooling, generator cooling, electrical component cooling.

Facility Cooling: Cooling for the facility/structure itself, not for equipment, machinery or components located therein and/or on the property. This includes HVAC cooling.

Generator: A machine that converts one form of energy into another.

High Impact Land Use: A term that refers to a) an industry or business with higher than average consumption/use of resources, typically of electricity and/or water, and/or b) an industry or business with operations that are highly impactful from the standpoint of noise, vibration, type of power potentially used such as battery storage systems, nuclear, etc., utilization of private power substations or switch stations, onsite fuel storage and potential negative impacts on health, water and air quality. This includes data centers, data processing facilities, server farms, "AI" artificial intelligence, cryptocurrency mining facilities, and digital currency mining.

Hydrogen Fuel Cell: An electrochemical device that combines hydrogen and oxygen to produce electricity.

Infrasound: A low frequency sound below a frequency of 20Hz that is typically sub-audible to humans and often perceived as vibrations.

***Liquid Immersion Cooling*:** A method of liquid cooling that utilizes submerging equipment in fluid that does not utilize large volumes of water and greatly reduces electrical power consumption and offers an option for use of plant based biodegradable non-flammable oil.

Megawatt: A unit of power output equal to 1,000,000 watts or 1,000 kilowatts, used to measure power consumption.

Octave Band: A method of splitting the frequency spectrum into sections where the upper limit is twice the frequency of the lower limit, identified by the center frequency.

Power Usage Effectiveness (PUE): a ratio that describes how a High Impact Land Use ~~data center~~ uses energy; specifically, how much is used by the IT equipment compared to total power consumption. Calculated by dividing total facility energy by IT equipment energy.

Renewable "Green" Hydrogen: Renewable or "Green" Hydrogen is used for Hydrogen Fuel Cells and is sourced from water, using sustainable electricity sources such as solar or wind.

Sensitive Receptors: Sensitive receptors are locations where people, communities, environmental resources, or facilities may be particularly vulnerable to adverse effects from noise, air pollution, odors, vibration, light, hazardous materials, or other project-related impacts. These include ~~S~~schools, preschools, daycares, health facilities such as hospitals, long-term care facilities, retirement and nursing homes, community centers, places of~~–~~ worship, playgrounds, parks, campgrounds, prisons, dormitories, hotels, motels, and any parcels zoned agricultural residential, single-family residential and multi-family residential.

Standalone Modular Data Center / Cryptocurrency Mining Facility: Pre-engineered, prefabricated, temporary and standardized buildings, including shipping containers, designed to house computer servers and network equipment.

Tonal Noise: A noise characterized by a distinct, recognizable frequency, which stands out significantly against the background broadband noise, considered a nuisance due to the human auditory system's sensitivity to pure tones, especially when they are continuous.

Total Power-Usage Effectiveness (TUE): A metric similar to PUE but which includes IT power such as server fans and internal power distribution losses with infrastructure overhead, to provide a better metric of energy efficiency across the entire data center development. Calculated by dividing the total facility power usage by the compute power usage.

Water Usage Effectiveness (WUE): a metric that measures how efficiently data centers use water by comparing the total water used to the power used by its IT equipment.

Calculated by dividing annual water usage (liters) by IT equipment energy usage (kilowatts).

Amending Articles 5, 8-13 to allow data centers as Permitted Accessory Uses or Permitted Principal Special Uses with Conditions.

Ancillary data centers will be allowed as Permitted Accessory Uses in the following districts:

- Article 5– RT Research & Technology– Section 5.04
- Article 8– OS Office Service District– Section 8.04
- Article 9– NSC Neighborhood Service Commercial District– Section 9.04
- Article 10– RSC Regional Service Commercial District– Section 10.04
- Article 11– HSC Highway Service Commercial District– Section 11.04
- Article 12– IF Industrial Flex Zone– Section 12.04
- Article 13– I Industrial District– Section 13.04

Minor data centers will be allowed as Permitted Principal Special Uses with Conditions, subjected to the standards of Section 16.23, in the following districts if also located within the High Impact Land Use Overlay District:

- Article 12 – IF Industrial Flex Zone – Section 12.03
- Article 13 – I Industrial District – Section 13.03

Commented [PM1]: *No matter the zoning district, data centers of any size will only be allowed in the overlay district. A substantial portion of the overlay district is zoned or planned for industrial flex. If minor data centers were not permitted in IF the majority of the overlay district would not allow for any data center other than an ancillary data centers.*

Medium data centers will be allowed as Permitted Principal Special Uses with Conditions, subjected to the standards of Section 16.23, in the following district if also located within the High Impact Land Use Overlay District :

- Article 13 – I Industrial District – Section 13.03

Major data centers will be allowed as Permitted Principal Special Uses with Conditions, subjected to the standards of Section 16.23, in the following district if also located within the High Impact Land Use Overlay District:

- Article 13 – I Industrial District – Section 13.03

Campus style data centers will be allowed as Permitted Principal Special Uses with Conditions, subjected to the standards of Section16.23, in the following district if also located within the High Impact Land Use Overlay District:

- Article 13 – I Industrial District – Section 13.03

Amend Section 14.45 PERFORMANCE STANDARDS to removed exmeptions for sites with background noise that exceeds requirments.

Section 14.45 B. Noise.

4. Background Noise. All noise generated from any new uses shall conform to the specific levels in table 14-1 even if ~~Where~~ there is existing background noise that exceeds the maximum permitted levels specified in Table 14-1~~, the noise caused or created by a specific operation or activity may exceed the levels specified in the Table, provided that the sound level on property adjacent or in close proximity to the lot or parcel on which the operation or activity is located does not exceed the background noise level. For purposes of this subsection, background noise shall mean noise being produced by permitted uses conducted in a legally accepted manner from all sources other than those occurring on the lot or parcel on which the operation or activity is located. Background noise levels shall be determined by measurement at substantially the same time and location as the noise levels caused or created by the complained of operation or activity.~~

Amend ARTICLE XVI SPECIAL USES to add revocation provisions

Section 16.0X REVOCATION

The revocation of a Special Land Use may occur if its recipient fails to abide by its terms, conditions, or development agreement. The revocation procedure is as follows:

A. If the Township receives credible information that the Special Land Use Permit or conditions of approval have been violated, the Zoning Administrator or their designee must prepare a report in writing specifying (i) the specific factual details of such violation(s); and (ii) any other information or recommendation relevant to a proper determination by the Township Board as to the nature of such violation(s) and the appropriate action to be taken by the Twonship.

B. The Zoning Administrator or their designee, after the investigation and based on the facts discovered, will determine if the case goes forward. If the case does not go forward, the Zoning Administrator or their designee must give the approving body a written report as to why that determination was made. If the case goes forward, the process in subsections C-H below must be followed.

C. The Zoning Administrator or their designee must file the original report outlining the violation and evidence of such violation with the Township Board and serve a copy of such report upon the owner of the parcel for which the Special Land Use Permit was granted or its authorized agent or employee, personally or by registered mail.

D. After the report has been filed with the Township Board the Zoning Administrator or their designee must set a date for a hearing before the Township Board on the alleged violation(s) for a determination by the Township Board as to revoke the Special Land Use Permit. Notice of this hearing must be served by the Zoning Administrator or their designee upon the owner of the parcel for which the Special Land Use Permit was granted or its authorized agent or employee, personally or by registered mail, not less than ten days before the scheduled hearing date, and such notice must contain the following:

1. Notice of proposed action;

2. Reason for the proposed action;

3. Date, time, and place of hearing;

4. A statement that the parcel owner may present evidence and testimony and confront adverse witnesses;

5. A statement that the parcel owner has the right to be represented by legal counsel at the hearing.

E. At all such hearings, the parcel owner has the legal right to defend against the allegations made by way of confronting any adverse witnesses, by being allowed to present live witnesses on their own behalf, by being allowed to present other evidence on their own behalf, and by being allowed to present arguments personally or through legal counsel in their own behalf.

F. The Township Board must prepare a written statement of its findings, which may be formal or informal in nature, after the conclusion of all such hearings. Such statement of findings may be embodied in a resolution adopted by the Township Board.

G. If the Township Board determines after due notice and proper hearing that competent, material, and substantial evidence exists that a violation of the Special Land Use Permit and the conditions of approval has been committed by a parcel owner or that, even if no violation has been demonstrated, nevertheless the interests of public health, safety, or welfare warrant that the Township Board revoke the Special Land Use Permit issued to the parcel, the Township Board may revoke the Special Land Use Permit.

H. **Criteria for revocation.** The Township Board may revoke the Special Land Use Permit, based upon competent material and substantial evidence presented at the public hearing, that any of the following exists:

1. Violation of the Special Land Use Permit, any of the conditions of the Special Land Use, and any provisions of a development agreement attached to the Special Land Use Permit.

2. Abandonment of the Special Land Use by the parcel owner for a period of six months.

3. Maintenance of a nuisance upon the premises, including, but not limited to, any of the following:

   a. Existing violations of building, zoning, health, fire, or regulatory codes.

   b. A pattern of conduct on the parcel which violates the terms of the Special Land Use Permit.

   c. A pattern of conduct on the parcel creates a public nuisance.

   d. Perjury or any material misrepresentation of information in any application required or hearing held pertaining to the grant, renewal, or revocation of any license or permit.

Amend Section 18.02 OFF-STREET PARKING REQUIREMENTS

G. Off-street parking space requirements. The minimum required off-street parking spaces are set forth as follows:

Use	Parking Space Requirements	Use	Parking Space Requirements

High Impact land Uses	One (1) space for each employee working at maximum shift plus 5 visitor spaces

Commented [PM2]: Using floor area is inappropriate as much of the floor area is taken up by servers and not by employees. It would result in the site being over parked with unnecessary impervious surface.

Adding New Section 16.23: High Impact Land Use Overlay District

A. Purpose and Intent

The purpose of this ordinance is to establish a clear and thoughtful regulatory framework that addresses the unique characteristics of high impact land uses for the suitable zoning, siting, design, construction, operation, compliance and decommissioning of high impact land uses including but not limited to data centers and cryptocurrency mining facilities. These regulations are intended to guide the placement and design of high impact land uses to balance stable local economic growth with the protection of community health, safety, welfare, natural resources, and the area's rural character. The intent of this ordinance is to permit only uses having performance characteristics which emit a minimum of noise, vibration, smoke dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effect to the extent that they are abnormally discernible or potentially harmful beyond the lot lines of the parcel or site upon which the use activity is located. This is achieved by:

1. Directing high impact land uses to areas where industrial uses are currently permitted or planned and that would have minimal impact on residents and surrounding properties with the use of a clearly designated high impact land use overlay district located.

2. Minimizing, avoiding, and mitigating impacts such as noise, vibration, light/glare, air pollution and emissions, and water pollution through requiring the use of minimally impactful machinery, equipment, and systems.

3. Ensuring the efficient consumption and use of public utilities, such as water and electricity, prioritizing cooling systems and facility designs that enable facilities to meet strict usage effectiveness metrics~~renewable energy and conservation~~.

4. Promoting context-appropriate architectural design and effective visual screening to ensure a visually cohesive design and compatibility with the surrounding land uses and the desired rural character of the area.

5. Establishing clear expectations and a predictable review process for developers to encourage efficient and well-planned designs, while retaining local control over development.

6. Ensuring compatibility with adjacent land uses and the Township's Master Plan.

7. Ensuring compliance with responsible regulations for construction, operation, compliance, decommissioning and site restoration.

Commented [PM3]: Allowing for HILU within the overlay district where industrial use are planned is consistent with the proposed strategy.

Commented [PM4R3]: The overlay districted was designed to include planned areas as well.

B. Applicability

1. This section shall apply to high impact land uses including all types of data centers Ancillary, Minor, Medium, Major, and Data Center Campuses, and cryptocurrency mining facilities.

2. A complete preliminary site plan for all phases of the development that meets the requirements in Article XX shall be included ~~in~~ with the application along with applicable fees.

3. All developments subject to this section shall require an application of a special land use subject to the requirements of Article 16.

4. Approval is contingent upon the applicant demonstrating conformance to the requirements of this section, any other provisions of the Zoning Ordinance, and all other applicable Township Ordinances.

5. The applicant must enter in a development agreement with the Township.

6. All developments subject to this section shall be required to have a performance guarantee as outlined in Section 20.15.

7. The township board shall establish a fee for all ~~hi~~ high impact land uses applications to be added to the fee schedule.

C. Districts Permitted

High impact land uses including data centers and cryptocurrency mining facilities shall only be developed in districts where permitted as an Accessory Use, ~~Principle Use~~ or Principal Special Uses with Conditions if the property is located within the High Impact Land Use Overlay District on the Township's Official Zoning Map.

D. Required Engagement Steps (minimum standards)

1. Pre-application conference (mandatory)
   a) Applicants shall meet with planning staff prior to submitting an application.
   b) Staff shall identify expected engagement topics, impacted stakeholders, and the required contents of the Community Engagement Plan.

2. Community Engagement Plan (CEP) (required with application)
   a) A CEP shall be submitted as part of the application package and must include:
      - Project overview (site, size, phasing, anticipated construction timeline);
      - Draft public information materials (fact sheet, FAQs);
      - Engagement schedule and methods;
      - Proposed meeting formats and locations (including virtual option);
      - List/map of stakeholders and the Engagement Area;
      - Languages and accessibility accommodations;

Commented [PM5]: Article 20.

Commented [PM6]: There may be improvements that are to be made as part of the project that were to be community benefits, such as utility extensions that would still be warranted to complete even if the project fails to move forward and a decommissioning bond is used to decommission the project.

- Communication channels (project website, email list, hotline);
- Process for documenting comments and responses; and
- Proposed Risk Mitigation

b) The Zoning Administrator shall determine whether the CEP is complete prior to scheduling public hearings.

3. Neighborhood meeting(s) (mandatory, prior to first public hearing)
   a) The applicant shall hold at least one neighborhood meeting no fewer than 21 days and no more than 60 days prior to the first public hearing.
   b) Notice shall be given to all property owners and addresses (if different) within 500 feet of the proposed project site. If a property is within 500 feet and is part of a subdivision, homeowners, or business owners association, all members of the association shall be notified.
   c) Additional neighborhood meetings may be required if:
      - There are significant amendments, based upon determination of the Zoning Administrator, to the plan between Planning Commission or City Council reviews; or
      - The Planning Commission or City Council directs additional engagement due to public interest.

   d) Meeting requirements:
      - Held at an ADA-accessible location within the City of Howell and scheduled after 5:00 p.m. on a weekday or on a weekend;
      - Virtual participation option must be provided;
      - Applicant must provide interpreters upon request with at least 7 days notice; and
      - Meeting must include a Q&A segment and accept written comments.

4. Report
   a) After each neighborhood meeting, the applicant shall submit a report to the City providing at a minimum, the following meeting details:
      1. Meeting details (location, time, etc)
      2. Meeting sign in sheet
      3. Meeting minutes

D. Application Requirements

1. In addition to the required information for a site plan in Article XX an~~d A~~applicant shall provide the following impact studies to accompany any application:
   a. Projected power use.
   b. Projected water use.
   c. Projected natural gas use.
   d. Plans for any onsite power generation.
   e. Projected PUE, TUE and WUE with supporting documentation.
   f. Serviceability statements fully disclosing whether any utility needed has current capacity to service the needs of the facility at time of full commissioning, and if not: a plan for what is needed with a signed infrastructure development agreement verifying all costs for needed upgrades will be the developer or operator's responsibility.

g. Serviceability statements from local emergency providers, fire, EMS and police fully disclosing their ability to provide services for all phases of construction and upon full commissioning, and if not: a plan for what is needed with a signed development agreement verifying that all costs for needed upgrades, staffing, training and equipment will be the owning parent company's responsibility.
h. Projected noise levels (dBA, dBC and dBZ), vibration levels, noise mitigation features/plan and noise monitoring plans for the facility based on being fully operational and for the construction period.
i. Emergency and disaster plan for all phases, including construction.
j. Decommissioning and site restoration plan.
k. Traffic study for all phases, including construction.
l. Public facility, utility, and service impact assessment conducted by a licensed professional engineer.
m. All exterior building elevations for each structure.
n. Mechanical plans for the overall site.
o. Rooftop mechanical and electrical plans.
p. Electrical plan for the overall site including underground lines.
q. Preliminary project timeline with estimated durations for each stage of work, including site prep, and detailed schedule for any pile driving.
r. Equipment cooling system specifications.
s. List of regulated substances, including any cooling solutions.
t. Construction plan, ~~Site lighting plan,~~ including lighting plan for during the construction phase.
u. An economic impact analysis.
v. A job creation report

2. The Township Board Shall adopt fess for a High Impact Land Use site plan application.

~~t.~~

E. Dimensional Standards and Siting Requirements

Table X below outlines the dimensional regulations and siting Requirements for data centers and cryptocurrency mining facilities within the High Impact Land Use Overlay District. Where the regulations in table X are different from the requirements in Section 3.17 the more stringent requirements shall apply.

Table X - Dimensional Regulations and Siting Requirements for within the High Impact Land Uses

Facility Type	Allowable Facility Size Ranges in Square Feet	Setbacks from all property lines	Required Distance in Feet from Residential and Sensitive Receptor Parcels

Commented [PM7]: May need to discuss these distances.

Ancillary Data Center	Not to exceed 10% of the associated Principal Use's building footprint	Minimum district standard	-
Cryptocurrency Mining	Not to Exceed 5,000	200 feet	Greater than 900 feet
Minor Data Center	Not to Exceed 10,000	200 feet	Greater than 900 feet
Medium Data Center	Within 10,000 – 99,999	200 feet	Greater than 900 feet
Major Data Center	Within 100,000 – 499,999	400 feet	Greater than 1,200 feet
Data Center Campus	Not to Exceed 750,000	400 feet	Greater than 1,400 feet

F. Site, Design and Use Standards

1. Screening and Landscaping Requirements.

   a. All ground level equipment (including HVAC, generators, transformers, and cooling towers) shall be fully screened by masonry walls, architectural panels, or landscaped berms that contain staggered rows of evergreen landscaping material so that said screening shall achieve 100% opacity and exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting.

   b. All rooftop mechanical equipment shall be fully screened behind parapet walls, which shall not exceed the maximum building height restriction.

      A minimum 25-foot greenbelt shall be provided along all property lines.

   c. Additional ~~L~~landscaping requirements are subjected to Section 28.03.A.

2. Parking requirements

   a. Parking requirements shall follow the standards of Section 18.02 for Data Centers.

   ~~b. Employee and visitor parking lots shall be set back at least fifty (50) feet from all property lines.~~

Commented [PM8]: This is noted below.

3. Noise, Sound and Vibration Requirements

Intent for Noise, Sound and Vibration Requirements: Additional noise, sounds and vibration requirements are imposed on High Impact Land Uses because they are known to produce lower frequencies. Unlike standard dB(A) measurements, which primarily detect mid-range sounds like speech and traffic, dB(C) measurements capture deeper, low-frequency noises such as infrasound from heavy machinery. These sounds can travel farther and penetrate walls, making them more disruptive in residential areas even when the source of the noise is in a non-residential district. Adding dB(C) limits ensures that noise enforcement addresses all types of sound, improving fairness and effectiveness in line with the intent of this ordinance. Including dB(Z) limits ensures that noise enforcement aligns with the intent of the ordinance and protects the community from potential health impacts in addition to nuisance.

~~3.~~

   a. Sound levels shall not exceed 55 dBA, 55dBC and 70dBZ at any high impact land use parcel. Generators shall not exceed 65 dBA, 55dBC and 70dBZ at the high impact land use parcel property line. All octave bands and frequencies 200 hertz (Hz) and below shall not exceed 60dBZ at any time.

   b. In the event pre-construction sound studies document pre-existing sound levels for A, C, and Z weightings that exceed the limits in this ordinance, then the background noise shall be removed from any sound studies to ensure only the HILU's noise is being measured and studied. However, the sound study should demonstrate that any pre-existing sound levels shall not be ~~exceeded or~~ amplified.

   c. Vibration shall not exceed limits outlined in Section 14.45.C of the Township Ordinance.

   d. Noise and vibration limits apply to all equipment on site including but not limited to hvac systems, equipment cooling systems, mechanical yards, substations, chillers, renewable energy systems, and generators, any of which may need to utilize sound-dampening enclosures, modifications and/or isolation pads to mitigate noise and vibration.

      ~~i. Applicant shall submit documentation of seasonal HVAC maintenance for any facility cooling systems to ensure quiet equipment operation.~~

e. Noise/Sound Studies: A noise attenuation, or sound modeling study shall demonstrate compliance with maximum sound levels and must be submitted prior to the approval of a final site plan. This study must be specific to the proposed site topography, layout, and building type, scale, height, and construction proposed. This study must show noise conditions at the site at locations determined by the township prior to the project development must provide model-predicted noise conditions resulting from the proposed project post-development to demonstrate anticipated compliance with the noise ordinance.

i. The sound study must be prepared by a professional sound/acoustical engineer ~~chosen by the Township and be~~ licensed in accordance with ISO 9613 standards.

ii. All sound studies shall include measurements and reporting for dBA, dBC and dBZ wavelengths, and shall include a full, unweighted one-third (1/3) octave band frequency spectrum analysis.

iii. Sound modeling studies must include recommendations for sound mitigation measures, if they are necessary for the use/facility to comply with sound level requirements. These mitigation measures, if applicable, must be reflected on the site plan and incorporated into conditions of the site plan approval. If mitigation measures are building related, they must be included in the building plans, and if they are landscaping related, they must be included in the landscaping plan prior to issuance of the Special Use permit(s).

iv. Sound study/routine sound surveillance schedule and additional requirements: a sound study must be submitted to the Township within 60 days of issuance of a certificate of occupancy for each phase of development and upon the facility becoming fully operational. Sound monitoring reports shall be provided monthly for the first year to establish seasonal baselines, as weather conditions affect how sound travels. Additional sound studies may be required at the time modifications of any kind are made, at the discretion of the Township.

v. All sound studies must be conducted at a time known for peak facility, use, and cooling system operations. In the event the study shows that the facility or use exceeds maximum allowable levels, the operator must immediately undertake all necessary efforts to comply.

4. Generator Use Requirements

a. Generator use is limited to emergency backup power generation during area power outages only, shall operate 50% or less of the total facility operations,

Commented [PM9]: The township will engage their own consultants to review the sound study prepared by the applicant's consultants.

for no more than 12 hours a day (8am-8pm), with occurrence for use not to exceed three (3) consecutive days without a twenty four (24) hour continuous break/off period.

b. Generators shall be connected to utility provided natural gas only.

c. Generator testing hours: Testing of generators shall be limited to 9am-1pm weekdays only, except for holidays, not to exceed occurrence on more than ten (10) days per each calendar month. The facility shall provide a generator testing schedule, posted on a website for public access, updated 60 days in advance.

d. Generator fuel storage requirements.

i. Fuel storage tanks shall not be within the required setbacks.

ii. Fuel storage tanks shall be placed underground or be screened on all four (4) sides with a fence or wall following the requirements of Sections 14.26 and 28.08.

iii. Fuel storage tanks shall have a maximum capacity of two thousand five hundred (2,500) gallons.

5. Electrical and Utility Lines

a. All electrical and utility lines shall be placed underground.

6. Lot Coverage and Setbacks Requirements

a. Lot coverage is limited to 50% for all impermeable surfaces.

b. Setbacks: Minimum setback requirements for all structures, equipment and storage yards shall comply with Table X except that employee and visitor parking lots may be set back no less fifty (50) feet from ~~all~~ any property lines.

7. Massing, Scale, Height and Orientation Requirements

a. Building mass, height, bulk, scale, and proportion shall maintain consistency with the existing character of the adjacent buildings.

b. Building design should employ coordinated massing to produce overall unity, scale, and interest.

c. Rooflines and pitches shall be proportionate to nearby structures so as to provide transition or mitigation of significant changes to scale.

d. Maximum height for all buildings is 50 feet, including all rooftop equipment, which shall be concealed by a parapet wall.

e. Orientation shall prioritize utilization of buildings for sound mitigation and visual buffer(s):

i. Where multiple buildings exist they shall be oriented so that service areas face each other and the buildings are placed to surround any equipment, mechanical yards, substations, generators, etc. in order to utilize the buildings as a sound barrier and as a visual buffer between the loudest operations on the site and the site borders.

ii. If a site contains two or fewer buildings, the buildings shall be oriented to place any equipment, mechanical yards, substations, generators, etc. on the farthest side/greatest distance away from the highest number of nearby residential and sensitive receptor parcels, and the building(s) between as a sound barrier and as a visual buffer between the loudest operations on the site and the residential and sensitive receptor parcels.

iii. Any equipment, mechanical yards, substations, generators, and similar elements shall be fully enclosed whenever possible if located within one thousand five hundred (1,500) feet from any residential property line.

8. Architectural Design and Building Materials

a. Facade variation. Wall designs must provide a minimum of three of the following elements, in addition to transparency requirements, occurring at intervals no greater than 25 feet horizontally and 10 feet vertically:

i. Expression of structural system and infill panels through change in plane not less than three inches.

ii. System of horizontal and vertical scaling elements, such as belt course, string courses, cornice, pilasters.

iii. System of horizontal and vertical reveals not less than one inch in width/depth.

iv. Variations in material module, pattern, and/or color.

v. System of integrated architectural ornamentation.

vi. Green screen or planter walls. vii. Translucent, fritted, patterned, or colored glazing.

vii. Transparency as required in Section 16.23(F)(2)(b).

b. Transparency

i. Windows for building sides shall be concentrated toward the front edge of the building, in locations most visible from an urban open space or public right-of-way.

ii. Transparency alternatives. The following alternatives may be used singularly or in combination for any side or rear facing facade which requires transparency. If used in combination, they may count toward no more than 50% of the transparency requirement set forth in Section 16.23(F)(2)(b).

c. Architectural style shall not be restricted. Rather, evaluation of the appearance of a project shall be based upon compatibility and the quality of its design and relationship to surroundings.

d. Buildings within the same development should be designed to provide a unified and easily identifiable image. Methods to achieve this include using similar architectural styles and materials, complementary roof forms, signs, and colors.

e. Minimize monotony of expansive exterior walls by incorporating the following elements: staggering of vertical walls; recessing openings; providing upper-level roof overhangs; using deep score lines at construction joints; contrasting compatible building materials; use of variety and rhythm of window and door openings; use of horizontal and vertical architectural elements, use of horizontal bands of compatible colors; and providing changes in roof shape or roofline.

f. Facades shall provide visual interest from both vehicular and pedestrian viewpoints.

g. Entrances to individual buildings shall be readily identifiable to visitors through the use of recesses or pop-outs, roof elements, columns, or other architectural elements.

9. Cooling System Requirements

~~9.~~ Intent for Cooling System Requirements: There are specific requirements for cooling systems associated with High Impact Land Uses because these uses have a tendency to consume a disproportionally large amount of water and power in the community, and because the primary source of water consumption at High Impact Land Uses are related to cooling systems, in order to align with the intent of this ordinance, to protect and ensure the efficient consumption and use of public utilities and natural resources, any system designed for cooling of the facility and/or equipment shall not negatively impact the surrounding region by

conforming to the following requirements:

a. Any system designed for cooling of the facility and/or equipment shall not negatively impact the surrounding region by conforming to the following requirements:

b. In addition to facilitating all PUE, TUE, and WUE standards in Section G.2.a, equipment cooling systems shall utilize closed-loop, direct liquid server cooling, with air movement limited to manufacturer-installed internal server fans used for auxiliary component cooling, in the following order of preference:

i. Utilization of liquid immersion cooling systems shall be prioritized, with preference for use of plant-based biodegradable non-flammable fluid over traditional dielectric fluid.
ii. If a proven incompatibility with liquid immersion cooling can be demonstrated and verified by an independent third party certified thermal engineer chosen by the Township, then utilization of zero-water direct-to-chip cooling systems may be approved for use as an alternate design option.
iii. If the applicant can provide documentation for another equipment cooling system which results in a better PUE, TUE, and WUE than liquid immersion cooling ~~another equipment cooling system which is equally or more efficient than liquid immersion cooling~~ and zero-water direct-to-chip cooling in terms of energy and water consumption, and equally or better at emitting a minimum of all frequencies of noise, then the township may approve its use as an alternate equipment cooling system.
iv. If another equipment cooling system option proves to be more efficient in terms of energy and water consumption, and its heat-rejection equipment is equally or better at emitting a minimum of all frequencies of noise as liquid immersion cooling and zero-water direct-to-chip cooling, once verified by a independent third party certified thermal engineer that system shall be required as the first preference.
v. If a proven incompatibility can be demonstrated and verified with any preferred equipment cooling system then the next preferred cooling system as outlined above will be the default alternate.
vi. No room-level or facility air/fan-based cooling systems such as, but not limited to, Computer Room Air Conditioning shall be used as the primary means of heat removal.
vii. Open-loop cooling systems and open-circuit cooling towers shall not be permitted.
viii. Cooling towers shall be closed-circuit and utilize drift eliminators.
ix. No Dry Coolers, Mechanical Draft, or Air Chillers shall be permitted.
x. In order to emit a minimum of noise, as is the intent of this ordinance, cooling systems and towers shall utilize the following features:
    a. Sound-absorptive enclosures
    b. Fans, motors, and pumps shall be mounted on vibration isolator
    c. Intake and discharge/exhaust silencers
    d. Aerodynamic fan noise reduction aids

e. Water-splash/basin silencers for water towers.

f. Additional noise mitigation measures, especially for low frequencies and infrasound, may be required to ensure compliance with the noise limits in Section E.2.

10. Accessory structure requirements:
    a. Temporary or modular structures are not permitted.
    b. Accessory structures shall be cohesive in design and color scheme to main structures on the parcel.
    ~~c. The use of intermodal shipping containers for storage and/or housing of any materials, substances or equipment is prohibited. Once the facility is operational, shipping containers are limited to shipping and receiving purposes only, shall not remain in place for longer than two (2) weeks at a time, and may not be located within set back areas nor within highly visible areas for any period of time.~~

Commented [PM10]: This is covered in the accessory structures ordinance recently adopted by the twp

11. Detention ponds
    a Detention and retention ponds are only permitted as part of the site drainage and stormwater management plan.
    b Detention and retention ponds for discharged facility water holding or use related to cooling purposes are not permitted.

G. Sustainability and Energy Use Requirements

1. Infrastructure Impact Statement

Applicants shall submit an Infrastructure Impact Statement at the time of conditional rezoning or permitted principal special use with conditions application, which must identify:

a. Utility Capacity Impact Statement from ~~the following~~ all utility providers to confirm service adequacy.~~:~~

~~i. DTE or Consumers Energy~~

~~ii. Marion-Howell-Oceola-Genoa (MHOG) Water Authority~~

b. Anticipated electric power demand (MW).

c. Anticipated water usage for cooling and other operations (gallons per day).

d. Waste heat recovery, reuse, or discharge methods.

e. Planned on-site backup generation capacity (MW) and associated

fuel type(s) with fuel storage capacity and design.

f. Anticipated natural gas demand.

g. Anticipated utility infrastructure upgrades required to serve the facility, with an agreement that the developer will pay 100% of all required upgrades.

2. Energy Efficiency

a. Data Centers must be designed to achieve a Power Usage Effectiveness (PUE) of 1.2 or lower, a Total Power-Usage Effectiveness (TUE) of 1.15 or lower, and a Water Usage Effectiveness (WUE) of 0.5L/kWh or lower. Applicant shall provide a report detailing how these parameters will be met, to be verified by a 3rd party professional consultant chosen by the Township.

b. Facilities shall incorporate best practices for energy conservation, including but not limited to: high-efficiency HVAC systems, waste heat reuse, variable-speed drives, and hot/cold aisle containment.

c. Applicant shall provide an operations Report detailing anticipated power demand and redundancy systems.

d. Applicant shall provide a heat recovery or reuse feasibility analysis (waste heat for district energy)

3. Renewable Energy Integration

a. Applicants are encouraged to incorporate on-site renewable energy generation (e.g., solar, wind, geothermal, DAKET, Renewable “Green” Hydrogen Fuel Cells) or to procure renewable energy from off-site sources. No on-site nuclear power generation shall be permitted. Decarbonized “Blue” Hydrogen and Traditional “Gray” Hydrogen are not permitted.

b. At least 25% of projected annual energy demand shall be demonstrated to be met through renewable energy sources, whether on-site or through power purchase agreements, renewable energy credits, or utility green-power programs.

c. On-site solar generation components shall comply with the requirements for solar in section ___ of the ordnance.

d. Energy storage systems shall be limited to Long-Duration Energy Storage (LDES). ~~Battery Energy Storage Systems (BESS) are not permitted.~~

4. Water Conservation

    a. If approved as an alternate option, facilities using water-based cooling must demonstrate the use of recycled, reclaimed, or non-potable water sources to the maximum extent feasible.

    b. No on-site wells shall be permitted.

5. Green Building Practices

    a. Facilities shall be designed to achieve LEED Silver certification or an equivalent third-party sustainability certification, to be verified by an independent third party certified professional consultant chosen by the Township, and shall provide documentation of certification within two (2) years of construction for each building.

6. Air Quality

    a. Regulatory Compliance: All generators, cooling systems, and other emission sources shall comply with federal Clean Air Act requirements and the Michigan Department of Environment, Great Lakes, and Energy (EGLE) air quality rules.

    b. Permitting: Facilities shall obtain and maintain any required Air Use Permit to Install (PTI) or other approvals from EGLE for stationary engines, cooling towers, or fuel storage.

    c. No on-site baseload power generation shall be permitted with the exception of the renewable energy generation listed in section G.3.a.

    d. Generator Emissions

        i. Generators shall meet or exceed current EPA Tier 4 Final emissions standards.

        ii. Generator Dispersion modeling could be required to meet air quality requirements or if a facility is within 500 feet of any residential, or sensitive receptor parcels.

    e. Renewable “Green” Hydrogen Fuel Cells systems are permitted for backup power generation. Decarbonized “Blue” Hydrogen and Traditional “Gray” Hydrogen are not permitted.

f. Emissions Reporting: Applicants shall submit an annual statement to the Township confirming compliance with EGLE permits and reporting actual operating/testing hours of backup generators.

7. Ongoing Reporting

a. Owners and operators shall provide an annual sustainability report to the Township, including:

i. Actual annual energy consumption (MWh).

ii. Actual annual water usage withdrawal and discharge (gallons).

iii. Energy efficiency performance & progress toward renewable energy targets.

iv. Documentation of any energy efficiency, cooling system upgrades, and security upgrades.

v. Actual Power Use Effectiveness (PUE), Total Power-Usage Effectiveness (TUE) and Water Usage Effectiveness (WUE).

vi. Actual generator runtime/use logs (hours).

vii. Actual job numbers, including how many employees are Livingston County Residents.

viii. Greenhouse gas emissions and/or carbon intensity of energy consumed.

10. Use of Consultants

The Township may hire third-party, independent consultants chosen by resolution of the township, to be funded by the developer through an escrow account to review energy efficiency, water consumption usage, air quality review, renewable energy implementation, and green building practices.

H. Security & Emergency Access

Security and Emergency Access. Data Centers shall be designed and operated to protect the facility, surrounding community, and public safety resources.

1. Perimeter Security

    a. Data Centers shall be fully enclosed with a perimeter security system, which may include fencing, or walls that meet the requirements of Sections 14.26 and 28.08. All fences or walls shall not be less than eight (8) feet in height.

    b. Security barriers shall be designed to balance safety with community character; opaque fencing must be screened with landscaping where visible from public roads or residential areas.

2. Controlled Access

    a. All site entrances shall include controlled access gates, guard stations, or equivalent security technology to prevent unauthorized entry.

    b. Visitor and delivery access points must be separated from employee access points wherever feasible.

3. Emergency Access

    a. A minimum of two (2) points of emergency vehicle access shall be provided, with clear signage and unobstructed pathways around the building.

    b. Access drives shall be constructed to fire department standards, with sufficient load-bearing capacity for emergency apparatus.

    c. Fire lanes shall be maintained free of obstructions at all times.

4. Camera Surveillance

    a. Data Centers shall install and maintain a perimeter camera surveillance system capable of monitoring all vehicular and pedestrian access points, building entrances, and outdoor mechanical/equipment areas.

    b. Cameras shall be positioned to minimize intrusion into adjoining residential properties and public rights-of-way, while still providing full coverage of the site.

    c. Camera systems shall be continuously operational (24 hours per day, 7 days per week) and recordings shall be retained for a minimum of 30 days.

d. A security plan, including camera layout, monitoring procedures, and data retention policies, shall be submitted as part of site plan review.

5. Fire Protection and Suppression.

    a. Data Centers shall be equipped with an automatic fire detection and suppression system designed to protect both building occupants and sensitive equipment.

    b. Suppression systems shall comply with National Fire Protection Association (NFPA) standards and be approved by the Fire Marshal.

6. Hazardous Materials Management.

    a. Any use of hazardous materials (including fuels for backup generators, batteries, and chemicals for cooling systems) shall comply with federal, state, and local storage, reporting, and disposal requirements.

    b. Applicants shall provide a Hazardous Materials Management Plan identifying on-site materials, safety data sheets, storage methods, spill prevention measures, and emergency response procedures.

    c. Applicant shall provide a fire protection plan.

7. Emergency Response Coordination.

    a. Applicants shall submit an Emergency Response Plan to the Township at the time of Site Plan review, which must include:

        i. Site layout for emergency responders.

        ii. Fire suppression and alarm systems description.

        iii. Backup generator location and fuel storage details.

        iv. Contact information for on-site security and facility management.

    b. Operators shall provide annual training opportunities or site orientations to local fire, police, and emergency medical services.

8. Lighting and Surveillance.

a. A lighting plan is required. The lighting plan shall include a photometric grid overlaid on proposed site plan showing light intensity (in foot-candles) on site and 25 feet beyond parcel lines.

i. Lighting shall adhere to Dark Sky principals—full-cutoff, directed downward, and shielded, with the use of motion sensors and timers where able. Illumination shall not exceed 0.1 footcandles onto adjacent properties measured three (3) feet from the ground.

b. Facilities shall incorporate continuous video surveillance of access points, perimeter fencing, and loading areas, with recordings maintained for a minimum of thirty (30) days.

I. Construction Standards

1. Applicant shall have a community complaint resolution liaison available 24 hours a day beginning with construction. The contact information shall be posted in a visible location from the road frontage, as well as provided to the township to be published on the website.

2. All complaints shall be responded to within 24 hours, and if not completely resolved then a resolution plan shall be provided to the township and complainant.

~~Construction shall adhere to the hours in the Township OrdinanceSection 14.45. B.6.(a). No construction is allowed to take place outside of those hours.~~

3. On site work shall be conducted Monday through Saturday between the hours of 7am and sunset, and Sunday 10:00 am and 6:00 pm.

4. The applicant shall submit a construction lighting plan that meets the requirements of Section 14.22.

~~3.~~

~~4.~~5. Construction Phase Requirements:

a. The developer or owner/operator will provide a full time onsite community liaison and 24 hour emergency line that will be available from the start of construction until full facility commissioning, this position shall have the authority to halt construction if necessary. Contact information for the community liaison shall be posted at the site on easily accessible / viewable signage and posted on the township website. All concerns and complaints shall receive confirmation of receipt within 24 hours and response within 5 business days.

b. A detailed schedule for any pile driving necessary and a complaint resolution plan shall be provided to the township prior to any construction work

Commented [PM11]: This section exempts construction noise between 7:00am and sunset, Monday through Saturday and between the hours of 10:00am and 6:00pm on Sunday.

beginning.

~~c. On site work shall be conducted Monday through Friday between the hours of 7am and 6pm.~~

J. Decommissioning

1. Decommissioning Plan Requirement. As a condition of site plan and special use approval, the applicant shall submit a Decommissioning and Site Restoration Plan that addresses

    a. Triggers for decommissioning.

    b. Methods for removal of structures, equipment, utilities, and impervious surfaces.

    c. Recycling and disposal of equipment and hazardous materials.

    d. Final grading, soil stabilization, and revegetation.

    e. Restoration of the site to a condition compatible with surrounding uses.

2. Triggers for Decommissioning

    a. A ~~use with~~ high ~~resource~~ impact land use shall be considered abandoned if it ceases operations or construction on the project is stalled for a period of 12 consecutive months, unless the owner provides evidence of intent to resume operations.

    ~~a.~~b. A revocation of a special land use permit shall trigger decommissioning.

    ~~b.~~c. Decommissioning must begin within 6 months of abandonment and be completed within 12 months.

    ~~c.~~ If at any time a high impact land use ceases operations for any amount of time, the structures and property, including landscaping and snow removal, shall be maintained at all times.

    d.

3. ~~Performance~~ Decommissioning Guarantee / Financial Assurance

a. Prior to issuance of a building permit, the applicant shall post a financial guarantee in the form of a letter of credit, bond, or escrow account acceptable to the Township.

b. The amount shall equal 125% of the estimated decommissioning cost, as determined by an independent third-party, qualified engineer and approved by the Township.

c. Estimates must be updated every 2 years and adjusted for inflation.

4. Removal Standards

a. All above-ground structures, including buildings, mechanical equipment, cooling towers, security fencing, and pavement not otherwise serving a reuse, shall be removed.

b. All Below-ground infrastructure, such as foundations and utilities, shall be removed to a minimum depth of 36 inches below grade unless otherwise approved.

c. Materials shall be recycled to the maximum extent practicable.

d. If the Planning Commission determines, based on independent, third-party contractor analysis and report paid for by the landowner in escrow, that existing primary buildings and/or office buildings have a viable use for other Permitted Principal Uses in the underlying zoning district, then the buildings identified may be exempted from being fully removed.

i The Planning Commission may allow the primary and office buildings to be renovated to be able to be repurposed for another viable Permitted Principal Use in the underlying zoning district.

ii The owner/operator shall provide full building plans detailing the renovations, and shall provide the cost, in escrow, for an independent, third-party contractor chosen by the township to verify the viability of the renovations for reuse.

iii All other specialized structures, mechanical yards, cooling equipment, and infrastructure that are not deemed to be repurposed for other, existing Permitted Principal Uses in the district shall be fully decommissioned according to Section H.4.a, b, and c.

e. The facility and property shall be maintained at all times, including snow

removal and landscaping, even when not operational including during and after decommissioning.

5. Site Restoration

    a. The site shall be restored with topsoil, seeded or planted with native vegetation, and stabilized to prevent erosion.

    b. The Township may approve alternate restoration plans if the site is proposed for redevelopment consistent with the Master Plan and zoning ordinance.

6. Failure to Decommission

    a. If the owner fails to complete decommissioning in accordance with the approved plan, the Township may draw upon the financial guarantee to complete the work.

    b. Any costs exceeding the financial guarantee shall remain the responsibility of the property owner.